



# Advocates for Children of New York

Protecting every child's right to learn

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## News Release

### For Immediate Release

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## Decision Finds Failure to Uphold Rights of Students with Disabilities at Success Academy Charter Schools

**February 27, 2019 (NEW YORK CITY)** — In a decision received this week, the New York State Education Department (NYSED) found that Success Academy Charter Schools and the New York City Department of Education (DOE) violated the civil rights of students with disabilities. The decision was issued in response to a complaint that Advocates for Children of New York (AFC), with its pro bono co-counsel, Akin Gump, filed in November 2018 against Success Academy Charter Schools and the DOE.

NYSED sustained each allegation, finding that Success Academy Charter Schools violated laws protecting the educational rights of students with disabilities. In particular:

- Success Academy failed to implement students' Individualized Education Programs (IEPs). The schools did not provide the special education classes, small group special education instruction, or testing accommodations that the students had the right to receive.
- Success Academy changed the special education placements of students with disabilities without offering their parents an opportunity for input, failing to provide the legally mandated notices, meetings, and due process procedures.
- Success Academy failed to comply with orders issued at special education administrative hearings. Even after parents requested administrative hearings and got orders requiring Success Academy to move their students back to their original classes, Success Academy refused to comply, in violation of the law.

In addition, NYSED found that the DOE violated the rights of students with disabilities at Success Academy schools by failing to provide parents with the legally required notice before changes of special education placements and failing to ensure compliance with orders issued at special education administrative hearings. NYSED's decision called the lack of coordination and communication between Success Academy schools and the DOE regarding Success Academy students with disabilities a "breakdown in the process."

NYSED issued a Compliance Assurance Plan, requiring Success Academy Charter Schools and the DOE to take corrective action to remedy these violations in the upcoming months.

“This decision makes clear that students do not give up their civil rights when they enter a charter school, and parents do not give up their voice in their children’s education,” said Kim Sweet, Executive Director of AFC. “Charter schools have more autonomy than other public schools, but do not get to decide which special education laws to follow.”

“The NYSED decision provides much-needed clarity as to the dual-responsibility of charter schools and the DOE to uphold the rights of students with disabilities,” said Caitlin Griffin, Associate at Akin Gump.

“My daughter was in the wrong special education placement at a Success school for over 7 months,” said Brenda Melendez-Lozada, the parent of a former student at Success Academy. “With this decision, I hope that no other child will have to go through what she experienced.”

[Read the decision](#) issued by the New York State Education Department and [the complaint](#).

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

*Since 1971, Advocates for Children of New York has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds who are at greatest risk for failure or discrimination in school because of their poverty, disability, race, ethnicity, immigrant or English Language Learner status, sexual orientation, gender identity, homelessness, or involvement in the foster care or juvenile justice systems. AFC uses four integrated strategies: free advice and legal representation for families of students; free trainings and workshops for parents, communities, and educators and other professionals to equip them to advocate on behalf of students; policy advocacy to effect change in the education system and improve education outcomes; and impact litigation to protect the right to quality education and compel needed reform.*