



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGING AND DISABILITY SERVICES DIVISION

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MICHAEL WILLDEN
Director

MARY LIVERATTI
Administrator

MINUTES

Name of Organization: Nevada Early Intervention Interagency Coordinating Council (ICC)

Date and Time of Meeting: January 17, 2013

Meetings held via Video Conference at the Following Locations:

Las Vegas: Nevada Early Intervention Services, Southern Region
1161 South Valley View Blvd., Conference Room
Las Vegas, Nevada

Reno: Nevada Early Intervention Services, Northwestern Region
2667 Enterprise, Conference Room
Reno, Nevada

Elko: Nevada Early Intervention Services, Northeastern Region
1020 Ruby Vista Drive, Conference Room
Elko, Nevada

I. Call to Order and Roll Call

Members Present: Ann Bingham, Candice Coleman, Michelle Canning, Lisa Cridland, Maynard Florence, Veronica Domingues-Gephart, Sherry Halley, Joyce Larsen, Catherine Lyons, Sherry Manning, Robin Kincaid, Lorraine O’Leary, Johnette Oman, Julie Ortiz, Karen Stephens, Caroline Taylor; Fatima Taylor, Sherry Waugh, Melissa West, Ellen Richardson-Adams for Mary Wherry, Jack Zenteno

Members Absent: Jenny Casselman, Kimberly Everett, Jan Fragale, Kerriane Sorensen

Public Attendees: JoAnn Blake, The Continuum; Robert Burns, Therapy Management Group (TMG); Sally Cannon, Positively Kids; Naomi Davidowitz, ESN; Mark James, TMG; Tina Gerber-Winn, Aging and Disability Services Division (ADSD); Tina Jeeves, Easter Seals Nevada (ESN); Janelle Mulvenon, Nevada Early Intervention Services (NEIS) Northwest; Martha Schott-Bernius, NEIS Northeast

Part C Staff Present: Brenda Bledsoe, Edie King, Dan Dinnell, Iandia Morgan, Laura Valentine

II. Public Comment

Dan Dinnell stated Family ties had asked him to announce the opening of the registration for the Nevada Disability Conference which will be held March 19 through 22, 2013. The conference website is live and early bird registration ends on January 25, 2013. He added there will be at least 30 presentations over the two days and the draft agenda should be available shortly. There is scholarship money still available for parents and self-advocates.

III. Approval of the Minutes from the October 18, 2012 Meeting

Melissa West asked if there were any corrections to the minutes. The following changes were made:

- The first line of the last paragraph on page 7 should read "Dr. Bingham reiterated her belief."
- In the last sentence of the second full paragraph on page 9, the word bee should be been.
- The third line of item 7 on page 6 should read "the policies look more regulatory."
- Veronica Domingues-Gephart should not be shown as present at the meeting.
- The first sentence on page 9 under B Complaint Matrix, should read "Ms. Bledsoe reported there were a couple of complaints still pending."
- The one line paragraph on page 9 should read "The second complaint for fiscal year 2013 was received and deals with timely initiation of services."
- On Page 10, the 6th line under item C Update of Administrative Complaint should read "at this time there are less than 10 pending."

MOTION: Approve minutes with noted changes
BY: Joyce Larsen
SECOND: Karen Stephens
VOTE: MOTION PASSED UNANIMOUSLY

IV. Membership Appointments Update

Laura Valentine related there were two remaining vacancies on the Council all others had been appointed. She requested all newly appointed members send a copy of their signed oath and proclamation to Mary Knight in the IDEA Part C Office. Ms. Valentine was asked at what point a parent member who is no longer interested in participating on the ICC could be replaced. It was noted the member would need to submit a letter of resignation to the Part C Office. At that point, any interested parent could complete the application of appointment for consideration.

V. Status Report on the Merge of Early Intervention Services into Aging and Disability Services

Ms. Valentine indicated Tina Gerber-Winn would be arriving late to the meeting but would answer questions upon her arrival. In the meantime, Ms. Valentine related a letter regarding the integration of Early Intervention (EI) and Developmental Services from Mental Health into the Aging and Disability Services Division (ADSD) was sent from Mike Willden, Director of the Department of Health and Human Resources (DHHS). A newsletter also went out to all affected divisions to keep them abreast of the integration plans. She noted at the leadership level they are making sure communication initiatives to staff, community and providers are done on an ongoing basis to keep everyone abreast of information available relating to the integration. In the Governor's State-of-the-State address, he recommended the merge as well. Ms. Valentine announced the retirement of ADSD's Administrator Mary Liveratti and the appointing of Jane Gruner as Acting Administrator. Lastly, she noted a website link on the main page of the DHHS

has been created so anyone with questions could submit them there. Jane Gruner will be monitoring this and the email link.

Upon the arrival of Ms. Gerber-Winn, she thanked all the members for their volunteerism and noted their service makes the programs better as well as being essential for change. She spoke about the mission of the agency and the hope that the integration will help people through the junctures of care. The agency will be designed where people can come and return when they need help, advice, comfort and be able to trust someone who works there. The aim is also not to make people go through eligibility at every juncture. Ms. Gerber-Winn related that, after integration, the new division will have the largest caseload growth proposed besides Welfare. She added with Health Care Reform early intervention services will grow and noted there will be issues with access, staffing and resources. This was why a lot of time was spent with caseload projections and additional funding was requested for fiscal year (FY) 2014 and 2015. With roughly 28 million dollars in general fund for service delivery, ways to more efficiently spend the funds are being looked at so monies are not returned to the general fund as had happened in the past. The Division is looking at using developmental specialist state staff, of which there are 170, to do several things; one is service coordination and the other is direct services as they do now. She added every child entering the system has a medical need but if they are more fragile they need to be identified earlier so we can work with our community providers or contracted professionals to better assist these children. Support for community partners needs to be strengthened by reassigning and training our staff on how to oversee providers which will provide early identification of issues that can be responded to by offering training or more education.

VI. Review, Discuss, and Approve the State Performance Plan (SPP)/Annual Performance Report (APR) that is Due to the U.S. Office of Special Education Programs (OSEP) February 15, 2013

Ms. Valentine gave kudos to Brenda Bledsoe for spearheading the drafting of Annual Performance Report (APR). She explained the first page of the APR is a document created for members to provide a summary of what is in each indicator.

Ms. Bledsoe indicated she would go over the summary sheet and cover the structural changes to the APR. She added the Office of Special Education Programs (OSEP) has tried to streamline the APR process this year by asking for less details and more succinct responses. To this end, there are three indicators, 10, 11 and 14 where no responses were needed this year. Ms. Bledsoe explained any changes to the State Performance Plan (SPP), which is also a part of this process, will be reflected in the APR at the end of each indicator under new activities. New this year is the guidance that if APR targets are met, as in indicators 5 and 6, there was no need to review activities for the year; it was assumed the indicator activities were sufficient.

Indicator 1 - The performance on this indicator is at 72% which does not meet our 100% target. The state has been out of compliance on this indicator since 2006. The data for this indicator comes from program monitoring. OSEP has asked that we report on how many services were delayed due to parent exceptions and how many were due to program exceptions. There were 232 of 324 records which had timely services for the period of July 1 2011 through March 31, 2012. For the reporting period, there were five program complaints, and one program with ongoing noncompliance. As a result of the staffing and work load in the IDEA Part C Office, three programs had findings of noncompliance; however, those findings were not issued until after July 1, 2012 so they will be reported in the next APR. There were four programs in federal fiscal year (FFY) 2011 that were issued findings on this indicator based on complaint investigation and

one program had a new finding based on an individual child complaint. There were a total of five new findings in this reporting period. This indicator has a new SPP activity listed around the reorganization of early intervention which should help with some of the issues in the future.

Indicator 2 – This indicator is on the provision of services in natural environments. FFY 2011 is the first year the State has ever fallen below the target which is 96%. Compliance for this indicator is based on whether or not the service for the child has been provided in a setting identified as natural or meaningful to that family in their normal routines and if there is a justification if the service is not provided in such a setting. There are exceptions to this rule but it is not expected to be prevalent. What has been found is the services are being provided in a clinic setting with no justification relevant to that child or family which is against federal regulations. There were findings; one ongoing finding, one new finding based on monitoring, and one verification based on the NDLC compliant findings. Ms. Valentine added the reason the service is not being held in the natural environment must be documented as well as the timeframe for the service. Ms. Bledsoe added our state performance for FFY 2011 was hugely impacted by the Health Division directive to provide clinic based services. EI staff provided ICC members with a brief explanation as to how and why this directive came about. Caroline Taylor noticed the NDALC complaint was listed in indicator 1 but not in 2 and asked if OSEP sees all complaints. Ms. Bledsoe stated OSEP did receive a copy of the NDALC complaint but was unsure of who sent it to them and normally OSEP does not receive copies of complaints filed but could make that request at any time. She also indicated she would relook at indicator 2 to make sure the NDALC complaint was reflected correctly.

Indicator 3 – Ms. Bledsoe explained this is the newest effort in reporting. Baselines have been established and concerns have been raised about the current targets for this indicator. The Early Childhood Outcomes Committee will be reconvening to review these concerns. Indicators 3 and 4 are to show the impact of Part C services for the children and families. She then provided a brief history of why both indicators were established. She indicated the outcomes, the outcome statements, and the two summary statements all come from OSEP and are what we have to respond to. These are done on a functional approach rather than using the five domain approach. Using this approach requires interpretation as to how the child is functioning as opposed to a measure from an instrument. Ms. Bledsoe related there is a gap in the data which will be finalized in the Part C office once we have the total number of children we should have data on. There are two pieces to the data; one is the timely submission of data by programs and the second is what the data says about the performance of the child. The child is measured against typically developing peers. She stated the data is only reported for the children who have had at least six months of service. Ms. Bledsoe then went through each outcome noting the State did have slippage from FFY 2010 to FFY 2011. Sherry Halley indicated that Part B data on the same indicator indicate that providers may not always have complete knowledge of typical child development. They have started using the CDC document, *Milestone Moments*. This booklet can be used for child find purposes and as a reference for typical development. They have also found the Pre-K Standards and the Nevada Early Learning Guidelines (draft) helpful.

Robin Kincaid asked how Nevada's targets compare to other states. Ms. Bledsoe replied that has not been looked at but would check with the technical assistance centers to see if they have any information and if so, send it out.

Indicator 4 – This indicator reports on the percent of families participating in Part C who report early intervention services have helped their family. The data is collected from the family survey which is done yearly in the spring. Targets were set in our SPP as they are for all the indicators the state is allowed to set the targets for. This one varies from year to year due to family responses to the family survey. This year our survey return rate was down by 5.9% so it is not as good as it has been. The final published report will be available shortly and distributed once it is received. Dr. Bingham stated she partnered with Nevada Center for Excellence in Disabilities (NCED) in writing parts of the report and as she compared responses to open ended questions and closed-ended responses she determined the problem why some families may not feel like the program helped them effectively communicate their children's needs was because they could before they were in the program. Since this was not an issue of the program helping them, they responded they were fine. Ms. Bledsoe reported a new activity will be added to the SPP. There was discussion regarding the way the data was stated. It was suggested there should be clarification to show that the percentages reflected represented number of responses, not number of families.

Indicators 5 and 6 – For the last two years the State has met the national targets for both of these indicators. Having met the targets, the activities were not reviewed. Indicator 5 is for the birth to one population, which has a target of 1% and indicator 6, which is for the birth to three populations, has a target of 2%. Nevada exceeded both of these with a 1.15% and a 2.31% for each indicator respectively.

Indicator 7 – This indicator relates to the 45 day timeline. The requirement is that from the time a referral of a child is received the program has 45 calendar days to complete an evaluation, eligibility or assessment procedures and convene the initial IFSP meeting for a child and family. The data for this indicator is obtained from TRAC and because of the upgrading of the data system in January 2012, it was decided to use the first two quarters because it was coming from the old data system and we were comfortable that the information was complete. Ms. Bledsoe stated OSEP does allow states to choose a period of time for data collection on this indicator as long as the time period and why it was chosen is reported. Based on this data, the state was at 99.4% which does not meet the 100% target but does reflect progress from last year. This is an indicator where the state in 2005-2006 was on special conditions because of noncompliance.

Indicator 8 – This is the transition indicator. There are three activities reflected in this indicator around transitions for children. The first activity is around the development of the transition plans which are part of the IFSP and required by federal regulations. Transition plans apply to children whether or not they are potentially going to Part B services or not. This section is monitored through child record reviews. The second activity is to notify the local school and the State Education Agency of children in Part C services who will be turning three and potentially eligible for Part B services. The Part C Office sends this list of basic child find information monthly by email. The third activity is around transition conferences which need to occur with the school district and the family who will be transitioning from Part C services to Part B. There is a timeline required for this; no later than 90 days before a child's third birthday. Programs are measured on whether or not they meet this timeline. This is another indicator where OSEP requires reporting on how many conferences are delayed due to family circumstances. The state is at 96% for this indicator.

Ms. Kincaid reported PEP has received comments from families who say their transition meeting is held without school district personnel present and feel like their questions are not fully

addressed. Ms. King stated the transition conference is required and is to be held whether or not the school district is in attendance. There was discussion on how each school district has their own process or procedures for these meetings. Ms. King informed everyone she and Ms. Halley would be working together to do a state transition training. Ms. Oman reported the NEIS Northwest program has memorandums of understanding (MOU) with local school districts and are working with outlying districts to get MOUs put in place around transition. Dr. Bingham added beyond the compliance issue it is documented in literature this generally is a tough time for families even if transitioning plans go well. Several parents and program representatives spoke about their experiences and about what activities helped their families through this time. It was suggested specific transition ideas around helping families cope with the stress of this process be addressed on a future ICC agenda.

Indicator 9 – The focus of the indicator is around the State system of general supervision. Ms. Bledsoe remarked this is the longest indicator because it crosses several fiscal years. This indicator reports on how effective the State was in correcting noncompliance identified in years through FFY11. The federal requirement is when noncompliance has been identified the program is issued a letter of finding. The program has no more than one year from the date of the letter to correct the noncompliance. The IDEA Part C office then must verify that correction of the noncompliance has been made for each early intervention program in the state. OSEP has expressed concerns in regards to this indicator because Nevada has not been able to demonstrate good performance in timely correction. This year the State did have slippage; for FFY10 we were at 72% and in FFY11 we are at 55%. The largest issue is the long term noncompliance in indicator 1. There are new activities added around the restructuring of the administration of early intervention and it is hoped this process will improve the ability to have timely correction.

Indicators 10 and 11 as noted earlier are not reported as other indicators. These data are shown in the 618 report which is included in the packet.

Indicators 12 and 13 related to due process and resolution sessions. Since there were no requests for either of these in this reporting period, no baselines were set. Baselines are set when 10 requests for either due process or mediations are received. Nevada has never established a baseline.

Indicator 14 is a measure on whether or not accurate data is reflected and all required reports have been submitted in a timely manner which we have met. Again in lieu of responding as in other indicators, OSEP has started accepting the data rubric. If OSEP reviews the rubric and has any questions, the Part C Office will have to do a clarification response.

Ms. Bledsoe stated the APR must be submitted by February 15 and what was presented during this meeting is the basic status of information for where Nevada was as a state for FFY11. She closed the APR review by drawing attention to the comment form included in the meeting packet. She indicated if anyone, while reviewing the full APR, had any corrections or comments they may submit them on this form to the IDEA Part C Office prior to February 11, 2013.

MOTION: To approve the APR as submitted today including any minor editorial changes.
BY: Sherry Waugh
SECOND: Johnette Oman
VOTE: MOTION PASSED

VII. Review and Discuss the Draft Position Papers with Possible Approval for Them to be Sent to Legislators During the Upcoming Legislative Session

Ms. West stated this subject was brought up at the October meeting during a discussion on ways the ICC could become more involved in the decision process. She related how unresponsive the DHHS Director's office had been to the communications of the ICC and so it was suggested to have more formal channels established to make sure the ICC was included and aware of changes being made to the early intervention system. There was some concern by ICC members of giving carte blanche to a designed ICC member/parent representative to attend meetings and speak on the ICC beliefs without prior Council approval. These are a few reasons why a position paper was thought to be the best way to address specific issues and concerns of the ICC at these meetings or with legislators. The group discussed the issuance of the letter from Mike Willden on the integration and the newsletter sent to staff and stakeholders. It was noted the ICC was not included in either of these communications and the ICC felt for them to be effective in their role to advise and assist the Department they need to be kept in the loop. What happens in early intervention services directly influences and affects the role of the ICC and how effective the Council can be. The ICC should be a supportive tool not a watchdog. Members then debated whether to provide a list of concerns so the co-chairs could write a letter and forward to legislators or to put together small group of members to meet and work on a position paper. The latter of these two posed problems due to the short time frame to the start of legislature and having to follow open meeting laws for both the workgroup and the follow-up ICC meeting. After much discussion the following list of suggestions for the letter/position paper were made: to make it less generic to give it a stronger position; show outcomes of the funding received; list specifics regarding delay of services, waiting lists, noncompliance with federal regulations, associate the letter/paper with the calendar, including child outcomes; define the ICC and their role to assist and support the program; and to have the letter/paper completed within a week. Ms. Kincaid asked for a copy of the letter be sent to all ICC members once the letter had been sent to the legislators.

Motion: The ICC authorizes staff to put together a letter showing ICC's approval of the Governor's projected budget for EI and that the letter also incorporate information on who ICC and EIS are with some personal stories.

BY: Sherry Waugh

No second was given so Ms. Waugh withdrew the motion. It was suggested rewording the motion by substituting the word staff with ICC co-chairs. Dr. Bingham stated her interpretation of the suggestions mentioned had been that a letter be written to legislators defining the ICC, indicate the ICC supported the Governor's EIS budget recommendation, ask that they take a moment to look at the calendar so they would have a better understanding of what the program does so they can support it as well, and if they have any questions they could contact either herself or Ms. West. Ms. Bledsoe clarified that staff, in the federal budget, refers to the Part C Office personnel. A percentage of the Part C Office personnel time is designated to assist the ICC in their work. Ms. Valentine stated, due to other priorities in the Part C Office, she does not think there would be time for that right now. Dr. Bingham remarked assistance would be needed to put the letter on letterhead once it is written.

MOTION: The ICC co-chairs are to construct a letter to be sent to state legislators which define the ICC and expresses the ICC's support for the Governor's recommended Early Intervention Services budget including the calendar and ask them to take the time to see the impact of this program on children and families within Nevada.

BY: Dr. Ann Bingham

SECOND: Sherry Manning

VOTE: MOTION PASSED with a majority vote.

NAYS: J. Oman, J. Zenteno, S. Waugh, M. Canning, and R. Kincaid

Abstention: F. Taylor, E. Richardson-Adams, S. Halley

VIII. Discuss the Changes to the Developmental Specialist Classification and the "unfreezing" of Developmental Specialist Positions within Nevada Early Intervention Services

Dr. Bingham made the council aware of specific changes that refer to early intervention services and should help ensure qualified candidates are interviewed when early intervention has open positions. She then related the 4.5 frozen positions at NEIS Northwest had been unfrozen and as of this meeting four of those positions can be filled immediately. She added she hoped other frozen state positions in the southern and northeast regions would also be released. Ms. Richardson-Adams announced the south would have seven positions open between October 2012 and February 2013 for developmental specialists and public service interns.

IX. Status of New Federal Regulation Policies

Ms. Valentine reported OSEP has extended the due date on policies until June 30, 2014. She added the policies are half done and are being reviewed by the Western Regional Resource Center (WRRRC) to insure they meet the intent of OSEP and then they will be presented to the ICC. Ms. Kincaid reminded Ms. Valentine that community stakeholders would appreciate being a part of the development of the policies and not just part of the review team. Ms. Valentine explained she is working on restating the federal regulations and is not at a point to develop information and guidance policies which is where stakeholder involvement will be needed.

X. ICC Committees – Reports on Activities

a. Family Support Resource Subcommittee (FSRS)

Mr. Dinnell reported at the last meeting they went over information provided from the OSEP national conference. Members also discussed having the person who had the opportunity to attend the conference provide an article for the newsletter. They also requested a copy of the last work plan reported to the ICC so they could review and update it.

b. Nevada Disabilities Conference Update

Mr. Dinnell stated scholarship funding is still available for parents or self advocates. There will also be new funding to provide scholarships on a first come, first service basis to professionals/staff members. Ms. Manning explained it is important to have professionals attend the conference so executive committee decided to provide scholarships. The information will be posted on the website. She added supporting self advocates is first priority but the consumer leadership fund through the Developmental Disabilities (DD) Council has set aside \$10,000 which should be sufficient funding for whoever wants to attend.

c. Finance Subcommittee Update

Ms. Bledsoe related there are two sets of minutes from the subcommittee's work. They were meeting monthly up until December. The subcommittee has looked at a variety of ways to

identify funding sources to maximize existing funding source for early intervention. The most promising was to possibly create a separate chapter under Medicaid for early intervention similar to what was done for school based services. However, the final decision would have to come from the administration of the two departments. The subcommittee is still looking into whether they would want to move forward with this. The other option looked at was private insurance. Some states do have private insurance legislation but this has not been something that was put on the table to pursue right now. We do have an offer from ITCA for a technical assistance session to look at what has happened with insurance in other states which the subcommittee has been discussing using.

XI. Part C Information Reports

a. Monitoring Reports Data Clarification

Ms. Valentine announced the Part C Office has a new contract IT person, Guy Guzman, who will be working on the TRAC IV database. She related the data errors created by bugs in the system and input mistakes led to inaccurate numbers being reported. With Mr. Guzman working on TRAC, the numbers have drastically been reduced and he will continue to look at system errors as well as those of individual users. TRAC will be updated to be more user friendly and training will be provided to ensure data is entered uniformly. Ms. Kincaid requested performance data to be presented at the next ICC meeting.

b. Complaint Matrix Review

Ms. King stated the matrix contains the open complaints from FY2012 and FY2013. The main reasons for these complaints being filed due to timely initiations of services, procedural safeguards, natural environments, and primary language.

c. Update on Administrative Complaint

Ms. Bledsoe stated child verification for the administrative complaint for the children that were reviewed and identified has been completed. Systematically the complaint remains open until timely services for all children in the state have been met. There is also still work do be done around natural environments and procedural safeguards. Ms. Valentine added there is an upcoming conference call to held with NDALC to discuss the closing of all 108 individual child cases. Once these are closed the systemic issues can be looked at.

d. Technical Assistance Center on Social Emotional Interventions (TACSEI)

Sherry Halley related that a southern Nevada regional training coordinator, an evaluation coordinator, and a parent engagement coordinator had been hired with funds provided by the Nevada State Mental Health Division Maternal Child Health program. There was a Train the Trainer workshop held in November and seven additional TACSEI trainers and coaches were added. There are five model demonstration sites with 10 classrooms included in those sites. There is also a family coaching component which offers opportunities for parents who have concerns in dealing with challenging behaviors at home. NEIS Las Vegas began including the Positive Solutions for families' curriculum in their developmental play groups and Robin Kincaid, who is the parent engagement coordinator, is working with the Parent Engagement subcommittee to look at additional ideas for supporting parents. To date, we have had 136 trainings since it began in March 2011 and have trained a total of 4,381 participants across the state. There is a new website, www.NVTACSEI.com which has the most current information available.

e. Expanding Opportunities for Inclusion Project

Ms. Halley stated the national technical assistance office have made changes to the organization. They have changed their name from NECTAC to ECTACenter and the workloads of the divisions are in transition. For Nevada, there are two workgroups working under the Early Childhood Advisory Council and they are hoping to have a presence at the April Early Childhood Conference.

XII. Consider Agenda Items for the Next Meeting

- Transition Training and Department of Education Memorandum of Understanding Update
- State Performance Data
- Conflict of Interest Statements
- Number of Children Waiting for Services Data (clarification whether TRAC is accurate)
- Copy of Position Paper or Letter
- Regular Updates
- New State Policy Progress Update
- Early Intervention Provider Presentation
- Standing Update on the Integration
- Legislative Updates
- Expanding Opportunities Update
- Audiology Guidelines Presentation

XIII. Schedule Future Meetings

- April 18, 2013 – Face-to-Face in Las Vegas meeting
- July 18, 2013
- October 10, 2013
- January 16, 2014

XIV. Public Comment

Dr. Bingham stated the Nevada Association for the Education of Young Children (NevAEYC) and the Nevada Division for Early Childhood of the Council for Exceptional Children will be co-sponsoring a pre-conference day on April 4 which will focus on second language learners and minority issues. She offered to provide additional information if anyone was interested.

XV. Adjournment

The meeting was adjourned at 2:30pm.