# EMERGENCY SPECIAL ED UPDATE
# 12-6-24

Agudath Israel of America
אגודת ישראל באמריקה

THE JEWISH EDUCATION PROJECT

# Current Commitment

- NYCPS is legally obligated to provide services to families who timely submitted requests ("Timely Filers") for equitable special education services.
- Beginning September 2024, NYCPS committed in writing and verbally to serve students whose families missed the June 1 deadline ("Untimely Filers").
- NYCPS launched an intensive effort to serve timely filers for each service type so that we could begin to serve untimely filers.

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# Impact of Recent Legal Ruling

- SRO Decision/Ruling: Last month, the State Review Officer issued a decision finding that a school district loses the benefit of enforcing the June 1 deadline upon the issuance of a voucher to untimely filer families.

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Mia Delane Gurley (Unverified)

# Toplines

- We are honoring our commitment to serve those IESP families who missed the June 1 legal deadline for the 2024-2025 school year.
- A recent State decision requires NYCPS to issue a voucher only to families who sign a waiver. Without the waiver, NYCPS could face hundreds of millions of dollars in liability through litigation.
- NYCPS will provide a voucher within 48 hours to untimely filer families who read, sign and return a waiver.
- The waiver is a prerequisite to services for which these families would otherwise be ineligible. Our commitment to serve those families who missed a statutory deadline cannot put the City of New York or NYCPS in a compromised legal posture.
- NYCPS will arrange and/or issue vouchers for the 2024-2025 school year no later than December 2024 to those families who sign and return the waiver.
- For the 2025-2026 school year, our goal is to make sure IESP families have the information they need for NYCPS to receive their Notice of Intent by June 1, 2025.

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# Next Steps

- Before NYCPS issues vouchers to families who missed the June 1 deadline, families will receive a waiver requiring their signature agreeing to release NYCPS and the City of New York from all claims for the 2024-2025 school year.

- Upon receipt of the signed waiver, NYCPS will issue a voucher to each family within 2-3 business days.

- Any untimely filer family that does not return a signed waiver will not receive a voucher.

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# Text of the Waiver Cover Letter

Dear Family,

Per our records, you have parentally placed your child with an Individualized Education Service Program (IESP) in a private or religious school for the 2024-2025 school year and have submitted a parental notice of intent after the June 1 deadline. To date, thousands of students have had equitable services in the form of special education teacher support services ("SETSS") and related services arranged, and Committees on Special Education (CSE) will continue to support families and schools in identifying providers.

***NYCPS is pleased to share that we are now issuing SETSS Authorizations to all late filer families***. To receive a SETSS Authorization for your child, please read, provide pen-and-ink signature, date, and return the attached waiver to your CSE via email, mail, or hand delivery. Please visit schools.nyc.gov/cse for CSE contact information. Upon receipt of the signed waiver, the CSE will work with you to issue a P4-SETSS Authorization within two to three business days.

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# Text of the Waiver

Because you did not comply with the legal deadline to request IESP services, NYCPS is not committing to implement your child's IESP, but will agree to fund those services going forward if you are able to both identify a provider who will serve your child at the DOE's standard rates and read, sign, date and return the below waiver within two weeks of receipt of this notification.

In consideration of having SETSS and related services arranged and/or being issued a P4/SETSS Authorization and Related Service Authorization (RSA) for special education services included in my child's IESP for the 2024-2025 school year, I hereby agree to release, waive and relinquish the right to file an Impartial Hearing Request or New York State Education Department complaint against, seek mediation, pursue the Enhanced Rate Equitable Services process with, or sue New York City Public Schools or the City of New York, or its employees, officers, or agents for all liability or claims concerning IESP implementation, equitable services, compensatory services or enhanced rate services for the 2024-2025 school year on behalf of the undersigned, his/her personal representatives, assigns, heirs and next of kin.

I hereby acknowledge and understand the requirement to submit a timely Notice of Intent for the 2025-2026 school year for receipt by NYCPS between **January 1, 2025, and on or before June 1, 2025**, if I want to obtain equitable services for my child(ren).

In signing this waiver, I certify that I am the parent/legal guardian of the student below and acknowledge and represent that:

a) I have read the foregoing Waiver;

b) I understand it and sign it voluntarily as my own free act and deed;

c) No oral representations, statements, or inducements, apart from the foregoing written agreement, have been made by NYCPS, its officers or employees;

d) I am at least eighteen (18) years of age and fully competent; and

e) I execute this Waiver, fully intending to be bound by the same.

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# RECOMMENDATIONS AND NEXT STEPS

A. How should parents respond?
B. Political advocacy

# POLITICAL FALL OUT AND ADVOCACY

**Sam Pirozzolo** ✓
@SamForNYC

Critical IESP Update: @NYCSchools

As you know, just before the start of the current school year, New York City Public Schools (NYCPS) made the decision to deprive special education students of their Individualized Education Service Program (IESP) services, which they are legally entitled to. This decision stemmed from a change in the paperwork submission deadline, which NYCPS failed to properly notify families about or enforce in previous years.

Today, after months of pressure, NYCPS provided an update on the path forward. To be clear, I am outraged and do not agree with this course of action. I believe it is blackmail and coercion, a violation of your rights, and an insult to your intelligence. However, it is important to me to relay the information as I have received it so you can make informed decisions for your children.

NYCPS has announced that families who missed the June 1 deadline will receive communication directly from NYCPS outlining the steps they need to take. This includes signing a waiver to release NYCPS and the City of New York from all liability for claims regarding the 2024–2025 school year. Upon receipt of the signed waiver, NYCPS will issue a voucher for services within 2–3 business days.

Key details of the process include:
-The waiver must be signed and returned promptly to NYCPS for processing.
-Without this signed waiver, families will not receive any services or vouchers.
-NYCPS has stated that this waiver is a prerequisite for families to receive any equitable services under the Enhanced Rate Equitable Services process.

NYCPS will be sending out further information to families, including the waiver form, and you can access additional details on their website at schools.nyc.gov/cse. For questions regarding the process or to return the signed waiver, please refer to the instructions provided in their communication.

Additionally, for the 2025–2026 school year, NYCPS is requiring families to submit their Notice of Intent by June 1, 2025, to avoid similar issues.

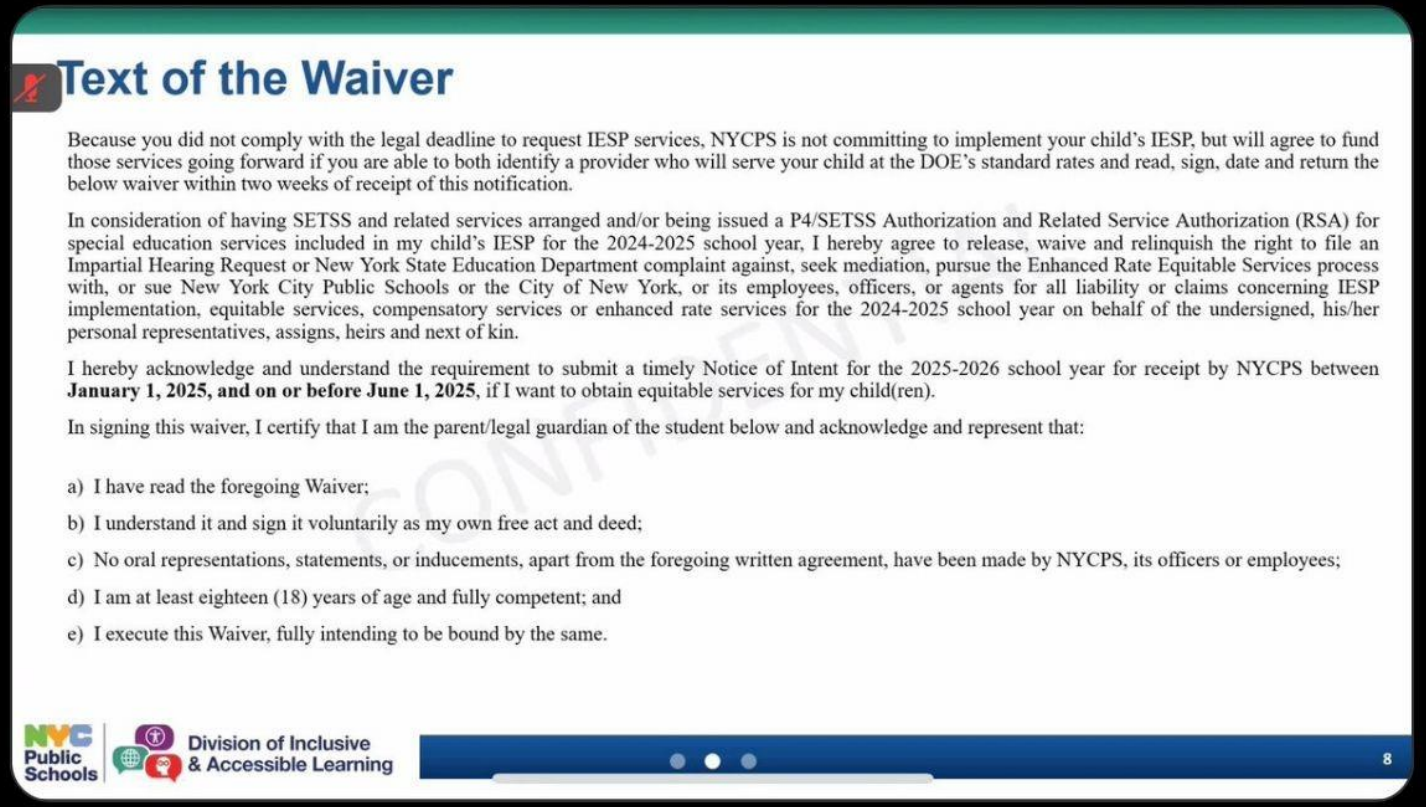
It pains me to see families placed in this position due to administrative missteps. While I am continuing to advocate for fairer policies and improved notification systems for parents, I urge you to review the information carefully and consult with legal counsel if you have concerns about signing the waiver.

If you need assistance navigating this process, please do not hesitate to reach out to my office. I remain committed to standing with you and ensuring our children receive the services they deserve.

**Keith Powers**
@KeithPowersNYC

After months of failing to provide legally mandated IESP services to NYC students, @NYCSchools is now attempting to trade children's badly needed educational services in exchange for being freed from legal liability.

This is outrageous.



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NYC Public Schools | Division of Inclusive & Accessible Learning

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**Mike Reilly** ✓
@TeamReillyNY

Follow

Received a briefing from @NYCSchools this morning about their continued refusal to provide federally-mandated IESP services to our city's parentally-placed students. What we were told is disheartening to say the least.

After failing to notify families about the parental intent deadline and lying to lawmakers several times, city bureaucrats are now putting a gun to families' heads demanding they wrongly admit guilt and sign away their rights.

Hiding behind attorneys and gaslighting families into signing this waiver is cold, heartless, and cowardly.

I will be calling for an official investigation into the handling of this. @GovKathyHochul @NewYorkStateAG @NYSComptroller @NYCMayor @NYCComptroller @NYC_DOI

**Joann Ariola...**
@JoannAriola32

Follow

During a meeting with @NYCSchools this morning, I was horrified by what they had to say. According to the DOE, any parents who want IESP services for their child and missed the June 1 deadline have to basically sign their rights away with an outrageous waiver.

I stand with @TeamReillyNY and call for an investigation into the DOE's handling of this issue. This is absolutely ridiculous.

**Sam Berger**
@SamBergerNY

Today's abhorrent move by @NYCSchools is nothing short of a morally bereft display by a government agency. Failing to provide parents and their children in need with LEGALLY MANDATED Individualized  Education Service Programs (IESPs), the DOE has decided to finally meet their obligation, by demanding parents sign away their rights to a due process hearing. This is where you want to make a fight? This is where you want to save a few bucks? Off the backs of New York's most vulnerable children? New Yorkers will not stand for this. I certainly won't.

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

MICHAEL REILLY
Assemblyman 62nd District

RANKING MEMBER
Committee on Cities

COMMITTEES
Codes
Education
Governmental Employees
Higher Education
Rules

December 5, 2024

Hon. Letitia James
NYS Attorney General
New York State Capitol
Albany, NY 12224

Hon. Jocelyn Strauber
Commissioner, NYC DOI
18 Maiden Lane, 16th Floor
New York, NY 10038

Hon. Lucy Lang
NYS Inspector General
Empire State Plaza, Bldg. 2, 16th Flr.
Albany, NY 12223

Dear Attorney General James, Commissioner Strauber, and Inspector General Lang:

It is with great frustration that we write this letter regarding the New York City Department of Education's (NYCDOE) disastrous handling of an issue involving our parentally-placed students who receive federally mandated IESP services. We speak not only as elected officials, but on behalf of every family who has contacted us about this matter when we say that compassion and empathy have been lacking throughout this ordeal.

Since August of this year, our offices have been in contact with more than 100 families whose students were parentally-placed into a private or parochial school and were denied IESP services for failing to submit a "letter of intent" by an arbitrary June 1st deadline that parents were never notified of nor had it previously ever been enforced. Our offices repeatedly contacted city and state officials for clarity on the policy and process; however, what ensued was a nearly four-month-long loop of lies that provided little closure and only eroded families' trust.

In September, when school started, we were told by a senior NYCDOE official that we could advise families who were still waiting for services to be approved that they would be approved "eventually." We were told the same again in October after inquiring what the estimated timeline was. Then, in November - nearly 60 days into the school year - we participated in a citywide briefing from NYCDOE officials who announced that the delay was due to a significant volume of fraud that had been uncovered involving IESP cases. In that briefing we learned that of the 35,000 IESP cases in the city's database, more than half were fraudulent and removed from the system. As for the 3,500 real students still waiting for their services, we were told to advise families that they would be approved on a rolling basis from November through December.

Today, 90 days into the school year, we received another briefing from NYCDOE officials who now insist that services will be provided to families still waiting for them to be approved — but only if they sign a legal waiver admitting that they missed the arbitrary June 1st deadline and forfeiting their right to advocate for their child. If they do not sign the waiver within 48 hours of receipt, their child will no longer be eligible for these federally mandated services. After months of lying to elected officials and

families, city officials are now hiding behind their attorneys to cover up their incompetence and sheer lack of empathy.

Indeed, we don't have to remind you that these are some of our city's most vulnerable students. The vision and hearing services they receive, among other services, are crucial to their continued development. Already behind because of the pandemic, these continued delays to their services only exacerbate their decline.

We the undersigned are respectfully requesting an investigation be launched into the NYCDOE's handling of this matter. It is clear to us now that there will not be a resolution beneficial to these families if city officials are left to handle this matter alone. It is unfortunate that it has come to this, but it is the only way to restore trust between these families, our offices, and the NYCDOE.

Thank you for your attention to this matter. Please do not hesitate to contact us directly.

Sincerely,

Michael Reilly
Member of Assembly
62nd District

Nicole Malliotakis
Congresswoman
NY-11

Vito Fossella
Borough President
Staten Island

Andrew Lanza
State Senator
24th District

Jessica Scarcella-Spanton
State Senator
23rd District

Michael Tannousis
Member of Assembly
64th District

Sam Pirozzolo
Member of Assembly
63rd District

Charles Fall
Member of Assembly
61st District

Joseph Borelli
Council Minority Leader
51st District

David Michael Carr
Councilmember
50th District

Kamillah Hanks
Councilmember
49th District

*cc: NYS Comptroller Thomas DiNapoli, NYC Comptroller Brad Lander*

# Q&A

# Thank you for joining us today!

Agudath Israel of America
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