

Short Title: Supported Decision-Making Act

HB3849

Sponsor: Representative LaPointe

Program Initiative: Human Rights Authority

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1. Supported Decision-Making is a term used to describe **a model of assistance for individuals with disabilities who have a range of decisional capacity** and could benefit, based upon their level of ability, from having an identified supporter who would help interpret information, weigh options and communicate the individual's decisions in identified areas of needed support. This model aims to maximize an individual's potential for autonomy and relationships. It is most often an alternative to formal guardianship, but can also be used within a guardianship context.
2. **Examples of supported decision-making** include times when an identified supporter to an individual with a disability helps that individual **weigh options about living situations, work, medical choices and relationships**; if agreed upon by the individual, the supporter would be available to assist in marshalling resources for the individual to consider, helping focus a team, communicating information, and assisting with both questions and the individual's decision.
3. A **guiding Supported Decision-Making Agreement**, signed by both the individual with the disability, the identified supporter, and two witnesses, **defines the parameters of assistance** based on the individual's unique needs and preferences while still ensuring that decisions are made by the individual.
4. The Agreement would recognize the **supporter's role and limitations** for entities that provide services to the individual with disabilities.
5. The **process for developing the Agreement** would: 1) identify the individual's strengths, needs, opportunities and challenges; 2) identify an appropriate supporter that meets statutory requirements; 3) consider areas of needed support; 4) document the parameters of decision-making support into the agreement; and 5) incorporate the Agreement as part of service provision. **The Agreement can be revoked at any time by either the individual with the disability or the supporter.**
6. The **existing Illinois Probate Act already includes language consistent with the concept of supported decision-making**, including the requirement that guardians are to make decisions that maximize an individual's self-reliance and independence.
7. **Supported Decision-Making is not a radical or untested idea. Ten states and the District of Columbia already have supported decision-making statutes in place**, including Wisconsin, Missouri, Texas, and Delaware; multiple other states have related pilot projects and task forces. Foreign Countries as diverse as

Israel, Canada, Australia and Croatia have adopted the model and it is recognized by the United Nations. A National Center for Supported Decision-Making is in place and serves as an ongoing resource at the following link: <http://www.supporteddecisionmaking.org/>

8. Supported decision-making is **heavily favored by disability advocates in Illinois**. There are **no current, known opponents**. Studies indicate that when persons with disabilities have increased self-determination, they experience better health and well-being. Supported Decision-Making can also enhance family and community relationships around persons with disabilities.
9. A **likely question from private guardians and family members** might be “will this model eliminate guardianships?” **No! Guardianships will continue to be an option for individuals with disabilities who lack decisional capacity as determined by the courts.**
10. Any related legislation would be followed by appropriate **educational resources** for persons with disabilities, their families, disability service providers, advocates, abuse/neglect investigative bodies and potential supporters. **Besides the National Center for Supported Decision-Making, educational resources could be made available for families through the Illinois Department of Human Services website.** The Illinois Guardianship and Advocacy Commission would support the effort to develop and publicize the educational aspects of this model, with a proven track record of minimizing costs and engaging the widest range of option.

LaPointe - Ammons - Hirschauer - Ortiz

This bill creates more opportunities for our young people with disabilities, including intellectual and developmental, as they age out of high school at age 22. It's devastating that Illinois ranks 44th when it comes to providing support for our residents with intellectual and developmental disabilities and we must do better to recognize that our young people with disabilities have many capabilities, including the capabilities of higher education when provided support and modifications. This bill better opens up a variety of post secondary education options for our young people with disabilities through (1) dual credit, (2) a range of education and programming options at Illinois community colleges and (3) better and earlier information about options, starting with transition services in high school

Dual Credit:

- The bill amends the Dual Credit Quality Act to ensure high schools and community college districts work collaboratively to provide eligible students with disabilities access to dual credit with support when needed.
- The bill directs all community college districts who partner with high schools for dual credit to modify their dual credit plans to ensure access for students with disabilities. Partnership agreements will address how IEPs or 504 plan supplementary aids and accommodations will be incorporated.

Community Colleges:

- The bill amends the public community college act to direct community college districts to provide access to higher education for students with disabilities. Community Colleges are encouraged to offer a range of programming with appropriate supplementary aids and accommodations, including for credit and non-credit courses, career and technical education (CTE), vocational training, continuing education, certificates, and life skills courses.
- The bill encourages disability coordinators at community colleges to participate in meetings with high schools to provide information directly to students, their families, and their IEP teams about courses and programs available at the local community college.

Transition Services:

- The bill amends the school code specific to transition services, making clear that post secondary education options may include for-credit courses, non-credit courses and CTE. Transitional planning shall include information about secondary and post secondary CTE options.
- Encourages disability coordinators of community colleges and CTE coordinators to participate in transition planning with the goal to share broad options for post secondary education and programming to students with disabilities.

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LEGAL**RESEARCH**

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SPONSOR

Hurley – Burke – Ness - LaPointe

DATE

1/25/21

UPDATE

3/1/21

COMMITTEE

Human Services Committee

HB 0040 is identical to HB 3897 (Hurley – Costa Howard - Mayfield) of the 101st General Assembly. HB 3897 was filed by Rep. Hurley on September 24, 2019. The bill was assigned to Human Services Committee on October 21, 2019. HB 3897 was never voted on in committee and was re-referred to Rules.

EXECUTIVE SUMMARY

HB 40 provides that a student whose 22nd birthday occurs during the school year is eligible for special education services through the end of the school year, rather than being eligible for services only until the day before his or her 22nd birthday.

DETAILED ANALYSIS

Currently, a child with disabilities (ages 3-21) who requires continued public school educational experiences to facilitate his or her successful transition and integration into adult life is eligible for services through age 21. Once, the student turns 22 the student will no longer receive services from the state, even if the student turns 22 during the middle of the school year.

HB 40 provides that a child with disabilities who turns 22 during the school year may continue to receive services until the end of the school year.

HB 40 has an immediate effective date.

The main opposition to this bill comes from the Illinois Alliance of Administrators of Special Education (IASA). The cost for a child with disabilities is reimbursed to a school district, so there is concern the financial burden will fall primarily on individual school districts. Also, many children with disabilities are in private placements. A private placement is when a school district elects to place a student in a private facility to better meet the students' needs. The school district pays the cost of the private placement.

PROPOSERS/OPPOSERS

Proponents: Sponsor initiative. National Association of Social Workers.

Opponents: School Management Alliance. Illinois Alliance of Administrators of Special Education. Illinois Principals Association.

No Position:

LIS STATUS

Last Action

Date	Chamber	Action
2/23/2021	House	Assigned to Human Services Committee

Statutes Amended In Order of Appearance

RS 14:122 9-1-132

from Ch. 122, par. 14-1.02

Synopsis As Introduced

Amends the Children with Disabilities Article of the School Code. Provides that a student whose 22nd birthday occurs during the school year is eligible for special education services through the end of the school year (rather than being eligible for services only until the day before his or her 22nd birthday). Effective immediately.

Actions

Date	Chamber	Action
1/13/2021	House	Filed with the Clerk by Rep. Frances Ann Hurley
1/14/2021	House	First Reading
1/14/2021	House	Referred to Rules Committee
1/21/2021	House	Added Chief Co-Sponsor Rep. Suzanne Ness
1/21/2021	House	Added Chief Co-Sponsor Rep. Lindsey LaPointe
2/10/2021	House	Added Chief Co-Sponsor Rep. Kelly M. Burke
2/11/2021	House	Added Co-Sponsor Rep. Bob Morgan
2/16/2021	House	Added Co-Sponsor Rep. Barbara Hernandez
2/16/2021	House	Added Co-Sponsor Rep. Amy Grant
2/23/2021	House	Assigned to Human Services Committee
2/25/2021	House	Added Co-Sponsor Rep. Stephanie A. Kifowok
3/1/2021	House	Added Co-Sponsor Rep. Dan Brady
3/1/2021	House	Added Co-Sponsor Rep. Jonathan Carroll



COMMUNITY • ADVOCACY • POLICY

HB 292 (as amended): - I/DD Earned Income and State Use Committee Representation
Representative Lindsey LaPointe

IARF Position: SUPPORT

HB 292 (as amended) updates current law to address a long-standing inequity that prevented working residents in CILAs from keeping their earned income.

The bill also clarifies I/DD representation to the Illinois State Use Committee, as follows:

- Adds 2 public members to the committee who have a disability; and
- Adds 1 public member from a disability focused statewide advocacy group.

Issues:

- Adults with I/DD living in a group home that obtain employment can only keep a portion of their own earnings, the rest is recouped by their community provider to subsidize the state's low rate reimbursements.
- The State Use Committee facilitates the purchase of products and services from not-for-profit agencies that provide employment opportunities to persons with physical disabilities, intellectual or developmental disabilities, mental illnesses, or any combination thereof.

Points for Consideration:

- The current CILA rate methodology, by allowing a resident to keep a limited amount of earnings, has a built-in disincentive to individuals seeking and maintaining employment.
- This recommendation is included in the DHS-DDD Rate Study as policy guidance.
- HB 292 (as amended) states that DHS shall hold the CILA rate harmless in implementing the earned income piece, which may result in approximate \$3 million fiscal impact to DHS-DDD (May receive federal match).
- This amendment represents agreed upon language between IARF and the ARC of Illinois.

Solutions:

HB 292 (as amended) identifies and changes areas of Illinois law that address the concerns stated above. This legislation helps advance the Employment First model in Illinois by allowing individuals to keep more of their earned income and ensures that the needs of the I/DD community and advocates are represented on the State's Use Committee.

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