

If you are a **Black or Latinx high school student who attends or will attend a NYC Department of Education high school from 2021 through 2024**

(or are a parent or guardian of a Black or Latinx high school student who attends or will attend a NYC Department of Education high school from 2021 through 2024)

Please read this notice of settlement with the NYC Department of Education and the Public Schools Athletic League because your rights may be affected.

This proposed Settlement of a class action lawsuit affects the rights of Black and Latinx students who attend or will be attending NYC Department of Education high schools and who play or will be able to play high school sports in the Public Schools Athletic League from 2021 through 2024.

If this Settlement is approved, the NYC Department of Education and the Public Schools Athletic League have agreed to make changes to sports teams in NYC public high schools, described in detail below.

Please read the attached notice for complete information about this proposed Settlement.

Supreme Court of the State of New York, County of New York
Moises Jimenez et al. v. New York City Department of Education et al.

If you are a Black or Latinx student who attends or will attend a NYC Department of Education high school and play or will be able to play high school sports through the Public Schools Athletic League from 2021 through 2024, you are part of this class action lawsuit.

Your legal rights may be affected by this case whether or not you act. Read this notice carefully.

The proposed settlement (the “Settlement”) resolves a class action lawsuit claiming that the NYC Department of Education (“DOE”) and the Public Schools Athletic League (“PSAL”) treated Black and Latinx high school students unfairly and unequally by making fewer PSAL sports teams available to them than to students of other races and ethnicities. The DOE has denied any wrongdoing concerning these allegations.

To resolve the lawsuit, the DOE and PSAL have agreed to take certain actions to create more opportunities for Black and Latinx high school students to play PSAL sports. The rights of class members under the Settlement are described below.

Your legal rights and options in this settlement:

1. **Object** → You may write to the Court if you don’t agree with the Settlement.
 2. **Go to the fairness hearing** → You may ask to speak in Court concerning the fairness of the Settlement.
- **If you do nothing**, and a judge approves this Settlement, as a Class Member, you will be bound by the terms of the Settlement.
 - These rights and options are explained in this Notice. **There are deadlines to exercise these rights and options.**

If you have any questions or to get a copy of the full Settlement Agreement, call New York Lawyers for the Public Interest at 212-244-4664, email fairplay@nylpi.org, or go to www.nylpi.org/get-help/.

Frequently Asked Questions

1. What is this lawsuit about?

This lawsuit, *Moises Jimenez et al. v. New York City Department of Education et al.* Index No. 155825/2018, was filed by a group of Black and Latinx students who attend NYC Department of Education high schools. They wanted greater opportunities to play after-school sports and believed that the PSAL needed to change its policies and practices to make this happen. The PSAL, which is part of the NYC Department of Education, decides how to grant sports teams to high schools for competing against other high schools.

The students began the lawsuit by filing the Complaint on June 21, 2018. This document stated that the DOE and the PSAL (together, the “Defendants”) violated the New York City Human Rights Law because they treated Black and Latinx high school students unfairly and unequally by making fewer sports teams available to them than to students of other races and ethnicities. Defendants have denied that they have done anything wrong.

2. What is a lawsuit?

A “lawsuit” allows a person (or group of people), who believes they have been harmed, to state an official claim against another person (or organization), claiming that they caused the harm. The lawsuit is filed in court, and a judge oversees it. The judge or a jury may be asked to determine who is correct or, as happened here, the parties may agree to “settle” the matter because they have agreed about what should happen.

3. What is a class action?

A “class action” is a lawsuit started by a few individuals (called the “Class Representatives”) who represent a larger group (called the “Class”). The Class shares important similarities with the Class Representatives and as a result they face similar problems.

In this lawsuit, the Class Representatives are a group of individual Black and Latinx NYC public high school students—Moises Jimenez, Devaun Longley, and some of their peers—and the Class includes ***ALL*** Black and Latinx students who attend or will soon be attending NYC Department of Education high schools and play or will be able to play high school sports through PSAL from 2021 through 2024.

4. Who is a member of the Class in this action?

All students who identify as belonging to a Black, African-American, Hispanic, or Latinx racial or ethnic group who attend (or will attend) a NYC Department of Education high school through Spring 2024 and play (or will be able to play) high school sports through the PSAL.

This means that if this description applies to you between the period covered by the Settlement, 2021-2024, you stand to benefit from the terms of this Settlement.

5. Why is there a Settlement?

Rather than spend time arguing with each other in front of the judge and a jury, the Class Representatives and the Defendants here have negotiated with each other outside of the courtroom. This way, they avoid the costs and risks of a trial, and the Class will receive benefits sooner. This is a common way to resolve lawsuits. The judge has not decided in favor of either side. Instead, both sides have agreed to a Settlement Agreement that they believe is fair, reasonable and adequate.

Most importantly, the Class Representatives and their lawyers think this Settlement is in the best interest of the entire Class.

6. Is the Settlement final?

Almost, but not yet. A New York Supreme Court judge still has to approve the Settlement for it to become final. First, there will be a Settlement Fairness Hearing scheduled for March 9, 2022 at 10am Eastern Time. After this hearing, the judge will decide whether to approve the Settlement and make it final and “binding,” meaning the DOE, PSAL, and the Class have to do what it says.

If the judge approves the Settlement and it becomes final, the DOE and PSAL have to expand access to high school sports by the processes outlined in the Settlement, and the judge—and the lawyers for the Class—will keep an eye on their progress. For the duration of this process, Class Members may not sue the DOE or PSAL over the same issues covered by the lawsuit.

7. Do I have a lawyer in this case?

If you are a Class Member, then yes. Lawyers from New York Lawyers for the Public Interest, Inc., Patterson Belknap Webb & Tyler LLP, and Emery Celli Brinckerhoff Abady Ward & Maazel LLP represent you for the purposes of this Settlement. You can contact them by phone at 212-244-4664 or by email at fairplay@nylpi.org.

You will not be charged for being represented by these lawyers in the lawsuit or Settlement. Instead, these lawyers get paid for their work on this case by the Defendants as part of the Settlement.

If you want to be represented by your own lawyer, you may hire one at your own expense.

8. What actions have the DOE and PSAL committed to take during the term of the Settlement?

If the Settlement is approved, the DOE and PSAL will have to take certain actions during the period of the Settlement, which begins on the date of approval and ends in 2024.

Specifically, the DOE and PSAL will have to:

- Expand the Shared Access Programs, or “SAPs,” (described in further detail below) to specified school districts that have the lowest citywide average access to PSAL sports teams, and
- Add a minimum of five teams in each of the 2021-2022, 2022-2023, and 2023-2024 school years to specified individual DOE high schools. They will target those high schools with the fewest PSAL sports teams that, for geographic or other reasons, cannot participate in a SAP.

Expansion of the SAPs + Additional new teams will guarantee a minimum of 200 new PSAL teams total by Spring semester 2024.

In addition, the DOE and PSAL will have to:

- Hire six full-time Athletic Director Coordinators and one Scheduler to oversee these new sports programs; and
- Create a system that students and parents can use to provide “real time” comments on how the new sports programs are going.

Expansion of Shared Access Programs (called SAPs):

The main way that the DOE will increase access to PSAL sports teams for the Class is by creating and expanding Shared Access Programs (“SAPs”). According to this model, high schools that are located near one another will be grouped to share PSAL sports teams so that they will have more sports teams together than each school had alone.

This means that if you go to a small high school, you may end up playing on a team with students from nearby high schools. This system will give you more opportunities and options for playing different sports and increase the number of options of teams you can try out for.

If your school is selected to be part of a SAP, you will be able to take a Student Sports Survey to tell the PSAL which sports you want to play. The Student Sports Survey will help the PSAL decide which new sports teams to create for your SAP.

The Settlement goes into a lot of detail about how the SAPs will be designed and rolled out. Below is a “cheat sheet” showing which districts have been proposed to get new SAPs through the Settlement, and by when, though these districts are subject to change.

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| Districts 1, 9, 12, 23, and 32 | These districts already participate in a SAP pilot program. By the spring 2022 season, the PSAL will increase the total number of SAPs in these districts to 10. |
| Districts 14, 15, 16 | These districts will have at least one SAP by the spring 2022 season, and at least five by the spring 2023 season. |
| Districts 2, 5, 6, 7, and 19 | These districts will have at least one SAP by the spring 2023 season, and additional SAPs by the spring 2024 season. |
| Districts 4, 17, 24, and 29 | These districts will have at least one SAP by the spring 2024 season. |
| Districts 8 and 13 | Schools within these districts where students have access to fewer than 12 sports teams will have at least one SAP by the spring 2024 season. |
| Bronx Early College Academy | This school will have access through a SAP to at least eight teams by spring 2022. |
| Urban Assembly Bronx Academy of Letters | This school will be included in a SAP by spring 2022. |
| In-Tech Academy High School | This school will be included in a SAP by spring 2022. |

9. How do I know the DOE and PSAL will follow through on their commitments? What if they don't?

If the judge approves the Settlement, the DOE and PSAL will have to follow the Settlement's requirements. The lawyers who are representing the Class Representatives and the Class will be checking to make sure that the DOE and PSAL follow the Settlement requirements during the Settlement period. The DOE and PSAL will be required to report certain data to the lawyers for this purpose. If the lawyers determine that the DOE and PSAL are not following through on their commitments to the Class, the lawyers will have the ability to take legal action for the Class.

If you are concerned that the DOE and PSAL are not following the Settlement's requirements, call New York Lawyers for the Public Interest at 212-244-4664, or email FairPlay@nylpi.org.

10. What if I don't like the Settlement?

If you are a Class Member, you can tell the judge that you disagree with the Settlement or some part of it by formally "objecting" (disagreeing) to the Settlement.

To object, you must send a letter saying that you object to the Settlement in *Moises Jimenez et al. v. New York City Department of Education et al.* to New York Lawyers for the Public Interest. In your letter, you should give specific reasons why you think the judge should not approve the Settlement and share any evidence you have supporting your objection. Be sure to also include your name, address, telephone number, your signature, and whether or not you (or a lawyer representing you) will ask to speak at the Settlement Fairness Hearing. Mail the objection letter to the following address postmarked no later than February 18, 2022:

New York Lawyers for the Public Interest
Attn: Sports Equity
151 West 30th Street, 11th floor
New York, NY 10001

New York City Law Department
Attn: Mark G. Toews
100 Church Street
New York, NY 10007

The lawyers for the Class will then give your letter to the judge before the Settlement Fairness Hearing.

You also have the option to attend the Settlement Fairness Hearing. The hearing is scheduled for March 9, 2022 at 10am Eastern Time at room 308 of the Supreme Court of the State of New York, New York County, at 80 Centre Street, New York, NY 10013.