



COMMONWEALTH COUNCIL ON
DEVELOPMENTAL
DISABILITIES

LEGISLATIVE PRIORITIES
2022-2023 POLICY STATEMENTS



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CIVIL RIGHTS

STATEMENT:

All people, regardless of ability, are entitled to equal human and civil rights.

These rights include the rights to autonomy, dignity, family, justice, life, liberty, personal relationships, equality, self-determination, community participation, property, health, well-being, access to voting, equality of opportunity, and others recognized by law or international declarations, conventions, or standards.

All people with intellectual or other developmental disabilities must have the right to supports they need to exercise and ensure their human and civil rights.

POSITION:

CCDD supports legislation, policy, and practices that:

- Advance integrated communities that support individuals with disabilities and welcome their contributions.
- Promote the right to personal relationships and intimacy regardless of their gender identity.
- Protect and promote stronger enforcement of the Americans with Disabilities Act.
- Promote self-determination and integration in the community.
- Protect the rights of people with disabilities across the lifespan.
- Protect the rights of individuals with disabilities to vote.
- Recognize that guardianship should not be based solely on the diagnosis of intellectual or other developmental disability.
- Individuals with I/DD should be afforded the same parental rights as individuals without I/DD.



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EDUCATION

STATEMENT:

Inclusive education policies, starting with early childcare settings and continuing through postsecondary education, are necessary to assist Kentuckians with I/DD in reaching their full potential.

POSITION:

CCDD supports legislation, policy, and practices that advance:

- Early intervention services for children with developmental delays and disabilities.
- Equal access to the general education environment and curriculum.
- Appropriate accommodations across all educational settings.
- Safe, inclusive classrooms.
- An Individualized Education Plan (IEP) and Section 504 Plans.
- Protections for a student from improper discipline, restraint and isolation practices.
- Equal access to Kentucky's charter school system.
- Services for students who are transitioning from school to career or additional studies.
- Opportunities for post-secondary education and training.

IEP Defined: The coordinated set of activities shall be based on the individual pupil's needs, taking into account the pupil's preferences and interests, and shall include instruction, community experience, the development of employment and other post-school adult living objectives and, if appropriate, acquisition of daily living skills and functional vocational evaluation. KRS 157.200 to 157.290

504 Plan Defined: Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. Any student who has a mental or physical impairment that substantially limits a child's ability to receive an appropriate education may be considered to have "impairment" under Section 504. Section 504 of the Rehabilitation Act of 1973



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HOUSING

STATEMENT:

Individuals with I/DD have a right to safe, accessible, and affordable housing in the community.

POSITION:

CCDD supports legislation, policy, and practices that advance these beliefs:

- Individuals with I/DD may be at risk of unnecessary institutionalization or homelessness due to lack of affordable, accessible housing.
- Individuals must have freedom, authority and support to exercise control over their housing, including choice of where and with whom they live, inclusive living, privacy within their homes, access to flexible supports and services, choice in daily routines and activities, freedom to come and go as they please and housing that reflects their personal preferences and styles. Providers should honor individual choices and preferences.
- Adults with I/DD should receive the supports they need to transition out of the family home when they wish to do so.
- Housing for individuals with I/DD must be coordinated with home and community-based support systems, including transportation services, and should ensure access to other typical public resources.
- Housing for individuals with disabilities should be integrated within local neighborhoods and communities.
- Public funds must be shifted from restrictive institutional settings to community supports.
- Universal design and visitability standards should be adopted for all new housing. New and significantly renovated multi-family housing should include fully accessible units in numbers that reflect the natural proportion of individuals with disabilities in the general population.
- Individuals with I/DD must have opportunities comparable to those of individuals without disabilities to rent or buy their own homes.



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LONG-TERM SERVICES & SUPPORTS

The Home and Community Based Services (HCBS) waiver program provides services and supports to adults and children with disabilities to help them continue to live in or return to their own homes. These waiver services are essential lifelines for individuals with developmental disabilities. They are more cost-effective than institutions and promote self-determination.

1915(c) Home and Community Based Services Waiver – HCBS Waivers provide supports such as personal care, healthcare, mobility, housekeeping assistance, transportation, therapy, socialization & respite care.

STATEMENT:

Home and Community Based Waiver Services (HCBS) support the ability of individuals to live life on their own terms, are more cost effective than institutions, and promote self-determination.

POSITION:

CCDD supports legislation, policy and practices that:

- Provide access to community living for all.
- Support the ability of individuals to make their own choices about how, where and with whom they choose to live.
- Allow access to a full range of accommodations necessary to ensure that living in their community is possible.
- Allow services to minor children in their home or setting of their choice.
- Include individuals with disabilities and family members as stakeholders in HCBS.
- Reduce the number of individuals waiting for services for community living.
- Promote the independence of individuals with disabilities across the lifespan.
- Allow for individuals who have medically complex needs, require the flexibility to access the needed services based on their personal needs and the ability to be supported in a community setting when appropriate.
- Create greater choices for individuals with medically complex needs including exceptional services.



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Dignity in Healthcare

STATEMENT:

The CCDD believes that all individuals with intellectual and developmental disabilities (I/DD) should be treated with respect and have access to affordable healthcare in their community.

All individuals deserve equal access to high quality, affordable, and reliable healthcare - regardless of ability or disability. Access to that healthcare has been shown to increase life expectancy by an average of 13 years, while maintaining a high quality of life. CCDD hopes to make it easier for the I/DD community to access that healthcare while also pushing for advancements in the care available in the following ways:

POSITION :

- Medicaid waivers in the Commonwealth of Kentucky need to be improved.
- Prevent discrimination in health care programs against individuals with developmental and other disabilities.
- Enable people with disabilities to fully participate in the nation's health care system.
- Support patients and medical professionals in creating personalized treatment by incorporating a diversity of products and delivery methods.
- Support a healthcare system that provides the most appropriate and effective services with the least amount of administrative waste.
- Develop policies to ensure that health professionals receive specialized training
- Recognize the right of individuals with disabilities to make a decision about health care.
- Medical professionals should be able to recommend alternative treatments, including medicinal cannabis, as a treatment option when appropriate.
- Support medical and behavioral healthcare policies and services that meet the needs of individuals with developmental disabilities.



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SUBMINIMUM WAGE

Subminimum wages (less than the minimum wage) paid under the Fair Labor Standards Act (FLSA) to individuals with intellectual and other developmental disabilities have negative financial, emotional and economic impacts.

Individuals employed at a subminimum wage experience greater financial hardships and barriers to everyday needs as opposed to those paid at minimum wage.

Several states have begun the transition to competitive integrated employment for individuals with I/DD.

The CCDD supports policies for earning a living wage through competitive, integrated employment; as this is the first and preferred option for working-age individuals with disabilities.

STATEMENT:

Paying sub-minimum wages to individuals with intellectual and other disabilities violates their civil rights and hinders their inclusion in the workplace and the wider economy.

POSITION:

CCDD supports legislation, policy and practices that:

- Eliminate subminimum wages paid to individuals with I/DD.
- increase the opportunities for competitive, integrated employment for individuals with I/DD.
- Shape and influence policies on employment to increase social, civic, and economic contributions of people with intellectual and other developmental disabilities.
- Ensure that competitive, integrated work be the first and preferred option for Kentuckians with disabilities of working age who want to be employed.
- Educate both private and public sector employers about the hiring and accommodating of individuals with disabilities and the benefits of doing so.
- Support public-private partnerships to increase the employment of individuals with disabilities.



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SUPPORTED DECISION-MAKING

Supported decision-making (SDM) allows individuals with disabilities to make choices about their own lives with support from a team of people. Individuals with disabilities choose people they know and trust to be part of a support network to help with decision-making. Supported decision-making should be considered for the person as an alternative to guardianship. If guardianship is necessary, supported decision-making principles should be part of the guardianship.

STATEMENT:

SDM principles allow individuals to stay in control of their lives while receiving the help and assistance they need to do so, thus reducing the need for full guardianship.

POSITION:

CCDD supports legislation, policy and practices that:

- Include SDM as a tool when considering guardianship.
- Recognize that SDM is based on the idea of self-determination. This means that an individual directs the plan for their own life.
- Promote guardianship as a last resort.

Self-determination is an international concept for all people everywhere. Relationships and interdependence in our communities are essential. All people can be self-determined even those perceived to have the most severe disabilities, who may or may not communicate with traditional speech. The first step is building those connections and relationships. - Kentucky Cabinet for Health and Family Services Department for Behavioral Health, Developmental and Intellectual Disabilities.



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TRANSPORTATION

STATEMENT:

Reliable, accessible, and affordable access to transportation is critical to ensure people with I/DD are fully included in all aspects of their communities.

POSITION:

CCDD supports legislation, policy, and practices that advance:

- Increases in the flexibility and growth in available transportation options throughout Kentucky for all constituents, including those in rural areas.
- Public transportation that is adequately funded and available.
- Existing public transportation that is accessible, available in a timely manner and equipped to meet the physical, sensory and or cognitive needs of all individuals.
- The availability of paratransit systems for those who need them at comparable cost and funded as an alternative to mass transportation.
- The options of owning and operating a vehicle.
- Transportation as a vital component of successful employment.

Although federal and state legislation encourages more people with all types of disabilities to go to work, getting to work requires transportation. Inadequate transportation inhibits community involvement. Those living in rural areas often face the greatest challenges of all due to lack of public transportation and long distances between destinations.

Freedom of movement is essential for independent living, engaging in productive self-sustaining activities and most importantly, for full participation in the communities of one's choice.

In the disability community, there is a lack of sufficient access to transportation.



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