

STATE OF NEW YORK
NEW YORK STATE EDUCATION DEPARTMENT

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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 :
similarly situated NYC Public School Parents/Guardians and their :
respective children; and CLASS SIZE MATTERS, :

PETITIONERS, :

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

-against- :

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). :

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

VERIFIED
AFFIDAVIT OF
TIA SCHELLSTEDE

I, TIA SCHELLSTEDE, being duly sworn, deposes and says:

1. My name is Tia Schellstede. I live in the County of Kings, in the City and State of New York. I provide this affidavit based on my personal knowledge of the facts as stated herein, and to those matters alleged upon information and belief I believe them to be true.

2. I provide this affidavit in support of this Appeal to the Commissioner of the New York State Department of Education to challenge the regulatory guidance (the Guidance) published by the Respondents; the Guidance, which describes Respondents' plans for implementing virtual and blended learning in New York City Public Schools starting school year 2024-2025.

3. I am the parent of a minor child, W.R., who will be entering the tenth grade next school year (2024-2025) at Edward R. Murrow High School (Murrow); Murrow is a New York City public school in the County of Kings (Brooklyn), New York.

4. I am concerned about the New York City Department of Education's plans to expand virtual and blended learning (previously called online learning). I believe strongly that every parent should have the right to know whether the NYC DOE offers their child a virtual or blended learning class and be prohibited from doing so without having first obtained from the Parent a written signed consent. I want to be advised prior to any assignment or placement of my child in a virtual or blended class, and to be provided the opportunity to specifically consent – in other words to have the opportunity to opt-in to permit my child to attend such a class. I do not want the DOE to unilaterally put my child into a virtual or blended class without my express prior consent.

5. The fact that the NYCDOE has put out a Guidance memorandum to principals and others saying that even if they have not heard back from parents providing that consent, their children can be assigned an online class anyway is unacceptable, especially considering that the

New York State Board of Regents approved regulations in April 2024 saying parental consent is expressly required.

6. It is especially critical for the NYCDOE to notify me and other parents like me, if they plan on placing my child in a virtual or blended class, and to obtain my parental consent for students like mine, who has an Individualized Education Program (IEP). Students with IEPs have the right to be provided with a free and appropriate education under federal law, and a radical shift in the way that education is delivered such as delivering instruction virtually or online may not be appropriate for them or serve their individual needs. Their IEPs would more than likely need to be revised in order for virtual or blended instruction to occur; by law, parents must be consulted and agree to any change in a student’s IEP prior to any significant change in their placement or program.

7. Accordingly, Petitioners request that the Respondents revise their guidelines to clarify that schools cannot place students in virtual classes without prior written and documented parental consent for that placement. For students with IEPs, an IEP meeting should be required, meeting with the parent to discuss the appropriateness of the placement given the significant modifications that would likely be necessarily required to their individual goals and how they are measured.

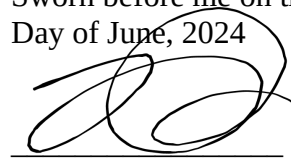
Dated: June 12, 2024



TIA SCHELLSTEDE

Notarized online using audio-video communication

Sworn before me on the 12
Day of ~~June~~, 2024



Notary Public

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