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*****FOR IMMEDIATE RELEASE*****

Legal Aid and Milbank Threaten Lawsuit Against City for Neglecting to Provide Homeless Children Internet Access at Flatlands Family Residence and Other Facilities Around NYC

(NEW YORK, NY) – **The Legal Aid Society and Milbank LLP, representing the Coalition for the Homeless**, issued a demand [letter](#) to the New York City Department of Education (DOE) and the New York City Department of Homeless Services (NYC DHS) warning of a lawsuit if the City continues to deprive children living in shelter — particularly those residing at Flatlands Family Residence in Brooklyn — of internet access, which is a basic prerequisite for virtual learning during COVID-19.

“By failing to provide reliable internet access to children in these shelters, the City is failing to fulfill their legal obligation to educate those students, exacerbating the very academic disparities that plague our school system and that can follow these kids for the rest of their lives,” said **Judith Goldiner, Attorney-in-Charge of the Civil Law Reform Unit at The Legal Aid Society**. It is absolutely shameful that we have to threaten a lawsuit in order to get the City to do the right thing and ensure that kids in shelters have access to the internet so they can learn. We demand that the City make these necessary changes to comply with the law at once.”

“Litigation should be unnecessary when the basic educational rights of children living in shelters are at stake,” said **Grant Mainland, a partner at Milbank LLP**. “But we’re prepared to act if the City won’t solve the problem voluntarily.”

“Children living in shelters right now are facing the compounding challenges of surviving a pandemic, experiencing the trauma of homelessness, and trying to achieve some measure of normalcy in their schooling. The inexcusable lack of internet access is not just an inconvenience – it means children are being denied their basic right to an education. Sadly, this is exactly the situation facing kids at the Flatlands Family Residence and other shelters across the City. This is a crisis that must be fixed immediately to ensure that these students don’t fall further behind,” said **Giselle Routhier, Policy Director of the Coalition for the Homeless.**

In the course of failing its most vulnerable children, the City and the agencies through which it acts are also violating the following laws:

1. 42 U.S.C. § 11431 (“Each child of a homeless individual and each homeless youth [is entitled to] equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.”);
2. N.Y. Const. art. XI, § 1 (creating constitutional right to “sound basic education”); *Campaign for Fiscal Equity, Inc. v. New York*, 86 N.Y.2d 307, 315-16 (1995) (“sound basic education” requires “resources made available under the present system” that are “adequate to provide children with the opportunity to gain . . . essential skills”).

The letter states:

In light of the COVID-19 pandemic, internet access is not a luxury; it is a basic prerequisite to entering the “virtual classroom” that has been necessitated by the virus. By neglecting to ensure that homeless children can connect to the internet, the City is in violation of its constitutional obligation to provide a “sound basic education,” and the Department of Education is failing its stated mission of providing a “rigorous, inspiring, and nurturing learning experience” to “every single child.” Instead, it is providing them with no education at all.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

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