

Why “Developmental Disability” Matters in Virginia Law

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A brief guide
for legislators

A Better Legislative Approach

When drafting legislation affecting services, supports, or protections for people with lifelong disabilities, **use the phrase:**

“Virginians with developmental disabilities (as defined in the Code of Virginia and the federal Developmental Disabilities Act).”

What Is a Developmental Disability?

Under federal law (the Developmental Disabilities Assistance and Bill of Rights Act) and Virginia Code, a **developmental disability (DD)** is a lifelong condition that:

- Begins **before age 22**,
- Results in **substantial functional limitations** in major life activities (e.g., self-care, learning, communication, mobility), and
- Requires **ongoing individualized supports**.

DD is an **umbrella term** that includes many disabilities—**not just autism or intellectual disability.**

Common Examples of Developmental Disabilities

- Autism
- Intellectual disability
- Cerebral palsy
- Epilepsy
- Genetic and chromosomal conditions (e.g., Down syndrome)
- Traumatic brain injury occurring before age 22
- Neurological and metabolic conditions that affect daily functioning
- Fetal alcohol spectrum disorders
- Other lifelong developmental conditions that cause substantial limitations

Key Point: Autism and intellectual disability are developmental disabilities, but they are only two of many disabilities covered under the DD definition.

Why Using “Developmental Disability” Matters

1. It Is More Inclusive

When bills reference only “autism” or “intellectual disability,” they **exclude thousands of Virginians** with other developmental disabilities who have similar needs and characteristics.

Using the term **developmental disability** ensures that policy benefits all individuals who meet the criteria—not just those with the most commonly recognized diagnoses.

2. It Aligns with Virginia’s Medicaid Waiver Home and Community Based Services System

Virginia’s three DD waivers receive federal and state Medicaid funding based on the **developmental disability** definition.

Using consistent terminology:

- Reduces confusion regarding eligibility and access,
- Supports better coordination of services, and
- Avoids unintended consequences of exclusion.

The DD definition ensures that **eligibility is based on functional need**, not on which diagnosis appears in the bill.



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