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Special Education Parents File Complaint Against New York City Charter Network

By [Christina Samuels](#) on January 28, 2016 4:10 PM



The Public Advocate for the City of New York and other [legal aid groups](#), as well as 13 parents, [have filed a complaint with the U.S. Department of Education's office for civil rights against the Success Academy Charter Schools](#), claiming that the network is violating the [rights of students with disabilities](#).

The 34-school network is the city's largest, serving 11,000 children in pre-K through high school. About 1,400, or 12.7 percent, are students with individualized education programs. The network has been lauded for its test scores—Success Academy schools are among the highest performing schools in the state—but [it has also come under fire for allegedly harshly disciplining students with actual or perceived disabilities, with the goal of getting them to withdraw](#). An October New York Times investigation reported that one charter principal [created a "got to go" list of students](#); a school spokeswoman said in the article that the list was a mistake and that the principal who created it was disciplined.

The complaint, filed Jan. 20, also alleges that [the charter network does not offer students self-contained classrooms or other specialized educational services](#). Parents in the complaint said that instead of trying to figure out ways to support children with disabilities, school officials [suspended some children multiple times](#).

["Pushing out vulnerable students is not how we define success,"](#) said Seymour W. James, attorney-in-chief of The Legal Aid Society, one of the groups that joined the complaint.

In an interview, Ann Powell, a spokeswoman for the network, said that the Success Academy schools, often co-located with traditional public schools, don't have enough space to offer self-contained classrooms in all of its schools. "We're not that much different from district schools that would be in the same position," she said.

As for the allegations that students with disabilities were being counseled out, Powell said there's no evidence to support that. "We retain about 90 percent of our children, collectively, general ed and special ed," Powell said. "That's very hard to do if you're counseling out children."

Other Success Academy Probes Underway

One of the parents involved in the complaint filed Jan. 20 is Fatima Geidi, who was interviewed along with her son last year on the PBS NewsHour. Geidi and her son said that he was repeatedly suspended from Success Academy Upper West, and she eventually withdrew him from the school. Eva Moskowitz, the schools' founder and chief executive officer, [complained that she was not allowed to respond in the program to Geidi's specific allegations](#), and that Geidi's son had behaved violently on several occasions.

The NewsHour eventually issued a clarification saying that Moskowitz should have been allowed to respond to the family's comments. Learning Matters Inc., the company that produced the segment, has been acquired by *Education Week*, though the Success Academy piece was in the works before the acquisition.

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The OCR complaint is just one of the ongoing investigations into the network. The State University of New York's Charter Schools Institute, which is the network's authorizer, is **launching its own probe into the Success Academies' disciplinary practices**, the New York Post reported Jan. 18.

In a Jan. 22 speech at a policy breakfast sponsored by New York Law School, Moskowitz defended the school's discipline policies.

"Safety is the number one reason why parents want out of the district schools, and we believe our first obligation is for the safety of the children," Moskowitz said. "There's no learning that can occur if we aren't able to guarantee that." Parents are often unwilling to believe that their children could be behaving violently, she said.

Moskowitz also dryly noted that any lawyers in the audience looking for a job should get in contact with the network's legal staff.

"We are on our 22nd lawsuit," Moskowitz said. "As far as I can tell, the lawsuits are going to keep on coming."

Photo: Eva Moskowitz of Success Academy Charter Schools during a charter school rally in March 2015 outside the New York state Capitol in Albany, N.Y. —Mike Groll/AP-File

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