

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : PART 11

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In the Matter of

PAUL TRUST, MELANIE KOTLER, TAMARA
TUCKER, and SARAH BROOKS, individually, and on
behalf of all parents and guardians of New York City
public school students,

ORDER

Index No.: 155933/2022

Petitioners,

-against-

THE CITY OF NEW YORK, THE NEW YORK
CITY DEPARTMENT OF EDUCATION, and the
CHANCELLOR OF THE NEW YORK CITY
DEPARTMENT OF EDUCATION, David C. Banks,
in his official capacity,

Respondents,

For an Order, Pursuant to Article 78 of the CPLR and
Sections 2590-q and 2590-r of the New York Education
Law, Annulling the Adoption of the NYC FY23 Budget
and the 2022-2023 School Year Budget for the
Department of Education.

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Upon the papers and arguments made on the record in this matter, and the Petitioners having demonstrated that they are likely to succeed on the merits, that both the failure to adopt a budget in accordance with the requirements of the State Education Law and the resulting cuts in Department of Education budget constitute irreparable injury, that the balance of hardships leans decidedly on the side of the parent and teacher petitioners, and the class that they represent, and that the public interest requires that the Court require the government to adopt a budget in strict compliance with the Sate Education Law; and the Court having concluded that one part of the budget, that involving allocations to the NYC Department of Education, can be the subject of

injunctive relief without requiring reconsideration of the entire NYC 2022-2023 budget (the FY 2023 budget), and that the Court's equitable powers allow it to prevent cuts in the budgets of individual schools pending a City Council vote, it is hereby

ORDERED that pending the trial of this matter, or until the City Council takes a new vote on the the FY 2023 budget for the NYC Department of Education, the Respondent City of New York and the Respondent David Banks, NYC Schools Chancellor, and their officers and agents, are restrained and enjoined from

- a) implementing the FY 2023 budget adopted by the NYC Council for the NYC Department of Education (DOE);
- b) not continuing to fund the NYC Department at the levels set in the FY 2021-2022 budget;
- c) cutting the budget allocations made for FY 2023 to individual schools so as to cause any reduction in services to students; and it is further

ORDERED that nothing in this Order shall prevent

- a) the allocation of additional funds from the City to the Department of Education from within the City budget or from other sources such as the Federal Government;
- b) the implementation of the dyslexia program already being created by the DOE;
- c) net-zero transactions involving transfer of staff within the system;
- d) budget changes associated with grants where the grantor is not the City of New York,
or
- e) budget changes made within a school with the explicit agreement of the school's Principal or designee so long as the change does not reduce the school's budget.

ENTER:

Hon. Lyle Frank
Justice of the Supreme Court