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JOINT PRESS RELEASE: N.N. et al. v. Rochester City School District

Empire Justice Center, on behalf of their clients in the lawsuit *N.N. -vs- RCSD*, and the Rochester City School District executed a stipulation of settlement on October 22, 2020. If approved by the Court, the stipulation will settle those claims that were asserted in the lawsuit filed on July 16, 2019. The main goals of the settlement are to provide the timely and compliant services for students with disabilities, increase the involvement of parents of students with disabilities in the development of individualized education programs and improve the achievement and graduation rates of students with disabilities. These changes will fundamentally change the delivery of special education programs and services to students with disabilities, and finally provide them with the tools they deserve.

Tonight, January 21st, counsel for the parties are making a public presentation to the Rochester City School District Board of Education about the lawsuit and the settlement.

“This settlement has the potential to create long-term change to the delivery of special education programs and services, thereby providing students with disabilities the education to which they are entitled and the opportunity to graduate from high school and enjoy post-graduation success. We thank the District for engaging in this innovative approach to resolving these long-seeded problems, its willingness to make changes and we acknowledge the progress made to date,” said **Maggie Robb**, Senior Attorney at Empire Justice Center.

“The District would like to express its thanks to the members of the Board of Education’s *Special Advisory Committee to Review Special Education Programs and Services*, current and former attorneys with Empire Justice Center, former Board of Education Commissioner Melanie Funchess, former General Counsel Karl Kristoff, and District staff. Additionally, we appreciate the insight and early work of Board President Van White, who brought the parties together for meaningful dialogue that ultimately led to this settlement. The District is grateful for their commitment and diligent efforts to assist the District and improve the delivery of Special Education programs and services to our students. We appreciate the work and collaboration of

many individuals that have brought us to this preliminary settlement, and we look forward to working together with Empire Justice throughout the Consent Decree and disengagement process,” said **Steven Carling**, Acting General Counsel for the District.

By agreement, Plaintiffs filed a motion for class certification, approval of notice of the settlement to the class and preliminary approval of the settlement. The Court granted preliminary approval of the settlement on December 8, 2020 and scheduled a hearing on final approval of the settlement for February 4th at 2pm. The terms of the settlement and directions about how persons may be heard may be found at: <https://www.rcsdk12.org>; <https://www.rcsdk12.org/NNvRCSD>, and at <https://empirejustice.org>.

Consistent with their prior public statements, the parties do not intend to comment further about this matter until after the Court grants final approval of the stipulation of settlement.

Maggie R. Robb, Esq.

Director of Civil Rights, Education, Employment & Health
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Steven G. Carling, Esq.

Acting General Counsel
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Empire Justice Center is a statewide, multi-issue, multi-strategy, public interest law firm focused on changing the “systems” within which poor and low-income families live. Empire Justice protects and strengthens the legal rights of people in New York State who are poor, disabled or disenfranchised through: systems change advocacy, training and support to other advocates and organizations, and high quality direct civil legal representation. Empire Justice has offices in Albany, Rochester, Yonkers, White Plains and Central Islip on Long Island. For more information, please visit empirejustice.org.