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**State's Highest Court Rules Department of Education Acted
Unfairly in Denying Employment to Clerical Aide with Past Criminal Record**
***Ruling Rejects DOE's Practice of Denying Employment Clearance to
Non-Pedagogical Workers with Criminal Records Despite Clear Proof of Rehabilitation***

New York, NY-- The New York State Court of Appeals ruled yesterday that the New York City Department of Education (DOE) acted in an arbitrary and capricious manner in denying employment clearance to a 31-year-old administrative assistant who worked for a DOE contract agency because of a 13-year-old criminal conviction record. The ruling rejects the DOE's unlawful practice of denying employment to people with criminal histories without a specific basis for finding them to be a danger to the program or school involved, and affirms an Appellate Division decision on the case.

Madeline Acosta, now 35, married and the mother of a six-year-old son, was employed by the Cooke Center for Learning and Development, a non-profit organization that contracted with the DOE to provide special education services, as a part-time administrative assistant in 2006. As part of the DOE's security clearance procedure, Ms. Acosta acknowledged her previously disclosed criminal record. As a 17-year-old high school senior, Ms. Acosta was coerced by an abusive boyfriend to accompany him in several armed robberies. She was arrested and spent four years in prison.

Ms. Acosta complied with every request for information from the DOE, and presented abundant documentation of her rehabilitation. In prison, Ms. Acosta completed high school, took business classes, and taught other inmates. After her release at age 21, she attended college at night while working and earned a B.S. in Legal Studies. She worked successfully at two law firms before taking the part-time position at the Cooke Center so she could have more time with her young son. For years, she volunteered with advocacy organizations, speaking to young people about her experiences and encouraging them to stay out of trouble. "Education gave me the jumpstart I needed to rehabilitate my life," said Ms. Acosta. "I used education to empower myself and they threw everything I believed in out the window. It's sad that the DOE doesn't believe in its own system."

"New York State law recognizes that to prevent criminal recidivism, people with criminal histories must be able to secure jobs," said Carolyn Coffey, a supervising attorney at MFY Legal Services, who argued the case. "The court agreed that the DOE did not consider the documentation Ms. Acosta had submitted regarding her rehabilitation and that it discriminated against her by denying her application for security clearance."

“We’ve had many people come to MFY with complaints about denials of employment by the DOE,” said MFY attorney Bernadette Jentsch, who specializes in assisting people with criminal records in employment matters. “There appears to be a clear pattern of automatically denying employment to applicants with criminal conviction records seeking clerical and other non-teaching jobs.”

“For years the courts have been deferring to the determinations made by administrative agencies in cases like these without holding the agencies to the standards articulated in the law,” said Ms. Coffey. “This case will help other people who got in trouble in the past but are now law-abiding citizens to be treated fairly by employers.”

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