

**Date:** February 19, 2014  
**To:** House Committee on Human Services  
**From:** Ed Paquin, President, VCDR  
**In re.:** Proposal of amendment to H.728

**VCDR supports your efforts in H.728 and would urge the Committee to strengthen the message the bill conveys by including language very much in the spirit of our DD Act that all our citizens should enjoy an equal right to the opportunities our community offers.**

**In our country and our state an equal access to opportunity is not just thought of as a good thing, it is a matter of civil rights. This is beautifully expressed in the federal Developmental Disabilities Act in which Congress finds that:**

“...disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society;...” (42 USC 15001. SEC. 101.)

**The aspirations of Vermont's DD Act are ALMOST as strong, but fall short of clearly expressing that equal opportunity is a matter of right. We believe that the intention of the DD Act could be more clearly stated by amending Title 18 V.S.A. § 8721 to read:**

It is the policy of the state of Vermont that each citizen with a developmental disability shall have a right to the following opportunities:

- (1) To live in a safe environment with respect and dignity.
  - (2) To live with family or in a home of his or her choice.
  - (3) To make choices which affect his or her life.
  - (4) To attend neighborhood schools, be employed, and participate in activities, to the extent that this purpose is not construed to alter or extend rights or responsibilities of federal laws relating to special education.
  - (5) To have access to the community support and services that are available to other citizens.
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**For further reference please note this from the Findings and purpose section of the Americans with Disabilities Act (the ADA):**

42 USC Sec. 12101. Findings and purpose

(a) Findings

The Congress finds that

(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;

(5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or **other opportunities**;

(6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(7) the Nation's proper goals regarding individuals with disabilities are to **assure equality of opportunity**, full participation, independent living, and economic self-sufficiency for such individuals; and

(8) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

***Emphasis added.***