



# ADVOCACY DAY

## FOR ACCESS & INDEPENDENCE

*Brought to you by the South Carolina Access & Independence Network, representing 40 organizations.*

**TUESDAY, APRIL 25, FROM 10 AM TO 12 PM**

***on the north steps of the SC Statehouse***

### **4 Issue Areas Impacting People with Disabilities: We Rally!**

*South Carolina's lawmakers hold the keys to unlocking these barriers to independence and true inclusion of people with disabilities.*

***According to the Centers for Disease Control, 1.3 million people in South Carolina have a disability. That translates into roughly 1 in 3 citizens of our state!***

The following issue areas discussed in this booklet come directly from people with disabilities living in South Carolina. A recent South Carolina Statewide Independent Living Council survey found that discrimination, housing, transportation, and healthcare were the top priorities of people with disabilities in our state. Each of these priorities raises an issue area for people with disabilities. Each issue area is accompanied by one or more barriers that prevent people with disabilities from fully participating in the communities in which we live. There are keys to unlocking each of these barriers. Continue reading to learn how our lawmakers can unlock these barriers.

**[www.unlockingbarriers-sc.org](http://www.unlockingbarriers-sc.org)**

## Discrimination and Public Perception of People with Disabilities:

*“I do not feel as though I have equal access. I feel like I am forced to rely on others to meet needs that I know I could meet if our state’s infrastructure were better and people were not so uninformed about disability.”*

*-A Disabled South Carolinian*

**The Issue: Our number 1 barrier is how people perceive us.**

**The Americans with Disabilities Act (ADA) became law 33 years ago.** Yet, South Carolina continues to neglect its legal requirements resulting in discrimination against adults and children with disabilities. When ADA compliance is prioritized, barriers for people with disabilities are removed. The General Assembly can take action today to protect the rights of and support South Carolinians with disabilities.

### **Barrier 1: State agencies are out of federal compliance by not having qualified ADA Coordinators.**

When the ADA passed in 1990, it recognized that discrimination against people with disabilities persists in critical areas, including access to public services. The ADA provided a national mandate for eliminating disability discrimination and access by providing enforceable standards. Title II of the ADA regulations requires government agencies with 50 or more employees to designate an ADA Coordinator knowledgeable about how the ADA applies to the agency’s programs, services, and activities. In addition, they must coordinate efforts to comply with and carry out their responsibilities under the ADA, including investigating any complaints. There remains limited enforcement of the law within the state’s current oversight process.

**Without enforcing the state’s requirements under the ADA and ensuring people with disabilities have access, people with disabilities are subject to discrimination.** South Carolina is allowing harm and ignoring the rights of over 1.3 million of its people.

*“Living with a disability is difficult because you can’t access government buildings.”*

*- A Disabled South Carolinian*

### **Unlocking the Barrier: Ensure that state agencies have ADA Coordinators.**

ADA Coordinators provide educational and technical support for State agencies so that programs, services, and activities offered by the State are accessible and usable by everyone.


**South Carolina is mandated to protect the rights of people with disabilities** to ensure equitable access to all aspects of public life.

In Georgia, ADA coordinators are used to assist state agencies with the technical support and assistance necessary to implement the ADA’s requirements; along with supporting state agencies in updating, strengthening, and enhancing the scope of self-evaluation and transition plans that ensure compliance with the ADA mandate; and develop simplified (and disability-friendly) methods for people with disabilities to access disability-related services and information offered by the state.


**The state must assume leadership by prioritizing a State ADA Coordinator’s Office** to ensure all state agencies comply with the ADA, promote integration and accountability, and protect the civil rights of the 1.3 million South Carolinians with disabilities.

*“No accountability by leaders that oversee the programs. The agencies that administer the programs literally do nothing to help so the program participants can have successful outcomes. Concerns are not addressed and documented.”*

*-A Disabled South Carolinian*

 **Barrier 2: Discrimination against people with disabilities occurs when nondisabled people are unfamiliar with disability culture and history.**


There is a recognizable need in South Carolina to bring disability rights, history, and understanding to students to help alleviate bullying and harassment of students with disabilities and model inclusion early. **Children with disabilities are two to three times more likely to be bullied than their peers without disabilities.** Bullying has been linked to lowered self-esteem and ultimately found to be a causal factor in the reduced self-efficacy of bullied students leading to lower grades and graduation rates.

 **Unlocking the Barrier: We can combat discrimination and negative stereotypes by bringing disability history and rights education to our schools. Lawmakers must pass legislation designating Disability Rights and History Month!**

Across the nation, school districts celebrate Disability Rights and History during October to coincide with National Disability Employment Awareness Month. **South Carolina lawmakers should develop state legislation to designate October for the observance of Disability Rights and History Month.** During this month, each district board of trustees shall require the school principal or other designated person to ensure that each class from Kindergarten upward participates in instruction on disability awareness and acceptance, successful people with disabilities, and the disability rights movement.

 **Barrier 3: Myths about people with disabilities lead others to believe we cannot make decisions.**

**The guardianship process is unfair and has become a rubber stamp process in South Carolina, resulting in people with disabilities losing fundamental liberties unnecessarily.** A guardianship based solely on one's disability may not fully consider the person's ability to learn new skills and utilize natural supports to make choices. It can be a permanent "solution" to address potentially temporary concerns about one's capacity for responsible decision-making.

 **Unlocking the Barrier: Legislation is needed that affirms the right of individuals to maintain independence and control of their lives.**

**Supported Decision Making is a recognized alternative to guardianship** through which people with disabilities use friends, family members, and professionals to help them understand the situations and choices they face so that they may make their own decisions without the 'need' for a guardian. In Supported Decision Making, individuals can choose "Supporters" to assist them in different areas of their lives—employment, education, services, finances, health, etc.

This alternative is endorsed by many nationally recognized organizations, including the National Council on Independent Living and the American Health Association, as well as twelve states, including Texas and Indiana. Supported decision-making is a practice accepted around the country to benefit the independence of individuals with disabilities.

**Lawmakers should consider developing legislation to recognize supported decision making, a less-restrictive alternative to guardianship. Supported decision-making will provide a means for supports and assistance to protect the liberty, self-determination, and autonomy of the adult with a disability while maximizing their independence and keeping their rights intact.**

***"Until perceptions and expectations of people with disabilities change, SC will continue to remain significantly behind in terms of disability awareness and quality of life for people with disabilities."***

***-A Disabled South Carolinian***

## ***Supporting Data & References on the Issue of Discrimination:***

Disability rights are civil rights. From voting to parking, the ADA protects people with disabilities. Learn more about the law and regulations under Title II: <https://www.ada.gov/law-and-regs/title-ii-2010-regulations/>

Learn more about Georgia's State ADA Coordinator's office and how they've implemented their program: <https://ada.georgia.gov/>

"Disability history has been largely ignored in school curricula. This is particularly paradoxical since anyone, regardless of age, race, or heritage, may become a part of the population of people with disabilities at any time." Learn more about what disability history programs exist in our neighboring states:

[https://inclusiverec.org/sites/default/files/temp/Disability\\_History.pdf](https://inclusiverec.org/sites/default/files/temp/Disability_History.pdf)

Read the SC Department of Education's Positions Statement on Disability History Awareness Month:

<https://ed.sc.gov/districts-schools/special-education-services/oversight-and-assistance-o-a/acesd/acesd-reports-resources/disability-history-awareness-month-position-paper/>

Learn more about the 12 states who've taken legislative action to recognize supported decision making:

<https://supporteddecisions.org/resources-on-sdm/state-supported-decision-making-laws-and-court-decisions/>

Learn more about supported decision making in South Carolina: <https://scsupporteddecisionmaking.org/>



## Housing Access for People with Disabilities:

*“We cannot afford housing and are forced into a substandard housing situation. I was forced to move into a camper because I cannot afford rent. I was told by the county it’s illegal to live in a camper. I cannot get help from the county because I get too much SSDI... and my camper is considered a resource. What am I supposed to do – sell my home and live in the street?”*

*- A Disabled South Carolinian*

**The Issue: Community living is not accessible, unaffordable, and does not follow Supreme Court rulings**

 **Barrier 1: People with disabilities are forced into institutions.**


As a result of the 1999 case of *Olmstead vs. L.C.*, the U.S. Supreme Court mandated that all states must create an Olmstead Plan. The Court ruled that people with disabilities have the right to live in the least restrictive environment allowing the greatest amount of independence. The plan should show how the state will provide services to individuals with disabilities living in the community so they are not forced into institutions. **24 years later, South Carolina still has not developed an Olmstead Plan and continues to force people to live in institutions.**

The failure of the state to develop a plan in compliance with the 1999 ruling has resulted in a lack of support and services that would enable individuals with disabilities to live in the community. **Institutional bias results in significantly higher costs to taxpayers as it has frequently been demonstrated that supporting community living is far less expensive.**

Per The Kaiser Commission on Medicaid and the Uninsured, “In 2015, the median annual cost for nursing facility care was \$91,250. In 2015, the median cost for one year of home health aide services [HCBS] (at \$20/hour, 44 hours/week) was almost \$45,800.” These numbers prove **nursing home care costs are twice that of home and community based services (HCBS).**

*“I need more help to afford to live by myself with the support I need. I don’t like group home living. There should be more options for where to live other than with parents.”*

*- A Disabled South Carolinian*

 **Unlocking the Barrier: Giving people with disabilities opportunities to live in the community alongside their non-disabled peers must be a priority!**


- **South Carolina needs to create an Olmstead Plan, as required by law.** The state plan must show how the *state* will provide services to individuals with disabilities living in the community as the preferred option, per the law. Lawmakers should consider an Olmstead Coordinator to oversee the requirements and monitoring of the plan. The Olmstead Coordinator could be housed under the recommended State’s ADA Coordinator Office.
- **South Carolina lawmakers must immediately prioritize funding for home and community-based services (HCBS)** to prevent individuals from getting stuck in costly institutional placements. South Carolina is in true crisis resulting in abuse and neglect at the hands of our state. **In 2022, South Carolina had 24,190 people on the waiting list for HCBS waivers** (Kaiser Family Foundation, 2023).

*“For those who do not have a liveable income, the barriers are high mainly because affordable housing has become nonexistent and many more [people with disabilities] are impacted. [Housing is sometimes] so rural that transportation is necessary.”*

*- A Disabled South Carolinian*

 **Barrier 2: Lack of affordable, accessible housing leaves people with disabilities at risk of losing their independence, being forced into institutions, or becoming homeless.**

According to the Disability Statistics Compendium, people with disabilities in South Carolina experience a poverty rate of just over 25%. People with disabilities in SC face significant barriers to housing due to discrimination and the limited availability of affordable, safe, and accessible housing. According to the Center on Budget and Policy Priorities, 23% of the 10.4 million people using federal rental assistance have a disability.

 **Unlocking the Barrier: South Carolina should increase efforts to protect housing rights while creating initiatives to develop affordable and accessible housing.**

- SC should develop stronger legislation to prevent housing discrimination and provide education about housing rights for people with disabilities. Federal nondiscrimination laws, including the ADA, Fair Housing Act, and Section 504 of the Rehabilitation Act, provide housing protections for people with disabilities. These protections apply in most private housing, state and local government housing, public housing, and other federally-assisted housing programs and activities. State laws regarding housing should reflect the federal legal protections for people with disabilities.
- **Lawmakers should develop tax credits or incentives for building housing that is affordable and developed using the universal design concept.** Universal design creates usable housing, meaning **people with or without disabilities can use it without the need for adaptation.** Although the design approach benefits all users, it can lessen the need for home modifications or make them easier to install and use because it was created for users with disabilities.

**Supporting Data & References on the Issue of Housing:**

The Olmstead decision in 1999 established the South Carolina Home and Community-Based Services Task Force. This task force produced a comprehensive report in 2001 outlining recommendations for supporting people with disabilities living in the most integrated settings. However, this report never transitioned into an Olmstead Plan for South Carolina. South Carolina risks continued non-compliance with no Olmstead Plan. **The United States Department of Justice Civil Rights Division is currently investigating South Carolina** to determine if adults with mental illness are being subjected to unnecessary institutionalization due to South Carolina's failure to provide integrated community-based mental health services. Read more in this 2023 report from Disability Rights South Carolina and The South Carolina Institute of Medicine and Public Health: <https://www.disabilityrightssc.org/wp-content/uploads/2023/02/DRSC-2023-Olmstead-Report-a.pdf>

According to the Technical Assistance Collaborative's 2022 analysis of the federally defined housing market in South Carolina, a person receiving a monthly SSI benefit of \$841 would have to pay a large portion of their SSI to rent a one-bedroom unit. **This cost ranges from spending 76% of their SSI in Clarendon County to spending 161% of their SSI in Charleston-North Charleston.**

## Transportation Access For People with Disabilities:

*“I have been blind for 20 years. [there is a] lack of public transportation... I have not tried to find a job because I know that I do not have any dependable transportation to get me to and from a job, and I do not want to be the type of employee that is not dependable. Lack of transportation is one [of our] biggest issues... [we can't] access to jobs that pay well and being able to afford to live in the towns where the good jobs are.”*

*- A Disabled South Carolinian*

***The Issue: Transportation is key to independence and community participation. People with disabilities are twice as likely to lack dependable transportation.***

Lack of transportation makes it difficult to:

- Find and keep jobs for economic independence
- Take care of their health needs early to avoid unnecessary expense
- Build friendships, relationships, and family connections
- Take part in community activities and the local economy



***Barrier: There is a severe lack of public transportation in rural communities.***

According to SCDOT, 27 Public Transit Authorities across South Carolina exist, but these authorities do not provide the services our rural communities need.

*“The main frustration I have is on the county level. My county does not provide assistance to those who live in rural areas with no transportation to town. I live 10 miles from town... What am I supposed to do when my disability prevents me from driving?”*

*- A Disabled South Carolinian*



***Unlocking the Barrier: Lawmakers need to develop a statewide transportation plan to help local governments tap into the available resources to fund Public Transit Authorities and mobility management programs.***

Light industrial and warehousing facilities are often located beyond county transit reach. Without transportation, low-income riders do not have a way to travel to fill the many vacant positions. **Incentives should be developed for communities willing to provide transit in rural areas when establishing or expanding fixed route systems.**

A statewide transportation plan should include a budget that prioritizes objectives and coordinates centralized resources to guide transit systems. **Coordination and prioritization using proper management can connect governments with the federal dollars available to support transportation authorities, alleviating state costs.**

### ***Supporting Data & References on the Issue of Transportation:***

Studies have shown that states that use their public transportation plans see benefits, including increased job creation, economic growth, and decreased out-of-pocket spending for riders. **For every \$1 invested in public transportation, \$4 is returned to the local economy,** according to the American Public Transportation Association.

A survey from the National Aging and Disability Transportation Center shows that diverse younger and older adults with disabilities know that increased public transportation across South Carolina's communities would improve their health and independence as well as that of their caregivers and others seeking transportation services: <https://www.nadtc.org/wp-content/uploads/NADTC-Transportation-Presentation-long.pdf>

## Healthcare Access For People with Disabilities:

*“[Healthcare in South Carolina is] Demoralizing. Dehumanizing. Long waiting lists for waivers and funding for services. Then, when you get the funding, the services don’t exist or are miles away. Adult services are even worse. After years of pediatric services, I can find literally no adult psychiatrists or adult-supporting housing opportunities. There are no waiting lists; they are just not here. It’s disgusting, frankly.”*

*- A Disabled South Carolinian*

***The Issue: People with disabilities need affordable and accessible healthcare to maintain their health and independence.***

Available, affordable healthcare allows individuals to work and provide for their families and communities.

 ***Barrier: Private health insurance is often too expensive or unavailable for South Carolinians with disabilities.***

People with disabilities often face higher healthcare needs, yet, they often lack healthcare. Without proper coverage, many allow conditions to make them sicker, resulting in expensive ER visits, loss of work, and increased mortality.

*“The process between applying and accepting someone with Medicaid is too long. Because of that, I had to go a year without medical insurance.”*

*- A Disabled South Carolinian*

 ***Unlocking the Barrier: Medicaid Expansion/CoverSC would help people with disabilities gain access to the healthcare they need and help many return to work.***

Lawmakers must bring Medicaid expansion to South Carolina. Medicaid Expansion is a pathway to health insurance coverage for people with disabilities who may not be eligible for Social Security’s Supplemental Security Income, including people with significant disabilities. This is a bipartisan issue! **Recent polls show that 69% of SC Republicans, 73% of Independents, and 96% of Democrats support Medicaid expansion to benefit South Carolina.**

### ***Supporting Data & References on the Issue of Discrimination:***

According to CoverSC.org, only 49% of SC workers have private insurance. Accessing federal dollars for Medicaid expansion is smart business for SC because 200,000 uninsured will gain access to healthcare coverage. This means fewer lost work days, fewer ER visits, and less economic strain on the community. **Adults with disabilities are more likely to be employed in expansion states than in non-expansion states.** (“Effect of Medicaid Expansion on Workforce Participation for People With Disabilities.” American Journal of Public Health, 2017)

As recently as March 2023, the Kaiser Family Foundation found **South Carolina ranks dead last across the nation for behavioral health coverage under Medicaid**, partly due to the lack of Medicaid expansion, proving a disservice to our disabled population.

According to a 2019 Jama Network investigation, Medicaid expansion was associated with lower uninsurance rates in disabled and nondisabled people.

Learn more about how **“Medicaid Expansion Boosts Coverage and Services for People With Disabilities”** [cbpp.org/blog/medicaid-expansion-boosts-coverage-and-services-for-people-with-disabilities-despite-critics](https://cbpp.org/blog/medicaid-expansion-boosts-coverage-and-services-for-people-with-disabilities-despite-critics)

### **Medicaid expansion would trigger economic growth and state budget savings in SC:**

- 31,000 new jobs will be created- half outside of healthcare.
- \$7.6 billion in the state’s personal income growth over 3 years, generating \$68 million in new tax revenue.
- \$192 million in savings annually on state-funded programs, based on other states’ experience.