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| Nevada Governor’s Council on Developmental Disabilities |

Policy Priorities for the 2023
Nevada Legislative SessionEXPERIENCE BASED INFORMED CHOICE FOR ALL!

# INTRODUCTION

**The Nevada Governor’s Council on Developmental Disabilities (NGCDD)** engages in advocacy, system’s change, and capacity building activities for people with **intellectual and developmental disabilities (I/DD)** and their families to promote equal opportunity, self-determination, and community inclusion.

# OUR FEDERAL MANDATE

The NGCDD is a self-governing organization authorized in accordance with Public Law 106-402 of the Federal Developmental Disabilities Assistance and Bill of Rights Act (DD Act) and established under NRS 232.320.

We are charged with identifying the most pressing needs of people with I/DD in Nevada and developing innovative and cost-effective ways to advance advocacy through public policy, capacity building and systems change in a manner that upholds human and civil value. Councils must include, at minimum, 60% people with I/DD and their family members.

## Federal law outlines a unique role for state Councils including:

* Serving as an independent advisor to the Governor and legislature to “educate,” “advise” or “inform” Federal, State, and local policymakers.
* Engaging in advocacy, capacity building, and systems change activities to improve self-determination, independence, productivity, integration, and inclusion in all facets of community life for people with I/DD.
* Engaging with people with I/DD and their families to understand pressing needs and identify emerging issues impacting the state’s I/DD community.
* Funding innovative projects that test best practices or demonstrate new approaches to inform policies and practices that lead to greater independence and self-sufficiency for people with I/DD.
* Encouraging citizen engagement and participation to ensure people with I/DD are part of decisions that affect their lives.

Key activities include conducting outreach, identifying needs, facilitating communication and partnerships, providing training and technical assistance, monitoring state services, developing and funding innovative and cost-effective projects, removing barriers, developing coalitions, encouraging citizen participation, and keeping policymakers informed about disability issues.

# 2021-2026 STATE PLAN

Councils are required to conduct a comprehensive review and analysis of the needs, services and supports for individuals with I/DD in their state to inform their Five-Year State Plan. Federal law mandates the plan address some or all of the Areas of Emphasis established by Congress. The findings led to the three goals (listed below), which are broken down further through twelve objectives and over 30 activities. Results from our survey and our complete five-year state plan can be found on our website: [www.nevadaddcouncil.org](http://www.nevadaddcouncil.org/)

1. Individuals with I/DD and/or family members of individuals with I/DD will be able to make more informed decisions about their lives by improving access to information on services, supports and rights.
2. Individuals with I/DD will have the information, education, and training necessary to participate in local and state advocacy and policy making activities.
3. Develop and strengthen systems that improve quality services and access to quality services and supports for individuals with I/DD and their families.

# LEGISLATIVE INITIATIVES

It is more vital than ever that state and local governments adhere to the principles established by landmark Federal legislation for people with disabilities; the Developmental Disabilities Assistance and Bill of Rights Act (DD Act), Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA). These laws embody the central values that, “Disability is a natural part of the human experience that does not diminish the right of individuals with disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.”

To further the promise of the Americans with Disabilities Act and the U.S. Supreme Court’s Olmstead decision, programs which provide supports and services must be aligned with the principles of encouraging and supporting non-discrimination, full, meaningful inclusion in community life and economic self-sufficiency. These are the benchmarks that lead to a self-determined, tax paying, contributing member of society.

# POSITIONS ON KEY AREAS OF IMPORTANCE TO PEOPLE WITH I/DD

The foundation for our 2023 Policy Priorities is built on our Federal mandates, mission statement, current policies and position statements:

## ACCESSIBILITY

Accessibility involves much more than providing ramps, it is the key element of inclusion and the baseline of equal service. Accessibility refers to the design of environments, products, and services that facilitate access for people with Intellectual and Developmental Disabilities (I/DD) to the same level of independence and privacy as anyone else. Ensuring effective access to information and services isn’t only about meeting legal requirements or satisfying a policy checklist - it is about constantly striving to expand meaningful participation for all.

Providing equal access to all individuals with disabilities is the key element of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1992 (ADA). The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, requiring State and local governments communicate as effectively with people who have I/DD as someone without.

The Nevada Governor’s Council on Developmental Disabilities (NGCDD) supports and promotes the right of individuals with I/DD to meaningful participation and equal access to information, products, and services through universal, accessible design.

### Policy Recommendations:

* Promote the inclusion of accessible technologies, and the need for universal, accessible design through education and practices that dispel the myths and misguided understanding of what accessibility is and is not.
* Promote equal access to services and environments by encouraging the adoption of universal design principles and implementing accessible, inclusive practices into all aspects of public engagement.
* Work with the Nevada Legislature and the State of Nevada to mandate training for all State of Nevada employees on the need for accessibility as well as how to create and maintain accessible content.
* Work with the Nevada Legislature and the State of Nevada to mandate the development of inclusive public meeting protocols across all state entities and require training for state employees on approaches.
* Work with the Nevada Legislature and the State of Nevada to mandate a review of procedures and policies to ensure they are consistent with inclusive and accessible goals.

## COMMUNITY SUPPORTS

Over 5.4 million children and adults have developmental disabilities, and most of them live at home with their families. However, they often receive too few, if any, services, and face long waiting lists for needed supports.

The Nevada Governor’s Council on Developmental Disabilities (NGCDD) believes that people with developmental disabilities should receive community supports to allow them to live in the setting of their choice to enable them to participate fully in their community life. Children with developmental disabilities should remain with their family or an alternative family model and receive the necessary supports to enhance community living.

### Policy Recommendations:

* Change state services and programs to reflect the preference for community-based services versus institutional living.
* Address inequities in access to and funding for direct support caregiver services for all disability populations; including increasing wages for direct support professionals to create a more stable and qualified workforce.
* Ensure the availability of respite care for families with members of all ages and disabilities.
* Promote the use of special needs trusts to financially assist families with disability related expenses to empower people with developmental disabilities to become more self-sufficient and promote the use of asset development.
* Remove waiting lists for community living options by increasing financial and other supportive resources.
* Ensure the rapid movement of individuals with developmental disabilities from institutions to community options with necessary supports and the transfer of the individuals’ funds to the community programs.

## EMPLOYMENT

Working aged people with developmental and other disabilities are among the most unemployed and underemployed segments of our society. Too often, unemployment is often accepted as an inevitable result of living with a significant developmental disability. Employment is the avenue to independence and increased socialization for individuals with developmental disabilities.

The Nevada Governor’ Council on Developmental Disabilities (NGCDD) believes that individuals with developmental disabilities who can and want to work should have access to the resources and supports necessary to gain and maintain meaningful community-based employment.

### Policy Recommendations:

* Remove barriers that create disincentives for people with developmental disabilities to find and maintain competitive employment (employment includes supported employment, job training and job coaching) with competitive wages in the community. These barriers may include transportation, flexible options for on the job supports, and continued or potential health care benefits.
* Implement “Employment First” policies that transform the expectations of state agencies, service providers and people with developmental disabilities. Under “Employment First’, the expectation is that a person with a developmental or other disability can and wants to work, and a successful outcome is finding these individuals meaningful and gainful employment that meets their needs and interests by tailoring services to help them succeed in the workforce.
* Fully fund the state vocational rehabilitation (VR) program that are significantly underfunded to meet the employment needs of individuals with severe disabilities who need VR services to obtain employment.
* Engage the private sector to raise awareness about and support for inclusion of people with developmental disabilities in the workforce and provide training, incentives, and other supports to the business community to increase hiring of people with developmental disabilities.
* Increase, maintain, or reallocate funding for transition to work programs that successfully assist young people with developmental disabilities as they age out of education settings and prepare to seek, gain and maintain meaningful employment. Increase accountability at the local level to assure that students have jobs when they graduate.
* Strengthen funding for self-employment initiatives that enable people with developmental disabilities to start their own businesses and/or be self-employed.
* Adopt proactive polices by federal, state, and local government agencies to recruit, hire, train, and mentor people with developmental disabilities.
* Provide incentives to employers to support integrated, community employment at minimum wage or above.

## GUARDIANSHIP AND SUPPORTED DECISION MAKING

Guardianship is a legal proceeding that can remove civil rights and privileges of an individual by assigning control of his or her life, or aspects of their life to someone else.

Many options, other than guardianship, are available to provide counsel, guidance, and assistance with making decisions. The principles of Informed Choice, Person Centered Planning and Self-Determination dictate that adults with intellectual/developmental disabilities (I/DD) are respected and supported in making their own life decisions. Individuals who can make life decisions with support from others around them should be enabled to do so.

Supported decision-making is recognized as a less restrictive alternative to guardianship; whereby, trusted supporters are afforded the legal status to be with the adult, participate in discussions, help gather and evaluate information, consider, and communicate decisions so individuals with I/DD understand the situations and choices they face and can make their own decisions without the need for a guardian.

The Nevada Governor’s Council on Developmental Disabilities (NGCDD) supports the rights of individuals with I/DD to direct their own lives to the maximum of their abilities through changes to the guardianship system in Nevada that promotes the best practices of Person-Centered Planning, Informed Choice, and Self Determination through Supported Decision Making.

### Policy Recommendations:

* Empower individuals by applying the principles of Self-Determination, Informed Choice and Person-Centered practices in all aspects of their life.
* Educational and training material about alternatives to guardianship should be provided to people with I/DD, trusted supporters, educational, medical, financial, legal, and other professionals in order to ensure consistency and opportunity across the state.
* Support legislation that promotes Supported Decision-Making options to be considered as alternatives to guardianship.

## HEALTH CARE

Individuals with intellectual and developmental disabilities (I/DD) are more likely to experience early death, chronic conditions, and preventable health, dental and vision problems, compared to persons without disabilities. Even with limited access to affordable care, people with I/DD often have difficulty recognizing and communicating their own health care needs. Moreover, there is a significant shortage of qualified, trained health care professionals who are prepared and willing to treat them.

The NGCDD believes that comprehensive health care must provide affordable health, dental and vision care coverage, improved quality, and better cost control, while addressing the significant health and health care disparities faced by individuals with developmental disabilities. In addition to improving access to quality medical care for persons with I/DD, the health care system must improve the way our State provides long term services and supports related to all systems of health care such as referrals to affordable and qualified medical professionals, education on preventative health measures, assistance, and supervision with activities of daily living, taking medication, and preparing meals.

### Policy Recommendations:

* Access to affordable health dental and vision care coverage for Nevadans with developmental disabilities, removing any bias based on pre-existing conditions, congenital impairments, or whether the intervention is habilitative or rehabilitative in nature.
* Assure greater access to quality care by health care providers trained to meet the medical needs of individuals with developmental disabilities.
* Provide appropriate, accessible health, dental and vision care for individuals with developmental disabilities.
* Ensure all policies and programs result in the creation of equal treatment in health-related services to all individuals.
* Beginning in youth, encourage inclusion of individuals with I/DD in education, prevention and wellness programs for over-all health, dental and vision care.
* Develop and strengthen the “medical home” model to meet the health, dental and vision care needs of individuals with I/DD.
* Support the development and continuation of programs that provide education to optometrists and dental professionals on the needs of individuals with I/DD.

## HOUSING

Across the nation, people with I/DD face a severe crisis in the availability of decent, safe, affordable, and accessible housing. Nevada continues to promote inclusion for people with I/DD to live in their communities and guard against return to congregate facilities or other institutions.

The Nevada Governor’ Council on Developmental Disabilities (NGCDD) believes that citizens with developmental disabilities should live in inclusive, safe and affordable communities of their choice and be provided with the needed individualized supports and accommodations.

### Policy Recommendations:

* Increase the supply of affordable and accessible housing options that are integrated in the community, including temporary housing, rental housing and/or home ownership, to meet the growing unmet needs of people with disabilities and their families.
* Significantly increase funding for and protect the integrity of HUD programs, U.S. Department of Agriculture housing programs, as well as all other federal/state housing programs providing funding for people with disabilities.
* Provide funding to address the need for safe, affordable, and accessible emergency housing for individuals with disabilities.
* Remove barriers that prevent people from temporary housing, rental housing, or buying their own homes.
* Require that projects developed with public funds and apply design standards identical to those in Section 504 of the Rehabilitation Act.
* Eliminate discrimination based on disabilities in all sales, rental, and other non-assisted living accommodations.
* Encourage adoption of universal design as new units are built or remodeled to include key financing stakeholders.

**TRANSPARENCY, ACCOUNTABILITY, AND INCLUSION**

Transparency, accountability, and inclusion are essential to ensure those with disabilities receive quality services. This involves advocacy, capacity building, and systemic change activities resulting in improved choice in consumer and family-centered services for individuals with developmental disabilities. Activities include interagency coordination and collection of data resulting in improved services, supports, and other assistance. Such activities promote self-determination, independence, productivity, and inclusion in all aspects of community life for individuals with developmental disabilities.

The Nevada Governor’s Council on Developmental Disabilities (NGCDD) believes individuals with developmental disabilities must define their own quality of life/services. All service systems, such as education, employment, health, housing, childcare, recreation, transportation, and any other system that impacts persons with developmental disabilities, should provide transparency with the services they provide. This includes identifying problems and making improvements that enhance the quality of life for people with developmental disabilities.

**Policy Recommendations:**

* Support compliance with all laws, certification requirements, licensing standards, and contractual obligations.
* Promote and support individuals to find and maintain relationships with people in their communities beyond paid providers and caregivers.
* Ensure access to home and community-based services and supports that are planned and implemented in keeping with each individual’s unique needs, expressed preferences, and decisions concerning his/her life in the community.
* Empower individuals by embracing the principles of self-determination and applying person centered practices.
* Demand statewide transparency from information management systems that assist in collection, tracking, trending, and analysis of meaningful personal outcomes.
* Ensure access to information and supports necessary to affect public policy at the local, state, and national levels.
* Ensure access to information about services and supports that individuals & families need to make informed choices.
* Empower individuals by supporting the independent living philosophy which is based on the belief that persons with disabilities have the same basic human rights as persons without disabilities to participate in and contribute to community life.

## TRANSPORTATION

Within our society, freedom of movement is a fundamental right. However, it remains a largely unfulfilled promise for citizens with disabilities. Millions of Americans with developmental disabilities have difficulties obtaining transportation that serves as a vital lifeline to employment, education, health care and community life.

The Nevada Governor’s Council on Developmental Disabilities (NGCDD) believes that all publicly funded and/or regulated transportation service systems must be: seamlessly coordinated among all modes of transportation; expanded in suburban, urban, rural and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.; incorporated with mobility management and training services for individuals with developmental disabilities; designed to appropriately address insurance and liability of vehicles and operators who serve in a coordinated transportation environment, including non-profit providers); based on principles of universal design; supported by stable and adequate funding; and fully accessible to all people with developmental disabilities.

### Policy Recommendations:

* Increase funding for mass transit programs (including paratransit).
* Encourage pooled use of vehicles purchased so that underutilized vehicles may be shared.
* Simplify the coordinated planning process for the programs that serve people with developmental disabilities and create transparency and accountability.
* Promote incentives that encourage greater mobility for people with developmental disabilities.
* Advocate that transportation providers to have up to 15% of their fleet include accessible vans/taxi cabs – and require training for drivers on how to assist passengers with developmental disabilities.
* Support coordinated human services and public transportation planning process and its structure.
* Encourage use of uniform data collection to evaluate customer satisfaction and to support coordination of transportation efforts.

**VOTING**

Voting is a fundamental civil right for Americans to have a voice in choosing the elected officials whose decisions impact our lives, families, and communities. Individuals with intellectual and developmental disabilities (I/DD) are more likely to experience difficulties in registering to vote, requesting absentee ballots, and casting their vote, compared to persons without disabilities. Even with limited access to Americans with Disabilities Act (ADA) compliant machines, many poll workers are unfamiliar with and unable to provide instruction to someone with a disability on how to properly use the machine. When assistance is provided, it is often without the privacy of the individual’s vote in mind.

Several federal laws recognize and protect the right of people with disabilities to vote. They set standards to ensure access to polling places and to permit assistance to voters where it is needed. The Help America Vote Act of 2002 (HAVA) requires jurisdictions responsible for conducting federal elections to provide at least one accessible voting system for persons with disabilities at each polling place in federal elections. The accessible voting system must provide the same opportunity for access and participation, including privacy and independence, that other voters receive. Universal accessibility creates a world that does not separate anyone based on their abilities. The fundamental problem is that voters with disabilities are being offered a “separate but equal” approach to voting, and as such “separate” is not equal.

The NGCDD advocates for accessible, effective, and efficient election processes at all levels, that have a universal design for all voters.

**Policy Recommendations:**

* Access to working ADA compliant machines at all polling locations, with polling workers trained and available to assist, if requested.
* Access to private and equal locations for individuals to cast their ballots.
* Ensure all policies and programs result in the creation of equal treatment and access to all universally designed voting related services to all individuals.
* Access to reasonable voting hours and expanded transportation hours to accommodate public transportation users and/or voters who work.
* Develop and strengthen inclusive laws that protect the right to vote, easy access to voting machines, easy voter registration and absentee ballot requests, reasonable hours to vote which reflect the needs of working voters, and elimination of government ID barriers to voting.
* Beginning in youth, encourage inclusion of individuals with I/DD in all levels of voting and education on voting rights in schools.
* Develop and strengthen all currently available polling locations and machines in Nevada.
* Strengthen and encourage use of currently available Nevada's Effective Absentee System for Elections (NVEASE), which can be accessed at www.nvease.gov.
* Support the development and continuation of voting options that provide people with I/DD with multiple options to register to vote, request absentee ballots, and to cast their ballots.

Nevada Governor’s Council on Developmental Disabilities

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