

## 2017-18 Budget Priorities:

### END THE WAITING LIST

Nearly 5,000 Pennsylvanians with intellectual and developmental disabilities continue to endure years on the emergency waiting list, living in heightened crisis situations without access to the supports they have a right to use. The Arc of Pennsylvania calls for funding to support all people with intellectual and developmental disabilities including autism who are waiting for critical services.

The current state budget proposal includes a waiting list initiative that will reduce the emergency waiting list by over 20% and support every graduating high school student with an intellectual disability and Autism.

Additionally, Rep. Tom Murt (R-Montgomery) has circulated various cosponsor memos that address funding for the waiting list. Below is the list of bills The Arc of Pennsylvania supports:

- [HB 628](#) - Requiring each slot machine licensee to collect a \$2 per patron admission fee to establish the Intellectual Disabilities and Autism Waiting List Account in State Treasury.
- [HB 626](#) - Imposing an additional \$0.04 tax on cigarettes sold in Pennsylvania to fund the Adult Intellectual Disabilities and Autism Waiting List Account.
- [HB 818](#) - Restoring the 14% tax on table games from 12% to fund programs and services for adults with intellectual disabilities.
- [HB 414](#) - Establishing a bill of rights for individuals with intellectual disabilities and autism by requiring the Department of Human Services to develop and submit a plan to address the waiting list for community-based services to people with the same.

### EARLY INTERVENTION FUNDING

Pennsylvania's Early Intervention Program plays a critical role for children with disabilities from birth to age five and their families. Studies have shown that learning and development are at their highest rate in the infant, toddler, and preschool years, and it is essential that we provide Pennsylvania's children and their families with the proper resources to succeed. Early Intervention is designed to lay a foundation that will improve the lives of children and offer greater opportunities for future education and employment. Rates for Early Intervention have not increased in eight years and in some parts of the state, there was no increase for ten years. The Arc of Pennsylvania is asking the General Assembly to provide adequate funding \$4.2 million (3% increase) that will cover growing costs to provide these critical services.

### DIRECT SUPPORT PROFESSIONALS

Direct Support Professionals (DSPs) provide in-person supports that empower individuals with intellectual and developmental disabilities including autism to live, work, and thrive in the community; this includes employment, self-care, household maintenance, and transportation support. Despite the level of responsibility and impact involved in the work of DSPs, their average hourly wage is \$11.54 per hour. The intellectual and developmental disabilities service industry is struggling because this wage does not attract or keep quality DSPs. This makes Pennsylvanians with disabilities and their families vulnerable to crisis situations. The increase in rates for 2017/18 was a good start to address DSP salaries but continued increases are needed to reach a livable wage. The Arc of Pennsylvania supports an increase in the state

budget to fund a living wage for over 35,000 DSPs that serve Pennsylvanians with intellectual and developmental disabilities each day.

## **2017-18 Policy Priorities:**

### **CLOSE STATE CENTERS**

The 1999 Supreme Court decision (Olmstead) affirmed a person's right to receive community integrated services rather than live in segregated institutional facilities. A 2015 study from Pennsylvania's Legislative Budget and Finance Committee demonstrated the need for transitioning individuals from segregated settings to the community and includes recommendations to phase out the remaining state centers. The Arc of Pennsylvania calls on the Department of Human Services (DHS) to 1) end admissions to state centers, 2) publicly post a quarterly list of the numbers of admissions and transitions, and 3) close the five remaining state-run institutions by relocating all residents to community living.

- HB 1650 - Rep. Kerry Benninghoff circulated a cosponsor memo that requires Department of Human Services to develop a plan to close state centers by January 1, 2023. This legislation requires the Department to implement person-centered plans for current residents, hold public hearings for stakeholder input, use any of the savings that result from closures for home and community-based services, and continue to address the waiting list.

### **EMPLOYMENT**

The Arc of Pennsylvania has been implementing ADEPT, an employment project using the Discovery process for transition age students and adults with significant disabilities, since 2013. The Arc of Pennsylvania applauds Pennsylvania in becoming an Employment First state. We look forward to improvements expected by the Workforce Innovation and Opportunity Act that will create greater access to employment for people with disabilities in Pennsylvania. We urge the Department of Human Services and the Department of Labor and Industry to continue their work to fully implement an Employment First policy.

Various pieces of legislation have been circulating throughout the House and Senate that are focusing on I/DD employment. The Arc of Pennsylvania supports the following bills:

- HB 1641 - Rep. Bryan Cutler (R-Lancaster) and Rep. Dan Miller (D-Allegheny) reintroduced their "Employment First" legislation that promotes the employment of people with disabilities at competitive wages by employers in the Commonwealth. Sen. Mensch (R-Berks) reintroduced the companion bill in the Senate, SB 21.
- HB 2418 - Rep. Jake Wheatley (D-Allegheny) has circulated a cosponsor memo that would provide tax deductions to employers hiring veterans and other individuals with barriers to employment, including recipients of SSI.
- SB 159, introduced by Sen. Christine Tartaglione (D-Philadelphia), would amend the State Civil Service Exam and give people with disabilities additional points on the State Civil Service Exam, which will improve state employment eligibility.

### **ORGAN TRANSPLANT DISCRIMINATION**

Discrimination against people with intellectual and developmental disabilities who are considered for life-saving transplant procedures happens across the United States and in Pennsylvania. Transplant centers can erroneously use neurodevelopmental status as criteria for determining transplant eligibility, even when a person's disability creates no medical impact on transplant candidacy. New Jersey, California, and Maryland have passed laws

banning organ transplant discrimination against people solely on the basis of their disability. Similar legislation is currently being considered in Delaware and Oregon. Sen. John Sabatina (D-Philadelphia) reintroduced Paul's Law, [SB 108](#), which would prohibit discrimination against individuals with disabilities in need of organ transplants. *To note: The House Judiciary Committee unanimously voted the bill out of committee and the bill is now awaiting consideration by the full-House.*

### **BURDEN OF PROOF ON SCHOOL DISTRICTS, NOT PARENTS**

Pennsylvania has no statute or regulation that assigns the burden of proof to school districts. Most neighboring states (including New York, New Jersey, West Virginia, Connecticut, and Delaware), the District of Columbia, and six other states have legislatively assigned 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 representing school districts. The Arc of Pennsylvania supports legislation to place the burden of proof in special education matters on school districts rather than parents. Sen. Patrick Browne (R-Lehigh) introduced [SB 541](#) that would place the burden of proof on school districts, rather than on the party seeking the relief in special education hearings.

### **EXPAND HATE CRIMES LAW TO INCLUDE MENTAL and PHYSICAL DISABILITY**

The Arc of Pennsylvania supports the addition of mental and physical disability to the definition of hate crimes against actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals. Companion bills have been introduced in the House and Senate:

- [SB 98](#) (Farnese) - the bill is currently in the Senate Judiciary Committee
- [HB 505](#) (Boyle) - the bill is currently in the House Judiciary Committee

### **MODERNIZE DISABILITY PARKING**

The Arc of Pennsylvania supports legislation that modernizes the Commonwealth's parking laws that focuses on prohibiting obstruction of access aisles and strengthening enforcement measures.

- [SB 888](#), introduced by Sen. Rafferty, would streamline the roles and responsibilities of law enforcement and parking lot owners and lessees. They will also enable the option for state and local public agencies to create a parking enforcement specialist to assist with enforcing the disability parking laws. Violators will be subject to towing, charged with a summary offense, and susceptible to increased fines. *To note: the bill passed the Senate unanimously and was referred to the House Transportation Committee.*

### **PROTECTING VICTIMS WITH INTELLECTUALLY DISABILITIES**

According to the U.S. Department of Justice, individuals with disabilities are seven (7) times more likely to be sexual assaulted than a person without a disability. Sexual predators target individuals with disabilities because they perceive the person to be easily manipulated. In addition, the person may be less trusted to provide accurate information and additional difficulties testifying about the incident to authorities. The Arc of Pennsylvania strongly supports legislation that gives victims with disabilities a voice in the judicial process. [HB 2325](#), introduced by Rep. Garth Everett, provides that voice by applying the existing tender years exception to those with intellectual disabilities and autism. The legislation creates a reliable but hearsay statement from the victim who is intellectually disabled or autistic to be admissible in court.