

Report on the Interim Activity of the Virginia Disability Commission 2021

Members

Legislative Members:

Delegate Kaye Kory, Chair
Senator Barbara A. Favola, Vice Chair
Delegate Dawn M. Adams
Delegate Patrick A. Hope
Delegate Robert D. Orrock, Sr.
Senator Ghazala F. Hashmi

Citizen Members:

Conner Cummings
Teresa Elder
Amy Laufer
John Tolleris
John Toscano

Staff:

Anna Moir, Attorney, Division of Legislative Services
Trevor Merrion, Staff Associate, Division of Legislative Services

Website:

<http://dls.virginia.gov/commissions/vdc.htm>

BACKGROUND

The Virginia Disability Commission is the legislative body charged with identifying and recommending legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with disabilities.

OVERVIEW

The Virginia Disability Commission met once during the 2021 Interim. The meeting was held electronically on June 30, 2021, and included public comment followed by member discussion. The summary for that meeting may be found below.

Virginia Disability Commission

June 30, 2021, at 9:30 a.m.

Electronic Meeting

<http://dls.virginia.gov/commissions/vdc.htm>

The Virginia Disability Commission (the Commission) met electronically with Delegate Kaye Kory, chair, presiding.¹ The meeting began with introductions and opening remarks followed by public comment and member discussion.

Opening Remarks

Delegate Kory

Delegate Kory began the meeting by outlining the purpose of the Commission. She further explained that the purpose of the meeting was to solicit input on items to include in the Commission's 2021 Work Plan.

Public Comment

A grassroots advocate with LEAD-K (Language Equality & Acquisition for Deaf Kids) requested the Commission support a bill based on SB 1741 (Edwards) from the 2019 Session of the General Assembly, which sought to (i) establish language milestones for children who are deaf or hard of hearing from birth to age 5 to improve their readiness for kindergarten and (ii) enhance access to related resources for parents and educators. She also requested better access to American Sign Language interpreters at the General Assembly, without these interpreters being a financial burden to legislators' offices, and more information about how the Commission's fund for "communication access" is currently being used.

An individual from Brunswick County also submitted a written comment requesting funds to (a) improve closed captioning for committee meetings and (b) provide live interpreters when someone from the deaf community wants to talk to his legislator face-to-face.

Member Discussion

The members discussed issues to be included in the Commission's 2021 Work Plan, including the following:

SB 1741 (Edwards, 2019)

Delegate Kory expressed her intention to communicate with the Joint Commission on Health Care about a bill based on [SB 1741](#), relating to the establishment of language milestones for children who are deaf or hard of hearing, and plans to provide further information at the Commission's future meetings.

¹ **Members Present:** Delegate Kaye Kory (chair), Senator Barbara A. Favola (vice-chair), Senator Ghazala F. Hashmi, Delegate Dawn M. Adams, Delegate Patrick A. Hope, Teresa Elder, Amy Laufer, John Tolleris, John Toscano

Members Absent: Delegate Robert D. Orrock, Sr., Conner Cummings

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HB 2140 (Guzman, 2021 Special Session I)

Delegate Kory mentioned [HB 2140](#), which directs the Department of Human Resource Management to create an alternative application process for the employment of persons with a disability, and her intention to stay informed on developments related to the implementation of this legislation.

Joint Legislative Audit and Review Commission (JLARC) Study of K-12 Education in the Commonwealth

Members expressed an interest in developing work plan items and potential legislation based on JLARC's study of K-12 education in the Commonwealth (available [here](#)) and highlighted some of the study's findings as points of focus, including:

- Despite emphasis on inclusion, Virginia does not prepare general education teachers or administrators with necessary special education-related skills;
- Shortcomings in post–high school transition planning require Department of Education intervention; and
- "Applied studies diploma" for students with disabilities does not help students access future opportunities and is not well understood.

Other special education issues explored in the discussion included:

- Standardizing the process by which individual education plans (commonly referred to as IEPs) are formulated across the Commonwealth, while also looking for ways to ensure that parents are more involved in the process;
- Requiring private schools to have their special education programs certified by the state; and
- Creating better standards for evaluation that would enable more disabled individuals to qualify for community college and other academic programs.

Members discussed the possibility of hearing presentations from JLARC staff and other relevant education experts to learn more about these issues.

Family Member Caregiver Support through the Medicaid Waiver Program

Members noted that current Medicaid regulations prohibit family members of an individual who qualifies for a Medicaid waiver from receiving compensation as that individual's caregiver. They noted that this restriction often places an undue burden on families that have difficulty finding adequate caregiver support or that have made sacrifices in other ways to support the family member with a disability. Members also noted that during the COVID-19 pandemic these regulations were lifted and that California has already passed legislation permitting family members of an individual who qualifies for a Medicaid waiver to serve as that individual's caregiver. Members suggested the Commission develop legislation that would enable family members of an individual in the Medicaid waiver program to be compensated for serving as the individual's caregiver, while emphasizing the importance of including language to prevent abuse of the system.

Members discussed the possibility of hearing a presentation from representatives of the Department of Medical Assistance Services to learn more about the Medicaid waiver process and its rules.

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Accommodating Individuals with Disabilities at Public Facilities and State Parks

Senator Ghazala F. Hashmi reiterated her interest in ensuring that public facilities and state parks are able to accommodate individuals with disabilities. Members noted that a letter could be sent to state agencies to determine which guidelines are currently in place for accommodating individuals with disabilities.

Budget Requests for the 2021 Special Session II of the General Assembly

Members discussed items to propose prior to the 2021 Special Session II of the General Assembly to be considered for funding through the American Rescue Plan Act of 2021. Members identified (i) school infrastructure upgrades and school modernization efforts, (ii) streamlined access to special education programs and services, and (iii) the expansion of broadband Internet throughout the Commonwealth as appropriate objectives for these funds that would benefit disabled members of the community.

Members discussed the possibility of the Commission sending a letter to the Governor to underscore its support for expanding broadband Internet throughout the Commonwealth.

Removing "handicap" and "handicapped" from the Code of Virginia

Delegate Patrick A. Hope reiterated his interest in exploring the possibility of removing the words "handicap" and "handicapped" from the Code of Virginia.

For more information, see the [Commission's website](#) or contact the Division of Legislative Services staff:

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