



## NEWS RELEASE

For Immediate Release

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### **New Complaint Filed Against the NYC Department of Education for Violating Federal Law, Discriminating Against Limited English Proficient Parents**

*Individual Complaint Filed with Office for Civil Rights on behalf of Spanish-Speaking Parent with Special Needs Child*

*Supplemental Letter Submitted to Demand Prompt Conclusion of Pending OCR Investigation*

New York, NY – December 16, 2014 – New York Lawyers for the Public Interest (NYLPI), a leading civil rights advocacy group for marginalized New Yorkers, filed today an individual complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) on behalf of a limited English proficient (LEP) parent of a child with disabilities against the New York City Department of Education (DOE) for failing to provide adequate translation and interpretation services to ensure equal access to education, in violation of local, state, and federal civil rights laws. NYLPI is representing Jessica Chavez, a Spanish-speaking parent of a three-year-old child receiving special education services, in her challenge of the DOE's discriminatory treatment of her. In April, when Ms. Chavez went to a DOE office to express her concerns about her son's education plan, a DOE employee told her: "This is the United States. You need to speak English."

NYLPI and Advocates for Children of New York (AFC) also filed a supplemental letter with OCR that documents the DOE's continued violation of federal law and demands a prompt conclusion to a pending OCR investigation. This letter, which includes fifteen additional stories, will serve as new evidence to support a class complaint filed with OCR on June 20, 2012, against the DOE. The class complaint was filed on behalf of nineteen LEP parents and their children for the DOE's systemic failure to provide translation and interpretation services to tens of thousands of LEP parents of children with disabilities.

"I felt so bad after what the DOE said to me that I didn't even want to return to the district. But I had to because my son needs help," said Ms. Chavez, the parent filing the complaint with OCR. "It's difficult to get through the process without understanding what staff are saying and since I can't read my son's documents. I'm not alone – there are many parents in the same situation."

"For the past two years, we have been supplying OCR with overwhelming evidence that the DOE denies immigrant parents their legal right to participate in their children's education," said Kelly McAnnany, Co-Director of the Disability Justice Program at New York Lawyers for the Public Interest. "We demand that the DOE be held accountable for schools and principals that fail to ensure language services are given to parents who need them."

"We hope that this new complaint and supplemental letter, in addition to the de Blasio Administration's focus on increasing immigrant inclusion, will push the DOE to ensure that all parents – regardless of their language – can get the help they need to make sure their children with disabilities succeed in school," said Jessica Daye, Educational Advocacy Coordinator at New York Lawyers for the Public Interest.

"This young LEP parent with a three year old child with disabilities has been given a most unwelcoming introduction to the New York City public school system," said Navin Pant, Staff Attorney at New York Lawyers for the Public Interest. "It's unacceptable that in New York City LEP parents would still feel so isolated and excluded from the special education process. The DOE must do a better job of serving immigrant parents."

The Spanish-speaking parent attended a meeting in May with DOE representatives to plan for her child's education needs and goals for the year. The DOE is legally required to provide translated documents and interpreters for parents at meetings about their children's special education needs, but regularly doesn't comply. In this parent's case, she didn't receive translated documents or a proper interpreter—just a Spanish-speaking DOE representative who merely provided a summary of the meeting—leaving her unsure about what exactly was offered to her child. After the meeting, she requested translated documents, but her request was denied.

This parent's experience is indicative of a system-wide problem. The complaint filed by NYLPI and AFC in 2012 described how LEP parents city-wide are unable to read and understand important special education-related documents, including meeting notices, educational evaluations, and administrative hearing orders. The DOE also consistently failed to provide these parents with qualified interpreters at due process proceedings, as well as school and district level meetings where DOE personnel discuss students' academic and social progress.

In 2013, NYLPI and AFC filed their first supplemental letter which documented fifteen additional incidents in which LEP parents were not able to understand or fully participate in their children's special education program. Parents of children with disabilities are considered particularly vital participants in the development of their children's education program, as evidenced by legal mandates requiring parent participation and consent. Yet, immigrant parents often feel excluded and isolated because they don't understand documents or conversations pertaining to their children's educational needs. They leave meetings with the DOE concerned that their children may not be succeeding in school, or know that their children are not progressing, but do not understand how to remedy the situation.

Visit the Legislative & Court Papers page on NYLPI's website to read the [new complaint](#), [new supplemental letter](#) filed with OCR, and [the class complaint](#) filed in 2012.

### **About New York Lawyers for the Public Interest**

New York Lawyers for the Public Interest (NYLPI) advances equality and civil rights, with a focus on health justice, disability rights and environmental justice, through the power of community lawyering and partnerships with the private bar. Through community lawyering, NYLPI puts its legal, policy and community organizing expertise at the service of New York City communities and individuals. NYLPI's partnership with the private bar strengthens its advocacy and connects community groups and nonprofits with critical legal assistance. NYLPI is the recipient of The New York Community Trust Nonprofit Excellence Awards.

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