



VERMONT COALITION FOR DISABILITY RIGHTS

2023 LEGISLATIVE PLATFORM

“We are your Neighbors”

It may not be apparent, but more than a fifth of your constituents are living with disabilities, some obvious, some hidden, and all adding to our unique perspective of living in a world that doesn't always value our perspective. As our society enters the endemic phase of the COVID-19 scourge, people with disabilities remain dealing with the high-risks associated with the disease while the world around us begins to move back to pre-pandemic ways of living. We need to refocus on these challenges so that we can all share in the sense of emergence.

These tense times have been particularly hard on people with disabilities. As the shortage of people working in attendant services there are shortages in all sorts of services that we rely on for therapeutic and daily needs. Market forces have made secure, physically accessible, and affordable housing a challenge, particularly for those of us with fixed or low-incomes. Families who've stepped in to fill gaps see federal support declining and inflation increasing the heavy loads they've borne - and many of us have conditions that make COVID a continuing threat to our health.

The organizations that are part of VCDR hear from our people about the need for tech in their lives, the lack of needed service agency staff, the difficulty of securing affordable - or any - housing, the demoralizing inability to move to community settings after mental health or other crises, and the difficulty of families to ensure their children's education, free from restraint, seclusion or suspension. And this incomplete list doesn't show how these concerns are multiplied for people who already face discrimination, whether it be for their gender, race, LGBTQ, or Indigenous status.

Despite the challenges, Vermonters with disabilities are resilient, strong and hopeful and we ask that you look at our platform as a starting point for working together for a better future for all in our state. We thank all of you, our Senators, and Representatives, for your service and look forward to working with you to ensure that we, your neighbors with disabilities, can share in all of the opportunities for education, work, security, independence and prosperity that our beautiful state offers.

VCDR thanks you for your service to ALL Vermonters!

VCDR hopes that we can assist you throughout the session as you consider issues that affect the lives of your constituents with disabilities

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VCDR thanks members and friends for their contributions and support.

BUDGET & POLICY - CIVIL RIGHTS - EQUITY

Adopt Recommendations of the 2022 Act 35 Task Force on Equitable and Inclusive School Environments Report

VCDR Supports the adoption of the recommendations of the Act 35 Task Force on Equitable and Inclusive School Environments Report. The goal of the Task Force was to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont public and approved independent schools.

These recommendations include: requiring a report to the legislature identifying the number of restraints and seclusions in each school; language to Rule 4500 that would require all schools to report restraints, seclusions and suspensions through data collection; permanent staffing to focus on inclusive school environments as well as an agency committee that would be responsible to create equal and inclusive schools.

Adopt the Occupational Therapist Interstate Compact

VCDR supports adopting an interstate compact for occupational therapists. Occupational therapy practitioners allow people of all ages to live healthy lives by helping them live with an injury, illness, or disability. Common occupational therapy interventions include: Helping children with disabilities to participate fully in school and social situations; helping people recovering from injury to regain skills and providing supports for older adults experiencing physical and cognitive changes.

The OT Compact will allow licensed Occupational Therapists (OTs) and Occupational Therapist Assistants (OTAs) to practice in all states that join the compact. Currently, OTs and OTAs must receive an individual license in each state where they want to practice. Expanding the compact will benefit people with disabilities especially those in isolated and underserved areas.

Special Education Legal Assistance for Families

Families of children with disabilities who are eligible for or on a Section 504 plan or an Individualized Education Program (IEP) at school need legal assistance. While schools always have access to attorneys, many families with few exceptions do not. This makes it hard for families when they disagree with a school over their child's educational program. This would place families on a more level playing field with schools when there is a difference in opinion over educational services for a child with a disability.

VCDR supports: A fully funded full-time special education attorney position at Disability Law Project (DLP) and Pro bono (free of charge) attorneys trained by DLP in special education law.

Timely Implementation of Special Education Rule Changes

Act 175 (H. 716) was passed last legislative session which delayed the implementation of rules 2362 and 2362.2.5 of the State Board of Education Special Education 2360 Rule series until July 1, 2023.

The approved Rule changes would have removed Vermont's operational definition of "adverse effect" in special education and changed special education eligibility for students with Specific Learning Disabilities (SLD). The changes were long overdue and welcomed by parents and advocates. These Rule changes allow earlier special education identification and intervention, especially for students who have mental health challenges, autism and SLD. VCDR supports the implementation of the Rule changes without delay.

Workforce shortages in Education, Mental Health, and Developmental Disability Services

VCDR believes that we must address the severe workforce shortages in the mental health, developmental disability, and education services. The shortages have resulted in crisis situations for many children and adults with disabilities.

Schools face teacher shortages that affect students and their learning. Lack of trained staff and others have received less, fewer or inferior educational services; parents can't hire care providers for their children; emergency departments are seeing more children and adults in crisis because developmental and mental health services are not available. A workforce shortage stops development of new housing models for adults with developmental or intellectual disabilities. The lives of Vermonters with disabilities are at stake unless this extreme staffing shortage is rectified.

Early identification of Dyslexia/Training in Educating Students with Dyslexia

VCDR supports measures for early screening and identification of students suspected of having dyslexia (a learning disability). VCDR supports a proposal that will help identify students with dyslexia and make sure they get the services they need.

Promote Community Integration and Civil Rights Protections for People with Disabilities

VCDR will support legislation that increases efforts to de-institutionalize people with disabilities and will oppose efforts to increase unnecessary institutionalization. VCDR will support legislation that increases services for people with disabilities to thrive in the community and obtain gainful employment.

People with Disabilities in Prison

VCDR advocates for change in the way people with disabilities and mental health conditions are treated in Vermont's prisons.

Segregation is not treatment. Vermont should reduce or eliminate holding of people with mental health conditions in settings so restrictive; prisoners with disabilities should be supported to find safe and supportive community placements so that they can be released from prison when their sentence is over; The state needs to monitor and review the services provided including identifying how much time mental health clinicians are spending with each inmate. The term "segregation" should be amended to include in the definition that includes "for purposes of treatment."

Use of Force in Hospitals and Emergency Departments

VCDR advocates that the Legislature also require hospitals to report the use of EIP's (Emergency Involuntary Procedures) on ALL psychiatric patients, voluntary *and* involuntary. When force is used on an involuntary patient to prevent an injury on a psychiatric unit, the Department of Mental Health (DMH) collects data. VCDR also supports getting this data from Emergency Departments where many people in crisis are held for considerable lengths of time. Use of force against patients and de-identified data should be reported to the Mental Health Care Ombudsman (MHCO) and the EIP Review Committee.

Alternatives for People in Crisis

Other jurisdictions have created alternative models for assisting individuals in crisis. VCDR believes that setting up facilities, largely staffed with peers, whose primary function would be to de-escalate and attend to an individual's human needs would reduce the pressure on Vermont hospitals and reinforce the community basis of our mental health system.

Increase and Develop Alternatives to Police Response

VCDR Supports legislation related to the development of alternatives to the traditional police response to crisis situations involving people with disabilities. Increased efforts, training, and programs of embedded social workers in police departments, development of programs and services that can serve as an alternative to police response, and research into efficacy of different models for handling crisis situations.

Increase Accessible Housing Options, Enhance Available Protections and Supports to Sustain Housing and Include Housing for People with Disabilities in All New and Existing Housing Initiatives

VCDR will support legislation and advocacy efforts to increase the availability of accessible and adequate housing for people with all types of disabilities and that provides better protections and supports for people with disabilities who often experience unlawful discrimination and unstable housing sometimes accomplished through no cause evictions and other conduct. VCDR supports access to affordable housing that maintains the principles of the Developmental Disabilities Act and State System of Care Plan in designing new housing options for people served in developmental system.

People with disabilities and people housing people with disabilities, like shared living providers and family members, need funds to make modifications for access. The programs that fund improvements for property owners who house formerly unhoused people should be expanded to include funding access modifications for people with disabilities and people who provide housing to people with disabilities.

Financial Support for Peer Initiatives, Organizations, and Projects

The state should continue and expand support for Peer initiative Organizations “of, by and for” people with disabilities. VCDR supports advocacy within the budget process for adequate funding of organizations and projects like: Vermont Psychiatric Survivors, the Green Mountain Self-Advocates, Another Way Community Center, Alyssum, Pathways VT, Deaf Peer Services, Vermont Center for Independent Living, Vermont Family Network, Vermont Federation of Families for Children’s Mental Health, the Peer Workforce Development Initiative, and other developing peer-run services. This also includes developing peer support positions within the Designated Agencies and within psychiatric inpatient unit staff.

Protection and Quality Assurance for People in Community Placements

Vermont can be proud of its community-based services, but are there enough protections from abuse or neglect built into the system? We have seen the vulnerability of people with mental health issues and developmental disabilities who often live in small, isolated settings. VCDR believes that the Departments of Mental Health (DMH) and VT Department

of Disabilities, Aging and Independent Living (DAIL) should be required to share *all* Critical Incident Reports no matter the setting, or whether the Designated Agencies are responsible for the administration of the facility with Vermont's Mental Health Care Ombudsman and Protection and Advocacy System (P&A) - Disability Rights Vermont (DRVT) to assure independent oversight and quality assurance that is currently lacking. Federal law gives the P&A access to settings where people with disabilities receive services, the reporting should include non-institutional and private home settings. Vermont should create and fund a Developmental Disability and Traumatic Brain Injury Ombudsman Office to ensure appropriate oversight and quality assurance across all disability types.

Protections for Victims of Crime with Disabilities

People with disabilities are much more likely to be victims of crime and most people with disabilities who have been a victim will be victimized again. Vermont's current laws do not adequately protect the rights of victims and in particular those with disabilities. In addition to a general effort to strengthen the laws that already exist, VCDR would support the need to revise rules that (presumably inadvertently) left out of its protection's crimes specifically against vulnerable adults.

Independent Advocate for Developmental Services

VCDR believes Vermont must provide an independent advocate for individuals served by the Developmental Services System, similar to the Long-Term Care Ombudsman Service that is available to people served by the Choices for Care program. Vermont's Disability Law Project provides this service today but is not adequately funded. A fully funded 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.

Annual Rate Adjustments for Home and Community-Based Services Workforce

Direct support professionals and other frontline staff must be paid wages that reflect the critical and challenging work they do. Wage increases must be supported overtime and cannot be based entirely on one-time funds.

The legislature must immediately raise the wages for all licensed and non-licensed healthcare workers who provide direct support, home health and other related services. Further, the legislature must ensure these rates are reviewed annually and increased as necessary to maintain a viable workforce for people with disabilities.

VCDR supports a 10% Medicaid Rate increase for Community-based Mental Health, Developmental and Substance Use Services to address high staff vacancy and turnover which impedes access to quality services.

Quality and Oversight in Home and Community Based Service

Improve the quality and oversight of Vermont's Medicaid Funded Home and Community Based Services. Require the Agency of Human Services to follow Medicaid rules when they take effect.

Increase Denture Coverage

Dentures make adequate nutrition possible and are important for the overall health of individuals who have a disability. VCDR believes that private insurance and Medicaid should be required to provide reasonable levels of coverage for dentures.

Renew Participant Directed Attendant Services Program (PDAC) and End the Waiting List

This vitally important program is funded by Vermont's general fund revenues. Funding has been frozen for several years and the program needs to accept new applications. The program can mean the difference between Vermonters having to impoverish themselves to be eligible for other attendant services programs or retaining employment and thus maintaining their independence. VCDR supports renewing the PDAC program and ending the waiting list.

Pandemic Equity

COVID-19 pandemic has exposed and exacerbated longstanding equity issues for people with disabilities and other groups, including Persons of Color, Black, Indigenous, and LGBTQI individuals. The pandemic is not over and while many have begun to move away from talking about the pandemic, people with disabilities remain at higher risk and this has become a civil rights issue. VCDR supports ensuring that people with disabilities have equitable access to their community.