NEVADA STATE REHABILITATION COUNCIL
MEETING MINUTES
Department of Employment, Training & Rehabilitation

May 15, 2012

Nevada State Legislative Building 401 S. Carson St. Carson City, NV	Great Basin College Greenhaw Technical Arts Bldg. Room 124 Elko, NV	Grant Sawyer Building 555 E. Washington St. Las Vegas, NV

MEMBERS PRESENT:
Jane Gruner
Robin Hall-Walker
Kevin Hull
Jennifer S. Kane
Sheena Kaufman
Jack Mayes
Kate Osti
Brian Patchett
Kathy Treants
Scott Youngs

MEMBERS ABSENT:
Steve Chartrand
Maureen Cole
Virginia Howard
Chris Syverson

GUESTS:
Kara Lang, Quality Control Specialist II
Jan McFall, Quality Control Specialist I
Robin Kincaid, NVPEP
Marsha Ferrell, Transcriber

STAFF:
Robert Whitney, Deputy Attorney General
Melaine Mason, Deputy Administrator, Operations
Janice John, Deputy Administrator, Program Services
Mechelle Merrill, Rehabilitation Chief
Melissa Starr, Management Analyst II
Beth Talcott, Administrative Assistant II

EXHIBITS:
- Nevada State Rehabilitation Council (NSRC) January 10, 2012 State Plan meeting minutes
- NSRC February 28, 2012 meeting minutes
- Rehabilitation State Plan draft
- Proposed NSRC 2013 Meeting Schedule
- Office for Civil Rights (OCR) Voluntary Resolution Agreement
- Rehabilitation Proposed Changes to the Policy & Procedure Manual (spreadsheet & backup documents)
- NSRC Support Staff survey and results
- Social Security Administration Ticket to Work Statistics
- Rehabilitation Performance Indicators
- Vocational Rehabilitation Hearings
- NSRC SFY 2012 Budget

I. **PUBLIC COMMENTS**

Robin Hall-Walker called the meeting to order at 9:00 a.m.

II. **ROLL CALL AND CONFIRMATION OF QUORUM**

Melissa Starr called the roll and determined a quorum was present.

III. **VERIFICATION OF POSTING**

Melissa Starr verified that the posting was accomplished on time and per Open Meeting Law requirements.

IV. **WELCOME AND INTRODUCTIONS**

Robin thanked the Council members for being prepared by reading their packets and for taking the time to attend this Nevada State Rehabilitation Council meeting which had been voted on and approved a year in advance, giving everyone the opportunity to schedule all other meetings around the NSRC schedule whenever possible.

(Robin Hall-Walker announced a change in the order of items to be presented.)

V. **DISCUSSION/POSSIBLE ACTION APPROVAL OF THE NEVADA STATE REHABILITATION COUNCIL (NSRC) JANUARY 10, 2012 STATE PLAN COMMITTEE MEETING MINUTES**

Scott Youngs State Plan Committee Chair requested comments and/or changes to the meeting minutes as presented in the members packets. Receiving none asked for a motion to accept the meeting minutes as presented.

Jack Mayes moved to approve the January 10, 2012 meeting minutes
Jane Gruner seconded. Motion passed.

VI. **DISCUSSION/POSSIBLE ACTION APPROVAL OF THE NEVADA STATE REHABILITATION COUNCIL (NSRC) FEBRUARY 28, 2012 MEETING MINUTES**

Robin Hall-Walker, Chair of the NSRC requested comments and/or changes to the meeting minutes as presented in the members packets. Receiving none she entertained a motion to accept.

Kate Osti moved to approve the minutes as prepared.
Scott Youngs seconded. Motion passed.

IX. **DISCUSSION/POSSIBLE ACTION PROPOSED ANNUAL MEETING SCHEDULE FOR 2013**

Melissa Starr, Council Liaison presented the proposed meeting schedule for 2013.

Jack Mayes reminded the Council that the February 26th and May 21st suggested meetings may have fewer attendees as some members are actively involved in the Legislative Session which will be occurring during that time.

Jennifer S. Kane suggested that in addition to looking at the meeting dates she would like to look at the times for the meetings as well. She feels that it would help to honor the Council's time and they can make sure they are available for the length of the meeting if they are given the approximate length in advance as she did not realize the meeting would last beyond the regular 1:00 pm until two weeks prior to the meeting date. Robin asked support staff what has been the timeline that we have scheduled the venues for the proposed meeting schedule. Melissa responded that generally the meetings are scheduled until 12:00 noon, Melissa explained that the reason this particular meeting was extended was due to the amount of content being presented. It is difficult to determine the length in advance as it is variable depending on the amount of content on the agenda. Robin responded support staff can look at the agenda and estimate a timeline when the agenda is sent to Council Members. Support staff concurred.

Robin requested a motion to accept the proposed meeting schedule.

Scott Youngs moved to approve.
Jack Mayes seconded. Motion passed.

XII. **DISCUSSION/POSSIBLE ACTION ON PROPOSED CHANGES TO REHABILITATION DIVISION BUDGETS FOR SFY 14-15**

Melaine said the Division would like to have the council consider combining the budgets of 3265 and 3254. They are the state accounting mechanism to account for funds. In a brief history; in the past-- years ago when the Division was not a combined agency there was general Vocational Rehabilitation (VR), then there was Bureau Services to the Blind, we had two distinct budgeting accounts. Since we have become a combined agency, additionally the State of Nevada's accounting system and process has greatly improved, definitely the electronic format has helped. We can distinguish funds by accounting streams, job numbers, etc. Run reports, and get any bit of information sliced and diced if we needed to know the difference between what funds were spent on blind or visual impairment, and what funds were used from the general VR funds, that is really the distinction between the two budgets.

Melaine continued the other advantage is we arbitrarily split the VR funds 80 percent in 3265, and 20 percent in 3254. So if there is a need in 3254 for more VR funds or vice versa, we would have to do some accounting entries which go up quite a few levels and even at some points to the Legislative Counsel Bureau (LCB). We could combine those budgets and become more efficient so that we don't have to go through those steps.

For example a client that might have a disability on one hand, and a visual disability on another, which account are they in, can they be served in both, what do we do. Those are just unnecessary steps from a money point of view. The Division can serve our clients better and we can still break out the determining information that anyone might want to or need to know regarding what would be divided between general Bureau of Vocational Rehabilitation (BVR), and Bureau Services to the Blind & Visually Impaired (BSBVI). Then we have a staffing situation that our resources in 3254 cannot help our resources in 3265, vice a versa, because of, again, state accounting rules. And so with that, that is just a general overview.

Melaine was willing to entertain any questions relating to the proposed combining of the budgets during the biennial budget process, which also would be subject to legislative approval.

Jack Mayes said he was all for anything that could clear up this issue of having to go to the Interim Finance Committee (IFC), he said it is so awkward that it often interferes with provision of services so he was/is all in favor of the proposed combining of the funding. He said he was curious if Kevin Hull had any concerns about this proposal as Kevin is familiar with the Older Blind programs.

Kevin asked Melaine what would keep the accounts going from to 80-20 percentage split to 90-10? He said after working with blind services for so long, he had always felt like they were fighting for funding. So with 20 percent if he felt like they were fighting for funding, if it went to 90-10 what would that leave the counselors to work with?

The other question he had was within his current understanding that money has always been taken out of the older blind account for paying for salaries, which does not allow that money to be paid for adaptive equipment. If this would happen, would some of that be able to be changed so some of the older blind grant would not be taken out for salaries.

Melaine responded the older blind grant is a separate grant. We must code any effort, and this came up in the Rehabilitation Services Administration (RSA) monitoring in August this last year, any effort we make in the older blind program we must be coded appropriately. That is why you see time coding. No, we cannot use VR funds they are the 90-10. Those are purely the section 110 vocational rehabilitation funds. The separate

funding of older blind is contained in category 8 for services and category 1 for personnel. So the time coding will continue. What the VR agency can do is further analyze the funding and determine how much is appropriate for time coding, and how much is appropriate for services. That's what you are struggling with, Kevin, service delivery, Then we have to go to IFC to move that money more into client services and less into personnel. Primarily, the main focus of older blind is independent living type services; this may be why it is heavily on the payroll side, the personnel side. So combining the budgets would not change that. It would just be moving all the VR funds into one budget. What we will do, and are doing, actively, is assessing the older blind program to better serve the needs of the clients and the program.

Brian Patchett asked so we are talking about the accounting code, we are not talking about combining counselors or caseloads. We'll still have counselors focusing on folks with visual disabilities and counselors serving folks with other kinds of disabilities. Melaine answered to the affirmative.

Brian continued as an individual with a visual disability and who uses aids to provide some services; I believe it comes down to assistive technology. You have individuals who have visual disabilities or are completely blind, the expense for technology can be higher than in some other cases and I think that is where the concern is. What I understand now is that will not be an issue.

Jennifer S. Kane moved to approve the proposed combining of budget accounts 3254 and 3265.
Jack Mayes seconded. Motion passed

X. **DISCUSSION/POSSIBLE ACTION ON THE OFFICE FOR CIVIL RIGHTS (OCR) VOLUNTARY RESOLUTION AGREEMENT**

Robin Hall-Walker reported this is a discussion and possible action on the Office for Civil Rights (OCR) Voluntary Resolution Agreement. She invited Deputy Attorney General (DAG), Robert Whitney to present.

DAG Whitney began that the root of the Agreement goes back over a year to about February 2011.He continued to explain the gist of the complaint dealt with accommodations for individuals in this case it was individuals who were deaf. The information that we had at that time and from Bureau of Vocational Rehabilitation (BVR) staffs previous dealings with the complainants the information indicates that the complaints actually dealt with accommodations for one particular meeting. There did not appear to be any requests for accommodation for meetings past that particular meeting in question. It also appears from the information we do have, that BVR did work with the complainants and reasonable accommodations were provided.

Robert continued as far as getting one of the issues mentioned, in the letter from March 13th to Ms. Hall-Walker dealt with the notice of the meetings. Last year notice was provided to the complainants in this case, and an attempt was made to provide notice to the complainants, but due to a failure on their end, the video phone being down, notice of a particular meeting was not provided. So the complainants went to the OCR. Ms. Hall-Walker, received the first communication from OCR regarding the council, so far this year for this most recent complaint was the March 15th letter. There are actually communications past that point between the OCR and Ms. Hall-Walker, and from myself, one way to look at this proposed agreement, as my perspective, it looks like there were complaints made by the complainant that were not made to BVR and the state council last year, but one way to look at the resolution agreement is providing a protocol for future action in this matter. At some point NSRC and BVR will have to provide effective methods of communication to individuals, who are deaf. And also, notice of meetings, agenda items and at some point the attachments themselves. This is because the information that is provided to the general public, just in printouts, needs to be made accessible to individuals with disabilities in an effective manner.

Brian asked for an overview from DAG Whitney, who replied; some of my concerns with the agreement;

there was a policy and procedure that BVR already has in place. The voluntary resolution agreement will actually be focused more on this policy and procedure that was already in existence. Initially, the NSRC does not have its own policies and procedures, it has bylaws but not the policies and procedures as such for providing accommodations as BVR has one, the agreement was basically to adopt that policy which tracks close to the American's with Disabilities Act (ADA), the language in those policies and procedures were designed with the approval of OCR in dealing with another matter, the other part was an acknowledgment of the way the agreement was written, in the last year NSRC and BVR really did what they needed to do, they did not do anything wrong, based on the information that the NSRC and BVR had those accommodations for the one meeting were provided. And that's reflected in this language, as well.

Robin stated just from the onset what attracted her to doing a resolution agreement, as opposed to an investigation, was that we did not admit any fault, there is no legal ding, and it moves forward with some processes that we can do in the future. I think that is why this process is one of the most advantageous to us, and which is why we move forward with that pending approval of the actual resolution agreement from the Council. Those are the changes and the language that were negotiated and like I said, does not admit fault, doesn't say we did anything wrong, and it just solidifies what we have already done with the blessing of OCR.

Robin thanked deputy attorney general Whitney and Maureen Cole who together negotiated the changes with the OCR's legal staff. So we want to make sure that we put that on record.

Jack asked are we proposing to set up a meeting with these individuals as a whole Council to review our policies of providing accommodations. I just want to understand what we are getting ourselves into if we commit to the resolution.

Robert responded the meeting with the complainants is to hear what they have to say and discuss what will be provided to them with aids and services

Jack asked do you believe the complainants will be willing to accept a meeting with Council representatives or with the whole council.

Robert said he would confer with OCR with modifying the meeting attendees. He said they could propose the change and have the chairperson and legal counsel meet with the Gonzalez's.

Robin suggested the attendance three or four Council members and if the Council members are accepting of it, a change with a caveat, we can move forward as with any other amended piece according to the Council's will.

Jack moved to accept the proposed resolution with the revision that the Chair, Vice Chair, Chair of the Planning Committee and Legal Counsel attend the meeting with the complainants.
Brian Patchett seconded.

Jack explained the reason he suggested the Council move forward with this resolution is because we are obligated to provide these services. So this is just the matter of working out the details of how we do it in process, we are not admitting any guilt, but we are going to reevaluate our process and ensure compliance with that. Jack continued in questioning the meeting size and suggesting to have only a few Council members attend the meeting is in reference to coordinating with everyone's schedule and in being able to secure a quorum.

Scott Youngs asked who would provide the training to the Council in regards to Auxiliary Aids and Services (AAS).

Robin replied she would inquire of Technical Assistance and Continuing Education Center (TACE) as they have provided training to BVR and the NSRC in the past.

Janice John commented the BVR Quality Assurance (QA) Team developed the Effective Communication Training for all of the Division's staff and they would be able to provide the training to the council as well.

Scott asked about the different types of AAS for accommodations, stating there were many different types of needs, devices and services for accommodations, interpreters might not be the only option that the Division has. For some he agreed definitely yes, and if it is the preference; then we have to go with that accommodation however, there may be other types or ways that the Division can provide information to individuals that provides effective communication. He wanted to make sure the Council had all of those items listed somewhere in our policies and procedures.

Robin replied, we really cannot have all those alternatives listed, I but when an individual comes to you with a disability, until they present to you and tell you what their desire is, you do not know it. There is no way, unless you are a system technologist with a warehouse staff, and everything everybody needs. You basically would have to procure it, borrow it or secure it some way once the individual reveals it to you.
So customarily you do not have everything everyone is going to need, they have to expose you to what they need and then you get it. We could list some things that are in the general populace, customary disabilities, excuse the term to be so clustered, but there is always going to be somebody come to you with for something you do not have, so we need to be ready for that, just be open-minded to be able secure whatever it is that is going to have to generate effective communication.

Scott stated we need to make sure we identify those and everybody knows what they are, because if somebody asks for something that they prefer, and the Division does not have it, and the Division does not know where to get it. The Job Accommodation Network has a wonderful website on different ways to accommodate. So depending on those instances, if we know more about what other types are available, we can choose to offer those or not.

Robin asked Scott if he would research the different types of aids, services and methods and how to procure them for use if they are available, depending on the process we can choose to offer those or not. Scott agreed and informed he believes the Division has some stuff and he doesn't know if he would refer anything more than what is already out there.
Robin thanked Scott for his help and for volunteering for the task. She then called for a vote on the motion Jack made and Brian seconded of accepting the Voluntary Resolution Agreement with amendments. Motion passed.

Kathy Treants departed at 9:55a, a continued quorum was confirmed.

XI. DISCUSSION/POSSIBLE ACTION OF THE PROPOSED CHANGES TO THE REHABILITATION DIVISION'S PARTICIPANT SERVICES POLICY AND PROCEDURE MANUAL

The Division Quality Control Specialists introduced themselves to the Council and members of the public attending the meeting. Kara Lange Quality Control Specialist II and Jan McFall Quality Control Specialist.

Kara stated we are here to propose some fairly significant changes to the Rehabilitation Policy and Procedures manual. The Division has felt the Policy and Procedure manual, in certain areas, was in need of changes and updates. This past year the Division has hired a consultant and quality control team along with their consultant management who worked very hard together to research best practices and federal regulations and to make the needed changes.

Kara continued, the changes are extensive, and some sections were deleted, other sections being combined, that as our consultant worked with Division personnel and the Office for Civil Rights (OCR) he found it difficult to format the changes so they could track the changes. The summary provided to the Council as well as the web link was hoped to be sufficient.

- Section One: Law, Regulation and State Plan/Mission Statement/ Equal Rights/Residency
- Section Two: Effective Communication

Scott referring to Section Two questioned the use of a client's own choice of an interpreter who may or may not be certified. He asked if there would be a waiver for clients to sign to release the Division from ineffective interpreting when a client wishes to provide their own interpreter whether that interpreter is certified or not, would there be a waiver for the client to sign releasing the Division from possible ineffective interpreting. They would not be waiving their Civil Rights.

Jack asked Kara if the Division uses a form when an auxiliary aids or service (AAS) is requested. He said they have a form they use in his office. They list the person's name, what they are requesting, if they specifically request a certain interpreter or a certain service, the request would then be submitted to the supervisor for approval, before moving forward.

Robin added the wish of the client to use their own interpreter is a preference. If they decide later on to utilize the Division, the client would make a notification in writing. There would be no ramifications of lost rights and such.

Kara continued reading through the Policy and Procedure manual, noting her agreement on using this type of a useful form.

- Section Three: Informed Choice
- Section Four: Referrals
- Section Five: SSDI/SSI Recipients (Includes Ticket to Work)
- Section Six: Application for Services
- Section Seven: Financial Need and Participation
- Section Eight: Eligibility
- Section Nine: Order of Selection (OOS)
- Section Ten: Assessment of VR Needs (AVRN)
- Section Eleven: Individualized Plan for Employment (IPE)

In Sections Eleven and Twelve; Scott noted his concern on how the Vocational Rehabilitation (VR) works with the school districts. The school district has information about VR and they do pass that information onto the student(s) and their parent(s) or guardian(s), but while the child is still in school and working on a potential employment related goal, there seems to be a lack of continuity between the Individualized Education Plan (IEP) and the possible Individualize Plan for Employment (IPE) with VR.

Kara said the Division did include in the transition statement for a student with a disability receiving special education services, the IPE must be developed in consideration with the student's individual education plan. It is also a federal regulation, we provided in the Policy documentation is the link to the federal regulations for individuals to refer to. She said it was her understanding that VR counselors have to be invited to IEP meetings. They added that it is the counselors and their technicians' responsibility to do outreach to schools and communities within their locality.

Jennifer Kane interjected; exactly what you said is correct, you used the words ability to benefit. So when we get to the part on public comment later, I would like to have some discussion about the removal of the pathway for ability to benefit, to access federal financial aid, which is coming on July 1st, 2012. I heard ability to benefit, we as a Council need to be aware of what is coming, and discuss how that is going to impact students with disabilities, especially those who will be graduating with adjusted diplomas.

Kara continued:

- Section 12: Scope of Services (includes Job Development and Job coaching sections)

- ✓ Section 12.1
- ✓ Section 12.2
- ✓ Section 12.3

- Section 13: Supported Employment
- Section 14: Transition
- Section 15: Self-Employment
- Section 16: Comparable Benefits
- Section 17: Equipment and Tool Purchase/Inventory

Inventory; Kara said the title of the equipment contract was changed to equipment agreement, because these really are not contracts, these are agreements made between the counselor and the participant. The current policy and the revised policy ask for the return of equipment if the client drops out and is not working toward a vocational goal all we really can do is ask, it is not a contract that they have to return it.
The Division has changed the dollar amount for required completion of the agreement from $3,000 to $500, at times VR purchases are for smaller things like knives for chefs or cosmetology equipment, that in the past participants have lost, or pawned or traded, or they disappear somewhere. Much less than 3,000 add up if they have a number of people. It clarifies that VR will not replace equipment that has been lost, stolen, pawned, used for purposes not in connection with the IPE.

This agreement is something to reinforce the idea we are working towards an employment goal, and this is not just your tools to play with, it is working towards an employment goal, and it helps to remind participants of that. It also clarifies that equipment becomes the property of the participant upon successful case closure.

- Section 18: Purchases and Payments of Goods and Services
- Section 19: Closures
- Section 20: Participant's Service Record
- Section 21: Protection and Release of Personal Information
- Section 22: Fair Hearing and Mediation procedures
- Section 23: Cooperation With Other Agencies
- Section 24: Formal Case Review Process
- Section 25: Older Individuals Who Are Blind

Brian Patchett moved to approve with amendments to the Policy and Procedure manual.
Scott Youngs seconded. Motion passed.

VII. **DISCUSSION/REPORT ON THE RESULTS OF THE NSRC SATISFACTION SURVEY REGARDING THE REHABILITATION DIVISION SUPPORT TO THE COUNCIL**

Robin reported five out of 14 responses were received. She asked the Council members who had not responded to send her a note or something, even though it would not count, she would still like to hear from everyone to their satisfaction with the Council Support Staff who work very hard correlating the information that is presented at the meetings, public inquiries, printing and mailing of packets, and all communications with the Council members. With this year's survey the Support Staff received a rating of 100%.

VII. **DISCUSSION/REPORT ON THE ENTIRE FFY 2013 STATE PLAN**

Janice John, Deputy Administrator of Program Services began we actually worked together in the Planning Committee on some of the goals that are included in the State Plan. In order for the State to

receive the grant under the rehabilitation act of 1973 as amended and the final regulations, Department of Employment, Training and Rehabilitation's (DETR) Rehabilitation Division must submit to the U.S. Department of Education and obtain approval from the commissioner for Rehabilitation Services Administration (RSA), a State Plan that contains a description of the State's Vocational Rehabilitation Services Program, plans and policies to follow in carrying out the Program in accordance with 34 CFR Part 361. The State Plan must be submitted to the Department of Education by July 1st, 2012.

We have conducted the public meeting which is today (May 15, 2012); we have completed the notifications of our State Plan to the various agencies and posted in several statewide newspapers. The special consultation requirement has also been met by providing the director of the Client Assistance Program with a copy of the State Plan, as well as the Council members, and also the Native American Tribes policies and procedures governing the provision of vocational rehabilitation services under the State Plan, and supported employment services under the supplement to the State Plan.

Janice proceeded to read through the State Plan by sections.

There were no questions until the Supported Employment section was read through.
Jack Mayes brought to the attention of the Council: the fact that there is a legal action pending that was filed in the state of Oregon arguing that there was discrimination under the Americans with Disabilities Act (ADA) by segregating people into sheltered employment programs and not providing adequate resources, such as supported employment.
The Department of Justice has written a brief from the Federal Government supporting that position, that in fact that is discrimination. So if there is a ruling in the court system that may impact Nevada and the amount of services provided in this area. I just want to make sure that everybody is aware that there may become a significant issue focusing on supported employment as a way of moving people out of segregated sheltered workshops. The Federal Government Department of Justice has weighed in, in support, saying that is discrimination. We will see how that rules. Ultimately Nevada may be required to make some changes to address that as well.

(Both Brian Patchett & Scott Youngs had departed the meeting.)

Janice continued the Division was successful in reducing the size of the Plan. Last year we were in the 60s, and I think this year we're 53 (pages?). We are all working to get it leaner and more efficient and thorough State Plan.

Jennifer Kane referring to page 53 of 53, said, it looks like we have an issue, decrease in 2007 with specifically looking at supported employment participants. I noticed under evaluation it talks about Designated State Unit (DSU) used a number of strategies to increase number of applicants and it mentions partnering with other public and private state entities. Jennifer asked is there is anything, through my position at the Department of Education, that we I could be doing to help support this? It mentions that the Rehabilitation Division has come up with a brochure. Who is the target population that you're looking for? Are there other partners sitting on this Council who could potentially help get the word out so we could see improvement in this area?

Janice responded, thank you very much for those comments, that is an excellent idea, and I think we will utilize you. We are brainstorming, trying to again identify where we can get this population working with some of the Community Training Centers (CTC's), the training facilities. And again the transition population, we need to look more closely in working with the school districts and identifying these students earlier so we can increase our numbers in this area. I know in the south we are trying to partner with more job discovery programs, we are looking into that as a source of identifying the students. Again, not waiting until they exit and they enter

into a CTC, but before they leave the school district, identify them. That is our goal. Janice again thanked Jennifer for her offer, and said I think that we probably should have some dialogue about how we might be able to partner with that situation.

XIII. OTHER REPORTS

Kate Osti thanked the Council for allowing her to attend the Spring Council of State Administrators of Vocational Rehabilitation (CSAVR) conference in Baltimore. It was an extraordinary experience, and I learned a lot, I would encourage anybody to take the opportunity to attend. She said she had two CD's with the conference meetings and was willing to share with whomever who like to listen to them.

The Independent Living (IL) Council information, Kate invited the Council members to attend their July 12th meeting. We have a couple of presentations one by the Office of Aging and Disability. The first presentation will be on a proposal that will be taken to the Legislature to ask for a one-time allotment of approximately $1.5 million. This money would allow us to address the waiting list that the Independent Living Program has currently. Right now it is estimated that individuals wait for approximately 18 months to get those services.

The IL Council evaluated an analysis, and feel that this $1.5 million could address just what would eliminate the waiting list, bring us back in compliance with the Olmsted Act, and then from that point forward we would be able to keep the waiting list under control, and not allow it to get that high again.

One thing that is important to point out, if we were able to get that $1.5 million, this does not mean that the IL Council would not be able to ask, in the future, of the Legislature to get an increase in the funding to the program overall.
It is felt by everybody concerned, right now the Legislature is not going to be wanting to hear us asking for a permanent increase in our funding, that one-time allotment. They'd probably barter it a little bit, but we have a better chance of getting the funds we will ask for.

At the July 12, 2012 meeting; there will be a presentation by the Office of Aging and Disability on a proposal to take the Independent Living grant that is given to both Rebuilding All Goals Efficiently (RAGE) and currently in the north is given to Care Chest, to bring those two grants back under the house of the State, back under the Office of Aging and Disability. Aging and Disability would then administrate those funds instead of giving them out.

Jack asked Kate for an update on the Certified Deaf Interpreters (CDI's) the IL Council has been working on locally.

Kate replied we had four individuals three that she heard for sure are out there doing internships. These interns have gone through the training and passed their first rounds of tests, now they need to have some experience, if you will, doing some of the CDI work. If any agency, maybe for an intake or something like that, you can call the Office of Aging and Disability, and they will get you the names of the three individuals depending on if you are in the north or the south, so that we can get them a few hours interpreting before they can get permanently certified. They just need 30 hours of experience as part of their certification.

Kate announced funds are still available, so if anybody knows of an individual who is interested in becoming a CDI, to have them contact the Aging and Disability Services the next course being offered in California again late summer, so something like August or September. The Independent Living Council can pay to fly them out there, they pay for the costs of the tests, and to get them certified.

Jack said my agency has set up a meeting with an individual that has requested a deaf interpreter, and we are using Mr. Jeff Beardsley out of Las Vegas to see if that will work out utilizing one of the interns in training.

Hopefully this may resolve some of the issues of cost in bringing CDIs from out of state. So we're looking forward to that.

XIV. ADMINISTRATOR'S REPORT

Melaine began recent events that are currently the Division is embarking on the budget season, the biennial budget season, and we are constructing the agency request to be submitted to the Governor's Office in first part of September.

She continued with an update on the section 7 situation, where the agency has historically pre-matched funds and been able to bring that funding into the next state fiscal year (SFY), we have about $4 million left; have identified projects, and have been working with the Budget Office, Director Woodbeck is very instrumental in that communication and that relationship, in trying to move this forward to a point where the Division can work with Legislative Council Bureau (LCB) Analysts to come to an agreement, and those work programs. They bring some funding for public relations, we bring some funding to try and get our Rehabilitation Automated Information System of Nevada (RAISON) system paperless. This will have a huge impact on the Division to not have case files and the large contingent to the emergency plan that would really be beneficial and of course improve the efficiencies. We also are looking at some orientation kiosks and some orientation DVDs in that funding. More importantly where does the client service fit in? There is at least a 1.5 million in funding projected to increase our client services. The Division would need that, as we have about 6 or 7 million in SFY 13, where we had 10 to 11 million this year, due to some of the pre-matching issues. Melaine said if anyone has any communication or impact with LCB that would be a great help on June 21st, the Interim Finance Committee (IFC) meeting is when they would be hearing those work programs.

Jack asked the Council Chair Robin Hall-Walker; May I formally ask that the Council be informed when that work item is being heard, so that if any of us wanted to attend we will at least be aware of that?
Robin replied; that's acceptable. Please do.

Melaine thanked Jack, with appreciation for the support.

Melaine continued currently, the Division had $8 million at the first part of October that was pre-match that was not accounted for in the budget, and in February we received approval for approximately $4 million and to subsequently approval to kick off two large projects. One is the vendor rating system in the RAISON system, and that is currently going forward, it should be live July 1st. Where we would get feedback on a variety of levels, data that we already collect, and then we can report on whether we are satisfied with vendors like (tiling as) payment, service report, things like that. The other large project that is underway is community outreach and public relations, which would include some radio spots, TV spots, etc. Those two, again, are some successes in being able to utilize some of this pre-matched money of course we want to use all of it. So the last and final round is underway, and hopefully, June 21st we'll find success for that. That's a lot of money at stake.

The next announcement is Janet Lufrano has accepted the Management Analyst I position, in our analyst unit which provides a great deal of support to the Division to do these types of projects. Janet had been the Program Officer I position prior. So we are lucky to retain her.

Everyone received a letter from Maureen that the Governor has approved the proposal for the re-designation of the Client Assistance Program (CAP); we will keep the Council informed as to the progress on that. It will be put out for a solicitation; the Governor does want competitive bidding for that designation to go forward. That is the next step that the Division is pursuing.

Melaine brought the Council's attention to the Ticket to Work report saying it has been a good year on the reimbursement and were able to draw in a million dollars. States nationally, states revenue, has decreased a bit

in the Ticket to Work program, and it has also has gone through some significant changes that our Division has kept up and complied with, that are effective April 1, 2012, that may improve the revenue stream.

Melaine asked Janice to speak about any performance indicators, state plan goals.

Janice John said we are working well in all our areas with the exception of our placements the Division tends to be a little bit lower on that, but are working hard at addressing it at the state level, at each of the offices. But otherwise we look quite well. Our average hourly earnings, our wages are higher, we're also meeting our minority populations, services to our minority, and the transition is looking good.

Janice continued, the Division had several individuals that had requested fair hearings, but on each one of them they were resolved with the counselor. Another one they totally resolved, so we do not have any hearings scheduled at present
Jack stated he was just reviewing the notices and he was not quite clear on whether the second hearing had been resolved, because the notice we have looks like there was a hearing scheduled for this morning.

Robin responded in regards to the hearing that was scheduled for this morning, we requested a continuation because I am their representative. In the interim, the continuance was granted. However, before the paperwork for the continuance could be mailed out, the client requested withdrew their complaint.

Melaine said she would like to bring forward for the Council's consideration of receiving meeting materials on a CD or a thumb drive, to receive them electronically, rather than large, huge packets on paper version.

Jack responded some cyber security attacks have occurred as a result of thumb drives, and so a lot of larger programs do not allow you to use thumb drives on your computer. As that is how viruses are introduced. Intentionally, or accidentally so I would suggest maybe sending CDs it may be a little safer. You may want to talk to your Information Technology (IT) Department.

Kate Osti responded that she was in support of that and would like to receive her meeting materials electronically.

XV. REPORT ON THE COUNCIL'S STATE FISCAL YEAR 2012 BUDGET AND SUGGESTED ADJUSTMENTS

Melissa Starr presented to the most recent budget update to the Council. She said the Division is getting close to the end of this fiscal year that ends on June 30th the most recent budget update is through April 30th. This is our last Council meeting of this State Fiscal Year (SFY), so some of these projections, may be going down as invoices come in for this one. As mentioned previously, we did have that work program go through, so we do have funding to cover all of our expenditures.

XVI. PUBLIC COMMENTS

Jennifer Kane said in as of July 1st, 2012, the Federal Government has decided to remove the Ability to Benefit Pathway to allow students to access federal financial aid. She said she was just was at a conference in North Carolina last week and asked their National Technical Assistance Providers if there was any new information, and the answer was no, "It's coming". So I don't know, in the interest of time it would be my recommendation that I send to staff the link to the actual letter itself. In states like ours, where we offer a modified diploma, this has huge ramifications for individuals with disabilities and their ability to access federal financial aid. Basically, the way that it worked, when we had the Ability to Benefit Pathway was for students who graduated high school with an adjusted diploma or did not graduate high school, they could take a test at the college, post-

secondary institution level, and they could prove through that test that they had the ability to benefit from post-secondary education and could access federal financial aid.

With the removal of the Ability to Benefit Pathway, come July 1st, as currently written, it leaves the decision up to each individual post-secondary institution to make the determination on whether or not students who graduate with adjusted diplomas in states that offer modified or adjusted diplomas, whether those adjusted diplomas meet the requirements under the law to receive access to federal financial aid. Currently in our state she has seen the two community colleges that are making these decisions on their own, down here in the south, College of Southern Nevada, and up in the north, Truckee Meadows Community College, because it is left up to the individual institutions, at the current time those two institutions have gone different ways on this.

Robin suggested to Jennifer; you send the web address of the national technical assistance providers' letter to support staff and then they can send it out.

Jennifer agreed stating the way it works, the question was, which institution is doing what. This does not impact our four year universities because they do not allow students to graduate with an adjusted diploma and come directly to the four year university. So University of Nevada, Reno (UNR), and University of Nevada, Las Vegas (UNLV), are out of the loop on this. It is our community colleges, where most of our students, individuals with disabilities begin their post-secondary education and training, it really is up to those individual institutions to decide.

Currently, the College of Southern Nevada, have said they are allowing an adjusted diploma to be (the way that the law reads), basically says that students who exit from an accredited high school with a standard diploma, and in parentheses it says "or its equivalent and it gives the example of a General Education Development (GED) for the College of Southern Nevada they added another comma and they put adjusted diploma in there. Meaning that they are going to count it as equivalent, it will not prevent students at their institution from the ability to access federal financial aid.

Truckee Meadows Community College originally released one statement that basically said in order to access federal financial aid, students who graduate with adjusted diplomas would have to go back and earn a GED.

The Nevada Department of Education worked with Washoe County School District (WCSD) to help them work through the changes in the federal funding before announcing a statement which was going to be provided to families at Individualized Education Plan (IEP) meetings. Upon further review, the WCSD re-released a statement to replace the initial statement, which basically says that students who graduate with an adjusted diploma may experience issues in trying to access federal financial aid, and may have to earn a GED in order to do so. They do, however, recommend that students should complete the free application, the Free Application for Federal Student Aid (FAFTA), as most of us know this is changing minute by minute.

The intent would be not to have students receive a message or families receive a message that maybe made them think that it would not be worth their time to go and fill out the FAFTA, when in fact individuals have to complete the FAFTA in order to access other resources and services.

The state Department of Education has stayed as far away from making any kind of guidance or recommendation on this as possible on the record, because as you can imagine there would be the potential for some legal issues potentially with this coming July 1, 2012.

Jennifer added the Department of Education was currently getting ready for the Careers Recreation and Vocational Education (CRAVE) Summer Camp. The students from the north and rural areas were recently selected and they had 16 applicants for 10 spots so they have a wait list, but they are really excited about camp.

My question is this, for the first year ever we are going to hire a professional videographer. We have begun to realize we need to get the word out about some of the amazing work we are doing in our state, and the only way we can do that is through technology, so if anyone on the Council happens to have worked with a videographer we used for our transition summit is from Reno, there is no money in the budget to fly that person down in addition to doing the video and figure out a way to house them and such. Jennifer said she did not have any experience with videographers in the southern part of the state, she asked for assistance with this issue and was pleased to see some people nodding, so thanked them for those recommendations, in advance.

Jack added a couple things he wanted to share. Most notably, the Nevada Disability and Advocacy Law Center (NDALC) were having an open house May 16, 2012 from 1p.m. to 4p.m. at all three of our locations in Reno, Elko and Las Vegas. He continued both the Reno and Elko locations are new, so please drop by to see those. If you have not been to our Las Vegas office, please come visit us there.

Jack announced the NDALC recently received some funding to start a new program providing advocacy services through the Ryan White HIV/AIDS program, so they will be working with that community. The NDALC are doing a lot of attendant care appeals work. So if anybody has heard of individuals upset about their hours being cut, eliminated or decreased, ask them to contact our office because we're getting a lot of requests for that service.

The month of May being Mental Health Awareness month a group of his employees and parents participated in a beautification project at the Northern Nevada Adult Mental Health Services, and so Building one on campus is now fully landscaped and looks nice.

XVII. **ADJOURNMENT**

Robin entertained a motion to adjourn the meeting.
Jack Mayes moved to adjourn.
Jane Gruner seconded. Motion passed.
Meeting adjourned at 12: 45 p.m.

Edited By:

10/12/2012

Melissa Starr, MA II, NSRC Support Staff

Approved By:

10/4/12

Robin Hall-Walker, Chair