

June 1, 2020

The Honorable Christine Rolfes, Chair
Members of the Senate Ways and Means
Committee
303 John A. Cherberg Building
PO Box 40423
Olympia, WA 98504

The Honorable Timm Ormsby, Chair
Members of the House of Representatives
Appropriations Committee
315 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504

RE: Guiding Values for Budgetary Reductions for the Disability Community

The Washington State Developmental Disabilities Council and other advocacy organizations respectfully request to partner with you to ensure that funding for people with developmental disabilities, and for the families who care for them, is preserved as much as possible through this budget shortfall. As you remember, people with disabilities and their families experienced devastating reductions between 2009 and 2011, mostly by reducing the number of hours a person with disabilities receives personal care.

People with disabilities and their families are already more likely to experience housing, food, and economic insecurity, which has only been magnified by the COVID-19 pandemic. Making reductions to services, which are already woefully underfunded, would make it extremely challenging for people with developmental disabilities and their families to recover with the rest of the state as the pandemic subsides.

We offer six guiding principles to consider before making deep and devastating cuts to people with disabilities and their families.

First, be mindful that most of the Developmental Disabilities Administration (DDA) budget is comprised of state funds which receive a 56% or 50% match (depending on the program) from the federal government. It is not fiscally prudent to cut these services.

Second, know that DDA had roughly 15,000 people qualified to receive services, but did not have funds to extend services, **before the COVID-19 pandemic began**. Further decimating a system that was already in crisis will not help people or the economy recover.

Third, the landmark United States Supreme Court case, *Olmstead v. L.C.*, 527 U.S. 581 (1999), makes it clear that unnecessary institutionalization is a form of discrimination that is prohibited by federal law. When a person chooses to live in the community instead of an institution (referred to in statute as a Residential Habilitation Center), they should not have to forgo services to meet their health and welfare needs that they would otherwise be receiving in an institutional setting. Living in the community is the preferred option for almost all people

with disabilities and their families¹. As Washington learned after the Great Recession of 2008, service cuts that increase people's risk of institutionalization violates their federal civil rights to choose a life in the community. See *M.R. v. Dreyfus*, 697 F.3d 706, 734-35 (9th Cir. 2012).

Fourth, be mindful that by definition, across the board cuts to programs and services for people with disabilities and their families are *not equitable*. People with disabilities and their families [are already more likely to be poor](#), so cutting the few supports that people with disabilities and their families receive will have a disproportionate impact on these Washingtonians. Washington ranks 41st in the country when it comes to funding for people with disabilities in community settings, and that includes having the highest ratio (75:1) of DD case managers to service recipients in the country.

Fifth, preservation of in-person services is key to the recovery of our communities. The DDA budget should maintain funding levels for essential in-person services, such as supported living, respite, personal assistance, community inclusion and supported employment programs. Rate reductions for these services will destabilize the services and supports that ensure the health and safety of people with developmental disabilities. During the pandemic, the state should also develop wrap-around services to support individuals living with family members who cannot access their regular programs. These services are particularly necessary to fill the gap a person will experience if their in-home support services receive a 15% reduction.

Sixth, prioritize funding for home and community-based services which are already in compliance with [HCBS's Final Rule](#). The Final Rule requires choice and inclusion, and its implementation is tied to billions of federal dollars. [Providers have known of this rule since 2014](#). Funding should be prioritized for services and supports which are *currently* HCBS-compliant, and funding should incentivize any remaining programs to become compliant in the future.

The above requests are made while acknowledging that State agencies and budget writers currently face what is anticipated to be one of the worst economic downturns in our lifetime. We understand and appreciate that everyone is coming to this conversation with the primary goal of doing the least amount of harm as possible.

Thank you for considering these recommendations. The Washington State Developmental Disabilities Council and our partner organizations stand ready to work with you now, and in the future.

Sincerely,
See Organizations Listed Below

CC: DSHS Secretary, Cheryl Strange
Assistant Secretary for Developmental Disabilities Administration (DDA), Evelyn Perez

¹ Source: DDA Children and Adults by Residence Type as of July 2019. 623 out of 34,931 live in an institution.

 <p>Washington State Developmental Disabilities Council</p> <p>Jeremy Norden-Paul, Executive Director Washington State Developmental Disabilities Council</p>	 <p>Sterling Harders, President Service Employees International Union</p>
 <p>Disability Rights WASHINGTON Washington's protection and advocacy system</p> <p>Mark Stroh, Executive Director Disability Rights Washington</p>	 <p>COMMUNITY RESIDENTIAL SERVICES ASSOCIATION</p> <p>Scott Livengood, Legislative Chair Community Residential Services</p>
 <p>Ivanova Smith, President Self-Advocates In Leadership</p>	 <p><i>The Arc.</i> Washington State</p> <p><i>For and with people with intellectual and developmental disabilities</i></p> <p>Stacy Dym, Executive Director The Arc of Washington State</p>
 <p>Office of Developmental Disabilities Ombuds</p> <p>Betty Schwieterman, Executive Director Office of Developmental Disabilities Ombuds</p>	 <p>Darla Helt, Executive Director Parents Empowered and Communities Enhanced</p>
 <p>Community Employment Alliance Since 1974</p> <p>Courtney Williams, Program Director Community Employment Alliance</p>	 <p>Michael Raymond, President People First of Washington State</p>
 <p>Vicki Isett, Executive Director Community Homes</p>	 <p>Melissa Lund, Kitsap County Coordinator Kitsap County Parent Coalition</p>
 <p>Robin Tatsuda, Executive Director The Arc of King County</p>	 <p>Tracy Kahlo, Executive Director Partnerships for Action Voices for Empowerment</p>

 <p>Shelby Satko, Executive Director Washington State Rehabilitation Council</p>	 <p>Shawn Latham, President Allies in Advocacy</p>
 <p>Sima Thorpe, Executive Director The Arc of Spokane</p>	 <p>Shayne Nagel, Executive Director The Arc of Snohomish County</p>
 <p>David Hill, Executive Director The Arc of Cowlitz County</p>	 <p>Kelly Johnson, Executive Director The Arc of Southwest Washington</p>
 <p>Beverly Porter, Executive Director The Arc of Whatcom County</p>	 <p>Chris Tibbs, Executive Director The Arc of the Peninsulas</p>
 <p>Jeff Meeks, Executive Director The Arc of Grays County</p>	 <p>Sharon Adolphsen, Coordinator Benton Franklin Parent Coalition</p>
 <p>Elizabeth Gordon, Executive Director Governor's Committee on Disability Issues in Employment</p>	 <p>Michele Anciaux Aoki, President Lifespan</p>
 <p>Kimberly Conner, Executive Director Washington State Independent Living Council</p>	 <p>Brian Behler, Chief Executive Officer Skills'kin</p>

 <p>Cesilee Coulson, Executive Director Washington Initiative for Supported Employment</p>	 <p>Autumn Chancellor, Coordinator Snohomish County Parent Coalition</p>
 <p>T.K. Brasted, Behavioral Health Director HopeCentral</p>	 <p>Vietnamese Family Autism Advisory Board Thanh Kirkpatrick, Director Vietnamese Family Autism Advisory Board</p>
 <p>Linda Fox, Executive Director Community SEEDS</p>	 <p>Cindy O'Neill, Executive Director The Arc of Tri-Cities</p>
 <p>Grace Robinson, Program Director Life Enrichment Options</p>	 <p>Cyndy Knight, Executive Director Walla Walla Valley Disability Network</p>
 <p>Cathy Bisailon, President and CEO Easterseals Washington</p>	 <p>Priya Jayadev, Executive Director Clallam Mosaic</p>
<p>Bob Wheeler Jefferson County Father's Group</p>	<p><i>If your group would like to sign on to this letter, please send your name as you would like it to appear, and your organization's logo to adrienne.stuart@ddc.wa.gov</i></p>