

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION  
CONCERNING STUDENTS WITH DISABILITIES AND THE PARENTS OF STUDENTS WITH DISABILITIES IN THE  
ROCHESTER CITY SCHOOL DISTRICT**

If you are, were, or will be a student with disabilities or a parent of students with disabilities in the Rochester City School District (the District) between July 16, 2017 and the present, you should read this notice.

A settlement in a federal court lawsuit, *N.N. et. al. v. Rochester City School District et. al.*, No. 6:19-cv-06526-DGL, may affect your legal rights. The plaintiffs in *N.N.* claimed that the District failed to provide a free and appropriate public education to students with disabilities and failed to provide their parents a meaningful opportunity to participate in the education of their children as required by law. The Court has not made any final decisions about the claims in the lawsuit. The parties have agreed to a settlement in the case, which must be approved by the Court.

**PROPOSED SETTLEMENT**

You can see the entire proposed settlement on the websites of the legal organization that represents the plaintiff classes: the Empire Justice Center, whose web address is [www.empirejustice.org](http://www.empirejustice.org). The proposed settlement is also posted on the District website at [www.rcsdk12.org](http://www.rcsdk12.org).

The basic terms of the settlement are:

1. The District agrees to fully comply with the laws governing the identification, evaluation and education of Students with Disabilities.

2. The District must take the following actions and reach 14 performance goals in the following areas by 2023 to be released from court supervision:

- Increase in the percentage of students with disabilities with Individualized Education Plans (hereinafter “students with disabilities”) who achieve proficient-level scores on the Grades 3-8 New York English Language Arts and Mathematics standardized tests.
- Increase the graduation rate of students with disabilities.
- Reduce the Long Term Suspension rate for students with disabilities; eliminate any significant discrepancy in Long Term Suspension for students with disabilities as compared to general education students; and eliminate any significant discrepancy in Long Term Suspension for African American and Hispanic students with disabilities as compared to Caucasian/white students with disabilities.
- Increase the percentage of students with disabilities receiving their instruction in settings with students without disabilities.
- Decrease the percentage of current District students with disabilities who are changed or transferred from the school they are attending because of lack of necessary classrooms or programs recommended by the Committee on Special Education.
- Increase the percentage of students with disabilities who have legally compliant Transition Plans.
- Increase the timely completion of Committee on Special Education meetings.
- Timely delivery of programs and services required by the Committee on Special Education.
- Increase parental participation in Committee on Special Education meetings.
- Increase bilingual programming offered for Spanish-speaking students with disabilities.
- Decrease the number of uncertified or otherwise unqualified necessary Special Education teachers.
- Reduce any significant discrepancy that exists in the classification of African American/black and Hispanic students with disabilities, as compared to Caucasian/white students with disabilities.
- Increase mandatory Special Education-related professional development trainings for Special Education teachers, Special Education administrators, and other administrators with Special Education responsibilities.
- Decrease the number of Special Education teachers, psychologists and social workers who are assigned to bilingual positions who are not both appropriately certified in New York State and bilingual in Spanish.

3. This Settlement does not waive or limit any substantive or enforcement rights of any member of the classes or subclasses in this Action, and nothing in the settlement waives or limits the rights of any member of the classes or subclasses in this Action to seek redress or relief from the Court for any violation of this Stipulation, the Consent Decree, or at law.

4. This settlement is intended to settle and resolve the claims in this action that are set forth in the Amended Complaint. As such, it does not address any other rights or claims of any proposed class member, including those related to services provided while attending school under remote learning.

## **RIGHT TO OBJECT**

Any class member has the right to object to the proposed settlement as not fair, reasonable, and adequate, by appearing and stating his/her/they objections at the virtual hearing, by video conference or toll-free conference line as set forth below, individually or by counsel. The Final Approval Hearing shall take place virtually by Zoom technology on **February 4th, 2021 at 2:00 p.m.** at the United States District Court for the Western District of New York, before the Honorable David G. Larimer, to determine whether the proposed Class Settlement is fair, reasonable, and adequate, and whether it should be finally approved by the Court.

In light of the COVID-19 pandemic and the General Orders previously issued by the United States District Court for the Western District of New York, limiting in-person appearances in the Courthouse and providing for the conduct of civil proceedings on a video conferencing, or if one is not available, a toll-free conference line, instructions will be posted on the Court's website in advance of the Final Approval Hearing for members of the Classes, as well as the public, to listen to the proceedings through videoconferencing or telephonic means. Members of the Classes, public and media accessing these videoconference and telephone conference facilities will be able to listen to the proceedings but may not participate in them.

Any member of the Classes may participate in the Final Approval Hearing and show cause why the proposed Settlement should or should not be approved as fair, reasonable and adequate or why judgment should or should not be entered. No person shall be able to participate and be heard at the Final Approval Hearing or entitled to contest the Settlement or if approved, the judgment to be entered upon the Settlement, unless the person has filed a written notice with the Clerk of the United States District Court for the Western District of New York, electronically through the ECF system or sent such notice by first-class mail, marked "N.N. Settlement" so as to be **received no later than 7 days before the February 4th, 2021 Final Approval Hearing**, setting forth any objection to the Settlement and advising of their intention to participate in the Final Approval Hearing. Written notice provided by first-class mail shall be sent to the following address:

**Clerk of the United States District Court for the Western District of New York  
N.N. Settlement  
Kenneth B. Keating Federal Bldg. and U.S. Courthouse  
100 State Street  
Rochester, NY 14614**

Attendance at the Final Approval Hearing (through videoconference or the toll-free conference line) is not required, but persons wishing to participate and be heard must submit their intention to participate in the hearing in writing as set forth above **and** must call the Clerk's Office to obtain further information about how they can be heard at **(585) 613-4000**.