

Re: Freedom of Information Law Request, Public Officers Law Article 6, Special Education Dispute Costs and Insurance Records, September 1, 2021 to present

Under the Freedom of Information Law (Public Officers Law §§ 84–90), I request copies of the records described below. I request electronic production in the format in which the records are maintained; where records exist only on paper, please scan to PDF. To limit the district's burden I have divided the request into discrete categories, each identifying the type of document, the subject, and the time period.

Subject and scope. This request covers matters involving students with disabilities or students referred for evaluation: CSE and CPSE proceedings, Section 504 matters, state complaints to NYSED, mediations, resolution sessions, impartial hearings, State Review Office appeals, federal complaints (OCR or DOJ), litigation, and pre-litigation legal involvement in any of these. It does not cover employee, labor, personnel, vendor, construction, procurement, transportation, or facilities matters, and I ask that no time be spent searching those files.

Time period. September 1, 2021 to the date of your response.

Records requested

Part A. Agreements and outcomes

1. Settlement, resolution, corrective-action, and compensatory-services agreements in student special education or Section 504 matters, with student identifiers redacted under FERPA.
2. Impartial hearing officer decisions, State Review Office decisions, and NYSED state complaint findings issued to the district, with student identifiers redacted.

Part B. Legal and consultant spending

3. Invoices, payment records, and engagement letters for outside counsel in matters within the scope above, identified by matter, month, or vendor as maintained.
4. Invoices and payment records for BOCES legal, advocacy, or related services in matters within the scope above.
5. Contracts, invoices, and payment records for consultants, independent evaluators, expert witnesses, or advocates retained in connection with a complaint, mediation, hearing, or litigation within the scope above.
6. Any internal budget code, cost-center, or account listing used to record spending in the categories above.

Part C. Insurance and risk management

7. Policy declarations and coverage schedules for general liability, school leaders' errors and omissions, or educators' legal liability coverage, showing the carrier or pool (including any self-insured retention or deductible) for each policy year in the time period.
8. Premium invoices and payment records for the coverage in item 7, by policy year.
9. Claim notices, acknowledgments, coverage-position or reservation-of-rights letters, and denials of coverage in matters within the scope above.
10. Loss runs or claims summaries received from the carrier or pool for the time period.
11. Correspondence from the carrier or pool assigning defense counsel, and any status reports from assigned counsel, in matters within the scope above.
12. Records of pre-litigation legal consultation, hotline, or advisory services provided by the carrier or pool and used in matters within the scope above, including any logs, usage summaries, or invoices.

Part D. Reporting

13. Any report, summary, or schedule prepared for the Board of Education, the district's auditor, NYSED, or the Office of the State Comptroller that itemizes or totals spending in the categories above.

Part E. Payments made pursuant to agreements or dispute resolution, regardless of budget code

This part covers payments that result from a matter within the scope above but that may be recorded under instructional, tuition, contracted-services, transportation, or other program lines rather than legal or settlement lines.

14. Payments to attorneys or advocates representing parents or students, including fee awards, fee settlements, and reimbursements of parent legal costs.
15. Reimbursements or direct payments to parents or guardians for tuition, evaluations, services, transportation, or other costs, made pursuant to an agreement, hearing decision, complaint finding, or resolution of a dispute.
16. Tuition or placement payments to nonpublic schools, residential programs, or out-of-district programs made pursuant to an agreement, hearing decision, complaint finding, or resolution of a dispute, as distinct from placements recommended by the CSE without dispute.
17. Payments to outside providers for compensatory or make-up services, tutoring, therapies, coaching, or evaluations delivered pursuant to an agreement, hearing decision, complaint finding, or resolution of a dispute.
18. Board of Education resolutions, executive-session agendas, or minutes approving any payment or agreement in items 14 through 17, with student identifiers redacted.
19. Any memorandum, journal entry, or budget-transfer record that reclassifies or allocates a payment in items 14 through 17 to a program, instructional, or tuition account.

Format and process requests

- Please acknowledge this request within five business days as required by § 89(3)(a), and state a date certain by which records will be produced.
- If any part of this request is denied in whole or in part, please identify the specific records withheld, the statutory exemption relied on for each, and the name and address of the person to whom an appeal should be directed, as required by § 89(4)(a).
- If the district contends that any category is not reasonably described, please identify the category by number and state what additional description would allow it to be located, so I can supplement rather than restart.
- If the district does not maintain records in any category, please state so for that category. A statement that records are not maintained is itself responsive.
- Where student identifiers must be redacted, please redact rather than withhold, and indicate on each document that a redaction was made.
- Please note that under § 87(1)(c) fees for search time are not chargeable for paper records, and fees for electronic records are limited to the actual cost when preparation exceeds two hours. If you anticipate any fee, please provide an itemized estimate before incurring it.