

**NEWS RELEASE**

For Immediate Release

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**New York Lawyers for the Public Interest, Stroock and Advocates For Justice Win Decision in Case Against Success Academy Charter School for Discriminating Against Children With Disabilities**

**(New York, NY August 2, 2018)**—A federal judge in Brooklyn has ruled that a publicly funded New York charter school network must face a discrimination case involving young children with disabilities.

The suit details how Success Academy staff placed children with disabilities, including the five plaintiff children, aged four to six at the time, on a “got-to-go” list. It describes how the charter school imposed a disciplinary code that included early-morning suspensions for fidgeting or grimacing and calling police on a six-year-old who had a tantrum.

Success Academy, which conceded that the “got-to-go” list existed, argued that the charter school was improperly sued for discrimination and that the case shouldn’t be allowed to proceed.

The strongly worded August 1 ruling from the Eastern District of New York noted that the school “runs a strict disciplinary system,” and “requires the students to always be on task,” and that “teachers use stopwatches to script the school day, and students must carry ‘air bubbles’ in their mouths when walking from class to class so they do not speak to one another.” The suit alleges that this system was used to push the five children out of Success Academy by subjecting them to “zero-tolerance” discipline.

The children and their parents are represented by nonprofit civil rights law firm New York Lawyers for the Public Interest, pro bono counsel from Stroock & Stroock & Lavan LLP, and Advocates for Justice.

Irene Mendez, staff attorney with New York Lawyers for the Public Interest, said: “Instead of helping them, Success Academy systematically drummed out three children with disabilities and two who showed signs of having disabilities. They targeted kindergartners and first-graders for removal by putting them on a ‘got-to-go’ list. They sent a first-grader to St. Luke’s psychiatric ward just because he had a tantrum, and suspended these very young children for minor things like fidgeting, or even for being slow to complete their work. Then they brazenly tried to claim that these children had no case.”

Kayley McGrath, an associate in Stroock’s Litigation Group, noted: “Success Academy’s rigid enforcement of its militaristic disciplinary code sent a clear message to these families: ‘You are not welcome here.’ Unlike Success Academy, Judge Block’s decision refused to cast them aside.”

Laura Barbieri, of counsel to Advocates for Justice, said: “We have been attempting to address the disregard Success Academy has for children with disabilities, ever since their rapid expansion began in 2012. This decision could mark a turning point; parents whose children have been mistreated should now have a roadmap to getting redress. Success owes a lot to the children they abused. And Judge Block has opened the door to a remedy.”

Copies of the ruling are available at [www.nylpi.org](http://www.nylpi.org).

### **About New York Lawyers for the Public Interest (NYLPI)**

Founded more than 40 years ago by leaders of the bar, **New York Lawyers for the Public Interest** pursues equality and justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. In NYLPI’s vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI’s community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.

NYLPI has a long history of fighting for New Yorkers with disabilities since its founding, including for access to the criminal justice system. NYLPI brought and won the first case under the Americans with Disabilities Act (ADA) in 1992, enabling people with disabilities to gain access to the observation deck of the Empire State Building. Recent successes include a landmark suit

which resulted in improved access to paratransit services for people with disabilities who are limited English proficient. For more information, please visit [www.nylpi.org](http://www.nylpi.org).

### **About Stroock & Stroock & Lavan LLP**

Stroock provides strategic transactional, regulatory and litigation advice to advance the business objectives of leading financial institutions, multinational corporations and entrepreneurial businesses in the U.S. and globally. With a rich history dating back 140 years, the firm has offices in New York, Los Angeles, Miami and Washington, D.C.

Stroock's Public Service Project (PSP) is the cornerstone of the firm's longtime commitment to serving the public interest: pro bono publico. Launched in March 2001, the PSP provides a broad array of legal assistance, concentrating on underserved, under-resourced communities in New York City. For more, visit [www.stroock.com](http://www.stroock.com).

### **About Advocates For Justice**

Founded by Arthur Z. Schwartz in 2011 as a public interest organization, A4J grew from his 35-year history as a civil rights lawyer whose work focused largely on protecting workers from employment discrimination and violations of free speech. A4J has had an extensive docket of Education Law cases since its inception, and has focused its work on protecting children with disabilities, and parents fighting for more space and a more open process in the NYC public schools. For more information visit <http://www.advocatesforjustice.net/>

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