



# Advocates for Children of New York

Protecting every child's right to learn

## Press Release

### For Immediate Release

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## City Settles Class Action Lawsuit on Discipline of Students with Disabilities

**May 20, 2015 (NEW YORK CITY)** — Advocates for Children of New York (AFC) and Davis Polk & Wardwell LLP (DPW) announced today a settlement with the New York City Department of Education (DOE) of a long-standing class action lawsuit on behalf of students with disabilities who are subject to disciplinary action while in New York City public schools. The lawsuit, originally filed in federal court in Brooklyn in 2002 and entitled *E.B. v. New York City Department of Education*, alleged that the DOE routinely denied students with disabilities required legal protections when they were suspended, excluded from class or school, or discharged involuntarily from school. The class action includes students with disabilities in New York City public schools from kindergarten through age 21.

“Students with disabilities are disproportionately suspended from New York City schools. We are hopeful that with these added protections in the settlement, schools will focus on ensuring that students receive the necessary supports in school rather than excluding students because of their disabilities,” said Rebecca Shore, AFC’s Director of Litigation.

Sharon Katz from DPW, and an attorney for the plaintiffs, added, “Under the settlement, the DOE will be implementing processes and procedures to which children with disabilities are entitled under the law and which DOE did not provide previously.”

The Court set July 23, 2015 as the hearing date for final approval of the settlement. To read the long form of the settlement notice to class members, please [click here](#), the short form of the notice, please [click here](#), and the stipulation of settlement, please [click here](#).

### **About Advocates for Children of New York (AFC)**

Since its founding in 1971, Advocates for Children of New York has been protecting the education-related needs of children most at risk of academic failure or school-based discrimination due to such factors as poverty, disability, race, ethnicity, language barriers, immigration status, homelessness, or involvement in the child welfare or juvenile justice system. AFC’s mission is to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. AFC uses integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students.

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