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Respecting Individual Choice: The Rights of All People with Disabilities

VOR is a national organization advocating for high quality care and human rights for all people with intellectual and developmental disabilities (I/DD).

For 30 years, VOR has been representing families of individuals with I/DD, many of whom experience severe and profound developmental disabilities, have multiple physical disabilities, and are medically fragile or experience dangerous behaviors.

Underpinning each “Key Principle” is respect for diversity of need and individual choice. Most individuals with disabilities are capable of determining job opportunities, leisure activities, and housing options, and have the right to exercise individual choice, with any necessary supports. Other individuals experience profound I/DD or other serious I/DD and medical and/or behavioral disabilities. These individuals have rights, too, and need the support of their families and legal guardians to ensure that their choices for housing, employment, and services are safe, comfortable and responsive to their needs.

In developing principles that reflect individual differences, VOR rejects a “broad brush” approach to rights and principles which apply to most individuals with disabilities, but not all. In our view, such an approach is not person-centered or individualized and imposes an ideology on the most disabled members of our society and places them at risk. Principles relating to “choice,” “inclusion,” “integration” and “community” become limiting – not liberating - goals. “Choice” no longer means true and informed choice, and “inclusion,” “integration,” and “community” relate to type of living arrangement – bricks and mortar – without regard to access to services, reliable transportation, appropriate work opportunities, time with friends (disabled or not) or whether there is any real interaction with neighbors. Isolation in the name of integration is not “community.”

VOR embraces the rights of ALL individuals with disabilities and supports a system that is responsive and respectful of individual needs and preferences. We recognize the need for a broad continuum of supports, services, residential, and employment options that match the broad spectrum of abilities, needs, and preferences within this population.

In conclusion, VOR’s Key Principles in support of “Ensuring Rights and Opportunities for People with Disabilities” are fully inclusive of the entire disability population and do *not* narrowly limit choice to specific housing and employment options. We strongly believe that the preferences and needs of some disabled individuals should not deprive another segment of the population of their rights and preferences. VOR advocates for reason, recognizes diversity, and supports the rights of all individuals to live in a community of their choice.

Ensuring Rights and Opportunities for All People with Disabilities

Key Principles

General Principles

- “Individuals with disabilities” describes a widely diverse group of people, ranging from people with mild physical and/or intellectual disabilities to those with profound or other severe intellectual disabilities, along with medical or behavioral disabilities.
- “Individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families.” DD Act, 42 U.S.C. 15001(c)(3)(2000).
- Most individuals with disabilities are capable of living just like people without disabilities and should have the opportunity to do so. These individuals with disabilities should have control over their own day, including which job or educational or leisure activities they pursue, and where and how they live, with any necessary supports.
- Support for full community integration of most individuals with disabilities should not be interpreted to deprive individuals with profound intellectual and developmental disabilities (I/DD) or other serious I/DD and medical and/or behavioral disabilities from assurances of proper care of their health and safety needs, and individuals with disabilities should not be forced to accept services or participate in activities they do not wish to accept. As Justice Ginsburg wrote in the *Olmstead* decision, “Each disabled person is entitled to treatment in the most integrated setting possible for that person – recognizing that, **on a case by case basis**, that setting may be in an institution.” (emphasis added)

Choice

- Individuals with disabilities and, where appointed by a court, their legal guardians, should have the opportunity to make informed choices among all legally available options. They must have full and accurate information about their options, including what services and financial supports are available.

Employment

- Most individuals with disabilities should have the opportunity to be employed in regular workplaces. Most individuals with disabilities can be employed and earn the same wages as people without disabilities. When needed, individuals with disabilities should have access to supported or sheltered employment, or other day activities, to ensure fulfilling and productive experiences.

Housing

- Individuals with disabilities have the right to choose where to live from an array of residential options.
- Most individuals with disabilities can live in their own homes with supports and they should get to decide where they live, with whom they live, when and what they eat, who visits and when, etc.
- These choices for most individuals with disabilities should not deprive individuals with profound I/DD or other serious I/DD and medical and/or behavioral disabilities from the right to live in congregate arrangements, multi-unit buildings or complexes that cater to specific needs, according to individual choice and need.

Public Funding

- Government funding for services should support implementation of these principles to assure a full array of residential and service options to accommodate the diverse needs and preferences of the disabled population. Financing for long-term services and supports must be responsive to the needs of *all individuals* with disabilities, recognizing that the cost to care for individuals must necessarily vary and be responsive to varying needs.

For more information about VOR, visit www.vor.net.

VOR's Policies and Positions Statement, which reinforce VOR's Key Principles, are found at www.vor.net/images/VORPolicyandPositionStatements.pdf