



The Arc of Northern Virginia
2755 Hartland Road, Suite 200
Falls Church, VA 22043
T 703-208-1119
F 703-208-0906
www.TheArcofNoVA.org

Achieve with us.

October 30, 2023

FOIA Council:

I am writing to you on behalf of The Arc of Northern Virginia, a non-profit that works with people with developmental disabilities. A lot of our work focuses on ensuring people with developmental disabilities and their loved ones have a voice in their communities and government, which includes sitting as members of public bodies as appointees who can share their expertise. We would like to see expansions in the ability of people with disabilities and their parents and caregivers to participate virtually in government, for we know without those flexibilities, their voices are often unheard.

During the pandemic, we had a much easier time finding people with lived disability experience to agree to sit on advisory groups or workgroups as virtual attendance was an option. Since those pandemic era flexibilities have faded, our community has felt the repercussions deeply, in several ways.

First, many people with disabilities and their primary caregivers have refused to be appointed to subsequent terms or have resigned their positions early as they are not able to fully participate virtually as they do not count towards the quorum. There are several local government groups, including all of the Community Services Boards Developmental Disabilities Committees around the state, and the Fairfax Disability Services Boards, that are comprised mainly of people with disabilities and their families. In these cases, even people who have a disability and need to attend remotely are being told they must come in person as there will not be a quorum otherwise. Personally, I have attended meetings that were cancelled when not enough people could come in the physical room, even though there were enough attendees on zoom, as well as meetings where someone had to leave zoom and drive in person to the meeting so a quorum could be met. In both cases, work of the meeting was completely derailed, despite having people in the virtual room who were ready, willing, and able to contribute. Staff members to the committees are spending huge amounts of time trying to manage who will be joining in what manner, and navigating last minute changes to members' schedules that throw off the tenuous balance.

Secondly, as Assistant Chair of the Long-Term Care Coordinating Council's Government Affairs Committee in Fairfax, we heard testimony about decreases in diversity across boards and commissions as the pandemic flexibilities on virtual participation faded away. This is a huge concern as the point of having volunteer appointees to these groups is to get diverse opinions and input from people with personal experience, and any efforts that curtail that undermine the function of these groups.

Third, we have seen parents and caregivers struggle mightily with the changes. Though many people with developmental disabilities can speak for themselves, there is a large part of our community that rely on parents and caregivers to share their stories, needs, and voices. The existing rules make no exceptions for people who cannot attend in person due to being a caregiver to someone with a disability, despite them having the same barriers to being there as the person with a disability themselves. These hurdles include a lack of accessible transportation, health vulnerabilities, behaviors of the person with a disability that are loud or distracting, a lack of other caregivers available to help, and more. Any flexibilities for people with disabilities must also be made to their parents and caregivers, otherwise we will find ourselves in the same situation we are now where the voices of the disability community are being silenced as accommodations for virtual participation are being denied.

We hope that, in the interests of a diverse, inclusive, and representative open government we see recommendations from the FOIA Council for:

- Ensuring people with disabilities and their parents and caregivers can fully participate remotely as needed because of the disability, including counting towards quorum and voting
- Supporting voting for individuals participating remotely
- Support changes to quorum requirement for individual remote participation
- Support bills like HB2050 and SB1351 (2023) that would increase flexibility for local advisory and regional bodies to hold all-virtual meetings, while retaining guardrails and guidelines to ensure public access, and ensure this flexibility is permitted in state advisory bodies and subcommittees as well

We look forward to seeing your good work and recommendations in action in ways that will ensure equal access for the disability community.

Sincerely,

A handwritten signature in black ink that reads "L. Beadnell". The signature is fluid and cursive, with a long horizontal line extending to the right.

Lucy Beadnell
Director of Advocacy
The Arc of Northern Virginia
Lucy.Beadnell@TheArcofNOVA.org
703-208-1119 x116