

NEVADA EARLY INTERVENTION INTERAGENCY COORDINATING COUNCIL

April 16, 2009
MINUTES

ATTENDANCE

Interagency Coordinating Council Members Present:

Nora Behrens, Co-Chair	Parent Representative – Northern Region
Ann Bingham, Co-Chair	University of Nevada, Reno, Dept. of Educational Specialties
Ruth Miller for Yvonne Brueggert	Nevada Disability Advocacy and Law Center
Alice Chernich	Sunrise Hospital
Dianne Farkas	Family to Family Connection, Las Vegas West
Tina Jeeves	Easter Seals of Southern Nevada
Robin Kincaid	Nevada Parents Encouraging Parents
Joyce Larsen	Division of Child and Family Services, Early Childhood Mental Health
Sherry Manning	Nevada Governor’s Council on Developmental Disabilities
Pamela McKay	Division of Insurance
Kristen McIntyre	Parent Representative - South
Dan Olsen	Division of Health Care Finance and Policy
Johnette Oman	Northwest Nevada Early Intervention Services
Kimberly Palma	Parent Representative - South
Betty Sherwood	Parent Representative - Rural
Shannon Springer	Parent Representative – Northern Region
Michelle Tannock for Nancy Sileo	University of Nevada, Las Vegas, Dept. of Special Education
Fatima Taylor	Southern Nevada Early Intervention Services
Sherry Waugh	Early Head Start
Mary Wherry	Health Division

Interagency Coordinating Council Members Absent:

Jerry Allen	Nevada Division of Welfare, Child Care Financing
Betsy Crumrine	Division of Child and Family Services
Karen Stephens	Nevada Department of Education

Office of Disability Services Staff Present

Wendy Whipple, Part C Coordinator	IDEA Part C Office - Reno
Melanie Whitney	IDEA Part C Office - Reno
Edie King	IDEA Part C Office – Las Vegas
Iandia Morgan	IDEA Part C Office – Las Vegas
Brenda Bledsoe	IDEA Part C Office – Reno
Allen Whitenack	IDEA Part C Office – Reno
Daniel Dinnell	IDEA Part C Office - Reno

Public/Guests Present:

Paula Crawford	Southern Nevada Early Intervention Services
Ellen Richardson-Adams	Southern Nevada Early Intervention Services
Janelle Mulvenon	Bureau Chief, Bureau of Early Intervention Services
Kate Green	UNR UCED

CALL TO ORDER

Ann Bingham, Co-Chair, called the meeting to order at 8:43 a.m. She announced ICC member P. Crawford’s term had ended and on behalf of the ICC thanked her for her time and service to the Council. She welcomed F. Taylor who will now be serving as an Early Intervention Service Provider Representative in the Southern region.

Public Comment

No public comment was given.

REVIEW AND APPROVAL OF MINUTES FROM JANUARY 8, 2009, JANUARY 29, 2009, AND MARCH 9, 2009

A comment was made as to whether or not all members were correctly listed as present or absent on the March 9, 2009 minutes, specifically related to Assemblywoman Sheila Leslie attendance. W. Whipple replied she believed Assemblywoman Leslie had resigned prior to that meeting. There were no other comments or discussions.

MOTION: Approve all the minutes as written.
BY: M. Wherry
SECOND: P. MacKay
VOTE: Motion Passed

UPDATE ON THE HEALTH DIVISION'S EARLY INTERVENTION PROPOSED BUDGET AND THE MARCH 19 BUDGET HEARING. DISCUSS AND APPROVE POSSIBLE ICC ACTION

M. Wherry stated the budget hearing on March 19 was uneventful with the exception of inquiries regarding the wait list. The costs of having a wait list and the compensatory services cost associated with the NDALC complaint was discussed. She noted the budget would be closing on April 30 with the legislators having several options to choose from which she briefly described. A reminder was given that the new monies put into the budget are expected to go to community partners. The search for community partners was then discussed. M. Wherry remarked the Health Division (HD) would be willing to work with any provider who could and would abide by their established provider agreement. She then addressed questions regarding the lack of new funding not going to NEIS programs. Her reply was the concern of not building capacity in the community in the event the state has turn over in staff or recruitment problems, the growing community demand could not be met. Further she explained the private sector has more flexibility in this matter so the plan is to sustain NEIS who provides 10 to 12 times the services. ICC members asked to be provided with copies of the provider agreement and its addendums. W. Whipple noted the challenge for the Part C office would be to keep up with the growing number of providers since they will also have to abide by the rules and regulations of IDEA and the Part C Office is required to provide technical assistance and conduct compliance monitoring.

Discussion then turned to how Nevada provides services compared to other states and is there a format that provides better quality and consistent services. M. Wherry noted that due to the Nevada's fiscal situation there is no interest in changing infrastructure or program design. W. Whipple remarked that nationally the trans-disciplinarian approach is used in 80 percent of the states. She continued that there is no mandate from the federal level; every state is unique and they set up their own system. The challenge that all states have is the shortage of providers. M. Wherry suggested that if this council is interested in exploring the different models and opportunities by convening a workgroup or subcommittee, the HD would be willing to participate. She continued by saying the HD struggles with the current service model because the funding comes into their budget for providers like REM and ESN or anyone else and they themselves are in essence a provider from a Part C perspective. E. King added through her dealings with REM and ESN around trainings and technical assistance in an attempt to increase their capacity, she has witnessed the struggles they both have had. ESN has especially been struggling due to the numerous turnover of directors and staff It is difficult to find and hire qualified staff, and these programs are trying very hard to maintain, but like the State are also struggling. M. Wherry stated another challenge for REM and ESN was on February 1 their caseload was cut by the HD due to budget constraints which makes it even harder for them to maintain the stability of their organization. The conversation then turned back to service delivery models. W. Whipple offered to contact NECTAC to see if they have information on what models are being used by what states and then find out what role the ICC played in bringing those about. A. Bingham noted this topic needs to be on the July agenda for

further discussion. J. Oman remarked that the NEIS Reno site is piloting a model and we might want to ask the supervisor in charge to present.

W. Whipple shared copies of a PowerPoint presentation she received regarding the American Recovery and Reinvestment Act of 2009 (ARRA) and spoke about the 3.9 million dollars of stimulus money designated for Part C services that Nevada would be receiving over the next two years. The Power Point was done by the Infants and Toddlers Coordinators Association (ITCA) which is the national Part C coordinators membership organization. She noted 50% of the funds became available on April 1 and the remaining balance would be available on September 30, 2009. As of July 1, the funds will begin to be used with all the funds being obligated by October of 2011 and fully expended by December of 2011. She explained the intent of the stimulus package, the reporting requirements and the maintenance of effort requirements. W. Whipple stated another possible funding source coming into the state is the stabilization funds and every state has an opportunity to access these funds. 81.8% passes directly to school districts and the Governor has 18.2% to spend as he chooses. She has no indication what the intentions of the Governor are but it would be allowable if he chose to allocate part of those funds to Part C services. As a side note, it was mentioned that IDEA is coming up for reauthorization soon and W. Whipple remarked, due to heightened accountability with less funding, changes could be taking place. States on the whole are telling OSEP that unfunded mandates are unrealistic especially with the program being flat funded since the inception in 1987.

ICC membership discussed what action might be appropriate for this agenda item. A suggestion of writing a letter to legislators letting them know which of the proposed funding options, discussed earlier the ICC supports. W. Whipple reminded the Council they had previously approved and sent a letter to legislators stating they supported the Governor's recommended budget. A lengthy conversation took place regarding the sending of another letter that might appear as if the Council was changing their position on the proposed budget. M. Wherry stated she believed it would be in the Council's best interests to foster partnerships/relationships with legislators rather than alienate them with more demands. Noting that it is especially important now since term limits are in effect and there is going to be a huge turnover with the legislators who supported and understood this program. She suggested sending a thank you letter instead. Suggestions on sending legislators a report of how the programs are progressing was also made. W. Whipple noted the quarterly CLEO contained that information but the Council had concerns the report was too large and hard to interpret. Members agreed a one page summary with six month follow-up summaries would be a better alternative. A. Bingham stated a discussion regarding what the thank you letter should say will need to be on the July meeting agenda. She then asked for a motion.

MOTION: Provide a thank you letter to legislators after the session and then in six month intervals provide them with a summary indicating where the money had been spent or what progress had been made.
BY: M. Wherry
SECOND: A. Chernich
VOTE: Motion Passed

It was noted a draft of the letter would be provided to members prior to the letter being sent.

LEGISLATIVE UPDATE TO INCLUDE POSSIBLE DISCUSSIONS AND RECOMMENDATIONS ON THE FOLLOWING BILLS BUT NOT LIMITED TO THESE: AB359, AB162, SB286, AND AB222/SB171

Council members were provided with the most current available bill versions. S. Springer remarked the summarization of bills SB359 and AB222/SB171 in the agenda was either unclear or incorrect. She explained SB359 was to create a grant fund to provide grant money to school districts, charter schools, and programs of training for certain personnel for the training and education of personnel who work with pupils with autism. AB222/SB171 is to continue funding evidence based treatments through the autism self directed program. M. Wherry stated in SB359 sections 2 through 7 speaks to the grant fund as it applies to the Department of Education (DOE) but section 8 is where it relates to the HD and the grant fund does not apply. She explained

why the HD added a fiscal note to this bill and then later pulled it after talks with Jan Crandy and Assemblywoman Woodbury. The agreement was to change the language of the bill so the HD would not have to train all personnel but only a core group. This core group would track children suspected to have autism and to ensure these children are screened, and if diagnosed treated. K. Palma related her concerns regarding SB359, section 2(a) through 2(d) and who would be determining what staff is to tell parents. M. Wherry assured her the HD had already begun training staff and putting screening policies in place so when a child is identified as having autism the families would be provided with evidence based materials. Discussion on what is evidence based materials uncovered fundamental differences of opinion about what access families should have to information and what this bill mandates to be provided. M. Wherry recommended if this bill passes that the ICC commit to working with J. Crandy to implement this by having ICC representatives participate in the process. A. Bingham reminded the Council a letter of support was written in regard to AB162 which is for health insurance coverage for screening and treatment of autism. As far as the ICC lending support to any of these other bills, there has not been a motion made and the ICC had not moved forward on any of those other things except for AB162.

W. Whipple stated her information on AB222/SB171 came directly from Todd Butterworth. His comment regarding these bills was that because his budget had closed with 3.2 million dollars in the ODS budget designated for the autism waiver program there was no longer a need for them. It was also explained that these funds will not increase or expand enrollment in the program but maintain it.

W. Whipple provided a brief history of SB286. She noted members had been provided a marked up copy with the changes that were recommended to the bill. She explained there were three parts to the bill; a sliding fee scale, the Part C mandate language and the HD audit. The intent of the audit was to look at the use of funds and to come up with an appropriate cost allocation for early intervention services. However the LCB, who would do the audit, only does fiscal audits to assure monies are being allocated appropriately and being spent according to state and federal laws. W. Whipple then reported the sliding fee scale recommendation had been removed from the bill entirely. The bill had passed out of committee but there is uncertainty whether it will go any further due to the amount of bills before the legislature and the fast approaching deadlines.

MOTION: Move to support SB286 with a letter to legislature.
BY: K. Palma
SECOND: S. Waugh

Discussions took place around supporting this bill but having concerns on it at the same time. The majority of the members had concerns over the expense of the legislative audit and how the language had changed regarding the Part C mandate. S. Manning related how the Developmental Disabilities (DD) council in the past has written letters stating their support of a bill but also noting concerns they have on portions of that same bill. Council members agreed on this approach and a revised motion was put forth.

REVISED MOTION: ICC is in support of SB286 regarding early interventions services. However, the ICC has concerns about two areas: the legislative audit and that the wording "the Department through Health Division" should be changed to the Part C Lead agency. A letter to the legislature relating this will be presented by parents of the ICC.

BY: K. Palma
SECOND: S. Waugh
VOTE: Motion Passed
ABSTAINED: M. Wherry, J. Oman, F. Taylor

UPDATE ON LEGISLATIVE APPOINTMENT TO THE ICC

A. Bingham stated S. Leslie had submitted her letter of resignation. Pursuit of another legislator has begun since this is a required position on the ICC. A. Bingham also noted two other members had resigned, B. Wallace, who moved to Montana and M. Berkovits. W. Whipple reported Karen Stephens, who is the Department of Education's homeless coordinator, has been appointed to replace M. Berkovits. A. Bingham

announced a parent representative for the south is still needed and any recommendations could be directed to W. Whipple.

W. Whipple stated at the last meeting the ICC had recommended Assemblywoman Debbie Smith as a candidate for the legislative appointment. A call had been placed to the public information officer in the Director's Office requesting he contact the Governor's office regarding this appointment. Any other recommendations from the ICC should be directed to W. Whipple. M. Wherry suggested Assemblywoman Melissa Woodbury from Clark County who sponsored AB359. A suggestion was made to keep the ICC Legislative Subcommittee active even in non legislative years and to have a member of this subcommittee be the liaison to the new legislative appointee. The intention of this would be to alleviate the problems encountered in the past by keeping the Legislator informed whether or not they are able to attend the meetings. It was also suggested that alternate ways, specifically by phone, be made accessible to members who would not be able to attend in person.

FAMILY SURVEY UPDATE

K. Green stated the results of the 2008 survey was distributed in January. Since then she has worked with the committee to fine tune some of the questions. Every survey has the questions in English on one side and Spanish on the other. They will be launching an online version of the 2009 survey in conjunction with the mailing of the paper survey in early May. The final version of this survey will be sent to all members. W. Whipple stated for continuity purposes the surveys from this point forward will be very similar. No major edits will be made. To try to increase the response rate and to ensure representations from all programs and regions, when the first surveys are returned, UNR will look at where the responses came from and then do targeted mailings and possibly phone follow up calls.

ICC PARENT PERSPECTIVE ON THE DECEMBER NATIONAL EARLY CHILDHOOD MEETING IN WASHINGTON D.C. SPONSORED BY OSEP

Interagency Autism Council – Discuss and Approve Possible ICC Action

S. Springer spoke about the Interagency Autism Coordination Council (IACC) which many states have as part of their ICC. When she did her research, she discovered it was more of a task force and since Nevada has the Autism Commission there would be no need for this council here. She liked the idea of having a part of the ICC focus on Autism though. She remarked she did have a good time and gathered a lot of information. W. Whipple asked if the existing Autism Commission, as it is right now, has only three members: Ralph Toddre, Jan Crandry, and Mary Liveratti. S. Springer stated that is true, but they intend to appoint subcommittees but it just has not been done yet. W. Whipple suggested the ICC have a liaison to this group who could provide a report at each quarterly meeting on what is happening with the Autism Commission. In this way, the ICC could stay informed about issues related to Autism particularly those that would affect the birth to three population. It was suggested that S. Springer be a representative for the North and K. McIntyre represent the South.

REVIEW AND DISCUSS POSSIBLE CHANGES TO THE ICC BY-LAWS

W. Whipple reported it has been two years since the last review. When she was reviewing them, related to membership, there were a couple of items she thought worth discussing but noted that no changes had to be made on these.

- Term of Office and Duties, page 7, third paragraph which relates to the absences of members. A member's, and not just the legislator's position, continued absence from meetings is an issue that comes up often.
- Term of Office and Duties, page 9, Section 3, paragraph 1 relates to Parent Advisory Committees (PACs). W. Whipple stated these do not exist any longer.
- Committee Members, Powers, and Meetings, page 3, section 2, paragraph 2 relates to the once a year face-to-face meeting to participate in a strategic planning summit. W. Whipple stated the ICC Strategic Plan needs to be on the agenda as a standing item because workgroups and a plan were created but

the plan is not referred to as often as it should. Also a discussion of the feasibility of the full membership meeting once a year needs to take place. She remarked Part C will continue to support a full membership face-to-face meeting but it seems to not take place due to individual schedules not being able to accommodate the timeframe of the meeting.

The council discussed the importance of a meeting with the full membership and the accomplishments that have been made at these meetings. The conversation then moved to the subject of membership meeting attendance. The term unexcused absence was debated and the reasons behind these absences. Alternatives for those members who cannot physically attend a meeting were discussed. It was agreed to try to use a member's only teleconference line for those who could not attend the meeting. The discussion then turned to the item regarding PACs. W. Whipple stated since these are no longer in existence this paragraph could be removed when other changes to the by-laws are made. K. Palma asked if the no show language could be added or at least an explanation on what constitutes an unexcused absence from a meeting. W. Whipple remarked if the Council wants to provide a clarification as to what the definition for that to be, then we can advise you when we are having an issue. Members typically do not "no show". The Part C office has some type of response from members prior to the meeting. Agency members also need to be aware they can send a proxy. A. Bingham remarked she would like to highlight wording she considers problematic regarding the Strategic Planning Summit. She indicated the paragraph is not clear when it states the Council will meet yearly to create a three-year plan and identifies no follow up plan. W. Whipple provided a clarification of this paragraph so it would read Strategic Planning will take place every three years to create a three year plan and will meet face-to-face once a year to review and update strategies. Members requested the strategic plan be posted on the website and emailed to all members. R. Kincaid also requested an updated membership list be sent to everyone. W. Whipple briefly discussed membership terms and provided a membership update.

A. Bingham stated when she and Nora began as chairs they intended for one or the other to attend in Las Vegas for every meeting and the meeting would be conducted from Las Vegas every other time neither of which has happened. She assured all that they would try harder to make this happen in the future.

MOTION: To change the by-laws of: Article 2, section 2, paragraph 2 on page 3 of the by-laws by stating the ICC Strategic Planning Summit will take place every three years to create a three-year plan and the ICC will meet face-to-face once a year to review and update strategies identified at the Summit; Article 4, Section 1, paragraph 3 on page 7 will remain as is; and Article 4, Section 3, paragraph 1 on page 9 will be removed in its entirety.

BY: K. Palma

SECOND: P. Mackay

VOTE: Motion Passed

ICC COMMITTEES – REPORTS ON ACTIVITIES, DISCUSSIONS, AND POSSIBLE CONSIDERATION FOR ACTION BY ICC

Child Find Committee (CFC)

B. Bledsoe reported the committee has not met but needs to meet prior to June 30. She also noted the committee does not have a chairperson yet due to the inability to have quorum on meeting dates.

Family Support Resource Committee (FSRC)

Biennium Parent Conference Update

N. Behrens stated the conference workgroup has received 60 applications to present and they are in negotiations with their first keynote speaker. They have not received many applications from NEIS but they are hoping staff will encourage their families to attend the conference. They have received fewer presenter applications than for the last conference.

PART C INFORMATIONAL REPORTS

Complaint Matrix

B. Bledsoe stated all Northwest complaints have been closed with the exception of one which has one compensatory session left on it. However, two new complaints were received within the last week. The South has three complaints pending the completion of compensatory services. R. Miller asked if the complaint logs are individual complaints that are reflective of the data to be presented. B. Bledsoe answered those are logged and tracked separately.

Update on Administrative Complaint

W. Whipple stated there are three reports in the packets; one from each of the three NEIS programs. These are the very first reports and contain only three weeks worth of data. The appearance of the report comes directly from the complaint tracking system which was created due to the administrative complaint filed by NDALC on behalf of children in relation to timely delivery of services and procedural safeguards. When the complaint was received the Part C Office put processes into place to address notices to families related to the compensatory services and every child who is affected under this complaint is reflected in these logs by region. The log shows what each region has accomplished to date and any blanks shown means the program is still working with the families. These reports are due to the Part C office by the first Friday of each month. It is the local regions responsibility to keep track of their costs associated with this complaint. M. Wherry asked if a summary of statewide costs associated with this complaint is available and if so could, it be shown to the legislature to give them evidence of the amount of resources being taken away from the wait list and caseload growth to accommodate the pent up demand that occurred because of the wait list. J. Mulvenon added a compensatory cost spreadsheet is a part of the each program's action plan and this could be used to aggregate into a quarterly report. B. Bledsoe briefly explained how the log format was arrived at. R. Miller voiced her concerns over the data presented, especially in consistency of format and the reflections that families are not accepting services as expected. W. Whipple clarified how the Part C office abides by what the law requires through the complaint process. She explained timely correction, from the federal guidance standpoint, is within one year from the finding. The Part C Office is trying to ensure this process is not dragged out for all of the children involved in this complaint whether they are birth to three or not. It is the expectation to have correction completed by December 4 of this year which is one year from the date of the final investigation report. R. Miller stated NDALC does have significant differences of opinion on what the law requires.

Many concerns were noted and discussed regarding the difficulty in reading the log, what certain terms referred to, the consistency of the log between regional programs, and what families are being told about compensatory services that are available to them. R. Miller suggested adding a column for notes on why services were declined to the report next to the accepted or decline column a column. K. Palma asked if a summary sheet could be given to ICC members rather than this report. B. Bledsoe stated this log was intended and designed to be used only by the Part C office for tracking purposes and concurred that a summary sheet might be a solution.

Program Report Cards

W. Whipple stated this is part of a federal reporting requirement and directly correlates with Nevada's Annual Performance Report (APR). Each report card shows the name of the program, area served, and their performance as it relates to the indicators within the APR. W. Whipple noted the report cards are posted on the website because they are required to be publicly posted.

M. Wherry stated one of the reasons she is really pushing for more center oriented play services is so parents have better access to services. She believes it is administratively wrong if programs are exceeding their targets in natural environment by providing services in the home but are failing to provide services timely. She continued by stating it would be better to be in non-compliance with the federal requirements in providing services in the home than in not making sure children get access to services timely. K. Palma stated she believed it should be an option to parents and what best fits the family needs. W. Whipple reminded the ICC the natural environment is a federal mandate. It is not timely over natural environment; it is we need to comply with all of the federal mandates. A. Bingham noted that reauthorization will be coming up and it will be at that time those with concerns such as these need to be brought to the attention of OSEP.

Final Annual Performance Report (APR)

W. Whipple reminded members they had received the final document through email. She explained the APR is sent to NECTAC for review and comment as a last step before submission to OSEP. Two weeks prior to the deadline for submission a request to change formatting on a few of the indicators was received from NECTAC and which staff reworked prior to the final submission. Once the APR is submitted, OSEP will send a clarification document in the form of a table matrix where they review every indicator and note items which are unclear or might contain a data. The Part C office then has one week to make corrections if we choose. It is not mandated to make the corrections but it is the last opportunity to provide a correction so the full point value of the APR can be received. This matrix has been received and returned already. The APR in your packet reflects all these updates. W. Whipple reported on the two points of clarification OSEP had requested neither of which were related to incorrect data. She then stated the APR is posted on the website and the process begins again with the next report due February 2010.

CHAIRMAN/MEMBER ITEMS

Schedule Future Meetings

The next meetings are scheduled for July 16, 2009, November 5, 2009 and January 14, 2010.

Agenda Items for Next Meeting

No other items were noted than those previously mentioned in the meeting

PUBLIC COMMENT

J. Larsen announced she completed a 15-month post graduate certificate program in infant/parent mental health earlier this month.

ADJOURNMENT

Co-Chair A. Bingham adjourned the meeting at 1:43 p.m.