

2012

Wisconsin Legislative Report Card

A Summary of Policy Impacts
on the Disability Community



**Survival
Coalition**

of Wisconsin Disability Organizations

This spring's legislative session provided some opportunities to make improvements to a biennial budget that had serious negative impacts on the disability community. The Survival Coalition of more than 40 disability organizations in Wisconsin has assembled the following report card that summarizes Wisconsin state policy impact on the disability community during the past 10 months. It includes a biennial budget grade, legislative session grade, and cumulative grade on a series of topics that affect people with disabilities, their families, and allies.

Children's Long-Term Care

Summary: The biennial budget provided little support to the families of children with significant support needs. While Medicaid benefits were preserved for children with disabilities, the legislature took no action to reduce wait lists for long-term supports for children under 18. The reversal of the caps on Family Care/IRIS/Partnership will provide access for needed long-term supports for 18-21 year olds. About half of children with disabilities currently eligible for the Children's Long-Term Supports - 2244 children - are on wait lists compared with 1 in 5 adults, reflecting a long-term low priority given to children with long-term support needs.

Budget: **D**

Legislative: **Incomplete**

Cumulative: **D**

Adult Long-Term Care

Summary: The biennial budget placed a cap on Wisconsin's Family Care/IRIS/PACE/Partnership long-term care programs – a move that Survival Coalition opposed. These popular programs provide needed home and community-based supports for basic tasks like bathing, dressing, preparing meals, getting to work, and participating in the community. Without them, people with disabilities are more likely to end up in facility-based care with fewer choices about how to live their lives.

Adult Long-Term Care Bills:

+ AB 477/SB 380 (passed): The bills lifted the long-term care caps and allowed for expansion into the remaining 15 counties that do not yet have the programs.

- Amendment (passed): An amendment to the bills now requires active review of new county-proposed expansion contracts, rather than the passive review that was in place. This creates uncertainty about the future of long-term care in these regions.

- AB 302/SB 212 (passed): These bills remove the power of the Department of Health Services (DHS) to enforce federal nursing home regulations. It also lengthens the time allowed nursing home operators to file appeals of citations from 10 to 60 days. Less scrutiny and more time to file appeals could increase the possibility of abuse and neglect of vulnerable nursing home residents.

Budget: **F**

Legislative: **B**

Cumulative: **C**

Guide

+ Legislative action has a positive effect on the disability community

- Legislative action has a negative effect on the disability community

Education

Summary: After the biennial budget cut more than \$1.6 billion from public education, this session saw successful passage of several bills that benefit students with disabilities. A potentially harmful bill on special needs vouchers that would have eliminated the IDEA protections for students with disabilities and drained public school dollars for private schools was defeated. The Survival Coalition’s survey of nearly 450 families statewide, “IMPACT,” demonstrated the negative impact of the biennial budget on the education of children with disabilities in Wisconsin.

Education Bills:

+ AB 455/SB 353 Seclusion and Restraint in Schools (passed):

These bills require that seclusion and restraint be used only as a last resort when a student is at risk of harming him/herself or others. Only trained personnel can use these practices except during emergency situations. Parents must be notified.

+ AB 68/SB 42 Mandatory Child Abuse Reporters (passed): These bills add further protection for children by making all public school employees mandatory child abuse and neglect reporters and requiring training of employees. Employees making reports in good faith cannot be disciplined.

+ AB 447/SB 335 Vocational High School Diploma (passed): These bills provide school districts the option of offering vocational education to students in addition to requiring students to meet all the standards required for a regular diploma. This is a potential opportunity to provide job skills to stu-

dents with disabilities transitioning to the workplace and requires that the goal of obtaining a vocational diploma and the course of study to obtain such a diploma must be set forth in the student’s IEP transition plan.

+ AB 322/ SB 485 Accessible Materials (passed): These bills require institutes of higher education to assist students who are blind, visually impaired, have a learning or any other reading disability with obtaining accessible instructional materials. Institutes have to work with publishers to make more material accessible.

+ AB 558/SB 461 Read to Lead Development Council (passed): These bills provide grants in support of literacy and early childhood development programs, teacher licensure, kindergarten reading screening, evaluation of teacher prep programs and educator effectiveness. Requires universal kindergarten reading screening and links those screenings to special

education referrals if the screening shows a possible disability.

+ AB 512/SB 421 (passed): These bills allow physician assistants and nurse practitioners to provide medical excuses for absences from school to avoid truancy. Before this bill, only doctors could provide this documentation.

+ AB 110/SB 486 Special Needs Vouchers (failed): These bills would have provided vouchers to up to 5% of students with disabilities to attend other public or private schools. The vouchers would eliminate IDEA protections for students with disabilities and reducing funding to public schools.

Budget: F

Legislative: A

Cumulative: C

Health Care

Summary: The legislature introduced some ideas that would have hurt people with disabilities and missed an opportunity to improve the health of people with disabilities by not acting on important health care reforms. Many legislators publicly supported the Administration's decisions to send back millions in federal Early Innovator Grant Funds, including monies that would have made necessary improvements to enrollment systems for state health programs.

Wisconsin has always been a leader and innovator in providing health care to its citizens. This legislative session resulted in many missed opportunities.

Health Care Bills:

— **AB 312/SB 206 (failed):** These bills would have incorporated the health insurance coverage requirements of the federal Affordable Care Act into state law permanently. Protections like pre-existing condition coverage are very important to people with disabilities. Ultimately, the legislature took no action to implement health care reform at the state level.

+ **SB 8 (failed):** This Family Medical Leave legislation would have weakened the state family medical leave law which provides important protections for people with disabilities and families raising a child with special health care needs.

— **AB 409/SB 305 (failed):** These bills would have required DHS to notify Medicaid recipients, at least 60 days in advance, of changes affecting eligibility or benefits.

— **AB 697/SB 538 (failed):** The BadgerCare Protection Act would have prevented DHS from implementing changes to BadgerCare that made many people ineligible.

Budget: **Incomplete**

Legislative: **F**

Cumulative: **F**

Voting

Summary: Survival Coalition is disappointed in Legislative activity related to voting. Wisconsin should encourage voters to participate in the electoral process instead of placing barriers. The recent legislative session failed to achieve the goal of increasing voter participation.

Voting Bills:

— **AB 525/SB 271 (passed):** The bill would negatively impact voters with disabilities by disallowing absentee ballots to be returned to a voter if information is incomplete and disallowing the ability to mail in a photo ID with the absentee ballot, and only allows for the photo ID to be provided with the request for an absentee ballot.

— **ACT 23 Voter Identification Bill (passed):** The Act requires voters to present voter identification at their polling locations.

Budget: F

Legislative: F

Cumulative: F

Workforce

Summary: Wisconsin's direct care workforce is nearly 90,000 strong. While many attend to the health and daily needs of Wisconsin's citizens with disabilities and elders, nearly 4 in 10 direct care workers rely on public assistance as a result of low wages. A strong and adequately paid workforce is pivotal to ensure a high quality of life for persons with disabilities and older adults. No action was taken by the Legislature to address these concerns.

Budget: Incomplete

Legislative: Incomplete

Cumulative: Incomplete

Employment

Summary: Despite a statewide priority on jobs, no legislative efforts to increase access to employment for individuals with disabilities occurred. The biennial budget flat-funded Vocational Rehabilitation services at the minimum maintenance effort, allowing Wisconsin to keep its federal standing and avoid penalty. However, several bills dealing with job creation were introduced this session, none included people with disabilities. Wisconsin continues to lag behind other states in promoting competitive-wage jobs for people with disabilities. Most individuals with disabilities (85-90%) served by the long-term care system spend their days in segregated work settings, receiving sub-minimum wages, or day programs.

Budget: C

Legislative: Incomplete

Cumulative: D

Medicaid

Summary: The Legislature added \$1.2 billion to the Medicaid budget. However, the Legislature also approved a DHS plan to cut \$446.58 million. This plan was developed without legislative vote or public hearing at the capitol.

Joint Finance gave passive review of DHS' final plans for major changes to Medicaid-funded BadgerCare programs but the full Legislature did not have a vote. The now federally-approved program changes will affect income-eligible, non-pregnant, non-disabled adults above 133% of the Federal Poverty Level. Analysis indicates that changes will not apply to people with a disability recognized by the Social Security Administration or the Disability Determination Bureau.

DHS and the federal Center for Medicare and Medicaid Services made significant changes to Wisconsin's Medicaid funded programs this legislative session. The Legislature did not weigh in on this process, missing an opportunity to assert its authority on important Medicaid decisions that affect tens of thousands of people with disabilities in Wisconsin.

Budget: **Incomplete**

Legislative: **Incomplete**

Cumulative: **Incomplete**

Housing

Summary: The Legislature failed this session to address the need to increase the availability of integrated, affordable, and accessible housing that is integral to people with disabilities living successfully in the community. In addition, the rights of tenants were eroded this session.

Housing Bills:

- **SB 107 (passed):** The bill would prohibit local laws limiting the ability of a landlord to obtain and use certain information, including “court records, including arrest and conviction records” and “social security numbers or other proof of identity.”
- **SB 466 (passed):** The bill would eliminate penalties for landlords who violate regulations by moving them from the administrative codes into the state statutes, which removes enforcement authority; it also prevents tenants from reporting concerns to a building inspector or elected official until they notify the landlord in writing and give the landlord time to make repairs.

Budget: **F**

Legislative: **F**

Cumulative: **F**

Mental Health

Summary: Mental health continues to be neglected by the Legislature. Proposed legislation focused on reducing legal protections that would disproportionately harm people with mental illness, rather than improving access to or the quality of treatment. One exception was the passage of legislation that will reduce seclusion and restraints in schools, a practice that particularly impacts children with emotional disturbances. Failure to address mental health issues in the Legislature has a huge cost and negative impact on society and slows efforts to control overall health care costs. The Legislature also failed to expand the use of certified peer specialists - people with mental illnesses helping other people with mental illnesses.

Mental Health Bills:

- + AB 455/SB 353 Seclusion and Restraint in Schools (passed):** These bills require that seclusion and restraint be used only as a last resort when a student is at risk of harming him/herself or others. Only trained personnel can use these practices except during emergency situations. Parents must be notified.
- AB 155/SB 107 Limiting Tenant Protections (passed):** These bills prohibit local government ordinances that limit the ability of landlords to use occupation, rental history, credit information, and court records, including arrest and conviction records, when deciding whether to rent to a person. People with mental illness are particularly impacted because ordinances cannot limit how far back in time the records can be taken into account.
- + AB 286/SB 207 Limits Employment Protections for Ex-Felons (failed):** These bills permit employers to fire or refuse to hire workers convicted of a felony and who have not been pardoned for that felony.
- + AB 110/SB 486 Special Needs Scholarships (failed):** These bills would have provided vouchers to up to 5% of students with disabilities to attend other public or private schools. The vouchers would eliminate IDEA protections for students with disabilities and reducing funding to public schools.

Budget: D

Legislative: D

Cumulative: D

Transportation

Summary: Transportation policy for people with disabilities in Wisconsin has been mixed. In the biennial budget, the Legislature cut public transportation by 10%. However, it passed a law increasing penalties for misuse or sale of disability parking cards. Other bills, which would have addressed the cut to transportation funding or increased accountability by forming regional transit authorities, failed to pass. As a result of decreased funding, counties and municipalities throughout the state are reducing services and/or increasing fares, significantly impacting access for people with disabilities to services, employment, and community life.

Budget: D

Legislative: D

Cumulative: D

Recommendations for the Next Biennium

The Survival Coalition report card outlines the collective impact of the biennial budget and legislative session on the disability community in Wisconsin. For the coming biennium, Survival Coalition recommends the following:

- End wait lists in the children's long-term care system. Continue the commitment to end waiting lists for children by funding an additional 1,000 children during the biennium.
- Expand Family Care/IRIS/Partnership/PACE statewide to all 72 counties.
- Develop a long-range plan to consolidate the two statewide developmental disabilities institutions (Southern and Central Centers).
- Restore public education funding to 2009-2011 levels, including an increase in categorical aids to 30%.
- Incorporate the health insurance coverage requirements of the federal Affordable Care Act into state law.
- Increase Family Care rates to directly address the wages and benefits of direct care workers.
- Provide training and support to direct care workers on how to provide employment supports.
- Enact an Executive Order and Legislation to make Wisconsin an Employment First state.
- Restore this biennium's cuts to public transportation and invest an additional \$5 million.
- Increase the State contribution to the "state" share of Medicaid for mental health services.
- Increase use of evidence-based consumer-operated services, such as crisis respite services, and use of peer specialists in mental health programs.
- Increase the availability of integrated, affordable, and accessible housing.
- Overturn legislation requiring voters to produce a photo ID at the polls in order to vote and to physically sign the poll books, both of which disproportionately affect voters with disabilities.



of Wisconsin Disability Organizations

The Survival Coalition of Wisconsin Disability Organizations is a cross-disability coalition of more than 40 state and local organizations and groups. For more than 20 years, Survival has been focused on changing and improving policies and practices that support people with disabilities of all ages to be full participants in community life.

www.survivalcoalitionwi.org