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July 26, 2019

Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Urging enactment of A.3425 (Dilan) and S.4901 (Mayer) to amend the Executive Law to protect students in public schools from discrimination.

Dear Governor Cuomo:

The New York Association on Independent Living (NYAIL) is a statewide membership organization of Independent Living Centers (ILCs), nonprofit community-based providers of services, supports and advocacy that are run by and for New Yorkers with disabilities of all ages. NYAIL is dedicated to removing barriers to the full community integration of all people with disabilities. We are writing to urge you to sign A.3425 (Dilan) and S.4901 (Mayer) to amend the Executive Law to protect students in public schools from discrimination.

Students with disabilities are at a greater risk of facing bullying, harassment, and discrimination than many students without disabilities. These students and their families should have the same legal right to representation by the New York State Division of Human Rights as students in private schools. However, in 2012, the New York State Division of Human Rights was found to lack jurisdiction to investigate, hear and determine complaints filed by students with disabilities and their families against public school districts by the New York State Court of Appeals. The effect is that students who attend the public schools are denied representation or protections under New York State Human Rights Law. Further, attorney fees are expensive. The families that would have the most problems affording those fees are families of children with disabilities in public schools, yet they now lack that option under current law.

Since students with disabilities are equally as likely to be discriminated against in public school districts, giving authority to the New York State Division of Human Rights to file such complaints would ensure that students with disabilities, regardless of the type of school they attend, can be protected against discrimination. Education is a key to employment and the opportunity to rise above poverty for people with disabilities. Discrimination interferes with their ability to receive that education.

For all of the reasons above we urge you to sign A.3425 (Dilan) and S. 4901 (Mayer) into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsay Miller", followed by a long horizontal flourish.

Lindsay Miller
Executive Director