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Suit: Kids locked into bad schools

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Two Harlem parents with kids trapped in failing city schools filed a lawsuit yesterday charging the city with standing between their children and a better education.

The class action suit, the first of its kind in the nation, contends that city education officials have done little to provide students with tutoring or transfers to better schools - both of which are required under the year-old federal No Child Left Behind law.

"I feel like I'm a prisoner in District 5," said Eunice Staton of East Harlem, who has two sons in Public School 30 and one in Intermediate School 172.

Both schools are among the 331 New York City schools the state considers failing under the law, and Staton said her efforts have been blocked by city educators.

Signed by President Bush in 2002, the law marked the first time

parents have been given the right to pull their children from a school that is not working.

Although 282,000 students qualified for transfers out of failing city schools this year, only 6,400 students formally requested to leave. Of those requests, only about 1,400 were approved by the city's 32 community school districts, a rejection rate of 78%.

The city's response to the new law has been criticized by the City Council Education Committee and led to an announcement by Mayor Bloomberg last month that individual districts would no longer handle the transfer requests.

Bloomberg told reporters yesterday he did not want to dwell on the past, pledging that parents will be better served this spring when the transfer process begins for the 2003-04 school year. "We have made it very clear that we

absolutely intend to implement 'No Child Left Behind,'" Bloomberg said.

The lawsuit, filed by lawyer Charlie King, is expected to include more parents in the coming weeks. The suit seeks the transfers and tutoring for affected students and alleges that the city made little effort to acquaint parents with their options. "Parents have been intentionally misinformed, misled and uninformed about their rights," the lawsuit states.

Latasha Gibbs, also of East Harlem and a plaintiff in the suit, said she was shocked when she learned that her children Jose and Nyasia were attending a school on the failing list: PS 30, on E. 128th St.

"I just want them to get a good education," Gibbs said.