

L.V. v. New York City Department of Education

Class Action Settlement Regarding Implementation of Impartial Hearing Orders

Claim Filing Instructions

To receive any of the settlement benefits, you must fill out and return the attached Claim Form, postmarked on or before **June 30, 2008**. If you fail to return a valid Claim Form by that deadline, your claim will be rejected and you will lose all rights to these benefits. Unless you request exclusion from the class as explained in the Class Notice, you will be bound by the Settlement Agreement, the Release of Claims, and the Final Judgment even if you do not return the Claim Form.

If you have any questions while completing the Claim Form, please call 1-800-918-8061, visit www.hearingordersettlement.com, or call Advocates for Children at 212-947-9779 ext. 577.

I. WHO IS ELIGIBLE TO MAKE A CLAIM

To be eligible to make a claim, you must meet the following requirements:

1. You obtained a favorable order by an Impartial Hearing Officer against the New York City Department of Education (the "DOE") or a stipulation of settlement placed on the record at an impartial hearing with the DOE on or after December 13, 2000 and on or before January 31, 2008 AND
2. You did not obtain full and timely implementation of such order or settlement. Even if the DOE has now implemented your order or settlement, you may still submit a claim if the DOE failed to do so in a timely manner.

II. HOW TO MAKE A CLAIM

1. Step One – Complete and Sign the Claim Form

In order to be eligible for any payment, voucher, or reimbursement, you must select the type of relief you want and sign the certification. If your order or settlement was not fully and timely implemented, you can make a claim for:

1. payment on an impartial hearing order requiring the DOE to make a direct payment to a private school or private service provider or to reimburse you for services that you paid for,
2. a voucher for educational services or assistive technology and/or
3. reimbursement for costs of educational services or assistive technology.

The relief that you may receive depends on what the DOE was required to do in the order you obtained, as described below. A description of the type of relief available appears on the Claim Form and also is described in the notice you received with this Claim Form.

If you received more than one order on or after December 13, 2000 and on or before January 31, 2008 and are submitting claims for more than one of these orders, you must include a separate claim form for each order. You will only get a remedy for one order in each school year.

2. Step Two – Include Any Required Documentation

A. You must include the following documentation with your Proof of Claim form unless you are ONLY asking for a voucher for compensatory educational service or assistive technology:

1. An invoice on provider letterhead detailing the amount owed or owing and the service provided, or an affidavit from the provider detailing the amount owed or owing and the service provided; and
2. Both sides of a cancelled check, a credit card statement, a bank statement or an on-line screen showing electronic debits, a copy of a loan agreement, or an affidavit detailing the payments made.
 - a. If you cannot obtain one of the documents identified in paragraph 1 above, you can write a letter to the Independent Auditor explaining why the documentation is not available and enclose it with your form. The Independent Auditor may or may not decide that you have a good reason for failing to provide the documents.
 - b. If your order required the DOE to pay a specific dollar amount and you are asking for payment of that amount, you do not need to include any documentation.
 - c. If your order required the DOE to pay someone other than you and you are asking for payment of that amount, you do not need to provide any of the documents identified in paragraph 2 above.
 - d. If your order was dated on or after July 1, 2006, you may submit documentation after you submit this form as long as it is submitted no more than two years after the date the settlement becomes final. Please note that the order will not be paid until this documentation is submitted.

3. Step Three – Mail the Claim Form to the Claims Administrator, postmarked by June 30, 2008.

The completed form must be mailed to:

LV et al v NYC Dept of Education
c/o The Garden City Group, Inc.
PO Box 9000 #6495
Merrick, NY 11566-9000