

Health

The Council is concerned about the very lives of people who are generally perceived to have a lower social status, particularly those who have developmental disabilities. Therefore, we uphold the principle that people with developmental disabilities should receive the same standards of medical care and access to all legal medical treatment as others in the community. We reject limitations of treatment policies directed at people with impairments.

Further the Council will safeguard against policies that seek to hasten death by medical professionals who have the authority to judge the value of a person's life by invoking "quality of life" concerns.

The Council will advocate for legislation that requires emergency personnel and first responders to receive training about developmental disabilities as part of their continuing education in order to more effectively and safely support those individuals during a crisis situation.

Alternatives to Guardianship

The Council will advocate for the use of alternatives to guardianship such as limited guardianship and supported decision making for people with developmental disabilities. The Council also advocates for the training of appointed counsel, mental hygiene commissioners, and judges on the necessity to explore least restrictive alternatives that preserve as many decision-making rights as possible for a person with a disability.

Public Funding

The Council will continue to advocate for the restoration of, and increases in, State and Federal funding necessary to maintain or enhance critical support services allowing people with developmental disabilities to live, learn, work, and fully participate in the community. The Council will support legislation that allows for the re-direction of Medicaid and other funding from segregated facilities and programs to integrated community services and supports.

Olmstead Implementation

The Council will advocate for the full implementation of the State *Olmstead* Plan as approved by the Governor in October of 2005. This is WV's plan to comply with the *Olmstead* decision rendered by the US Supreme Court in June 1999, which mandates that people with disabilities have the right to receive state administered services, programs, and activities "in the most integrated settings." People with disabilities are to be given the opportunity to leave nursing homes, long term care facilities, ICF/IIDs, other group homes, and psychiatric hospitals in order to live integrated lives in communities around the state.

2019 Legislative Statements continued

Education

The Council will advocate for full enforcement of the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), Workforce Innovation and Opportunity Act (WIOA), and other relevant laws and policies that result in ALL students with disabilities being educated in the least restrictive environment with access to general education curriculum, appropriate assessments, and the services and supports needed to succeed.

The Council is concerned that students with developmental disabilities, particularly students of a minority race or ethnicity, and/or lower socio-economic status are being harmed by suspension and expulsion due to their behavior that is likely related to their disability. The U.S. Department of Education's Office of Civil Rights has recognized that removal from school does not reduce or eliminate the reoccurrence of misbehavior and has stressed the need for positive behavior supports.

The Council will advocate for safeguards for students with developmental disabilities from being suspended or expelled unnecessarily, and to ensure that these students receive a free and appropriate public education with the supports they need.

Employment

The Council will advocate for "Employment First" legislation that requires responsible state agencies to pursue and promote valued, integrated employment with competitive wages as the first and preferred outcome for ALL people with developmental disabilities who want to work. We assert employment is an outcome, not a program.

The Council will support policies, initiatives, and services that lead to more employment and other meaningful community-based activities when people are not working.

The Council will advocate for tax breaks and other incentives that encourage employers to hire people with developmental disabilities, and will advocate to phase out subminimum wage for people with disabilities.

For additional information, please contact us.

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West Virginia
Developmental Disabilities Council