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**NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
(OATH) GRANTED AUTHORITY TO OVERSEE ALL SPECIAL EDUCATION DUE
PROCESS HEARINGS INVOLVING NYC DEPARTMENT OF EDUCATION
SCHOOLS AND PARENTS OF STUDENTS WITH SPECIAL EDUCATION NEEDS**

*State Education Department Issues Order Declaring Full Transition of Impartial Hearing
System to OATH*

*During Transition, OATH Provided Faster Case Resolution, Hired Full-Time Adjudicators, and
Established New Adjudicatory Division to Eliminate Case Backlogs*

NEW YORK – New York City Mayor Eric Adams and Commissioner and Chief Administrative Law Judge of the New York City Office of Administrative Trials and Hearings (OATH) Asim Rehman today announced that all future special education due process complaints filed in New York City will now be handled by OATH’s Special Education Hearings Division. This announcement follows an order from the State Education Department effecting this change as of January 1, 2024. The change comes after OATH’s two-year transition process, where OATH provided faster case resolutions, hired full-time adjudicators, and established a new division to eliminate case backlogs.

“For too long, families have struggled to get answers about whether they are eligible for special education services. Today, we are changing that,” said **New York City Mayor Eric Adams**. “With specially trained staff and a proven track record, OATH is the best possible agency to handle special education cases, issue timely decisions, and make sure that students with disabilities get the resources they need.”

“The Adams administration and OATH have tackled the long and unwarranted delays in special education cases, and the backlog has been eliminated, allowing families to get clear answers and students with disabilities to get the support to which they are entitled,” said **Chief Counsel to the Mayor Lisa Zornberg**. “Moving these cases to OATH will ensure that we can continue to issue fair and timely decisions and, ultimately, help students learn and thrive.”

“Before OATH started taking these cases, parents of students with special needs suffered through delays, hurdles, and frustration while waiting for their cases to be resolved,” said **OATH Chief**

Administrative Law Judge and Commissioner Asim Rehman. “With the establishment of OATH’s Special Education Hearings Division, we have been able to turn the tide and deliver faster results to families, while still ensuring that all parties receive a fair opportunity to be heard and a written decision based on the facts and the law. Consistent with OATH’s longstanding track record of providing neutral, fair, and timely resolution of administrative law matters, OATH has taken great care to build a team of independent, state-certified, and fully trained professionals to hear these cases, as well as establish an efficient case management process. It is wonderful to now announce that the transition is complete, and all new cases will now be handled by OATH.”

This concludes a two-year transition of this caseload to OATH as laid out in a December 1, 2021, Memorandum of Agreement (MOA) entered into by DOE, OATH, and the New York State Education Department (NYSED). The MOA’s purpose was to address increasing delays and backlogs in cases where parents were pursuing claims concerning special education services for their children. Under the prior system, special education hearings were handled by a roster of contracted impartial hearing officers unaffiliated with OATH. In early 2022, OATH began taking cases and established its Special Education Hearings Division, which has a presence in four boroughs and has hired more than 85 full-time impartial hearing officers who are certified by the State Education Department.

Prior to OATH’s involvement in early 2022, the backlog of cases waiting to be assigned to an impartial hearing officer had grown to 11,000 cases and it took an average of 282 days for cases to resolve. However, after the establishment of the OATH Special Education Hearings Division, the backlog was eliminated and, for school year 2022-23, OATH impartial hearing officers resolved cases in an average of 119 days. While due process complaint filings continue to increase, from over 14,000 during school year 2020-21 to over 21,000 in school year 2022-23, OATH is well-positioned to continue to deliver fair and timely case resolution. Thus far in school year 2023-24, OATH on average is resolving cases in less than 110 days.

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