

**From:** [Anita Murphy](#) on behalf of [Anita Murphy <anita.murphy@neric.org>](#)  
**To:** [Aaron Bochniak - Schenectady City](#); [Alicea, Jaime](#); [Anibal Soler Jr \(asoler@bataviacsd.org\)](#); [Antonio Abitabile \(aabitabile@lansingburgh.org\)](#); [Brian Bailey - RCS](#); [Brian Dunn - Middleburgh](#); [Carl Mumenthey - Cobleskill-Richmondville](#); [Carol Pallas - Schalmont](#); [Cosimo Tangorra - Nisky](#); [David Blanchard - Schoharie](#); [David Perry - South Colonie](#); [dcorr@ncolonie.org](#); [Frank Macri - Voorheesville](#); [Jack Etter \(jetter@gccs.us\)](#); [Jennifer Spring - Cohoes](#); [jniedermeier@duanesburg.org](#); [Jody Monroe - Bethlehem](#); [Joseph Dragone](#); [Joseph Kardash \(jkardash@rcsd.k12.ny.us\)](#); [Kaweeda Adams - Albany City](#); [Kimberly Ross - Green Island](#); [Lori Caplan - Watervliet](#); [Lynne Wells](#); [Marie Wiles - Guilderland](#); [Maureen Long - Menands](#); [Oliver Robinson - Shen](#); [Patterson Green - Sharon Springs](#); [Paul Padalino \(ppadalino@kingstoncityschools.org\)](#); [pmcgrath@bhbl.org](#); [Rebecca Stone](#); [Shannon Shine - Mohon](#); [Slentz, Kenneth](#); [sswartz@sgcsd.net](#); [Tarkan Ceng \(tceng@jeffersoncsd.org\)](#); [Thomas Reardon - Schalmont](#); [Tim Ryan](#); [Timothy Mundell - BKW](#)  
**Cc:** [Adrienne Leon](#); [Lauren Gemmill](#); [Mark Jones](#); [Michael Doughty](#)  
**Subject:** FW: Class Action IDEA Complaint  
**Date:** Wednesday, August 05, 2020 7:58:51 AM  
**Attachments:** [Oui Tam complaint for NYS by PBD.pdf](#)  
[Appendix B Defendant School Districts in the US.pdf](#)  
[Appendix C Defendants States" Dept of Education.pdf](#)

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Good morning,

I received this last night from David O'Rourke (Erie 2 BOCES) in Western NY. We are all named in this suit (see attached and below for his council's summary) – it actually appears all districts in NYS are named as is NYSED. Ignore the highlights they are for E2. I would also suggest that everyone notify their insurance carriers.

More to come I'm sure.

Anita

David,

Attached is the class action complaint I called you about this evening. The complaint was filed July 28, 2020, in the US District Court for the Southern District of NY on behalf of parents of children with disabilities who allege they have been denied their rights to educational services under IDEA, 504, ADA and Equal Protection/Due Process. The defendants are school districts throughout the US, and state education agencies, including NYSED. Unfortunately, E2CCB and all of our component districts are named as defendants. In addition to the complaint, attached are Appendices B and C that include the complete list of defendants. I have highlighted E2CCB and our component districts in Appendix B for your convenience.

The plaintiffs have filed due process complaints alleging that they have been denied services during school closures caused or ordered by the defendants. They seek an injunction ordering the immediate reopening of schools to provide a program substantially similar to the students' previous program, or vouchers for parents to obtain such a program, reevaluations to determine the students' regression and their current needs, and compensatory damages.

At the moment there is nothing that E2CCB or our component districts need to do until the complaint is served; although, it would be prudent for each defendant, including E2CCB to put their insurance carriers on notice.

Please let me know if you have any questions.

Thanks,  
Brian

Brian R. Liebenow  
General Counsel  
Erie 2-Chautauqua-Cattaraugus BOCES