

FRCD Newsletter

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NO TAX INCREASE = 30% to 50% SERVICE CUTS?

The Illinois House of Representatives, on May 31, torpedoed the state income tax proposal, 74 to 42, which would have averted an estimated 30% to 50% cut in disability and other services. The tax proposal, which calls for a 50% increase in the Illinois income tax, from the current 3% to 4.5%, passed the State Senate 31 to 27, on May 30. The current income tax rate has not been increased in 20 years. No Republicans voted for the tax increase; and 26 Democrats voted against the tax increase in the Illinois House; and 5 Democrats voted against it in the State Senate.

Illinois legislative leaders, have stated that, failure to pass the state income tax increase will result in a \$11.6 billion deficit and will necessitate \$7 billion (30% to 50%) cuts in state funded programs and services, including: education; mental health; health care; child care; pre-school and after school programs; foster care; adoption; rehabilitation; community health and prevention; homelessness prevention; homeless youth services; Illinois State Police force; seniors; parks; museums; state fair; alcoholism and drug dependence; domestic violence; and other social services and disability services.

The projected 30% to 50% cuts in services comes on the tail of a nationwide study, "State of the State of Developmental Disabilities", (reported in the State Journal Register posting 5/28/09 & the ARC of Illinois posting 5/29/09) which shows: Illinois' waiting list for services as numbering 17,000 people; Illinois ranking 40th in total fiscal effort for people with developmental services, and fourth in the number of people in state institutions.

A short-term proposal was approved by both the Illinois House and the Illinois Senate to fund the state government for approximately six months. However, it is unclear at this time if services listed above are included in the Plan.

Governor Pat Quinn and legislative leaders have stated their intent to continue to resolve the state's fiscal problems. A meeting with the Governor and legislative leaders is planned for June 4, 2009, (a day after this Newsletter goes to press); and a special veto session is also being discussed, to forge a budget agreement for the coming fiscal year.

(Information from Chicago Tribune 6/1/09; Arc of Illinois e-mails, 5/27/09; 5/28/09; 5/29/09; and CCDI e-mail 5/29/09, and Voices for Illinois Children e-mail 4/27/09).

Supreme Court Nominee's Record
Shows Positive Decisions
on Disability Issues
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Proposed Federal Legislation
on Restraints/Seclusion in Schools
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PROPOSED FEDERAL LEGISLATION ADDRESSES RESTRAINTS and SECLUSION in SCHOOLS

Federal legislation has been introduced to: provide for a national teacher registry of teachers convicted of any offense involving abuse or harm to students, and set limits on physical restraint and seclusion. The new proposed legislation was initiated as a response to U.S. House of Representatives Hearings on physical restraint and seclusion of students, held on May 19, 2009.

Beth Hanselman, Assistant Superintendent for Special Education, Illinois State Board of Education, appeared as a witness at the Hearings. Other witnesses included: Ann Gaylos, mother of a victim, Monument, Colorado; Mary V. Kealy, EdD, assistant superintendent for pupil services, Loudon County Public Schools, Virginia; Greg Kutz, managing director; Foreign Audits and Special Investigations U.S. Government Accountability Office, Washington, DC; Reese L. Peterson, PhD Professor of Special Education, University of Nebraska, Lincoln, Nebraska; Toni Price, mother of a victim who died, Killeen, Texas.

On May 20, 2009, U.S. Secretary of Education, Arne Duncan, told the U.S. House of Representatives Hearing that the U.S. Department of Education would take immediate action.

George Miller (D-California), Chairman of the House Committee on Education and Labor, which conducted the Hearings, commented that the compelling testimony from parents of two victims showed conditions which were “wholly unacceptable. This punishment is way out of bounds of what I believe are the social norms of this society.”

The Government Accountability Office’s (GAO) official report, “Seclusion and Restraints: Selected Cases of Death and Abuse at Public and Private School Centers”, is a document that “finds no federal regulations related to seclusion and restraints in public and private schools and widely divergent laws at the state level.”

TASH, the Council for Children with Behavioral Disorders (CCBD), the Council for Exceptional Children (CEC), and the National Disability Rights Network (NDRN) have presented statements to the House Committee, on Restraints and Seclusion of Students. The NDRN has prepared a report on some of the restraints and seclusion abuses, titled “School is Not Supposed to Hurt.”

The Obama Administration is also exploring solutions for problems documented in the above reports. Representatives of 40 education and community organizations met with administration officials on May 26, 2009, to discuss recent government reports on seclusion and restraint.

(Information from CEC Smart Brief (5/19/09; 5/21/09; 5/27/09) & Bev John’s e-mails (5/19/09; 5/26/09), Education Week (4/23/09), TASH in Action (5/22/09).)

Legislation to Reimburse Parents’ Witness Fees Passes IL General Assembly

HB 628, legislation to reimburse parents for their expert witness fees for reasonable access, due process hearings and court proceedings, passed both houses of the Illinois General Assembly on May 28, 2009.

HB 628 amends the Children with Disabilities Article of the School Code of Illinois. This legislation provides that a parent, an independent educational evaluator, or an expert retained by or on behalf of a parent or child must be afforded access of sufficient duration and extent to educational personnel, facilities, classrooms, and buildings and to the child in order to conduct an evaluation of the child, the child’s performance, the child’s current educational program, placement, or environment, or any proposed educational program, placement, or environment. HB 628 sets forth requirements concerning the visit. Provides that interviews of educational personnel may be limited to personnel having information relevant to the child’s current educational services, program, or placement or to a proposed educational service, program, or placement. This legislation is effective immediately upon the Governor’s signature.

(Information from Illinois General Assembly Legislative Information System: www.ilga.gov)
