Legislative Agenda 2015
This legislative session presents significant opportunities to promote the value Wisconsin residents with disabilities bring to our schools, workforce and communities. While people with disabilities face unique challenges to living the life others take for granted, policy changes - many with limited fiscal impact - can provide the support required to improve our quality of life.

Disability Rights Wisconsin’s 2015 legislative agenda addresses a wide span of issues that impact children, adults and their families. At the core of these requests is the belief that people with disabilities are an untapped resource that when empowered with targeted, high quality supports, can contribute to our state’s economy.

Highlights of the Disability Rights Wisconsin 2015 legislative agenda:

- An investment in children with significant disabilities and their families by providing basic supports that promote community inclusion.

- Targeted employment investments coordinated with the Governor’s Better Bottom Line initiatives that focus existing funds on outcomes and look to the private sector for solutions.

- Building on the bi-partisan success from the last legislative session by passing new mental health reforms that meet the needs of children and adults in our communities.

In addition to these priorities, DRW will continue to advocate for the rights of individuals to be free from abuse and neglect, and to be educated, live, and work in fully inclusive settings.
CHILDREN’S SUPPORTS

DRW supports the principle that families with children with disabilities should be able to participate in their communities like all other families. They should be able to plan and live a life, with supports where necessary, that is consistent with their vision for their entire family, including the member with a disability.

Why: Approximately 45% (1 in 2) of identified children with disabilities currently eligible for Children’s Long-Term Supports (CLTS) are waiting for supports in Wisconsin. Families (particularly of children with emotional behavioral disabilities and mental health needs) report problems meeting eligibility for the program and many indicate the program does not support community integration or employment goals.

Proposal: DRW supports proposals to audit the quality of the CLTS program, particularly to assess family satisfaction and outcomes.

Proposal: DRW supports reducing the waiting list for home and community based supports for children with significant disabilities by 1,000. ($5 million)

SUPPORTING YOUTH IN TRANSITION

DRW supports effective preparation of youth with disabilities to get a community job or go on to postsecondary training.

Why: Less than 8% of youth with disabilities end up in jobs with wages that can promote less dependence on public supports, more independence, and lead to a fulfilling career.

Proposal: Schools must demonstrate continuous improvement to move more students into community employment at a competitive wage and into postsecondary training. ($6 million)

Proposal: School staff need specialized supports to partner effectively with private sector employers and ensure they are meeting local workforce needs. Develop a pilot program to provide designated and specially trained job developers to work with area businesses. ($2.5 million)

EMPLOYMENT

DRW supports proposals that promote competitive wage community employment.

Why: Too many people with disabilities are earning significantly below the minimum wage (most under $2/hour). Wisconsin data demonstrates an imbalance toward employing people in segregated settings, putting the state at risk for federal intervention or loss of funding. In an era of limited resources, Wisconsin must provide incentives to promote the type of employment which has shown to be better for individuals, increase independence and wages and reduce overall Medicaid and health costs.

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Proposal: As Wisconsin implements a new federal Medicaid rule that significantly limits funding for many employment settings in Wisconsin, DRW promotes solutions that:

- Encourage private sector businesses to hire trained workers with disabilities from sheltered workshops. This may include a targeted employer tax credit; a customized worker training partnership grant through Wisconsin Fast Forward; or unique employer mentor models.

- Support pay for performance policies for existing employment providers.

- Include an assurance provision for individuals with disabilities – with a guarantee that although a service setting may change, an individual’s support levels will not be reduced.

- Incentivizes development of new community-based services and small business providers – ensuring that everyone will have appropriate, higher quality supports available in the community.

MENTAL HEALTH

DRW advocates for an increased investment in community mental health services.

Why: A lack of access to needed community supports has resulted in people with mental illness being placed in more costly out-of-home and institutional settings or being confined in jails or prisons. People need choices to help them live in their own homes, find meaningful work and participate fully in their communities.

Proposal: The legislature passed a number of initiatives in 2013-14 that took positive steps to expand community mental health services and supports in Wisconsin. Additional funding is needed to support a number of these initial investments:

- The Speakers Task Force on Mental Health invested in the Individualized Placement and Support (IPS) model of employment for people with serious mental illness. DRW supports building on this promising start to create and expand regional infrastructure for training programs.

- DRW supports increased funding to grow the peer and parent peer specialist workforce.

- DRW supports increased funding to DHS for effective implementation and oversight of new and expanded programs such as the statewide expansion of Comprehensive Community Services programs.

- DRW supports increased funding to allow the Office of Children’s Mental Health to advance their mission of increasing communication and collaboration between DCF, DHS, DPI, DOC, children with mental illness and their families in order to coordinate and target efforts of these four departments around children's mental health issues.
EDUCATION

DRW supports initiatives that address persistent bullying and harassment of students with disabilities.

Why: In the 2013 Youth Risk Behavior Survey 23 percent of Wisconsin high school students reported being bullied. Children with disabilities are more likely to be bullied than their peers. Wisconsin students with disabilities are three times as likely to be suspended and two times as likely to be expelled as non-disabled students.

Proposal: DRW supports budget proposals by DPI to fund school violence prevention grants to districts that can be used to implement proactive strategies to address bullying and support students to prevent ultimate outcomes of suspension and expulsion. ($2 million)

DRW supports equitable accountability measures for all schools that receive public funding.

Why: Parents of students with disabilities need accurate information about education outcomes to participate in improving their child’s education. There is an increasing reliance on publicly funded segregated schools that do not report data that is available to parents.

Proposal: In addition to supporting strong accountability measures across public, voucher and charter schools, DRW supports requiring student performance reporting by County Children with Disability Education Boards (CCDEBs) to be equitable with other school choice options in Wisconsin.

DRW opposes expansion of voucher programs of any type that do not protect necessary Individuals with Disabilities Education Act rights of students with disabilities.

Proposal: DRW supports reforms to open enrollment to provide options to families of children with disabilities.

DRW supports improvements to addressing the mental health needs of students.

Why: Students with Emotional Behavioral Disabilities (EBD) who often have underlying mental health conditions are disproportionately suspended and expelled and have poor post school outcomes.

Proposal: School based mental health proposals must:

- Have resources and support to educate a student who has experienced trauma.
- Address mental health needs of students early and before referring to more restrictive placements.
- Promote community collaboration.
- Be proactive and address the whole child; eliminate punitive (zero-tolerance) measures.

DRW strongly supports increased state funding for special education services to keep pace with increasing costs. (State match to 30% of costs; fully fund high cost students.)

QUALITY COMMUNITY SUPPORTS

DRW advocates for reductions in waiting lists for people with disabilities, believing early access to comprehensive supports prevents costly interventions and placements.

Why: After 7 Northeast counties begin providing Family Care and IRIS long-term support services over the next two years, only eight counties will continue to maintain wait lists for long-term supports. DRW sees a trend toward reductions in services and quality, and a lack of comprehensive supports for individuals participating in state-funded community-based programs.

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TRANSPORTATION

DRW supports improved transportation solutions that address the severe lack of adequate, accessible transportation.

Why: Transportation is vital to an independent life in the community and allows people with disabilities to work and caregivers to provide care. In a recent Wisconsin survey of self-advocates, 40% of individuals with disabilities said they want to work but there is not enough transportation. Many people indicate they can’t get to medical appointments or even get out of their house due to transportation barriers.

Proposal: DRW supports increased funding for transit and for specialized transportation for people with disabilities and older adults such as the 85.21 program. Transit should remain in the segregated transportation fund to ensure that these funds are protected and not in competition with Medicaid, education, and other priorities. DRW also supports proposals that maximize coordination to allow for local and regional decision making.

Proposal: DRW supports enabling legislation to advance new transportation options.

VOTING RIGHTS

DRW supports efforts to increase rates of voting for people with disabilities.

Why: People with disabilities vote at a rate 5 to 15 percent below people without disabilities.

Proposal: DRW will seek opportunities to change voting laws that create unnecessary barriers to voting for citizens with disabilities, and support laws that increase access to the electoral process for voters with disabilities. DRW supports investments that improve voter education and eliminate unique barriers for voters with disabilities (such as transportation and accessible information).

Proposal: DRW supports funding of Government Accountability Board positions and initiatives that provide education and information to voters and clerks, decrease barriers to voters with disabilities within the electoral process, and increase voting by people with disabilities.

HOUSING

DRW works to ensure people with disabilities are able live in and participate in their communities and that communities and housing are accessible.

Why: DRW is concerned about an increase in the number of instances when people with disabilities have faced neighborhood resistance when they have moved into community-based settings. DRW continues to push back against NIMBY (not in my backyard) actions and discriminatory policies and ordinances that have been used in local communities.

Proposal: DRW will oppose all attempts to limit an individual’s right and access to housing.

Proposal: DRW supports policies that increase accessible, affordable, transit-accessible housing and that promote the community integration of people with disabilities.
CRIMINAL JUSTICE SYSTEM

DRW works to promote access to mental health treatment and services for people involved in the criminal justice system.

Why: Individuals with mental illness are over-represented in a criminal justice system which has become by far the largest institutional system housing and treating people with mental illness in the state. Conservative estimates suggest that over 50% of the prison and jail population have a history of mental illness and/or substance abuse.

Proposal: DRW supports expanding Opening Avenues to Reentry Success (OARS), a joint venture between DOC and DHS which is currently available in only certain regions of the state. OARS has been successful in supporting inmates with mental illness in reintegrating into the community and has significantly reduced recidivism rates for this population.

Proposal: DRW also supports legislation to expand the Treatment Alternatives and Diversions program (TAD) to serve individuals with mental illness in the absence of a substance use disorder. Under current law TAD programs may only serve individuals with mental illness if they have a co-occurring substance abuse disorder.

Proposal: DRW supports increased training for corrections line staff on mental illness, crisis intervention, and trauma. DRW also supports adequate funding of mental health treatment staff positions in DOC facilities to address the mistreatment and over-use of punishment of individuals with mental illness in Wisconsin’s penal system, as well as the lack of mental health treatment available to inmates.

INSTITUTIONS AND OLMSTEAD ENFORCEMENT

DRW works to ensure people with disabilities are able to live in the community in the least restrictive setting with appropriate supports to meet their needs.

Why: Building on the Supreme Court’s interpretation in Olmstead v. LC of the Americans with Disabilities Act (ADA) and its promise that people with disabilities will be integrated into the community, DRW seeks to end reliance on overly restrictive models of care. Wisconsin has the responsibility to ensure that people with disabilities, including those with the most complex or difficult needs, are able to live in the least restrictive setting possible. Federal fair housing laws protect against the creation of local or state efforts to create statutory barriers to community integration.

Proposal: Create a transitional time-limited funding resource available to counties with a resident at Wisconsin’s only Institute of Mental Disease in Trempealeau County, providing a treatment plan with consultation and community-based mental health supports to aid them in planning the return of that person to their home county ($200,000).

Proposal: DRW supports proposals to close or merge Southern and Central Centers for the Developmentally Disabled.

Proposal: DRW supports proposals that protect the right of individuals with complex and challenging behaviors to live in the community with appropriate services and supports.
IMPLEMENTATION OF NEW FEDERAL RULES AND LEGISLATION

DRW is monitoring data and proposals that will promote more community integration and access to community employment options for people with disabilities.

Why: In the last year the federal Medicaid agency (CMS) issued a new Home and Community-Based Services rule and Congress passed the Workforce Innovation and Opportunity Act (WIOA). Wisconsin must implement both of these significant federal changes over the next several years. In addition, more than 20 states have faced legal challenges related to segregation of people with disabilities. Wisconsin data demonstrates concern in this area. DRW will advocate to ensure compliance with the 1999 Olmstead Supreme Court decision so people with disabilities do not experience segregation and discrimination in how they receive publicly funded services.

Proposal: DRW supports time-limited funding to contract with an independent assessor to ensure Wisconsin providers receiving public funding are compliant with new federal rules.

Proposal: DRW supports proposals that protect and provide sufficient funding for Home and Community-Based services in Family Care, IRIS and other long-term support programs to provide for the highest quality of life and meaningful experiences in the community.

Proposal: DRW will support proposals which align state policy with WIOA, including new required steps prior to an individual’s entry to a sheltered workshop.

Disability Rights Wisconsin is a private non-profit organization which was founded in 1977. Designated by the Governor to ensure the rights of all state citizens with disabilities through individual advocacy and system change, DRW is part of a national system of federally mandated independent disability agencies. DRW is completely independent of government and the disability service system in order to be free of any conflicts of interests which would undermine our capacity to advocate vigorously on behalf of the human and legal rights of people with disabilities.

Disability Rights helps people across Wisconsin gain access to services and opportunity through its advocacy and legal expertise. We regularly challenge systems and society to create positive change and improve the lives of people with disabilities.