



Summer 2016

## Upcoming Benefits Changes

### Table of Contents

IES Phase 2: 1

SNAP Work Requirements: 1

HSP Overtime: 2

Covering All Kids Extension: 2

Social Security Ruling 16-3p: 2

Midpoint Reporting Changes: 3

Prairie State Services for Education: 3

Manual Releases: 4

About Prairie State: 4

### New Benefits Portal, IES Phase 2, Scheduled to Come Online in September

This fall, the State of Illinois will be making big changes to the online interface of their benefits computer system (Integrated Eligibility System or IES). This second phase builds on the existing Application for Benefits Eligibility (ABE) website and will add numerous features for customers to manage their cases online.

Customers will be able to access the Manage My Case portal from the ABE homepage. The first time they log in, they will be prompted to create an account or, if they have an existing account, to change their password. From there, customers can check the status of their benefits, report changes to their case, upload supporting documentation, review notices they have received, contact their local office, and more.

The new ABE website will also have an appeals portal, which will be located at <https://abe.illinois.gov/abe/access/appals>. From this site, customers will be able to appeal decisions made in their case and manage their pending appeals. This site will also allow users to upload documentation directly on the website and to request a continuance in their case.

Along with the new website features for consumers, the roll-out of IES Phase 2 will also bring some policy changes that will allow the State to take advantage of the new system and online features. Some of these changes, like automatic redetermination for some medical cases, are described in recent Manual Releases (see page 4). The expected start date for IES Phase 2 is September 26, 2016.

### SNAP Work Requirements Set to Resume January 2017

Federal law requires Able-Bodied Adults Without Dependents (ABAWDs) to meet a work requirement of an average of 20 hours per week in order to receive help under the Supplemental Nutrition Assistance Program (SNAP) for more than 3 months in any 3 year period. The law allows the federal government to waive this limit in some circumstances.

Since January 1, 2009, Illinois has been exempt from this work requirement because of high levels of unemployment throughout the state. This waiver is set to expire at the end of 2016. If the waiver is not renewed by the end of the year, ABAWDs will have to meet the work requirement in order to stay on SNAP beyond the 3 month limit.

Individuals are exempt from the work requirement if they are:

- Under age 18 or over 49
- Medically certified as physically or mentally unfit for employment;
- Pregnant;
- A student enrolled at least half time;
- A member of a household responsible for a dependent child;
- Responsible for the care of an incapacitated person;
- Participating in a drug addiction or alcoholism treatment and rehabilitation program;
- Receiving weekly earnings of at least the federal minimum wage times 30 hours; or
- Receiving Unemployment Insurance.

ABAWDs who have a disability making them "unfit for employment" may prepare for the new requirements by applying for Medicaid and seeking medical treatment. The State has not yet published a policy to implement this new requirement. [Click here to read the regulations describing the requirement.](#)

## HSP Overtime Rule

In September of 2013, the United States Department of Labor issued a rule stating that home care workers are included under the protection of the Fair Labor Standards Act, which requires workers to be paid a minimum wage and overtime, including the time spent travelling between customers. This rule was challenged by home care industry organizations in *Home Care Association of America v. Weil*, but this June the Supreme Court declined to take the case, so the Department of Labor rule will stand.

In November of 2015, the State of Illinois announced a policy that would lay out how this federal rule is applied to Individual Providers (IPs) paid by the State through the Home Services Program (HSP). The State policy strictly limits when an IP can work overtime, defined as more than 40 hours in a week. Because of this strict limit, anyone approved for 35 hours or more through HSP must have a backup IP.

Under the State's policy, overtime must be approved on a case-by-case basis, through submission of an Overtime Justification Form. There are two circumstances under which overtime may be approved:

- Category A is for customers with high care needs, meaning they are approved for Being Alone hours and they have either a Determination of Needs score of 70 or higher, a court-ordered service plan that exceeds HSP service costs, or an Exceptional Care Rate. Customers must qualify in advance for Category A by submitting an Overtime Qualification Form, but must still submit the Overtime Justification Form for each instance of overtime.
- Category B is for Extraordinary Circumstance where overtime is necessary to safeguard the health and safety of the customer. Extraordinary Circumstances might include natural disasters and acts of terrorism. Failure to locate additional IPs will not be considered Extraordinary Circumstances.

If an IP works more than 40 hours a week and is not approved for overtime for either Category A or Category B, then it will be classified as an "occurrence" of non-compliance. Both the customer and the IP will be sent a written "warning" for the first two occurrences. After the third occurrence, the IP will be removed from the HSP program. The customer will receive a notice that the IP has been removed and

(HSP, cont.) that their Service Plan will be reviewed to replace the IP or change the level of care. The customer will also be informed of their appeal rights.

The new overtime policy became effective on May 1, 2016. [Click here to read the May 2, 2016 letter sent to HSP Customers and IPs.](#) Some individual HSP customers have recently brought a lawsuit challenging this policy. They allege that the policy has been implemented without undergoing the rulemaking process required by state law. Under this process, the agency must publish notice of the proposed policy and allow public comment before implementing it. The case is pending. Contact Prairie State for more information on this issue.

## Social Security Ruling 16-3P: Evaluation of Symptoms in Disability Claims

In March, the Social Security Administration released Ruling 16-3p; Titles II and XVI: Evaluation of Symptoms in Disability Claims. Title II covers Supplemental Security Income and Title XVI concerns Social Security Disability Insurance. Both programs require a finding of disability. This Ruling supersedes previous Ruling 96-7p, which was subtitled "Assessing the Credibility of an Individual's Statements." Part of the purpose of the new Ruling is to remove the term "credibility," both because that term is not found in the Social Security regulations and also to "clarify that subjective symptom evaluation is not an examination of an individual's character." ([Click here to read this Ruling in the Federal Register.](#))

The new Ruling lays out the procedure for the two-step analysis used in evaluating symptoms in disability claims. It also clarifies how different types of evidence, both medical and non-medical, should be evaluated. This Ruling is binding on SSA procedures.

## HB 5736 Extends Health Insurance Access for Children in Illinois

On June 30, 2016, Governor Bruce Rauner signed HB5736 into law. This bill extends health insurance coverage for children in Illinois by amending the repeal date of the Covering All Kids Health Insurance Act. The Covering All Kids program, which began in 2006, offers health insurance coverage to children in families with low income, regardless of immigration status. About 41,000 children in Illinois are currently covered by the Covering All Kids program.

The Act was set to expire on July 1, 2016, but the bill extended the repeal date to October 1, 2019. Before the bill was signed by the Governor, it received broad bipartisan support, passing in the Illinois House by a vote of 77 to 38 and the Illinois Senate by a vote of 44 to 12.

## Changes to Mid-Point Reporting Process

In April, the Illinois Department of Human Services implemented a new Mid-Point Reporting process that impacts some SNAP and TANF cases. Cases that are impacted include TANF households with earnings and all SNAP cases except households that received TANF and have no earned income or households in which all the adults are qualifying members and the household has no earned income.

Mid-Point Reporting households have an in-person redetermination once a year, and will now also receive a new "interim Mid-Point Report form" during the fifth month of their yearlong approval period. The form must be returned by the fifth day of the sixth month of the approval period, even if there have been no changes. If the form is not returned, SNAP and/or TANF benefits will be cancelled between the fifth and fifteenth days of month six. If the form is return incomplete or is filled out incorrectly, the household will be sent an additional form and will have 10 days to complete the form.

Normally, SNAP households only need to report income changes if their income increases beyond the Gross Monthly Income Standard. However, if the household receives the Mid-Point Reporting form, they must answer all questions on the form and report any changes related to the questions. Like when a SNAP household fails to report income over the Gross Monthly Income Standard, failure to completely and accurately complete the new form may result in an overpayment.

If the form is returned after the due date (the fifth day of month six) but before the end of the month, the household's benefits will be reinstated. If the form is returned during the seventh month of the approval period, benefits will be reinstated, but will be prorated from the date the completed form is received. If the form isn't received by the end of month seven, the household will have to submit a new application for benefits.

The Mid-Point Reporting process will change after IES Phase 2 is implemented later this year, but such changes have not yet been announced.

[Click here for more information on Manual Release #16.05: Mid-Point Reporting \(MPR\) Process.](#)

## Prairie State Legal Services Educational Advocacy Project

Did you know that Prairie State can represent children and parents/guardians in education law cases?

Children throughout Northern Illinois have unmet education legal needs. All of Prairie State's offices will assist DCFS wards with education law issues. Prairie State wants to help kids stay in school, getting the education they need. Depending on the office, Prairie State will consider representation for education issues including:

- Residency/enrollment/homelessness
- School Fee Waivers
- Discipline (suspensions & expulsions)
- Special education (cases in which the student is being wrongfully denied evaluation, placement, or the proper services)

Prairie State wants to provide more information, resources, and outreach to parents and children about education rights so that these essential rights for children are better enforced and education outcomes for children improve. Prairie State is also interested in developing a panel of experts to use in education cases.

In September 2016, SB100 goes into effect, protecting children from excessive discipline. Did you know that schools can no longer use zero-tolerance policies that lead to automatic suspensions or expulsions for a certain behavior? Schools must also allow suspended students to make-up the work they missed for full academic credit. **A one-page flyer explaining the main points of this new law can be found attached to this newsletter.** Contact Prairie State to obtain more information about this important new change in school discipline law.

Prairie State has three AmeriCorps VISTAs working on education rights outreach. If you would like more information, a speaker to visit your group, or have any comments, please contact the coordinator in your area.

### Lake County:

Connor Casey, [ccasey@pslegal.org](mailto:ccasey@pslegal.org)

### Will County:

Winona Agbabiaka, [wagbabiaka@pslegal.org](mailto:wagbabiaka@pslegal.org)

### Winnebago, Boone, Stephenson, Ogle, Jo Daviess & Carroll Counties:

Melanie Hobbs, [mhobbs@pslegal.org](mailto:mhobbs@pslegal.org)

## Additional DHS MANUAL RELEASES January to July 2016

### MR #16.02: All Kids Share & Premium Prior Coverage in IES

The first time a child is approved for All Kids Share or Premium Level 1, they have the option to request backdating of their coverage. When IES Phase 2 is implemented, a family can request backdate coverage in their application for All Kids Share or Premium Level 1 and, if they request at least a month of backdate coverage, a determination will be made. If the family does not request backdate coverage when they apply, they may submit a prior coverage request to the Healthcare and Family Services All Kids Unit within 6 months of the initial date of the child's coverage.

[Click here for more on this Manual Release](#)

### MR #16.06: Batch Actions and PAL Codes in IES

The new IES computer system will allow the Illinois Department of Human Services to automate some processes, like making changes, generating tasks, rerunning eligibility and recertifying cases, when certain triggers are introduced to the system. Some triggers include: a child aging out of a program, time limits elapsing, and receiving information from the Social Security Administration or the Illinois Department of Employment Security.

[Click here for more on this Manual Release](#)

### MR #16.08: Auto-REDE for Medical Programs

The introduction of IES Phase 2 will allow automatic redetermination for some medical cases. In these cases, the customer will receive a notice that they are presumed to be eligible to stay on their medical program. Unless they need to correct or add new information, they will not need to submit anything further. Some cases that may qualify for auto-REDE include: FamilyCare, ACA Adult, Former Foster Care, All Kids Assist/Moms & Babies (without spenddown), and SSI recipients who are on AABD Medical or receiving some forms of long term care. Customers will receive notice if they qualify for auto-REDE.

[Click here for more on this Manual Release](#)

### MR #16.10: Income Thresholds for Tax Dependents & Children, and MAGI Clarifications

Under MAGI budgeting, whether or not to count the income of a child of another person in the Eligibility Determination Group or a tax dependent depends on whether the person is expected to file a tax return for the current year. This release reflects the increase in the IRS rules setting the threshold of earned and unearned income at which a tax dependent is required to file a tax return. The release also includes other clarifications about how MAGI is calculated.

[Click here for more on this Manual Release](#)

## About Prairie State Legal Services

Prairie State Legal Services offers free legal services to the most vulnerable groups in our society including the poor, the elderly, and people with disabilities. In total, Prairie State Legal serves 36 counties in Northern and Central Illinois (outside Cook County).

Prairie State represents thousands of clients each year with cases involving children; protecting vulnerable older adults; domestic violence; preventing unlawful evictions; obtaining and maintaining Medicaid, SSI and Social Security Disability benefits; and other problems that affect basic human needs.

Prairie State has an AmeriCorps VISTA volunteer who can provide public benefits outreach, including presentations about public benefits tailored to address clients or staff members at social service agencies on topics including:

- **TANF, SNAP, and Medicaid and what each program has to offer**
- **Eligibility guidelines**
- **How to apply**
- **General (Township) Assistance**
- **Public Benefits Helpdesks**

**Please contact us with questions or comments on this issue. We welcome suggestions on articles you would like to see in future newsletters. Direct feedback to:**

[Lydia Jordan](#), Bloomington Office  
(309) 827-5021 ext. 6807

# 2016-2017 New School Discipline Law

Effective September 15, 2016, Public Act 99-0456 (Senate Bill 100) requires all Illinois school districts to make changes to the way they suspend and expel students. The act addresses the school-to-prison pipeline by encouraging the use of alternatives to out-of-school discipline. Refer to your school district's Student Code of Conduct for more specifics.



**PRAIRIE STATE LEGAL SERVICES**

*Equal Access to Justice*

## 1. Eliminates zero tolerance policies

Schools cannot use policies that require suspensions or expulsions for particular behaviors, unless required by federal law.

## 2. Limits the use of suspensions and expulsions

The new law recommends that schools consider all other forms of disciplinary intervention before resorting to out-of-school suspensions and expulsions.

Out-of-school suspensions of 3 days or less may only be used if the student poses a threat to school safety or disrupts others' learning environment.

The school may impose longer suspensions, expulsions, or referrals to alternative schools only if the school has already tried all other forms of discipline, AND either the student is a threat to safety OR the student would "disrupt, impede or interfere" with the school's operation.

## 3. Focuses on meeting student needs and addressing the causes of disciplinary issues

If a student receives an out-of-school suspension for more than 4 days, the school must provide the student with "appropriate and available" support services for the length of the suspension. The school decides what the appropriate and available support services are.

The school must include in its suspension decision the support services it will provide or explain that support services are not appropriate or available.

Districts must create a policy to help re-engage students when they return from a suspension or expulsion.

## 4. Protects students from falling behind

Schools must allow suspended students to make-up the work they missed for full academic credit. This includes those students suspended from the school bus with no alternate form of transportation. The parent/guardian must notify the school if their child has no other form of transportation.

## 5. Ensures greater clarity to parents/guardians

When a child is excluded from school, the school must send a letter to the parent/guardian on why this action was taken, what non-exclusionary interventions have been attempted, and why the specific length of the suspension was chosen.

A parent-teacher advisory committee, along with the school board, must develop policy guidelines on school discipline including school searches and bullying prevention.

## 6. Prohibits school pushout

Schools cannot suggest that students drop out when they have academic or behavioral challenges.

## 7. Eliminates disciplinary fines and fees

Schools cannot use fines or fees as a form of discipline.

## 8. Holds charter schools and traditional public schools to the same standards

Charter schools now follow the same school discipline rules as public schools.



Prairie State Legal Services, Inc. offers free legal services for low income persons and those 60 and over who have serious civil legal problems and need legal help to solve them.

[www.pslegal.org](http://www.pslegal.org)