Overview of Equip for Equality

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About Equip for Equality

- Founded in 1985
- Private non-profit organization
- Designated as the Protection and Advocacy (P&A) Agency for people with disabilities in Illinois
  - Access to facilities where people with disabilities reside and work
  - Access to certain records
- Mission: to advance the human and civil rights of children and adults with disabilities in Illinois
About Equip for Equality

- Serves people of all ages with all disabilities, including intellectual and developmental disabilities, mental illness, physical disabilities and sensory disabilities.
- Statewide organization - three offices: Chicago, Springfield and Carbondale.
- Staff of 33 lawyers and total staff of 60.
- No citizenship or income requirements to be eligible for services.
- Only requirement is client must have a disability and their issue must have arisen in Illinois.
What Does Equip for Equality Do?

- Promotes self-advocacy and serves as a legal advocate for people with disabilities handling individual cases and systems-change litigation to achieve broad-based societal reforms.

- Independently monitors public and private institutions and programs serving people with disabilities.

- Serves as a watchdog over the government, business and not-for-profit sectors.

- Advocates through public policy and legislative activities to give people greater choices in their lives and ensure their independence and inclusion in all aspects of community living.

- Empowers people and their families through disability rights trainings, so they can advocate for themselves or others.
Equip for Equality’s Legal Teams

- **Civil Rights Team**: Priorities are discrimination (including employment, housing and access to government services), safety from abuse and neglect, community integration and fundamental right of self-determination.

- **Abuse Investigation Unit**: Focuses on protection from abuse and neglect, and other rights related to the quality of care and treatment in institutions and community-based facilities and programs.

- **Special Education Clinic**: Advocates for rights of children with disabilities to receive education in the least restrictive environment with the supports needed to be successful.
Equip for Equality’s Civil Rights Team

- **4 Priority Areas for Civil Rights Team**
  - **Discrimination** - Fighting to address the unequal treatment of people with disabilities in private businesses, employment, housing, government, higher education and transportation.
  - **Community Integration** - Advocating that people with disabilities live in the most integrated setting with the supports and services they need to succeed.
  - **Safety from Abuse and Neglect** - Preventing abuse, neglect and exploitation through systemic and individual advocacy and enforcement of fundamental rights.
  - **Self-Determination** - Supporting the decisions of people with disabilities to take control of their lives, including decisions about health care, relationships, living arrangements and finances.
Equip for Equality’s Employment Rights Helpline

- Free statewide service providing people with disabilities with legal rights information and self-advocacy assistance to help navigate employment issues that arise.

- **Helpline staff can:**
  - Discuss legal rights under the ADA
  - Answer employment rights questions
  - Assist with reasonable accommodation requests
  - Share fact sheets, sample letters and forms - [https://www.equipforequality.org/learn/rights-information-by-topic-area/employment/](https://www.equipforequality.org/learn/rights-information-by-topic-area/employment/)

- **Contact the Helpline:** 1-844-RIGHTS-9 or 1-844-744-4879 or [employment@equipforequality.org](mailto:employment@equipforequality.org)
Equip for Equality’s Employment First Policy Work

- In 2013, Illinois passed the Employment First Act which provides that competitive integrated employment should be the first option for people with disabilities.


- Equip for Equality sits on the Governor’s Task Force for the Employment and Economic Opportunity for People with Disabilities - duties include implementation of the Employment First Act.
Equip for Equality’s Employment Legal Work

Leskovisek v. Illinois Department of Transportation

- Two men with autism did data entry in a job training program
- State’s hiring process required test and structured interview; asked for an accommodation (waiver of test/interview); state didn’t respond
- Filed with the EEOC, then the state ended the training program

Court: Denied summary judgment – case to go to a jury
- Rejected argument that job coach made plaintiffs unqualified
- Defendants’ failure to meaningfully respond prevented them from exploring accommodations
- Test/interview screened out plaintiffs; need to show qualified
- Existence of a program to benefit disabled individuals does not insulate IDOT from liability if it otherwise violates the law
Equip for Equality’s Community Integration Work

- In 1999, U.S. Supreme Court decided *Olmstead* case – unjustified institutionalization is discrimination under ADA
- Illinois historically has relied on institutions and made no meaningful changes after *Olmstead* decision
- EFE and co-counsel filed 3 *Olmstead* class actions
  - *Ligas* – people with I/DD
  - *Williams* – people with mental illness
  - *Colbert* – people in nursing homes
- Consent Decrees in all 3 cases – more info can be found at: https://www.equipforequality.org/issues/community-integration/documents-from-efes-class-actions/
Equip for Equality’s Community Integration Work: *Ligas* Update

- Filed in 2005 to provide community service opportunities for thousands of people with I/DD
- Consent Decree Entered in 2011
- Approximately 10,000 people have received services under the Consent Decree (people moving from ICF/DDs, PUNS and Crisis)
- State found out of Compliance by Judge and Court Monitor, including regarding rates being too low
- State initiated a *Ligas* Rates Working Group and Consultant.
- Most recent budget is first step to addressing compliance
Equip for Equality’s Criminal Justice Work

- **Rasho** – class action on behalf of prisoners with mental illness
- **Holmes** – class action on behalf of prisoners who are deaf and hard of hearing
- **Money** – class action on behalf of prisoners to reduce risk of COVID-19
- **Communities United** – parallel case to consent decree addressing excessive force of Chicago Police Department
- **Re-Entry Project** – assists people leaving the criminal justice system integrate back into the community
- **Expungement** – remove convictions that serve as a barrier, such as employment and housing
Additional Equip for Equality Programs

- Protection and Advocacy for Beneficiaries of Social Security – assists beneficiaries to obtain, maintain or regain employment
- Protection and Advocacy for Voting Access – helps people with disabilities to vote privately and independently
- Protection and Advocacy for Assistive Technology – ensures people with disabilities have necessary assistive technology
- Protection and Advocacy for Individuals with Traumatic Brain Injury – dedicated resources for legal advocacy services to people with traumatic brain injuries
Legal Needs in Education Cases

- Legal Needs Study reviewed substantive issues where the legal needs were unmet.
- Education was found to be issue with the highest unmet legal need at 90%.
- 51.1% of education cases involved either the denial of special education services or inappropriate special education services.
- Among the 23 legal aid providers in Illinois, EFE handles over 50% of all education cases of low income people in Illinois.
Legal Need in Special Education Cases

- How often do parents have representation in due process special education cases?
  A. 14%  B. 24%  C. 44%  D. 74%

- How often do school districts have legal representation in special education cases?
  A. 44%  B. 64%  C. 74%  D. 94%
Legal Need in Special Education Cases

- If parents do not have legal representation they prevail at due process hearings 20% of the time.
- If parents have legal representation, then they prevail 50% of the time.
Equip for Equality’s Special Education Clinic

- To address the current disparity in special education legal advocacy, EFE launched its Special Education Clinic in 2007

- Special Ed Clinic Staff:
  - 9 Full-Time Attorneys
  - Equal Justice Works Fellow focusing on the ISBE Inquiry of Chicago Public Schools
  - Skadden Fellow focusing on transition issues
  - Equal Justice Works Fellow to start in September focusing on early intervention
Types of Assistance the Clinic Provides

- Statewide Toll-Free Helpline
- Extended Advice, Hands-on Support, Records Review
- Negotiation with the School, including at IEP Meetings, Mediations, Expulsion Hearings
- Legal Representation in Due Process Hearings and Federal Court
- Legal Rights Trainings for Parents, Students, Providers, Community Partners
Factors We Consider

- The facts, issues, and goals of the parent
- A parent’s capacity to self-advocate
- Our priorities
- Our current caseload
- Expert support
- The method of resolution
The Special Education Clinic’s Priorities

- Evaluation and Eligibility
- Ensure that students are with their typical peers as much as possible (LRE)
- Discipline and School Exclusion
- Restraint and Seclusion
- Preparedness for life after high school (Transition Services)
- Assistive Technology
- Serving underserved populations
Latinos with Disabilities Advocacy Project

- Two bilingual attorneys
- Partnerships with community organizations and medical providers
- Some on-sight hours (pre-COVID)
- Legal representation of Latino students with disabilities
- Trainings in Spanish on special education law for parents
- Language Access Class Action
Juvenile Justice Project

- Works with court involved, court diverted and at-risk youth
- Helps break the “school-to-jail” trend by representing students with disabilities in the juvenile justice system on education issues
- Works with probation officers, public defenders and community partners
- Expanding work in the Rockford and East St. Louis areas
- Reduces recidivism rates
- Increases educational opportunities
- RJ class action
ISBE Inquiry of CPS

- Works with families where CPS delayed or denied services during the 2016-2018 school years
- Services were delayed or denied in 5 main areas: ESY, Transportation, Aides, Eligibility for LD, outside school placements
- Working on getting compensation for lost services
- Universal Enrichment Remedies (UER) calls happening now to give automatic remedies
- Student Specific Corrective Action (SSCA) meetings to determine what remedies should be given
- Look on our website for parent materials
Transition Project- for Students ages 14½ to 22

- Help get transition planning and services at school in order to have students live independently, go on to further education or training, and work
- Develop a Transition Plan in the IEP based on your child’s strengths, likes, and interests
- Get the school to conduct age-appropriate transition tests to plan the services and supports your child needs
- Make sure your child gets appropriate transition services
- Stop improper graduation and termination of your child’s special education eligibility
- Advocate for your child’s rights at IEP meetings and due process hearings (we go to IEP and other meetings in some cases)

Transition Module Link: https://equipforequality.org/tm/transition-plan/index_EFE02_Transitions.php
Remote Learning

Schools must “make every effort to provide special education and related services to the child in accordance with the child’s IEP”

- Students should have a remote learning plan that outlines what they are working on and any changes to their programming due to remote learning.
- Students should continue to work on IEP goals
  - RLP may focus on specific goals rather than all IEP goals depending on circumstances.
- Accommodations, Modifications, and Services should continue, including therapies such as speech, PT, or OT
- If child needs assistive technology to learn remotely, these devices must be provided and school should provide necessary training to student and family.
- Look on our website for parent materials
Partnership with the Private Bar

- Over 25 Pro Bono partners from large Chicago law firms and Corporations
- Training and support provided by EFE attorneys
- Majority work on Helpline calls
- Also work on select IEP meetings and Due Process Hearings
- Class action work
Contact Equip for Equality – Chicago

Chicago (Main Office and Northeast Region)
20 North Michigan Avenue, Suite 300
Chicago, IL 60602
312-341-0022 or 800-537-2632 (Voice)
800-610-2779 (TTY); 312-541-7544 (Fax)
Email: contactus@equipforequality.org
Website: www.equipforequality.org
Facebook: www.facebook.com/equipforequality/
Twitter: @equip4equality
You Tube: www.youtube.com/user/EquipforEquality
Contact Equip for Equality – Regional Offices

**Central Region**
1 West Old State Capitol Plaza, Suite 816
Springfield, IL 62701
217-544-0464 or 800-758-0464; 800-610-2779 (TTY)

**Southern Region**
300 East Main St., Suite 18
Carbondale, IL 62901
618-457-7930 or 800-758-0559; 800-610-2779 (TTY)
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QUESTIONS?

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