

MEDIA ALERT



**NEVADA DISABILITY
ADVOCACY & LAW CENTER**

NEVADA'S PROTECTION & ADVOCACY SYSTEM FOR INDIVIDUALS WITH DISABILITIES

FOR IMMEDIATE RELEASE

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STATE FAILS TO PROVIDE SERVICES TO CHILDREN WITH DISABILITIES

Sparks, Nev. (December 5, 2008) - Nevada Disability Advocacy and Law Center (NDALC) is seeking families who are not receiving the Early Intervention Services (EIS) described in their Individual Family Service Plans (IFSPs). Currently, hundreds of eligible families with children under age 3 who have disabilities have a legal right to these services but are still waiting, some as long as a year or more, due to the State's budget crisis.

On July 16, 2008, NDALC filed a Class Administrative Complaint on behalf of all infants and toddlers with disabilities eligible for early intervention services. The Complaint alleged the State's failure to provide timely services, the failure to properly notify parents of their rights and the procedures for filing their own complaints against the State, and the failure of the Department of Health and Human Services (DHHS) to ensure the State met its obligations under Part C of the Individuals With Disabilities Education Act (IDEA).

On November 26, 2008, DHHS responded to the Class Complaint, conceding that they had violated a number of provisions of the IDEA. DHHS admitted that as of the end of September, 463 families and children with developmental delays remained on waiting lists. Further, DHHS admitted that parents were not provided the written notice required by IDEA that would fully inform them of their rights and procedural options, but did not believe they were required to do so since budget shortfalls were the reason services had not been provided.

"We are very aware of the State's budget constraints, but the fact remains that these families and their children are already entitled to services," said Jack Mayes, Executive Director of NDALC. "These children will undoubtedly need services to compensate for the time they've lost in treatment, and it will cost the State more in the long run."

"We are very concerned that the State has not accepted responsibility to immediately inform parents of their rights and explain the procedures for obtaining the services they are already due," said Ruth Miller, Rights Attorney for NDALC. "As the State's protection and advocacy agency for individuals with disabilities, we are obligated to reach out to these families and children. Every family pursuing a claim against the State received services within a relatively short period of time, and we are urging other families entitled to these services to come forward as well."

The full Class Administrative Complaint and DHHS's response can be found online at: www.ndalc.org. Please contact NDALC at one of the following offices for assistance:

Northern and Rural Nevada: (775) 333-7878, Toll Free: 1-800-992-5715
Southern Nevada: (702) 257-8150, Toll Free: 1-888-349-3843

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The Nevada Disability Advocacy & Law Center (NDALC) is a private, non-profit organization that serves as Nevada's federally-mandated protection and advocacy system for individuals with disabilities. NDALC has offices in Las Vegas, Reno/Sparks, and Elko with services provided statewide.