



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/>
- **Contact the Helpline:** 1-844-RIGHTS-9 or 1-844-744-4879 or 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 developed the Employment First Blueprint providing concrete steps to assist Illinois with implementing the Employment First Act
<http://www.equipforequality.org/issues/employmentfirst/>
- 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

2020 WL 7323840 (C.D. Ill. Dec. 11, 2020)

- 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

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QUESTIONS?

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