

May 6, 2015

Senator Oelslager

Chair, Senate Finance Committee

Senator Burke

Chair, Senate Medicaid Committee

Senator Skindell

Ranking Member, Senate Finance Committee

Senator Cafaro

Ranking Member, Senate Medicaid Committee

Representative Smith

Chair, House Finance Committee

Representative Sprague

Chair, House Finance, HHS Subcommittee

Representative Driehaus

Ranking Member, House Finance Committee

Representative Sykes

Ranking Member, House Finance HHS Subcommittee

Dear Senators Oelslager, Skindell, Burke, and Cafaro, and Representatives Smith, Driehaus, Sprague, and Sykes:

We the undersigned organizations write to express our concerns and disappointment in the process that resulted in the Ohio House of Representatives adopting amendments during the biennial budget process (Amended House Bill 64) that significantly modify Revised Code § 5123.62, which details the rights of individuals with developmental disabilities. This section, commonly referred to as the "DD Bill of Rights," was the result of broad consensus when it was passed almost 30 years ago. The provision was part of a vast overhaul of Ohio's DD system that was called for by a joint legislative investigatory committee chaired by Senator (later Congressman) David Hobson. The Committee held numerous hearings and engaged in an open and transparent process, heard direct input from people with developmental disabilities and their families and advocates. The resulting language enumerated and established the rights of people with intellectual and developmental disabilities as whole individuals and fully realized citizens across a broad array of life areas.

Some of the changes to the DD Bill of Rights in H.B. 64 might be seen as modest updates to the law, but others are seriously troubling. The addition of the ambiguous phrase "by or with their parents or guardians" to many of the existing rights seems intended to stray from the original intent of the law by weakening the right of the individual to act independently on his or her own behalf. It also represents a position that is in conflict with current academic and policy thinking related to people with disabilities, person-centered planning, and self-determination. People with disabilities are now given authority over and supported in making their own choices. The change in the introductory language threatens to narrow the existing rights to a more limited context (residential and workplace), clearly not the intent of the original drafters.

Most troubling, however, is the fact that the amendments to H.B. 64 were adopted without discussion, hearing testimony, or other input from the public and, most importantly, those directly affected by the changes: people with intellectual and developmental disabilities. “Nothing about us without us” is a phrase used commonly within the disability community. More than a simple slogan, it is a guiding philosophy that has served the disability community well as a call to action. It also serves as a thoughtful reminder to the general public that individuals with disabilities are legally empowered and capable of forming positions and expressing their own views on important matters of public policy and should be invited to do so by policy makers. Unfortunately, this did not occur with respect to the changes to the DD Bill of Rights. If these rights are to be changed, it is critical that those individuals directly affected have a voice in considering those changes.

Accordingly, we respectfully request that the amendments of Section 5123.62, the DD Bill of Rights be stricken from H.B. 64. Any further consideration of this important topic should be accomplished through free standing legislation, separate from the state budget process.

Thank you for your time and consideration on this important matter.

[Cosigners follow on next page]

Very truly yours,

Michael Kirkman, Disability Rights Ohio
Carolyn Knight, Ohio Developmental Disabilities Council
Ilka Riddle, University of Cincinnati, UCEDD
Marc Tasse, Ph.D., The Ohio State University Nisonger Center, UCEDD
Gary Tonks, The Arc of Ohio
Sadie Hunter, People First of Ohio
Karla Rinto, Advocacy & Protective Services, Inc.
Kay Grier, Ohio Statewide Independent Living Council
Dana Charlton, Ohio Self-Determination Association
Shelley Papenfuse, Ohio Olmstead Task Force
Shari Cooper, Advocacy United

cc: Honorable Keith Faber, President Ohio Senate
Honorable Cliff Rosenberger, Speaker Ohio House of Representatives
Honorable Joe Schiavoni, Minority Leader, Ohio Senate
Honorable Fred Strahorn, Minority Leader, Ohio House of Representatives

