

STATE OF NEW YORK  
NEW YORK STATE EDUCATION DEPARTMENT

-----X  
In the Matter of an Appeal to the NYS Commissioner of :  
Education, AMANDA VENDER; individually, and o/b/o :  
her minor children, M.V-W. and N.V-W.; TIA SCHELLSTEDE, :  
individually, and o/b/o her minor child, W.R.; TANESA :  
GRANT, individually, and o/b/o her minor child M.M.; :  
NAILA ROSARIO, individually, and o/b/o her minor :  
child, L.R.; AMY MING TSAI, individually, and o/b/o her :  
minor children, M.M.2, J.M., M-L.M., and M-Y.M., and all :  
situated NYC Public School Parents/Guardians and their :  
similarly respective children; and CLASS SIZE MATTERS, :

PETITIONERS, :

Pursuant to Section 310 of the N.Y. Educ. Law, :

-v- :

THE BOARD OF EDUCATION OF THE CITY :  
SCHOOL DISTRICT OF THE CITY OF NEW :  
YORK, THE NEW YORK CITY DEPARTMENT :  
OF EDUCATION, AND CHANCELLOR DAVID :  
C. BANKS, in his official capacity, :

RESPONDENTS, :

From the Action of the Respondents Regarding Their Issuance of :  
the Virtual and Blended Courses Guidance, which Unlawfully :  
Permits the Respondents to Assign and Place Petitioners' :  
Respective Children in a Virtual or Blended Class :  
Without First Obtaining Express Written Consent from :  
Petitioner Parents/Guardians, in Violation of the NYSED :  
Regulations of the Commissioner, Section 100.2(u). :

-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF Westchester)

NAILA ROSARIO, being duly sworn, deposes, and states:

1.     My name is Naila Rosario, and I live in the County of Richmond, City and State  
of New York. My daughter L.R. is entering the 12<sup>th</sup> grade next year at the Gaynor McCown

**VERIFIED  
AFFIDAVIT OF  
NAILA ROSARIO**

Expeditionary Learning School, which is a New York City Public School located on Staten Island, New York.

2. My child's experience of virtual learning during the pandemic was very negative, both academically and emotionally, and I am very opposed to the idea that my daughter or any New York City student could be assigned to online classes without full parental knowledge and consent.

3. I was glad to hear that the State Education Department issued regulations requiring parental consent, but then was genuinely concerned when I heard about the New York City Department of Education's Guidance that says they can assign students to online learning even if they have not heard back from parents and have not received their explicit written consent.

4. Allowing the DOE to assign and place students in online classes without parental consent will not only conflict with the state regulations, but also risk undermining the quality of education for thousands of New York City students like my daughter, who needs and deserves the close feedback and personal connections that only in-person classes can provide.

5. Since the State Education Department has approved regulations that require prior parental consent, I urge the Commissioner to see that they are rigorously enforced, and to mandate that the DOE put out new guidance emphasizing the need **in all cases** for prior, verifiable parent consent before any student is placed in an online class.

---

Naila Rosario  
Parent of L.R.

Sworn to before me this 12  
day of June, 2024

---

Notary Public

Notarized online using audio-video communication

Lee Presser  
Online Notary Public  
State of New York  
Westchester County  
Commission #: 01PR0000217  
Commission Expires: 02/02/2027