

Report on the Interim Activity of the Virginia Disability Commission 2024

Members

Legislative Members:

Delegate Amy J. Laufer, Chair
Senator Barbara A. Favola, Vice Chair
Senator Ghazala F. Hashmi
Delegate Laura Jane Cohen
Delegate Patrick A. Hope
Delegate Phillip A. Scott

Citizen Members:

Gayl Brunk
Conner Cummings
Ann Flippin
John Tolleris
Tom Vandever

Staff

Hannah Yates, Attorney, Division of Legislative Services
Trevor Merrion, Senior 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 (the Commission) met four times during the 2024 study year.

The first meeting was held on May 30, 2024, and included (i) the election of Delegate Amy J. Laufer as chair and Senator Barbara A. Favola as vice chair, (ii) a review of the work plan for the 2024 study year, (iii) a presentation on legislation affecting the disability community from the 2024 Session of the General Assembly, and (iv) member discussion.

The second meeting was held on August 15, 2024, and included presentations on (a) the Department of Medical Assistance Services' fee-for-service and managed care organization non-emergency medical transportation program, (b) Jaunt, Inc., and transit solutions for Central Virginia, and (c) guardianship and voting concerns shared by REV UP Virginia, as well as member discussion and public comment. At the August 15, 2024, meeting, a motion was put forth that the chair of the Commission send a letter to the Department of Rail and Public Transportation asking for feedback on the recommendations presented by Mike Murphy, chief executive officer of Jaunt, Inc. The motion passed unanimously.

The third meeting was held on September 24, 2024, and included presentations on (1) updates to the Virginia Freedom of Information Act regarding electronic meeting participation and all-virtual public meetings and the proposed electronic meeting policy for the Commission, (2) county efforts on housing affordability for individuals with disabilities, (3) updates to subminimum wage employment and related workforce development programs, and (4) Melwood and employment services organizations in the Commonwealth. At the September 24, 2024, meeting, a motion was put forth that the Commission adopt the proposed electronic meeting policy. The motion passed unanimously.

The fourth meeting was held on November 21, 2024, and included presentations on (A) Department for Aging and Rehabilitative Services' pre-employment transition services and PreETS.org website, (B) the Virginia Individualized Education Program (VAIEP) (C) the Medicaid Works program, and (D) the State Council of Higher Education for Virginia's report on the processes for determining eligibility for disability services at institutions of higher education, as well as public comment. At the November 21, 2024, meeting, the Commission unanimously adopted eight recommendations that had been considered during the 2024 study year.

The Commission's recommendations and motions from the 2024 study year are outlined in the table below. Full summaries of the meetings, including member discussion and public comment, are also available below.

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COMMISSION RECOMMENDATIONS AND MOTIONS OF 2024 STUDY YEAR

#	Source	Recommendation or Motion	Background	Fiscal Impact	Vote
1	Senator Favola	<p>VDC chair sends a letter to the Department of Rail and Public Transportation (DRPT) asking for feedback on the following recommendations discussed by Mike Murphy, CEO of Jaunt, Inc.:</p> <ul style="list-style-type: none"> i. Increase funding for state-level procurement at the DRPT for ride scheduling software that is accessible by all transit entities to enhance transit services, simplify access, and create a more seamless experience for riders with disabilities; ii. Provide DRPT with resources to ensure that quality organizational development resources are accessible by all transit entities; and iii. Provide DRPT with resources to create a work group that develops and publishes best practices policies, especially as they relate to rural communities. 	<p>State support with purchasing scheduling software, providing organizational development resources, and defining best practices may alleviate financial, regulatory, and training burdens on localities.</p>	None	Adopted unanimously at the August meeting.
2	Delegate Laufer	<p>Adopt the policy for electronic meeting participation and all-virtual public meetings as presented by Hannah Yates, staff attorney, Division of Legislative Services, at the Commission's September meeting (available here).</p>	<p>The proposed electronic meeting policy before the Commission was based on the Virginia Freedom of Information Advisory Council's model policy.</p>	None	Adopted unanimously at the September meeting.

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3	Jaunt	<p>Explore ways to fund transportation for individuals with disabilities in transportation desert areas.</p> <p>Recommendation: Direct the Department of Transportation to study ways to fund transportation for individuals with disabilities in transportation desert areas.</p>	Lack of transportation options for individuals with disabilities continues to be a challenge for rural areas.	None	Adopted unanimously at the November meeting.
4	Jaunt	<p>Incentivize local government transit investments with grant programs for expanded transportation services for individuals with disabilities.</p> <p>Recommendation: Direct the Joint Legislative Audit and Review Commission (JLARC) to study ways in which grant programs could be used to help incentivize localities to expand their transportation services for individuals with disabilities.</p>	Grant funds could help localities with the initial costs of expanding transportation services for individuals with disabilities and be phased out over time.	None	Adopted unanimously at the November meeting.
5	Delegate Laufer	<p>Explore how regional programs or partnerships could be used to enhance transportation for individuals with disabilities in rural areas.</p> <p>Recommendation: Direct JLARC to study ways in which regional programs or partnerships could be used to enhance transportation for individuals with disabilities in rural areas.</p>	Jaunt and other similar regional partnerships are models for enhancing transportation for individuals with disabilities that may be viable in other rural areas.	None	Adopted unanimously at the November meeting.
6	REV UP Virginia	<p>Training relating to the voting rights of individuals with disabilities may benefit attorneys, guardians ad litem, and judges.</p> <p>Recommendation: Incorporate training about the voting rights of individuals with disabilities into the training that is already required for attorneys, guardians ad litem, and judges involved with guardianship hearings as well as into training for officers of election.</p>	Individuals with disabilities have experienced "de facto poll tests" when seeking to maintain their right to vote while going through the guardianship process.	Some funding required	Adopted unanimously at the November meeting.

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7	Senator Favola	<p>Recommendation: Introduce a bill that provides that a finding that a person is incapacitated in a proceeding for guardianship or conservatorship shall not be synonymous with a finding that such person is "mentally incompetent," as such term is used in relevant law, and therefore not qualified to vote in accordance with the provisions of the Constitution of Virginia.</p>	<p>The proposed bill requires a court to make a finding of mental incompetence by clear and convincing evidence that the person is unable to communicate, with or without accommodations, an interest in participation in the voting process. The bill applies to those findings of mental incompetence made on or after July 1, 2025, and allows for individuals who were found to be mentally incompetent prior to July 1, 2025, to file a petition for a court to review such finding in accordance with the provisions of the bill.</p>		<p>Adopted unanimously at the November meeting.</p>
8	Delegate Hope	<p>Explore ways to incentivize local governments and community services boards to commit local funds to develop supportive housing for individuals with disabilities.</p> <p>Recommendation: Direct JLARC to study ways to incentivize local governments to create more supportive housing for individuals with disabilities.</p>	<p>State funds designated for supportive housing services for individuals with disabilities have not been fully utilized.</p>	None	<p>Adopted unanimously at the November meeting.</p>
9	Melwood and ServiceSource	<p>Leverage state and local procurement to create jobs for individuals with disabilities.</p> <p>Recommendation: VDC chair sends a letter to the Department of General Services requesting they publish a guidance document for state procurement officials outlining current state laws and options around procurement from employment services organizations (ESOs).</p>	<p>Virginia already has the authority to allow ESOs such as Melwood to earn contracts without going through the full competitive bidding process, though awareness of this authority could be improved.</p>	Some funding required	<p>Adopted unanimously at the November meeting.</p>

10	Melwood and ServiceSource	<p>Sections 2.2-1605, 2.2-1606, and 2.2-1610 of the Code of the Virginia and the Department of Small Business and Supplier Diversity (DSBSD) regulation should conform with § 2.2-4310 of the Code of Virginia.</p> <p>Recommendation: Introduce a bill that does the following:</p> <ul style="list-style-type: none"> i. Inserts ESOs reference into § 2.2-1605 (Powers and Duties of DSBSD); ii. Inserts ESOs reference into § 2.2-1606 (Powers of the Director of DSBSD); iii. Inserts ESOs reference into § 2.2-1610 (Reports and collection of data by DSBSD); and iv. Includes language directing DSBSD to update its regulation, 7VAC13 Preface in the Virginia Administrative Code, to specifically reference ESOs. 	<p>Section 2.2-4310 in the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) specifically references ESOs in addition to small, women and minority-owned (SWaM) businesses to facilitate participation in procurement transactions and assigns responsibility for SWaMs to DSBSD. However, Article 1 (§ 2.2-1603 et seq.) of Chapter 16.1 of Title 2.2 of the Code of Virginia that governs DSBSD only references ESOs with regard to SWaM certification procedures; ESOs are not specifically referenced in the language governing the operations of DSBSD, including SWaM planning, reporting, and data collection. The DSBSD regulation also lacks specificity with regard to ESOs and the responsibilities of DSBSD.</p>		Adopted unanimously at the November meeting.
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MEETING SUMMARIES

Report on the Interim Activity of the Virginia Disability Commission – 2024

May 30, 2024, at 2:00 p.m.

General Assembly Building, Senate Room 305 / A

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

The Report on the Interim Activity of the Virginia Disability Commission – 2024 (the Commission) met in Richmond with Senator Barbara A. Favola, chair, presiding initially, and Delegate Amy J. Laufer, chair, presiding after the election of the chair.¹ The meeting included the election of the chair and vice-chair, a presentation on the 2024 legislation affecting the disability community, a review of the work plan for the 2024 study year, and member discussion. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

Election of the Chair and Vice-Chair

The Commission unanimously elected Delegate Laufer as the new chair of the Commission and unanimously elected Senator Favola as the new vice-chair of the Commission.

Review of the Work Plan for the 2024 Study Year

The proposed work plan for the 2024 study year includes meetings in July, September, and November 2024. The proposed topics for the July meeting include housing, transportation, and voting, and the meeting will potentially include presentations from the Virginia Housing Commission, the Virginia Association of Counties, Jaunt, Inc., and REV UP Virginia. The proposed topic for the September meeting is workforce development, and the meeting will potentially include presentations from the Department for Aging and Rehabilitative Services, the Department of Behavioral Health and Developmental Services, and Project SEARCH. The proposed topic for the November 2024 meeting is status updates on legislation, including recommendations from the 2024 study year. November's meeting will potentially include status updates from the Department of Education, the State Council of Higher Education for Virginia, and the Department of Medical Assistance Services on 2024 legislation impacting Medicaid waivers and the Medicaid Works work group.

Presentation: Review of 2024 Legislation Affecting the Disability Community

Hannah Yates, Staff Attorney, Division of Legislative Services

Ms. Yates gave an overview of the legislation from the 2024 session of the General Assembly that affects the disability community, reviewing changes and updates to Medicaid and Medicaid

¹ **Members Present:** Delegate Amy J. Laufer (chair), Senator Barbara A. Favola (vice-chair), Senator Ghazala F. Hashmi, Delegate Patrick A. Hope, Delegate Phillip A. Scott, Delegate Laura Jane Cohen, Gayl Brunk, Conner Cummings, Ann Flippin, John Tolleris, and Tom Vandever

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waivers, education, voting, civil commitment, the Virginia Freedom of Information Act, disabled parking placards, and law-enforcement training.

Member Discussion

Gayl Brunk offered on behalf of the Centers for Independent Living that the organization could assist with the Medicaid Works work group, the State Council of Higher Education for Virginia's study of the disability accommodation process, and training for election officers on voting outside of a polling place. Members discussed the success of collaborating with other groups that work on behalf of people with disabilities and expressed a desire to continue those collaborative efforts. A suggestion was made that the Commission collaborate with the Department of Health's Rare Disease Council in the future. Members then discussed potential topics for the Commission to review, such as issues related to standards of learning assessments for children with Individualized Education Programs and offering supplemental services to individuals on waitlists for certain waivers. Members discussed the Autism Advisory Council, which was reestablished pursuant to SB 389 (Pekarsky, 2024). Information regarding board and commission appointments, as well as a link to the application to serve on boards and commissions, including the Autism Advisory Council, can be found [*here*](#).

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Report on the Interim Activity of the Virginia Disability Commission – 2024

August 15, 2024, at 2:00 p.m.

General Assembly Building, House Room B-205

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

The Report on the Interim Activity of the Virginia Disability Commission – 2024 (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.² The meeting included presentations, member discussion, and public comment. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

Presentation: Department of Medical Assistance Services Fee-For-Service and Managed Care Organization Non-Emergency Medical Transportation Program

Aaron Moore, Manager, Transportation Management Services Unit, Virginia Department of Social Services

Mr. Moore provided a brief overview of Medicaid and the Department of Medical Assistance Services' Transportation Management Services Unit (TMSU) before discussing the Non-Emergency Medical Transportation (NEMT) programs available as a Medicaid benefit to both fee-for-service (FFS) and managed care organization (MCO) members. He noted that the FFS and five MCOs each work with contracted NEMT transportation brokers, and that each transportation broker may have multiple NEMT contracts with the same provider network. He explained that the TMSU oversees the NEMT programs to ensure safety, consistency, and reliability, utilizing data and transportation information management software to monitor and evaluate the transportation brokers. He enumerated the responsibilities the transportation brokers are expected to fulfill to guarantee excellent customer service. He shared several NEMT program metrics, noting that trips for individuals with intellectual and developmental disability waivers typically represent 42–45 percent of all NEMT trips, though this figure has been slightly lower in the years following the COVID-19 pandemic. Members responded with a number of questions relating to various aspects of the presentation.

Presentation: Jaunt: Transit Solutions for Central Virginia

Mike Murphy, Chief Executive Officer, Jaunt, Inc.

Mr. Murphy explained that Jaunt is a public service corporation owned by five governmental entities, including Albemarle, Louisa, Nelson, and Fluvanna Counties and the City of Charlottesville, which serves those jurisdictions as well as Greene and Buckingham Counties and area nonprofit agencies. Jaunt provides complementary paratransit services in the form of fixed-route services connecting Charlottesville to the surrounding counties and circulating services within specific counties. He highlighted that Jaunt's purpose is to support independent living and

² **Members Present:** Delegate Amy J. Laufer (chair), Senator Barbara A. Favola (vice-chair), Senator Ghazala F. Hashmi, Delegate Laura Jane Cohen, Delegate Patrick A. Hope, Delegate Phillip A. Scott (virtual, did not count toward quorum), Gayl Brunk, Conner Cummings, Tom Vandever

Members Absent: Ann Flippin, John Tolleris

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aging in place, with riders primarily using the service for employment, shopping, and medical and social purposes, and that this community investment produces an estimated return on investment of approximately seven to one. He shared the findings from a recently completed rural transit needs assessment study that determined transit dependence in the region by evaluating various factors. He offered an overview of Jaunt's budget, which is supported through federal, state, local, and other funds, and noted that Jaunt is currently able to provide its services without charging fares. He noted that hiring drivers and employees has been a major challenge in recent years, leading the entity to increase wages to compete with other transportation providers in the area. He concluded by offering several ways in which legislation could support Jaunt's mission, and members proposed writing a letter to the Department of Rail and Public Transportation to learn more about a number of these items.

Presentation: Guardianship and Voting Concerns Shared by REV UP Virginia

Lucy Beadnell, Director of Advocacy, The Arc of Northern Virginia

Ms. Beadnell explained that REV UP Virginia was launched in April 2021 as a nonpartisan voter education and engagement initiative dedicated to increasing the political power and influence of the disability vote. She noted that its members had recently raised concerns about how the common practice of full (plenary) guardianship for people with disabilities permanently removes an individual's voting rights. She cited guidance from the U.S. Department of Justice that instructs that, under the Americans with Disabilities Act, individuals with disabilities should not be held to higher standards when determining their competency to vote, but noted that despite this guidance and laws protecting the rights of individuals with disabilities, issues with inadequate training and enforcement often result in individuals with disabilities being subjected to "de facto poll tests." To improve implementation and oversight, REV UP Virginia has recommended training for attorneys, guardians ad litem, and judges that are involved with guardianship hearings, and members expressed support for developing this recommendation.

Member Discussion

Members discussed the need to review and reapprove the Commission's electronic meeting policy at the Commission's next meeting. Members expressed an interest in exploring criminal justice reform as it applies to the disability community and emphasized that similar issues relating to school discipline should also be examined.

Public Comment

Dennis Findley spoke in favor of REV UP Virginia's efforts to protect the voting rights of individuals with disabilities and provided a personal anecdote to demonstrate the challenges individuals and families face when navigating the guardianship process.

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Report on the Interim Activity of the Virginia Disability Commission – 2024

September 24, 2024, at 2:00 p.m.

General Assembly Building, House Room B-205

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

The Report on the Interim Activity of the Virginia Disability Commission – 2024 (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.³ The meeting included four presentations with discussion. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

Presentation: Updates to the Virginia Freedom of Information Act Regarding Electronic Meeting Participation and All-Virtual Public Meetings and the Proposed Electronic Meeting Policy for the Commission

Alan Gernhardt, Executive Director, Virginia Freedom of Information Advisory Council
Hannah Yates, Staff Attorney, Division of Legislative Services

Mr. Gernhardt explained changes to the Virginia Freedom of Information Act (FOIA) regarding electronic meetings, including the addition of "caregiver" to FOIA's definitions and amendments to FOIA that (i) allow individuals with disabilities and their caregivers to count towards a quorum when participating remotely, (ii) require public bodies to adopt an electronic meeting policy annually, and (iii) require all electronic meeting policies to allow any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation to vote on matters before the public body.

Mr. Gernhardt clarified that the proposed electronic meeting policy before the Commission was based on the Virginia Freedom of Information Advisory Council's model policy. Ms. Yates provided an overview of the proposed policy, noting a discrepancy with the House of Delegates' rules, which currently prevent delegates from voting or making formal recommendations when participating remotely. Mr. Gernhardt clarified that House rules control. The motion to adopt the policy passed unanimously.

Presentation: County Efforts on Housing Affordability for Individuals with Disabilities

Joe Lerch, AICP, Director of Local Government Policy, Virginia Association of Counties
Douglas S. Bilski, NCC, LPC, Assistant Director, Clinical & Prevention Services, Chesterfield Community Services Board

Mr. Lerch briefly discussed the Virginia Association of Counties' policy positions regarding affordable housing, stating that the association generally supports increasing the affordable housing supply, enabling seniors to age in place, and providing resources to allow individuals with behavioral health challenges to remain in the community. He cited examples of affordable housing programs in the Commonwealth and recommended additional funding to support such

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Members Absent: Senator Ghazala F. Hashmi

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

programs and new measures to enhance flexibility at the local level. The Commission discussed an interest in exploring state incentives for localities to increase the availability of affordable housing, noting that funds already appropriated for supportive housing services have not yet been fully utilized

Mr. Bilski shared an overview of the array of programs offered by the Chesterfield Community Services Board (CCSB) to support the housing needs of the individuals it serves. He explained that CCSB's current housing strategy includes group home and intermediate care facilities managed in partnership with the nonprofit Chesterfield Alternatives, Inc., long-term rental subsidies, and a permanent supportive housing program that receives comprehensive support from the Department of Behavioral Health and Developmental Services. He noted a relatively new, fourth prong in CCSB's housing strategy that includes a variety of partnerships with local housing developers designed to increase the availability of affordable housing.

Presentation: Updates to Subminimum Wage Employment and Related Workforce Development Programs

Donna Bonessi, Director, Employment Services and Special Programs, Department for Aging and Rehabilitative Services

Ms. Bonessi provided an overview of the Division of Rehabilitative Services within the Department for Aging and Rehabilitative Services (DARS), noting that 19,490 Virginians have participated in DARS' pre-employment transition services or vocational rehabilitation program since October 2023. She provided updates on subminimum wage employment, also known as 14(c) certificate programs, following the passage of [*HB 1924 \(Hope, 2023\)*](#) and reviewed related workforce development programs and wraparound services that DARS administers.

The Commission discussed transition counseling services in schools and updates on [*SB 51 \(Favola, 2024\)*](#) regarding online transition resources. Ms. Bonessi agreed to appear before the Commission again at its November 2024 meeting to provide further updates on these topics.

Presentation: Melwood and the Commonwealth

Jewelyn Cosgrove, Vice President of Government and Public Relations, Melwood

Ms. Cosgrove explained that Melwood is an employer, advocate, and service provider for people with disabilities operating in the Washington, D.C., metropolitan area, and that the organization is recognized as an Employee Service Organization (ESO) by the Department for Aging and Rehabilitative Services. She noted that Melwood currently has 23 different programs to enable individuals with disabilities to work in their communities. She highlighted the success of Melwood's *abilIT* program and the organization's work with the Workforce Innovation Skills Hub in Fairfax County.

Ms. Cosgrove identified several of Melwood's future priorities, including increasing reimbursement rates for ESOs, addressing the critical shortage of direct support professionals, and leveraging state and local procurement to create jobs for people with disabilities. Ms. Cosgrove explained that state and local entities are currently permitted to offer noncompetitive bids to ESOs but that many procurement officers are not aware of this authority. The Commission expressed an interest in exploring the issue of education and training programs for procurement officers and in determining whether ESOs could be rated more favorably in the state and local bidding processes because they hire individuals with disabilities.

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Public Comment (Written Submissions)

Lucy Beadnell submitted a comment discussing the need for crisis-based funding. She opined that to design better response systems, there is a need for a variety of crisis-related data on anyone who is involved in a 988 Suicide and Crisis Lifeline call, an arrest, or other interactions with police and first responders or anyone participating in public crisis services programs.

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Report on the Interim Activity of the Virginia Disability Commission – 2024

November 21, 2024, at 2:00 p.m.

General Assembly Building, House Room C-206

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

The Report on the Interim Activity of the Virginia Disability Commission – 2024 (the Commission) met in Richmond with Delegate Amy J. Laufer, chair, presiding.⁴ The meeting included four presentations, a vote on recommendations considered by the Commission during the 2024 Study Year, and public comment. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video recording of the meeting is available [here](#).

Presentation: Connecting Virginia's Students with Disabilities and Their Families: An Online Resource Hub

Donna Bonessi, Director, Employment Services and Special Programs, Department for Aging and Rehabilitative Services (DARS), and Judy Averill, Director, Center on Transition Innovations, Rehabilitation Research and Training Center (RRTC), Virginia Commonwealth University (VCU)

Ms. Bonessi offered an overview of DARS's pre-employment transition services, including types of activities, participant eligibility and referral, and recent trends in cases served. Following a member's question, Ms. Bonessi explained that the initial increase in cases served followed the passage of the Workforce Innovation and Opportunity Act in 2014 and that the dip between 2020 and 2024 began at the outset of the COVID-19 pandemic. The 6,615 cases served in fiscal year 2024 nearly met the number of cases served annually prior to the pandemic. A member asked how many individuals served are currently working, and Ms. Bonessi explained that this data is not currently available. Ms. Averill outlined the contents of the PreETS.org website, a collaboration between DARS and VCU-RRTC, and the site traffic it received after it was launched in April 2024. Following member inquiries, Ms. Bonessi explained that the site is considered a work in progress and that the plan is to incorporate additional resources before promoting it more broadly.

Presentation: VAIEP: The Virginia Individualized Education Program

Dr. Samantha Hollins, Associate Superintendent, Department of Education (DOE)

Dr. Hollins reviewed the key components of an individualized education program (IEP) and explained VAIEP, the Commonwealth's state-sponsored IEP platform that is available to every school division. She detailed usage statistics relating to VAIEP and provided a map indicating the adoption of VAIEP over the past five years. As of the 2024-2025 school year, the VAIEP has been adopted by 117 school divisions, State Operated Programs, the Department of Juvenile Justice, and the Virginia School for the Deaf and Blind. Dr. Hollins described developments

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following the implementation of identical bills [*HB 1089 \(Coyner, 2024\)*](#) and [*SB 220 \(Favola, 2024\)*](#). She explained that some local school divisions are utilizing additional support modules purchased beyond the state system contract and concluded by outlining DOE's next steps for enhancing VAIEP and increasing its adoption by local school divisions throughout the state. Members inquired about professional development and training for IEP practitioners, enhancing transition IEPs, incorporating additional modules into the standard resources available, the state's parent ombudsman and the dispute resolution process, and a breakdown of costs. They also expressed an interest in future updates on VAIEP's rollout, the special education parent/family liaison, and DOE's collaboration with DARS.

Presentation: Medicaid Works

Sara Cariano, Director of Eligibility Policy and Outreach, Department of Medical Assistance Services (DMAS)

Ms. Cariano provided an overview of Medicaid Works, including its unique eligibility requirements compared to other Medicaid programs, and detailed the findings of the Medicaid Works work group created by [*SB 59 \(Favola, 2024\)*](#), which included representatives from advocacy groups and state agencies. The work group identified a number of barriers discouraging individuals from enrolling in Medicaid Works and provided recommendations, including (i) adding residential supports, (ii) adding Medicaid Works to the developmental disability waivers, (iii) increasing financial eligibility limits, (iv) increasing community education, and (v) simplifying the application process. During discussion with the members, Ms. Cariano explained that DMAS does not currently have adequate data to determine how many are eligible for Medicaid Works. Following an inquiry into the status of the developmental disability waiver waitlist, it was explained that the new slots established during the 2024 Session will be distributed quarterly over the next two years.

Presentation: Eligibility for Disability Services: Report on Public Institution Processes, Barriers, and Recommendations

Emily Salmon, Assistant Director of Strategic Planning and Policy Studies, State Council of Higher Education for Virginia (SCHEV)

Ms. Salmon provided an overview of the work group created by identical bills [*HB 509 \(Cohen, 2024\)*](#) and [*SB 21 \(Salim, 2024\)*](#), which directed SCHEV to study the processes by which each public institution of higher education determines eligibility for accommodations for students with disabilities, to identify any barriers to establishing eligibility in such processes, and to make recommendations to reduce any such barriers. Ms. Salmon explained that the work group used the "Best Practice Guidelines for Accommodation Practices" resource created by SCHEV's Disabilities Access to Higher Education Advisory Committee as the foundation for its study, and that the work group made edits to the document during its study. The work group identified barriers and made recommendations, including an overarching recommendation that a uniform accommodations eligibility determination process for all public institutions should not be established, while an IEP updated in the last years should be uniformly accepted as evidence of a disability.

Vote on Recommendations Considered by the Commission in the 2024 Study Year

The Commission adopted unanimously eight recommendations considered during the 2024 Study Year. A chart listing these recommendations is available [*here*](#).

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Public Comment

Colin Werth testified to the importance of requiring newborn screening for Duchenne Muscular Dystrophy, which would lead to more effective early intervention efforts and better health outcomes. Dennis Findley spoke to the importance of prioritizing measurable, short-term objectives for students in the IEP process. Teresa Champion critiqued the DOE's IEP dispute resolution process, discussed issues with DMAS's regulations for attendants and accessing the Virginia Waiver Management System, and underscored the importance of establishing an alternative placement option other than temporary detention or involuntary admission to an inpatient psychiatric hospital for individuals with neurodevelopmental disabilities who are in crisis.

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

Hannah Yates, Staff Attorney, DLS

hyates@dls.virginia.gov

804-698-1873

Trevor Merrion, Senior Associate, DLS

tmerrion@dls.virginia.gov

804-698-1851

Website:

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