

NJCDD

NJ Council on Developmental Disabilities

the Council's

Monday Morning Newsletter

A publication of the New Jersey Council on Developmental Disabilities

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New Lawmakers Arrive in Trenton

On January 7, the 212th New Jersey Legislature came to a close, saying bidding farewell to nearly one third of its 120 members - many of them veteran law makers and friends of the disability advocacy community.

With so many new faces in Trenton, now is an important time for advocates to reach out to their legislative representatives to introduce themselves and the issues they care about. All members of the Legislature - but particularly those new to office - count on constituents to provide information and perspectives about the issues, including those most important to people with disabilities and their families.

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Lame Duck Legislative Session

In the flurry of 'lame duck' activity at the end of the legislative session, the Senate and Assembly approved a long list of bills, some of which will have a direct effect on the lives of people with disabilities and their families.

The School Funding Reform Act

The most significant of the last minute measures was a bill to change state aid for public education. The School Funding Reform Act of 2008 (A400/S5000) is Governor Jon Corzine's plan for a new state aid formula for education. It contains major changes in special education funding.

The act provides roughly \$7.8 billion in state aid for K-12 education in FY 2009, adding \$532 million more than is now spent. Most of the increase is earmarked for special education. All districts will receive at least a 2% increase; some districts will see as much as a 20% increase. A 'hold harmless' provision will mean that no district will see a cut in state aid, at least initially.

Beginning in June, the amount of state special education aid will be based on a statewide average excess cost across all special education categories. Regardless of the nature of a student's disability, districts will receive \$10,898 per student. Aid will be distributed based on a census model that uses the statewide average rate of classification, currently 14.69%. For some districts, this will mean an increase in aid; for others, a decrease.

The act calls for a portion of special education aid to be adjusted for local wealth, with school boards in more affluent communities

The School Funding Reform Act of 2008 contains major changes in special education funding.

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A Parent's Handbook on the Future World of Work

The Council on Developmental Disabilities has awarded the Heldrich Center at Rutgers University in New Brunswick a grant for \$36,262 for a one-year project to develop and design a guidebook for parents.

The handbook will be built on research about the impact of employment for people with developmental disabilities and will have three main goals:

- Serve as a source of encouragement and inspiration for parents about the opportunities that exist for children and youth with developmental disabilities;
- Educate parents of children and youth with disabilities about the benefits of working, including emphasizing an improved standard of living made

possible through earned income versus public assistance and the potential for accumulating assets; and

- Outline specific steps parents can take to encourage work and independence through learning.

The workbook will be available in a variety of formats and disseminated through the Council. For more information, contact the Council.

2008 New Years Resolution: Get Involved

Did you know that there are literally hundreds of state advisory boards, authorities and commissions – many of them addressing issues of interest to people with disabilities and their families?

The Governor makes appointments to boards and commissions that deal with virtually every department and policy shaping body. Some appointments made by the Governor require the advice and consent of the State Senate; others do not. Diversity is important, so participation by citizens with disabilities is vital.

Serving on a board or commission requires a contribution of your time, perspective and expertise. Public service is an important way to contribute to your state and your community.

To learn more, go on line to <http://www.state.nj.us/governor/boards>.

Interested in becoming a Council Member?

Persons interested in becoming a Council member should contact the Council directly by calling Jacinta Williams, 609-292-3745, and letting her know of your interest. Only individuals with developmental disabilities or parents, family members or guardians of people with developmental disabilities may apply.

Proyecto del consejo

Un Manual para los padres sobre el mundo futuro de trabajo

El Consejo de Discapacidades del Desarrollo ha concedido al Centro Heldrich en la Universidad de Rutgers de New Brunswick, una subvención de \$36,262 para un proyecto de un año de duración a fin de desarrollar y diseñar una guía para los padres.

El manual se elaborará a partir de la investigación sobre el impacto del empleo en personas con discapacidades del desarrollo y tendrá tres metas principales:

- Servir de fuente de estímulo e inspiración para los padres sobre las oportunidades que existen para los niños y jóvenes con discapacidades del desarrollo;
- Educar a los padres de los niños y jóvenes con discapacidades sobre los beneficios de trabajar, enfatizando la posibilidad de un estándar de vida mejorado que es posible a través de los ingresos

percibidos en contraposición con la ayuda pública y el potencial para acumular activos, y

- Esbozar los pasos específicos que pueden tomar los padres para estimular el trabajo e independencia a través del aprendizaje.

El cuaderno de ejercicios estará disponible en una variedad de formatos y se divulgará a través del Consejo. Para mayor información, póngase en contacto con el Consejo.

Resolución de Año Nuevo: Involucrarse

Sabía usted que existen, literalmente, cientos de consejos consultivos, autoridades y comités estatales – muchos de los cuales abordan temas de interés para las personas con discapacidades y sus familias.

El Gobernador concerta citas con los consejos y comités que tienen que ver con virtualmente cada departamento y organismo encargado de la formulación de políticas. Algunas de las citas establecidas por el Gobernador requieren la asesoría y consentimiento del Senado del Estado, aunque no en todos los casos. La diversidad es importante, de modo que la participación de los ciudadanos con discapacidades es vital.

Prestar servicios en un consejo o comité requiere que usted contribuya con su tiempo, perspectiva y experiencia. El servicio público es un medio importante de contribuir con su estado y su comunidad.

Para mayor información, visite en línea <http://www.state.nj.us/governor/boards>.

¿Está interesado en ser miembro del Consejo?

Las personas interesadas en formar parte del Consejo deben ponerse en contacto con la Oficina del Gobernador encargada de Citas, Andrea Orbe-Martinez, 609-777-0251 y comuníquese su interés. Solo pueden aplicar las personas con impedimentos de desarrollo o padres, familiares o cuidadores de los mismos.

Lame Duck Legislative Session *continued from cover*

receiving a smaller percentage of the available aid than in less wealthy communities. As a result these local boards will need to rely on taxpayers for a larger portion of special education costs.

The act also establishes a new way of reimbursing districts for extraordinary costs -- those over \$40,000 -- depending on the student's placement.

The new law requires the state to commission an independent study of special education funding to determine if adjustments in state aid are needed. The study and recommendations must be completed by June 2010.

Ice and Snow Removal from 'Handicapped Parking Spaces'

Advocates involved with the Council have championed a measure (S2522/A4047) which was unanimously approved by the Assembly in the final hours of the session. The bill reduces the period of time for removal of snow and ice from handicapped parking spaces, and increases the fines for failure to do so.

A person who owns or controls a parking area is responsible for assuring that parking spaces reserved for motorists with disabilities, curb cuts and other improvements designed to provide accessibility are not obstructed. Under current law, snow or ice must be removed from the parking space, curb cut or other improvement within 48 hours after the inclement weather has ended. This bill requires that the snow or ice be removed within 24 hours after the inclement weather has ended.

Current law provides that violators are subject to a fine of \$200 to \$500. Under the provisions of this bill, violators will be subject to a fine of \$500 to \$1,000 for each space that is obstructed. The bill is now awaiting the Governor's signature.

"Billy's Law"

This new act requires the State to conduct an evaluation and on-site inspection (including unannounced inspections) of out-of-state schools or programs for children or adults with disabilities prior to entering into a contract or licensing the program. The Act further requires state agencies to share information about out-of-state programs, such as reports concerning accidents, unusual incidents, or incidents involving suspected abuse or neglect.

Under the act, the state must create a Council on Out-of-State Placement of Children, which will be responsible for developing guidelines and standard for such programs.

The act was named for Billy Albanese, 31-year-old man with disabilities who suffered numerous falls and required medical treatment for repeated injuries sustained as a result of being left unattended.

Burden of Proof in Special Education Hearings

The disability community achieved a major victory with the passage of S2604/A4076, which requires school districts to bear the burden of proof in legal disputes against parents of special education students. The bill was unanimously approved by the full Senate in the final hours of the lame duck session.

In 1989, the State Supreme Court ruled that the burden of proof in special education disputes should lie with the school district, but in 2006, the U.S. Supreme Court decided that the burden of proof should rest with the party seeking relief – whether it is the school district or a parent. The decision contained language allowing states that had statutes assigning the burden of proof to a particular party to override the Supreme Court decision.

Billy's Law provides protections for residents in out-of-state schools or programs for children or adults with disabilities

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New Jersey joins ten other states and the District of Columbia in passing state laws that place the burden of proof on school districts.

Insurance Carriers Required to Cover Prosthetics and Orthotics

New Jersey has become the eighth state to require insurance carriers to cover the cost of orthotic and prosthetic devices, and has stipulated that such devices will be reimbursed by private insurance at the rate established by Medicaid.

The new law will create insurance parity for devices needed for independence.

A bill (S502/A1011) will create insurance parity for devices needed for independence. According to the Amputee Coalition of America, many insurance policies limit prosthetics and orthotic appliances to \$2000 per year or one prosthetic per lifetime. Such restrictions can limit an independent, productive future and may lead to an increased reliance on state and federal programs.

Following testimony by supporters of the bill, the Senate Commerce Committee amended the bill to extend and ensure coverage for government employees covered by the New Jersey State Health Benefits Program (SHBP).

Congress Considers Unique Trusts for People with Disabilities

A bill being considered by lawmakers in Washington D.C. would allow taxpayers who are planning for the future of a family member with a disability to establish a tax-free financial security account.

The Financial Security Accounts for Individuals with Disabilities Act of 2007 (H.R. 2370), sponsored by Florida Republican Representative, Ander Crenshaw, would amend the federal tax code to allow families to establish a trust exclusively for the purpose of paying certain expenses of an individual with a disability, such as educational, medical, dental, community-based support, employment training and support, and assistive technology, as well as housing and transportation.

The money saved in these accounts would not be counted in the determination of eligibility for Social Security or Medicaid benefits. The bill was referred to the House Ways and Means Committee.

Introduced in May, the bill has been endorsed by sixty-seven members of the House of Representative who have signed on to the bill as co-sponsors, including New Jersey Representatives Mike Ferguson, (R-10); Donald Payne (D-10); and Chris Smith (R-5).

For more information about this effort, go to: <http://www.ndss.org>



New Lawmakers Arrive in Trenton *continued from cover*

Over the course of the two-year Legislative session, members of the State Legislature are asked to consider hundreds of bills and spending packages, many of which will affect children and adults with disabilities and their families. The best way for these elected officials to learn about the issues that matter to you, is by hearing from you directly, either through a letter, a phone call or a face to face meeting. The best time to reach out is now, before the calendar gets busy and before the politically charged 'budget season' begins in late February.

To learn more, or to find out who represents you in Trenton, log on to <http://www.njleg.state.nj.us/members/abcroster.asp>



Community Calendar

- February 11: Improving Social Skills; 7:00-8:30 PM, Hackensack University Medical Center, Hackensack, NJ. Call 201-612-7800 x 19.
- February 18: Initial Letters of Interest for Grants due to the NJCDD. Info online at www.njcdd.org. Call 609-292-3745.
- February 28: Medicare-Medicaid Maze, New Jersey Law Center, New Brunswick, NJ. Info online at www.njsbf.org.
- March 1: "Strengthening Families, Building Communities - SPAN's 20th Anniversary Conference. Eatontown, NJ. Info online at www.spannj.org.
- March 8: Pathways to Adult Life - Education & Information Session. Clark, NJ. Info online at www.fscnj.org. call 732-528-8080.
- March 11: Pathways to Adult Life - Education & Information Session. Mays Landing, NJ. Info online at www.fscnj.org. Call 732-528-8080.
- March 13-14: Facing the Future XVI - New Jersey Association for Persons in Supported Employment; Somerset, NJ. Info online at <http://rwjms.umdnj.edu/boggscenter/conferences/index.htm>.
- March 27: New Jersey Council on Developmental Disabilities Public Meeting. 10 AM - 3 PM. Trenton, NJ. Info online at www.njcdd.org. Call 609-292-3745.
- April 2: Lunchtime Teleconference - Health Care Series - Advocacy for Children and Youth with Special Health Care Needs. Sponsored by SPAN. Info online at www.spannj.org. Call 973-642-8100 x 116.

The Council's Monday Morning Newsletter is a publication of the New Jersey Council on Developmental Disabilities.

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The Council is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings and events. This publication and others published by NJCDD are available in alternate accessible formats. Please call the Council for more information.

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