

Legislative Proposals Concerning People with Developmental Disabilities

The 2012 Louisiana Legislative session has a number of critical proposals that will have the potential to dramatically affect people with developmental disabilities and their families. The budget (HB1) includes no funds for additional waiver slots to address the waiting list; it does include the privatization of two more Developmental Centers. “Money Follow the Person” legislation (SB227) seeks to support the conversion of private residential facilities to Residential Option Waiver services. Education has been the hottest topic thus far in the Legislative Session. Parents of students with disabilities have communicated concerns regarding how the scholarship opportunities in the major education reform proposals (SB597 & HB976) limit access to and services for students with disabilities. Other bills filed propose to increase funding for LA4 classes, address bullying in schools, expand insurance mandates for autism services and licensure of Board Certified Behavior Analysts. A brief synopsis of some critical bills advocates are watching include (HB = House Bill; SB = Senate Bill):

Home and Community Based Supports

[HB1](#), the State Budget Bill proposes to privatize two of the remaining three Developmental Centers. However, the budget does not contain funding for additional New Opportunities Waiver (NOW) slots. Advocates are seeking funding for at least 200 NOW slots to address the ever growing waiting list – currently with more than 8,600 people waiting more than seven years for services.

[SB227](#) offers a strategy to continue Louisiana’s movement in rebalancing resources away from institutions toward home and community-based services. This Money Follows the Person approach would give the Department of Health and Hospitals the flexibility needed to switch funding covering the cost for services in private residential facilities (ICFs/DD) to allow residents to receive services through the Residential Options Waiver (ROW). Provider participation in the conversion is voluntary. For more information on this initiative please visit: <http://www.lacanadvocates.org/site/state-issues/>.

Education

[HB976](#) and [SB597](#) are companion bills with many proposed changes to the education system including the “Student Scholarships for Educational Excellence Act.” These scholarships would allow students from low income homes attending public schools that receive a letter grade of C, D or F to receive scholarships to attend private schools, charter schools or eligible public schools. However, participating private schools do not have to accept or provide services to students with disabilities. Additionally, parents would have to waive their rights if their child attends a private school. Advocates have communicated with legislators how this discriminates against students with disabilities – denying them access to one of the major educational reform plans for the state.

[HB895](#) and [HB911](#) also propose scholarships or vouchers for private schools. HB895 would provide limited funding (i.e., \$4,500) to cover the cost of scholarships for students with disabilities – an amount not likely to meet the full cost of educating a child with significant disabilities. HB911 would expand the current pilot of School Choice Pilot Program for Certain Students with Exceptionalities by slightly

increasing the maximum value of the educational certificates (from approximately \$2,000 to \$3,000) and somewhat relax the residential criteria although not quite making the program statewide.

General concerns about the reliance of private schools to provide education with public funds is that most private schools do not serve all students – particularly not students with developmental or significant disabilities and those that do tend to offer services in segregated settings. Additionally, parents of students with disabilities will have to revoke their rights and protections if they enroll their child in a private school.

[SB181](#) seeks full funding for the cost of LA 4 Early Childhood Education Program. Participation in this program has significantly reduced the need for special education services for many children.

[HB100](#) would require the model for determining teacher effectiveness based on value-added assessments to meet approval of the House Committee on Education and the Senate Committee on Education thereby allowing additional opportunities for public input.

[HB273](#) proposes increased representation of an adult with disabilities or the parent of a child with a disability to serve on the College and Career Readiness Commission.

[HB407](#) would require training for school employees and clarify the definition of harassment and bullying in schools. If you or your child have been impacted by bullying and would like to be involved in advocacy on this issue, please contact Stephanie Patrick at the Advocacy Center at 800-960-7705.

Potpourri

[SB185](#) proposes to license Board Certified Behavior Analysts (BCBAs) through the Louisiana State Board of Examiners of Psychologists. Parents receiving Applied Behavior Analysis (ABA) services have raised concerns that this would increase the costs of these services and possibly reduce the quality of BCBAs.

[HB591](#) seeks increased federal matching funds by allowing money in the Traumatic Head and Spinal Cord Injury Trust Fund to be used as state match. The bill contains protections to ensure continuation of services for people not eligible for services through federally funded sources.

[HB771](#) would expand mandated health insurance for treatment of children with autism spectrum disorders. Specifically, changes would raise the maximum age from 17 to 21, eliminate the lifetime maximum benefit of \$144,000, expand coverage to employees working for employers with more than 11 employees and remove the requirement of supervision by a physician or psychologist for treatment.

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