

For Immediate Release:

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Chicago Students With Disabilities No Longer to Be Excluded From Free School Lunches

Judge grants preliminary approval for settlement of lawsuit against Chicago Public Schools for excluding students with disabilities from their free breakfast and lunch programs

CHICAGO—Chicago Public Schools (CPS) students with disabilities will now have access to free breakfast and lunch, thanks to a class action lawsuit filed by Legal Council for Health Justice and Disability Rights Advocates (DRA). In August 2019, Legal Council and DRA [filed a lawsuit](#) against CPS challenging the school district’s policy of denying free breakfast and lunch to its students whose disabilities require them to attend non-public schools.

On June 3, 2021, Judge Young B. Kim preliminarily approved a settlement in the class action. Under the terms of the settlement, [CPS updated its policy](#) so that all students will receive free breakfast and lunch, or will be reimbursed a stipend by the non-public school. [CPS’s notice to parents and guardians](#) is also available in other languages.

The named plaintiff in the class action—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—filed the case in order to end the discriminatory policy and recoup the money that she and other parents have been forced to spend on meals.

“This settlement means that families of kids with disabilities no longer have to make the impossible decision between their child having food or an education,” said Jelena Kolic, an attorney at Disability Rights Advocates.

All students who did not receive free breakfast and/or lunch between August 26, 2017 and March 17, 2020 are entitled to reimbursement of \$2.19 for each breakfast and \$3.34 for each lunch missed per student per attendance day. Families who paid for the meal plan at Arlyn, Cove, Hyde Park Day, Keshet or Learning House will have a chance to request an additional \$1.97 per attendance day based on the costs of meals there.

“Not only will free breakfast and lunch (or reimbursement for the meals) be assured going forward, CPS will reimburse nearly 400 families affected by this problem over the last three years,” said Julie Brennan, an attorney with Legal Council.

Notices to each CPS family will be mailed on July 1, 2021 and inform families what they need to do to get their reimbursement check, object to the settlement or opt-out of the settlement.



Judge Kim will make a decision on final approval of the settlement on October 1, 2021 at 11:00 a.m. in Courtroom 1019 of the Dirksen Federal Building at 219 S. Dearborn in Chicago. If the settlement is approved, checks should be issued to families by December 15, 2021.

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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 legalcouncil.org.

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 www.drlegal.org.