UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELSA GULINO, MAYLING RALPH, PETER WILDS,   :
and NIA GREENE, on behalf of themselves and all others   :
similarly situated,   :

                        Plaintiffs,   :

           - against -   :

THE BOARD OF EDUCATION OF THE CITY   :
SCHOOL DISTRICT OF THE CITY OF NEW YORK,   :

                      Defendant.   :

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96 Civ. 8414 (KMW)

ORDER

WOOD, U.S.D.J.:

      On June 5, 2015 the Court issued an Opinion and Order finding that the LAST exam administered after February 13, 2004 was invalid. [ECF No. 608.] As directed by the Court, on December 10, 2015, the Plaintiffs and Defendant Board of Education of the City School District of the City of New York ("BOE") jointly submitted to the Special Master the language set forth below.

      The Court now adopts the December 10, 2015 injunction language and enjoins the BOE as follows:

      (1)   The City School District of the City of New York is restrained from using the failure of any Liberal Arts and Sciences Test ("LAST") examination administered on or after February 13, 2004 in making any employment determinations.

      (2)   Any African-American or Latino test-taker who first took and failed the LAST examination administered on or after February 13, 2004, shall be deemed to be certified by the State of New York solely for purposes of employment by the City School District of the City of New York and the operation of the School District, despite having failed the LAST, if he or she can establish to the satisfaction of the Court:

    a) that by December 28, 2019, he or she satisfied the New York State certification requirements for an initial certificate in the certificate title sought, other than passing the LAST, that were operative during the period that the LAST was a prerequisite for New York State initial certification,

or,

   b) that he or she meets all current requirements for employment as a teacher by the City School District of the City of New York, except for the requirement to take and pass the Academic Literacy Skills Test ("ALST").

    (3)   Any African-American or Latino test-taker who first took and failed the LAST examination administered on or after February 13, 2004, will have until December 28, 2019, to demonstrate his or her satisfaction of the criteria set forth in Paragraph (2) above.

    (4)   The provision of Paragraph (2) above shall not apply to anyone who, after initially failing the LAST, retook and passed the LAST but thereafter failed to meet other requirements for initial New York State certification unless the unsatisfied requirement went into effect after the individual's initial failure of the LAST. Furthermore, the provision of Paragraph (2) above shall not apply to anyone who previously held an initial New York State certification in the certificate title they now seek, but failed to convert that initial certification into a professional certification for reasons other than failure of the LAST.

    (5)   Any African-American or Latino test-taker who first took and failed an LAST examination administered on or after February 13, 2004, seeking permanent employment by the City School District for the City of New York pursuant to this Order, must, in addition to satisfying one of the subparagraphs of paragraph (2) above, also comply with the current State-mandated workshops in: (a) child-abuse identification and reporting, and school violence prevention and intervention; (b) harassment, bullying and discrimination prevention and intervention as these requirements are codified in New York State Regulations 80-1.4, 80-1.12 & 80-1.13 before they may be hired for permanent employment by the City School District for the City of New York. Anyone who first took and failed an LAST examination administered on or after February 13, 2004, who establishes his or her compliance with one of the subparagraphs of Paragraph (2) will not be required to bear the costs associated with completing these workshops.

ON RECOMMENDATION OF THE SPECIAL MASTER

SO ORDERED.

Dated: 12-28-15

Kimba M. Wood
KIMBA M. WOOD
United States District Judge