

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

NOTICE OF PENDENCY OF CLASS ACTION

A court authorized this notice. This is not a solicitation from a lawyer.

**Do you have a child that:**

- a) has Type 1 or Type 2 diabetes; and**
- b) is now or will in the future be enrolled in New York City Department of Education public schools?**

A Court has certified a class action in this case. Please read the Notice carefully.

**TO:** All students and parents of students with diabetes in need of diabetes-related care in school who are now or will be attending New York City Department of Education schools.

**HISTORY OF THE CASE**

- Three children with diabetes, by and through their parents, along with the American Diabetes Association (together, the “Plaintiffs”), have filed a lawsuit against New York City Department of Education seeking better care for children with diabetes in school. This lawsuit is called *M.F., et al. v. New York City Department of Education, et al.*, Civil No. 18-CV-6109.
- Plaintiffs allege that New York City Department of Education schools violate Federal laws protecting people with disabilities, specifically diabetes because schools:
  - Fail to schedule and hold meetings called Section 504 meetings, and draft and implement plans called Section 504 plans, that describe the diabetes-related care and accommodations that children with diabetes need to safely attend school and benefit from their education;
  - Fail to adequately train school nurses, paraprofessionals, aides, teachers, substitutes, and other staff on diabetes care to meet the needs of students with diabetes;
  - Unnecessarily segregate students with diabetes by making them leave the room and miss valuable instruction time to receive routine diabetes-related care;
  - Exclude students with diabetes from school and school-related activities like field trips, after school activities, and school breakfast by not providing necessary diabetes-related care.
- More information about the lawsuit, including the Complaint, is available here: <https://dralegal.org/case/m-f-v-new-york-city-department-of-education/>

- More information about diabetes care in New York City public schools is available here: <https://www.schools.nyc.gov/school-life/health-and-wellness/staying-healthy/diabetes>
- Plaintiffs have received permission from this Court to represent all class members, meaning all students with Type 1 or Type 2 diabetes who are eligible for diabetes-related care in schools and are now or will be enrolled in New York City Department of Education schools, regarding systemic changes to the New York City Department of Education's policies, practices, and procedures governing diabetes-related care and accommodations in school.
- The Court has not yet decided whether Defendants did anything wrong. Plaintiffs are not seeking any monetary damages from Defendants, nor will class members receive money as a result of any outcome in this lawsuit. Plaintiffs seek only that Defendants change their policies and practices.
- Plaintiffs seek system-wide change that will affect all students with diabetes whether or not individuals choose to participate in the lawsuit.

THERE IS NOTHING YOU NEED TO DO. This notice serves only to allow you the opportunity to monitor the lawsuit if you wish.

### **The Lawyers in the Case**

1. Do I have a lawyer in this case?

The Court decided that Disability Rights Advocates, a non-profit law firm, would represent all Class Members as Class Counsel. Disability Rights Advocates is experienced in handling similar cases regarding disability rights. More information about Disability Rights and its lawyers' experience is available at <http://www.dralegal.org>.

2. Should I get my own lawyer?

You do not need to hire your own lawyer because Disability Rights Advocates is working on your behalf. But if you want your own lawyer, you will have to pay that lawyer. You can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

3. How will the lawyers be paid?

Class Counsel has been paid nothing for the services they have rendered in this case. In addition, they have advanced all of the expenses necessary to maintain the lawsuit. If the Class achieves benefits because of Class Counsel's work, Class Counsel may ask Defendants to pay fees and expenses. You will not have to pay Class Counsel.

**IF YOU OR YOUR CHILD IS A STUDENT WITH DIABETES AND YOU HAVE QUESTIONS ABOUT CARE IN SCHOOL, PLEASE REACH OUT TO:**

The 504 Coordinator and/or the Health Director for your child’s school

AND/OR

Neil Somerfeld, Section 504 Program Manager for N.Y.C. Dept. of Education  
718-310-2429  
504Questions@schools.nyc.gov

**Health Directors**

<b>Borough/ Citywide Offices Districts</b>	<b>Health Director</b>	<b>Email</b>	<b>Phone Number</b>	<b>Address</b>
<b>Affinity</b>	Norberto Perez	NPerez4@schools.nyc.gov	718-935-3891	131 Livingston St, Rm 607 Brooklyn, NY 11201
<b>Brooklyn North</b> 13, 14, 15, 16, 19, 23, 32	Laurell Watson	LWatson21@schools.nyc.gov	718-935-3663	131 Livingston St, Rm 506 Brooklyn, NY 11201
<b>Brooklyn South</b> 17, 18, 20, 21, 22	Juliana Felix-Barret	JFelixBarret@schools.nyc.gov	718-759-4921	131 Livingston St, Rm 509 Brooklyn, NY 11201
<b>Bronx</b> 7, 8, 9, 10, 11, 12	Marleni Moreira	MMoreira3@schools.nyc.gov	718-828-4694	415 89th St, Rm 509 Brooklyn, NY 11209
<b>Manhattan</b> 1, 2, 3, 4, 5, 6	Magdalene Gomes	MGomes6@schools.nyc.gov	212-356-7530	1230 Zerega Ave Bronx, NY 10462
<b>Queens North</b> 24, 25, 26, 30	Carin Jean Pierre-Destin	CPierre@schools.nyc.gov	718-391-8572	333 7th Ave, 8th Fl New York, NY 10001
<b>Queens South</b> 27, 28, 29	Rachelle Lewis	QSHHealthDirector@schools.nyc.gov	347-647-1388	28-11 Queens Plaza North, 4th Fl Long Island City, NY 11101
<b>Staten Island</b> 31	Stephanie Caloir	SCaloir@schools.nyc.gov	718-556-8383	82-01 Rockaway Blvd, Rm 420 Ozone Park, NY 11416

**IF YOU HAVE QUESTIONS ABOUT THIS LAWSUIT, YOU MAY CONTACT CLASS COUNSEL DISABILITY RIGHTS ADVOCATES:**

DISABILITY RIGHTS ADVOCATES  
diabeteslawsuit@dralegal.org  
655 Third Avenue, 14th Floor  
New York, NY 10017  
Tel: (212) 644-8644  
<http://www.dralegal.org>

**IF YOU HAVE QUESTIONS ABOUT DIABETES IN SCHOOLS, YOU CAN CONTACT:**

AMERICAN DIABETES ASSOCIATION  
1-800-DIABETES (342-2383)  
askada@diabetes.org  
<http://www.diabetes.org/safeatschool>