

IntegrateNYC Inc. v State of New York

2022 NY Slip Op 34736(U)

May 25, 2022

Supreme Court, New York County

Docket Number: Index No. 152743/2021

Judge: Frank P. Nervo

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. FRANK NERVO PART 04

Justice

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INTEGRATENYC INC., COALITION FOR EDUCATIONAL JUSTICE, P.S. 132 PARENTS FOR CHANGE, A. C., H. D., M. G., L. S., C. H., Y. J., A. M., V. M., M. A., S. S., S. D., K. T., S. W.,

Plaintiff,

- v -

THE STATE OF NEW YORK, KATHY HOCHUL, NEW YORK STATE BOARD OF REGENTS, NEW YORK STATE EDUCATION DEPARTMENT, BETTY ROSA, BILL DE BLASIO, NEW YORK CITY DEPARTMENT OF EDUCATION, MEISHA PORTER, PARENTS DEFENDING EDUCATION,

Defendant.

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INDEX NO. 152743/2021

08/23/2021, 08/24/2021, 09/13/2021,

MOTION DATE 12/15/2021

012 013 014

MOTION SEQ. NO. 015

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 012) 118, 119, 120, 121, 122, 138, 163, 173, 184

were read on this motion to/for DISMISS

The following e-filed documents, listed by NYSCEF document number (Motion 013) 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 139, 164, 174, 187, 188

were read on this motion to/for DISMISSAL

The following e-filed documents, listed by NYSCEF document number (Motion 014) 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 175, 182, 185

were read on this motion to/for DISMISSAL

The following e-filed documents, listed by NYSCEF document number (Motion 015) 178, 179, 180, 181, 186

were read on this motion to/for LEAVE TO FILE


The above motions are consolidated for the purposes of disposition as they either seek related relief or are rendered academic by the instant decision and order.

It is beyond cavil that the Court lacks jurisdiction to grant the relief sought and that the petition improperly seeks, inter alia, this Court to make educational policy by directing respondents take certain actions regarding curriculum content, testing content, employment diversity, employment policies, admission policies, and disciplinary policies, among others (*see e.g. Bd. of Educ., Levittown Union Free School Dist. v. Nyquist*, 57 NY2d 27 [1982]; *Campaign for Fiscal Equity, Inc., v. State*, 8 NY3d 14 [2006]; *Roberts v. Health & Hosps. Corp.*, 87 AD3d 311 [1st Dept 2011]). The legislature, not the judiciary, is the proper branch of government to hear petitioners' prayers (*id.*; *see also Klostermann v. Cuomo*, 61 NY2d 525, 535 [1984]). "Simply put, when the courts review the acts of the Legislature and the Executive, we do so to protect rights, not to make policy" (*Roberts v. Health & Hosps. Corp.*, 87 AD3d at 325 [internal citations omitted]). The petition improperly seeks this Court to make education policy and, therefore, presents a nonjusticiable controversy.

Accordingly, it is ORDERED that the petition is dismissed; and it is further ORDERED that the matter is marked disposed; and it is further ORDERED that the remaining relief is denied as academic in light of the dismissal of the action.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

5/25/2022
DATE


HON. FRANK P. NERVO
J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/> CASE DISPOSED	<input type="checkbox"/> DENIED	<input type="checkbox"/> NON-FINAL DISPOSITION	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> GRANTED		<input checked="" type="checkbox"/> GRANTED IN PART	
CHECK IF APPROPRIATE:	<input type="checkbox"/> SETTLE ORDER		<input type="checkbox"/> SUBMIT ORDER	
	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE