

Mobilization for Justice and Simpson Thacher Bring Class Action Lawsuit Against NYCDOE for Failure to Provide Timely Special Education Evaluations

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Simpson Thacher filed a class action lawsuit together with Mobilization for Justice on April 17 on behalf of a group of New York City students with disabilities and their families, aiming to remedy the New York City Department of Education's ("NYCDOE's") systemic failure to provide special education evaluations to students with disabilities in a timely manner. The lawsuit, filed against the NYCDOE and NYCDOE Chancellor David C. Banks, alleges that students with disabilities in NYC face unacceptably long delays in obtaining necessary special education evaluations, exacerbating their underlying disabilities and hindering their educational progress.

The extensive delays have deprived the Plaintiffs and the proposed class of their right to a free and appropriate public education by denying them the special education services to which they are entitled. The suit also alleges that Defendants have delayed providing special education evaluations directly to students, have delayed responding to requests for independent educational evaluations ("IEEs"), and have failed to pay independent evaluators who provide IEEs for their services in a timely manner, with delays sometimes exceeding six months.

Critically, the Defendants' excessive delays in paying independent evaluators who provide IEEs for their services has severely limited the pool of providers willing to contract with the City of New York to deliver special education services. This has a disproportionately harmful impact on low-income students, primarily of color, whose families cannot afford to pay for IEEs independently.

To read the press release, please [click here](#).

The case has been covered by publications including [amNY](#), [City & State New York](#) and [Bloomberg Law](#).

The Simpson Thacher team includes Michael Osnato, Jonathan Kaplan, Sarah Brim, Wendy Wu, Darcy Samuelsohn and Jacob Fritts.

Team and Contacts

Michael Osnato, Jr.

Partner

michael.osnato@stblaw.com[+1-212-455-3252](tel:+12124553252)**Jonathan Kaplan**

Associate

jonathan.kaplan@stblaw.com[+1-212-455-3028](tel:+12124553028)

Wendy Shidi Wu

Transaction Manager

wendy.wu@stblaw.com

+852-2514-3488

Jacob Fritts

Associate

jacob.fritts@stblaw.com

+1-212-455-6759

Darcy Samuelsohn

Associate

darcy.samuelsohn@stblaw.com

+1-212-455-3156

