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Independent Living Services, Diversion & Transition from Institutions

The Nevada Statewide Independent Living Council (SILC) understands that Independent Living (IL) services provide a foundation in which people with disabilities can remain in their homes in accordance with Olmstead v. L.C., 527 U.S. (1999). The Americans with Disabilities Act (ADA) also requires that people with disabilities fully interact with nondisabled persons in an integrated setting where possible and that services, programs and activities must adhere to this mandate. The SILC upholds these ideals by practicing the Independent Living Philosophy: All people have the right to control and direct their own lives, leading to self-determination and independence, and people with disabilities also have the right to actively participate in all aspects of community life to any extent they choose.

This philosophy and set of standards and laws prescribe a robust and far-reaching set of IL services to facilitate both the diversion from institutions such as nursing homes and care facilities as well as transition out of them where possible. Programs such as Money Follows the Person (MFP) and Family Outreach and Community Integration Services (FOCIS) as well as personal care services, assistive technology, home health, and any other core IL services as defined within [The Rehabilitation Act of 1973, as amended (29 U.S.C. 796c section 7(18))](https://acl.gov/sites/default/files/about-acl/2020-07/rehabilitation-act-of-1973-amended-by-wioa.pdf) must be made available to people with disabilities, regardless of their ability to pay. Whenever there is a barrier to independence as defined in the IL Philosophy, the SILC must, to the best of their ability, educate any entities who may assist in removing that barrier.

Transition from High School-College Bound

The Nevada Statewide Independent Living Council (SILC) stands firm in support of ensuring youth transitioning into college or trade school have the tools and resources they need to be successful. We also understand that all people have the right to the opportunity to succeed or to fail, and that when people fall short of their goals, they learn and grow as a person. This is a basic human right that no one should be denied. Whether through an Independent Living (IL) program, high school college counseling program, non-profit resource, Department of Education initiative or another source, college preparation should be accessible, comprehensive, and individualized, based on each student’s need. The Nevada SILC evaluates transitioning students’ needs throughout the State and educates any entities regarding this important process.

The [Rehabilitation Act of 1973 (Act), as amended by the Workforce Innovation and Opportunity Act (WIOA)](https://acl.gov/sites/default/files/about-acl/2020-07/rehabilitation-act-of-1973-amended-by-wioa.pdf) emphasizes the provision of services to students and youth with disabilities. The Act ensures they have opportunities to receive the training and other services necessary to achieve competitive integrated employment. It also expands the population of students with disabilities who may receive services and the kinds of services that the Bureau of Vocational Rehabilitation (VR) may provide to youth and students with disabilities who are transitioning from school to postsecondary education and employment. Therefore, it is also the stance of the Nevada SILC to ensure there is widespread awareness of VR programs, as well as education to agency representatives and legislators regarding specific needs of the population of Nevada youth with disabilities transitioning into higher education or trades.

Employment for Persons with Disabilities (PWD)

The Nevada (NV) Statewide Independent Living Council (SILC) believes that people with disabilities who want to work should have equal access to gainful employment and that any person who obtains employment should receive a living wage. If a person is qualified, their disability should not deter an employer from hiring that person, and reasonable accommodations are not only required according to the [Americans with Disabilities Act of 1990, as Amended](https://www.ada.gov/pubs/adastatute08.htm) (the Act), but also raise the standard of ethics under which the employer operates.

The Bureau of Vocational Rehabilitation (VR) services are designed to address assessment, training, treatment, and job placement for Nevadans with disabilities. The division places primary emphasis on providing necessary services to help clients work and live independently. VR, under Title I, section 103 of the Act, provides an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

Since this is the primary agency funded to promote employment for persons with disabilities, the NV SILC works closely with them and the Nevada State Rehabilitation Council (NSRC) to ensure our community is actively engaged. Therefore, the Nevada SILC engages in informing VR, other employment service providers, employers and lawmakers about the needs of people with disabilities in Nevada as those needs change over time or with evolving circumstances.

Transportation

The Nevada Statewide Independent Living Council (NV SILC) understands that accessible and affordable transportation options are vital to people with disabilities. There are currently not enough accessible transportation options available throughout the State. Nevada’s various transportation agencies do not cover many rural and frontier areas, as well as falling short of providing accessible services that extend past city limits. We advocate for, support and often fund efforts to improve our transportation infrastructure Statewide.

Public or private transportation entities may not be educated regarding the needs of people with disabilities, sometimes causing serious safety issues for individuals attempting to utilize those services. NV SILC strives to provide education and outreach to support training efforts as well as safety implementations. NV SILC asks that people with disabilities be included in transportation planning so we can ensure our needs are being considered.

Transportation planning often works hand-in-hand with employment and housing. NV SILC supports the inclusion of people with disabilities when planning new economic development projects and housing developments. Too often, when employment opportunities arise, not enough consideration is given to transportation needs of the community, and unforeseen barriers cause the most vulnerable populations to be left out. Affordable and safe housing also can be outside of public transportation routes, or too far from accessible options, especially when the development is outside of city limits or in remote areas. NV SILC advocates for people with disabilities to have a voice during the planning stages of any development project to ensure accessibility and affordability.

Housing

The Nevada Statewide Independent Living Council (NV SILC) supports equal opportunity in housing options, including broad, accessible and affordable housing options that are geographically integrated without location restrictions. We believe that, by integrating all communities with housing options that accommodate people with disabilities, we will be creating strong, diverse communities that are inclusive and safe for vulnerable children and adults.

The [Americans with Disabilities Act of 1990, as Amended](https://www.ada.gov/pubs/adastatute08.htm) (the Act) informs us according to Sec. 12132., regarding discrimination, that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. The Nevada Housing Authorities in each region have programs for low-income households as well as home buyers to assist people in finding the home that is appropriate for them. NV SILC works with the Independent Living Network to ensure there are strong partnerships and that people with disabilities have a voice at the table when agencies plan for any changes or additional programs that could affect us.

If/when housing prices get too high; if/when there is not enough affordable housing available; if/when businesses and homeowners try to exclude the inclusion of affordable housing in low-crime neighborhoods; if/when disaster strikes and people become housing insecure; if/when any of these circumstances or any other circumstances arise that could impact the disability community, the SILC advocates and educates the public and organizations about the values stated above and potential solutions and innovations, as they become known. NV SILC has funded housing collaborative programs where possible and will continue to do so as our funding allows.

Mental Health Supports

The Nevada Statewide Independent Living Council (NV SILC) is aware of the mental health crisis across the State of Nevada. The crisis includes a deficiency of mental health supports. The following often contribute to the complexity of the problem:

* A lack of affordable housing options
* A shortage of funding for outpatient services
* Inadequate placements into group homes or supportive living arrangements that are unsuitable for the individuals’ needs can occur due to the exhaustion of all other resources
* Poor living conditions for other residents who also may or may not be suited to the same environment
* Inpatient hospitals often are at capacity and must discharge individuals before they are safe to be discharged to make room for the next admission
* No current long-term mental health supports for children in Nevada
* Social isolation can also lead to suicidality, which we have seen skyrocket during the COVID-19 pandemic, especially for adolescents and older adults.

NV SILC advocates for higher reimbursement for mental health care workers and service providers. Pay rates are too low while training is rigorous and necessary, and this contributes to the shortage of mental health support and care providers. Another problem is that a medical model is applied without consideration of what the individual’s preferences are. NV SILC strives to ensure more peer support models are implemented such as drop-in centers. NV SILC understands that many people have multiple disabilities and mental health supports are commonly needed in conjunction with other IL services. NV SILC looks for solutions to the barriers that are causing the shortage of mental health supports for Nevadans with multiple disabilities and promotes solutions that are in alignment with the IL Philosophy.

Disability Language

Since the late 60’s, there has been an evolving movement toward person-first language. It originated in Sweden and began to be incorporated into the United States with some historical Acts within our Constitution. Now it is the current accepted terminology of the American Psychological Association (APA) that further translates into most government acts such as the ADA (Americans with Disabilities Act) and IDEA (Individuals with Disabilities Education Act). It only makes sense that Nevada follows-suit.

The purpose behind person-first language emphasizes the individuality, equality and dignity of people with disabilities by maintaining that an individual is a person first and foremost, and that their traits and medical conditions do not define who they are, but, rather, are simply that: a trait or a condition. Using person-first language reduces social stigmas and provides a frame of reference that places all people in the same category before introducing any other aspects to be considered. Although not every person with a disability agrees with person-first language, it generally invokes mutual respect and is appreciated by the majority of the disability community.

While we respect the rights of individuals to either accept or reject person-first language on an individual basis, NV SILC believes it is important to incorporate person-first language and respectful terminology into formal communications throughout the State to promote personal agency and break down offensive language stigmas. NV SILC stands firm on the commitment to educate, assist and otherwise persuade the public and local governments throughout the State to conform to this standard.

IL vs Medical Model as it pertains to Medicaid programs

The Nevada Statewide Independent Living Council (NV SILC) strongly endorses the Independent Living Philosophy (IL Philosophy). The IL Philosophy states that people should exercise, to the greatest possible degree of choice, where to live, with whom to live, how to live, and how to use time. That includes taking risks and having the right to succeed or fail and taking responsibility for your decisions and actions. Being able to control and direct one’s own life leads to self-determination and independence. A person with a disability has the right to actively participate in all aspects of community life to any extent he/she chooses. This means having opportunities to fulfill a range of social roles, including working, owning a home, raising a family, and engaging in leisure and recreational activities. It also includes asserting one’s rights and fulfilling one’s responsibilities as a citizen. The IL Philosophy ultimately promotes self-direction in all aspects of life.

Medicaid is built upon a medical model. This model dictates what is best for people based on what is medically prescribed, according to CMS guidelines. This often conflicts with self-direction. When Medicaid programs do not offer enough opportunities for people with disabilities to choose to live independently, NV SILC must advocate for services that do. Whether transition out of an institution, prevention of institutionalization, home and community-based services or any other IL services are where Medicaid programs fall short, NV SILC educates community providers and State and local government about the dire consequences of not implementing a self-directed level of care. The IL Philosophy should be the underlying foundation of any program or service implementation. This follows the same value system as using person-first language when referring to people with disabilities. Although the medical model will likely not change in the near future, NV SILC recommends ensuring an IL model is at the foundation of these programs.

Social Justice for Marginalized Populations

The Nevada Statewide Independent Living Council (NV SILC) believes in promoting inclusion, equity and diversity in all endeavors. Minorities and marginalized communities suffer inequities in every aspect of daily life and are required to work harder for the same benefits. From microaggressions to outright racism and bigotry, women, people of color or darker-skinned individuals, LQBTQIA+, Asian Americans, Indigenous people, and people with disabilities are all affected. The intersectionality of these identities compounds their problems. NV SILC recognizes the need to be inclusive, to ensure equity in all situations and to promote diversity within and to support it universally.