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The Impact of the 2015 Legislative Session On Individuals with Disabilities and their Families

Facing a \$1.6 Billion budget deficit, legislators spent the majority of their time during the 2015 legislative session debating various ways to raise funds and deciding which programs they could save that had been cut in the Governor's proposed budget. However, they took the time to listen to the voices of people with developmental disabilities and their families and responded.

After advocating for over three years for equity in school funding, students with disabilities, their parents, and advocates received a long-awaited victory in the passage of SB 267 by Senator Dan Claitor. This legislation clarified that all schools receive funding based on the same funding formula beginning in the 2015/2016 school year, despite attempts to delay implementation.

Advocates were also gratified that the legislature included funding for home and community-based services for people with developmental disabilities that had been cut in the Governor's Executive Budget. While every need was not met, the fact that any additional funding was provided was quite an accomplishment, and certainly a testament to the influence of the advocates in the "yellow shirts" and the relationships they have built with their legislators. Below is a recap of these and some of the other issues affecting people with developmental disabilities and their families that were addressed by the 2015 legislature.

HOME AND COMMUNITY-BASED SUPPORTS

Advocates will recall that the legislature appropriated funding in the 2014 legislative session to fill approximately 1,200 waiver slots for people with developmental disabilities. However, less than half of those had been filled when mid-year budget cuts were announced in February 2015. The filling of the vacant slots was immediately halted by the Department of Health and Hospitals (DHH) and the hope of those on the waiting list was crushed. After hearing powerful testimony from parents of children with developmental disabilities during the 2015 legislative session, legislators responded by appropriating \$3.5 Million in state funds (\$9.25 Million total) to fill all vacant home and community-based waiver slots for people with developmental disabilities.

The legislature also restored \$170,000 to the Families Helping Families Regional Resource Centers that was cut in the Governor's Executive Budget and added \$500,000 for EarlySteps. Senators Jack Donahue and Dan Claitor and Representatives John Schroder and Ledricka Thierry led the efforts to secure funds for all of these programs that meet the needs of people with developmental disabilities and their families.

There were cuts in the Executive Budget, however, that were not restored by the legislature, and these will have a direct negative impact on individuals with developmental disabilities and their families. Approximately \$1.1 Million in state funds that had been appropriated by the 2014





legislature for the Individual and Family Support Program in three areas of the state was eliminated in the Executive Budget and not restored in the 2015 legislative session. As a result, many families have been notified that their services will be reduced or eliminated effective July 1st. The regional Human Services Districts/Authorities and the program offices in DHH also took substantial cuts.

HEALTH

The Louisiana Health Insurance Premium Payment (LaHIPP) Program was eliminated for Fiscal Year 2016 due to budget cuts and due to the fact that the program was no longer cost effective for the state. Approximately 1,500 Louisiana households of Medicaid recipients received notice in mid-June from the state Medicaid office that their insurance premiums, co-pays and deductibles would no longer be covered by the state. However, DHH has delayed the discontinuation of the program until December 1, 2015 to give families more time to consider their options.

EDUCATION

Advocates appreciate Senator Dan Claitor's efforts to continue seeking equity in funding across school systems for students with disabilities. After three years of requesting and expecting the Board of Elementary and Secondary Education (BESE) and the Louisiana Department of Education (LDOE) to fix funding inequities and ensure schools receive the funding needed to serve students with disabilities, Senator Claitor, with strong support from Representative John Bel Edwards, championed **SB 267 (Act 467)** throughout the session. In addition to clarifying that all schools should receive funds based on the same funding formula, SB267 will require charter schools to serve a fair share of students with disabilities.

Funding inequities were caused by using a different funding formula for charter schools than used for traditional public school systems. Traditional schools are supposed to receive 2.5 times more money for each student with a disability than for each student without a disability. But charter schools received the same amount of money for every student. Since the amount charter schools receive is deducted from traditional public schools, using different funding formulas caused disruptions, i.e., reductions, to the amount of money almost every traditional school system should have been receiving.

Funding inequities create two huge problems for students with disabilities. First, charter schools have a financial incentive to avoid serving students with disabilities. Second, both charter and traditional schools need appropriate funding to educate students enrolled in their schools.

Funding levels to traditional public school systems have not been following the funding formula passed by BESE and the legislature. Many legislators in support of equity believed BESE was not applying existing law correctly and wondered why SB267 was even necessary. Data produced by LDOE illustrated the impact this inequity has had on the state portion of funding. With one exception, every Type II charter school received more money than should have been provided according to the Minimum Foundation Program (MFP) formula. On average, charter schools across the state received over \$150,000 more than they should have received for the students they served last year. Charter school proponents advocated for the funding inequity to continue for another year.





A majority of legislators, led by Senator Claitor and Representatives Edwards, Joe Harrison, J. Rogers Pope, Steve Pylant, Jerome “Dee” Richard, John Schroder, and Patricia Smith, agreed that this inequity has gone on long enough. Passage of SB267 sends an absolutely clear message to BESE and the LDOE that schools should receive funding based on the students they enroll and the inequity needs to stop immediately.

Minimum Foundation Program and School Funding

Once again the legislature did not pass the MFP ([HCR18](#)), the state funding formula for distributing \$3.6 billion across school systems. In a strange twist, the main budget bill did contain full funding for the proposed MFP – even though the MFP failed. This funding resulted in an additional \$5.4 million in the High Cost Fund, a fund that covers services needed by students with disabilities who have extra-ordinarily high cost needs. Even with these additional dollars, about ten million more dollars are needed statewide to cover all services for students with high cost needs. Given the budget challenges, advocates were pleased that BESE and the legislature heard their voices and provided additional funding toward the High Cost Fund to enhance services for students with disabilities.

Other Bills of Interest

- **HB 508 ([Act 117](#))** by Representative Franklin Foil provides for an income tax deduction for employers employing a qualified individual with a developmental disability or military service disability for four continuous months at no less than twenty hours per week at a rate comparable to and in the same setting as other employees performing the same or similar task. The deduction is limited to 100 employees program wide.
- **HB 204 ([Act 379](#))** by Representative Franklin Foil provides for an adult with an intellectual or physical disability, or his tutor or curator, to file for child support to continue beyond the age of majority if the individual is unmarried and incapable of self-support.
- **HB 598 ([Act 411](#))** by Representative Franklin Foil provides for implementation of the Achieving a Better Life Experience (ABLE) Program in Louisiana. Although ABLE Act legislation passed last year in this state, it was prior to passage of the federal authorizing legislation. HB 598 puts the structure and oversight in place for Louisiana to operate and manage the ABLE Account Program. Once operational, individuals with disabilities and their families will be able to save private funds that can be used for support services to maintain health, independence and quality of life.
- **SB 58 ([Act 250](#))** by Senator Conrad Appel adjusts language in the Deaf Bill of Rights to align with requirements in federal laws and existing rules. Advocates behind changes to the Deaf Bill of Rights were pleased the Legislature recognized the specific needs of children who are deaf, hard of hearing, or deaf-blind with language specifying evaluation and program requirements in statutory law.





- Five legislative instruments to **expand Medicaid** in Louisiana were introduced and failed to pass. However, [HCR 75](#) by Representative Chuck Kleckley, which provides for a “hospital stabilization formula,” did pass. This resolution creates flexibility to design a plan to provide for more efficient and effective ways to maximize the state’s use of monies currently expended for health care services to the state’s low income and uninsured residents. HCR 75 authorizes DHH to calculate, levy, and collect an assessment from certain hospitals if several conditions are met, and to establish certain reimbursement enhancements for inpatient and outpatient hospital services, if several other conditions are met. The resolution lays the foundation for Louisiana should the next governor choose to implement some form of health coverage expansion that meets the requirements under the Affordable Care Act.

