



## 2011-12 Public Policy Priorities The Arc in Pennsylvania

Updated 6/21/11

For more information, contact The Arc of Pennsylvania  
717-234-2621 or [www.thearcpa.org](http://www.thearcpa.org)

1. **BUDGET:** The care and protection of people with intellectual & developmental disabilities is a **core responsibility** of government.  
***Community Services & Waiting List:*** Providers of community services for people with intellectual disabilities are 100% funded by public dollars. When public funding is cut, providers cannot rely on other revenue streams like insurance or private pay. The system is underfunded, evidenced by the fact that 3,051 Pennsylvanians are languishing on the EMERGENCY NEED waiting list and another 8,150 are on the critical need waiting list.  
***Special Education*** – A student with an intellectual disability is guaranteed a public education in the least restrictive environment just like any other student. In recent years, the state subsidy to school districts for special education has remained level funded while the basic education subsidy has increased significantly.  
***Early Intervention*** – Children ages birth to 5 who have developmental delays receive treatment and therapies to assist them with physical, cognitive, communication, social or emotional, and adaptive development.
  - ✓ **Given the serious fiscal challenges facing Pennsylvania this year, The Arc of PA is pleased Governor Corbett has proposed no across-the-board cuts to the community services system for adults, level funding for special education, and an increase to serve additional children in the early intervention program.**
  - ✓ **The Arc of PA is concerned about the \$27 million room & board “program integrity” cut to the community system because it is likely to adversely impact providers’ ability to operate smaller community residential programs.**
  - ✓ **The Arc of PA supports, at a minimum, Governor Corbett’s proposed budget and requests additional funding to serve adults on the “emergency” waiting list who have aging caregivers, and to restore the “room and board” funding cut.**
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 people with disabilities. A contributing factor is the unnecessary segregation of students with disabilities. Pennsylvania is ranked 39th in the nation when it comes to educating children with disabilities with their peers without disabilities in their neighborhood schools and classrooms. In 2008, the much-hailed “Costing-Out Study” was debated in the legislature and many of its recommended reforms were adopted, but special education was left out.
  - ✓ **The Arc of PA supports Representative Bernie O’Neill’s House Bill 704 and Senator Patrick Browne’s Senate Bill 1115 that provide: 1) Adequate funding for special education, 2) Financial incentives to increase school district compliance 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 of 1966. Forty-five years later, the community 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 be segregated in an institution, yet 1172 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:** PA 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*”. This language is dated, 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. 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 Senator Patrick Browne’s Senate Bill 627, which would place 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.
  - ✓ **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.**