



March 23, 2021

Dear Virginians,

I believe that everyone should be able to lead fulfilling lives and access support when needed. I am committed to standing with the disability community to ensure their right to thrive in our Commonwealth – that’s why I’m releasing this plan today.

The COVID-19 pandemic has created the largest disability population boom since the polio epidemic, and it is incredibly difficult for people with disabilities and their families to have basic needs met. It will take all of us to come together and push progress on these issues.

The disability community represents a diverse, powerful, and vocal community throughout the Commonwealth. I am excited to work together to forge thoughtful and long-term solutions to the most pressing problems Virginians with disabilities face in healthcare, education, and our economy. My plan sets out to expand broadband access, make telehealth more widely available, eliminate subminimum wages so workers can earn livable incomes, drastically reform and reduce the use of restraint and seclusion tactics in schools, and other key priorities.

With this plan, we’ll advance autonomy, security, and justice. I’ll be proud to fight for the rights of disabled Virginians and turn decades-long advocacy into action as Governor of Virginia.

Sincerely,

Jennifer Carroll Foy

## Protecting and Expanding Rights for Virginians with Disabilities

### As a Delegate, I:

- Co-patroned a bill to require the Department for Aging and Rehabilitative Services (DARS) to provide long term support services for employees with disabilities.<sup>1</sup>
- Helped pass legislation mandating healthcare insurers and providers to provide coverage for the diagnosis and treatment of autism spectrum disorder.<sup>2</sup>
- Supported measures to ensure robust and comprehensive IEP guidelines for educators when developing IEPs for students with disabilities.<sup>3</sup>

As a former public defender and current criminal defense attorney, I've always fought on behalf of individuals who are vulnerable to unfair treatment because of their mental or intellectual disability. I have:

- Chief co-patroned legislation to establish the Marcus Alert System, which provides a mental health response with an informed law enforcement element to those experiencing a mental or behavioral health crisis.<sup>4</sup>
- Co-patroned a bill mandating law-enforcement officers to undergo training on de-escalation techniques, the lawful use of force, and the recognition of implicit bias, including biases against people with mental illness and developmental or cognitive disabilities.<sup>5</sup> This bill requires the Department of Criminal Justice Services (DCJS) to create a curriculum for the entire state.
- Co-patroned a bill to require that the Criminal Justice Services Board include representatives of "social justice organizations, representatives of community interests of minorities, and mental health service providers."<sup>6</sup>
- Supported measures to add crimes against individuals on the basis of disability to the categories of hate crimes<sup>7</sup> and to increase the penalty for individuals who give a false report to the police on the basis of another person's race, religion, or

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<sup>1</sup> ["HB 916: Long-Term Employment Support and Extended Employment Services," Virginia's Legislative Information System, Last Modified 03/09/18.](#)

<sup>2</sup> ["HB 1503: Health insurance," Virginia's Legislative Information System, Last Modified 04/02/20.](#)

<sup>3</sup> ["HB 134: Individualized education program teams," Virginia's Legislative Information System, Last Modified 03/02/20.](#)

<sup>4</sup> ["HB 5043: Mental health crises," Virginia's Legislative Information System, Last Modified 11/05/20.](#)

<sup>5</sup> ["HB 5109: Law-enforcement officer training & qualifications," Virginia's Legislative Information System, Last Modified 11/09/20.](#)

<sup>6</sup> ["HB 5108: Criminal Justice Services Board and Committee on Training," Virginia's Legislative Information System, Last Modified 10/28/20.](#)

<sup>7</sup> ["HB 618: Hate crimes," Virginia's Legislative Information System, Last Modified 04/06/20.](#)

disability.<sup>8</sup>

- Supported legislation to direct the Department of Corrections to review and improve accommodations for individuals with developmental disabilities.<sup>9</sup>
- Voted in favor to allow “a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability and the court finds by clear and convincing evidence that the criminal conduct was caused by or had a direct and substantial relationship to the person's disorder or disability.”<sup>10</sup>

I've also worked to protect and support our veterans with disabilities. I introduced and passed a bill to help service-disabled, veteran owned small businesses and veteran organizations purchase surplus property such as computers, furniture, and equipment to open or sustain a business.<sup>11</sup>

### **As Governor, I will:**

#### **Expand Healthcare Services**

1. Work with the Virginia Department of Health to develop easily accessible guidelines concerning the effect of COVID-19 vaccines on people with developmental and mental disabilities and prioritize the equitable distribution of COVID-19 vaccines to disability communities with high-risk needs.
2. Direct additional state funding to cover individuals with Priority One level needs on the DD Waiver Waitlist and safeguard rates for Medicaid Waiver Waitlist Services.
3. Work to eliminate the inclusion penalty to maximize participation in community-based services, including supported living and in-home care.<sup>12</sup>
4. Expand broadband to make telehealth more widely available and accessible and support research-based solutions to better streamline assistive technology and virtual supports for people throughout the Commonwealth.<sup>13</sup>

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<sup>8</sup> [“HB 5098: Hate crimes.” Virginia’s Legislative Information System. Last Modified 10/21/20.](#)

<sup>9</sup> [“HB 659: People with developmental disabilities.” Virginia’s Legislative Information System. Last Modified 03/23/20.](#)

<sup>10</sup> [“SB 133: Criminal cases.” Virginia’s Legislative Information System. Last Modified 04/09/20.](#)

<sup>11</sup> [“HB 2161: General Services.” Virginia’s Legislative Information System. Last Modified 03/18/19.](#)

<sup>12</sup> [“2021 Legislative & Funding Priorities.” The Arc of Virginia. Accessed 01/28/21](#)

<sup>13</sup> [“HB 2197: Individuals w/ intellectual & developmental disabilities.” Virginia’s Legislative Information System. Last Modified 02/05/21.](#)

## **Strengthen In-School Protections for Students**

1. Require education and training for school personnel on relationship-based, trauma-informed, collaborative approaches to providing a culture where children feel safe not only physically but also emotionally, socially, and culturally.
2. Support partnerships between state agencies, schools, disability advocates, parents, and students to develop and implement better approaches to support students and educators.
3. Strengthen access to high quality transition planning and services for students with disabilities. Under my administration, the Virginia Department of Education will review and address the improvements needed to ensure that transition plans are comprehensive, transparent, and consistent to the extent possible.<sup>14</sup> We will also advocate for student participation in their IEP and 504 plans to build awareness early on of available accommodations in the classroom and beyond.
4. Address the disparate use of discipline including restraints and seclusion on students with disabilities, especially students of color with disabilities.
5. Expand eligibility criteria for state pool funds provided through the Children's Services Act (CSA) to support students educated in public schools for "wraparound" services that may help students with special needs remain in the community and pass legislation to amend state law to allow CSA dollars to go toward special education services in public schools.
6. Work to create policy that eliminates seclusion and improve existing regulations governing the use of restraint to ensure students with disabilities are learning in a safe, healthy, and positive environment. More specifically, my administration will revise restraint regulations to prohibit the use except in situations where there is a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or loss or impairment of the function of a body member, organ, or mental faculty.
7. Enforce stronger reporting requirements for localities when restraints are used.
8. Ensure greater access to mental health and emotional supports for students, teachers, and school employees. My administration will work to increase funding to ensure we have one full-time school counselor for every 250 students.

## **Ensure Equitable Treatment in the Criminal Justice System**

1. Require mandatory training for frontline first responders on how to recognize and address individuals with disabilities. My administration will work with state

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<sup>14</sup> ["K-12 Special Education in Virginia." JLARC report, 12/14/20](#)

agencies and community organizations to develop a uniform curriculum for the entire Commonwealth.

2. Mandate cross-disability and IDD training for judges and continue to support the recognition of ID/DD status at court proceedings. These policy efforts will help to ensure greater support and resources for the most vulnerable Virginians, including our deaf citizens. To that end, my administration would also support targeted measures to ensure accountability towards the deaf community by our police departments.
3. Codify legislation to prohibit the removal of accommodations, including mobility devices, technology, and interpreters, for people with disabilities at any stage in custody. The confiscation of such items makes it difficult for people with disabilities to communicate and advocate for themselves, leading some to become unnecessarily incarcerated.

### **Create Economic Opportunities for Virginians of All Abilities**

1. Eliminate subminimum wages for workers with disabilities.<sup>15</sup> Under my administration, the Department of Aging & Rehabilitative Services (DARS) would prioritize access to job training and employment services for workers who lost their job as a result of this policy change.
2. Increase financial support for Virginia's Community Services Boards, which provide education, training, and services to youth and families with developmental disabilities.
3. Work to research and implement additional employer incentives to recruit, train, and hire people with disabilities. My administration will also promote the inclusion of students with disabilities in state government internship programs.
4. Direct state funding to DARS to improve the Job Coach Training services offered for employees with disabilities.

### **Protect and Advance Civil Rights Protections**

1. Continue to support rights-focused alternatives to guardianship like Supported Decision Making, which allows individuals with disabilities to identify trusted individuals to help with decision making – and exercise their right to vote.
2. Support legislation to promote and protect the civil rights of parents with disabilities throughout the family services systems.

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<sup>15</sup> [Loryn Cesario, "States Weigh Options on Subminimum Wages for Workers With Disabilities," National Conference of State Legislators, 08/28/19.](#)