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

***Legal Aid, Milbank Sue City for Failing to Provide  
Vulnerable Students at NYC Shelters Reliable Access to  
Remote Schooling***

***Lawsuit Seeks a PI to Order the City to Equip all Shelters  
Housing School-Aged Children with Reliable Internet Access  
no Later Than January 4, 2021***

(NEW YORK, NY) – The Legal Aid Society and Milbank LLP - representing the Coalition for the Homeless and certain individual shelter residents and their children - filed a [lawsuit](#) today in the United States District Court for the Southern District of New York against the de Blasio Administration for its failure to provide students who reside in City shelters access to reliable internet service so they can attend school remotely. Students in shelters have been [struggling](#) with virtual learning due to lack of WiFi or other reliable internet access in the shelter system. This litigation comes in response to the Mayor’s recent announcement that the City “cannot offer a detailed timeline” for WiFi installation and that its [goal](#) is to have “all [family] sites complete [by] this summer.” The City’s vague plan to prioritize installation for 27 shelters sometime “this winter” does not address the needs of thousands of homeless students who need working internet access now.

“Mayor de Blasio has had ample opportunities to rectify this crisis, and when he was provided the chance to issue a bold and sweeping plan, the result fell woefully short of what our

clients need now,” said **Susan Horwitz, Supervising Attorney of the Education Law Project at The Legal Aid Society**. “We will not let our clients continue to struggle to access virtual learning because of the City’s negligence. We look forward to arguing this case in court and securing the relief that our clients deserve.”

“Homeless children’s lack of access to the virtual classroom has been on the City’s radar since the onset of the pandemic, yet these children are hardly better off today than they were in March,” said **Grant R. Mainland, a litigation partner at Milbank LLP**. “The time for action is now, before the 2020-2021 school year is written off altogether for the City’s most vulnerable children.”

“Coalition for the Homeless has fought for the educational rights of homeless children and youth for decades. This lawsuit seeks court enforcement of the City’s statutory and Constitutional obligations so that homeless students, who already face daunting educational challenges, are not further harmed. Mayor de Blasio should stop defending the indefensible neglect of homeless students and fix these problems at once,” said **Shelly Nortz, Deputy Executive Director for Policy with Coalition for the Homeless**.

Plaintiffs first raised this matter with the City in the Spring and issued a [demand letter](#) last month. Instead of immediately opening up or installing WiFi networks to ensure that students in shelters can participate in remote education, the City instead responded by [changing the cellular carrier](#) for some students’ DOE-issued tablets used for remote learning. Clients who received new tablets reported that this hit-or-miss approach fell far short of an acceptable solution and continued to experience disruptions in the school day, as some shelters are located in cellular dead zones.

Plaintiffs also learned that the lack of reliable internet access was not an isolated issue plaguing only a handful of families at a few shelters but one affecting numerous shelters and hundreds of students across New York City and in various shelter systems.

The legal claims raised in this litigation include the City’s violations of the Education Article of the New York Constitution, the New York State Education Law, the McKinney-Vento Homeless Assistance Act, and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

This litigation seeks the following relief:

- Granting preliminary injunction ordering the City to equip all shelters housing school-age children in New York City with reliable internet access as soon as is reasonably practicable, but in no event later than January 4, 2021;
- Directing the City to submit to the Court a comprehensive plan for how they will install and maintain WiFi access in every shelter in New York City to enable students living in shelters to attend school;

- Certifying this case as a class action lawsuit;
- Declaring that the City's policies, customs, patterns, and practices concerning the provision of internet access at in shelters violate the New York Constitution, NYSEL, McKinney-Vento Act, and U.S. Constitution;
- Awarding Plaintiffs and other Class members compensatory damages;
- Awarding such other and further relief as this Court deems just and proper.

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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. [www.legalaidnyc.org](http://www.legalaidnyc.org)*