

Michael Churchill  
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Very Truly Yours,

inspired many who knew them, and forever changed the lives of many who did not. We ask for your support as we continue the pioneering work of people like Robert Wolf and his companions at the bar including Bob Sayre, Bill Klaus, Bob Landis, the Honorable Tom O'Neill, the late Bernie Borish and Bernie Segal whose passion for justice meant for those individuals to whom we have given a voice. The recent passing of Robert Wolf, an early PILCOP leader and father of our founder Edwin Wolf, provided the opportunity for us to reflect on the three decades of achievement they set in motion. They championed the civil rights of the disenfranchised, in particular women, minorities, the poor and children. We are proud that Robert's widow Caryl requested memorial contributions be sent to the Law Center. Over the next year, we look forward to sharing with you what thirty years' work in this tradition has meant for those individuals to whom we have given a voice.

Since its founding in 1974, the Public Interest Law Center of Philadelphia has sought to secure equal rights for all regardless of race, ethnicity, gender, disability, national origin or poverty. We often find inspiration in Lincoln's words, and have returned to them many times over our thirty years of service to Philadelphia, our country, and indeed, our world. Over the years, our focus has been on our groundbreaking work in the areas of disability rights, children's health care, education funding and quality, environmental justice, and fair employment and housing. While we have secured victories in these areas that impact the lives of millions, we have rarely taken the time to celebrate these accomplishments.

"The assertion that 'all men are created equal' was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, not for that, but for future use. Its authors meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit."

— ABRAHAM LINCOLN, 1857

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A QUARTERLY UPDATE FROM THE PUBLIC INTEREST LAW CENTER OF PHILADELPHIA JUNE 2005 WWW.PILCOP.ORG

## A Big Win for Our Youngest Clients



*"As a parent of special needs children, you often fight for what you find out later you are legally guaranteed. The system wore us down, and we were so grateful for a place to go in this crisis. PILCOP lawyers are advocates for all our children and they are dedicated to ending discrimination against all special needs children."*

—DEIRDRE McDERMOTT, MOTHER OF PATRICK & RONAN

Broken promises to some of society's most vulnerable members are the common thread among many cases brought to our Center. The guarantees of special education services given children under the

Individuals with Disabilities Education Act (IDEA) and their actual funded care can differ enormously. In the gap between legislative intent and government implementation, parents increasingly turn to PILCOP. As we first shared with you in our December 2003 update, Deirdre McDermott was one such parent, and we are pleased to report that our efforts on her behalf in Delaware County have resulted in better care for her twin sons, along with a major victory for parents of young, developmentally disabled children.

In their case, despite advice from educational experts that the twin two-year-olds, Patrick and Ronan McDermott, would benefit from a two-week intensive communication skills program, Delaware County refused to fund their treatment. The overarching question became who should decide which services were appropriate, the educational team appointed by the county in conjunction with parents, or the bureaucrats with no firsthand knowledge of the case?

PILCOP was moved to action on behalf of this family, despite the unlikely prospect of recovering any attorney *Continued inside...*

## Protecting Access to Children's Healthcare

The Oklahoma federal court found that:

- Of the 372,517 children enrolled in 2000, 71% of the children due for an examination did not receive care.
- One HMO provided immunizations to only 2.3% of its enrolled children.
- In 2001, not a single child received a medical exam through Indian Health Services.

A decade ago, PILCOP fought for Pennsylvania's poorest children to obtain the most basic health care promised them by Congress under the Medicaid program. Sadly, despite that successful settlement in *Scott v. Snider*, children in many other states live without the immunizations, eye glasses, dental examinations and other routine care that privately insured patients are offered, much less the life altering services that disabled children desperately need. Since 2000, the Center has pursued systematic reform in several states to secure social justice for these children and their families. Most recently, building on our

successful work on this issue in Pennsylvania, PILCOP along with the Bullock law firm represented thirteen children and their families, as well as their co-plaintiffs, the Oklahoma Chapter of the American Academy of Pediatrics and Tulsa's Community Action Project, in their suit against the state of Oklahoma.

In just one telling example shared with the Court, ten-year-old Katelyn Willbanks faced overwhelming administrative burdens trying to get care for conditions resulting from spina bifida and a club foot, which was eventually amputated. Despite the fact that there are four pediatric neurologists in Tulsa, Katelyn was assigned to SoonerCare, an HMO that required her and her mother to travel two hours from their home in Tulsa to Oklahoma City for care from the closest participating specialist. On one visit, the physician's office had not received the referral number from the HMO and was unable to provide care, forcing Katelyn's mother to take her to the emergency room for urgently needed attention.

Why? To protect its budget, Oklahoma failed to *Continued inside...*

## GASKIN TOWN HALL MEETINGS: JUNE 13

The Gaskin plaintiffs, as representatives of the class of all school-aged children with disabilities in the Commonwealth, are holding a series of Town Hall meetings to explain the terms and conditions of the Settlement Agreement. Dr. Linda Rhen, Director of the Bureau of Special Education, will participate with the plaintiffs in these Town Hall meetings. Previous meetings were held in Philadelphia, King of Prussia, Harrisburg and Lehigh County.

These are **free** forums in which families and advocates of students with disabilities will get direct information and have an opportunity to ask questions about the Settlement Agreement.

Date & Time	Location	Facilitator
<b>June 13</b> 10 to noon Pre-registration not required	Pittsburgh Achieva Offices 711 Bingham Street, Pittsburgh, PA	Liz Healey Parent Protection & Advocacy
<b>June 13</b> 4:30 to 6:30 pm Pre-registration not required	Pittsburgh Westmoreland IU7 Donahue Road Greensburg, PA	Bev Evans, Ph.D. Duquesne University

## PILCOP Achieves Historic Settlement for Disabled Students

As you read this, 2.8 million students in this country are preparing to graduate from high school. Thanks to our Center and her own courageous family, Lydia Gaskin will finish high school as well. It is on her behalf that our team, led by Judith Gran, waged a ten-year battle to enforce her civil rights under the Individuals with Disabilities Education Act.

In what education experts are calling an historic settlement reached last December 21, *Gaskin v. Pennsylvania Department of Education* will dramatically improve the quality of special education services for the 280,000 students like Lydia who have previously been excluded from regular classrooms. The reason? Few teaching professionals who have not sought a special education degree are trained to instruct disabled students, and some school districts are hesitant to change, despite the incontrovertible proof that special education students and non-disabled students thrive when educated together.

Full inclusion for students like Lydia is the driving force behind our Center's mission to fulfill the Constitutional promise of equal citizenship to all. This dedication led our team to take the unprecedented step of putting the organization in debt to fund the decade of litigation that made inclusion possible. Borrowing \$700,000 against its own future, the Center is pleased to report the following outcomes which will be finalized at a June 24 hearing:

- The 50 school districts with the most dismal record of inclusion will undergo increased monitoring and produce corrective action plans to ensure access, while the lowest performing 250 of the 501 districts will be on alert status. Measuring more than just inclusion, these corrective action plans will be required to demonstrate a meaningful educational benefit.
- Special education students and their parents will face less procedural obstacles when seeking inclusion.
- The state must demonstrate an increased commitment to best practices training for special education students.
- PILCOP's clients will choose 12 of 15 members of an Advisory Panel that will meet quarterly to supervise the progress of the changes.

For our complete profile on Lydia Gaskin, please visit [www.pilcop.org](http://www.pilcop.org) and download our December 2004 newsletter.

### An Investment in Equality

After ten years and 7,500 hours of staff time, PILCOP looks toward the settlement of the Gaskin case, and with it, the ability to retire the \$700,000 debt incurred to secure equal rights for the 280,000 special education students in Pennsylvania. Much appreciation goes to the Philadelphia Foundation and the Impact Fund for their donations totaling \$100,000.

The real credit lies with PILCOP's Board of Directors and Sovereign Bank, both of whom financed this groundbreaking work, as well as staff members, who accepted pay freezes in some instances and made personal loans in others. Perhaps most extraordinary, staff members often charged organizational expenses to their credit cards during lean times.

*We extend our heartfelt appreciation to all organizations and individuals that share our commitment to civil rights for Pennsylvania's children, and gratefully acknowledge your continuing support for this work.*

*Lydia Gaskin thanks you, too.*

*Continued from front...*

### A Big Win for Our Youngest Clients

Fees. Frustrated with the County's response, the couple found an ally in our own Barbara Ransom, who educated the family about their rights under IDEA, and helped them pursue reimbursement for the \$3,000 bill for Patrick's treatment. Sending Patrick, who is autistic, to the camp turned out to be a key which helped unlock the door – Patrick's language and communication skills took off. Fortunately, Ronan was able to continue making modest progress without attending the camp. After a hearing, the District Court ordered the money the family spent for Patrick reimbursed. The Court stated definitely that the county had set too high a bar on serving children with special needs.

Beyond vindicating the McDermott's struggle, Ransom achieved one of the first victories parents of children under three can point to as they seek relief in the courts. Ransom has effectively paved the way for parents seeking to fight arbitrary decisions that disregard experts and knowledgeable service providers. *Andrew and Deidre M. v. Delaware County Mental Health and Mental Retardation* is the latest precedent we have achieved in thirty years of work where we first opened public education to disabled persons in *PARC* and subsequently set the standard for integration of disabled persons in *Oberti*. Perhaps just as important as the legal precedents that affect so many, PILCOP continues to teach parents to advocate for their own children and continually expands the impact of its reach through training for members of the bar on these important issues.

More information about the McDermotts and the case, Andrew and Deidre M. v. Delaware County Mental Health and Mental Retardation is available at [www.pilcop.org](http://www.pilcop.org).

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### Protecting Access to Children's Healthcare

provide sufficient reimbursements to physicians, leading many pediatricians to opt out of the program. As a result, clinics like the one housed at Oklahoma University became a "dumping ground" for poor children seeking treatment. Parents were forced to become experts in navigating an increasingly complex and obstacle ridden system to receive referrals to the narrowing pool of participating physicians.

Fighting for children like Katelyn, PILCOP brought suit against the Oklahoma Health Care Authority (OHCA), whose Director reluctantly admitted under oath to an access problem in the system. Facing testimony from the families and several affected physicians on behalf of their peers, OHCA was unable to continue their defense that complaints of inadequate care were "isolated incidents." On March 22, the U.S. District Court ruled that the state failed its obligations to ensure low income and disabled children quality health care services, and assigned deadlines for the state to provide remedies.

The ruling confirms what many poor and working poor families experience in a country where a gap between the haves and have nots continues to widen, especially when it comes to healthcare. PILCOP will continue its decade of work on behalf of children like Katelyn Wilbanks to achieve systematic reform of children's health care.

As Director of our efforts on this front, Jim Eiseman is working with the Ft. Lauderdale office of Boies, Schiller and Flexner and the Florida Pediatric Society to pursue justice for Florida's Medicaid eligible children. With half that state's children born eligible for Medicaid but less than half receiving even the most basic care, the potential for PILCOP to achieve reform where administrative and legislative means have failed is promising.

More information about this case, OKAAP v. Fogarty, and our progress in Florida, is available at [www.pilcop.org](http://www.pilcop.org).

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