



June 30, 2016

The Impact of the 2016 Legislative Sessions on Individuals with Disabilities and their Families

Advocates were on pins and needles throughout three legislative sessions spanning a record nineteen consecutive weeks as budget shortfalls threatened vital services for people with developmental disabilities. In the end, legislators heard the emotional pleas from parents and self-advocates and funded most of the existing services needed for people with developmental disabilities, but fell short in addressing all those in need.

The year began with an estimated \$2 billion shortfall for both FY2016 that ends June 30th and FY2017 that begins July 1st. Through a combination of budget cuts by Governor Edwards and the legislature, and revenue raised in the first special session, the budget shortfall was reduced to \$600 million for FY2017. Another \$263 million of revenue was generated from the second special session, far short of what the Governor said was needed to maintain vital programs and state services.

Unfortunately, the magnitude of the budget shortfall resulted in legislators filling holes in one program by cutting and/or threatening to eliminate another vital program. This exercise made for an emotional rollercoaster for parents and self-advocates as funding for developmental disability supports and services was often involved in this shell game. Advocates were, however, persistently present at the Capitol, communicating with their legislators, and sharing the importance of all services. These efforts were rewarded to a large extent, but in the end there were simply not enough votes to raise the revenue needed to meet all the priorities of Louisiana.

Aside from the budget, some of the main topics regarding people with developmental disabilities addressed this session included: the need for more accountability over students with disabilities being restrained and secluded in schools, the availability of special education data to inform stakeholders, an opportunity for certain previous students with disabilities to petition for a high school diploma, parental liability for children with disabilities and behavioral plans in schools, and copayments in Medicaid.

HOME AND COMMUNITY-BASED SUPPORTS

Budget Issues

The good news is that funding was restored for all four home and community-based waivers for individuals with developmental disabilities, Long Term Personal Care Services, the State Personal Assistance Services (SPAS) program, and Families Helping Families. The cuts to the Human Services Districts/Authorities were partially restored, reportedly minimizing the impact to the Individual and Family Support and Flexible Family Fund programs. However, after years of cuts to the Districts/Authorities, the impact has already been felt by families. Finally, families with children with significant, complex health care needs were gratified that Pediatric Day Health Care was funded.





The bad news is that the almost 14,000 people with developmental disabilities waiting over eleven years for waiver services received no hope of receiving a needed waiver as waiver slots left vacant through attrition were not funded. Waiver providers were also left empty handed with no funding to cover the cost of overtime for the Direct Support Professionals (DSPs) they employ to support people with disabilities in their homes and communities.

Medicaid Expansion, Copayments, Etc.

Attempts to block the expansion of Medicaid were unsuccessful and hundreds of thousands of Louisiana citizens will have access to health care on July 1st. Advocates were also grateful that various attempts to establish Medicaid cost sharing and/or co-payments that would adversely impact people with disabilities were voluntarily deferred early in the legislative process. In addition, two instruments related to Medicaid Managed Long Term Supports and Services were also voluntarily deferred.

EDUCATION

Restraint/Seclusion and Behavior

Although a law was passed five years ago requiring the Louisiana Department of Education (LDOE) to collect and analyze data on the number of times students with disabilities were restrained or secluded in schools, advocates and legislators agreed this data was not being collected. Senator Jack Donahue once again championed the needs of students with disabilities by authoring [SB 317/ Act 522](#) that accomplished three things related to the use of restraints and seclusion. First, it clarified LDOE is required to report incidents of restraint and seclusion. Second, the definition of restraint was slightly modified. Finally, an Advisory Council on Student Behavior and Discipline was established. This Advisory Council will provide advice and guidance to the Board of Elementary and Secondary Education and LDOE regarding best practices in providing support to schools in addressing student behavior. At least three of the twenty-four members of this Advisory Council will be parents, two of whom will be parents of students with disabilities. Parents were very pleased the legislature saw fit to create a solution for supporting schools in using positive approaches to challenging behavior.

Challenging behavior was also the focus of [HB 862/Act 226](#) by Representative Reid Falconer, which limits the liability for parents of some students with developmental disabilities when their student is at school. Advocates behind Act 226 were pleased the legislature agreed that when a parent sends their child with a disability and a behavior intervention plan to school, the parent is no longer liable for damages or injury caused when the student is in the care of the school.

Data and Informed Stakeholders

Parents and other advocates need adequate information to be able to provide meaningful input into the development of policy and practices impacting students with disabilities. The Louisiana Department of Education will be required to produce a report with statistics on students with disabilities as a result of [SB 310/Act 485](#) by Senator Dan Claitor. For almost twenty years LDOE provided the information required by Act 485 in a report called the Special Education Data Profile, but





discontinued this practice after 2012. These data allow stakeholders to observe trends and patterns, such as the rise in the rate of students with autism, differences between school systems in things like inclusive practices, participation rates of students taking tests designed for students with the most significant disabilities, and other important practices and outcomes of students with disabilities. To LDOE's credit, it produced the [2014-15 Louisiana Special Education Data Profile](#) before the regular session ended.

Retroactive Diploma

Representative John Schroder and Senator Claitor once again stepped up and championed a bill ([SB 335/Act 303](#)) to allow people with disabilities who exited school without a diploma, even though they earned all the necessary credits, to request a high school diploma. Act 303 also prohibits schools from requiring medical information to be shared until a student is enrolled.

Budget

Funding for public schools was cut by \$24 million, leaving local school systems scrambling to make budget cuts that will have the least impact on students. The level of cuts to the high cost fund that assists school systems in meeting the costs of serving students with disabilities with high cost needs is not known at this time.

EMPLOYMENT

Budget

At the time of this article the Louisiana Workforce Commission was still working to determine the impact of the legislative session on Louisiana Rehabilitation Services.

Find a [full list of issues](#) that were addressed in legislation during the 2016 legislative session that may have an impact on people with disabilities on the Council's website.

