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MAKING THE CUT: JOBS, PROGRAMS AND SERVICES FOR INDIVIDUALS WITH DISABILITIES ELIMINATED BY 2010 BUDGET IN ILLINOIS

by ELLEN WESTLEY

“I don’t want to just sit here and twiddle my thumbs,” said Deborah Weinfuss, an individual with a cognitive disability, after Illinois state budget cuts eliminated a program that has allowed her to live and work independently since 1990.¹ Weinfuss is just one of many individuals with disabilities who have been affected by the extensive 2010 budget cuts to human service providers in Illinois.²

The Illinois state legislature reduced the budgets of these providers by 14 percent for the 2010 fiscal year.³ Gov. Pat Quinn was able to prevent additional proposed cuts to these agencies by borrowing money from pension notes and deferring debt owed to state service providers until next year.⁴ But the massive Illinois state deficit has not disappeared.⁵ In fact, it is growing.⁶

Many agencies that serve individuals with disabilities support an increase in income taxes to reduce the large state deficit and prevent future cuts next year.⁷ However, the majority of Illinois citizens oppose an increase in taxes.⁸ If the state does not receive a revenue increase before the 2011 budget is created next June, individuals with disabilities may see additional programs and services cut from their lives.⁹

THE CUTS

On July 1, 2009, Illinois began the new fiscal year for 2010 without a budget.¹⁰ In late June, Illinois lawmakers passed a budget, described by many as the “Doomsday Budget,” that proposed to cut 50 percent of funding for human service providers.¹¹ However, on June 30, 2009, organizations such as Equip for Equality filed lawsuits against the state to stop the drastic cuts in the Doomsday Budget.¹² Because the proposed 50 percent cuts would have resulted in substantial hardship for individuals in Illinois, Gov. Quinn vetoed the Doomsday Budget.¹³

The governor sought an increase in income taxes to help solve state budget problems, but legislators continued to support cuts over increased taxes.¹⁴ On July 15, 2009, Gov. Quinn finally approved a 2010 budget.¹⁵ The budget cut \$1 billion overall and classified another \$1 billion as part of a reserve fund.¹⁶

The 2010 budget funds human service providers at an average of 86 percent of last year’s budget.¹⁷ Though not as drastic as the Doomsday Budget, disability assistance agencies were still forced to cut employees and programs due to this 14 percent reduction and a 15-day delay in approving the budget.¹⁸

Unlike past years, where the Illinois legislature allocated a specific amount of funding to each program in Illinois, the 2010 budget instead provides state agencies with lump sums.¹⁹ Under this funding scheme, Gov. Quinn and directors from agencies such as the Department of Human Services (DHS) make

autonomous decisions about how the 86 percent funding levels will be distributed.²⁰ Critics charge that this system lacks necessary oversight and delegates too much responsibility to the governor.²¹ “Essentially by doing this, we have made him the king of Illinois,” Sen. Donne Trotter, D-Chicago, said.²²

In the future, additional cuts are likely as many state officials feel the 2010 budget only delays dealing with the state’s large deficit until next year.²³ In order to fund the \$26 billion budget, the governor borrowed \$3.5 million in pension notes to pay state employee pensions and deferred \$3 billion owed to service providers into next year.²⁴

Meanwhile, the state’s financial situation continues to deteriorate.²⁵ The deficit was \$9.2 billion when the budget passed, and the governor projects it to be \$11.6 billion by the start of the 2011 fiscal year.²⁶ One think tank recently published a study reporting the Illinois state deficit as \$13 billion as of Nov. 11, 2009.²⁷

THE EFFECTS

As an immediate result of the 2010 cuts, 19 agencies serving people with physical disabilities reported over 100 jobs lost, services eliminated for over 1,000 people and programs affected for thousands more.²⁸ Nine agencies serving people with mental illnesses reported laying off over 200 employees and eliminating services for thousands.²⁹ The eliminated services include job training and other programs for disabled and mentally ill adults living independently.³⁰

State budget deficit problems may continue to negatively affect individuals with disabilities in the near future. Without a significant revenue increase, services that provide community access to the disabled community remain at risk.³¹ But Illinois is already behind when it comes to providing residential and community supports to individuals with disabilities.

Illinois ranks 51st, dead last, in the United States in 2008 for funding residential services for individuals with disabilities, according to a research project administered by the University of Colorado.³² Additionally, Illinois ranks 47th for the inclusion of individuals with disabilities in communities according to a 2009 study conducted by United Cerebral Palsy.³³

These rankings indicate that Illinois may be violating the Supreme Court's decision in *Olmstead v. L.C. ex. rel. Zimring*. In that case, the court held that states are required to place persons with disabilities in community settings rather than in institutions when the community placement is appropriate, the individual with a disability does not oppose the transfer and the placement can be reasonably accommodated.³⁴

Many disability-rights advocates were fighting back against a perceived lack of *Olmstead* community compliance even before the budget cuts occurred.³⁵ By reducing the budget and cutting programs that help disabled individuals such as Weinfuss spend more time in their communities, Illinois necessarily moves further from the Supreme Court's vision in *Olmstead*. Mike Ervin, writer and member of Chicago ADAPT's disability-rights activist community, says this "is like responding to *Brown v. Board of Education* by re-segregating our schools."³⁶

THE ONGOING FIGHT

Individuals and organizations have been meeting with Gov. Quinn and agency directors as the 2010 fiscal year budget is implemented.³⁷ These groups are trying to convince the governor to allocate money to their specific programs from the lump sums.³⁸

For example, Chicago ADAPT, Access Living, Mike Ervin and other individuals all joined the fight to keep the Home Services Program intact after the 2010 budget was released.³⁹ They attended rallies, wrote cards to the governor and even met with his policy personnel and DHS representatives to stop the proposed cuts to the program.⁴⁰

Ervin and 30,000 other individuals with disabilities in Illinois rely on the program to live independently in their homes.⁴¹ Ervin receives 279 hours per month of assistance from Personal Assistants (PAs) through this program.⁴² "Having a disability is expensive. . . just in order to be able to get out of bed, get dressed and get the equipment we need," Ervin noted. "Making it in the real world is not possible without some public assistance for most people with disabilities."⁴³



*Sign at a rally to defend community-based services for persons with disabilities in Illinois.*⁴⁴

In order to stick to the 2010 budget, Gov. Quinn must continue to cut various programs' funding.⁴⁵ In terms of home services, he threatened to eliminate PA coordinators (the program participants' advocates), to lower the asset limit and to cap the hourly amount of services individuals receive in the program.⁴⁶ The current asset limit is \$17,500, but the state was threatening to reduce it to \$2,000 in order to cut the program's size and assist only the poorest individuals.⁴⁷ This new asset limit could have forced individuals to liquidate their assets or even quit their jobs in order to maintain their benefits.⁴⁸

However, the state agreed not to change the limit after listening to Ervin and others in the program.⁴⁹ "That was a big win because that meant that people who worked did not have to make a difficult choice between their services and their careers, identities and all the other things that come along with not staying at home and watching television all day," Ervin said.⁵⁰

Additionally, Illinois restored 80 percent of the funding for PA coordinators and decided not to impose hourly caps on services.⁵¹ Yet, because Illinois still

faces a state deficit of at least \$11.6 million, it is unclear whether services saved this year, such as home services, will survive for much longer.⁵²

RAISE TAXES?

Back in June, while Illinois legislators supported 50 percent cuts in the 2010 budget, Gov. Quinn supported a 50 percent increase in income taxes.⁵³ This past year, the Illinois Senate passed HB 174, which would have generated over \$5 billion permanently by increasing the personal income tax from 3 percent to 5 percent and the corporate income tax from 4.8 percent to 5 percent.⁵⁴ HB 174 passed in the Senate but was never called for a vote in the House.⁵⁵

Last May, Sen. Larry Bomke, R-Springfield, said he was not sure he could support an income tax hike even if it would stop cuts to state services.⁵⁶ “I recognize how that will affect the local economy, but it’s very difficult to vote for an income tax increase given the economic times we are faced with,” Bomke said.⁵⁷

But there are individuals who believe that a tax increase is necessary. The Responsible Budget Coalition, comprised of large organizations in the human services and education communities, is trying to work off HB 174 to convince legislators to increase taxes in 2010.⁵⁸ Dan Lesser, a member of the Coalition and a senior staff attorney for the Sargent Shriver Center on National Poverty Law, said, “It is very possible that what we have seen up to now [in the budget cuts] is an appetizer for what is going to happen next year if we do not get a substantial revenue increase.”⁵⁹

Lesser did note, however, that the hardest vote for a legislator to cast is an increase in income taxes.⁶⁰ Recent polls indicate that Illinois citizens are opposed to an increase in income taxes.⁶¹ Whether legislators raise taxes or not, Illinois citizens will feel the effects.⁶² “No matter what [legislators] do to resolve the budget questions, they are going to make people mad,” said David Yepsen, director of the Paul Simon Public Policy Institute.⁶³

THE ROAD AHEAD

Approximately \$5.6 billion of the \$26 billion 2010 fiscal year budget is covered by borrowed pension funds, federal stimulus funds and special funds.⁶⁴

When legislators create the 2011 fiscal year budget, they will face debt left over from the 2010 fiscal year, zero stimulus funds and interest on borrowed pension notes.⁶⁵

Ralph Matire, Executor Director of the Center for Tax & Accountability, wrote, “This isn’t some theoretical problem. Real, serious cuts are being made to vital services. If the state doesn’t get its act together and pass meaningful tax reform that includes a significant revenue increase, the future looks bleak.”⁶⁶

While Illinois legislators remain wary about raising taxes in this economic climate, the Senate did pass HB 174 last year.⁶⁷ “What we have been told is that [Senators] did not take heat in their districts for that vote so maybe that will make others more courageous about increasing taxes,” Lesser said.⁶⁸

In order to prevent additional cuts in the future, agencies that provide assistance to individuals with disabilities will continue to voice their concerns to these legislators. Lesser said, “I think it is always effective to get your representative to come out and see the services you are providing. We certainly encourage providers to do that and I think a lot of them have.”⁶⁹

While individuals with disabilities like Deborah Weinfuss and Mike Ervin continue to speak out about losing their services and programs, they could still see intensified cuts next year if the state does not generate more revenue, through increased taxes or other means. Even in the current economic climate in Illinois, Ervin says, “the worst thing to do is to let these [programs] go.”⁷⁰

For the disabled community, budget cuts can extinguish livelihoods and limit community accessibility in violation of *Olmstead*.⁷¹ “For us,” Ervin says, “this [disabled rights] movement has been going on for 30 plus years and these programs that support community living, like home services and accessible transportation, are the major victories of the movement.”⁷²

The Home Services Program currently remains, but without a substantial revenue increase, Illinois may let more of the program’s services go. Additional cuts to social service agencies seem likely next summer due to the massive state deficit. Unfortunately, individuals who made the cut this year, with and without disabilities, may not be as fortunate when Illinois creates its 2011 budget.

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