

January 20, 2016, NEW YORK—Today, school parents and students, along with **Public Advocate Letitia James, NYC Council Education Committee Chairperson Daniel Dromm, Legal Services NYC, The Legal Aid Society, Partnership for Children’s Rights, MFY Legal Services, and New York Legal Assistance Group**, filed a federal civil rights complaint against **Success Academy Charter Schools** for systemic practices violating the rights of children with disabilities and their parents. Among other grievances, the complaint alleges that Success Academy schools have consistently failed to provide reasonable accommodations to children with disabilities and have coerced these students to leave Success Academy when they require or may require services related to a disability.

Press Coverage: [NY Daily News](#), [Gothamist](#), [WNYC](#), [Wall Street Journal](#), [New York Times](#), [New York Post](#), [NY1](#), [POLITICO](#) [New York](#), [Fort Greene Focus](#), [DNAinfo](#), [ThinkProgress](#), [Brooklyn Paper](#), [Examiner.com](#)
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The complaint also alleges that Success Academy has failed to comply with the disciplinary due process rights of students with disabilities and has failed to provide parents with meaningful notice regarding their rights and access to supportive accommodations. It cites specific violations under Section 504 of the Rehabilitation Act of 1973 (‘‘Section 504’’) and the Individuals with Disabilities Education Act (IDEA).

‘‘Every student in this City deserves an equitable, quality education,’’ said **Public Advocate Letitia James**. ‘‘That means that every school—including Success Academy—has a responsibility to teach and protect each and every child that walks through its doors, including those children with disabilities. We will not stand for the mistreatment and discrimination against our most vulnerable children and their families, and will hold any institution responsible for their actions so that all students can have the education they deserve.’’

‘‘Success Academy has pulled the wool over the public’s eyes for far too long and in doing so violated children’s educational rights,’’ said **NYC Council Education Committee Chairperson Daniel Dromm**. ‘‘It’s time they be held accountable for their enrollment, discipline and special education policies like every public school is. The stories of discrimination against students with disabilities warrant this complaint and I thank Public Advocate Letitia James for filing it. The United States Department of Education needs to correct these terrible injustices immediately.’’

‘‘I have fought hard to get my children into Success Academy and I am fighting hard to keep them there,’’ said the parent of a ten-year-old girl involved in the complaint. ‘‘We were so hopeful when she was placed at Success but since the suspensions started and after they put her on a half-day schedule for four months, I have felt the school has been discriminating against my daughter. Eventually they told me that she should be in a smaller class, but they didn’t have any at that school. They didn’t tell me that they had them at other Success schools. They even told me I shouldn’t have found a lawyer to represent her. Now my daughter is repeating second grade. As a parent, it’s terrible to see your child hurting because she keeps getting left behind, because she is constantly being suspended for something she can’t control, because she has to leave her friends in the middle of the school day. She has as much right to an education as any child without a disability, but we feel like Success Academy would rather we just leave than have to provide accommodations for her needs.’’

‘‘Today, a handful of courageous parents and their children have come forward to demand an end to Success Academy’s systemic discriminatory practices against students with disabilities and students presumed to have disabilities,’’ said **Raun Rasmussen, Executive Director of Legal Services NYC**. ‘‘The complaint highlights the inappropriate and illegal practices that Success Academy utilizes to achieve so-called ‘‘success’’ and the costs and sacrifices that the students experience in the process. Success Academy operates schools in some of the most distressed neighborhoods of this city and receives considerable public funding but fails to serve students with disabilities in accordance with the law. These children deserve better.’’

‘‘Pushing out vulnerable students is not how we define success,’’ said **Seymour W. James, Attorney-in-Chief of The Legal Aid Society**. ‘‘The law is clear: publicly funded schools, including charter schools, cannot discriminate on the basis of disability, and must provide federally mandated special education services and due process protections. The parents who have come forward in this complaint have seen their children suspended, left back year after year, and pushed out of the Success Academy system. It’s time for the federal government to investigate this gross discrimination.’’

‘‘Our clients who have disabilities have repeatedly faced barriers to integration and achievement at Success Academy,’’ said **Jeanette Zelhof, Executive Director of MFY Legal Services, Inc.** ‘‘We hope that the Office of Civil Rights will remedy this growing injustice.’’

Success Academy is New York City’s largest charter school network, operating thirty-six schools with a total enrollment of approximately 11,000 students. Success Academy receives federal and state funding to provide educational services to the students enrolled in its schools. In addition to direct funding from the federal and state governments, the network receives space for all of its schools free of charge from New York City.

The complaint cites mounting evidence highlighting the inappropriate, illegal, and discriminatory practices the organization utilizes to achieve “success” and the costs, sacrifices, and shortcuts that the students experience in the process. Parents of children attending Success Academy schools have expressed concerns about Success Academy’s disciplinary policies, its lack of accommodations for children with actual or perceived disabilities, and its practice of pushing students out.

The complaint explains that when students who are known or suspected to have a disability experience academic or behavioral issues, Success Academy fails to engage in appropriate interventions, referrals for initial evaluation and possible identification for Section 504 or IDEA supports or programs, or for reevaluations, nor do they provide written notification of students’ rights and procedural safeguards. As a result of its failure to identify and evaluate, and its consistent denial of reasonable accommodations, Success Academy often retains students with disabilities in their grades for multiple years. This results in emotional harm to students, leaves students less likely to ever graduate high school, and often causes parents to withdraw their child from Success Academy.

Success Academy also discriminates and retaliates against students who have disabilities or perceived disabilities by repeatedly subjecting them and their families to numerous suspensions, calling Emergency Medical Service (EMS), and calling to pick students up from school early—all in order to discourage parents from keeping their children enrolled at the school.

The complaint was filed before the United States Department of Education, Office of Civil Rights. The parents, advocates, Public Advocate James and Council Member Dromm are demanding that Success Academy provide reasonable accommodations on a child’s Section 504 Plan or a child’s Individualized Education Program (IEP). They are also demanding that Success Academy properly account for a child’s disability when deciding how to discipline a student and refrain from retaliating against parents or their children if such parents stand up for their child’s educational rights.

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