



Vermont Developmental Disabilities Council

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Legislative Platform 2021

The Legislature must apologize for and concretely address the harm done to indigenous Vermonters, Vermonters of color, and Vermonters with disabilities by Vermont's eugenics law.

The Problem: In 1931, the Vermont legislature passed a compulsory sterilization law, the 25th state to do so. A policy based in the pseudo-science of eugenics, the law targeted groups thought to have undesirable traits including Vermonters who had an intellectual disability or mental illness, lived at a state-run institution, or were Abenaki, French Canadian, Black, or poor. Although purported to be voluntary, many of these procedures were coerced. Vermont's eugenics program led to the sterilization of 253 people, mostly women, between 1931 and 1957

The Solution: Joint House Resolution 2 issues an apology for the harm done by the legislature's support for the eugenics movement. H. 96 creates a task force to develop a plan for a full Truth and Reconciliation process that would examine and begin the process of dismantling institutional, structural, and systemic discrimination in Vermont, both past and present

Vermont needs an independent Developmental Services (DS) Advocate, similar to the Long-Term Care Ombudsman which monitors the Choices for Care Program.

The Problem: To ensure high quality services, there need to be checks and balances in any system. People receiving services may be unwilling to bring their concerns forward when the system requires them to speak to the same agency that has created the problem they would like addressed. This creates a conflict of interest. Federal Medicaid rules require that services be delivered free from "undue conflict of interest."

The Solution: Give beneficiaries in the Developmental Services Program the same access to an independent advocate as Vermonters enrolled in the Choices for Care Program. The DS Advocate would: receive, track, and address individual complaints; educate recipients of service about their rights; and advocate for administrative and legislative changes that uphold the right of individuals in the DS System to make informed decisions about where and how they live.

The legislature must lay the groundwork this session for potential terms of renewal for the All Payer Accountable Care (ACO) Model Agreement in 2022. Requiring an independent evaluation of the ACO Model is a critical first step.

The Problem: The current ACO model agreement relies heavily on the participation of Vermont's Medicaid Program. Advocates are concerned that the model has not adequately supported investments in Medicaid Home-and Community-Based Services (HCBS), even though these services are crucial to addressing the social determinants of health. Worse, the current ACO agreement moves toward placing HCBS under financial caps. In a capped system, acute care, which is considered an entitlement for enrolled beneficiaries, would compete for funding with services like community support and case management, which are "optional" under Medicaid.

The Solution: Before the ACO Model Agreement is renewed, lawmakers must require an independent evaluation of the All Payer Model in terms of cost, quality of care, and its impact on the health of Vermonters, especially Vermonters with disabilities.

Vermont must take concrete steps to reduce the use of exclusionary discipline, especially for students with disabilities and BIPOC students.

The Problem: In a 2015 report titled "Kicked Out," researchers found that students in Vermont who have disabilities and BIPOC students are two to three times more likely to be excluded from school through suspension and expulsion. This mirrors national findings that have identified a strong correlation between exclusionary discipline and later involvement with the criminal justice system. The School to Prison Pipeline helps explain the disproportionately high numbers of people of color and people with disabilities who are incarcerated.

The Solution: S. 8 would prohibit the expulsion of a student under eight years of age from school. S. 16 proposes to create a School Discipline Advisory Council to collect and analyze data regarding school discipline in Vermont, with an eye toward tracking and reducing suspension and expulsion.