November 7, 2025

CasePrepPlus

A New York State Bar Association member benefit

Editor:
Robert S. Rosborough IV

Summarizing recent significant New York appellate cases

The Court of Appeals recently held that plaintiffs' allegations that the New York City school system's use of admissions and screening policies, curriculum content, and lack of teacher diversity, were insufficient to state a claim under the New York Constitution's requirement that students receive a sound basic education. Let's take a look at that opinion and what else has been happening in New York's appellate courts over the past week.

COURT OF APPEALS

EDUCATION LAW, SOUND BASIC EDUCATION

***IntegrateNYC, Inc. v State of New York*, 2025 NY Slip Op 05870 (Ct App Oct. 23, 2025)**

Issue: **Does the New York City public education system, through its admissions and screening policies, curriculum content, and lack of diversity among the teacher workforce, discriminate against Black and Latino students, and deprive them of a sound basic education in contravention of the Education Article of the State Constitution, deny them equal protection of the laws, and deny them access to educational facilities in violation of the New York State Human Rights Law?**

Facts: Plaintiffs filed this action against the State and the actors responsible for the New York City school system, alleging that "the New York City public school system is highly segregated, due in large part to Black and Latino students underperforming on admissions tests used for entry to the City's 'prime educational opportunities,' including the Gifted & Talented program, screened middle and high schools, and specialized high schools. Plaintiffs claim that these exams result in a majority of Black and Latino students attending inferior schools that are deficient in terms of physical facilities and instrumentalities of learning, resulting in poor educational outcomes . . . Therefore, plaintiffs allege, said schools do not deliver a sound basic education as required by the Education Article.

These segregated students, according to the complaint, also receive less than a sound basic education because they are taught a 'white and Eurocentric curriculum' rather than one that is 'culturally responsive,' and because defendants have 'failed to recruit and support a diverse educator workforce' and otherwise failed to provide all teachers with 'appropriate training . . . on how to deliver a racially equitable and culturally responsive education.' With respect to this second argument, their premise that defendants' policies violate the Education Article rests not on a lack of adequate facilities or instrumentalities of learning, but rather on the belief that failure to implement other policies they perceive as essential to the success of those students constitutes a deprivation of a sound basic education.

Plaintiffs make additional claims alleging that defendants have intentionally maintained the admissions system for 'prime educational opportunities' despite their knowledge of disparate outcomes, thereby denying plaintiffs equal protection of the laws, and alleging under the NYSHRL that defendants' policies unlawfully denied them use of educational facilities. Plaintiffs, among other relief, seek a declaratory judgment and an injunction requiring defendants to eliminate the admissions screens currently in use in all New York City public schools and prohibiting future such screens to the extent that they operate in a racially discriminatory manner."

After Defendants all moved to dismiss, Supreme Court granted those motions, holding that "it lacked jurisdiction to grant the requested relief because doing so would involve the court in matters of education policy better suited for the legislature, thereby presenting a non-justiciable controversy." The Appellate Division, First Department, however, modified and reinstated the complaint, determining that it was justiciable and stated viable causes of action.

Holding: The Court of Appeals reversed. Although the Court agreed with the Appellate Division that the plaintiffs' claims were justiciable, since they involved review of whether the actions of the executive branch comply with sound basic education requirement of the Education Article of the New York Constitution, the Court nonetheless held that the complaint failed to satisfy the minimum pleading standards to state a claim. The Court explained, "[a] claim brought under the Education Article requires a showing of both the deprivation of a sound basic education and causes attributable to the State. To adequately plead a violation, plaintiffs must sufficiently allege first, that the State fails to provide plaintiffs a sound basic education in that it provides deficient inputs—teaching, facilities and instrumentalities of learning—which lead to deficient outputs such as test results and graduation rates. Second, plaintiffs must sufficiently allege causation—that the deficient outputs are causally connected to the claimed input deficiencies."

The Court noted two other limits on sound basic education claims: "First, the deficiencies complained of must represent a district-wide failure, that in turn causes students in that district to receive an education below the minimum acceptable floor. Second, the Education Article does not permit judges to micromanage matters of educational policy, which are broadly entrusted to local control. To avoid such intrusion, an Education Article claim requires allegations of a 'gross and glaring inadequacy' in the quality of education being provided."

Here, the Court held, plaintiffs failed to allege these minimum allegations. "[T]he claims of deficient inputs at unscreened schools—the more traditional allegations concerning the condition of facilities and tools for learning—are insufficient to state a cause of action for the fundamental reason that they do not allege any district-wide failure. Plaintiffs identify a single school as an example of a poorly maintained facility and the remaining allegations regarding unscreened schools are vague . . . Not only does the complaint here fail to allege a district-wide failure to put minimally adequate resources in classrooms, but the failures that it does allege are vague and conclusory. Plaintiffs claim that at unscreened schools, students have 'an insufficient number of textbooks, requiring a single textbook to be shared by up to three students,' that they 'lack . . . basic classroom materials, such as working markers, paper, and lab equipment for science classes,' they experience overcrowding 'with as many as 40 students in a single classroom,' and there are 'recurrent leaks in school hallways,' and 'no toilet paper in the bathroom.' It is unclear from these general allegations whether the deficiencies extend to a few schools or are district-wide. Nor does the complaint provide any benchmarks from which to assess these allegations as the *CFE I* plaintiffs did by comparing access to supplies in New York City schools with schools statewide."

The Court also held that the plaintiffs failed to adequate allege causation. "Plaintiffs essentially argue that the negative educational outcomes experienced by Black and Latino students—lower graduation rates and conferral of advanced Regents diplomas—is the result of their relegation to predominantly Black and Latinx general educational programs, as opposed to the predominantly white and Asian Gifted & Talented programs or screened and specialized schools. As in *Paynter*, plaintiffs here do not assert that these results are caused by any deficiency in teaching, facilities or instrumentalities of learning, or any lack of funding. Aside from the conclusory allegations of input deficiencies already described, plaintiffs have failed to establish a causal connection between the deficient outputs and any failure of defendants to provide resources—financial or otherwise to the unscreened schools."

Finally, the Court held, "plaintiffs' novel input allegations regarding curriculum content and diversity hiring practices are also incapable of supporting their Education Article claim. Plaintiffs ask the Court to recognize these inputs as indispensable to a sound basic education because they could help to 'disrupt the complex system of biases and structural inequities' in society . . . But even if we accept, as we must at this stage of the proceedings, that these inputs bear on education quality, which in turn affects outcomes for Black and Latino students, plaintiffs must still allege that the current system of education does not meet minimum constitutional standards, which requires only that defendants put adequate resources into the classroom. As laudable as the aspirations in the complaint may be, the standards plaintiffs propose exceed notions of a minimally adequate or sound basic education and may not be used as benchmarks of educational adequacy under the Education Article."

CRIMINAL LAW, STATUTORY RIGHT TO CONTROVERT THE FELONY STATEMENT ALLEGATIONS

***People v Wright*, 2025 NY Slip Op 05869 (Ct App Oct. 23, 2025)**

Issue: **Did the trial court deny defendant his statutory right to personally controvert the prosecution's predicate felony allegations when it refused to consider his specific challenge and instead accepted defense counsel's concession of the issue?**

Facts: "Defendant Jason Wright was charged with attempted murder, first-degree assault, and related offenses, stemming from allegations that he shot and injured two people on a Manhattan street." Defendant was convicted following trial of "various counts of assault, attempted assault, and criminal possession of a weapon." Prior to Defendant's sentencing, the People filed a predicate felony statement alleging that defendant was convicted of a violent felony over 20 years earlier, and that defendant's subsequent terms of incarceration sufficiently tolled the 10-year lookback period to encompass the prior conviction.

When the tolling question arose at Defendant's sentencing, "the prosecution summarized the terms of incarceration that they alleged were sufficient to toll the 10-year lookback period with approximately three months to spare. The prosecution's tolling calculation included 196 days' incarceration at a New Jersey facility between 2008 and 2009. The court asked defense counsel if they wished to be heard, and counsel responded, 'not on this matter.' Defendant immediately interjected, '[y]es, I controvert on that.' The court ignored defendant's challenge to the predicate felony statement allegations and concluded that the prosecution established the required tolling period. It then moved to counsels' arguments on sentencing. Defendant continued to object to the proceeding and the court's finding that he was a second violent felony offender. Still, the court refused to hear defendant's challenge and threatened to remove him from the courtroom if he continued to press the point."

The trial court sentenced Defendant "as a second violent felony offender on the first-degree assault count to 20 years' incarceration and an additional five years' post release supervision, concurrent to 15 years' incarceration and five years' PRS on the remaining felony counts. Had defendant instead been sentenced as a first violent felony offender, his minimum sentencing exposure would have been five years' incarceration and 2½ years' PRS." The Appellate Division, First Department affirmed.

Holding: The Court of Appeals modified the judgment of conviction on the sentencing issue. The Court explained, "[b]y its terms, CPL 400.15 establishes a procedure that the sentencing court must follow to determine a defendant's predicate felon status. Based on the full text of CPL 400.15 (3) and its placement in the predicate sentencing statutory scheme, we conclude that a court must ask the defendant personally if they wish to controvert any allegations in the prosecution's statement."

The Court reached this conclusion based on a number of factors. "First, CPL 400.15 (3) requires that the defendant receive a copy of the statement and that the court ask them if they wish to controvert any allegation contained therein. This procedure thus mandates that the defendant personally has notice of the allegations against them and a corresponding opportunity to be heard. Second, CPL 400.15

(3) refers to the defendant using personal pronouns, which is a deviation from the rest of the statute's impersonal diction. Third, given the significant consequences of the decision to controvert and the information relevant to making that decision, it is unlikely that the legislature intended for defense counsel to be able to refuse to controvert in the face of the defendant's opposition, without any further inquiry by the court. Indeed, the failure to controvert results in an automatic sentence enhancement in the present case and in any future sentences and therefore has lifetime ramifications. Further, sentence enhancements can be severe. For example, Supreme Court's conclusion that the prosecution established defendant's prior felony conviction, and its acceptance of the prosecution's proffered tolling calculations, subjected defendant to double the minimum term of incarceration. Relatedly, it is the defendant who has knowledge of the facts regarding their convictions and prior terms of incarceration essential to challenging the predicate felony allegations, including the periods that toll the 10-year lookback period. These factors, considered together, make clear that the term 'defendant,' as written in CPL 400.15 (3), refers to the defendant personally."

Here, the Court held, because the sentencing court refused to consider Defendant's personal objection to the predicate allegations, the matter must be remanded to that court to give Defendant an opportunity to do so.

CRIMINAL LAW, TIMING OF FILING OF STATEMENT OF READINESS FOR TRIAL

***People v Licius*, 2025 NY Slip Op 05873 (Ct App Oct. 23, 2025)**

Issue: **Must the People's statement of readiness for trial and certificate of compliance be electronically served and filed with the court before 5:00 p.m. when the court building closes?**

Facts: "On May 3, 2022, Mr. Licius was arraigned in Criminal Court on a misdemeanor complaint." On the day by which the People were required to announce their readiness to comply with the CPL 30.30 (1) speedy trial deadline, the People served and filed a certificate of compliance with their discovery obligations and statement of readiness, at 5:03 p.m., through the Electronic Document Delivery System (EDDS). Because the clerk's office was closed at the time the People filed the SOR, the Clerk, on the following morning, marked the SOR as filed as of the deadline the day before. "Mr. Licius's counsel moved to dismiss the accusatory instrument pursuant to CPL 30.30, arguing both that CPL 30.30 does not permit the prosecution to state it is ready for trial after the court's close of business on the final day of the statutory speedy trial period, and also that the SOR was not filed until the clerk's office reviewed and accepted it on August 2, 2022, after the speedy trial period had elapsed."

"Criminal Court granted Mr. Licius's motion to dismiss, holding that the People's 5:03 p.m. filing was invalid because 'the People must be capable of actually beginning a trial when they announce readiness.' The Appellate Term reversed, holding that the People's readiness and the court's ability to commence a trial are separate issues and that since the implementation of EDDS, documents can now be submitted throughout the day and later be 'deemed filed' by the clerk."

Holding: The Court of Appeals affirmed, clarifying that "electronic submission of an SOR before midnight on the due date satisfies CPL 30.30. CPL 30.30 (1) (b) requires that the People validly declare their readiness for trial within the applicable speedy trial period, either on the record in court or by written communication to the defendant and court to be placed on the record . . . Electronic delivery before midnight on the calendar day of the statutory deadline satisfies CPL 30.30 because there is no requirement in CPL 30.30, or our case law, that the People's readiness be communicated to the court and defense counsel by any particular time of day."

The Court explained, "the People's trial readiness does not depend on whether the court is closed, about to close, or otherwise unavailable to commence trial. The statutory speedy trial framework requires the People to be ready to commence trial by a date certain, without regard to whether the court is able to commence trial. It is well settled that time elapsing because of court unavailability is not charged to the People when determining trial readiness. CPL 30.30 was enacted for 'the narrow purpose of insuring prompt prosecutorial readiness for trial, and its provisions must be interpreted accordingly.'" Thus, the Court held that Appellate Term properly denied Mr. Licius' motion to dismiss.

CasePrepPlus | November 7, 2025

To view archived issues of CasePrepPlus,
visit NYSBA.ORG/caseprepplus/.