The North Carolina Department of Human Services (NCDHHS) shared the launch of the [*Strategic Plan for Promoting and Expanding Competitive Integrated Employment for Individuals with Intellectual and Developmental Disabilities*](https://www.ncdhhs.gov/media/14199/download?attachment) on January 20, 2022. The strategic plan is focused on ensuring that individuals with intellectual and developmental disabilities (IDD) receive the opportunity to make informed consent specific to competitive integrated employment (CIE) and other meaningful day activities. The NCDHHS developed the strategic plan as the result of a formal [*Memorandum of Understanding (MOU)*](https://www.centerforpublicrep.org/wp-content/uploads/MOU-NCDHHS-DRNC-CPR-final.pdf)with Disability Rights North Carolina (DRNC) and the Center for Public Representation (CPR) from Boston, Massachusetts.

The [*Strategic Plan*](https://www.ncdhhs.gov/media/14199/download?attachment) emphasizes informed choice for individuals with IDD. Informed choice is based on the principle that everyone, regardless of disability status, can make choices if given the opportunity to do so. Informed choice occurs when a person, with or without reasonable accommodations, understands all the options available to them, including the benefits and risks of their decisions. Informed choice for vocational rehabilitation services requires an ongoing process of engaging people in person-centered conversations about their goals. As part of phased approach to the expansion of CIE opportunities for individuals with IDD, the NCDHHS will cease funding of new admissions to Adult Developmental Vocational Program (ADVP) settings by July 1, 2022. The [*Strategic Plan*](https://www.ncdhhs.gov/media/14199/download?attachment) fails to recognize that individuals with IDD have exercised informed choice to attend services in ADVP settings. Individuals with IDD that attend ADVP settings are offered CIE options during annual vocational rehabilitation career counseling/ vocational choice meetings per mandate of the Workforce Innovation and Opportunity Act (WIOA). It fails to recognize the evolution of CIE service options that many ADVP settings now offer. If the phased approach described in the [*Strategic Plan*](https://www.ncdhhs.gov/media/14199/download?attachment) moves forward with the gradual elimination of funding for individuals with IDD in ADVP settings, it will be limiting the informed choice of people with the most significant disabilities.

Many ADVP settings in NC offer a full array of services and build customized programs for each person based on their individual needs, abilities, and the informed choices they and their families made during annual person-centered planning meetings. They have provided most of the supported employment funded by the Division of Vocational Rehabilitation Services (DVRS) including CIE job placements in private businesses in local communities and ongoing/ long-term supports as needed. ADVP settings also provide life skills training, community access, meaningful day opportunities, and transportation.

ADVP settings are community resources that should be used to increase employment in private businesses by covering the gap in employed hours for supported employees. They serve as a safety net for individuals with IDD who lose their jobs with private employers or are employed less than full-time. Individuals that work a few hours a week in private businesses can increase life skills and community opportunities through the day component of the in lieu of service (ILOS) by attending ADVP settings when other community work is not chosen or available. ADVP settings that offer meaningful day activities are places of belonging for many of the individuals with IDD that attend. For many, they provide the individual with work, community opportunities, assist in addressing social determinants of health giving them purpose, autonomy, better health outcomes, and mastery in tasks.

Many families depend on ADVP settings. Parents and family members with whom individuals with IDD live who receive services in ADVP settings can maintain their employment because of the predictably hours of ADVP settings. Predictable day programming, with or without CIE, helps keep families together. ADVP settings, especially in more rural areas, have solid community support for both their center-based and community-based operations. Many have a manufacturing base and are centers of employment for individuals without disabilities. Eliminating a service option for individuals with IDD that provides predictable support to their families in a state with over 15,000 people waiting for North Carolina’s home and community based (HCBS) waiver, NC Innovations, will not increase CIE. Reduction of ADVP services will not increase CIE in NC as evidenced by other states. Efforts to eliminate similar programs in other states has not increased overall CIE. Many CIE opportunities for individuals with the most significant disabilities are part-time and rarely replace all the hours of community and life skills training provided in ADVP settings.

Opponents of ADVP settings say that it is discriminatory and is in violation of the Americans with Disabilities Act (ADA). A careful reading of the Act, the [*Olmstead*](https://www.law.cornell.edu/supct/pdf/98-536P.ZO)decision of the Supreme Court based on the ADA, and the enforcement actions of the U.S. Department of Justice, reveal that if a center-based work environment is “the most integrated setting appropriate,” it is not discriminatory. In fact, the “most integrated setting appropriate” criteria means that a range of options should be made available based on the needs of individuals and that is up to the individual with IDD and their person-centered planning team to decide through informed choice. Title II of the ADA states “persons with disabilities be provided the option of declining to accept a particular accommodation” such as CIE. In Justice Ginsburg’s opinion notes that “nothing in this part should be construed to require an individual to accept an accommodation which such individual chooses not to accept.” Justice Ginsburg also recognized “states need to maintain range of facilities for persons with diverse mental disabilities.” Per the Olmstead decision, “there is no federal requirement that community-based treatment be imposed on patients that do not desire it.” Also, “persons with disabilities must be provided the option of declining to accept a particular accommodation.”

Finally, it is the opinion of the Vaya Health Provider Advisory Council that ceasing funding for ADVP settings will, rather than enhance CIE opportunities, negatively impact the options for individuals with IDD, especially those with the most significant disabilities.