



EDUCATION RIGHTS PROJECT

LSNYC's Education Rights Project represents hundreds of NYC schoolchildren every year in special education and discipline proceedings, working to identify and challenge the school-to-prison pipeline in immigrant communities and communities of color. Our team of education advocates works closely with families to access educational supports for their children. We advise and represent public and charter school students who require appropriate special education services, are facing suspension or exclusion from school, or who seek transfer or medical accommodations.

Advancing Equity By Protecting The Rights Of Students Most At Risk

➤ Advocating for Students with Disabilities:

LSNYC represents students with disabilities to ensure they receive the special education services they need to make meaningful progress. Some of these services include tutoring services, related services, behavioral supports or even private school tuition which we often secure through the Impartial Hearing process. With neighborhood offices located in each borough, we provide community based special education advocacy to those communities with the highest needs.

➤ Protecting Students' Disciplinary Rights:

LSNYC is committed to addressing the disproportionality in student discipline in NYC public schools. In our efforts to disrupt the schools to prison pipeline, our advocates represent students that are facing excessive and exclusionary disciplinary action. In a majority of our cases, we are able to reduce the period of suspension thereby limiting the time a student is removed from the classroom. Since in-person learning resumed in September 2021, LSNYC has seen a steady and growing volume of discipline cases seeking to suspend students who have just returned to school.

➤ Developing Healing-Centered Schools

Our staff is leading the effort to ensure NYC public schools can appropriately and effectively educate students impacted by trauma. We help coordinate the Healing-Centered Schools Working Group, a group of parents, students, educators, advocates, and mental health providers working to bring healing-centered educational practices to our schools. As the COVID-19 pandemic inflicts a mass trauma upon our students, this work has become even more urgent.

➤ Reforming Charter School Policies:

In charter schools, children with disabilities and/or those who have experienced trauma have been disproportionately singled out for discipline under policies that frequently fail to provide basic due process rights and may include unnecessary calls to ACS. Children from low-income communities and communities of color are more likely to apply to charter schools and are therefore much more likely to be subjected to these harsh disciplinary policies.

COVID-19'S IMPACT

Our advocates have seen first-hand how this pandemic has hit students in vulnerable populations particularly hard. These populations include students with disabilities who were unable to meaningfully benefit from remote learning and continue to struggle now with the return to school, students from households where English is not the first language, and students from households where technological and academic skills are not readily available. Throughout this global crisis, our advocates have worked tirelessly to provide these families with access to information and necessary resources in order to ensure their children's well-being in this time.

➤ Building Community Capacity Through Outreach and Education:

We have established partnerships with a wide range of community organizations throughout the five boroughs. Through these collaborations we have conducted dozens of Know Your Rights workshops for advocates, parents, and students to provide targeted and comprehensive education and advice. Examples of our recent workshop topics include: special education, school discipline, bias-based bullying and harassment, the impact of trauma on learning, and the denial of language access to limited English proficient children, and parents.

OUR RECENT LITIGATION:

In addition to providing direct services to individual clients, our advocates have been at the forefront of cutting-edge impact litigation that strives to create important systemic reforms in the NYC Department of Education.

➤ **Remote learning:** In December 2021, LSNYC filed a lawsuit in New York State Supreme Court alleging that the City and State have failed to provide students with the resources and supports necessary to access a constitutionally adequate education during the COVID-19 pandemic.

➤ **Language Access:** In June 2019, we filed a federal lawsuit against the NYC DOE on behalf of parents with limited English skills who were repeatedly denied sufficient interpretation and translation when they tried to communicate with school officials about their children's educational issues. This case is ongoing.

➤ **The Impact of Trauma on Education:** In April 2019, we filed a federal lawsuit against the NYC DOE on behalf of four female students of color with disabilities for repeatedly ignoring reports of sexual assault and harassment. This case settled in August 2021 and resulted in positive changes to the DOE's bullying and harassment policies.

➤ **Charter School Discipline:** In November 2017, we filed a federal lawsuit against Success Academy Network to challenge alleged discrimination and retaliation against a first grader with a disability. The judge denied Success Academy's motion to dismiss the case in December 2018, and the case subsequently settled in March 2020.

➤ **Mental Health:** In 2014, LSNYC settled a federal lawsuit challenging the inappropriate removals of students in crisis by emergency medical services to hospital emergency rooms. The settlement resulted in a new Chancellor's regulation, policy changes in the NYC DOE and FDNY and provided for intensive training for certain school personnel in crisis intervention.

MORE SUPPORT NEEDED:

The need for LSNYC's education services far outstrips our resources. Our representation and advice have made a positive impact in low-income and communities of color, but these students also need access to fine arts education, sports, and other extracurricular activities in order to overcome inequities exacerbated by the COVID-19 pandemic. With a staff of eight attorneys, one paralegal, and one social worker, our city-wide Education Project can only assist a small volume of clients that seek our assistance.

Legal Services NYC is the nation's largest provider of free civil legal services. For 50 years LSNYC has provided critically-needed legal representation, counseling and advocacy in areas ranging from housing and education to family and disability rights. Our advocates work every day with our clients and community partners to fight for social, racial, and economic justice.