



NEWS RELEASE

For Immediate Release

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Federal Lawsuit Filed Against Success Academy for Discriminating Against Children with Disabilities, and Placing Them On “Got to Go” List

New York Lawyers for the Public Interest, Stroock & Stroock & Lavan, and Advocates for Justice Chartered Attorneys Bring Suit on Behalf of Five Families for Discriminatory Treatment of Children with Disabilities

New York, NY – April 29, 2016 – Five families whose children were targeted for removal from a Success Academy Charter school because of their children’s actual or perceived disabilities have now joined together to file a federal civil rights action against the charter school network. Each family has a child who faced harsh discipline, repeated suspensions, and early dismissals for minor infractions while they were a student at Success Academy Fort Greene. Under its discriminatory and punitive discipline policy, Success Academy engaged in a series of unrelenting tactics against these families, including:

- Calling the police on a 6 year old child during a field trip to the American Museum of Natural History, and having the child escorted to a psychiatric hospital;
- Threatening to call ACS when a parent could not leave work to collect their 5-year old child after yet another “early dismissal;” and
- Threatening to call the police on a 6 year old child shortly after a parent requested relief from the excessive disciplinary policies.

Not only did Success Academy frighten these parents and force their children out of school on a regular basis, but Success Academy former principal Brown admitted to creating a “Got to Go” list of students targeted for removal. Each of the five children in this lawsuit was included on this “Got to Go” list and personally targeted by Brown for removal from the school.

Success Academy also failed to provide any of the children with legally-mandated disability accommodations which would have allowed them to succeed at the school. Instead, Success Academy either failed to inform parents of their children’s right to these accommodations, or

else thwarted parents' attempts to seek similar assistance from the New York City Department of Education.

After an endless campaign of early dismissals, harassing calls to parents, little to no accommodations for children with disabilities, and outright pressure to remove these children from the school, each of the five plaintiff children was eventually forced out. One by one, the plaintiff parents removed their children from Success Academy Fort Greene, unable to watch as their children's self-esteem was devastated by Success Academy staff.

These children ranged in age from four to six years at the time they attended Success Academy and were subjected to the charter school's harsh and discriminatory discipline policy.

The families are represented by New York Lawyers for the Public Interest (NYLPI), a leading civil rights advocacy group for marginalized New Yorkers, Stroock & Stroock & Lavan, a preeminent law firm with a commitment to pro bono advocacy, and Advocates for Justice Chartered Attorneys, an innovative public interest firm that seeks to represent average New Yorkers. The families have joined together to ask for redress for the discriminatory treatment faced by their children.

Success Academy Charter Schools is the largest charter school network in New York State, a network that states prominently on its website that it intends to prove that all children from all backgrounds can succeed. Despite this, the school enforced a discipline policy that penalized young children for things like failing to sit up straight or track teachers with their eyes at all times, requirements that can prove extremely challenging to any young child but that are particularly difficult for children whose disabilities affect their ability to concentrate and focus on a single task.

"This lawsuit is important to me," said Shawn Lawton, a plaintiff-parent in the case. "The school treats children like robots. I couldn't believe this was happening to my child, or that his school principal planned to kick him out of the school once he saw that my child was having a hard time."

Added Folake Ogundiran, another plaintiff-parent in the lawsuit, "they made the environment so horrible. When my daughter had difficulties and I raised them with the school, a few days later Candido Brown threatened to call the police on her."

"When my child needed accommodations to help him succeed in kindergarten, the school completely failed him," said Folake Wimbish, a plaintiff-parent whose 5-year old son attended Success Academy Fort Greene.

"The opportunities afforded by charter schools should be equally extended to all children, including those with disabilities," said Irene Mendez, a staff attorney at New York Lawyers for the Public Interest.

“The rigid application of discipline policies that punish age-appropriate behaviors belies the federal mandate for reasonable accommodations,” said Beth A. Norton, Special Counsel at Stroock & Stroock & Lavan LLP. “Children were repeatedly sent home without investigation as to the root cause of the purported behavior.”

Arthur Z. Schwartz of Advocates for Justice, Chartered Attorneys stated: “After years of claiming that Success provides a path forward for Black and Hispanic children, the experiences of our clients lay bare the contempt that Success Academy has for their well being. The approach on display at Success Fort Greene, which is about test scores and not educating children, was, I am sure, not created by principal Brown, but came right from the top. It has no place in public education.”

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.

About Stroock & Stroock & Lavan LLP

Stroock & Stroock & Lavan LLP, with more than 300 attorneys in New York, Los Angeles, Miami and Washington, DC, is a law firm providing transactional, regulatory and litigation guidance to leading financial institutions, multinational corporations, investment funds and entrepreneurs in the U.S. and abroad. Their emphasis on excellence and innovation has enabled them to maintain long-term relationships with their clients and made them one of the nation’s leading law firms for almost 140 years. Stroock also has numerous pro bono clients, including New York City children with disabilities who face discrimination or are denied an education appropriate to their needs.

About Advocates for Justice Chartered Attorneys

Advocates for Justice Chartered Attorneys is a public interest law firm whose mission is to ensure that high-quality legal representation is not limited to big corporations and wealthy individuals. The firm believes that regular, working people suffer the bulk of our country’s legal problems: unfair or deceptive credit practices, discrimination in the workplace & in their communities, employers who flout the law, inequitable educational resources, toxic torts & pollution, and so much more. Advocates for Justice Chartered Attorneys seeks to close the gap by representing regular, working people to help ease these legal problems and give them a level playing field in the law.