

Louisiana Developmental Disabilities Council
Position on Segregation of People with Disabilities
Adopted April 2005, Updated January 21, 2010

Position Statement

Segregating people with disabilities from the mainstream of society is wrong – morally, socially and legally. It is also unnecessary. Louisiana should end the practice of segregation and reallocate the state’s resources from a reliance on institutional services to support of adequate, high quality community-based options for individualized supports and services.

Discussion

This is not an issue of people losing the ability to choose, it is about supporting people with disabilities in finally gaining the opportunities, rights and freedoms other citizens of Louisiana and the United States enjoy every day. The Council supports the rights of all people, even those with the most severe challenges in expressing their preferences, to live in their own homes in their communities. This is an issue of securing and supporting the equality of opportunity.

All people are created equal, are inherently valuable and have basic human rights. Segregation harms people with disabilities by devaluing them and taking away their basic right to freedom. Separate is not equal. In ruling almost fifty years ago that segregation is unconstitutional in *Brown v. Board of Education*, the Supreme Court determined that segregation has a detrimental effect upon the minority group. The Congress of the United States recognized this, and in the Americans with Disabilities Act of 1990 (ADA) stated,

“historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem; individuals with disabilities... have been... subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;” and, “the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous.” “...the Nation’s proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.”

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Public funding, removed from segregated congregate living institutions and spent on services and supports people with disabilities want, and most importantly, deserve, will turn the restricted exercise of rights into the realization of freedom.

All people, regardless of the severity of their disability, have a right to live in their own homes in the community. The Council supports the full inclusion of individuals with disabilities in all facets of community life - where they live, learn, work, and play - so they are free to experience life and pursue happiness and meaningful relationships. Segregation deprives individuals of the benefits and freedoms afforded by participating in community life. It prevents countless reciprocal and loving relationships and robs Louisiana communities of the gifts and talents of thousands of our citizens.

People with the most challenging needs can and do live successfully in their own homes in Louisiana and all over the country with appropriate, individualized supports. Research has demonstrated that individuals grow and thrive as members of their community and have a better quality of life than in congregate settings.¹ Currently, eight states and the District of Columbia have found public institutions unnecessary in providing services and supports to people with disabilities, and eight others do not provide residential services through small private ICFs/DD.² Alaska and New Hampshire do not utilize either institutions or small private ICFs/DD in supporting their citizens with disabilities. The continued practice of segregation in the face of this compelling evidence is inexcusable. Louisiana must return its citizens with disabilities to their home communities where their lives can be enriched and they can enrich the lives of others.

The state's efforts to expand community services to meet the needs of the thousands of individuals waiting for waiver services have been thwarted by maintaining costly institutions. It is time for the state of Louisiana to exercise leadership and chart a new direction for its developmental disabilities service system and the people who must rely on it for supports and services. To continue to segregate people with disabilities is indefensible.

The Developmental Disabilities Council urgently recommends that Louisiana:

- 1) Provide adequate funding and build capacity for high quality individualized supports and services in the community for all people with developmental disabilities.
- 2) Utilize the Resource Allocation Model across all settings to fairly distribute resources by allocating services according to need. (*Individuals living in 24-hour small and large residential settings who do not require that level of support would be provided the level of services to meet their needs in alternate settings. Waiver recipients are already being assessed and their services are reduced if they are receiving more than their assessed level of need.*)

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- 3) Halt admissions into state developmental centers and improve the use of alternative safety nets by
 - a) expanding the criteria for and the number of emergency waiver slots available,
 - b) implementing a comprehensive crisis prevention and intervention system for individuals in the community including:
 - proactive preventive services, and
 - coordinated 24-hour crisis response services (including telephone hotline, mobile response teams, in-home crisis services, licensed short-term crisis residential services [private], and crisis response plans for hospitals and other general health care providers).
- 4) Consolidate and close all developmental centers by
 - a) designating three centers for immediate closure, giving the residents of each a choice of waiver services, private ICF/DD, or a developmental center remaining open, and
 - b) developing and implementing a transition plan for the closure of the remaining three developmental centers.
- 5) Redirect resources in the developmental disability service system utilizing cost savings from the Resource Allocation Model and the consolidation, closure, and sale of developmental centers to support individuals on the waiver waiting list and those living in the community.
- 6) Fully implement the Money Follows the Person program approved by the Centers for Medicaid and Medicare Services (CMS) to allow individuals residing in private ICFs/DD the option to move into the home and community of their choice.

References:

- ¹ Kozma, A., Mansell, J., Beadle-Brown, J. (2009). *Outcomes in Different Residential Settings for People with Intellectual Disability: A Systematic Review*. *American Journal on Intellectual and Developmental Disabilities*, 114, 193 – 222.
- ² Prouty, R. W., Smith, G., Lakin, K. C., (2008) *Residential Services for Persons with Developmental Disabilities: Status and Trends Through 2007*. Research and Training Center on Community Living Institute on Community Integration / UCDD, University of Minnesota.