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# public policy WATCH

  
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## ARKANSAS SPECIAL EDUCATION TASK FORCE NEEDS PARENTS' INPUT



*Members of the task force on Special Education are looking into all aspects of the state's education programming for students with disabilities. We've made it a priority because many children are not getting the help they need.*

Shirley Renix taught her daughter to identify numbers and colors long before she went to preschool. But by the time she started kindergarten, something was wrong.

"Her teacher told me she couldn't count or name colors," Renix said. "I said 'She did it for me at home, she did it for the preschool teacher. What happened?'"

Her daughter ended up in the Arkansas Special Education Unit, which works with local school districts to ensure every student with disabilities has an opportunity to learn. The unit serves more than 50,000 kids—about one in ten students in Arkansas. Renix's daugh-

ter just graduated from the Camden Fairview School District, but it wasn't easy.

"If she learns anything it takes her a long while," Renix said. "She's on about a first grade level."

Renix struggled with teachers who didn't know how or weren't willing to take the extra time to help her daughter. Frustrated, Renix started doing her own research and brought what she learned back to teachers.

"They still wouldn't use it," Renix said. "I was faced with 'I'm trying to help you to help her, and you won't even use the tools that I'm finding.'"

On paper, Arkansas' special educa-

tion programs meet federal guidelines, but Renix says reality plays out differently in the classroom.

Over the years, her daughter's classes were filled with students who had a wide range of disabilities, and teachers often seemed overwhelmed. Federal law requires a team of teachers and administrators to work with parents to create an Individualized Education Plan for each child. Renix says her daughter had an IEP, but she never met the team.

"I sat down with one teacher," Renix said. "The rest of the team signed their name on there, but I

see *Special Education*, pg 4

## PRISON REFORM REPORT SHOWS BETTER, CHEAPER WAY TO ADDRESS MENTAL HEALTH



*Nancy Kahanak tells the the Task Force on Behavioral Health that Arkansas can use mental health crisis centers to provide better treatment to people with mental illness at a fraction of the cost of incarceration.*

Arkansas has an opportunity to address our incarceration crisis by helping people with mental health problems, while saving the state money and making our communities safer.

Many people with mental health issues have nowhere else to go and end up crowding our jails and prisons. Over-representation of those suffering from mental illness in jails has increased over the past several decades due to diminishing mental health services.

“A seasoned officer may know when a disturbance is caused by someone having difficulty with their thinking,” said Nancy Kahanak of Judicial Equality for Mental Illness. “The officer wants to get help for the person, but unfortunately he or she has few choices. The officer can take the citizen to jail or to the Emergency Room; neither is appropriate.”

A recent study commissioned by the Panel suggests diverting people with

mental illness into crisis centers rather than jails could provide better mental-health care while freeing up space in overcrowded prisons, saving the state close to \$140 million each year.

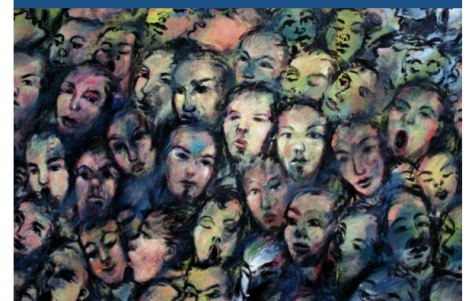
“Locking up a person in need of mental health services is cruel, counterproductive and often leads to a downward spiral,” Kahanak said. “Diversion is far less expensive, more humane, more effective and safer than simply sending people with mental health issues to

**“LOCKING UP A PERSON IN  
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**— Nancy Kahanak**



A Brief Cost Analysis of Arkansas Mental Health and Prison Reform  
Arkansas Public Policy Panel, April 2015



prison.”

The reforms will require new investment in our mental health care system, but those expenses will be far outweighed by the savings from the criminal justice system. The study found Arkansas could provide better treatment at 1/20th of the cost of incarceration. Some of the savings could be used to create regional crisis centers.

“Arkansas has thousands of prisoners with mental health issues,” said Panel Executive Director Bill Kopsky. “Sending people to treatment allows the system to focus resources on those who are true threats to society.”

The report bases its conclusions on analysis of costs and outcomes of similar programs in San Antonio, TX; Oklahoma; Georgia; New Mexico; and Oregon.

In August, Kahanak visited the San Antonio program with an Arkansas group including [cont. pg 3](#) →



a judge, 6 heads of Arkansas mental health centers, the head of the Arkansas Sheriff's Association and two sheriffs.

"We wanted to see how the San Antonio program has developed because it really is a model," she said. "Everyone was blown away. It was remarkable."

The program started with a crisis center and added 14 different services over the years. They have a complex of counseling services, including a "sobering center" where people can sleep off drug or alcohol intoxication.

"That's a touch point for people to go beyond and start seeking services," Kahanak said. "They take people where they are and they provide the needed services. It was valuable just to see that this can be done so successfully."

The Panel presented the report to state legislators looking for ways to reduce the state's staggering incarceration rate. The study recommends that the state prepare a more detailed cost-benefit analysis of the proposed crisis treatment centers.

"The initial findings are so overwhelmingly positive Arkansas must follow up with more detailed analysis," Kopsky said. "Lawmakers want to reduce overcrowding without adding more prisons. Crisis centers look like a great way to do it, while also taking better care of people who need help, not punishment."

"These reforms will save money for the state and municipalities while making our communities safer and enriching the lives of citizens experiencing symptoms of mental illness and relieving families of untold heartbreaks," Kahanak said. "How often do all of those benefits align?"

## **New Large Swine Operations Prohibited in Buffalo River Watershed**

The Arkansas Public Policy Panel and the Ozark Society's efforts to protect the Buffalo National River are now law.

After the partnership mobilized thousands of Arkansans in support of the Buffalo, the Arkansas Pollution Control and Ecology Commission adopted changes to two regulations to prohibit new permits for large swine facilities in the Buffalo River Watershed. The Panel and the Ozark Society petitioned the Commission in April of 2014 to initiate both rulemakings.

"Today's decision is great news for all Arkansans and the protection of the Buffalo River," said Barry Haas, a member of the Panel's Board of Directors. "We thank Governor Hutchinson, the Legislature and the APC&E Commission for their support to protect one of Arkansas' most treasured natural resources."

The new rules prohibit the Arkansas Department of Environmental Quality Director from issuing new permits in the next five years for swine operations in the Buf-

falo National River Watershed with 750 or more swine weighing 55 pounds or more, or 3,000 or more swine weighing less than 55 pounds. The rules require the ADEQ Director to initiate rule-making at the conclusion of that five-year period to either continue the ban indefinitely or remove the ban. The new regulations do not impact the existing permitted facility in the Buffalo River Watershed, which is the subject of litigation.

"We thank the thousands of citizens who called for this change," said Alan Nye, President of the Ozark Society. "The Buffalo River is protected for a minimum of five years from potential adverse impacts of new large swine facilities."

The rule changes lower threats to water quality posed by the land application of swine waste and leakage from waste holding ponds. Air quality will remain high in the Buffalo River watershed, and the growth of visitors to the Buffalo, an important economic driver for the state, should continue unabated.



## SPECIAL EDUCATION | continued from page 1 |



*Nearly 100 people attended the Concerned Citizens of Monticello school board candidate forum in August. The event had a mix of high schoolers and adults who asked the candidates questions on topics ranging from budget cuts to attracting high-quality teachers. The candidates expressed support for more afterschool programs, more church/community support of students and recruiting more African-American teachers to the district.*

didn't get to sit down with them. They'd already filled it out. I had no input. They told me what they were going to do."

The Arkansas Citizens First Congress and other education advocates pushed the 2015 legislature to create a task force on special education after Renix and other parents complained many schools were not meeting the needs of students with disabilities. Advocates want to improve placement as well, because too many children of color and low income children are being put into the program unnecessarily.

"I want to see children who really need it get the help that they need," Renix said. "It may take them a month to learn a word, to be able to add 2+2, but eventually they get it."

The task force is looking at all aspects of special ed, including placement, practices, educators, parents, funding and how money is spent.

"We want to figure out what is working well and what isn't," said Bailey Perkins, from Arkansas Ad-

vocates for Children and Families. "What do we need to do to address those things that aren't working well?"

Perkins says even though the state is meeting federal regulations, student outcomes aren't where they should be.

"Some students with special needs are really behind," she said. "I'm excited the task force is going to dive into the different areas and really figure out what we need to do to change those outcomes and results for students, but it's an ambitious task."

The task force has heard from educators and state agencies, but Renix is worried the voices and personal experiences of parents will be drowned out by statistics and funding formulas.

"I just want to make sure that things change when this is all over with," she said. "I don't want to sit at the table and go through all of this and then nothing happen."

Perkins agrees that parents are needed at the task force meetings.

"What the schools, or teachers say are totally different than what a parent experiences," she said. "From the school's perspective they are in compliance, and that's why we need the parent's perspective."

The task force meets next on December 9th and again January 6th, from 10 AM to 3 PM in room 138 at the Capitol. The public is welcome, and encouraged to attend.

"It's very open when it comes to giving input and feedback," Perkins said. "Come to the meetings, and share your thoughts about what's going on."

Even though Renix's daughter has graduated, she's speaking up for current and future students.

"I want to make sure my voice is heard because this is my life, my daughter's life and the lives of many more children who need help," she said. "I'm going to fight for them."



## AS NEW LAW IS IMPLEMENTED, ENERGY EFFICIENCY PROGRAM SPREADS ACROSS ARKANSAS

A Fayetteville nonprofit is the first to benefit after years of effort to establish an energy efficiency program in Arkansas. The Property Assessed Clean Energy, or PACE, Act became law in 2013, after heavy advocacy by environmental leaders in the Arkansas Citizens First Congress and other groups. PACE allows government entities to form energy improvement districts and fund low-interest, long-term loans for energy efficiency improvements, water conservation improvements and renewable energy projects.

Communities Unlimited completed a \$27,000 energy retrofit, including improved lighting, HVAC work and landscaping.

"We have about four or five other active projects in some stage of being developed," said Fayetteville's Director of Sustainability and Resilience Peter Nierengarten. "We hope to have a couple more completed by end of year."

Under the program, property owners finance EE projects and the energy savings exceed loan payments. The building becomes more efficient, and the improvements pay for themselves. PACE started in 2008 in California, and earlier this year it was only active in 12 states, Nierengarten said.

"PACE is still very young," he said. "To have Arkansas joining that leading edge and beginning to take advantage of a really unique way of financing energy improvements is really exciting and a great step forward."

Arkansas Citizens First Congress Co-Chair Mark Robertson says the first time PACE legislation was

introduced in 2011, it didn't have bipartisan support, and misunderstandings killed the bill.

"We spent two years frankly learning from what happened, and going back to where the opposition came from to address their concerns," Robertson said. "We modified what we needed to modify or explained the program to the point where they were comfortable and understood it."

Pulaski County, North Little Rock and Little Rock are also developing their own energy improvement districts and Robertson hopes the three will consolidate.

"Any legal jurisdiction or group of jurisdictions can create a district," he says. "Right now the counties that have more are stepping up, but other areas can't afford their own independent programs because of the overhead and administrative costs."

Robertson says creating a statewide PACE program could make it easier for less affluent places to get on board.

"It's what makes sense," he says. "It cuts administrative costs, and you'd lower the interest rate significantly because of scale if you could bundle everything."

In addition, Federal regulations did not allow residential customers with homes financed through Fannie Mae or Freddie Mac to apply for the program.

President Obama recently announced measures to unlock residential PACE financing for single-family housing. Robertson says establishing a statewide program,

and adopting residential PACE could be a boon for Arkansas homeowners and the green economy. He says several hundred thousand homes qualify for energy efficiency work just by the owner's income level, but there isn't enough money to fix all of them. PACE could be the solution.

"Every homeowner in the state could benefit from energy efficiency and renewable energy investments," he says. "It could be billions of dollars of economic development, and lots and lots and lots of jobs."



*Some of the CFC's environmental leaders traveled to the South Arkansas Regional Environmental Caucus meeting in November to generate support for their work on a statewide level. The group also discussed local issues the community groups want to tackle, and laid out next steps to effect change.*

## ARKANSAS HEALTH CARE ADVOCATES CALL FOR IMPROVED MEDICAID VERIFICATION POLICY

Randy Dollar was in the hospital waiting for open heart surgery when he found out his Private Option health insurance had been cancelled.

“I knew I should have coverage, and the hospital had already verified that I qualified,” Dollar said. “When they told me it was gone, I nearly packed my bags and went home to die.”

The hospital performed the procedure but Dollar had a hard time getting prescriptions filled and couldn’t see his doctor for follow up care.

“I was supposed to be resting and recovering, but instead I was stressing out about how to pay for my medication,” he said. “I ended up in the emergency room after my heart nearly failed again.”

Dollar’s coverage was cancelled because he failed to respond to a letter asking for income verification. It’s a letter he doesn’t remember receiving, even though he was carefully watching the mail for anything related to his upcoming surgery.

The Arkansas Citizens First Congress, Arkansas Advocates for Children and Families and the Arkansas Interfaith Alliance held a joint press conference in September to ask Governor Hutchinson to reinstate coverage for everyone who has been terminated from Medicaid, unless there is proof they are no longer eligible. This decision would make the renewal process more effective and fair for Arkansas families.

In August, the income verification deadline was extended to 30 days, but this did not help tens of thousands of people who already lost coverage. They are without access to health care while they wait for DHS to consider reinstatement. This process can take weeks, or even months.

“We are hearing stories from people across Arkansas who have cancer, heart disease and other life-threatening conditions that suddenly can not see their doctor, get their prescriptions or have needed procedures because their coverage was unfairly cancelled,” said Mark Robertson, Co-Chair of the CFC. “Federal regulators say the 10 day process was unfair and we are glad the state is extending it to 30 days for future cases, but something needs to be done now to make it right for the more than 50,000 people who [cont. pg 7](#) →”



*Two people who lost their Medicaid coverage shared their stories to put a personal face on the policy disaster. Randy Dollar found out his coverage was terminated while he waited in the hospital for open heart surgery. He had to struggle to be reinstated while he should have been resting and recovering. Lindsey Reed and her daughter also lost their coverage, even though the lifelong teacher can’t return to work following a traumatic brain injury. She asked the Governor to “do the right thing, and fix this problem now.”*







*The Fayetteville Citizens' Climate Lobby the Arkansas Public Policy Panel partnered for a fundraiser this Summer to pay for a state-level Carbon Fee and Dividend study. The CF&D approach is simple. Power plants are charged a fee for each ton of carbon pollution they emit. The money is then distributed monthly to every Arkansan. Polluters are financially motivated to find cleaner and more efficient ways of energy production. This leads to more investment in clean, renewable energy.*

lost coverage under the old and unfair rules.”

Lindsey Reed of Little Rock, a life-long teacher, said she lost her job and her health insurance last year when she suffered a brain injury. Unable to work, she relied on Medicaid, and her daughter qualified for ARKids First childrens' health insurance. Reed and her daughter were also terminated from the coverage even though she does not remember seeing a letter from DHS requesting information.

“These families who've lost coverage should be reinstated now, without a moment more of delay, while their cases are reviewed,” Robertson said. “Of course people who are no longer eligible should be removed and informed about other options, but the evidence shows a great many people who've been terminated so far actually do qualify. We should make sure we treat them fairly while we create a better system for determining whose status has changed so much they no longer need assistance.”

Rich Huddleston, Executive Director of Arkansas Advocates for Children and Families, added that other reforms are needed as well.

“The state needs to dramatically improve their outreach to consumers,” Huddleston said. “In many cases a single letter will not do the trick. They need to be sending out several reminders and possibly making phone calls. These are our most vulnerable citizens and some who are frail or disabled may need additional help meeting

the requirements.”

Steve Copley of the Arkansas Interfaith Alliance said Arkansas has a moral imperative to make sure the system is working before cutting people off from health care.

“Many of the people cut off did their best to comply, but the state mishandled their documents, or they simply didn't have enough time to respond,” said Rev. Copley. “Others never even knew they were being asked for documentation because the outreach was so poor. If large numbers of people the state is contacting are failing to respond, that is a sign that the state's strategy needs to be revised. These people deserve to be reinstated until their cases can be reviewed and the state can improve its processes.”

The state has made changes to be more fair, and target fewer people. Arkansas has reinstated more than 16,000 people, including Dollar, Reed and her daughter, but many more who probably qualify are still waiting. What should consumers do who've lost their coverage?

“The most important thing for people on Medicaid, ARKids First or the Private Option to do is send some form of income verification to DHS immediately,” Huddleston said. “If your coverage has been dropped it may take weeks or months for DHS to reinstate it, so get that documentation to DHS as soon as possible. But we should not be putting consumers in this position to begin with.”

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## public policy WATCH

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*Special interest groups are stronger than ever at the Capitol, and the people of Arkansas must work harder to make sure lawmakers keep the needs of hard working families in mind.*

***Join the Citizens First Congress in Little Rock on Saturday, January 23rd for training sessions to help advocates build stronger campaigns for change in Arkansas.***

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