

**NEWS RELEASE**

For Immediate Release

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## **Black and Latinx NYC Public High School Students Win Expanded Sports Team Access with Proposed Settlement in Sports Equity Class Action Lawsuit**

*Prior to the lawsuit, 17,000 New York City Black and Latinx students had no sports teams at their public high schools.*

**New York, NY — November 17, 2021** — Starting this fall, thousands of Black and Latinx New York City public high school students will have the opportunity to participate in afterschool sports for the first time, thanks to a preliminary settlement agreement reached by New York Lawyers for the Public Interest (NYLPI), the New York City Department of Education (DOE), and the Public Schools Athletic League (PSAL) in a class action race discrimination lawsuit.

On average, Black and Latinx students have access to far fewer teams, fewer types of sports, and the City spends less money on sports teams per student for Black and Latinx students than for students of other races. Thousands of Black and Latinx New York City public high school students attend schools that offer no team sports whatsoever, and Black and Latinx students are twice as likely as students of other races to attend schools without sports teams.

“Thanks to the leadership of Black and Latinx student athletes, who fought for years so that their younger siblings and peers can soon have more equitable access to after-school sports, the Public Schools Athletic League is finally expanding sports opportunities for Black and Latinx students,” said **Caroline Soussloff, attorney at New York Lawyers for the Public Interest**. “The settlement agreement we filed with the Court lays out a roadmap for more access, greater transparency, and the opportunity for students and their families to voice their feedback to a PSAL system that for too long operated in an opaque, discriminatory fashion. We are proud to stand with student leaders to commemorate this important step towards equity in high school sports.”

**Lead plaintiff Moises Jimenez said**, “Being part of this lawsuit means the world to me. This settlement is going to provide sports in different areas to make sure that students enjoy their childhood—because you only grow up once. I’m proud and glad to say that I went through hell and back throughout high school to voice myself out for the others, and it paid off. ‘If you want to lead, be the voice people like you need to hear.’ This quote means everything to me because you need to be the one that starts the spark so others can follow.”

The proposed settlement creates new and expanded opportunities for Black and Latinx students to play the sports they love, and to have a voice in shaping the athletic programming available to them. A cornerstone of the agreement is the creation of Shared Access Programs (or “SAPs”) grouping small high schools located near one another in underserved, predominantly Black and Latinx school districts to play together under one sports program, sharing a much higher number and variety of PSAL sports teams than any of the schools had on their own.

“It has been about four years since I joined the fight for sports equity, but it’s been an even longer fight against social injustice. I joined this fight because I was once that kid amongst many others who did not know of our history and what was being taken from us. My hope when joining was to spread the truth to others who are unaware of the power of their voice. Sports along with education and our daily livelihood should continue to be fought for. The more people understand, the closer we get to a better, more inclusive life,” said **Devaun Longley, lead plaintiff in the lawsuit.**

In 2016, a group of advocates led by high school student-athletes affected by these disparities formed the Fair Play Coalition to pursue sports equity. The momentum they built led to the filing of this landmark class action lawsuit in 2018. The lawsuit uses the New York City Human Rights Law to advance claims that the DOE and PSAL racially discriminate against these students through the design and resource allocation of their sports programs.

Civil rights advocacy organization NYLPI, with co-counsel Patterson, Belknap, Webb & Tyler (Patterson), and Emery, Celli, Brinckerhoff, Abady, Ward & Maazel, filed a motion for preliminary approval of the settlement in New York state court today, marking the beginning of the end to a years-long fight to level the playing field and create equal access to high school sports for all students, regardless of race. The defendants in the lawsuit, the DOE and PSAL, have agreed to the Settlement along with the lead plaintiffs in the lawsuit who represent the class of all Black and Latinx public high school students, and by IntegrateNYC, an organizational plaintiff.

The DOE and PSAL will begin to implement the terms of the preliminary agreement this fall, and the court is expected to approve and finalize the settlement in the coming months, after giving class members the opportunity to weigh in. As the new school year has begun with in-person classes and after-school activities resuming, the expanded access to sports is especially important for students’ physical health, mental health, teamwork skills, fostering of community and friendship, and access to college opportunities.

“More than three years ago, I joined the Fair Play coalition with a sea of joyful Black and Brown youth from the South Bronx to rally on the issue of sports equity, an issue that would become the catalyst to my organizing and set me on the pathway to my career,” said **Obrian Rosario, organizer, Fair Play Coalition and Executive Director of Outreach at the Peer Defense Project.** “I had the privilege of having access to 44+ sports teams while there were thousands of youth who looked like me who did not. In the three years that I have been organizing with the Fair Play Coalition, we accomplished a lot. There were many times that I felt hopeless and tired—but I am grateful for the team that has come together and made sure that Black and

Brown youth have access to sports. Years of dedication from everyone on this team has finally realized one of our biggest and boldest dreams: a NYC with Sports Equity.”

**David Garcia Rosen, Director of School Culture and Athletics at the Urban Assembly Bronx Academy of Letters, and founder of Let ‘Em Play NYC, said,** “For two decades, hundreds of thousands of Black and Latinx students passed through New York City High Schools without the opportunity to play high school sports. During my 23-year career in the City, I have seen countless students drop out, who could have been saved by the power of sports. I’ve been working on this issue since the Giuliani administration, including filing a Title VI complaint, and I am so happy to see that after years of advocacy, we are finally seeing some progress towards racial equity for Black and Latinx students. Today’s settlement is a big step towards sports equity, but the battle will continue, and victory is certain.”

“As a student I want a level playing field in academics as well as sports. Equality in sports impacts the health and self-development of students.” **Michael Pinckney, high school senior, High School for Construction, Trades, Engineering and Architecture**

**Co-counsel on the case, Katie Rosenfeld, Partner at Emery Celli LLP, said,** “New York City high school students, initially supported by Athletic Director David Garcia Rosen, challenged why their segregated schools—attended by mostly Black and Latinx students—had fewer sports teams than others and refused to accept inequality as inevitable. Thanks to their leadership, future generations of Black and Latinx students across New York City will have greater access to the sports opportunities they deserve.”

**Co-counsel on the case, Aron Fischer, Partner at Patterson Belknap Webb & Tyler, said,** “This settlement is the result of years of dedicated advocacy by New York City public school students and allied organizations. They pointed out many years ago that New York City’s ‘small schools’ initiative to close certain large, comprehensive high schools and replace them with smaller ones, combined with policies such as the grandfathering of sports teams and the requirement that students play on teams sponsored solely by the school they attend, had exacerbated longstanding racial inequalities in access to organized sports. It’s great that these efforts have led to a commitment by the City to expand opportunities for all of our city’s public school kids to play sports.”

“The Fair Play Coalition has worked for years to educate and advocate for equal access to sports on behalf of Black and Latinx New York City high school students. I have had the privilege and honor of working alongside the Coalition’s amazing youth as they transformed their voices to power to change a discriminatory system and level the playing field. Today’s settlement is a big step forward, but the fight continues.” **Jenny Veloz, community organizer at NYLPI and lead organizer for the Fair Play Coalition.**

"I am happy and excited to finally see movement in the fight for sports equity, specifically in New York City. This will open up so many opportunities to student-athletes all across the city, essentially closing the gap as it relates to opportunities in underserved communities!"  
**Joel Sanchez, Executive Director, Legacy Volleyball Club.**

"All students should have equal access to sports, academics, and extracurricular activities to reach their full potential. Unfortunately that is not the case in NYC." **George Lanese, Co-Founder and Director of Academics, About U Outreach**

For more information, please visit [www.nylpi.org](http://www.nylpi.org).

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

Founded in 1976 by leaders of the bar, New York Lawyers for the Public Interest is a community-driven civil rights organization that pursues 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.

### **About Patterson Belknap Webb & Tyler**

Patterson Belknap Webb & Tyler LLP is a New York City based law firm with approximately 200 lawyers. The Firm delivers a full range of litigation and commercial law services and is committed to providing high-quality legal advice and service to clients and to maintaining a congenial and diverse workplace. Patterson Belknap was founded in 1919. For more information, please visit [www.pbwt.com](http://www.pbwt.com).

### **About Emery Celli Brinckerhoff Abady Ward & Maazel**

Emery Celli Brinckerhoff Abady Ward & Maazel LLP is a New York-based litigation boutique that focuses on civil rights, commercial, criminal, and ethics matters. The firm represents individuals, businesses, and institutions in all aspects of litigation and pre-litigation dispute resolution, from negotiation, mediation, and arbitration, through hearings, trials, and appeals.

### **About IntegrateNYC**

IntegrateNYC is a youth-led organization founded in 2014 by a South Bronx educator and courageous youth activists. IntegrateNYC stands for equity and justice in our schools. IntegrateNYC's mission is to join and develop youth leaders who repair the harms of segregation and build authentic integration and equity. IntegrateNYC works with students to

become engaged leaders in education reform, to investigate school segregation, and to pursue solutions leading to school integration and racial equity.

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