

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LV, RC, AD, NA, ADJ, YG, LO, AP, RLB, RD,
and JYW, individually; and VSG, HR, CW, SS,
MG, MS, ST, RZ, MC, and JP, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

NEW YORK CITY DEPARTMENT OF
EDUCATION; NEW YORK CITY BOARD
OF EDUCATION; Richard A. Carranza, in his
individual and official capacity as Chancellor of
the New York City School District,

Defendant.

ECF CASE

No. 03 Civ. 9917 (LAP)

~~PROPOSED~~ JUDGMENT FOR DECLARATORY RELIEF

WHEREAS, pursuant to Section 1415 of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* (the “IDEA”), and the New York State Education Law, Defendant the New York City Department of Education (the “DOE”) is responsible for implementing final impartial hearing orders (as described in Section 1415 of the IDEA), including orders to pay or reimburse the payment of tuition on behalf of members of the Class in this action at New York City private schools;

WHEREAS, on October 23, 2020, Plaintiffs moved the Court for a declaratory judgment that DOE’s refusal or failure to implement final impartial hearing orders pending review of private schools’ remote learning programs violates Section 1415 of the IDEA and Section 4404 of the New York State Education Law (*see* ECF Nos. 234, 238);

WHEREAS, on February 18, 2021, the Court granted Plaintiffs’ motion (*see* Memorandum and Order, ECF No. 258) (the “Order”),

NOW, THEREFORE, IT IS HEREBY ADJUDGED AND DECLARED THAT:

1. In light of the foregoing, and for the reasons set forth in the Order, DOE’s withholding of tuition payments required by final impartial hearing orders until it approves the private schools’ remote-learning plans violates Section 1415 of the IDEA and Section 4404 of the New York State Education Law;

2. In light of the foregoing, and for the reasons set forth in the Order, DOE’s refusal to implement final impartial hearing orders until it approves the private schools’ remote-learning plans violates Section 1415 of the IDEA and Section 4404 of the New York State Education Law.

DATED: March 2, 2021



The Honorable Loretta A. Preska
United States District Judge