ALLIANCE OF SCHOOLS FOR COOPERATIVE INSURANCE PROGRAMS

On The Alert!

Date: September 2, 2020

ASCIP Members with Special Education Programs Attention:

Affected: All School Facilities Applicability: Public K-12 Districts

IDEA Class Action Lawsuit

On July 28th, 2020, a class action lawsuit alleging violation of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400), et seg., was filed against all public school districts in the United States. This suit seeks declaratory and injunctive relief from districts that, due to school closures related to Covid-19, shifted from in-person to remote learning. Such a shift is alleged to have blocked disabled students' access to a Free Appropriate Public Education (FAPE) and interrupted these students' Individualized Education Plans (IEP). While this suit was initially filed in the state of New York, it lists a number of ASCIP districts as defendants and all public schools in the United States.

This suit seeks relief through a variety of methods such as:

- Immediate restoration of programs and placement services outlined in existing IEPs;
- Conducting independent evaluations of affected students' current level of educational performance and provide compensatory education plans addressing any regression that resulted from school closures;
- Compensate parents and quardians for employment or out of pocket expenses incurred as a result of the failure to provide services outlined in students' IEPs; and
- Punitive damages and attorneys' fees.

As with any lawsuit, it must be personally served upon your district in order for your district to be obligated to respond. ASCIP does not recommend your district respond to an email from the plaintiffs' attorneys waiving service or accepting service by any means other than personal service. As an ASCIP member, your district can rely on ASCIP's guidance to assist with next steps. Should your district receive notice of this suit or communications from plaintiffs' counsel, please contact:

Noel Waldvogel, Claims Manager (916) 245-3523 claims_info@ascip.org

Additionally, ASCIP can offer solutions to address inquiries from the media. Please contact your ASCIP Risk Services staff for further assistance.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

J.T., Individually and On Behalf Of D.T.; K.M., Individually and On Behalf Of M.M. and S.M.; J.J., Individually and On Behalf Of Z.J.; C.N., Individually and On Behalf Of V.N.; and, All Others Similarly Situated,

Plaintiffs.

CASE NO .: 20 - CV -

CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

-against-

BILL de BLASIO, in his official capacity as the Mayor of New York City; RICHARD CARRANZA, in his official capacity as the Chancellor of New York City Department of Education; the NEW YORK CITY DEPARTMENT OF EDUCATION; the SCHOOL DISTRICTS IN THE UNITED STATES; and STATE DEPARTMENTS OF EDUCATION IN THE UNITED STATES. UNITED STATES.

Defendants

PLAINTIFFS (See Appendix A) are parents and/or natural guardians ("Plaintiff-Parent") of students who are classified under federal law as being disabled and having an educational disability, and the Students themselves ("Plaintiff-Student"), brings this action on their own behalf and on the behalf of all others similarly situated against BILL de BLASIO, in his official capacity as the Mayor of New York City, RICHARD CARRANZA, in his official capacity as the Chancellor of New York City Department of Education, the NEW YORK CITY DEPARTMENT OF EDUCATION, the SCHOOL DISTRICTS IN THE UNITED STATES (See Appendix B), and STATE