

**DISABILITY RIGHTS GROUPS AND IDAHO LEGISLATURE ENTER INTO  
CONSENT DECREE ASSURING ONGOING ACCESS DURING CURRENT  
LEGISLATIVE SESSION**

March 5, 2021 -- Five disability rights advocacy organizations and two Idahoans with disabilities have entered into a consent decree with the Idaho State Legislature, Speaker of the House Scott Bedke and President Pro Tempore of the Senate Chuck Winder to ensure that persons with disabilities can testify before legislative committees and participate in activities at the State Capitol during this legislative session without risk of exposure to or contracting Covid-19. Persons with disabilities are at heightened risk of severe complications from Covid-19.

The consent decree resolves a lawsuit brought in January seeking reasonable modifications under the Americans with Disabilities Act and the Rehabilitation Act of 1973, and to enforce their First Amendment rights to petition their government. Through the consent decree, the Idaho State Legislature agrees to continue a number of measures implemented since the start of the Legislative session after the lawsuit was filed. Those measures include allowing remote testimony for all committee hearings where public testimony is allowed and providing adequate technology to do so, improving the Legislature's website to include a prominent link to direct users to the information for committee accessibility and remote testimony, working with a third-party consultant to ensure that the website is digitally accessible and providing adequate social distancing for individuals who wish to attend legislative sessions in person.

“We are pleased that the Idaho State Legislature, Speaker Bedke and Senator Winder, through this Consent Decree, have recognized and worked to accommodate the rights of persons with disabilities to participate equitably in this year’s legislative session without the added stress or risk of contracting Covid-19,” said Jeremy Maxand, Executive Director for Living Independence Network Corporation. “We also appreciate the cooperative manner in which this matter was resolved. Persons with disabilities are at higher risk of severe complications, and even of dying from Covid-19. We look forward to making our voices heard and continuing to participate in the legislative process through fully functional remote testimony and the in-person precaution of adequate social distancing.”

“No one should have to choose between their health and their right to petition their government,” said Amy Cunningham, Executive Director for DisAbility Rights Idaho. “The Americans with Disabilities Act provides important protections, and here ensures that persons with disabilities can receive the same government services as persons without disabilities.”

The lawsuit was brought by Ahniah Selene, Kassie Howe, Disability Action Center – Northwest, Inc., DisAbility Rights Idaho, Living Independence Network Corporation Idaho, Life, A Center For Independent Living, and the Intermountain Fair Housing Council. They were represented by Mary McCord, Annie Owens, Amy Marshak, Seth Wayne and Jennifer Safstrom from the Institute for Constitutional Advocacy and Protection at Georgetown University Law School and Wendy Olson and Elijah Watkins of Stoel Rives, LLP.

The First Amendment to the U.S. Constitution protects “the right of the people . . . to petition the Government for a redress of grievances.” The Americans with Disabilities Act and the Rehabilitation Act of 1973 protect the rights of individuals with disabilities by guaranteeing equal access to government activities and prohibiting discrimination on account of their

disabilities. Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Similarly, Section 504 of the Rehabilitation Act provides in relevant part, “[n]o otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”