



LEGAL COUNCIL
FOR HEALTH JUSTICE

For Immediate Release:

August 29, 2019

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**CHICAGO PUBLIC SCHOOLS SUED FOR EXCLUDING STUDENTS WITH
DISABILITIES FROM THEIR FREE BREAKFAST AND LUNCH PROGRAMS**

August 29, 2019 – Chicago, IL – Today, Legal Council for Health Justice (“Legal Council”) and Disability Rights Advocates (“DRA”) filed a class action lawsuit against Chicago Public Schools (“CPS”) challenging CPS’s policy of denying free nutrition programs to students whose disabilities require them to attend non-public schools. The named plaintiff – the guardian of a student with several disabilities who has been unable to access CPS’s nutritional programs ever since CPS transferred her to a non-public school – hopes to end this discriminatory policy and recoup the money that she and other parents have been forced to spend on meals.

“These free school nutrition programs were created to ensure that poverty and hunger do not prevent students from learning at school, and CPS excludes some of Chicago’s most vulnerable students from them,” said Seth Packrone, a Staff Attorney at DRA.

“No family should be put to the choice of food versus education for their child. As a city, as a school district we can and must do better,” said Julie Brennan, an attorney at Legal Council.

Since 2014, CPS has participated in a federally-funded program called the Community Eligibility Provision (“CEP”) of the National School Lunch Program that reimburses school districts with high poverty rates for all nutritional programs, including school breakfast, lunch, and other snacks, for all students, including those living in poverty. However, CPS denies free access to these programs for CPS students with disabilities attending non-public schools because CPS cannot meet their educational needs in public schools.

For families living in poverty, this exclusion is especially hard. Plaintiff D.M.’s family lives at just above the federal poverty level, and they are forced to rely on local food pantries each month to ensure their family can eat.

The lawsuit, which alleges violations of the federal civil rights laws designed to eliminate disability-based discrimination, including Section 504 and the Americans with Disabilities Act, hopes to rectify this issue by forcing CPS to change its policy and stop excluding students like D.M. from its free nutrition programs.

About Legal Council for Health Justice

Legal Council for Health Justice uses the power of the law to secure dignity, opportunity, and well-being for people facing barriers to reaching their full potential due to illness and disability. Our programs partner with health and hospital systems to train and support the care provider network, provide direct representation to referred patients, and conduct systemic advocacy to promote health equity among populations living with chronic conditions. For more information, visit www.legalcouncil.org.

About Disability Rights Advocates

With offices in New York and California, Disability Rights Advocates is the leading nonprofit disability rights legal center in the nation. Its mission is to advance equal rights and opportunity for people with all types of disabilities nationwide. DRA represents people with all types of disabilities in complex, system-changing, class action cases. DRA is proud to have upheld the promise of the ADA since its inception. Thanks to DRA's precedent-setting work, people with disabilities across the country have dramatically improved access to education, health care, employment, transportation, disaster preparedness planning, voting, and housing. For more information, visit dralegal.org.