

September 16, 2022

Dan Ruben
Equal Justice America
13540 East Boundary Road
Building II – Suite 201
Midlothian, VA 23112

Dear Dan Ruben,

Originally from southeastern North Carolina, where I was born and raised, I became a high school English teacher following my undergraduate career at the University of North Carolina Wilmington. Because of this three-year experience, my passion for education was broadened to encompassing a desire to fight for equitable access to public education. From this, I set my sights on attending Loyola University Chicago. Currently, I am in the Fall of my 3L and final year as a dual degree student. Upon graduating in May of 2023, I will have earned both a Juris Doctor degree and Master's in Cultural and Education Policy Studies. All of this is for the pursuit of becoming a champion for public education, and adding my efforts, either in some small or grand way, to fighting the good fight.

During this past summer, I had the opportunity to intern for ten weeks with Illinois' federally appointed Protection and Advocacy Agency, Equip for Equality, or EFE. Specifically, I worked alongside other education attorneys in EFE's special education clinic, where we provided free legal advocacy to Illinois special education public school students and their families regarding school-based issues. The range of legal issues the clinic attempts to assist individuals with range from acquiring special education services through eligibility determination meetings, to even fighting for special education services in Illinois Department of Corrections ("IDOC") facilities. Because of my specific interests, I was fortunate enough to work directly with one of the clinic's attorneys, who was previously a public defender, on special education cases of court-involved youth. Because of this, many of the individual cases I handled were regarding students who were either currently court involved, or were being pushed out of school, through processes grounded in the school to prison pipeline, and in danger of soon coming into contact with our criminal legal systems.

The highlight of the work I was able to do this summer, at least from my perspective, was the research, writing, and client interactions I had the opportunity to do with the clinic's IDOC project. During the Spring of 2022, before I'd even been offered a summer internship with Equip, I volunteered to conduct legal research regarding the Individuals with Disabilities Education Act ("IDEA") as it pertains to incarcerated individuals. I was very fortunate for the opportunity, as I am continuously wanting to improve my legal research and writing skills. And while the legal questions I was presented with for my research were challenging, as they related to the interactions of several state agencies and administrative law, I was very pleased to see that several of the cases I was able to find were useful for the special education clinic. I know this from feedback I received from submitting my research memos and because one of the last

assignments I worked on with the clinic was compiling the legal rules, holdings, and various issues presented in many different special education cases into a compendium for the clinic's future use. This compendium was the totality of legal research on issues relating to federal and state special education laws as they related to incarcerated and special education qualifying individuals. Additionally, I became very familiar with the personal and confidential information of several "verified claimants", or individuals that were at one point during their K-12 school career, qualifying for special education services, and were subsequently incarcerated in an IDOC facility. Working with another intern, we developed a running document containing useful and relevant information of these verified claimants, for Equip's efficient use during due process litigation and other possible stages of the IDOC project. I even had the chance to attend both a due process strategy meeting and actual mediation for one of the claimants.

A second area of systemic work I had the wonderful opportunity to spearhead was beginning to push forward Equip's efforts at combating several Illinois school districts' use of ticketing students for municipal or school ordinance violations.¹ Because of a law banning Illinois public schools from issuing tickets for municipal or ordinance violations, many of them have turned to utilizing school resource officers or local law enforcement agents. After conducting research into the issue, FOIAing identifying school districts of concern, and compiling all returned and relevant documents into a database, I turned the project over to my mentor attorney at the close of my internship.

Regarding my direct client representation cases, I conducted several intakes for students and their families who were seeking Equip's assistance. After consulting my supervising attorneys about the facts of the family's situations, as they implicated relevant laws, the vast majority of the cases concluded in my providing them Self Advocacy Assistance emails. Some of the issues these emails pertained to consisted of: assistance with navigating a Chicago Public Schools specific issue regarding "Student Specific Corrective Action"²; improving the parent-school district relationship for a student and Illinois school District 97; and improving the efforts of a parent and their student's assigned probation officer in securing special education services.

Two cases I worked on from start to the close of my internship, both currently ongoing, became the impetus for my potential postgraduate fellowship project. While I am reluctant to include any identifying information of the students, both cases have a connection to the school to prison pipeline, as the core issue in the cases pertained to a refusal, or reluctance, to provide special education services to these students. With one specifically, exclusionary discipline practices used by a school district in Northern Illinois, resulted in the student being out of school for one of two months. Under an unfortunate but reasonable inference, because of this student being out of a

¹ The Price Kids Pay: Schools and Police Punish Students With Costly Tickets for Minor Misbehavior: <https://www.propublica.org/article/illinois-school-police-tickets-fines>

² For the 2016-2017 and 2017-2018, Chicago Public Schools were found to have denied special education services they were obligated to provide to qualifying students. Because of this, these students were entitled to a monetary form of relief for this deprivation. <https://www.cps-ssca.com/>

structured environment like their school, they were all the more likely to come into contact with our criminal legal systems.

My assistance to these students regarded many phone calls with parents and some with the individual students, all for the purposes of clarifying the facts underlying their respective cases. Using training I'd received from intake experience from the previous semester, I was able to build effective relationships with both the parents and their students. Additionally, I drafted several records requests letters for school districts and other involved community-based organizations. After receiving a high volume of educational, discipline, mental health, and social and emotional records, I conducted record reviews for the students. This process consists of going through the received records and pulling out the students' educational history, as it relates to painting a clear picture as to why they require special education services. Sadly, because of the complexity of the issues in the cases, my timeline as a summer intern, and the idiosyncrasies of the various school districts, I wasn't able to see the cases to conclusion, but receive updates from my then supervising attorney. Lastly, I got the opportunity to write my first mediation request for a student and their family fighting a very unfortunate "stay put" placement, resulting from the previous and erroneous advice from an attorney.³ More complicated than the special education law involved was the lengthy factual history of the case. This made writing the mediation request somewhat challenging. However, I received many pieces of feedback from the attorney I worked with, and the request was submitted and filed before the close of my internship.

I am greatly appreciative of this opportunity to provide a summary of the work I was able to complete, thanks to the support I received from Equal Justice America.

Sincerely,

Dwayne A. Morgan /s/
Loyola University Chicago School of Law

³ "Stay Put" Rights: What They Are and How They Work: <https://www.understood.org/en/articles/stay-put-rights-what-they-are-and-how-they-work>