



February 2, 2003

## **PARENTS FILE CLASS ACTION LAWSUIT AGAINST NEW YORK SCHOOL DISTRICTS**

First Parent Lawsuit in the Nation Under No Child Left Behind Act

New York – Frustrated parents gathered in front of the Tweed Courthouse to announce the filing of a lawsuit to gain access to better schools and tutoring for their children. Under the one-year-old federal No Child Left Behind Act, children in failing public schools are entitled to transfer to non-failing schools and receive free tutoring and other supplemental services.

The suit was filed against the New York City Department of Education and the Albany School District. Charlie King of Crowe, Deegan, Dickson & Benrubi, the attorney for the parents, indicated the suit likely would be amended in the near future to include parents from other cities.

The plaintiffs are Eunice Staton and Latasha Gibbs of New York City and Charlene Wilson of Albany. Their children attend schools designated as “failing” under the No Child Left Behind law.

They should have had the immediate right to transfer from

their children’s failing schools or their children should have been able to receive supplemental educational services (SES), including free tutoring from the vendor of their choice. But their school districts have failed to notify them properly, and consequently hundreds of thousands of children across the State are being left behind.

In New York State, 487 schools were designated as failing at the start of the 2002-03 school year.

- \* 331 of these schools are in New York City

- \* 3 of these schools are in Albany

The Foundation for Education Reform and Accountability conducted a survey of New York City parents, which found 85 percent were not aware their children are attending failing schools. A survey of Albany parents, commissioned by the Brighter Choice Public School Choice Project, found that 71 percent did not realize their children are attending failing schools.

The school district’s failure to comply with the No Child Left Behind law includes:

- \* Illegal denial of transfer requests by parents with children in failing schools
- \* No information to numerous parents on the right to transfer their children
- \* No notification of the right to transfer or SES
- \* No process to accommodate transfers
- \* An improper cutoff of SES for children who never knew they had a right to receive it.

This class action lawsuit is being filed against the school districts on behalf of the plaintiffs and all parents and students who have been, and continue to be, deprived of their rights under No Child Left Behind.

Online at:

[www.baeo.org/home/index.php](http://www.baeo.org/home/index.php)