

2018 LEGISLATIVE PRIORITIES FROM THE BLIND OF VIRGINIA

Priority #1: Protect Civil Rights of Disabled Parents.

Action: Co-patron HB 491 & HB 515 / SB 70 (Patron Delegate LaRock, 33rd District / Patron Delegate Rob Bell, 58th District and Patron Senator Favola, 31st District) which adds protections to reduce discrimination persons with disabilities face in court decisions regarding custody, visitation, foster care, guardianship, and adoption.

Issue: Blind and disabled parents in Virginia and across the U.S. are having their right to raise a family denied. In particular, blind parents have sometimes been denied adoption, or have lost child custody on the basis of blindness. In such cases, a prospective parent's disability often becomes the overriding factor used by the courts and social service agencies when making decisions about the care of children.

The National Federation of the Blind has documented thousands of cases of blind people who are successfully raising children, many right here in Virginia. This vast experience demonstrates that blindness is not a relevant factor in deciding whether a person is fit to be a parent. Similarly, the American Bar Association has come to the same conclusion with respect to other disabilities. Unfortunately, the capabilities of persons with disabilities to care for children are often brought into question even when they had been successfully caring for their children for many years.

Despite improved technology, training, and support systems, myths about the capacity of parents with disabilities persist. Even judges, social workers, and other state employees are not immune from these latent biases. Many of them have never met a blind person and cannot imagine raising a child while having limited or no sight. Because of this lack of understanding, some of these individuals miscalculate what is in the best interest of the child because they underestimate the skills of a parent with a disability to raise a child using alternative techniques.

Solution: HB 491, HB 515 / SB 70 will solve this problem by doing three things. First, it will establish that a parent's disability will not serve as the sole basis for denial of rights without evidence of detriment to the well-being of the child. Second, when a parent's disability is alleged to have a detrimental impact on the child, it will require the party alleging the detrimental impact to offer proof that training in alternative techniques would not ameliorate the problem. Finally, it will require ultimate decision makers to put their findings in writing to ensure that they consider training before deciding whether to break up existing families or prevent the establishment of a new one.

Priority #2: Virginia’s Blind Students Deserve Literacy Equal to their Sighted Peers

Action: Co-patron HB 336 (Patron Delegate Cole, 88th District) which requires an assessment of the literacy needs of Virginia’s blind and low vision students as a component of a student’s Individual Education Program (IEP).

Issue: Blind and visually impaired students in Virginia are not obtaining the literacy skills needed to achieve employment. While 70% of blind Americans are unemployed, 90% who are employed know Braille. The future success and employment of Virginia’s blind and low vision students depends on literacy. Since most visually impaired students have some residual vision, they are taught to read using large print, even when Braille or a combination of large print and Braille would best meet their current and future needs. While Braille is the presumed reading media, Virginia schools are only providing learning materials such as textbooks in Braille to approximately 100 of Virginia’s 1,200 blind and low vision students. Thus, Virginia’s blind and low vision students are falling behind their sighted peers because they are not given the tools to develop literacy skills.

Solution: HB 336 incorporates best practices and federal requirements to ensure that an assessment of reading media is conducted and that the results are incorporated into the IEP process. A similar 2016 bill received a Fiscal Impact Statement of \$0. Since 2016, multiple stakeholders have collaborated to produce the 2018 bill. Through an extensive collaborative effort, relevant stakeholders now support the current version, HB 336, and the National Federation of the Blind of Virginia urges your support as well.

Priority #3: Don’t Weaken the Virginians with Disabilities Act

Action: Oppose SB 199 (Patron Senator DeSteph, 8th District) which requires individuals who face discrimination due to their disability to give offenders 60 days to correct the issue prior to bringing a lawsuit and requires the person with a disability to identify, in writing, among other things, the specific law being violated by the offender.

Any weakening of the protections for people with disabilities in places of public accommodation could lead to lower levels of employment and independent living for persons with disabilities. For example, inaccessible security entrances have the potential to limit certain employment and residential options for blind and low vision Virginians. This is particularly troubling when one considers that the Virginians with Disabilities Act (VDA) already has a safe harbor that prevents lawsuits against places that were compliant with the building code when built.¹

ABOUT THE NATIONAL FEDERATION OF THE BLIND

The National Federation of the Blind is America’s largest and most active organization of the blind. With more than 50,000 members, we are not an “agency” claiming to speak for the blind; we are blind people speaking for ourselves. In Virginia, we are organized into 14 local chapters throughout the Commonwealth, and into various special interest divisions; including a parents’ division.

¹ See Virginia Code § 51.5-44(D).