

Elderly Public School Teacher Gets Fired in New York, Civil Rights Violation Lawyer Investigates Her Claim of Age Discrimination

Eighty-year-old kindergarten teacher claims she was fired over bathroom breaks.

NEW YORK – An 80-year-old kindergarten teacher with 34 years of classroom experience says she was fired simply because she’s old.

“While some younger people may feel the effects of [age discrimination](#), seniors are the group that most often face this type of discrimination. Unusually, this recent [civil rights violation case](#) involves a complaint from an employee older than the traditional retirement age of 65,” said [New York civil rights violation lawyer](#) David Perelman.

As New York civil rights violation lawyers understand, current federal [age discrimination law](#) protects anyone over age 40 from age discrimination.

According to the *New York Daily News*, Lillie Leon, a teacher for the public school system was notified less than two weeks ago that she had lost her job at Public School 117 in Briarwood, Queens. According to the New York State Department of Education she was let go, in part, for not escorting her kindergarteners to the bathroom — a job requirement.

The complaint filed by the Department of Education accused Leon of insubordination and neglect of duty. It claimed Leon, who has bad knees and walks with a cane, refused to take her students to the bathroom. As reported by CBS New York, Leon has had “a squeaky clean record for more than 30 years.”

Eighty-year-old Leon disagreed with the reason she was let go, and is suing the city for [age and disability discrimination](#).

Leon claimed school administrators made her job “unworkable” by assigning her to a classroom without its own bathroom. Without the classroom bathroom, Leon was forced to lead the entire kindergarten class through a busy lunchroom any time one of the children needed to use the restroom.

Some other kindergarten rooms have attached restrooms. According to Leon, the girls' bathroom was on the opposite side of the school from her assigned classroom.

Leon said she requested to teach first graders, where students do not need to have supervision for bathroom breaks. But Leon said her request was ignored.

She asked for a classroom aide and had one for a time, but then the aide was removed without explanation, the suit said.

After she complained, she was assigned a room on the third floor. Having a room on the third floor, Leon argued, she wouldn't be able to escape if a fire or fire drill forced her to use the stairs, the suit said.

The school was aware of her walking problems. She had been given the use of an elevator and a parking spot near the school's entrance, according to the suit.

“A person does not have to be fired to be the [victim of age discrimination](#). New York civil rights lawyers understand that often times, rather than fire older workers, companies with an agenda will try to get older workers to quit,” said New York's civil rights violation lawyer Perecman, founder of [The Perecman Firm](#), one of New York's [civil rights violation law firms](#).

An arbitrator sided with the Department of Education, which alleged the elderly teacher stopped taking the students on bathroom breaks, repeatedly complained to parents and refused to work in a third-floor classroom, according to the *New York Daily News*.

A spokeswoman for the City Law Department said lawyers are reviewing the suit.

Leon also has a suit pending against the city in federal court.

“I would hope an elementary school would value older workers and their experience but this does not appear to be the case,” said Perecman, a [New York civil rights violation lawyer](#) with over 30 years of experience helping victims of a [wide variety of civil rights violations in New York](#), including age discrimination, [race discrimination](#) and sexual harassment.

New York City does not have a mandatory retirement age for school teachers.

“Employers should be aware that in certain situations, wrongful termination or mistreatment of an employee because of their age can result in a civil rights violation lawsuit,” said New York civil rights violation lawyer Perecman.

[Age discrimination cases](#) throughout New York require legal representation from experienced [New York civil rights violation lawyers](#). The lawyers at The Perecman Firm are committed to protecting the civil rights of employees and have years of experience handling age discrimination claims.

About David Perecman and The Perecman Firm, PLLC:

For the past 30 years, the New York civil rights violation, medical malpractice, auto accident, and construction accident lawyers at The Perceman Firm, PLLC have handled all types of cases including age and disability discrimination. David Perceman, founder of the Firm, is a Board Director and the past Secretary and Treasurer of the New York State Trial Lawyers Association (NYSTLA) and a chair of its Labor Law Committee. Mr. Perceman's achievements have brought him recognition as an Honoree in the National Law Journal's Hall of Fame, in New York Magazine's "The Best Lawyers in America" and The New York Times Magazine "New York Super Lawyers, Metro Edition" for the years 2007-2010.

The Firm has recovered millions of dollars for its clients. Among the more recent victories, Mr. Perceman won a \$15 million verdict** for a construction accident, a \$5.35 million dollar verdict*** for an automobile accident, and a \$40 million dollar structured settlement for medical malpractice****.

**later settled while on appeal for \$7.940 million

*** later settled for \$3.5 million

**** total potential payout

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