

LAW OFFICES OF
REGINA SKYER AND ASSOCIATES, L.L.P.
142 JORALEMON STREET
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ALEXANDRA ABEND, ESQ.
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ABBIE SMITH, ESQ.

* ALSO ADMITTED IN N.J.

November 27, 2019

Hon. Corey Johnson
Speaker, New York City Council
City Hall Office
New York, NY 10007

Hon. Mark Treyger
Chair, NYC Council Education Committee
250 Broadway, Suite 1785
New York, NY 10007

Dear Speaker Johnson and Chair Treyger:

We are a special education law firm representing thousands of New York City families. We write to alert you to an urgent matter: **The NYC Department of Education's Impartial Hearing Office has stopped assigning Impartial Hearing Officers ("IHOs") to preside over due process complaints.** This is in direct violation of federal, state, and local laws. It denies parents of disabled children their fundamental due process rights and jeopardizes New York State IDEA Part B funding eligibility.¹

New York City has been experiencing a critical shortage of impartial hearing officers for several years now primarily due to the extreme dissatisfaction of IHOs over archaic levels of pay, payroll delays, and general poor treatment. At the same time, there has been a marked increase in the number of due process cases being brought.

¹ In FY 2019, New York received \$801 Million in federal Part B funding.

Last year, we testified about the looming crisis at an oversight hearing held by the New York City Council's Education Committee. Sadly, for the 2019-20 school year, our predictions have proven out. Yesterday, one of our attorneys, in trying to schedule an overdue case, received the following **unprecedented and alarming** email from NYC Department of Education's Interim Acting Chief Administrator of the Impartial Hearing Office, Cheryl N. Williams:

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On November 18, 2019, the New York State Education Department (NYSED) directed the New York City Department of Education's (DOE) Impartial Hearing Office (IHO), to begin assigning cases in the order of the complaint filing date, with the oldest filing dates being assigned first. A hearing officer will be appointed to your case in accordance with this new policy. Once a hearing officer appointment can be made for your case, you will receive notice via email/mail.

Less than 24 hours later, as we write this letter, the number of our clients in this unlawful purgatory has risen to 16. Based on what we are hearing, we believe there will be scores more. What this means on a human level is disabled children going without needed services, schools and hard-working providers not being paid, and families facing the stress and hardship of mounting debt without an end in sight.

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Our firm is exploring the legal options available to our affected client families. But it is clear that we are lacking needed governmental leadership in addressing this issue. We ask for your immediate assistance on behalf of your constituents.

Thank you for your urgent attention to this. We can be reached at 212-532-9736 if you have any questions or wish to meet to discuss this further.

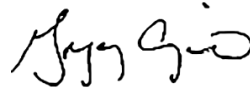
Sincerely,



Regina Skyer




Jesse Cole Cutler



Greg Cangiano



Diana Gersten



Sonia Mendez-Castro



Abbie Smith

cc: NYC Council Education Committee members
Hon. Jumaane D. Williams, NYC Public Advocate

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November 27, 2019

Hon. Andrew M. Cuomo
New York State Governor
NYS State Capitol Building
Albany, NY 12224

Hon. Carl E. Heastie
Speaker, NYS Assembly
Legislative Office Building, Rm. 932
Albany, NY 12248

Hon. Andrea Stewart-Cousins
Majority Leader, NYS Senate
188 State Street
Legislative Office Building, Rm. 907
Albany, NY 12247

Dear Governor Cuomo, Speaker Heastie, and Majority Leader Cousins:

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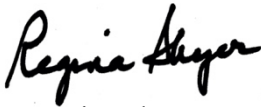
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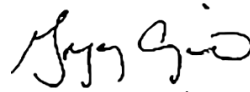
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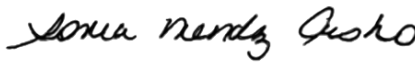
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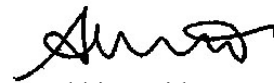
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Abbie Smith

cc: Hon. John D'Agati, Senior Deputy Commissioner for Education Policy
Cathryn Tisenchek, Supervisor, Due Process Unit, NYSED Office of Special Education

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November 27, 2019

Hon. Shannon Tahoe
Acting Commissioner, NYS Department of Education
New York State Education Building
89 Washington Avenue
Albany, NY 12234

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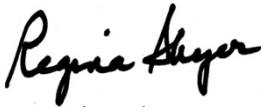
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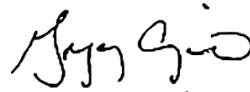
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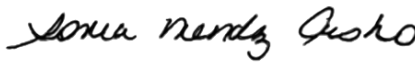
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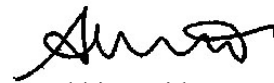
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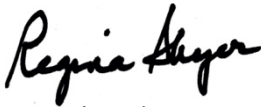
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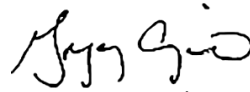
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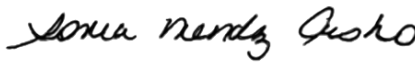
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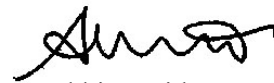
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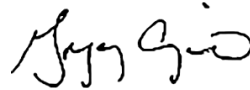
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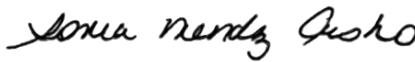
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cc: Hon. Shelley B. Mayer, Chair, NYS Senate Committee on Education
Hon. Michael Benedetto, Chair, NYS Assembly Committee on Education