

SENATE BILL NO. 22—COMMITTEE ON  
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
PERSONS WITH DISABILITIES)

PREFILED FEBRUARY 3, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes concerning certain programs  
and services for persons with disabilities.  
(BDR 38-689)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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; creating a Committee on Employment of Persons with Disabilities within the Office of Disability Services; requiring the Office of Disability Services to administer a program to encourage and facilitate the purchase of commodities from certain organizations by agencies of state and local governments; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

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



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

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

16 This bill removes the authority of the Governor to create a Committee on  
17 Employment of Persons with Disabilities and instead creates this Committee within  
18 the Office of Disability Services. The Office of Disability Services is required to  
19 administer the Program to Encourage and Facilitate Purchases by Agencies of  
20 Commodities and Services from Organizations which is required to be established  
21 by the Committee.

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

1 **Section 1.** Chapter 426 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 11, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*  
7 *them in those sections.*

8 **Sec. 3.** *“Advisory Board” means the Interagency Advisory*  
9 *Board on Transition Services created by section 6 of this act.*

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

17 **Sec. 5.** *“Transition services” means a coordinated set of*  
18 *activities which:*

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

25 *2. Is based on the preferences and interests of the pupil,*  
26 *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. 6. 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;*



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

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

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

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

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

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

25 (m) A representative of a program of education, including,  
26 without limitation, a program of special or vocational education,  
27 in a school district in a county whose population is less than  
28 100,000, appointed by the Governor from a list of persons provided  
29 to the Governor by the superintendents of schools in such  
30 counties;

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

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

40 3. Each member of the Advisory Board who is an officer or  
41 employee of the State of Nevada or a local government or agency  
42 thereof or a representative of a private entity may designate a  
43 representative to serve in his place on the Advisory Board or to  
44 replace him at a meeting of the Advisory Board if the person



1 *designated has the appropriate knowledge and authority to*  
2 *represent the State of Nevada, local government or agency thereof*  
3 *or private entity, as applicable, and has been approved by the*  
4 *appointing authority.*

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

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

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

12 **Sec. 7. 1. The term of each member is 4 years. A member**  
13 **may be reappointed.**

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

17 **Sec. 8. 1. The Advisory Board shall:**

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

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

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

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

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

33 **Sec. 9. 1. Members of the Advisory Board serve without**  
34 **compensation, except that each member of the Advisory Board is**  
35 **entitled, while engaged in the business of the Advisory Board, to**  
36 **receive the per diem allowance and travel expenses provided for**  
37 **state officers and employees generally.**

38 **2. Each member of the Advisory Board who is an officer or**  
39 **employee of the State of Nevada or a political subdivision of this**  
40 **State must be relieved from his duties without loss of his regular**  
41 **compensation so that he may prepare for and attend meetings of**  
42 **the Advisory Board and perform any work necessary to carry out**  
43 **the duties of the Advisory Board in the most timely manner**  
44 **practicable. A state agency or political subdivision of this State**



1 *shall not require an officer or employee who is a member of the*  
2 *Advisory Board to make up the time that he is absent from work to*  
3 *carry out his duties as a member of the Advisory Board or to use*  
4 *annual vacation or compensatory time for the absence.*

5 **Sec. 10. The Advisory Board may:**

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

9 (a) *The implementation of recommendations concerning*  
10 *transition services of the Committee and of the Governor's*  
11 *Council on Rehabilitation and Employment of People with*  
12 *Disabilities;*

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

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

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

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

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

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

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

30 (1) *The Americans with Disabilities Act of 1990, 42 U.S.C.*  
31 *§§ 12101 et seq.; and*

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

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

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

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



1     **Sec. 11. 1.** *On or before July 1 of each year, the Advisory*  
2 *Board shall submit an annual report concerning the provision of*  
3 *transition services to persons with disabilities in this State to:*

- 4     *(a) The Governor;*  
5     *(b) The Legislative Committee on Persons With Disabilities;*  
6     *(c) The Committee;*  
7     *(d) The Governor's Council on Rehabilitation and*  
8 *Employment of People with Disabilities;*  
9     *(e) The State Board of Education; and*  
10    *(f) The Department of Education for transmittal to persons*  
11 *within the Department who are working on issues concerning*  
12 *special education.*

13    **2.** *The annual report must include, without limitation:*

- 14    *(a) A list of the members of the Advisory Board;*  
15    *(b) The dates, agendas and minutes of each of the meetings of*  
16 *the Advisory Board;*  
17    *(c) Information concerning the activities, findings and*  
18 *recommendations of the Advisory Board;*  
19    *(d) A status report concerning transition services from:*  
20       *(1) The Committee; and*  
21       *(2) The Governor's Council on Rehabilitation and*  
22 *Employment of People with Disabilities;*  
23    *(e) A summary of the availability and status of transition*  
24 *services in this State and the need for transition services in this*  
25 *State;*  
26    *(f) Recommendations for legislation relating to transition*  
27 *services;*  
28    *(g) Recommendations to agencies and officers of the Executive*  
29 *Branch of the State Government relating to transition services;*  
30 *and*  
31    *(h) Recommendations to providers of community-based*  
32 *services who provide services to persons with disabilities relating*  
33 *to transition services.*

34    **Sec. 12.** NRS 426.205 is hereby amended to read as follows:

35    426.205 As used in NRS 426.205 to 426.295, inclusive, *and*  
36 *sections 2 to 11, inclusive, of this act*, unless the context otherwise  
37 requires, the words and terms defined in NRS 426.215 and 426.225  
38 have the meanings ascribed to them in those sections.

39    **Sec. 13.** NRS 426.235 is hereby amended to read as follows:

40    426.235 The Office of Disability Services is hereby created  
41 within the Department. The Office shall:

- 42    1. Provide access to information about services or programs for  
43 persons with disabilities that are available in this State.



1       2. Work with persons with disabilities, persons interested in  
2 matters relating to persons with disabilities and state and local  
3 governmental agencies in:

4       (a) Developing and improving policies of this State concerning  
5 programs or services for persons with disabilities, including, without  
6 limitation, policies concerning the manner in which complaints  
7 relating to services provided pursuant to specific programs should  
8 be addressed; and

9       (b) Making recommendations concerning new policies or  
10 services that may benefit persons with disabilities.

11       3. Serve as a liaison between state governmental agencies that  
12 provide services or programs to persons with disabilities to facilitate  
13 communication and the coordination of information and any other  
14 matters relating to services or programs for persons with disabilities.

15       4. Serve as a liaison between local governmental agencies in  
16 this State that provide services or programs to persons with  
17 disabilities to facilitate communication and the coordination of  
18 information and any other matters relating to services or programs  
19 for persons with disabilities. To inform local governmental agencies  
20 in this State of services and programs of other local governmental  
21 agencies in this State for persons with disabilities pursuant to this  
22 subsection, the Office shall:

23       (a) Provide technical assistance to local governmental agencies,  
24 including, without limitation, assistance in establishing an electronic  
25 network that connects the Office to each of the local governmental  
26 agencies that provides services or programs to persons with  
27 disabilities;

28       (b) Work with counties and other local governmental entities in  
29 this State that do not provide services or programs to persons with  
30 disabilities to establish such services or programs; and

31       (c) Assist local governmental agencies in this State to locate  
32 sources of funding from the Federal Government and other private  
33 and public sources to establish or enhance services or programs for  
34 persons with disabilities.

35       5. Administer the following programs in this State that provide  
36 services for *or benefit* persons with disabilities:

37       (a) The program established pursuant to NRS 426.265, 426.275  
38 and 426.285 to provide financial assistance to persons with physical  
39 disabilities;

40       (b) The programs established pursuant to chapter 426A of NRS  
41 to obtain information concerning traumatic brain injuries and  
42 provide services to persons with traumatic brain injuries;





(c) The program established pursuant to NRS 426.295 to provide devices for telecommunication to deaf persons and persons with impaired speech or hearing;

(d) Any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.;

(e) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq.; ~~and~~

(f) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq. ; *and*

*(g) The Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations created by NRS 334.025.*

6. Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

7. Ensure that state and local governmental agencies comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

8. Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(a) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(b) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

9. Publish a biennial report which:

(a) Reviews the current and projected capacity of:

(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;

(2) Waivers to the State Plan for Medicaid for the provision of home and community-based services in this State;

(3) Services available to persons with disabilities from counties and other local governmental entities in this State; and

(4) Any other services available to persons with disabilities from any governmental or nonprofit agency;

(b) Identifies the costs of existing and new services in the community for persons with disabilities;



(c) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(d) Recommends plans to provide services or programs for persons with disabilities by using the data from any waiting lists of persons seeking such services or programs;

(e) Reports the outcomes of persons with disabilities who have received services for persons with disabilities in this State; and

(f) Reports the progress of the Office in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001.

10. Provide on or before January 15 of each year a report to the Governor and on or before January 15 of each odd-numbered year a report to the Legislature, including, without limitation:

(a) A summary of the activities of the Office for the preceding fiscal year or 2 preceding fiscal years, if the report is provided to the Legislature;

(b) Documentation of significant problems affecting persons with disabilities when accessing public services, if the Office is aware of any such problems;

(c) A summary and analysis of the trends in the systems of care and services available for persons with disabilities; and

(d) Recommendations for improving the ability of the State of Nevada to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

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

334.025 1. ~~If the Governor has~~ *There is hereby* created a Committee on Employment of Persons with Disabilities ~~[, the]~~ *within the Office of Disability Services created pursuant to NRS 426.235. The* Committee shall establish 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 of establishing and administering the program; and

(f) A method for collecting information from an agency in a report to the Committee, 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 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 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 11 of this act is hereby amended to read as follows:

Sec. 11. 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 Governor's Council on Rehabilitation and Employment of People with Disabilities;



1 (e) The State Board of Education; and  
2 (f) The Department of Education for transmittal to  
3 persons within the Department who are working on issues  
4 concerning special education.

5 2. The annual report must include, without limitation:

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

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

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

11 (d) A status report concerning transition services from:

12 (1) The Committee; and

13 (2) The Governor's Council on Rehabilitation and  
14 Employment of People with Disabilities;

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

18 (f) Recommendations for legislation relating to transition  
19 services;

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

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

26 **Sec. 16.** 1. This section and sections 1 to 14, inclusive, of  
27 this act become effective upon passage and approval and expire by  
28 limitation on June 30, 2013.

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

