

## TUTOR TEMPEST

### Moms sue Klein for ed rights

By STEFAN C. FRIEDMAN  
and CARL CAMPANILE

Two city parents launched a class-action lawsuit against Schools Chancellor Joel Klein yesterday, claiming they've been denied the right to transfer their children out of failing schools or obtain tutoring services under a new federal law.

"I have tried to get my three children transferred out of their schools and get tutoring, and have been denied by their schools and school-district officials," said East Harlem parent Eunice Staton.

Staton's three kids currently attend PS 30 and IS 172 in East Harlem, among the 331 city schools identified as low-performing under the No Child Left Behind Act.

"I just want my kids transferred out of these schools," Staton said.

Latasha Gibbs said she wasn't aware her daughter at PS 30 was entitled to



after-school tutoring services.

"It will make a difference in her life and future," Gibbs said.

A third parent in Albany also is part of the suit, claiming that city's school system has denied his child services.

"I expect a lot more people to join the suit within the week," said Charles King, a lawyer and former Democratic candidate for lieutenant

governor, who is representing the plaintiffs.

The suit, filed in state Supreme Court in Manhattan, alleges the city:

- Rejected transfer requests by parents with children in failing schools.
- Has a faulty process to accommodate transfers. Failed to provide timely information to numerous parents on the right to transfer their children to better schools.

- Failed to notify parents of the right for tutoring services.

Department of Education statistics show that just 3,670 parents of students in low-performing schools applied for transfers, and 1,507 were granted.

Meanwhile, 20,000 students are receiving tutoring services.

But King noted that nearly 300,000 students in 331 schools eligible for transfers or tutoring aren't getting it.

The city could lose up to \$600 million in federal funds for not complying with the law.

Mayor Bloomberg and Klein insisted they're abiding by the law.

"We're one of the first cities to comply with the No Child Left Behind," said Klein, noting that the Bush administration just approved New York state's plan.

Bloomberg said that the chancellor has taken over transfer decisions

from superintendents - beginning this spring - to meet the new requirements. "I would have loved to have done that many years ago,"

Bloomberg said. "We can't dwell on this."

Meanwhile, Bloomberg and Klein announced their new team of 10 regional instructional

superintendents to run the city's 1,200 schools, replacing the current 40.

They are: Irma Zardoya, Laura Rodriguez, Judith Chin,

Reyes Irizarry, Kathleen Cashin, Gloria Buckery, Michelle Fratti, Carmen Farinda, Shelly Harwayne and Lucille Swarns.