

The Arc Wisconsin Policy Insiders: Conversations Inside the Capitol

May 16, 2019



 The Arc Wisconsin

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OUTLINE

Budget & Appropriations

- FY 2020 President's Budget
- FY 2020 Appropriations

Education

- Vouchers
- Restraint & Seclusion
- IDEA Research
- Higher Education Act Reauthorization

Medicaid Home & Community Based Services

- Money Follows the Person
- Disability Integration Act

President's FY 2020 Budget

- Statement of Administration's Priorities (not legislation) released in March.
- FY 2020 again includes drastic cuts to numerous disability programs.
- \$2.7 trillion in cuts over 10 years, including cuts to Medicaid, the Affordable Care Act programs, and non-defense discretionary (NDD) programs.
- NDD programs – which include education, employment, housing, transportation, and more – would be cut by \$54 billion (9% from 2019 levels alone). Examples at right.
- See more NDD funding lines [here](#)

<i>amounts in \$ millions</i>	FY 20 President's Budget	% Change from 2019
Department of Health and Human Services		
Administration for Community Living		
Developmental Disabilities (DD) Act Programs:		
Basic State Grant	56.000	-26.3%
Protection & Advocacy Systems for DD	38.734	-4.9%
University Centers for Excellence in DD	32.546	-19.9%
Projects of National Significance	1.050	-91.3%
Independent Living program	108.646	-6.5%
Lifespan Respite Care Act	3.360	-18.2%
National Family Caregiver Support Program	150.586	-16.9%
State Grants to Remove Barriers to Voting	4.963	-28.7%
State Assistive Technology Programs & TA	31.939	-11.3%
Department of Education		
Individuals with Disabilities Education Act (IDEA)		
State Grants Part B	12,364.392	0.0%
Preschool Grants	391.120	0.0%
Early Intervention Part C	470.000	0.0%
IDEA National Activities:		
State Personnel Development	38.630	0.0%
Personnel Preparation	87.200	0.0%
Parent Information Centers	27.411	0.0%
Technology and Media	28.047	0.0%

House FY 2020 Appropriations

- Passed by House Appropriations Committee on May 8.
- Includes numerous increases for discretionary disability-related programs. Examples at right.
- See more NDD funding lines [here](#)

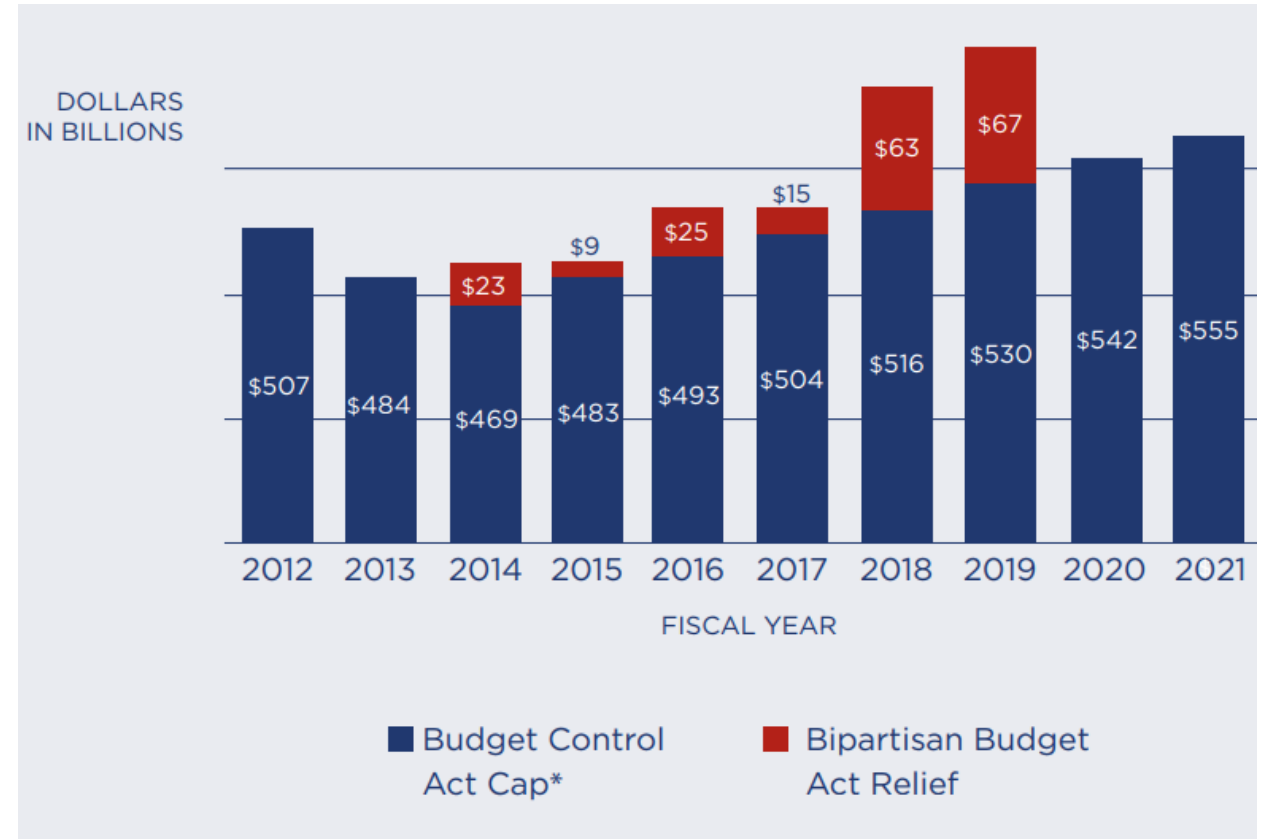
<i>amounts in \$ millions</i>	FY 20 House Committee	% Change from 2019
Department of Health and Human Services		
Administration for Community Living		
Developmental Disabilities (DD) Act Programs:		
Basic State Grant	80.000	5.3%
Protection & Advocacy Systems for DD	43.000	5.6%
University Centers for Excellence in DD	41.619	2.5%
Projects of National Significance	13.000	8.3%
Independent Living program	116.183	0.0%
Lifespan Respite Care Act	5.500	33.8%
National Family Caregiver Support Program	200.000	10.4%
State Grants to Remove Barriers to Voting	8.963	28.7%
State Assistive Technology Programs & TA	37.000	2.8%
Department of Education		
Individuals with Disabilities Education Act (IDEA)		
State Grants Part B	13,364.392	8.1%
Preschool Grants	398.400	1.9%
Early Intervention Part C	496.300	5.6%
IDEA National Activities:		
State Personnel Development	40.630	5.2%
Technical Assistance and Dissemination*	65.465	5.7%
Personnel Preparation	98.310	12.7%
Parent Information Centers	30.000	9.4%
Technology and Media	30.047	7.1%

NDD Programs Facing Significant Cut if No New Funding Deal is Reached

Past Budget Deals Have Provided Temporarily Relief

Budget Deal is Needed for FY 2020
- NDD to be cut by 9%

Payfors, partisan differences, & campaign promises are barriers to a deal



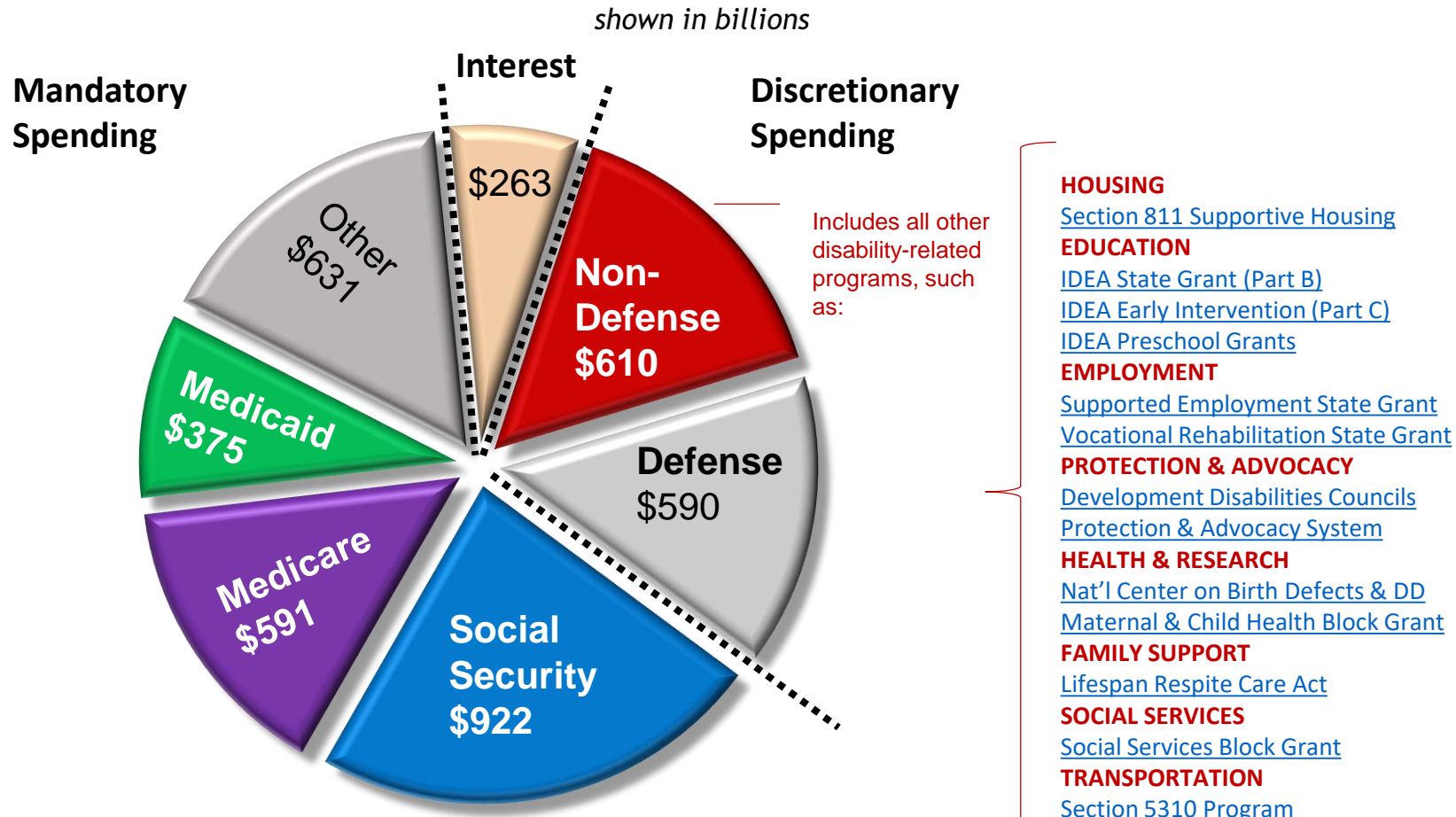
Source: Driessen GA, Lynch MS. The Budget Control Act: Frequently Asked Questions. Congressional Research Service. 2018 Feb 23; 11.

*This reflects changes to the original cap set in law including those caused by the failure of the Super Committee and the American Tax Payer Relief Act.

Federal Spending

(net of offsetting receipts)

In FY 2017 = \$3.982 Trillion



Source: [CBO Budget and Economic Outlook, 2018-2028](#), P. 44, 48-49

Timeline of Major Events

Issue	Deadline	Potential New Cost	More information
Debt Ceiling	March 2, 2019 <u>Must-act deadline:</u> late September 2019 or early October 2019.	N/A	Treasury will be able to use “extraordinary measures” after the official deadline to avoid breaching the debt ceiling.
Increased Defense/Non-Defense Discretionary (NDD) Caps	October 1, 2019	One-year: \$125 billion; up to \$1.7 trillion if extended	Sequester-level caps return for FY 2020 and 2021.
Funding the Government / Appropriations for FY 2020	October 1, 2019	None if Congress abides by the budget caps	



What Is Our Position on School Choice/Vouchers?

- Charter schools and private schools that accept public funds through a voucher or voucher-like system must comply with IDEA, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act (Section 504).
- Specifically, they must provide:
 - zero reject and free appropriate public education in the least restrictive environment, including nondiscriminatory evaluation, individualized appropriate education plan, access to the general curriculum (academic, extracurricular, and other school activities), procedural safeguards, and parent participation.
- Ensure that school choice efforts do not diminish the resources and effectiveness of public school systems in which they operate.

Federal School Voucher Bills

House Bill	Title	Sponsor	Senate Bill	Title	Sponsor
HR 1605	Education Savings Accounts for Military Families	Banks (R-IN)	S.695	Education Savings Accounts for Military Families Act	Sasse (R-NE)
HR 1434	Education Freedom Scholarships and Opportunity Act	Byrne (R-AL)	S 634	Education Freedom Scholarships and Opportunity Act	Cruz (R-TX)
			S. 5	Education Opportunities Act	Rubio (R-FL)
HR 69	Ending Common Core and Expanding School Choice Act	Biggs (R-AZ)			

Restraint & Seclusion

- 2000 - Children's Health Act enacted. It included limits on the use of R/S for residential facilities and hospitals.
- 2009 - GAO released a [nationwide study](#) of the use of R/S in schools and its effects.
- 2009 – Bipartisan **Keeping all Students Safe Act** introduced (then called the Preventing Harmful Seclusion and Restraint in Schools Act):
 - Limits the use of R/S to emergencies (imminent danger of serious physical injury to the student, school personnel, or others)
 - Provides training in effective alternatives
- 2010 - [Passed](#) the House.
- Feb, 2019 – [Hearing](#) held in the House.
- Reintroduction pending this Congress.
- Learn more at [StopHurtingKids.Com](#)
- (And for WI at <http://www.disabilityrightswi.org/resources/misuse-of-seclusion-and-restraint/>)

IDEA Research

- **State and Local Implementation Study**

<https://www.regulations.gov/docket?D=ED-2019-ICCD-0050>

Comments Due June 14

- **Significant Disproportionality State Survey**

<https://www.federalregister.gov/documents/2019/05/13/2019-09811/agency-information-collection-activities-comment-request-significant-disproportionality-state-survey>

Comments Due July 12

Equity in IDEA

- The requirement to report data on **significant racial/ethnic disproportionality** in the categories below - and take certain action if it is found - was added to IDEA in 2004:

BY RACE/Ethnicity

- 1) Hispanic/Latino
- 2) American Indian or Alaska Native;
- 3) Asian;
- 4) **Black or African American;**
- 5) Native Hawaiian or other Pacific Islander;
- 6) White; and
- 7) Two or more races.

• **Identification (ages 3-21):**

- 1) All disabilities
- 2) **Intellectual disabilities**
- 3) Specific learning disabilities
- 4) **Emotional disturbance**
- 5) Speech or language impairments
- 6) Other health impairments
- 7) Autism

• **Placement (ages 6-21)**

- 8) In regular class < 40% of day
- 9) **Separate schools and residential facilities**

• **Discipline (ages 3-21)**

- 10) Out-of-school suspensions or expulsions < 10 days
- 11) **Out-of-school suspensions or expulsions > 10 days**
- 12) In-school suspensions < 10 days
- 13) **In-school suspensions > 10 days**
- 14) Total disciplinary removals

- Very few school districts reported any significant disproportionality
- Regulations requiring a standard methodology we set to take effect this summer
- Trump administration announced delay of the regulations for 2 years
- Advocates sued, and now states must comply

Higher Education Act (HEA)

- Strengthens the educational resources of colleges & universities and provides financial assistance for students
- Our priorities are to strengthen:
 - Teacher recruitment and training in shortage areas (including special education)
 - The [Transition and Post Secondary Programs for Students with Intellectual Disability \(TPSID\)](#)

Medicaid Home & Community Based Services

- Money Follows the Person
- Disability Integration Act