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## **Multi-Racial Students and Community Organizations Ask to Join Suit to Defend Expanded Access to Elite New York City Public Schools**

*LDF, ACLU, NYCLU, and LatinoJustice PRLDEF File a Request for Pre-Motion Conference to Allow Students and Advocacy Groups to Join the Defense of Efforts to Improve Racial Equity at Specialized High Schools*

Public school students and local community-based organizations asked a federal court to allow them to join a legal effort to improve racial and economic equity in admissions to New York City's eight elite public high schools.

The NAACP Legal Defense and Educational Fund, Inc. (LDF), the New York Civil Liberties Union (NYCLU), the American Civil Liberties Union (ACLU), and LatinoJustice PRLDEF filed a [request for pre-motion conference seeking to intervene](#) in the federal lawsuit *Christa McAuliffe Intermediate School PTO v. Bill de Blasio* on behalf of Teens Take Charge – a public-school student led organization, the Hispanic Federation, Desis Rising Up & Moving (DRUM), and multiple Black and Latinx public school students and their families. The request asks the Court to allow these families and organizations to defend New York City's modest 2018 efforts to increase access to the Specialized High Schools for disadvantaged students, and redress the systemic racial exclusion caused by the deeply flawed, test-only admissions policy.

“Expanding the Discovery Program is a small but laudable step towards decreasing the stark racial inequities in New York City's Specialized High Schools,” said [Rachel Kleinman](#), Senior Counsel at LDF. “The Specialized High Schools' single-test admissions policy is educationally flawed in its unfair evaluation of applicants, resulting in the almost total exclusion of smart and talented Black and Latinx students from the life-changing opportunities that these schools provide. The City's new policies are not nearly enough to dismantle the unacceptably stark racial disparities in these schools, but it's a first step that must be first fiercely defended and then further expanded upon.”

Last year, New York City Mayor Bill de Blasio and Department of Education Chancellor Richard A. Carranza announced a modest set of measures to expand the long-standing

Discovery Program, which enables high-achieving students from low-income households who score just below the standardized test cutoff for the city's Specialized High Schools to earn admission after completing a summer preparation session. These measures came in response to sustained advocacy to break down unjust barriers to entry to Specialized High Schools, which have been plagued by severe and persistent racial disparities. This year, just over 10 percent of Specialized High School admits were Black and Latinx, even though Black and Latinx students make up almost 70 percent of public school students citywide. Under the test-only admissions policy, high performing students who have excelled in middle school and otherwise proven their academic qualifications are barred from attending the Specialized High Schools if they do not perform well enough on a single test on a single day.

A federal lawsuit, *Christa McAuliffe Intermediate School PTO v. Bill de Blasio*, brought by opponents of school desegregation, challenges these new policies aimed at increasing opportunity and equitable access to these prestigious schools for students across New York City. This lawsuit is just one front in a nationwide effort to undermine education equity. From [Harvard](#) to Specialized High Schools to public schools in [Hartford, Connecticut](#), race-neutral admissions policies aimed at expanding access for qualified, disadvantaged students are under attack. The proposed intervenors seek to help defend any attempts to increase access to the educational opportunities provided by the Specialized High Schools in New York, and the civil rights groups filing on their behalf remain committed to defending similar efforts around the country.

“New York City’s changes to the Discovery Program alone will not solve the problem of Black and Latinx students being kept out of these elite schools, but it’s a start,” said **Ayana Smith, a Student Press Officer at Teens Take Charge**. “There are a lot of underrepresented students who are highly talented and qualified for these schools, and they aren't less deserving of admittance because of a single test.”

“For far too long, we’ve allowed discriminatory practices to limit the educational opportunities afforded to far too many of our city’s students,” said **Jose Calderon, President of the Hispanic Federation**. “The fact is that Black and Latino students make up over 10 percent of those enrolled in our specialized high schools, even though Black and Latino students make up almost 70 percent of public school students. It is an injustice that must end now, and it is why we strongly support the DOE’s efforts to open the doors of opportunity of these elite institutions to more Latino and Black students. It is the right thing to do and long overdue.”

In addition to Teens Take Charge and the Hispanic Federation, the proposed intervenor defendants include a Specialized High School student, 7th and 8th grade students with increased chances of admission to the Specialized High Schools under the Discovery Expansion, and organizations dedicated to increasing diversity and representation in New York City public schools. While they do not believe that the expansion of the Discovery Program is sufficient to reverse the long history of racial exclusion from the Specialized High Schools—particularly for Black and Latinx students and students from certain underrepresented Asian-American subgroups—they want to vigorously defend the modest gains to be expected from this expanded program after years of complaints about the discriminatory nature of the admissions process.

“The opportunity to attend New York City’s public schools should be open to all qualified students in the city, regardless of race or geography,” said **Sarah Hinger, Staff Attorney at the ACLU’s Racial Justice Program**. “Increasing access to publicly-funded schools, especially those of the highest academic caliber, is essential to creating the best learning environment for New Yorkers of all backgrounds. We must continue to break down unjust barriers for eminently qualified and talented Black and Latinx students to ensure our educational system fairly supports all students.”

“Ensuring that Black and Latinx students have a fair chance to be admitted is critically important given their longstanding underrepresentation in these elite schools despite their qualifications,” said **Jose Perez, Deputy General Counsel of LatinoJustice PRLDEF**. “In 2018, for example, Latinx students represented only 2.5 percent of Stuyvesant’s students while comprising around 40 percent of the city student population. This lawsuit is yet another attempt to dismantle more equitable admission policies that help reduce the very real isolation experienced by Black and Latinx students in these elite schools and ultimately benefit all students. It is also a disingenuous attack that deliberately and cynically pits communities of color against each other.”

“Race, poverty, and lack of opportunity too often form a triple whammy that locks out capable young people and their families from excellent, equitable education,” said **Donna Lieberman, Executive Director of the New York Civil Liberties Union**. “We support the DOE’s apparent recognition that the 'high stakes' test operated to exclude qualified candidates from selective schools, effectively reducing the diversity within these schools. We need to not only enable more equitable access to top schools, but also continue tirelessly fighting to promote diversity and equality in our public schools across the board.”

Read the request for pre-motion conference [here](#).

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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*preserving the right to vote or the right to have an abortion, the ACLU takes up the toughest civil liberties cases and issues to defend all people from government abuse and overreach.*

*LatinoJustice PRLDEF works to create a more just society by using and challenging the rule of law to secure transformative, equitable and accessible justice, by empowering our community and by fostering leadership through advocacy and education. For more information about LatinoJustice, visit [www.latinojustice.org](http://www.latinojustice.org).*

*Founded in 1951 as the New York affiliate of the American Civil Liberties Union, the New York Civil Liberties Union is a not-for-profit, nonpartisan organization with eight chapters and regional offices and more than 160,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers. [www.nyclu.org](http://www.nyclu.org).*