



U.S. DEPARTMENT OF JUSTICE FINDS VIRGINIA IN VIOLATION OF THE ADA FOR NOT HAVING SUFFICIENT COMMUNITY SERVICES

THEN: 6,000 WAITING

for a Medicaid Waiver to access the supports they need to live inclusively in their own homes and communities.



People Waiting



2020

PROVIDER CAPACITY



**NOW:
13,000 WAITING**



Over 3,000 of those waiting are PRIORITY 1 with URGENT NEEDS

In his December 15, 2019 Report to the Court overseeing the DOJ Settlement Agreement, the Independent Reviewer's first listed cause for the slowed implementation was,

"The community-based service system has insufficient staff and provider capacity"

#OURTIMEHASCOME

Invest in "A Life Like Yours" for All Virginians with Developmental Disabilities

SOLUTIONS

STABILIZE THE SYSTEM BY FUNDING PRIORITY 1

Decrease costs over time, by funding Priority 1 and intervening before people are in crisis

INCREASE RATES FOR WAIVER SERVICES



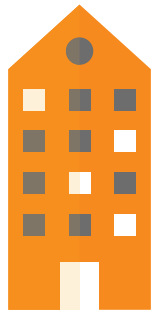
Reimbursement rates that would create an inclusive service base, are too low for Providers to begin or sustain community services.

Action is required to adequately provide the right types of capacity to meet the needs -- and build the support system that will **finally bring Virginia into full compliance with, and satisfy, the DOJ Settlement Agreement.**



the **INCLUSION PENALTY**

Supported Living is a service that supports someone in their home up to 24 hours per day, yet the reimbursement rate is 30% less than supporting that same person in a group home



RAISE THE RATES!

Independent living

Supported living

In home

Community engagement/
coaching

Sponsored residential

Nursing

Respite

Personal care

Day Support

Group Home



FULLY FUND PRIORITY 1

Item #313 8h Item #313 19s



RAISE THE RATES

Item #313 44h Item #313 54s



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2020 LEGISLATIVE PRIORITIES

FURTHERING INCLUSIVE EDUCATION

Requires the Department of Education and relevant local school boards to develop and implement a pilot program for up to four years in two to eight local school divisions in the Commonwealth. In developing the pilot, the Department is required to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting. The bill requires the Department of Education to make a report to the Governor, the Senate Committees on Education and Health and Finance, and the House Committees on Education and Appropriations on the findings of each pilot program after two and four years.

HB 49 (McNamara, Adams, Aird), SB 128 (Suetterlein, Vogel)

- Since the first study by the Commission on Youth that examined spending by the Office of Children's Services for private special education placements, school division representatives serving on workgroups and offering comment have repeatedly stated that they would prefer to serve the children they have placed in a private special education school in their communities in a public school.
- School divisions should be supported in identifying specific training, staffing, or other services needed in order to build the capacity to return students to public school or to prevent out-of-school placements of students whose parents wish to keep them in a public school.
- Current CSA funding methods systematically incentivize the most restrictive environments for students.



Ensuring Comprehensive Family Life Education for Students with Developmental Disabilities

Instructs the Department of Education to establish guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others.

HB 134 (Runion) SB 186 (Dunnavant, Boysko, McClellan)

- Currently Family Life Education is not geared toward students with developmental disabilities. This lack of education puts people with developmental disabilities at risk of abuse.
- Without proper education, individuals are also at a higher risk of becoming offenders due to inappropriate behaviors.
- This legislation will not remove parental opt-out or other autonomous decisions of IEP teams; rather, it will simply ensure that appropriate Family Life Education is considered for each student.

Recognition and Diversion in the Criminal Justice System

Creates policy on directing and allowing courts to withhold imposition of a sentence, for cases involving defendants with autism and intellectual and developmental disabilities, and place conditions on the defendant that, when met, allow for the charges to be dismissed.

Internal Policy - HB 659 (Hope) | Recognition & Diversion - SB 133 (Stuart)

- People with disabilities are more likely to be arrested, charged with a crime, and serve longer prison sentences once convicted, than those without disabilities.
- Lack of proper education regarding healthy relationships, proper boundaries and social norms, leads to individuals with I/DD having a higher risk of becoming offenders due to inappropriate behaviors.
- The consequences of a finding of guilt has a greater impact on the life of a person with an intellectual or developmental disability, as it impedes their ability to receive services and supports usually available to a person with I/DD to assist them in living their daily lives.

INDIVIDUALS WITH I/DD ARE SUBJECT TO ABUSE AND EXPLOITATION WHEN INCARCERATED AND DENIED EITHER ALTERNATIVES TO INCARCERATION OR APPROPRIATE HABILITATION PROGRAMS THAT WOULD ADDRESS THEIR INTELLECTUAL DISABILITY, AND/OR BEHAVIOR, AND HELP THEM RETURN SAFELY TO THE COMMUNITY.

In Partnership With



The Arc of Virginia partners with, *Legal Reform for People Intellectually & Developmentally Disabled*, an organization made up of parents whose children have suffered injustices in the Criminal Justice System in Virginia

Achieve With Us.

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