



For people with intellectual and developmental disabilities

2023 Policy Agenda

Funding and policy changes to strengthen the Colorado Medicaid State Plan, state programs, and HCBS Medicaid waivers for people with disabilities to include:

Enhance Capacity, Sustainability, and Quality for IDD Services

- Bring an end to the HCBS Comprehensive Developmental Disability waiver waitlist;
- Provide an increase in pay rates for direct care workers;
- Preserve and maintain current funding levels for intellectual and developmental disabilities (IDD) services and supports;
- Create changes in Colorado statute, where needed, to comply with the requirements established in federal law for Home and Community Based Services (HCBS);
- Ensure the full implementation of Colorado's Olmstead Plan including implementation of strategies for competitive integrated employment;
- Advance accelerated Medicaid waiver simplification with the purpose of creating single, easily accessible HCBS waivers for 1) all eligible children and 2) all eligible adults with intellectual and developmental disabilities. Each waiver should further access to quality services and supports when and where needed.
- Increase Supported Living Services and equitable access to services across all Long-Term Supports and Services (LTSS);
- Increase the accessibility and availability of telehealth services for Medicaid recipients.

Implement Person Centered Practices

- Ensure quality person-centered services are provided consistently at the right time, in the right place, and in the right way across the state.
- Resolve equitable access to personal care services for all people currently receiving long term services and supports. Access should be at a level that meets individual needs and not be limited based on specific waiver participation;
- Establish consumer and participant directed service delivery options in all HCBS/LTSS waivers;
- Increase accessibility and availability of appropriate, person-centered technology and create billable services for technology acquisition, utilization, and training to bridge the digital divide and make Colorado a technology first state.

Mental Health and IDD

- Ensure therapeutic, out-of-home placement, and intensive treatment options for children with IDD and dual diagnosis/secondary diagnosis of serious health, mental health, and behavioral conditions are readily available and accessed when needed;

- Ensure equitable access to behavioral health services for adults and children with co-occurring IDD and mental health diagnoses in the public and private insurance systems.

Advance Competitive Integrated Employment Outcomes

- Continue to phase out and end sub-minimum wage employment in Colorado while providing 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.
- Continue to monitor the four-year phase out plan to ensure that the Division of Vocational Rehabilitation, the Colorado Department of Labor and Employment, and the Office of Employment First are supporting individuals in competitive and integrative career goals.

Funding and Policy Measures Prompted by COVID 19

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- Ensure that the end of the Public Health Emergency does not result in a sudden disqualification under Medicaid coverage for people with IDD
- Retain flexibilities and codify changes in rules and processes that based on community feedback, have proved essential to maintaining public health as a result of COVID-19;
- Maintain funding for respite and other services needed to sustain family stability;
- Implement the Cross-System Behavioral Health Crises Pilots to address the increased behavioral health needs as a result of COVID-19 and any future public health crisis;
- Increase bonuses for all direct care staff and other related personnel who work directly with individuals with IDD, their families, and caregivers in their homes or in other residential and/or day programs;
- Invest in the recruitment of direct care staff;
- Implement the American Rescue Plan funds for the above-mentioned services and supports.

Colorado students with disabilities have a legal right to free, appropriate and inclusive educational opportunities in all settings within the least restrictive environment. Colorado must include:

Enhance Capacity, Sustainability, and Quality for IDD Services in Education

- Pursue policy development to address the racial, cultural, and linguistic inequities in education.
- Secure funding, professional development, and staffing resources for public schools to forge inclusive, student-centered programs for all students;
- Establish processes that ensure the Colorado Department of Education's dispute resolution office remains equitable and accessible to parents;
- Guarantee equitable access to technology and technology supports for students with IDD;
- Secure adequate and quality educational supports to ensure appropriate and accountable progress;
- Pursue adequate medical, nursing, and behavioral support services (with appropriate staffing) for students with complex needs to ensure equitable access to the general education classroom, non-academic and extra-curricular activities to the maximum extent appropriate;
- Ensure equal access to appropriate supports and services in publicly funded education services for children age birth through 21;

- Ensure Inclusive Higher Education programs across Colorado are accessible to students with IDD and include the appropriate supports so that students can matriculate successfully from the program.

Improve Disciplinary and Seclusion Practices

- Implement education services that are 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, para-professional support, and related services such as transportation;
- Assure alternatives to harmful disciplinary practices such as suspension and expulsion for young students along with requirements that schools work to de-escalate minor school infractions rather than call for police department assistance;
- Make certain school discipline policies provide positive behavioral supports for students with disabilities to avoid trauma, seclusion, restraint, and involvement of law enforcement;
- Strive for the elimination of corporal punishment in public schools that receive federal funding;
- Eliminate the use of restraint and seclusion for non-emergency situations and address harmful restraint and seclusion practices;
- Require adequate training, documentation and reporting for any seclusion and restraint practices needed for the student's safety.

Improve Transition Services

- Improve meaningful transition services that include a strong pipeline of employers for students with disabilities that are person-centered;
- Enhance transition services that prepare students for continuing education in higher education and vocational alternatives which will result in competitive integrated employment and successful community living;
- Implement Supported Decision-Making training for the Colorado Department of Education so that educators will refrain from encouraging guardianship for students entering adulthood.

Education Policy Measures Prompted by COVID-19

- Improve parity and flexibility for students with IDD who, because of possible health complications, may suffer more adverse health effects from the contraction of COVID-19 and therefore, require remote learning options;
- Ensure the same hybrid and remote options available to students without disabilities are also available to student with disabilities;
- Guarantee individualized compensatory services to students who, as a result of COVID remote and hybrid learning, experienced learning loss and lack of progress towards goals.
- Guarantee individualized compensatory services to students who, as a result of staffing shortages, experienced learning loss and lack of progress towards goals.

Protection of civil rights for people with disabilities. Colorado must include:

The Elimination of Inequities

- Promote policies that dismantle systemic racism that negatively impacts persons with disabilities of color, their caregivers, and family;
- Ensure equitable opportunities, rights and protections are afforded to all people with intellectual and developmental disabilities, their families, and caregivers;
- Create appropriate accommodations, modifications, and preventative measures designed to support individuals with disabilities in the criminal justice system;
- Advance access to medical information and treatment by ensuring that: 1) all communications are tailored to meet the needs of the individual receiving treatment and/or the guardian; and 2) the appropriate treatment is determined in the context of a person's overall unique medical history and not based on the person's diagnosis of a disability;
- Enhance access to supports and services in rural communities, equitable to that which is found in urban communities.

Less Restrictive Alternatives

- Promote alternatives (e.g., health-care proxies, advance directives, supported decision-making, powers of attorney, notarized statements, representation agreements, releases, etc.) in lieu of permanent, restrictive protective arrangements;
- Promote guardianship policies, in concert with Colorado Statute, that respect and promote the rights of people with disabilities to manage their own affairs with or without 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;
- Pursue legislation efforts towards increasing oversight of guardians;
- Advance policies, procedures, and funding to ensure that the preferences, needs, and complaints expressed by people with IDD are respected, honored, and enforced effectively to enhance quality of life.

Increase Affordable Housing Options for people with IDD

- Increase affordable, safe, accessible, integrated, and community-based housing options that promote independence, freedom, authority, and support individuals with IDD to exercise control over their housing. This housing must reflect personal preferences and styles, and must be free from housing discrimination.

Civil Rights Policy Measures Prompted by COVID-19

- Ensure civil rights protections for people with disabilities in situations that include life-saving treatments, necessary medical care, even in the event of a medical shortage, and access to assistance for voters with disabilities in elections
- Support for patients with IDD who require help with their provision of care in hospital, clinical, behavioral, and other health settings.