

SENATE BILL NO. 377—SENATOR HARDY

MARCH 19, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Enacts provisions relating to early intervention services for infants and toddlers with disabilities. (BDR 40-12)

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

~

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

AN ACT relating to public health; enacting provisions relating to early intervention services for infants and toddlers with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The federal Individuals with Disabilities Education Act provides money to
2 states for the education of children with disabilities. (20 U.S.C. §§ 1400 et seq.)
3 Part C of that Act provides money for the provision of services to help infants and
4 toddlers, ages birth through 2 years, who have disabilities or delays in development.
5 (20 U.S.C. §§ 1431 et seq.)

6 **Section 1** of this bill designates the Department of Health and Human Services
7 as the state agency to cooperate with the Federal Government in the administration
8 of Part C in this State. In administering the program to provide early intervention
9 services to eligible infants and toddlers, the Department is authorized to contract
10 with private persons and organizations to provide those services. **Section 2** of this
11 bill requires the Department to enter into contracts with private providers who are
12 willing and able to provide those services in an amount equal to at least 20 percent
13 of the money budgeted for expenditure by the Department for providing those
14 services to eligible infants and toddlers in each fiscal year of the 2007-2009
15 biennium. In addition, in Fiscal Year 2008-2009, the Department is required to
16 enter into contracts with private providers who are willing and able to provide the
17 early intervention services in an amount equal to the money budgeted for
18 expenditure by the Department for providing those services to infants and toddlers
19 who initially enter the program on July 1, 2008.



* S B 3 7 7 *

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department is hereby designated as the agency of this State to cooperate with the duly constituted federal authorities in the administration of Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., which relates to early intervention services for infants and toddlers with disabilities, and is authorized to receive and expend all money made available to the Department by the Federal Government, the State or its political subdivisions, or from any other source for the purposes provided in this section.

2. The Department is hereby designated as the agency of this State to administer a program to provide early intervention services to an infant or toddler with a disability, and to supervise the administration of those services which are not administered directly by the Department.

3. The Department may award one or more contracts to any person that the Department determines to be capable of providing services in a manner that fulfills the goals and objectives of the program.

4. The Department may charge and collect fees for early intervention services provided to an infant or toddler with a disability pursuant to the program in the manner authorized by 34 C.F.R. Part 303.

5. The Department may adopt regulations necessary for the administration of the program, including, without limitation, regulations requiring the submission of periodic reports by persons awarded contracts pursuant to subsection 3.

6. As used in this section:

(a) "Early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.

(b) "Infant or toddler with a disability" has the meaning ascribed to it in 20 U.S.C. § 1432.

Sec. 2. 1. For Fiscal Year 2007-2008, the Department shall, to the extent that there are persons who have been determined capable by the Department to provide early intervention services to infants and toddlers with disabilities in a manner that fulfills the goals and objectives of the program administered pursuant to section 1 of this act and who are willing to provide such services, enter into contracts with such persons in a total amount equal to at least 20 percent of the money budgeted for expenditure by the Department during Fiscal Year 2007-2008, other than for the costs of



* S B 3 7 7 *

1 administration relating to the program, for providing early
2 intervention services to infants and toddlers with disabilities
3 pursuant to the program.

4 2. For Fiscal Year 2008-2009, the Department shall, to the
5 extent that there are persons who have been determined capable by
6 the Department to provide early intervention services to infants and
7 toddlers with disabilities in a manner that fulfills the goals and
8 objectives of the program administered pursuant to section 1 of this
9 act and who are willing to provide such services, enter into contracts
10 with such persons in a total amount equal to at least 20 percent of
11 the money budgeted for expenditure by the Department during
12 Fiscal Year 2008-2009, other than for the costs of administration
13 relating to the program, for providing early intervention services to
14 infants and toddlers with disabilities pursuant to the program.

15 3. For Fiscal Year 2008-2009, the Department shall, to the
16 extent that there are persons who have been determined capable by
17 the Department to provide early intervention services to infants and
18 toddlers with disabilities in a manner that fulfills the goals and
19 objectives of the program administered pursuant to section 1 of this
20 act and who are willing to provide such services, enter into contracts
21 with such persons in an amount equal to the money budgeted for
22 expenditure by the Department during Fiscal Year 2008-2009, other
23 than for the costs of administration relating to the program, for
24 providing early intervention services to infants and toddlers with
25 disabilities for whom services from the program are initially
26 requested on or after July 1, 2008.

27 4. Notwithstanding the provisions of NRS 353.220, the
28 Department is not required to obtain approval of the Interim Finance
29 Committee for revisions to its work program for Budget Account
30 101-3208 as the result of attrition and the elimination of vacant
31 positions to use money authorized for expenditure for personnel
32 costs to pay for early intervention services provided by persons who
33 contract with the Department pursuant to subsection 1 or 2.

34 5. Beginning with the fiscal year that begins on July 1, 2007,
35 the Department shall, at the end of each quarter of each fiscal year
36 of the 2007-2009 biennium, submit to the Interim Finance
37 Committee a report on the activities of the Department related to
38 carrying out this section.

39 6. On or before September 1, 2008, the Department shall
40 submit to the Director of the Legislative Counsel Bureau for
41 transmission to the 75th Session of the Nevada Legislature a report
42 on the activities of the Department related to carrying out this
43 section.

44 7. As used in this section:



* S B 3 7 7 *

1 (a) “Department” means the Department of Health and Human
2 Services.

3 (b) “Early intervention services” has the meaning ascribed to it
4 in 20 U.S.C. § 1432.

5 (c) “Infant or toddler with a disability” has the meaning ascribed
6 to it in 20 U.S.C. § 1432.

7 **Sec. 3.** This act becomes effective on July 1, 2007.

