



MINUTES

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

Date and Time of Meeting: Thursday, April 22, 2021, 10:00 AM

Meeting was held via Microsoft Teams: This meeting was conducted consistent with the Governor's March 22, 2020 Declaration of Emergency Directive 006 as extended by the Governor's March 31, 2020, Declaration of Emergency Directive 010

I. Call to Order, Roll Call, Announcements and Introductions:

Co-chair Shari Waugh called the meeting to order at

Members Present: Candace Emerson, Valeria Gundersen, Aimee Hadleigh, Kellie Hess, Kari Horn, Sarah Horsman-Ploeger, Kristin Hoxie, Crystal Johnson, Robin Kincaid, Sandra LaPalm, Janice Lee, Kate Osti, Karen Shaw, Sherry Waugh, Jenna Weglarz-Ward, Claribel Zecena

Members Not Present: Dawn Brooks, Andre' Haynes, Rhonda Lawrence, DuAne L. Young

Public Present: Jessica Bland, Nevada Early Intervention Services (NEIS)-South; Robert Burns, Therapy Management Group (TMG); Abbie Chalupnik, Aging and Disability Services, Quality Assurance Children's Services; Lisa Finney, Capability Health and Human Services (CHHS); Theresa Franco, Capability Health and Human Services (CHHS); Karen Frisk, Nevada Early Intervention Services (NEIS)-NE; Mark James, Therapy Management Group (TMG); Jessica Jersey, Capability Health and Human Services (CHHS); Amy Kowalski, Therapy Management Group (TMG); Marnie Lancz, Therapy Management Group (TMG); Jennifer Loiacano, Therapy Management Group (TMG); Renee Lust, Parent; Fran Maldonado, Division of Child and Family Services (DCFS); Nicole Martin, Division of Welfare and Supportive Services; Kate McLeod, NV PEP; Wendy Nelson, Positively Kids (PK); Catherine Nielsen, Nevada Governor's Council on Developmental Disabilities (NGCDD); Julie Ortiz, Advanced Pediatric Therapies (APT); Rique Robb, Aging and Disability Services (ADSD); Jessica Roew, Nevada Early Intervention Service (NEIS)-Carson City; Heike Ruedenauer-Plummer, Aging and Disability Services, Quality Assurance Children's Services; Shannon Sprout, Aging and Disability Services (ADSD)

IDEA Part C Staff Present: Margot Chappel, Dan Dinnell, Shari Fyfe, Mary Garrison, Edythe King, Lori Ann Malina-Lovell, Jalin McSwyne, Iandia Morgan, Melissa Slayden

II. **Public Comment:**

Ms. Renee Lust made a public comment about being a mother of three (3), with her youngest son being born during the shutdown in the newborn intensive care unit (NICU). Later, they joined Nevada Early Intervention Services (NEIS). Virtual learning was going well at first but as her son began developing complex motor functions, Ms. Lust found that being his physical therapist was very difficult. Ms. Lust reached out to everyone she could to get hands on physical therapy (PT) for her child and she felt she needed to file a Part C complaint, which took 40 days to resolve. Ms. Lust got an exemption from virtual visits and began in home visits, but she was very disappointed that individualized services were not prioritized and there is a blanket rule that every kid must have teleconference meetings with no option for in home visits.

III. **Approval of the Minutes from the January 12, 2021 Meeting**

Ms. Waugh asked the council to review the minutes from the January 12, 2021 meeting and asked for any edits.

MOTION: Accept the minutes from the January 12, 2021 meeting with edits noted.

BY: Claribel Zecena

SECOND: Aimee Hadleigh

VOTE: Passed

IV. **New Member Biographies**

a. **Kellie Hess, ICC Parent Representative**

Due to scheduling conflicts Ms. Kellie Hess was unable to present her member bio. Ms. Hess will present her member biography in July 2021.

b. **Kristin Hoxie, ICC Parent Representative**

Ms. Kristin Hoxie shared that she is a mother of a four-year old (4) named Lennon. Lennon was diagnosed with Autism in 2018 and a year prior he started to receive early intervention services. Ms. Hoxie mentioned that she had a fortunate experience with NEIS, and that Lennon is making some progress. Ms. Hoxie shared that she has professional experience with Opportunity Village which she has worked at for six (6) years and recently has been helping at Capability Health and Human Services (CHHS).

c. **Crystal Johnson, State Child Care Agency**

Ms. Crystal Johnson has been with the State of Nevada for nineteen years specifically with the Department of Health and Human Services (DHHS) for ten years. Ms. Johnson has worked at the Department of Medicaid, at the Directors office, and with the Department of Child Family Services (DCFS) where she worked to obtain multiple state and federal grants. Ms. Johnson is also the Co-Administrator for the Child Care Development Fund (CCDF) where they administer subsidy dollars for the state. CCDF deals with the subsidy dollars for Early Intervention. Ms. Johnson works closely with their Childcare Resource and Referral Partners (CRRPs) that research the federal grants which can be used to help the early childhood programs. Ms. Johnson is from southern California and is a mother of three (3).

V. Aging and Disability Services Division Updates:

a. Early Intervention Updates

Ms. Rique Robb shared that Shannon Sprout would be providing an update to the ICC on the Phase 3 re-entry planning for early intervention services.

Ms. Shannon Sprout shared the plan to reopen the state on June 1, 2021 which was discussed with the DHHS COVID-19 and Infectious Disease consultants to figure out how to safely engage in services and home visits for the most vulnerable population, which is not eligible for vaccines. Aging and Disability Services Division (ADSD) is in the process of developing Phase 3 guidance as the prior phases have been done through a workgroup with IDEA Part C, the Interagency Coordinating Council (ICC), and the infectious disease expert. Ms. Sprout also mentioned that she anticipates that there will be a plan ready to submit within the next 60 days while the counties will be reopening around the same time as the State. The State will most likely have more restrictive measures for programs to ensure the safety of the population we serve.

Ms. Robin Kincaid asked if the response from families will be shared? Ms. Robb responded that yes, ADSD will be happy to provide those responses.

Ms. Sprout presented the ADSD budget to the ICC. Ms. Sprout explained that ADSD has 26 programs that have a mix of direct services, a shared delivery model, and grants that help fund the community. Ms. Sprout shared the position summary for 3208 (EI budget number) which had budget requests. In the position summary for 3208 the requests resulted in \$41.6 million dollars for state fiscal year 2022 (SFY22) and \$43.2 million dollars for state fiscal year 2023 (SFY23). The projections came from the Office of Data Analytics within the Department of Health and Human Services. Due to the pandemic there is an increase in caseload projections for the next two (2) Biennium. In SFY22 the caseload is projected to have an increase of 8.5% and for SFY23 an increase of 5.4%. Staffing is based on the caseload. ADSD has requested eleven developmental specialists' III (DSIII) positions, twelve developmental specialists' IV (DSIV) positions and two (2) administrative positions. The eleven DSIII positions and the twelve DSIV positions were to ensure that as Nevada continues to grow and that there will be enough DS's to meet the ratio for contractors that provide direct services and the two (2) administrative staff to help with support. Nevada was informed by the Governor's office that 12% of the budget needs to be reserved as a result of the pandemic. The governor's recommended budget for 3208 has an impact on all the programs since 12% is to be reserved and that there will be 29 vacant positions. Those positions will consist of four (4) accounting assistants, three (3) administrative assistants, clinical social workers, developmental specialists, etc. through fiscal year 2022 and then those positions will be reinstated in SFY23. In addition, positions that will be lost in budget 3208 consist of thirteen DSIII positions based off caseloads. Ms. Sprout explained in the governor's recommended budget there is a rate reduction for community providers from \$565 per month, per child to \$500 per month, per child. That is a decrease in \$65 per child as a recommendation from the governor's office. ADSD met with the community providers to address their concerns about the budget and to provide Medicaid

crosswalks for revenue improvements. Based on the executive branch audit suggestion the appropriate rate should be \$471. ASD worked with the community partners (CP's) and decided not to lower the rate based on the executive branch audit suggestion. \$500 became the new rate for community providers. ASD and the CP's will have a comprehensive rate study to look at the eligibility cost per child.

Ms. Kincaid asked how much money will flow to EI from the American Rescue Plan Act (ARP) Coronavirus Aid, Relief, and Economic Security Act (CARES) money? Part C is asking the Office of Special Education Programs (OSEP) for more information. We are anticipating that \$1,898,183 dollars are going to be added into the budget for Nevada, but we are still getting additional information from OSEP. Ms. Malina Lovell confirmed that the number is correct, but Part C hasn't been told how to distribute the funds.

Ms. Kincaid mentioned that the Nevada Department of Education (NDE) has a contingency fund for children that at higher risks and asked if there was a discussion about a contingency fund for Part C? Ms. Robb deferred to Ms. Malina Lovell. Ms. Malina Lovell responded that she doesn't have any information about a contingency fund.

b. Early Intervention Program Highlights

Ms. Garrison mentioned that she added updates from the programs to the packet and if there are any more updates to contact her for distribution.

VI. Early Intervention Community Providers Association (EICPA) Presentation and Discussion on Community Provider Rate Reductions

Mr. Willden shared that he is a member of the Perkins Company that does government affairs and relations work. Mr. Willden is representing the Early Intervention Community Providers Association (EICPA) and is providing documents to the ICC. Mr. Willden mentioned that the ASD proposed budget is different from the governor's proposed budget. E680 is one (1) of two (2) concerns that the EICPA has regarding the frozen twenty-nine positions, which saves the state \$1.8 million dollars through FY22, but that is twenty-nine people not serving families. The second concern is E698 which is the twelve percent cut to community providers that would result in losing two (2) million dollars per year to support families. Mr. Willden mentioned that the twelve percent cut is on top of the Medicaid cut which is six (6) percent and the concerns are that that there will be less services available to families and how do the CP's keep their doors open? Mr. Willden provided the ICC documentation on how the community provider rate was calculated and asked Mr. Burns to present them to the ICC.

Mr. Robert Burns shared that in 2003 Nevada shifted from the Medical Service model to the Comprehensive Educational Service model by merging the Special Children's Clinic with the First Steps program. Mr. Burns came to Nevada in 2004 and became an occupational therapist (OT) for NEIS in 2005. There were complaints filed in 2008 and 2011 from disability advocates as a result of untimely services and noncompliance with program rules. The CP's helped the state with compliance and timely services and in a 2012 audit found that the expenses from the state are higher than the expenses of community providers. In 2012 it was recommended that additional services be transferred to the CP's. Mr. Burns expressed that the family's choice of service providers is being restricted by the 50/50 split.

Mr. Burns agrees with Ms. Robb that there should be more flexibility in the 50/50 split. The CP caseload has been reduced by 21% since January 2020 from 1,958 kids to 1,552 kids while the states caseload declined only 7% from 1,768 kids to 1,644 kids. The history is brief but pointed and in the 10 years that the CP's had received the \$565 rate. The rate hasn't accounted for inflation and costs of providing these services, so Mr. Burns believes there are solutions that are helpful.

Mr. Willden mentioned that the concern with the rate cut is that the reduction is being done without recent study. The last study was conducted ten or eleven years ago, and the reduction was to meet a budget, and not based on recommendation. The EICPA has been engaging in a rate study with University of Nevada Reno (UNR). Once the study is completed Mr. Willden plans on sharing the findings with the ICC. The cost of delivering services from the CP's is over \$600, not \$500. The CP's are concerned with rotation holds where families can't go to their program of choice. There are three (3) possibilities, the first is using Temporary Assistance for Needy Families (TANF) money that they have reserved. There is forty-three-million-dollars reserved that TANF isn't spending helping kids and they are projected to end the Biennium with thirty-eight million dollars of reserve money. Mr. Willden has worked with TANF for most of his career and doesn't believe that it is not allowed to tap into those reserves. The first reason why it should be allowed is because Early Intervention Services (EIS) is a comprehensive educational model and not a medical model. TANF is putting money into the Autism program and the Nurse Family Partnership Program (NFPP) in Las Vegas and Mr. Willden has a hard time seeing how they can help fund those two (2) programs and not Early Intervention. Neither of these programs are medical models, they are both comprehensive models. The CP's were told that they don't have an income test or eligibility test to qualify to receive funds, but the NFPP does not have an income test or eligibility test either. NFPP has in its rules that you must be a pregnant woman or a woman with a child under the age of two (2) and that you must be a Medicaid recipient. Mr. Willden argued for general fund dollars to be made available. The budget will close on April 28, 2021 before the economic forum can meet on May 4, 2021. Mr. Willden explained that the third solution they are proposing is regarding American Rescue Plan (ARP) which includes three billion dollars the state of Nevada is about to receive. Mr. Willden shared that there is a tool Every Nevadan Recovery Framework (ENRF) that asks for suggestions on how to spend the ARP funds. [Every Nevadan Recovery Framework](#).

Ms. Kincaid asked if parents requested a community provider either at entry or after their services have begun, are they told that their request has been denied? Have they been told where they can review the available programs at intake? Ms. Robb responded that parents are always given a choice. Ms. Kincaid mentioned that the 50/50 model is concerning, and she wonders if the model was changed from the family being able to review their choices of programs. Ms. Sprout mentioned that once the caseload cap is reached within the budget with the 50/50 split the providers are then placed in a rotation hold. There are times where rotation holds are placed, and we are asking Legislature for flexibility to be able to move money so parents can keep their choice of program while maintaining the 50/50 split.

Ms. Johnson asked is the pushback on the TANF spending coming from the Nevada Legislature or Welfare Supportive Services? Mr. Willden responded that a little of both but mostly from the Welfare Division. Mr. Willden explained that the CP's are considered a medical model, with no income test. There was zero discussion about NEIS receiving TANF funds. Ms. Robb mentioned that Mr. Willden

should work with his administrator to see if he has all the facts since ASD has been looking at multiple options to help with the budget. Ms. Robb further explained that the TANF budget closed last week and hopefully there can be a special session to look at their budget again.

Ms. Horsman-Ploeger asked where is the reserved money going? Mr. Willden mentioned that there's a fixed amount of dollars from the general fund which in turn informs the governor on how much he can spend, which a difficult choice. Mr. Willden said that they are choosing not to spend those four million dollars on EI services, which is more than two million dollars if you include the frozen positions. The governor is choosing to spend the funds elsewhere to balance the budget. So, it's difficult to say since it's just a balancing act. Ms. Robb mentioned that state employees have furloughs and that goes into the State General Fund budget. Ms. Robb explained that the Nevada Legislature does not tell us where the money goes, we just know it goes into that budget.

Ms. Kincaid asked Rique Robb and Shannon Sprout if there are any concerns about being able to ensure maintenance of effort (MOE) required by OSEP? Ms. Robb answered that because of it being based on caseload the MOE is in a grey area and it is projecting that we will meet the maintenance of effort that is required by OSEP.

MOTION: The ICC will draft a letter to send to the Nevada Legislature regarding the budget concerns.

FIRST: Sarah Horsman-Ploeger

SECOND: Kristen Hoxie

VOTE: Approved

Mr. Willden informed the ICC that a letter addressed to the Nevada Legislature outlining the concerns with the impact of the budget on community programs would be the best way to address the issue.

VII. University of Nevada Las Vegas (UNLV) Research on Early Intervention Families

Dr. Jenna Weglarz-Ward shared that she is doing two (2) studies about families seeking childcare for their children with special needs during the pandemic. Dr. Weglarz-Ward is doing a nation-wide survey with her co-worker from the University of Alabama on decisions about childcare and the impact from COVID-19. The other is a family interview study that is waiting on approval and would be held in three (3) states; Nevada, Illinois, and Alabama, to understand their experience with childcare and services within the community during COVID-19. The purpose is to seek clarification on what went well and what did not. Once all the information is collected, Dr. Weglarz-Ward's team will give all responses to providers so they can better help families. Dr. Weglarz-Ward will email any information regarding the research to anyone who requests it.

VIII. IDEA Part C Office Information and Reports

a. Update on the Nevada Pyramid Model Implementation

Ms. King provided an update on the Pyramid Model. Cohort one (1) is going strong towards fidelity. Nevada has moved to Cohort two (2) with NEIS South and NEIS Carson City starting their training. Cohort three (3) is on hold for the moment, as the fidelity is still being worked on and it may take several months for Cohort 3 to get started.

b. Complaint Matrix

Ms. Fyfe shared the Complaint Matrix with the ICC. Ms. King discussed that two (2) complaints have been filed, one (1) has been closed and the other is still open. The first complaint from a parent of a child receiving physical therapy (PT) through telehealth with no progress being made. Ms. King shared the Part C determination that the family would receive an exemption for in person PT services from EI within 30 days of this report being filed. The Phase two (2) re-entry plan allows expanded in person services for unique cases. IDEA Part C recommends that ADSD formulates a process that ensures exceptions are determined as equitable as possible. Should the exception to this family receiving in person PT not occur within 30 days of May 2021, the IDEA Part C Office recommends that reimbursement occur from that time forward for out of pocket expenses the family accrues for community services. The second complaint was for failed virtual services, lack of parent choice, and out of pocket expenses. The second is still under review.

c. Yellow Bar Report for State Fiscal Year 2020 and 2021 (SFY20 and SFY21)

Ms. Slayden explained that the provided Yellow Bar Report is from the state fiscal year 2020 and the federal fiscal year 2019. The current year data will not be released until July 1, 2021. Ms. Slayden shared the Individual Family Service Plan (IFSP) data for the first half of fiscal year 2020. Ms. Slayden shared that she is having trouble accessing the data for the second half of the year. After Mary Knight became ill the Part C office was not able to do some of the cleanup needed to access data.

Ms. Horsman-Ploeger asked for those of us not able to access the files within Teams can we send these out? Ms. Slayden answered that Part C will send these out.

Ms. Slayden explained that there were major errors with the report, so she took time to make sure the formulas were working correctly. MD Developmental Agency (MDDA) was added to the report, Kideology has been gone for over a year, but some data was left in the report and grayed out. MDDA was added to the Yellow Bar Report in the third (3) and fourth (4) quarter. Ms. Slayden shared her screen which displayed Indicators five (5) & six (6) which shows children that were captured within the system for age range zero (0) to one (1) and then one (1) to three (3). Ms. Slayden shared that the report provided is from the December 1, 2020 count and these are only active IFSPs from that day. The number of kids from age range zero (0) to one (1) for 2018 and 2019 shows a net loss of five (5). Ms. Slayden shared the budget which showed that money was saved from traveling and it is projected to be around \$12,000 in extra money.

d. ICC SFY21 Budget (See notes below)

e. Federal Updates on Annual Performance Report (APR), State Systemic Improvement Plan (SSIP), Supplemental IDEA Funds Made Available by the American Rescue Plan

Ms. Malina-Lovell thanked the ICC for their annual review of IDEA Part C's Annual Performance Review (APR) which was submitted by OSEPs deadline on February 1, 2021. The Part C Office has received the APR review from OSEP. The Part C Office goes through a clarification period every year to include any corrections that are advised. OSEP wanted more information on how IDEA Part C identifies the correction of non-compliance and findings as far back as 2017. The Part C Office provided an explanation, but OSEP wanted more wording. The Part C Office will be adding that to their corrections which are due April 27, 2021. The State Systemic Improvement Plan (SSIP) was provided in a timely manner to OSEP on April 1, 2021. Ms. Malina-Lovell shared that OSEP is in the process of providing information on Nevada's American Rescue Plan Funds.

Ms. Zecena asked what will happen with the extra funds? Ms. Malina-Lovell replied that IDEA Part C will receive an increase in grant money from \$4,233,381 to \$4,260,313, which is an increase of 0.9% or \$36,932. The IDEA Part C Office was advised that the grant application should reflect that amount. The IDEA Part C Office is updating the application regarding the increase by May 7, 2021.

Ms. Garrison advised that the annual ICC Calendar was not distributed by programs due to COVID-19 restrictions on in-home visits. Based on this feedback, the Part C Office wanted to include a discussion regarding the future distribution. The IDEA Part C Office wanted to add ICC calendar distribution to the agenda and make sure it is on the council's radar for the July ICC meeting. Part C shared that funds from the ICC in the future could be used for to send parents/ICC members to conferences, the annual ICC Calendar, or other public outreach programs. Ms. Slayden replied that the funds from this year's budget will be used before the end of June. The ICC funds may roll over on July 1, 2021, but that is a decision the ICC or Ms. Malina-Lovell would make. Ms. Slayden was not sure if the funds will be rolled over since there hasn't been money left in past years. Ms. Garrison recommended that the ICC schedule a subcommittee to come up with what to do with that money. Ms. Malina-Lovell suggested that we wait on deciding to create a subcommittee until Mr. Dinnell speaks on the DEC conference.

Ms. Malina Lovell shared that Nevada received an increase in grant funds. Ms. Malina-Lovell shared that Part C received information from OSEP that Nevada will be receiving money from the American Rescue Plan to the tune of \$1,898,183, which is on par with EI programs in Kansas, Mississippi, and Connecticut. Once Part C receives information on how to distribute these funds, Part C will present that information to the stakeholders. There has been no discussion on contingency funds which would be more applicable to the Nevada Department of Education.

f. Program Monitoring Updates

Ms. Morgan shared that Part C has begun program monitoring and six (6) programs have been selected. The Part C office just finished monitoring there second (2) program of the year. The Part C Office is conducting program monitoring virtually, and Ms. Morgan thanked all the

programs for their cooperation. Part C will present the programs with their response letters no later than June 30, 2021, including the six (6) programs. The programs not scheduled for monitoring will be provided TRAC data performance reports. The data will be gathered through the TRAC Data system. All programs are responsible for submitting their updated personnel roster, child outcome summary processes, and continuous training for all staff to their program liaisons. The end of May is when Part C should be finished with monitoring, and June is when the Part C Office reviews the data and submits the reports to the programs no later than June 30, 2021.

g. DEC's 37th Annual International Conference on Young Children with Special Needs and Their Families

Ms. King shared some exciting news that Nevada was the first and only program in the nation to implement the Pyramid Model in EI. The Part C Office submitted a proposal that shows the processes that worked, the things that didn't, the basic structure of the Pyramid Model in EI and how it helps children with their social emotional skills. Members of the Part C office and members of Cohort one (1) have agreed to present at the DEC conference, if approved. The DEC conference is scheduled September 21 - 24, 2021.

Dr. Weglarz-Ward shared if people have questions about DEC, they can contact her directly. Mr. Dinnell encouraged everyone to attend at least one (1) conference.

IX. ICC Public Awareness (Annual ICC Calendar and Social Media Outreach)

This agenda item was discussed during the ICC SFY21 Budget conversation and will be discussed further in the July 2021 ICC meeting.

X. Consider Agenda Items for Next Meeting

Ms. Waugh asked the ICC for any agenda items to include in the next meeting.

Ms. Kincaid mentioned that for the next agenda we could include a contingency fund discussion. Part of this discussion would include a vote on whether the ICC wants to create an ICC subcommittee.

Ms. Fyfe mentioned public awareness for the agenda.

Ms. Garrison shared that standing items for the next agenda would include a review of today's minutes, Part C reports, and new member biographies.

XI. Schedule Future Meetings

The next ICC meeting is dated for July 15, 2021 from 10:00 am to 2:00 pm. The ICC made the decision to reconvene their strategic planning face to face meeting on October 21, 2021.

XII. Public Comment

No public comment was made.

XIII. Adjournment

The meeting was adjourned at