

Senate Bill No. 22–Committee on
Human Resources and Education

CHAPTER.....

AN ACT relating to persons with disabilities; creating the Interagency Advisory Board on Transition Services within the Office of Disability Services of the Department of Human Resources to study matters relating to transition services for persons with disabilities who are transitioning from secondary school to adult living; providing for the prospective expiration of the Advisory Board; requiring the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to establish and administer a program to encourage and facilitate the purchase of commodities from certain organizations by agencies of state and local governments; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Disability Services within the Department of Human Resources. The Office provides access to information about available services or programs and administers certain programs that provide services for persons with disabilities. (NRS 426.235)

This bill creates an Interagency Advisory Board on Transition Services within the Office of Disability Services to study and report on services for persons with disabilities who are transitioning from secondary school to adult living. The Advisory Board is created for a limited period and is set to expire on June 30, 2013.

Existing law authorizes the Governor to create a Committee on Employment of Persons with Disabilities. (NRS 334.025) If the Committee is created by the Governor, the Committee is required to establish a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations to assist certain public agencies to purchase commodities and services from organizations whose primary purpose is the training and employment of mentally or physically disabled persons. (NRS 334.025)

This bill removes the authority of the Governor to create a Committee on Employment of Persons with Disabilities for the purpose of establishing a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations. Instead, the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is required to establish and administer the program.

This bill also makes an appropriation from the State General Fund to the Department of Human Resources to carry out the provisions of this act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advisory Board” means the Interagency Advisory Board on Transition Services created by section 7 of this act.*

Sec. 4. *“Committee” means the Strategic Plan for People with Disabilities Accountability Committee established by the Director of the Department as required by Executive Order of the Office of the Governor and in response to the long-term strategic plan concerning persons with disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001, at page 2705.*

Sec. 5. *“State Rehabilitation Council” means the State Rehabilitation Council established pursuant to 29 U.S.C. §§ 725 et seq.*

Sec. 6. *“Transition services” means a coordinated set of activities which:*

1. Is designed within a process that is outcome-oriented and which promotes movement of pupils from school to postschool activities, including, without limitation, postsecondary education, vocational training, supported employment, integrated employment, continuing and adult education, adult services, independent living and community participation;

2. Is based on the preferences and interests of the pupil, taking into account the pupil’s needs;

3. Includes, without limitation:

(a) Instruction;

(b) Related services, including, without limitation, vocational and rehabilitative services;

(c) Community experiences;

(d) The development of employment objectives and other objectives for living as an adult after the completion of school; and

(e) If appropriate, the acquisition of daily living skills and functional vocational evaluation; and

4. Includes an individual plan for employment for a pupil with a disability who is receiving special education services or other related services, if the individual plan for employment is developed:

(a) *In coordination with the plan for the individualized education prepared by the school district pursuant to NRS 395.020, including, without limitation, the goals, objectives and services identified in the plan; and*

(b) *In accordance with the plans, policies, procedures and terms of an interlocal agreement between the school district of the pupil and the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.*

↪ *The term includes special education if provided as specially designed instruction or related services and if required to assist a pupil with a disability to benefit from special education.*

Sec. 7. 1. The Interagency Advisory Board on Transition Services is hereby created in the Office.

2. The Advisory Board consists of the following members:

(a) *The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation;*

(b) *The Superintendent of Public Instruction;*

(c) *A representative of the Division of Child and Family Services of the Department, appointed by the Administrator of the Division of Child and Family Services;*

(d) *A representative of the Division of Mental Health and Developmental Services of the Department, appointed by the Administrator of the Division of Mental Health and Developmental Services;*

(e) *A member of the Committee, appointed by the Governor;*

(f) *A member of the Governor's Workforce Investment Board of the Department of Employment, Training and Rehabilitation, appointed by the Governor;*

(g) *A representative of the Nevada Disability Advocacy and Law Center, or its successor organization, appointed by the Governor;*

(h) *A representative of the Nevada P.E.P., Inc., or its successor organization, appointed by the Governor;*

(i) *A representative of a community-based organization which provides services to persons with physical, cognitive, sensory and mental health disabilities, appointed by the Governor;*

(j) *A representative of the University and Community College System of Nevada or an entity which provides postsecondary education, vocational training, supported employment services, integrated employment services or continuing and adult education, appointed by the Governor;*

(k) *A representative of a program of education, including, without limitation, a program of special or vocational education, in a school district in a county whose population is 400,000 or more, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;*

(l) A representative of a program of education, including, without limitation, a program of special or vocational education in a school district in a county whose population is 100,000 or more but less than 400,000, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(m) A representative of a program of education, including, without limitation, a program of special or vocational education, in a school district in a county whose population is less than 100,000, appointed by the Governor from a list of persons provided to the Governor by the superintendents of schools in such counties;

(n) A person with a disability who has transitioned from a secondary school into the workforce, postsecondary education, vocational training, supported employment, integrated employment, continuing or adult education, adult services, independent living or community participation, appointed by the Governor; and

(o) A parent of a person with a disability who is not younger than 14 years of age or older than 25 years of age, appointed by the Governor.

3. Each member of the Advisory Board who is an officer or employee of the State of Nevada or a local government or agency thereof or a representative of a private entity may designate a representative to serve in his place on the Advisory Board or to replace him at a meeting of the Advisory Board if the person designated has the appropriate knowledge and authority to represent the State of Nevada, local government or agency thereof or private entity, as applicable, and has been approved by the appointing authority.

4. Each appointing authority of a member of the Advisory Board shall:

(a) Solicit recommendations for the appointment of members to the Advisory Board from the Committee; and

(b) Appoint to the Advisory Board persons who represent a broad range of persons with disabilities and entities serving persons with disabilities.

Sec. 8. 1. *The term of each member is 4 years. A member may be reappointed.*

2. A vacancy occurring in the membership of the Advisory Board must be filled in the same manner as the original appointment.

Sec. 9. 1. *The Advisory Board shall:*

(a) At its first meeting and annually thereafter, elect a Chairman and Vice Chairman from among its voting members; and

(b) Meet throughout each year at the times and places specified by a call of the Chairman or a majority of the members of the Advisory Board.

2. The Director of the Office or his designee shall act as the nonvoting recording Secretary.

3. The Advisory Board shall prescribe regulations for its own management and government.

4. A majority of the voting members of the Advisory Board constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the Advisory Board.

Sec. 10. *1. Members of the Advisory Board serve without compensation, except that each member of the Advisory Board is entitled, while engaged in the business of the Advisory Board, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him.*

2. Each member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Board and perform any work necessary to carry out the duties of the Advisory Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Board to make up the time that he is absent from work to carry out his duties as a member of the Advisory Board or to use annual vacation or compensatory time for the absence.

Sec. 11. *The Advisory Board may:*

1. Study and comment on issues related to transition services for persons with disabilities in this State, including, without limitation:

(a) The implementation of recommendations concerning transition services of the Committee and of the State Rehabilitation Council;

(b) Programs for the provision of transition services to persons with disabilities in this State;

(c) Methods to enhance such programs and to ensure that persons with disabilities are receiving transition services in the most appropriate settings;

(d) Federal and state laws concerning transition services for persons with disabilities;

(e) The availability of useful information and data relating to transition services as needed for the State of Nevada to make decisions effectively, plan budgets and monitor costs and outcomes of transition services provided to persons with disabilities;

(f) Methods to increase the availability of such information and data;

(g) Compliance with federal requirements which affect persons who are receiving transition services;

(h) The extent to which transition services in this State are provided in compliance with:

(1) The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and

(2) The Strategic Plan for People with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001, at page 2705; and

(i) Any other matters that, in the determination of the Advisory Board, affect persons with disabilities who are receiving transition services;

2. Hold a statewide annual meeting to gather information and develop recommendations concerning transition services for persons with disabilities; and

3. Promote the planning, coordination, delivery and evaluation of transition services offered by the State or a local government or agency thereof or any private entity in this State.

Sec. 12. *1. On or before July 1 of each year, the Advisory Board shall submit an annual report concerning the provision of transition services to persons with disabilities in this State to:*

(a) The Governor;

(b) The Legislative Committee on Persons With Disabilities;

(c) The Committee;

(d) The State Rehabilitation Council;

(e) The State Board of Education; and

(f) The Department of Education for transmittal to persons within the Department who are working on issues concerning special education.

2. The annual report must include, without limitation:

(a) A list of the members of the Advisory Board;

(b) The dates, agendas and minutes of each of the meetings of the Advisory Board;

(c) Information concerning the activities, findings and recommendations of the Advisory Board;

(d) A status report concerning transition services from:

(1) The Committee; and

(2) The State Rehabilitation Council;

(e) A summary of the availability and status of transition services in this State and the need for transition services in this State;

(f) Recommendations for legislation relating to transition services;

(g) Recommendations to agencies and officers of the Executive Branch of the State Government relating to transition services; and

(h) Recommendations to providers of community-based services who provide services to persons with disabilities relating to transition services.

Sec. 13. NRS 426.205 is hereby amended to read as follows:

426.205 As used in NRS 426.205 to 426.295, inclusive, *and sections 2 to 12, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 426.215 and 426.225 have the meanings ascribed to them in those sections.

Sec. 14. NRS 334.025 is hereby amended to read as follows:

334.025 1. ~~{If the Governor has created a Committee on Employment of Persons with Disabilities, the Committee}~~ *The Rehabilitation Division of the Department of Employment, Training and Rehabilitation* shall establish *and administer* a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations.

2. The Program may include:

(a) A method for assisting an agency that wishes to purchase commodities or services from an organization to locate such commodities and services that meet the needs of the agency;

(b) A method for assisting an organization to locate an agency that wishes to purchase commodities or services from organizations;

(c) A method for encouraging agencies to purchase commodities and services from organizations;

(d) A method to review objections to an award of a contract to an organization, which method must be limited to a review of the process used for awarding the contract to ensure that the appropriate procedures were followed in awarding the contract;

(e) The establishment of a percentage, not to exceed 4 percent, of the full amount of payment to an organization which is awarded a contract for all commodities and services to be provided to the agency pursuant to the contract that is sufficient to pay the cost to the ~~{Committee}~~ *Rehabilitation Division* of establishing and administering the program; and

(f) A method for collecting information from an agency in a report to the ~~{Committee,}~~ *Rehabilitation Division*, which report may include, without limitation:

(1) The number of persons currently employed at the agency who are mentally or physically disabled; and

(2) The number of contracts the agency has entered into pursuant to the program which are currently in effect and a list of the organizations with which the agency has entered such contracts.

3. In administering the Program, the ~~{Committee—on Employment of Persons with Disabilities}~~ *Rehabilitation Division* shall, upon request of an agency or organization, assist the agency or organization in establishing a contract for the purchase of commodities or services.

4. A contract entered into pursuant to the Program must provide for a payment to the ~~{Committee}~~ *Rehabilitation Division* in an amount equal to the full amount of payment to the organization for all commodities and services to be provided to the agency pursuant to the contract multiplied by the percentage established pursuant to paragraph (e) of subsection 2.

5. As used in this section:

(a) “Agency” means a local government as defined in NRS 332.015 and using agencies as defined in NRS 333.020.

(b) “Organization” means an organization whose primary purpose is the training and employment of mentally or physically disabled persons, including, without limitation, community-based training centers for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

Sec. 15. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. On or before July 1 of each year, the Advisory Board shall submit an annual report concerning the provision of transition services to persons with disabilities in this State to:

(a) The Governor;

(b) The *Director of the* Legislative ~~{Committee—on Persons with Disabilities;}~~ *Counsel Bureau for transmittal to the Legislature;*

(c) The Committee;

(d) The State Rehabilitation Council;

(e) The State Board of Education; and

(f) The Department of Education for transmittal to persons within the Department who are working on issues concerning special education.

2. The annual report must include, without limitation:

(a) A list of the members of the Advisory Board;

(b) The dates, agendas and minutes of each of the meetings of the Advisory Board;

(c) Information concerning the activities, findings and recommendations of the Advisory Board;

(d) A status report concerning transition services from:

(1) The Committee; and

- (2) The State Rehabilitation Council;
- (e) A summary of the availability and status of transition services in this State and the need for transition services in this State;
- (f) Recommendations for legislation relating to transition services;
- (g) Recommendations to agencies and officers of the Executive Branch of the State Government relating to transition services; and
- (h) Recommendations to providers of community-based services who provide services to persons with disabilities relating to transition services.

Sec. 16. 1. There is hereby appropriated from the State General Fund to the Department of Human Resources for the purpose of carrying out the provisions of this act:

For the Fiscal Year 2005-2006.....	\$25,909
For the Fiscal Year 2006-2007.....	\$26,254

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 17. The Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall submit a report concerning its progress in establishing and administering a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations pursuant to NRS 334.025, on or before:

- 1. October 1, 2005, to the Legislative Committee on Persons with Disabilities established pursuant to NRS 218.53791; and
- 2. December 31, 2006, to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 18. 1. This section and sections 1 to 14, inclusive, and 17 of this act become effective upon passage and approval and expire by limitation on June 30, 2013.

2. Section 16 of this act becomes effective on July 1, 2005.

3. Section 15 of this act becomes effective on July 1, 2007, and expires by limitation on June 30, 2013.

