

Legislative Wrap-Up 2012

Education

School Choice/Scholarships

Among the dramatic shifts to education, the issue that drew the most ire from parents of children with significant disabilities was the expansion of using public funds to cover tuition in private schools. There were two existing scholarship programs expanded this session. The major scholarship program is designed to allow students from low-income households attending low performing schools to attend private schools or higher performing public schools. Another scholarship program is specifically designated for students with certain disability classifications.

The major scholarship program was part of a massive multipart bill ([Act 2 \(HB976\)](#)) that will use funds designated for public schools (the Minimum Foundation Program or MFP) to cover private school tuition for students from low to middle-income households previously attending schools that received a letter grade of “C”, “D”, or “F”. Technically, there is an option of selecting a public school that has earned an “A” or “B” however, only one public school indicated it will participate. While participating private schools must accept all students they are not required to provide special education services beyond those already offered. And since the majority of private schools do not offer a significant amount of special education services and those that do tend to be segregated settings, the options for parents of students with significant disabilities in this program appear severely restricted. Parents testifying to the legislative committees considering this scholarship bill expressed that they felt this plan limits their options to keeping their children in a failing school, sending them to a segregated school or sending them to a school that would not provide the supports and services their children need to succeed.

Another bill, [Act 424/ HB 911](#) expanded the School Choice Program for Certain Students with Exceptionalities. This program provides an educational certificate equal to half of the state share of the MFP for each student (between \$2,000 to \$2,800 depending on the school district) to cover part of the cost of private school tuition for that student. Parents are responsible for the remainder of the tuition. Given the ever shrinking funding streams that have caused reductions to existing programs critical to people with developmental disabilities (i.e. NOW slots, EarlySteps, etc.) it is difficult to comprehend how the legislature and administration will dedicate unmatched state dollars to supplement private school tuition ([see fiscal note](#)). The program will continue to only support private schools in parishes with populations over 190,000 but will now allow students from neighboring parishes, including those through high school, to receive this financial support toward their private education. Only students identified with autism, mental disabilities, emotional disturbance, developmental delay, other health impairment, specific learning disabilities, or traumatic brain injury who have an Individual Education Plan are eligible to participate. It is not clear why students with deaf-blindness, hearing impairments, multiple disabilities, orthopedic impairments, or visual impairments were excluded from being allowed to participate in this School Choice Program. Discussions during legislative committee hearings on Act 424 revealed that this program is one mechanism to encourage and endorse segregated private schools for students with disabilities. This

movement toward segregated settings are huge steps backwards from years of efforts in Louisiana toward creating inclusive communities.

Education Funding Formula

Since the major scholarship bill and the proliferation of Charter Schools creates a different landscape in the distribution of students with disabilities there was an attempt ([SB728](#)) to require the Board of Elementary and Secondary Education to review and revise the funding (MFP) formula by taking into account the strengths and needs of students with disabilities for add-on weights. Since the formula provides school systems the same amount of additional funds for every student with a disability - regardless of the level of severity of disability - there is an incentive for schools to have more students with disabilities that cost less, such as specific learning disabilities. While SB728 did not pass, the Department of Education will be asking BESE to consider revising the MFP formula. It is hoped that the formula is revised to both ensure equity of resources based on the level of service need of students and that schools receiving public funds provide students with the least restrictive (i.e., fully inclusive) educational environments.

Stakeholder input into Education Issues.

Direct stakeholder input will be increased on the College and Career Readiness Commission by the passage of [HB273](#) that will require an adult with a disability or a parent of a child with a disability be appointed to serve on this Commission.

Bullying Policies and Training in Schools.

Children with disabilities are victimized by bullying and harassment at higher rates than students without disabilities. However, the many attempts ([HB407](#), [HB1214](#), [SB619](#)) to require school policies on behavior to specify those student characteristics most likely to result in victimization of bullying and harassment failed. However, the bullying bill that passed ([SB764](#)) will require school boards to provide a minimum of four hours of training each year for all school employees with respect to bullying and the training must include how to identify students most likely to become victims of bullying. In addition, [HR159](#) urges and requests training of school boards on harassment, intimidation and bullying of students.

Early Intervention

Research has shown that among the many benefits to children participating in the LA 4 Early Childhood Education Program are lower special education placement rates. As a result of the success of this program, the Louisiana Legislature of 2008 voted to provide universal preschool access to all four-year-olds by 2013 with the provision that state funding needed to be allocated for the program. Unfortunately, Senator Nevers' ([SB181](#)) attempt to secure funding for universal access to the LA4 program failed.

Health and Community-based Services

While there were some bittersweet moments and outcomes throughout the 2012 Legislative Session, advocacy actions resulted in the restoration of funding for a significant number of critical services and programs. Most notably, LaCAN's advocacy efforts contributed to the prevention of the following:

- Elimination of EarlySteps
- Medicaid provider rate cuts of up to 9 percent
- Elimination of Early Childhood Supports and Services (ECSS)
- Closure of Central State Hospital
- Elimination of Adult Protective Services
- Elimination of Personal Care Services for people with adult on-set disabilities
- Reduction of school based health clinics
- Elimination of Access to Recovery Program

However, all cuts were not restored. The Department of Health and Hospitals (DHH) will suffer some cuts in programs and services as a result of the original Executive Budget and the \$57 million reduction imposed by the House Appropriations Committee. These cuts include:

- A 3.7 percent Medicaid provider rate cut
- 168 NOW slots frozen through attrition
- Reductions to OCDD regional office positions
- Reduction of state funded vocational services for people with DD
- Reduction to the Access to Recovery Program
- Reduction to regional clinical behavioral health services

Losing the 168 NOW slots was a big disappointment to all those who advocated tirelessly on behalf of people with developmental disabilities on the waiver waiting list. But all was not lost! Critical programs and services were saved. However, there continue to be grave concerns regarding funding for vital programs for people with developmental disabilities.

On a positive note, [HB1043](#) by Rep. Henry Burns sailed through the House and Senate. HB1043 will allow donations, gifts, grants, appropriations, or other revenue to be deposited into the New Opportunities Waiver Fund. And [HB300 \(Act186\)](#) by Rep. Walt Leger authorizes the addition of a donation to the New Opportunities Waiver Fund as a "check off" on the individual income tax return form.

Adult Protection

An effort ([SB762](#)) to reduce redundancy and improve quality in the systems providing for adult protective services failed.

Autism Insurance Expanded

[Act 208/HB771](#) expanded insurance coverage for the diagnosis and treatment of individuals with autism spectrum disorders by increasing the age of coverage from seventeen to twenty-one years of age and removing the lifetime maximum of benefits.

Behavior Analysts Licensure

Multiple attempts ([SB185](#), [SB755](#), and [SB191](#)) to have behavior analysts licensed under the Board of Examiners of Psychologists failed. There was agreement that behavior analysts should be licensed but disagreement with having them under the board of psychology due to a conflict of interest. This concern over the conflict of interest recently increased with the expansion of insurance coverage for Applied Behavior Analysis (ABA) services at the state level (see [Act 208/HB771](#)) as well as in health plans of federal employees. A resolution ([SR159](#)) was passed that will establish a Commission to study and report a framework for the licensure and regulation of behavior analysts by year's end.

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