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LAWSUIT CHALLENGES NEW YORK CITY'S SEGREGATION OF STATEN ISLAND STUDENTS WITH DISABILITIES

STATEN ISLAND, NY – Today attorneys filed a major class action lawsuit challenging New York City's segregated school system for students with disabilities on Staten Island. The lawsuit alleges that the borough's separate school district for children with disabilities, known as District 75, denies these students an equal education, forcing them into segregated schools and classrooms without adequate resources and with no meaningful opportunity to be integrated into their community schools.

The plaintiffs, three Staten Island students with disabilities and the advocacy group Disability Rights New York, are not seeking monetary damages; rather, they seek reforms that will compel the New York City Department of Education to provide the resources necessary so that every Staten Island District 75 student has the opportunity to attend their neighborhood schools if they choose. Many Staten Island District 75 students attend schools located outside their communities and spend two hours or more commuting to school every day.

"The law guarantees all students a meaningful opportunity for community integration and this segregated system completely shatters that promise," said **Emily Seelenfreund, Staff Attorney at Disability Rights Advocates (DRA)**. "Students with disabilities deserve a rigorous education, and they are entitled to choose to receive that education alongside their neighborhood peers with and without disabilities. The City must immediately invest in providing more supportive services in Staten Island community schools, so all students have the option of an integrated educational placement."

Research has long shown that students with disabilities score higher on academic achievement tests and are more likely to graduate with a diploma as well as maintain employment when they learn in an integrated learning environment with students without disabilities. However, in many cases, being labeled as having a particular disability or needing certain supportive services has meant an automatic, segregated Staten Island District 75 placement.

"For students with disabilities, education in an integrated classroom is not just a civil right – it's where they belong and do better," said **Lewis Bossing, Senior Staff Attorney at the Bazelon**



Center for Mental Health Law. “Across the country, schools are educating students with disabilities in integrated classrooms. It is past time for New York City to end its discriminatory practices of separating students with disabilities from their non-disabled peers, by employing educational practices that have been proven to work elsewhere.”

The Plaintiffs’ complaint alleges that Staten Island District 75 students have unequal access or no access at all to school facilities, such as playgrounds, cafeterias, libraries, electives like music and art classes, and extracurricular activities like clubs and sports teams. Very few District 75 students graduate with a regular diploma, and Black students with disabilities are overrepresented in segregated District 75 schools. This lawsuit will support students with disabilities and their parents in securing quality, inclusive education in Staten Island community schools with their siblings and neighbors.

“The continued segregation of students with disabilities must stop.” said **Timothy A. Clune, Executive Director of Disability Rights New York.** “Now more than ever, students with disabilities must be prioritized and supported in integrated settings, not hidden away in separate buildings and classrooms. Since the majority of District 75 students are either Black or Latinx, the intersection of race and disability also cannot be ignored.”

New York City has been on notice of concerns about District 75 since at least 2008, when the Council for Great City Schools issued its City-commissioned report, “Improving Special Education in New York City’s District 75.” According to the report, “the isolation of students [is] more pronounced in the New York City school system than in other major urban school system known to the team. . . . leaving District 75 alone is not acceptable.” New York education and disability advocates have also sought reforms to District 75. But the City has continued to maintain the segregated District 75 system, instead of providing expertise and resources to Staten Island community schools so that they can enroll District 75 students.

The case will be litigated by the Bazelon Center for Mental Health Law, Disability Rights Advocates (DRA), Disability Rights New York, the Law Office of Gerald Hartman under the auspices of the Barbara McDowell and Gerald S. Hartman Foundation Inc., and the law firm Faegre Drinker Biddle & Reath LLP on behalf of Disability Rights New York (DRNY) and individual Plaintiffs.

About Disability Rights Advocates: With offices in New York and California, Disability Rights Advocates is the leading nonprofit disability rights legal center in the nation. Its mission is to advance equal rights and opportunity for people with all types of disabilities nationwide. DRA represents people with all types of disabilities in complex, system-changing, class action cases. DRA is proud to have upheld the promise of the ADA since our inception. Thanks to DRA’s precedent-setting work, people with disabilities across the country have dramatically improved



access to education, health care, employment, transportation, disaster preparedness planning, voting, and housing. For more information, visit draegal.org.

About Disability Rights New York (DRNY): DRNY is the designated independent non-profit Protection & Advocacy System empowered by Congress to investigate allegations of abuse and neglect and provide legal and non-legal advocacy services to people with disabilities in New York State. The Protection & Advocacy System was created by Congress as a direct result of the horrific conditions that were uncovered in the 1970's at New York's Willowbrook State School.

DRNY is supported at tax payer expense by the U.S. Department of Health & Human Services, The Administration for Community Living; Center for Mental Health Services, Substance Abuse & Mental Health Services Administration; U.S. Department of Education, Rehabilitation Services Administration; and, the Social Security Administration. This press release does not represent the views, positions or policies of, or the endorsements by, any of these federal agencies.

About the Bazelon Center for Mental Health Law: The Bazelon Center advocates across the country for the civil rights of adults and children with mental disabilities, through litigation, federal and state policy, public education, and technical assistance to states and localities. Formerly the Mental Health Law Project, the Bazelon Center has been involved with seminal special education litigation, including *Mills v. District of Columbia* and *Jose P. v. Ambach*, and has appeared in the U.S. Supreme Court to advance disability rights, including in *Olmstead v. L.C.*, which established that the unnecessary segregation of people with disabilities is discrimination under the ADA, and *Andrew F. v. Douglas County School District RE-1*, which raised the bar for what public schools must do to educate students with disabilities.

The Barbara McDowell and Gerald S. Hartman Foundation is a non-profit organization committed to achieving social justice through litigation by making direct grants to organizations for their civil rights litigation and sponsoring high impact pro bono litigation by coordinating the pro bono efforts of national law firms working in conjunction with social justice organizations.