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## NYC, Albany lawsuit pushes parental choice

*Federal money used to promote conservative agenda*

A class-action lawsuit accuses the Albany and New York City school systems of failing to provide students in poorly performing schools with educational choices required by the federal No Child Left Behind act.

Backed by a conservative reform group's survey that claimed parents were unaware of options, the suit is the first of its kind under the new federal law, said Charlie King, a Long Island lawyer representing three parents.

King, who sought the Democratic nomination for lieutenant governor running with Andrew Cuomo last year, said he plans to amend the lawsuit to include parents from other cities.

"The NCLB Act grants children new federal rights to transfer to better schools and obtain free tutoring," said King during a news conference in front of Albany's Livingston Middle School on Jan. 27.

The suit, filed in state Supreme Court in Manhattan, alleges that failure to comply with NCLB violates the state constitution's assurance of a basic education. King asked the court to order districts to set aside money to provide tutoring this year, notify parents again that options are available and facilitate midyear transfers.

In New York state, 487 schools were designated as "failing" under the broad definitions of the law at the start of the 2002-03 year.

School officials said they were doing the best to comply, given limited

resources. In Albany, the choices are limited because the district's two middle schools are both on the list and there is little room in other elementary schools.

Albany Public Schools Superintendent Lonnie Palmer attended the news conference armed with copies of notification letters and a district newsletter explaining the options. He said the district attempted to reach every parent.

Spokesman David Chai told the Washington Post the New York City Board of Education last summer sent parents nearly 300,000 letters in eight languages informing them of their rights to transfer and another 250,000 letters informing parents of tutoring availability. Still, he said, only 1,500 students requested transfers while another 20,000 now receive tutoring.

Palmer said the lawsuit appears to be politically motivated, with obvious support from well-funded conservatives pushing an agenda for charter schools and vouchers. Coincidence?

In fact, the suit was filed just a week after the Brighter Choice Public School Choice Project, funded by a \$4.4 million grant from the U.S. Department of Education, released a poll that claimed 71 percent of Albany parents were unaware their children were attending low-performing schools.

An earlier survey of New York City parents claimed 85 percent did not

realize their children's schools had been deemed low-performing.

A day after the suit was announced, the Brighter Choice Public School Choice Project launched a "six-figure" TV ad campaign, explaining options under the new law.

The project, an offshoot of the Brighter Choice Charter Schools in Albany, is headed by Tom Carroll, the former president of Change-NY, who recently created an education "reform" foundation that favors vouchers.

In a press release, the Brighter Choice project claimed a number of nearby suburban districts have indicated they are open to transfers from Albany.

Marjorie Rush, a project consultant and former director of the State Education Department's Office of Civil Rights, said Brighter Choice would use money from the federal grant to help defray the cost of out-of-district tuition for Albany parents who switch to nearby public schools and to help arrange transportation.

"It's troubling that Department of Education money is being used for this," Palmer said. "With \$4.4 million, we could hire 80 teachers or 135 teaching assistants," he said. "We could provide one-on-one tutoring to 2,000-plus kids."

- Sylvia Saunders