

# Walden Macht & Haran LLP

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March 14, 2018

**BY ECF**

Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *John Doe #1, et al., v. New York City Department of Education,*  
16-CV-1684 (NGG)(RLM)

Dear Judge Garaufis and Judge Mann:

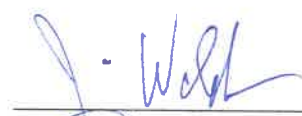
We represent Plaintiffs in the above-referenced matter. We are pleased to submit a mutually acceptable settlement stipulation, on which the parties worked tirelessly for over a year. The provisions of the settlement stipulation, in our collective view, represent a very significant victory for public school children. Among other provisions, the settlement terms provide the following forms of relief, among others:

- A revised Chancellor's regulation on student-on-student bullying that will include more robust procedures for reporting alleged incidents of bullying, recommending interventions and supports for victims of bullying, and notifying parents of the outcome of investigations;
- The creation of an electronic reporting system ("ERS") through which parents can file their own complaints of student-on-student bullying;
- Strict timelines for completion of investigations of bullying complaints, which will be tracked by ERS, with electronic updates provided to parents with verified e-mail addresses;
- The completion of a "Notice of Determination" for each bullying complaint, so that parents will have access to a record of whether the school substantiated the bullying incident;
- The designation of Escalation Staff, who will be available to assist in the completion of bullying investigations and who, in certain circumstances, will refer the investigation for handling by non-school-based staff;

- Mandatory documentation of whether interventions and supports are warranted for victims of substantiated bullying complaints;
- Where a student has experienced two incidents of bullying in one school year, the requirement of an “Individualized Support Plan” for victims, with mandatory follow-up requirements;
- An electronic reporting system for filing complaints of staff-on-student corporal punishment and verbal abuse;
- DOE must approve transfer requests made by (1) parents of victims of substantiated bullying complaints, and (2) parents of victims of substantiated corporal punishment or verbal abuse complaints where it is unsafe for the student to remain at the school;
- Additional training for teachers and administrators;
- Twice yearly public reporting of student-on-student bullying compliance statistics on a district-by-district basis, allowing Plaintiffs’ counsel and the Court to determine if DOE is complying with the new requirements;
- The right to seek enforcement if Plaintiffs’ counsel can show compliance violations are systemic (either in a specific district or City wide); and,
- Continuing jurisdiction of the Court through the term of the Stipulation to ensure compliance.

We wish to advise the Court that certain of these protections were contemplated to be available at the start of the next school year, and others by the first day of the 2019-2020 school year. DOE has advised that it is much more effective and efficient to implement broad policy and practice changes at the beginning of a school year, and that DOE will need lead time to prepare for the next school year (which would include designing new training programs for teachers and administrators).

Respectfully submitted,

  
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Jim Walden  
*Walden Macht & Haran LLP*

Cc: Marilyn Richter and Evan Schnittman, Attorneys for Defendant (by email)