



2011-12 Public Policy Priorities The Arc in Pennsylvania

Updated 12/15/10

1. **MAKE PENNSYLVANIANS WITH INTELLECTUAL & DEVELOPMENTAL DISABILITIES A BUDGET PRIORITY**

Waiting Lists – According to DPW’s Office of Developmental Programs, 3,051 individuals are on the waiting list for community services with an EMERGENCY need, and another 8,150 are on the waiting list with a CRITICAL need.

Community Provider Rates – Community providers are 100% funded by public dollars and cannot cost-shift to other revenue streams when public funding is cut or fails to keep up with industry inflation. Without reasonable annual rate increases, the quality of services is jeopardized and services may be cut.

Special Education – State funding for special education has not been increased in several years while basic education continues to receive greater-than-inflation budget increases. This disparity between students without disabilities and those with disabilities is extremely troubling.

✓ **Supporting children and adults with intellectual and developmental disabilities is a core responsibility of state government. The Arc of PA urges the Governor and General Assembly to provide sufficient funding to end the “emergency” waiting list, provide annual rate increases for community services commensurate with the federal CMS home health market basket index, and provide increases for special education commensurate with those for basic education.**

2. **REFORM SPECIAL EDUCATION FUNDING FORMULA:** One of every seven students is educated under special education rules, and \$1 billion in state funds is spent annually on special education. Yet, academic performance and readiness for adult life wanes for young Pennsylvanians with disabilities. A contributing factor is the unnecessary segregation of students with disabilities. Pennsylvania is ranked 39th in the nation when it comes to including children with disabilities in their neighborhood schools and classrooms alongside their peers without disabilities. In 2008, the much-hailed “Costing-Out Study” was debated in the General Assembly and many of the recommended reforms were adopted, but special education was left out.

✓ **The Arc of PA supports funding reform legislation that provides: 1) adequate funding for special education, 2) carrots and sticks to ensure school districts comply with federal and state inclusion requirements, and 3) greater accountability and oversight to protect taxpayers to ensure public special education funding is being used to properly prepare Pennsylvania students with disabilities for adult life in the community.**

3. **STATE INSTITUTIONS:** The General Assembly embraced the shift from state institutions to community-based services when it passed the MH/MR Act in 1966. Forty-five years later, the community-based service system is the primary system of support for citizens with intellectual and developmental disabilities. Research has demonstrated that individuals with intellectual disabilities thrive when supported in the community compared to state institutions (Pennhurst Longitudinal Study). In 1999, the U.S. Supreme Court’s *Olmstead* decision affirmed a person’s right to receive community-integrated services rather than being segregated in an institutional setting, yet 1190 Pennsylvanians still remain in PA’s five state institutions.

✓ **The Arc of PA supports a fresh review of individualized supports plans (ISP) of every citizen who remains in a state institution. The ISP should be developed by their county MH/MR office in collaboration with their family, an advocate, and a community service provider. It should include a plan to enable the individual to return to their community with appropriate supports and services. The Governor and General Assembly should fund and implement these ISPs and permanently close the remaining five state-run institutions.**

4. **MARRIAGE LICENSE:** Pennsylvania Domestic Relations Code (23 Pa. C.S. 1302[b]) establishes requirements for the issuance of marriage licenses. Current law gives local county officials discretion to deny marriage licenses to people they believe to be “incompetent”. The law uses language such as “*weak minded, insane, of unsound mind*”. The Arc of Pennsylvania believes the dated language is offensive and distasteful and results in discrimination against people with intellectual and developmental disabilities. Allowing local county officials to exercise discretion to deny marriage licenses based on what they perceive is “incompetency” is fraught with the possibility of people with intellectual and

developmental disabilities being discriminated against. Finally, The Arc of Pennsylvania believes that no person should be denied the opportunity to exercise their right to marry just because they have an intellectual or developmental disability.

- ✓ **The Arc of PA supports legislation to repeal the “competency” section of the domestic relations code because it perpetuates outdated thinking and increases the likelihood that people with intellectual and developmental disabilities will be discriminated against in their pursuit of happiness.**

5. PLACE “BURDEN OF PROOF” ONTO SCHOOL DISTRICTS, NOT PARENTS: The U.S Supreme Court decision in *Schaffer vs. Weast* determined that, unless state rules indicate otherwise, the party “seeking relief” has the burden of proof in IDEA due process proceedings. The Court acknowledged that school districts have a natural advantage over parents in such disputes, particularly when it comes to resources. Pennsylvania has no statute or regulation that assigns the burden of proof to school districts. Few parents go into this process with the resources or knowledge to properly present their child’s case against seasoned professionals and bureaucrats representing school districts.

- ✓ **The Arc of PA supports legislation that places the burden of proof in special education matters onto school districts rather than parents.**

6. IMPROVE SCHOOL CLIMATE FOR STUDENTS WITH DISABILITIES: For many students with disabilities across Pennsylvania, the school day is filled with challenges above and beyond those of their disability. Segregation, bullying, and inappropriate use of restraints and seclusion are just a few of them. Schools should value all students including those with disabilities. All publicly funded schools should be welcoming to students with disabilities and make sure the learning environment is conducive to educational progress. The Arc of PA believes school climate can be improved through Statewide Positive Behavior Support programs (SWPBS), ending use of unnecessary restraints and seclusion, assuring access to classrooms by parents and experts, and increasing inclusive practices.

- ✓ **The Arc of PA supports efforts to improve school climate through the following means: expansion of Statewide Positive Behavior Supports, passage of legislation or regulation to end unnecessary restraints and seclusion, proliferation of effective anti-bullying programs, and promotion of effective technical assistance, training, and least restrictive environment compliance programs that increase the rate of inclusion for students with disabilities in regular education classrooms in their neighborhood school with their peers without disabilities.**

7. EMPLOYMENT: People with disabilities have historically had difficulty getting and maintaining jobs in the community. As a result, they tend to live below the poverty level and be dependent on government programs to survive. This lack of financial autonomy adversely impacts their ability to live independent lives of their own choosing in the community. Through meaningful community employment, people with intellectual and developmental disabilities will not only become financially secure, they will also experience the benefits of increased self worth and of becoming respected members of their communities by their peers.

- ✓ **The Arc of PA supports systemic change in publicly funded programs to reflect an “employment first” approach. Policies or programs need to be reviewed and reformed to ensure that meaningful community employment is offered, encouraged, and supported before other services are considered, which will enable a greater number of individuals with intellectual and developmental disabilities to be gainfully employed.**

8. ODP COMMUNITY SYSTEM MANAGEMENT: Significant changes in the way the community system assesses individuals’ need, authorizes services, and pays community service providers has created significant angst and concern among individuals who rely on community services, their families and advocates, and those who provide the services. Elected officials, public policy makers, and advocates must pay close attention to these system issues and demand that effective policies be put into place, which will stabilize and improve the system.

- ✓ **The Arc of PA supports active involvement by the legislature and Corbett Administration to identify and correct program and fiscal challenges within the community service system. The Arc of PA insists on involvement by stakeholders, including self-advocates & families, at all steps of the decision making process.**

For more information, contact The Arc of Pennsylvania at 717-234-2621, or visit its website www.thearcpa.org