

IMPORTANT COURT-ORDERED NOTICE

Class Action Lawsuit on Behalf of New York City Families Experiencing Delays in Getting Decisions on Special Education Due Process Complaints at the New York City Impartial Hearing Office

If the hearing or decision on your special education due process complaint has been delayed without your consent, this case is about you

You can speak with a lawyer for **FREE** about due process complaint delays by calling 212-946-0352 or emailing JSM@nylag.org

You are receiving this notice because you filed a due process complaint against the New York City Department of Education with the New York City Impartial Hearing Office to challenge the adequacy or appropriateness of your child's special education services, and records show that you have not received a final hearing decision on that complaint.

Several New York City families awaiting due process hearing decisions have filed a lawsuit in federal court against the New York City Department of Education and the New York State Education Department (the "Defendants"), on behalf of themselves and similar New York City families. The law requires that hearings and final decisions happen on due process complaints within a short period of time—usually 75 days, excluding extensions granted by the hearing officer based on applicable regulations.

The Court has certified a class in this case. This means the Court agreed that, at this time, all New York City students and their parents whose due process complaints have not been decided yet and who have been waiting for longer than the time provided by law can be represented as a group. The Court also appointed lawyers to represent you and other families in the class action **free of charge**. These lawyers are the New York Legal Assistance Group ("NYLAG") and Sullivan & Cromwell LLP.

You do not have to take any steps in response to this notice. The case will go forward, and lawyers for the class will continue to seek help for you and other families in the class, even if you do nothing at all. This notice is to inform you about the case and give you information about how to contact the lawyers representing the class.

If you would like to speak with a NYLAG or Sullivan & Cromwell attorney to learn more about the case, tell them about your experience, or ask for help, call 212-946-0352 and leave a message or email JSM@nylag.org. Someone will get back to you.

More Information About the Lawsuit

The lawsuit, which is called *JSM v. New York City Department of Education*, No. 20-cv-705 (E.D.N.Y.), alleges that the Defendants allow delays to occur in resolving due process complaints pending at the New York City Impartial Hearing Office, in violation of federal and state law. The lawsuit also alleges that as of January 2020, families were waiting an average of 259 days to have their complaints resolved, leaving some children with disabilities without adequate special educational services. The Defendants deny these allegations.

The lawsuit asks the Court to require the Defendants to provide hearing decisions on time. The lawsuit does *not* seek money damages for children and their families. The Court has not yet decided if the Defendants have violated the law.

The Court-Certified Class Is Defined As

Individuals who file or have filed due process complaints, and the children on whose behalf due process complaints are filed, when due process complaints are unresolved and the decisions of such complaints have not been timely provided under applicable federal and New York state law.

Students with disabilities and their parents/guardians are part of the class if they filed a due process complaint against the New York City Department of Education and that complaint is still pending at the New York City Impartial Hearing Office for more than 45 days after the “resolution period” has ended, excluding certain extensions. Ordinarily, the resolution period is a 30-day window that the Department of Education has to try to resolve the issues raised in a due process complaint. So, in most cases, a family whose due process complaint has still not been settled, withdrawn, or decided within 75 days of it being filed, is part of the class (unless an Impartial Hearing Officer has granted an extension of time based on applicable regulations).

More Information About the Lawyers in this Case

The New York Legal Assistance Group is a nonprofit legal service organization with substantial experience litigating the rights of people with disabilities and students entitled to special education services. Sullivan & Cromwell is an international law firm with considerable experience in complex and class action litigation in federal courts. NYLAG and Sullivan & Cromwell represent everyone in the class for free in this case, including you. You do not have to do anything to have NYLAG and Sullivan & Cromwell continue to represent you in this case as part of the class. If the class action results in relief for families because of NYLAG and Sullivan & Cromwell’s work, the Court may direct the Defendants to pay their fees and costs. **You will not ever have to pay NYLAG or Sullivan & Cromwell.**

NYLAG and Sullivan & Cromwell represent everyone in the class in this case. **But NYLAG and Sullivan & Cromwell do *not* represent you in your due process complaint proceeding itself.** This means that if you had a lawyer for your due process complaint before, that person is still your lawyer, and if you did not have a lawyer for that proceeding, you still do not have a lawyer for it.

If you want more information about the case or to see papers filed in the case, you can visit NYLAG’s website at www.nylag.org/JSM