

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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GULINO, ET AL.,

Plaintiffs,

96-CV-8414 (KMW)  
ORDER

-against-

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

Defendant.

-----X  
WOOD, U.S.D.J.:

At a hearing held on March 20, 2015, the Court proposed an amendment to the Court's November 24, 2014 injunction. Neither party objected to the proposed amendment. The Court therefore adopts the proposed amendment and enjoins the BOE as follows:

- (1) The City School District for the City of New York is restrained from using the failure of any Liberal Arts and Sciences Test ("LAST") examination administered on or before February 13, 2004 in making any employment determinations for class members, as defined in the Court's order dated June 17, 2014 [ECF No. 447].
- (2) Class members, who took and failed the LAST examination administered on or before 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 those class members can establish to the satisfaction of the Court:
  - a) that by November 23, 2018, the class member satisfied the New York State certification requirements for a provisional 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 certification,or,
  - b) that the class member was appointed under a New York City Board of Examiners Credential and satisfied the requirements, other than the requirement to pass the LAST, necessary for continued appointment, otherwise known as "the maximum

requirements,” that were in effect at the time that the Board of Examiners ceased operating,

or,

- c) that the class member meets all current requirements for employment as a teacher by the City School District for the City of New York, except for the requirement to take and pass the Academic Literacy Skills Test (“ALST”).

- (3) Class members will have until November 23, 2018, to demonstrate their satisfaction of the criteria set forth in Paragraph (2) above.

Class members 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) the needs of students with autism for certain classroom teaching titles; and (c) 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. Class members who establish their compliance with one of the subparagraphs of Paragraph (2) will not be required to bear the costs associated with complying with these workshops.

SO ORDERED.

DATED: New York, New York  
March 31, 2015

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/s/  
KIMBA M. WOOD  
United States District Judge