

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

L.P. by her guardian Linda Bryant, M.D. by his guardian
Angel Diaz, A.A. by his guardian Francisco Ballester,
M.O. by his guardian Jesenia Olivo, individually and on
behalf of all others similarly situated, and
INTEGRATENYC Inc.,

Index No.

Plaintiffs

CLASS ACTION COMPLAINT

JURY DEMAND

-against-

THE NEW YORK CITY DEPARTMENT OF
EDUCATION, THE PUBLIC SCHOOLS ATHLETIC
LEAGUE, and PUBLIC SCHOOLS ATHLETIC
LEAGUE EXECUTIVE DIRECTOR DONALD J.
DOUGLAS

Defendants

1. New York City is reckoning with deep racial injustice pervading its segregated public school system, where Black and Latino students experience far-reaching deprivations of key resources and opportunities. Among the crucial resources Defendants in this class action lawsuit have failed to furnish on an equal basis to the city's Black and Latino students are high school sports teams. As former New York City Chancellor of Education Carmen Fariña said in 2014, sports "make[] a difference in kids' lives."¹ But in 2018, the New York City Department

¹ Jim Dwyer, *In Schools Where Sports May Be Most Vital, New York City Offers Least Help*, N.Y. TIMES (May 27, 2014), available at <https://www.nytimes.com/2014/05/28/nyregion/in-schools-where-sports-may-be-most-vital-new-york-city-offers-least-help.html>.

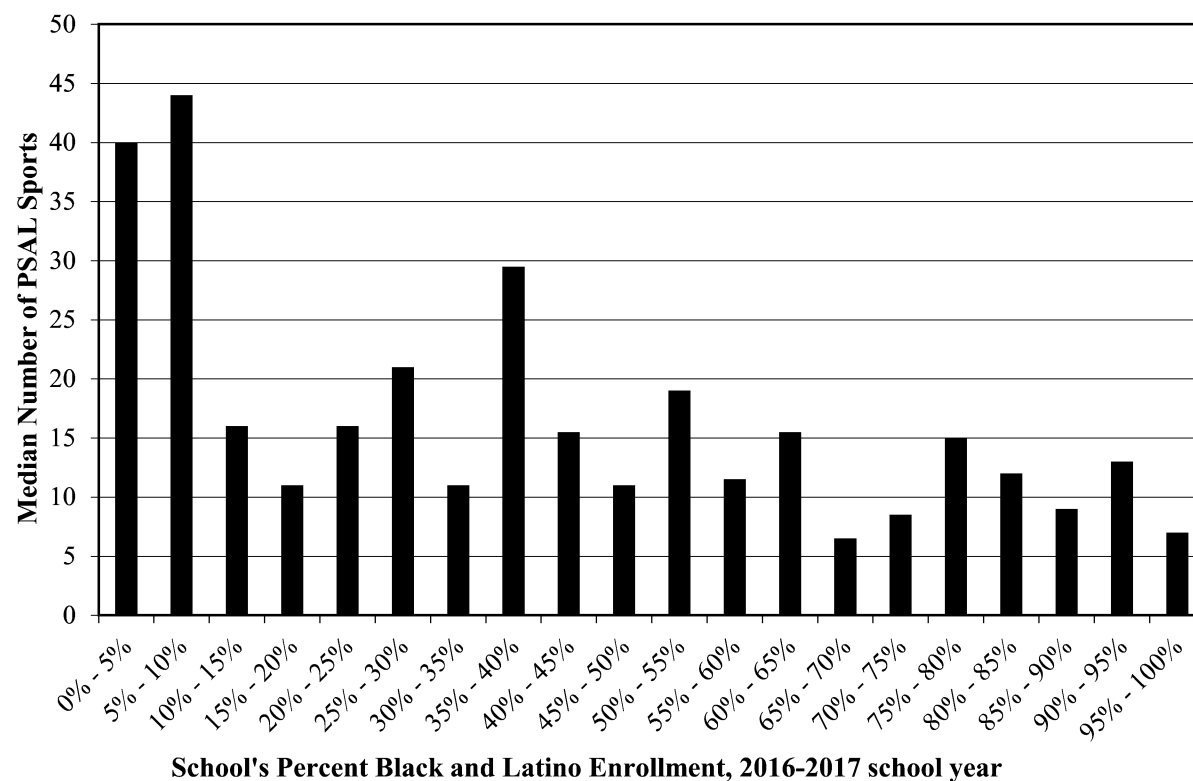
of Education and the Public Schools Athletic League continue to use discriminatory policies that deny Black and Latino students equal access to the life-changing possibilities of sports.

2. This civil rights action, brought by four Black and Latino public high school students on behalf of a putative class of all Black and Latino New York City public high school students who attend Segregated Schools (as such schools are defined below), and IntegrateNYC, an organization of concerned New York City public high school youth, seeks to end the ongoing discriminatory practices of the New York City Department of Education (“DOE”), the Public School Athletic League (“PSAL”), and PSAL’s Executive Director, Donald J. Douglas (“Douglas” and collectively, “Defendants”) in granting and supporting interscholastic sports teams for students in New York City’s public high schools.

3. Over the course of many years, Defendants’ policies and practices have denied and continue to deny Black and Latino students, compared to students of all other races, colors, and national origins (subsequently referred to as “race” or “races,” following DOE classifications), the equal opportunity to participate in high school sports teams in the New York City public school system.

4. Compared to other New York City public high school students, Black and Latino students are far less likely to have the chance to play the sports they love, or in which they excel. According to Defendants’ publicly available data, Black and Latino high school students in New York City public schools have significantly less access to sports teams than students of other races. As a result of Defendants’ policies and practices, Black and Latino students are twice as likely as students of other races to lack access to any public high school sports team whatsoever. According to Defendants’ data, 17,323 Black and Latino high school students in the New York Public Schools attend high schools with zero PSAL teams.

5. As illustrated in this graph, which is also attached as **Exhibit A** to the Complaint, high schools with higher proportions of Black and Latino students generally have fewer PSAL sports:



6. When their high schools do field teams, Black and Latino students have fewer choices of sports. The average Black or Latino student in New York public high schools attends a school with 15.6 PSAL teams, while the average public school student of another Race attends a school with 25 PSAL teams. *See Exhibit B.*

7. Unequal access to sports teams for Black and Latino students is the foreseeable consequence of a number of Defendants' practices and policies, including (i) a grandfathering policy that benefits larger, older schools that serve fewer Black and Latino students over the

schools in which Black and Latino students are clustered, (ii) an opaque, discretionary team-granting process under which Defendants continue to grant and deny teams for schools with enrollments of at least 90% Black and/or Latino students (“Segregated Schools”) at rates that result in those Segregated Schools offering fewer teams, sports, and resources than Defendants give to schools with higher proportions of students of other races, (iii) and a policy precluding students from participating on teams at any school program other than the one for the school where they are enrolled—despite Defendants’ awareness that small, predominantly Black and Latino schools created by DOE over the past two decades cannot offer their students a full range of sports teams. This group of policies and practices (hereinafter, the “Discriminatory Practices”) has a disparate impact on Black and Latino public high school students.

8. Defendants have been on notice of the disparate impact of their Discriminatory Practices for years but have failed to take adequate measures to address them. Defendants could avoid the disparate access to sports in the City’s public schools in a number of ways, including by taking more aggressive measures to grant preference to newer and less established schools, modifying their prohibition against playing for another school’s team, being more proactive in making fields and facilities available to newer and smaller schools, and encouraging or providing support for small schools to band together and share PSAL teams. But Defendants have refused to do these things, perpetuating damaging racial disparities.

9. Defendants’ Discriminatory Practices in allocating high school sports resources to Black and Latino students are an ongoing violation of the New York City Human Rights Law, which prohibits discrimination based on race, color, or national origin (“racial discrimination”) in public accommodations such as New York City’s public high schools.

10. Through this lawsuit, Plaintiffs seek injunctive and declaratory relief to end these ongoing and systemic violations of law and achieve equal opportunities for Black and Latino public high school students to play interscholastic sports.

BACKGROUND

11. Plaintiffs are New York City public high school students and a youth-led organization in New York City with the mission to change the unequal distribution of resources such as school sports teams in the New York City public schools. Plaintiffs allege upon personal knowledge as to themselves and their own acts, and upon information and belief as to the acts of others, as follows.

12. The positive impacts of high school sports are far-reaching. High school sports provide opportunities for learning, teamwork, friendship, and community that are central to many students' lives and education. Sports help young people overcome physical and mental health challenges such as obesity, diabetes, depression, anxiety, and attention problems. Participation in organized, school-based extracurricular activities such as team sports strongly correlates to improved student achievement.² Participation and success in high school sports increase opportunities for high school graduation, college admission and financial aid for many students.

13. Every year, public high schools across New York City apply to a centralized DOE-created entity, PSAL, for new sports teams. If PSAL grants a team to a school, PSAL

² See Letter from Catherine E. Lhamon, Assistant Sec'y for Civil Rights, Office of Civil Rights, U.S. Dep't of Educ. (Oct. 1, 2014) (*available at* <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>).

schedules games and competitions; funds the team's coaches, league officials such as referees, and equipment, depending on the sport; and otherwise supports the athletic program.

14. For years, Defendants have maintained—and continue to maintain—policies and practices in their team-granting system that deny Black and Latino students the opportunity to play on the same number and variety of team sports as students of other races.

15. Black and Latino students have less access to nearly every sport PSAL offers compared to students of other races (except for the relatively small or unpopular sports of Coed Double Dutch, Coed Softball, Coed Outdoor Track, and Coed Table Tennis). *See Exhibit C.*

16. Even after controlling for school size, the higher the proportion of Black and Latino students in a school, the fewer sports are available and the more likely it is that the school program's PSAL team applications will be denied.

17. The more segregated the school, the more extreme the disparities in team availability and in granting new teams. Schools composed of ten percent or fewer Black and Latino students had a 91% PSAL team approval rate from 2012 through 2017, while Defendants approved only 55% of the teams requested by schools with 90–100% Black and Latino student enrollment.

18. PSAL consistently disburses funds at a lower rate per Black and Latino student as compared to the per-student funding for students of other races. On average, in fiscal year 2014—the most recent year for which Defendants produced program-level expenditure data in response to a Freedom of Information Law request—Defendants spent 14% less on the average Black or Latino student (\$51.24 per student) than they spent on the average student of another race (\$59.76 per student).

19. These are but a few of the pervasive disparate impacts created by Defendants' Discriminatory Practices, which could be remedied through alternative policies and practices.

20. Defendants are aware of the extent, causes, effects, and prospective solutions to remedy unequal access to high school sports, but have failed to effectively address them.

21. Defendants should be enjoined from perpetuating the Discriminatory Practices and compelled to adopt a fair system for allocating interscholastic competitive sports teams that ensures equal access for New York City's Black and Latino public high school students.

22. Plaintiffs and the class they ask to represent seek declaratory and injunctive relief to end Defendants' Discriminatory Practices and to bring fuller opportunities to Black and Latino public high school students, who demand and deserve equal access to the significant resource of high school sports teams.

PARTIES

23. The Plaintiff Class consists of all Black and Latino New York City public high school students who attend Segregated Schools.

24. Plaintiffs L.P., M.D., A.A., and M.O. are all residents of the Bronx.

25. Plaintiff L.P. is a tenth-grader at Urban Assembly Bronx Academy of Letters ("Bronx Letters"). She is Black. L.P. loves to run competitively and used to run track at her middle school in Atlanta.

26. L.P.'s high school has no track team because of Defendants' Discriminatory Practices, so L.P. cannot train with her high school or participate in PSAL track competitions. L.P. has also played soccer much of her life, but she cannot play soccer because her high school does not have a girls' soccer team due to Defendants' Discriminatory Practices.

27. Plaintiff M.D. is an eleventh-grader at Bronx Letters. He is Latino. M.D. grew up playing volleyball every summer in Puerto Rico, but because his high school has no volleyball team due to Defendants' Discriminatory Practices, M.D. has not been able to compete at his high school in his best sport. M.D. loves sports and has played soccer every fall in high school. This past year he served as the boys' soccer team's captain. He also wanted to play lacrosse, but his high school has no lacrosse team.

28. Plaintiff A.A. is a tenth-grader at Bronx Early College Academy and has played baseball since he was three years old. He is Latino. A.A. has relied on baseball to provide his social structure and to keep him busy and disciplined. His high school offers only one boys' PSAL team: basketball. His high school has applied for, and Defendants have denied, a PSAL baseball team at least three times in the last six years.

29. Because baseball is so important to A.A., his family pays for him to participate in a community baseball program. If A.A. were able to play baseball for his high school, his family would be able to save money that could be used for other needs, including his higher education.

30. Plaintiff M.O. is a tenth-grader at Bronx Early College Academy and loves to play baseball. He is Latino. M.O. wants the opportunity to play baseball in college but knows this will be difficult without extensive practice or competition, or the recognition from college athletic departments that comes from PSAL participation.

31. Plaintiff IntegrateNYC Inc. ("IntegrateNYC") is a youth-led nonprofit membership organization founded in 2014 and incorporated in 2018. IntegrateNYC's mission is to work for racial integration and equity, and to address all forms of segregation by race, in New York City schools. IntegrateNYC has approximately 60 members and regularly works with more than 250 students from across the city. Approximately 80% of the students in

Integrate NYC's are Black and Latino. Many of them are current New York City public high school students without fair access to PSAL teams.

32. Defendant DOE manages the public high schools within New York City. DOE has its headquarters at Tweed Courthouse, 52 Chambers Street, New York, NY 10007.

33. Defendant DOE runs PSAL, extant since 1903, which has a stated mission "to provide opportunities for educating students in physical fitness, character development and socialization skills through an athletic program that fosters teamwork, discipline and sportsmanship."³ Through PSAL, DOE controls the formation and existence of interscholastic sports teams in New York City public schools and distributes all public resources including funding and transportation for competitions. PSAL has its headquarters at 44-36 Vernon Boulevard, Long Island City, New York 11101.

34. Defendant Donald Douglas is the Executive Director of PSAL. In this capacity, he oversees PSAL and its policies, including team granting and denials. As Executive Director, Douglas has the ultimate responsibility for decisions to grant or deny schools' team requests, as well as for designing and carrying out the policies behind granting and denying teams.

JURISDICTION AND VENUE

35. This Court, as a court of general jurisdiction, has subject matter jurisdiction over and is competent to adjudicate the causes of action set forth in this Complaint.

36. This Court has jurisdiction pursuant to Article 30 of the New York State Civil Practice Laws and Rules (C.P.L.R.) § 3001 to grant declaratory relief and § 6001 to grant

³ PSAL: Public School Athletic League, http://www.psal.org/PDF/Miscellaneous/2016_AboutUs.pdf (last visited June 20, 2018).

injunctive relief.

37. Venue properly lies in this Court pursuant to Article 5 of the New York Civil Practice Law and Rules, Sections 504(2) because DOE's offices are located in Manhattan.

STATEMENT OF FACTS

I. DEFENDANTS DENY BLACK AND LATINO STUDENTS IN NEW YORK CITY HIGH SCHOOLS EQUAL OPPORTUNITY TO PLAY SPORTS

A. L.P.

38. Plaintiff L.P. is a Black 16-year-old tenth-grader at Bronx Letters, a segregated public school in the Bronx with 336 high school students.

39. L.P. is a gifted runner and also loves playing soccer, but because her high school lacks girls' track and soccer teams, she does not have access to these sports and is deprived of the accompanying personal, physical, and academic benefits of playing competitive sports.

40. L.P. moved to New York City in August 2017 from Atlanta, Georgia, where she excelled at both soccer and track.

41. While in middle school, L.P. won many trophies for her prowess in her soccer league. She played midfield and enjoyed being on a team, running, competing, and winning.

42. L.P. discovered the joy of competitive running in seventh grade in Atlanta when she began running sprint and hurdles events and found she excelled at track.

43. In ninth grade, still in Atlanta, L.P. attended a public high school that fielded a range of sports teams. Sports were a big part of her school's culture: the school held large pep rallies, and many students participated in a variety of sports including football, basketball, cheerleading, swimming, and wrestling.

44. That year, as a freshman, L.P. played high school basketball during the fall and

ran on her high school's track team in the spring. She made the varsity track team and ran hurdle and sprint events, winning many competitions.

45. Training and competing on her school's track team gave L.P. a lot of confidence, and students at her school recognized her as a track star. She enjoyed the camaraderie she shared with her teammates, who became her friends and a tightly knit community.

46. Running track helps L.P. focus, clear her mind, and organize her thoughts.

47. L.P.'s participation in track connected her to younger girls as a mentor and coach's helper. L.P. felt good being a role model.

48. When L.P. arrived at Bronx Letters in the fall of 2017, she was dismayed to learn that neither girls' track nor girls' soccer was available as a team sport.

49. L.P.'s natural abilities at track could help her earn a college scholarship, but that is substantially less likely, if not impossible, if she is not able to train and compete on a PSAL team because she will not have official high school race times to show college recruiters.

B. M.D.

50. Plaintiff M.D. is Latino and is a sixteen-year-old junior at Bronx Letters.

51. M.D. excels at volleyball and lacrosse, having played both sports recreationally over the summers. Both sports are offered by PSAL and are available to other students across the city—but are not available to M.D. or his friends at Bronx Letters.

52. While M.D. was born in the Bronx, his entire extended family lives in Puerto Rico. Until recently, M.D. spent every summer there, playing volleyball with his cousins, some of whom are professional players. M.D. loves the game. He is a strong player and can hold his own with his professional-level cousins. He wants to play volleyball competitively but has never had the chance. When M.D. discovered that nearly 100 schools in New York City field PSAL

boys' volleyball teams, he asked his athletic director if Bronx Letters' program could as well.

Bronx Letters' program applied for a boys' volleyball team for 2016-2017; Defendants denied that team request.

53. Playing on a high school volleyball team could help M.D. join a college team or even earn a scholarship to college. Playing regularly with a high school team would allow him to stay in the best condition and to hone his skills.

54. Playing on a volleyball team would also help M.D. focus more on his schoolwork. M.D. plays soccer in the fall and, incentivized by PSAL rules that tether student play to attendance, his attendance record is best during soccer season. Playing sports also gives M.D. more energy throughout the day.

C. A.A.

55. Plaintiff A.A. is Latino and a fifteen-year-old freshman at Bronx Early College Academy ("BECA"). According to DOE's most recent demographic snapshot, BECA is a highly segregated school with 270 high school students. BECA offers only three PSAL teams: boys' basketball, girls' basketball, and girls' volleyball. A.A. is a committed and talented baseball player, but PSAL has denied BECA's requests for a baseball team at least three times in the last six years, depriving A.A. and his classmates of the chance to play on a high school team.

56. A.A. was born in Puerto Rico, where he started playing baseball in a preschool program at age three. He moved to New York City and continued to play baseball in community baseball programs.

57. A.A. plays shortstop and pitcher. He is a particularly talented pitcher, with a notable fastball.

58. Because BECA has no baseball team, A.A.'s family pays for him to play baseball

through a community-based organization that runs a league for kids aged four through seventeen.

A.A.'s family members make sacrifices to pay for him to participate in this program because they know how important baseball is to him.

59. Playing on a team has taught A.A. the importance of teamwork and building comradery, and that everyone is stronger and better when they work together.

60. Playing baseball is like medicine for A.A. It helps him manage his emotions and takes his mind off problems in his life. His mother died a few months ago and being able to get onto the field with his team helps him cope with this loss.

61. If BECA had a baseball team, it would save A.A.'s family money and help create a realistic possibility for him to continue playing baseball in college. Lack of opportunity to compete on a PSAL team at the interscholastic level—caused by Defendants' Discriminatory Practices—diminishes A.A.'s opportunity to be exposed to college athletic departments.

62. Playing on a PSAL team would also give A.A. an incentive to keep his grades up, to meet PSAL's academic requirements.

D. M.O.

63. M.O. is Latino and a sixteen-year-old sophomore at BECA. M.O. has played baseball since he was in second grade through nonprofit organizations that provide sports to students who have few options at their schools. M.O. is very serious about baseball but has no opportunity to play at his high school.

64. Because PSAL denied BECA's applications for a baseball team in three of the past six years, M.O. has to rely solely on outside, extracurricular programs to continue playing. M.O.'s mother has to pay significant fees for him to participate in these programs.

65. Playing baseball brings M.O. a sense of community and comradery.

66. PSAL baseball would challenge M.O. to play on the level that would allow him to make a college team, and playing baseball on a PSAL team is M.O.'s best opportunity to generate high school statistics for athletic scholarships.

E. Statistical Evidence Shows Stark Racial Disparities in Availability of Sports Teams for Black and Latino Students

67. Black and Latino high school students in New York City public schools have less access to sports teams than their peers of other races.

68. Black and Latino students are more than twice as likely as students of other races to attend a New York City public high school offering no PSAL team opportunities whatsoever.

69. There are approximately 219,039 Black and Latino high school students in New York City public schools. Approximately 7.9% of Black and Latino students in the city are currently enrolled at schools with no PSAL teams—more than twice the rate for students of other races (3.4%). *See Exhibit B.* Of the approximately 20,800 students who attend a school with no PSAL teams, 83.5% are Black and Latino. This is substantially different from the city's overall demographics, where Black and Latino students make up 68.3% of New York City public school's 320,502 high school students.

70. On average, a Black or Latino student in New York City's public high schools attends a school with nearly ten fewer teams than students of other races. The average Black or Latino student attends a school with 15.6 PSAL teams, whereas the average student of another race attends a school with 25 PSAL teams. *See Exhibit B.*

71. High schools with the lowest percentage of Black and Latino students offer the most teams in the school system. Students in schools with 0–10% Black and Latino enrollment have, on average, 42 PSAL teams available to them. *See Exhibit A.*

72. In contrast, high schools with the highest percentage of Black and Latino students offer the lowest number of teams. Students in schools with 90–100% Black and Latino enrollment have, on average, ten PSAL teams. The most Segregated Schools, with 95–100% Black and Latino enrollment, have only seven PSAL teams on average. *See Exhibit A.*

73. For example, Harlem Renaissance High School in Manhattan, is 96% Black and Latino, and has no PSAL teams. Crotona International High School in the Bronx is 97% Black and Latino, is part of the Dodge Campus, but, even when combined with the three other schools on the campus, only has access to four PSAL sports teams. Bronx Letters is 96% Black and Latino and has access to six PSAL teams. In Brooklyn, Bedford Academy, which has eleven white students and 320 Black and Latino students, offers only basketball as a PSAL sport.

74. Black and Latino students have less access than students of other races to every single PSAL sport, with only four exceptions (Coed Double Dutch, Coed Softball, Coed Table Tennis, and Coed Outdoor Track). These four exceptions are the least popular sports in the city as a whole, in large part because non-Segregated Schools generally have access to single-sex versions of the same sports. *See Exhibit C.*

75. The effect of discrimination in access to PSAL sports is present even after controlling for differences in school size: regardless of size, the percentage enrollment of Black and Latino students in a high school negatively correlates to the number of PSAL opportunities.

76. In addition to the existing disparity in availability of teams, PSAL grants applications for new teams at lower rates to schools with higher Black and Latino enrollment. From 2012 through 2017, PSAL granted schools with 0–10% Black and Latino enrollment 91%

of the teams for which they applied, while PSAL granted schools with 90–100% Black and Latino enrollment only 55% of the teams for which they applied.

77. A multi-year analysis of PSAL’s denial rates shows that schools with higher percent of Black and Latino students had their applications denied at higher rates, even after controlling for factors such as school size, team cost, application year, and number of other team requests. The analysis shows that a ten-percent increase in Black and Latino enrollment decreases the likelihood of a school’s application being granted by 2.6%.

78. According to the most recent data made available through Freedom of Information Law requests (FY 2014), PSAL also disproportionately allocates per capita spending by race. The average allocation of PSAL funds is \$51.24 per Black or Latino student versus \$59.76 per student for other races. Thus, the average Black or Latino student is allocated 14% less in PSAL resources on a per capita basis.

F. IntegrateNYC’s Fight for Equal Resources for All Students

79. IntegrateNYC is a membership organization whose members include current and former New York City public high school students. IntegrateNYC works with students to become engaged leaders in education reform, to investigate school segregation, and to pursue solutions leading to school integration.

80. IntegrateNYC’s Constitution aims for the “NYC DOE [to] recognize[] the inequalities in sports access across race and work[] with students to redesign a system that makes

all PSAL sports accessible to all students.”⁴

81. IntegrateNYC’s five action committees within the Youth Council, its main organizing body, are : (i) Enrollment, (ii) Resource Allocation, (iii) Relationships Across Group Identities, (iv) Restorative Practice, and (v) Teacher Representation.

82. The Resource Allocation committee seeks to address the inequitable distribution of DOE resources across all New York City schools.

83. Stewarded by IntegrateNYC’s student leaders, the Resource Allocation committee engages in community organizing to raise awareness of differences in resource allocation and develops policy proposals to address lack of access to resources—from up-to-date textbooks, to kitchen equipment and lunch quality, to music and arts programs, to afterschool sports.

84. Many of IntegrateNYC’s student members do not have access to the sports they want to play at their schools and are motivated by this inequity to advocate for change.

85. Plaintiff M.D. is an active member and student leader in IntegrateNYC and, with other student leaders, has met with elected officials to support legislation that would require increased transparency and reporting on resource allocation in afterschool sports.

86. IntegrateNYC’s Resource Allocation Committee also created a youth action research project that asked students across New York City to take a photo while holding a sign showing the number of PSAL sports teams in their schools, to illustrate the disparities in a visual manner, since all of that information is not publicly available for easy comparison.

⁴ Real Integration, IntegrateNYC, <https://www.integratenyc.org/realintegration> (last visited June 20, 2018).

87. In an effort to counteract the effects of Defendants' discriminatory conduct, prior to the filing of this action, IntegrateNYC diverted resources and staff from other activities to investigate, document, and respond to Defendants' Discriminatory Practices.

88. IntegrateNYC has conducted student education outreach efforts, prior to this filing, to raise awareness of the discriminatory allocation of PSAL resources in New York City. All of these activities have burdened IntegrateNYC's limited resources.

89. IntegrateNYC has expended staff and member time to communicate and coordinate with students and community members, prior to the filing of this lawsuit, to organize and advocate for greater equity in the distribution of sports team resources.

90. IntegrateNYC has foregone advocacy in other areas of its mission in order to focus on sports equity.

91. IntegrateNYC's mission is frustrated when Defendants allocates resources for sports teams in a manner that has a discriminatory, disparate impact on students by race.

92. Defendants' Discriminatory Practices have frustrated and continue to frustrate IntegrateNYC's mission of achieving the equal allocation of resources including sports teams to all New York City public high school students.

93. As a direct and proximate result of Defendants' discriminatory practices described above, IntegrateNYC has suffered and will continue to suffer a diversion of its resources and a frustration of its mission.

94. In this lawsuit, IntegrateNYC represents its individual members, who suffer the same harms as the individual Plaintiffs and putative class members in this case.

95. At least one of IntegrateNYC's individual members would have standing to bring this suit.

96. IntegrateNYC's holds as one of its central, mission-based goals to obtain equal allocation of resources such as sports teams for Black and Latino students who attend New York City high schools, which are exactly the interests that this lawsuit seeks to vindicate.

97. IntegrateNYC's members are harmed by the Defendants' Discriminatory Practices because they are denied equal access to the resource of sports teams by Defendants' discriminatory acts and the perpetuation of unequal opportunities to students because of race.

98. Plaintiffs' claim that the Defendants' Discriminatory Practices violate the NYCHRL does not require the participation of any individual member of Integrate.

99. As a direct and proximate result of Defendants' Discriminatory Practices described above, IntegrateNYC has suffered and will continue to suffer an injury to at least one of its members who are harmed by Defendants' Discriminatory Practices.

100. IntegrateNYC seeks injunctive relief in this action that, if granted, will remedy the harms to IntegrateNYC's members by eliminating Defendants' Discriminatory Practices and increasing the access of Black and Latino high school students to sports teams.

101. IntegrateNYC seeks injunctive relief to require Defendants to adopt alternative, available policies and practices for allocating high school sports teams that will not disparately impact Black and Latino students, and will thereby achieve IntegrateNYC's mission.

II. DEFENDANTS CAUSE UNEQUAL ACCESS TO SPORTS IN NEW YORK CITY

A. PSAL Control of High School Sports

102. Defendants control all necessary approvals and funding for New York City public high school interscholastic sports.

103. When Defendants grant a team, PSAL pays the salaries for the coaches and the

Athletic Director, and confers a number of additional benefits: assistance and facilitation in setting up games and competitions—including paying for referees, umpires, and officials; training for coaches; transportation costs for away games; health insurance coverage for student athletes; a stipend to help cover miscellaneous costs like facility rental and field permits; and access to equipment like heart defibrillators. Depending on the sport, PSAL may provide additional funding to help cover equipment costs.

104. If PSAL denies a team, students at the school have no opportunity to play that sport at the interscholastic level.

105. PSAL provides programs in 33 different sports. Including boys, girls, coed, varsity and junior varsity versions of all sports, the total number of possible teams is 55.

B. Defendants' Discriminatory Practices

106. Defendants' Discriminatory Practices produce a disparate impact to the detriment of Black and Latino students, who are denied equal opportunity to participate on sports teams in New York City's public schools through the facially neutral policies of, *inter alia*, (i) “grandfathering” established teams; (ii) maintaining an opaque and discretionary team-granting system under which Defendants continue to grant applications from Segregated Schools at a lower rate than at schools with higher percentages of students of other races; and (iii) preventing students from participating on PSAL teams outside the school where they are enrolled, despite the reality that small, predominantly Black and Latino schools created by DOE over the past two decades lack the enrollment and the teams to offer their students the full range of opportunities.

1. Grandfathering Locks in Historic Inequality

107. Once Defendants have granted a team to a school, that team is “grandfathered” in perpetuity—meaning it automatically continues to exist in all subsequent seasons—so long as

enough students try out each year for the school to field a team.

108. Defendants' grandfathering process favors established schools—many of which have fewer Black and Latino students—that have had teams for many years, and disfavors newer schools, most of which have predominantly Black and Latino student enrollment.

109. The grandfathering process means that PSAL's budget is largely allocated for any given year before applications for new teams are even considered. Each year, the bulk of PSAL's budget goes to those long-established teams, which are disproportionately fielded by schools with relatively low Black and Latino enrollment.

110. As a result, predominantly Black and Latino schools with fewer or even no teams are relegated to competing for a smaller and more limited portion of the budget and other resources.

111. Defendants' grandfathering policy has built and continues to build inequity into the New York City public high school sports team system.

2. Opaque and Discretionary Team-Granting Process Hinders Equitable Distribution of Remaining Resources for New Teams

112. PSAL's internal process for reviewing applications and deciding to grant or deny teams is opaque and largely discretionary, accommodating arbitrary and/or discriminatory team granting decisions.

113. Schools that do not already have a particular team may apply for a new team in the time period leading up to the relevant season. Athletic directors, principals, or other administrators at New York City public high schools apply for sports teams through the PSAL website, www.psal.org, using a request form. The form asks basic Yes/No questions, and asks the applicant to indicate how many students are interested in playing on the new team.

Schools must fill out a separate form for each team requested.

114. PSAL does not regularly provide notice to DOE public high schools of the availability of expanded school sports teams. In fact, frequently, *no* notice is provided that a school may apply for a team for an upcoming season or that PSAL has expanded its offerings to include new sports or existing varsity sports at the junior varsity level.

115. For example, in January of 2016, PSAL ran a junior varsity soccer program for the first time. PSAL did not give notice to all DOE high schools that they could apply for this program. There was also no centralized manner for schools to learn about this new team offering. When the schedule for JV Soccer was announced, the program consisted of 20 teams, all of which came from schools that already had a large number of teams.

116. PSAL provides on its website a date by which it will let schools know whether or not they have been granted a team they have applied for. However, that date often passes without a response from PSAL. Often, PSAL does not respond at all.

117. When a team is granted, PSAL provides notice to the school and schedules that team for interscholastic competition.

118. If PSAL denies a team, the high school's students are unable participate or compete in that sport.

119. PSAL has not followed any standard procedure when it denies a team. Sometimes it sends a form email that does not give a particularized reason for the denial, other than listing PSAL's vague "criteria" and "goals." In other instances, PSAL sends no response whatsoever to schools denied teams.

120. Without any specific reasons given for denials, Defendants have deprived schools denied teams of guidance for how to amend or tailor future applications to yield greater success,

hindering reapplication. Defendants historically have not communicated PSAL's criteria for granting teams on the PSAL website or in any other publication available to schools.

121. In response to external pressure, last year Defendants posted "New Team Request Procedures for 2018-2019" online, listing five criteria for granting new teams: (1) compliance with Title IX by ensuring that the ratio of male and female teams at a school reflects the enrollment of males and females in the school population; (2) prioritizing "smaller and otherwise underserved schools with enrollment of fewer than 650 students"; (3) requiring that the applying school demonstrate both student interest in the team and facilities to support the team requested; (4) requiring the applying school to commit to hiring a teacher as a coach who is willing to be trained; and (5) requiring the applying school to financially support the team by providing uniforms and equipment.

122. However, PSAL still fails to provide meaningful information about how Defendants' stated criteria are applied in team grants and denials.

123. For most of the past decade, Defendants have further entrenched inequities by denying teams to Segregated Schools at five times the rate they have denied teams to schools with the highest enrollment of students of other races.

3. PSAL's School or Campus-Based System of Allocating Teams Fails Segregated Small Schools Unaffiliated With a Campus

124. Defendants, with rare exception, consider each school or campus to function in isolation when applying for high school sports teams.

125. Outside of so-called "campus programs," which serve more than one school located in the same building or which are otherwise a shared program, PSAL does not facilitate or encourage schools to share teams or partner with one another to meet their students' interests.

126. In fact, PSAL prohibits students from participating in a sports team at a school where they are not registered as a full-time student. PSAL's "Student Eligibility Rules and Regulation," Rule 4, reads, "A student-athlete may ONLY participate for the school in which he/she is registered as a full-time student."⁵ If a school cannot field a team, its students may not participate in that sport through another school, leaving them with no ability to play at the interscholastic level.

127. In addition, certain team sports, such as football, require large numbers of students as well as specific resources and space. These very popular sports are largely denied to New York City's Black and Latino students. Because Black and Latino students are disproportionately concentrated in smaller high schools, this individual school/campus-based policy contributes to Black and Latino students having less access to sports as compared to students of other races in the New York City public school system.

128. Where a school has been granted a team, but does not have enough student interest to field a roster for a given season, it is forced to drop that team not only for the current season, but unless and until the school reapplies for the team and it is granted.

129. As a result, even if a school is granted a team it is often at risk of losing it, since Defendants do not permit the school to keep that team unless it can field an entire roster every playing season. Once a school loses a team, it must start the application process all over again.

130. For example, Bronx Letters was granted a girls' indoor track team for the 2016-2017 winter season. A minimum of 12 students is required to fill out a Girls Indoor Track roster.

⁵ PSAL, PSAL Student-Athlete Eligibility Rules and Regulations, (October 24, 2014), <http://www.psal.org/articles/article-detail.aspx?21581> (last visited June 20, 2018).

PSAL dropped the Bronx Letters indoor track team when fewer than 12 girls showed up regularly for practice that year, without flexibility to allow the school to build more interest in coming years.

131. Small schools—defined here as those with fewer than 650 students—are disproportionately affected by this policy because they often face challenges filling a team roster given their lower enrollment.

132. Because of Defendants’ team-dropping policy, a decrease in student interest during a single season will impact the school’s ability to offer the sport in the future unless PSAL grants a new request.

133. Defendants do not make any effort to assist small schools in finding ways to fill a roster, such as partnering with other schools.

C. PSAL’s Policies Ignore the Realities of New York City’s Overwhelmingly Segregated Small Public High Schools

134. Defendants’ discriminatory distribution of resources results in part from Defendants’ failure to revise their policies after DOE’s closure of at least forty large, disproportionately segregated high schools judged to be performing poorly during the Bloomberg administration. In their place, DOE opened hundreds of new, small schools, also disproportionately segregated. Most of the schools opened during the past fifteen years to replace shuttered high schools have fewer than 450 students under a policy that emphasized creating smaller schools.

135. As the New York Times has described it, “About 20 years ago, New York began dismantling many of the megafactory high schools with 4,000 or more students, which were not able to prepare their students for the world. The large schools that survived were doing well, and

had larger populations of white students. The traditional way of providing sports programs — the P.S.A.L. system — did not keep up with the expanding number of small schools.”⁶

136. As a result of these changes, from 2012–2017, New York City public high schools where Black and Latino students were not predominant were, on average, approximately twice the size of other public high schools. Defendants’ policies that make viability of sports teams dependent on the size of schools thus contribute to a disparate impact on Black and Latino students.

137. In light of the challenges posed to smaller Segregated Schools seeking PSAL teams, a handful of small schools have sought to band together to create “umbrella programs” for the purpose of fielding PSAL teams. Several years ago, Suzy Ort, a vice principal at Central Park East High School in East Harlem, created East Harlem Pride, the first “umbrella program” to be granted teams by PSAL. East Harlem Pride is composed of six schools in close proximity, and students at the six schools now have access to 16 PSAL teams.

138. Only one similar program exists, called Bronx United—an umbrella program started by sports equity activist and teacher David Garcia-Rosen at Bronx Letters. In the fall of 2016, PSAL agreed to start granting teams to Bronx United, and the number of teams students at the three schools composing Bronx United had access to doubled in one year from two to four. A year later, the number nearly doubled again to seven.

139. But PSAL continues to deny Bronx United sports like junior varsity boys’ basketball, cross country, or volleyball—even when there is enough interest to field a team.

⁶ Dwyer, *supra* note 1.

140. Although these individual efforts to create umbrella programs suggest one roadmap to help address sports inequities for Black and Latino students, Defendants have made no efforts to support, replicate, or more broadly adapt this idea.

III. WHY SPORTS TEAMS MATTER: THE INJURY INFLICTED AND BENEFITS DENIED TO BLACK AND LATINO STUDENTS

141. City officials, medical professionals, academics, and education professionals acknowledge that students who participate in school sports benefit across the board. Playing on sports teams contributes to health, emotional wellbeing, and developmental advantages for teenagers—benefits to which plaintiffs and the putative class lack equal access due to Defendants’ Discriminatory Practices.

142. As Eric Goldstein, chief executive of Defendant DOE’s Office of School Support Services, which oversees PSAL, acknowledged in 2015, “Playing sports helps kids stay healthy and teaches them valuable lessons about teamwork, sportsmanship, and achievement.”⁷

143. Children involved in sports at an early age are one-tenth as likely to become obese, have a 15% higher chance of going to college, and are more productive as adults than children who do not play sports.⁸

144. Those who participate in high school sports and remain physically active have a

⁷ See Chancellor Fariña Announces Expansion of Public Schools Athletic League, Increasing Number of Girls’ and Small Schools Teams (Sept. 2, 2015), *available at* <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2015-2016/Chancellor+Fari%C3%B1a+Announces+Expansion+of+Public+Schools+Athletic+League+Increasing+Number+of+Girls+a.htm>

⁸ Alice Lee, The Aspen Institute, “7 Charts that Show the State of Youth Sports in the US and Why it Matters” (Feb. 24, 2015), <https://www.aspeninstitute.org/blog-posts/7-charts-that-show-the-state-of-youth-sports-in-the-us-and-why-it-matters/> (last visited June 20, 2018).

lower incidence of heart disease, stroke or cancer and, consequently, face lower health care costs in their lifetimes.⁹

145. Sports have been shown to combat the higher incidences of obesity among Black and Latino communities.¹⁰

146. Involvement in high school sports also reduces the likelihood that teenagers will use drugs.¹¹

147. Participants in high school sports have higher levels of social support, and the sense of community created with teammates, coaches, and family members incubates the development of self-esteem.¹²

148. Team sports can enhance short-term relaxation, promote increased concentration, better memory, enhanced creativity, more effective problem solving, and improved mood.¹³

149. Plaintiffs L.P. and M.D. both emphasize that they have an easier time focusing on

⁹ See Ratey, J.J. and Hagerman, E., *Spark: The Revolutionary New Science of Exercise and the Brain* (Little, Brown & Company, 2014); Moore, L., *et al.*, “Does Early Physical Activity Predict Body Fat Change Throughout Childhood?”, *Preventative Medicine*, 37:10-17 (2003); Staurowsky, E.J., Women’s Sports Foundation, “Her Life Depends on It: Sports, Physical Activity and the Health and Well-Being of American Girls and Women” (2009); Grissom, J., “Physical Fitness and Academic Achievement,” *Journal of Exercise Physiology*, 8(1), 11-25 (2005).

¹⁰ Merkel, D.L., “Youth Sport: Positive and Negative Impact on Young Athletes” (2013), *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3871410/>.

¹¹ Pate, R., Trost, S., Levin, S., & Dowda, M., *Sports Participation and Health-Related Behaviors Among US Youth*, THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION (2000), *available at* <https://jamanetwork.com/journals/jamapediatrics/fullarticle/351023>.

¹² Collins, Dr. Nandini Mathur, *Effects of Early Sport Participation on Self-Esteem and Happiness*, THE SPORT JOURNAL (Jan. 11, 2018), *available at* <http://thesportjournal.org/article/effects-of-early-sport-participation-on-self-esteem-and-happiness/>.

¹³ Canadian Fitness and Lifestyle Research Institute, *The Case for Quality Daily Physical Education*, <http://www.cflri.ca/sites/default/files/node/789/files/rf9302.pdf> (last visited June 20, 2018).

their classes when they can play their sports. Research has also shown that teenagers who play sports experience improved concentration and classroom behavior.¹⁴

150. Research shows that students who participate in school sports have a decreased rate of juvenile arrests, teen births, school dropout rates, drug use, depression, and suicide.¹⁵

151. Teenagers who play sports also have an advantage in being prepared for college and adulthood, as team sports provide an opportunity to improve communication, cultivate leadership, teach time management, and hone teamwork and collaboration skills.¹⁶

152. A 2007 study revealed that women who played sports in high school were 73% more likely to earn a college degree within six years of graduating school. This was true for women from disadvantaged backgrounds.¹⁷

153. These benefits are just some of the documented advantages that, due to the Discriminatory Practices and the unequal access to play on a sports team, the Defendants provide unequally, imposing a disparate impact upon Black and Latino high school students.

¹⁴ Centers for Disease Control and Prevention, “The association between school based physical activity, including physical education, and academic performance” (2010), *available at* https://www.cdc.gov/healthyyouth/health_and_academics/pdf/pa-pe_paper.pdf.

¹⁵ See The Aspen Institute, “State of Play 2017: Trends and Developments,” <https://assets.aspeninstitute.org/content/uploads/2017/12/FINAL-SOP2017-report.pdf> (last visited June 20, 2018); The Aspen Institute, “Physical Literacy in the United States,” <http://plreport.projectplay.us/> (last visited June 20, 2018).

¹⁶ See Kniffin, K., Wansink, B., & Shimizu, M., “Sports at Work: Anticipated and Persistent Correlates of Participation in High School Athletics,” *Journal of Leadership & Organizational Studies*, 217-30 (2014).

¹⁷ Mueller C., *Racing to a degree: high school sports help girls earn college diplomas*, US NEWS WORLD REP., 143(4):32 (2007).

IV. DEFENDANTS' LONGSTANDING KNOWLEDGE OF INEQUITY IN ACCESS TO HIGH SCHOOL SPORTS

154. Defendants compiled much of the data referenced in Plaintiffs' complaint, yet despite Defendants' longstanding knowledge of inequitable access to high school sports teams for Black and Latino students, Defendants have failed to remedy the problem.

155. The reality of unequal access to sports programming in New York City's public high schools has been widely acknowledged for decades. For example, in 1999 the New York Times reported on the disparities of the system in a series of articles titled "Dropping the Ball."¹⁸

156. David Garcia-Rosen, now a dean at Bronx Letters, has for years sought PSAL teams for his students. After a number of his team requests were denied, he spent hours studying data on interscholastic sports opportunities for students at small public high schools in New York City.

157. Rosen presented these findings to Defendant Douglas, Chief Executive Goldstein, then-Deputy Schools Chancellor Kathleen Grimm, and other members of PSAL in various meetings in 2013.

158. In May 2014, NYC Let 'Em Play, an organization started by Rosen, filed a civil

¹⁸ Kirk Johnson, "Separate but Unequal: 2 Schools' Tales," *N.Y. Times* (Jan. 14, 1999), available at <https://www.nytimes.com/1999/01/14/sports/separate-but-unequal-2-schools-tales.html>; Kirk Johnson, "Dropping the Ball: The Decline of School Sports; Working to Preserve a Vanished World," *N.Y. Times* (Jan. 15, 1999), available at <https://www.nytimes.com/1999/01/15/sports/dropping-ball-decline-school-sports-working-preserve-vanished-world.html>; Kirk Johnson, "Dropping the Ball: The Decline of School Sports; Making a Difference, a Playground at a Time," *N.Y. Times* (Jan. 15, 1999), available at <https://www.nytimes.com/1999/01/15/sports/dropping-ball-decline-school-sports-making-difference-playground-time.html>.

rights complaint with the United States Department of Education against PSAL, alleging that it was racially discriminating in violation of Title VI of the Civil Rights Act of 1964. The New York Times called Defendants' response to this complaint a "statistical delusion," because it asserted that if a school fields a team in a single sport, every student in the school is counted as having access to PSAL.

159. Members of the New York City Council have proposed several pieces of legislation that purport to shed light on inequities in PSAL team access for Black and Latino students, most recently Intro 242-A in 2018.

160. For a number of years, the principal of Park Slope Collegiate ("PSC"), a Brooklyn high school, has repeatedly complained to DOE about the lack of equal access to sports teams for PSC students on the basis of race. PSC students, parents, and community members also have protested and continued to object to Defendants' discriminatory conduct at PSC and in 2017 received widespread media coverage of their concerns.

161. Despite Defendants' knowledge that their Discriminatory Practices have resulted in Black and Latino students having far less access to high school sports, they have not meaningfully addressed the problem.

162. Since 2014, PSAL has overseen a subsidiary league called the Small Schools Athletic League (SSAL). As described on the PSAL website, the SSAL provides a "transitional stage" for new "developmental" teams at schools that do not currently offer that sport.¹⁹

163. The teams allocated through the SSAL do not compete with teams in the PSAL,

¹⁹ http://www.psal.org/PDF/Miscellaneous/2014_DOE%20Small%20Schools%20Final.pdf

so student athletes on those teams do not have the same robust competitive sport experience as athletes on PSAL teams. SSAL offers fewer sports, and on average SSAL teams play far fewer games per season than PSAL teams -- and sometimes they play no games at all. In fact, teams in the SSAL receive less funding than PSAL teams for the same sport. Defendants fund developmental teams for two-thirds of the coaching hours they fund for PSAL teams of the same sport. Student athletes on an SSAL team therefore receive less access to coaching, training, and DOE funding than their PSAL counterparts.

164. The SSAL does not rectify the disparity identified in this complaint. Even considering the teams granted through the SSAL program, as all of Plaintiffs' statistics do, Defendants' policies continue to discriminate against Black and Latino students.

V. PSAL COULD ADOPT ALTERNATIVE POLICIES THAT RESULT IN LESS DISCRIMINATORY OUTCOMES, BUT HAS FAILED TO DO SO

165. Feasible alternatives exist to address the discriminatory impact of the Discriminatory Practices on Black and Latino students.

166. Defendants have failed to adopt these alternative, available practices, although they are aware of them and could do so.

167. For example, PSAL could mandate that every small New York City public high school be considered part of an "umbrella program" with co-located or nearby schools, and facilitate groupings of approximately the same number of eligible students. PSAL could grant each program an equal number of PSAL teams, so that every New York City public high school student, regardless of race, would have fair access to school sports.

168. DOE could also facilitate the sharing of field and court space for afterschool sports competitions to give access to students at schools that do not have their own fields and

courts.

169. Even one small change in the Discriminatory Practices, to permit students who lack teams at their own school to try out for and play on teams at nearby schools, would increase access to sports teams for Black and Latino students.

170. Alternative, available policies and practices with less disparate impact are available to Defendants to level the playing field for Plaintiffs and the putative class.

VI. CLASS ALLEGATIONS

171. Paragraphs 1 through 170 are incorporated by reference as if set forth fully herein.

172. Plaintiffs bring this class action pursuant to Article 9 of the New York Civil Practice Law and Rules on behalf of all Black and Latino New York City public high school students who attend Segregated Schools.

173. The Plaintiff Class consists of all Black and Latino New York City public high school students who attend Segregated Schools.

174. The class is so numerous that joinder of all members is impractical. Thousands of Black and Latino students attend segregated New York City public high schools.

175. There are questions of law and fact common to the class: (1) whether Defendants have engaged in the Discriminatory Practices as alleged in this complaint; (2) whether the Discriminatory Practices violate the rights of Plaintiffs and the putative class under the New York City Human Rights Law; (3) whether the Defendants' Discriminatory Practices have a disparate impact on Plaintiffs and the putative class in violation of the New York City Human Rights Law; (4) whether there are policies and practices with less disparate impact available to Defendants for allocating high school sports teams; and (5) what relief is

required to remedy the violations of law by Defendants alleged in this complaint. These common questions predominate over questions affecting only individual class members.

176. The claims of the class representatives, each of whom is a Black or Latino student attending a New York City public high school affected by the Defendants' high school sports team Discriminatory Practices, are typical of the claims of the putative class members of Black and Latino New York City public high school students who attend Segregated Schools, and by pursuing their own interests the class representatives will advance the interests of the absent class members.

177. The class representatives will fairly and adequately protect the interests of the class. There are no conflicts of interest between the class representatives and the absent class members. The class representatives will vigorously prosecute this action on behalf of the class, and the class representatives have retained counsel competent in this type of litigation.

178. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Since class members are students, individual class members are unlikely to bring separate actions. Moreover, prosecution of separate actions would lead to duplicative lawsuits and the risk of inconsistent judgments and would unduly burden the courts.

179. Defendants have consistently acted and refused to act in ways generally applicable and common to the class, such that final declaratory and injunctive relief with respect to the class as a whole is appropriate.

CLAIMS FOR RELIEF**FIRST CAUSE OF ACTION****VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW**

(Title 8 of the Administrative Code of the City of New York)

180. Plaintiffs reincorporate the previous allegations as if fully set forth herein.

181. Defendants DOE and PSAL, as providers and managers of public accommodations to public school students in the City of New York, and Defendant Douglas, as a manager, agent or employee of a provider of public accommodations, are subject to the requirements of the New York City Human Rights Law (Title 8 of the Administrative Code of the City of New York).

182. Under the NYCHRL § 8-107(4)(a), Defendants may not refuse, withhold from or deny to any person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation because of that person's race, color, or national origin.

183. Under NYCHRL § 8-107(17), Defendants may not promulgate and/or enforce policies or practices resulting in a disparate impact to the detriment of plaintiffs and the proposed class.

184. Defendants' policies and practices related to access to and benefits of public high school sports teams that Defendants provide, sanction, organize, and fund have withheld and denied, and continue to withhold and deny, Plaintiffs and the putative class certain accommodations, advantages, facilities, and privileges related to school sports teams on account of race, color, or national origin, and in violation of NYCHRL § 8-107(4)(a).

185. Defendants have maintained and continue to maintain the Discriminatory Practices, which are a group of policies or practices that result in a disparate impact to the detriment of Plaintiffs and the putative class, in violation of NYCHRL § 8-107(17).

RELIEF SOUGHT

WHEREFORE, Plaintiffs, on behalf of the Class and themselves, request the following relief as against Defendants:

1. An order certifying this suit as a class action pursuant to New York CPLR Section 901;
2. A judgment declaring that Defendants violated the Plaintiffs and class members' rights under the New York City Human Rights Law by virtue of their conduct alleged in this action and that Defendants' actions continue to cause these ongoing violations of Plaintiffs and the putative class' rights;
3. A permanent injunction enjoining the Defendants from their ongoing violation of the New York City Human Rights Law; halting the Discriminatory Practices; ordering Defendants to adopt alternative, available policies and practices for allocating and granting sports teams to New York City public high schools in order to ameliorate disparate impact on Black and Latino high school students; and entering all necessary and appropriate injunctive relief including but not limited to policies, practices, procedures, training, supervision, and monitoring to end the ongoing violation of the New York City Human Rights Law;
4. An order awarding Plaintiffs reasonable attorneys' fees, together with the costs and disbursements of this action, pursuant to NYCHRL Section 8-107, and the inherent powers of this Court; and

5. Such other and further relief that may be just and proper.

Dated: June 21, 2018

New York, NY

NEW YORK LAWYERS FOR THE PUBLIC INTEREST, INC.

By: /s/ Melissa Iachan

Melissa Iachan
Shiva Prakash
Rachel Spector
Hayley Gorenberg

151 West 30th Street
11th Floor
New York, NY 10001
212-244-4664

PATTERSON BELKNAP WEBB & TYLER LLP

By: /s/ Aron Fischer

Aron Fischer
Maren J. Messing
Terra Hittson
Jeffrey Hughes

1133 Avenue of the Americas
New York, NY 10036
212-336-2363

EMERY CELLI BRINCKERHOFF & ABADY LLP

By: /s/ Katherine Rosenfeld

Katherine Rosenfeld
600 Fifth Avenue, 10th Floor
New York, NY 10020
212-763-5000