



2024 Legislative Session Impacts

June 17, 2024

Individuals with intellectual and developmental disabilities (I/DD), their families and other advocates tirelessly advocated before and during the 2024 Legislative Session for issues and funding to improve the quality of life of Louisiana's citizens. The Council and LaCAN want to thank all the individual advocates and organizations fighting for the I/DD community and your support and engagement in advocacy this session. Advocacy truly does work!

Below is a recap of some of the legislation passed that will directly impact individuals with disabilities. Legislation with an asterisk (*) were awaiting approval by the Governor at the time this article was published.

Funding

*[House Bill 1](#) (HB1) is the state's Fiscal Year 2025 (FY25) budget bill that will take effect on July 1st. As it relates to the disability community, this budget, for the most part, is a standstill budget. No significant cuts or reductions were made to current disability services and programs. There were however, cuts to Early Childhood Education (~\$9 million). The \$10.1 million to [increase the night rate in I/DD waivers](#) was included in the final budget passed. With this funding, the night rate will now match the day rate. Unfortunately, the Council and LaCAN's request for \$9.4 million to [eliminate the Flexible Family Fund waitlist](#) was not included. This program consistently has a waiting list of over 2,000 children.

*[HB782](#) is a supplemental budget bill which was amended to include the [additional \\$500,000 for the regional Families Helping Families \(FHF\) Centers](#) contracting with the Council. This additional funding was appropriated to the Centers the last three years, but it was not included in the FY25 proposed budget at the start of session despite the Council's budget request.

Self-Determination & Community Inclusion

[Act 240](#) (HB829) moves the State Interagency Coordinating Council (SICC), which is the advisory body to the EarlySteps program, back under the Office for Citizens with Developmental Disabilities (OCDD). For many years, SICC has been operating under the Governor's Office of Disability Affairs.

[House Concurrent Resolution 38](#) (HCR38) requests the Louisiana State Bar Association raise awareness about all legal options parents and guardians of individuals with disabilities have to ensure the needs of the individual are met. Originally, the resolution only focused on tutorship, but this option is not always appropriate. Advocates worked with the author to ensure amendments were made to include other options such as supported decision making, power of attorney, tutorship and interdiction.

[House Resolution 211](#) (HR211) directs OCDD to create an expedited process for families to obtain services through the Flexible Family Fund and waiver programs in emergency situations

or cases of extraordinary circumstance. The department has until April 1, 2025 to determine this process either through administrative authority or rule making.

[Act 123](#) (SB61) essentially broadens the criteria for tutorship by allowing for the consideration of adaptive functioning needs. Adaptive functioning refers to one's ability to communicate, engage in daily life skills and their socialization. Prior to this law's passage, intellectual functioning was the main driver for granting tutorships. Throughout session, advocates expressed concerns about including adaptive functioning as this may potentially lead to tutorship of someone who has average or above intelligence to self-direct their own care but may need some assistance for daily life activities.

Education & Employment

Education reform was a major focus throughout session with many advocates, organizations and legislators differing on how to move our education system forward. Perhaps the most controversial piece of education reform to make it out of session was the passage of Education Savings Accounts or ESAs. Specifically, the legislature passed [*SB313](#) which created Louisiana's version of ESAs: Louisiana Giving All True Opportunity to Rise (LaGATOR). This program will replace the current voucher program in Louisiana with a start date of the 2025-2026 school year. Essentially, those eligible for LaGATOR would be able to utilize public funding to attend non-public or private schools and acquire other approved educational services. This polarizing issue was heavily debated throughout session. Advocates in favor felt school choice was a parental right and would only lead to better educational outcomes. Many disability and education advocates are concerned about the impacts LaGATOR may have on students with disabilities, children from low-income families and the public education system as a whole. Specific concerns include:

- Waiving of civil rights protections and limited or no access to Free and Appropriate Education (FAPE)
- Lack of accountability and monitoring of ESA providers and schools
- Reduced funding to public schools
- Ballooning costs associated with ESAs in future years
- Inequitable access to ESAs for all students

[Act 247](#) (HB8) addresses End of Course (EOC) or LEAP testing appeals, specifically appeals via a portfolio. In January, the Governor issued an executive order vetoing the Board of Elementary and Secondary Education's (BESE) new policy establishing an appeals process for qualifying high school seniors who do not meet the state's EOC/LEAP test scoring requirement for graduation. With the passage of HB8, this executive order became law and made Louisiana the only state in the union without an appeals process. Fortunately, [HCR44](#) was passed and directs BESE to look at other appeals options.

[Act 198](#) (HB153) makes various changes within the special education arena to increase accountability. Specifically:

- Increases due process time from 1 – 2 years
- Adds special education training to be added to the list of trainings school board members are required to take upon election
- Requires specific data be submitted annually to local Special Education Advisory Councils (SEACs) such as funding and financial data from federal, state and local sources, academic data on students receiving special education and compliance violations

- Requires cameras to be installed in special education self-contained classrooms within 90 days of a parent's request

*[HB362](#) requires schools to provide information during an Individualized Education Plan (IEP) meeting about the transferring of individual rights from the parent/guardian to their child when they reach adulthood. Originally, HB362 only required information about tutorship be provided to parents as they plan for their child's transition. This bill was later amended to include other legal options such as supported decision making, power of attorney and interdiction. HB362 directs the Department of Education to develop the necessary materials that are to be shared during the first IEP meeting of each year for students who are 14 – 17 years of age.

*[HB708](#) reduces the required quota Charter schools have to ensure they serve their fair share of students with disabilities. Prior to this session, law dictated Charters had to ensure they were serving 85% of the average percentage of students with disabilities enrolled in the local districts of where the school was chartered to operate. Original version of this bill stripped that 85% requirement completely. It was later amended to keep the quota in place, but at a reduced rate of 70%.

[HB340](#) attempted to create a tracking system for parental complaints. Unfortunately, the Governor utilized his veto authority, and HB 340 will not become law. The Governor's [veto message](#) states there is already processes in place for complaints and HB340 was not needed. It should be noted present law requires public school governing authorities to adopt rules requiring schools to notify parents of processes and procedures for making complaints and to provide this information to parents at the beginning of each school year. It does not, however, include the tracking system HB340 attempted to implement.

[Act 116](#) (HB601) requires parents be notified if their child's teacher is not certified.

*[HB872](#) addresses ongoing concerns and barriers to accessing Applied Behavioral Analysis (ABA) services in schools. Specifically, HB872

- Eases up the process for background checks for ABA providers
- Directs local policies not be outrageously complicated and overbearing resulting in providers not wanting to work with a school
- Requires the Department of Education to create a dispute resolution process when the school and behavioral health provider can't agree on the recommended treatment plan
- Specifies a school level treatment plan will not supersede what the provider has deemed a treatment plan
- Strengthens language prohibiting schools from not allowing a behavioral health evaluation, assessment or treatment plan from being performed on school property.

[Act 512](#) (SB253) requires parents be notified at least 10 days in advance of special education services needed, reduction or removal of services. It also specifies methods of notification.

On the employment front, multiple pieces of legislation were filed in efforts to increase the state minimum wage. Unfortunately, none of the bills made it through the legislative process. [Senate Concurrent Resolution 17](#) (SCR17) did pass and requests the Louisiana Department of Health (LDH) increase eligibility requirements for the Medicaid Purchase Plan also known as the Medicaid "Buy In" program. This program allows individuals with disabilities the opportunity to

work without the fear of losing their Medicaid services. Years ago, the state reduced eligibility for this program in an effort to save money. This resulted in many individuals with disabilities leaving the workforce in order to keep their services.

Others Issues of Interest

Numerous other issues were addressed throughout session. A complete list of all the issues monitored by the Council during the 2024 Legislative Session can be found [HERE](#).

We also encourage you to reach out to your State Representative and State Senator to share your thanks, thoughts and/or concerns for any of the issues important to you and your family.

- [Click here](#) for State Representatives' full contact information.
- [Click here](#) for State Senators' full contact information.
- Don't know your State Representative and/or State Senator? [Click here](#) and enter your home address. The first person listed will be your State Representative. The second will be your State Senator.

Community Input Meetings

Now that the 2024 Legislative Session is over, it's time to start planning for 2025! In the coming weeks, information on regional LaCAN input meetings will be sent. These meetings will be hosted in July and will give you the chance learn about what happened this past session and share your thoughts and ideas for the Council's 2025 agenda. Stay tuned!

Contact Us

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