Disability Rights OHIO

Jordan Ballinger, Policy Director of Disability Rights Ohio
Interested Party Testimony on House Bill 32
House Health Committee
April 9, 2025

Chair Schmidt, Ranking Member Somani, and members of the House Health Committee, thank you for the opportunity to provide interested party testimony in consideration of House Bill 32 (HB 32) a bill designating July as Celebrating Disabilities Month. My name is Jordan Ballinger and I am the Policy Director for Disability Rights Ohio (DRO), the states protection and advocacy system that works to advocate for people with disabilities in Ohio.

DRO applauds Representatives Cockley and Jarrells for the introduction of HB 32 and Chair Schmidt for bringing this bill forward to receive testimony from the public. This legislation is an important acknowledgement by the state of the countless contributions disabled Ohioans have made to our communities and state. This testimony will specifically focus on four (4) topics:

1. **The history of Disability Rights Ohio;**
2. **A brief history of the disability service system in Ohio;**
3. **The importance of the Americans with Disabilities Act (ADA) and the Olmstead Supreme Court ruling; and**
4. **The importance of elevating the voices, choices, and participation of people with disabilities in policymaking here in Ohio.**

DISABILITY RIGHTS OHIO HISTORY

In 1972, Geraldo Rivera investigated the conditions of the Willowbrook State School in New York exposing horrific conditions people with disabilities were being subjected to. This state-operated institution was called a “snake pit” by then United States Senator Robert F. Kennedy. After the expose of the conditions in Willowbrook was released, Congress led investigations across the country into state-operated institutions. This led to the passage of the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (DD Act) which centered the voices, choices, and participation of people with developmental disabilities in design and access to community-based services, supports, self-determination, independence, and integration and inclusion in all facets of life. Included in the DD Act was the creation of the protection and advocacy system with a core attribute of these organizations to investigate abuse and neglect and seek justice for victims and their families. In Ohio, DRO serves as that agency.

OHIO DISABILITY SERVICE SYSTEM

In Ohio, state services for people with disabilities go back to its founding when in 1815 the state opened the first institution in Cincinnati and included in the constitution the following language:

> *"Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the State; and be subject to such regulations as may be prescribed by the General Assembly."*

Over the next nearly one hundred (100) years, the state continued to construct and expand state-operated institutions. With this ever expanded system, and the management of these institutions becoming more difficult, the Ohio Department of Public Welfare was created in 1911 to provide oversight, issue reports, and maintain care for people with disabilities. The first report issued by the new department detailed issues with large scale institutions, the warehousing of individuals, and the need to increase investments into the system. By the 1940s construction had slowed but services had increased and capacity of these facilities had reached its limit. This led to the creation of the Department of Mental Hygiene and Corrections in 1954 to help streamline services and ensure higher quality care.

However, by the 1960s calls for shifting disabled individuals out of institutions and into community-based services started to take shape with President Kennedy signing into law the Community Mental Health Act. During this time in Ohio, the Horn Report was released which called for a county-based system of care to serve people with disabilities and a model that helped ensure individuals access to services in their homes and communities. This report led to the creation of the county boards of developmental disabilities through SB 169 and the community mental health boards through SB 648 in 1967 under the leadership of then Governor Rhodes. This brought a new era of how services were to be provided to disabled Ohioans.

In the 1971 the creation of the Department of Mental Health and Retardation was created to streamline this community-based service system and help ensure communities were providing adequate care. Throughout the 1970s and 1980s the General Assembly took more steps to ensure access to educational services, early intervention, and a national effort to bring awareness to developmental disabilities. By 1980 further changes were made by separating the Department of Mental Health and Developmental Disabilities and now in our current budget recommending the Department of Mental Health and Addiction Services to be renamed the Department of Behavioral Health. All of this is a recognition of the shifting language and priorities to effectively support people with disabilities in the settings of their choice.

THE AMERICANS WITH DISABILITIES ACT AND OLMSTEAD

The Americans with Disabilities Act of 1990 (ADA) is largely celebrated as the cornerstone civil rights legislation for people with disabilities. But it is critical to understand the movement that came nearly 15 years earlier with protests over Section 504 of the Rehabilitation Act of 1973, a law that was the first to recognize disability as a civil right with the following language:

> *"No otherwise qualified individual with a disability in the United States, as defined in section 705 of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

However, it took several years before enforcement of these provisions went into effect frustrating disabled advocates. This launched protests around the country including at federal office buildings on April 5th, 1977, led and organized by disabled advocates. Because of the elevation of the voices and leadership of disabled advocates the federal government began enforcing the language of 504 laying the ground for the ADA.

The importance of the ADA cannot be overstated. This sweeping legislation defined disability and provided protections to people with disabilities across public, private, and employment settings and establish accessibility requirements on public accommodations. However, this bill was also in limbo for years prior to the passage in 1990. In 1986 the National Council on Disability recommended the enactment of the legislation and drafted the legislation in 1988. And it wasn't until disabled advocates climbed the steps of the Capitol, did Congress finally vote to enact the ADA. The bill was finally signed by President George H.W. Bush on July 26, 1990 with broad bipartisan support.

The passage, while pivotal, still did not ensure independent living, community inclusion, or states providing support for these services. In 1999 a case was brought before the United States Supreme Court to clarify the responsibility of the state to provide services and supports in community-based settings known as Olmstead v. L.C. (Olmstead). Specifically, Olmstead defined the "integration mandate" that requires states to eliminate unnecessary segregation of people with disabilities and that individuals receive services in the most integrated setting appropriate to their needs. This landmark decision was only possible because of the lead plaintiffs Lois Curtis and Elaine Wilson: Two incredible disabled advocates who were confined to institutional settings and wanted to transition into community-based services and supports.

NOTHING ABOUT US WITHOUT US

The voices, choices, and participation of disabled advocates is necessary when adopting public policy that impacts disability service systems. The disability rights movement is grounded in the motto "nothing about us without us." No one understands systems like those who are being served by those systems. The disability service system would not be in the place it is today without disabled advocates leading for those system changes. Ignoring the voices of this population will only lead to public policy that negatively impacts disabled Ohioans and prevents individuals from living independently within their homes and communities.

A more recent example of this is the 135th General Assembly's HB 33, the prior biennial budget. This budget made the largest investment in the home and community-based service system to increase wages for direct care workers. This was possible only because of the hundreds of testimonies given during the budget process by disabled advocates and the countless meetings legislators took with advocates to hear about the incredible need to support this critical workforce. By the legislature hearing from these advocates, elevating their voices, listening to their concerns, and making the needed investments based on that advocacy, the legislature showed, disability matters.

HB 32 is a culmination of all this history, past and present. HB 32 recognizes the countless hours disabled advocates have contributed to our communities and state making them more accessible and inclusive. By marking July as Celebrating Disabilities Month the Ohio General Assembly is sending a clear message, no decision about disability will be made without disabled voices. This year marks a pivotal point in the long history of disability rights as we celebrate the 35th anniversary of the passage of the ADA. The introduction and passage of this legislation is timely and another historic marker in Ohio history.

Thank you for the opportunity to provide interested party testimony in consideration of HB 32, I am happy to take questions from the committee.