

Policy Profile

72nd Colorado General Assembly

-Submitted by Hanni Raley, Assistant Executive Director-

The 72nd Session of the General Assembly opened on January 8, 2020, and legislators across the state didn't waste any time introducing important bills to their constituents. The session will run through the beginning of May, so plenty is yet to come. The Arc of Aurora will monitor bills important to people with intellectual and developmental disabilities (I/DD) in Aurora. One way we do this is tracking bills that impact The Arc of Colorado's 2020 Policy Agenda, an agenda that we, along with all Arc Chapters in the state, support. Following is that agenda:

Funding and policy changes to strengthen the Colorado Medicaid State Plan, state programs, and Home and Community Based Services (HCBS) Medicaid waivers for people with disabilities to include:

- Changes in Colorado statute, where needed, to comply with the requirements established in federal law for HCBS;
- Therapeutic, out-of-home placement, and intensive treatment options for children with I/DD and dual diagnosis/secondary diagnosis of serious health, mental health, and behavioral conditions;
- Full implementation of Colorado's Olmstead Plan to include implementation of strategies for integrated competitive employment;
- Phase-out and permanently end the use of sub-minimum wage employment in Colorado and provide necessary supports to eliminate the need for sub-minimum wage employment through the advancement of opportunities for meaningful employment at or above the Colorado minimum wage;
- Fair and equal access to Personal Care Services for all people receiving Long Term Services and Supports (LTSS). Access should be at a level that meets individual needs and not be limited based on specific waiver participation;
- Increased funding for respite and other services needed to maintain family stability;
- Expansion of Cross-System Behavioral Health Crises Pilots;

- Accelerated Medicaid waiver simplification to create single, easily accessible HCBS waivers for: all eligible children and all eligible adults with I/DDs. Each waiver should further access to quality services and supports when and where needed throughout their lifetimes;
- Increased Supported Living Services (SLS) and equitable access to services across all LTSS with rate increases; and
- Consumer and participant-directed service delivery options in all HCBS/LTSS waivers.

Colorado students with disabilities have a legal right to free, appropriate and inclusive educational opportunities in all settings within the Least Restrictive Environment (LRE). Colorado must provide:

- Adequate funding, professional development, and staffing resources for public schools for inclusive, student-centered programs for all students;
- Alternatives to harmful disciplinary practices, such as suspension and expulsion, for young students and require schools work to de-escalate minor school infractions rather than calling the police department assistance;
- Expansion of Inclusive Higher Education programs across Colorado; and encourage future and current programs to attract and support students with disabilities including I/DD;
- Elimination of corporal punishment in public schools that receive federal funding;
- Special education services to be provided in the least restrictive and most inclusive setting by qualified teachers, staff and therapists for all eligible students including an appropriate continuum of services, paraprofessional support, and related supports to include transportation;
- Adequate and quality educational supports to ensure appropriate and accountable progress;
- Adequate medical, nursing, and behavioral support services (with appropriate staffing) for students with complex needs;
- Meaningful transition services and a strong pipeline of employers for students with disabilities that are person-centered to prepare them for continuing education resulting in competitive integrated employment and successful community living; and
- Achieve equal access to appropriate supports and services in publicly-funded education services for student's age birth through twenty-one.

Protection of civil rights for people with disabilities:

- Promoting alternatives (e.g., health-care proxies, advance directives, supported decision-making, powers of attorney, notarized statements, representation agreements, etc.) in favor of permanent, restrictive protective arrangements. Guardianship policies should respect the rights of people with disabilities to manage their affairs with informal assistance and guidance from family, friends, and others. If guardianship is essential, it should be limited to the fewest restrictions necessary for the shortest amount of time and tailored to the individual's specific capacities and needs, always with a presumption in favor of limited rather than full guardianship;
- Promote the development of policies, procedures, and funding to ensure that the preferences, needs, and complaints expressed by people with I/DD are respected, honored, and enforced effectively to enhance the quality of life;
- Affordable, safe, accessible, integrated, and community-based housing options that promote independence, freedom, authority, and support to exercise control over their housing, reflect personal preferences and styles, and are free from housing discrimination;
- School discipline policies that provide positive behavioral supports for students with disabilities that avoid trauma, seclusion, restraint, and involvement of law enforcement; and
- Appropriate accommodations, modifications, and preventative measures designed to support individuals with disabilities in the criminal justice system.

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