

# **EXHIBIT A**

At a term of the Supreme Court, held in and for the County of Albany, State of New York, in the City of Albany, on September 3, 2025.

PRESENT: HON. RICHARD J. MCNALLY, JR.  
SUPREME COURT JUSTICE

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ALBANY

YESHIVA MOSDOS CHASIDEI SQUARE BORO PARK, YESHIVA MOSDOS CHASIDEI SQUARE OF WILLIAMSBURG, YESHIVA TORAH V'YIRAH BAIS ROCHEL, YECHIEL EINHORN, CHAIM MEIR ISRAEL, ABRAHAM SEKULA, YAKOV SILBERMAN, JACOB KALISCH, YOSEF KLEIN, and ANN KOENIG,

Petitioners-Plaintiffs,

For a Declaratory Judgment Pursuant to Civil Practice Law and Rules § 3001 and a Judgment Pursuant to Civil Practice Law and Rules Article 78

-against-

DECISION AND ORDER  
INDEX NO. 906775-25

NEW YORK STATE DEPARTMENT OF EDUCATION, and BETTY A. ROSA, in her capacity as Education Department Commissioner,

Respondents-Defendants.

Appearances: SBarshovLaw PLLC  
Attorneys for Petitioners-Plaintiffs  
(Steven Barshov, Esq.)  
20 Lagoon Lane, Haverstraw, NY 10927

Hon. Letitia James  
Attorney General of the State of New York  
Attorney for Respondents-Defendants  
(Lauren R. Rosenberg, Esq., of Counsel)  
The Capitol  
Albany, New York 12224













law. Therefore, respondents' argument that petitioner schools were no longer nonpublic schools after receiving the negative determinations is without merit.

Respondents' argument that the amendment adding subsection 6 should not be applied retroactively is similarly without merit as applied to petitioners' first cause of action. Petitioners are not asking for the new legislation to be retroactively applied to the March 2025 negative determinations. Instead, the legislature created a new system for establishing substantial equivalency and such requirements only need to be applied prospectively in order to permit petitioner schools to utilize subsection 6.

In light of the foregoing, the Court finds that respondents' May 2025 determination that petitioner schools could not utilize subsection 6 in order to establish substantial equivalency is contrary to law. The Court has reviewed the parties remaining contentions as to petitioners' first cause of action and concludes they either lack merit or are unpersuasive given the Court's determination (*Hubbard v County of Madison*, 71 AD3d 1313 [3d Dept 2010]). The Court need not address petitioners request for a preliminary injunction given the Court's determination. As to petitioners' second and third causes of action, this Court's determination as to the first cause of action renders them moot (*see Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 713-714 [1980]).

Accordingly, it is

**ORDERED and ADJUDGED**, that the petition, as to the first cause of action is granted; and it is

**ORDERED**, that respondents' determination that petitioner schools are ineligible to utilize subsection 6 of Education Law § 3204 is annulled, petitioner schools are "nonpublic schools" within the Education Law, and, upon electing to utilize the new assessment pathways

under Education Law § 3204 (6), petitioner schools immediately satisfy the applicable substantial equivalence criteria, and it is

**ORDERED**, that Parents for Educational and Religious Liberty in Schools and Torah Umesorah’s motion to file an amicus brief is denied, and it is

**ORDERED**, that Young Advocates for Fair Education, Inc.’s motion to intervene is denied, and it is

**ORDERED**, that the petition, as to the second and third causes of action, is dismissed.


The Court has uploaded the original Decision and Order/Judgment to the case record in this matter as maintained on the NYSCEF website whereupon it is to be filed and entered by the Office of the Rensselaer County Clerk.

Counsel for the parties are not relieved from the applicable provisions of CPLR 2220 or the Uniform Rules of Supreme and County Courts § 202.5b (h) (2), insofar as it relates to service and notice of entry of the filed document upon all other parties to this special proceeding, whether accomplished by mailing or electronic means, whichever may be appropriate dependent upon the filing status of the party.

Uniform Rules of Supreme and County Courts § 202.5b (b) (2) (I) directs that service upon nonparticipating parties must be made in hard copy.

**SO ORDERED.**

Dated: September 3, 2025  
Albany, New York

  
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HON. RICHARD J. MCNALLY, JR.  
Supreme Court Justice

Papers Considered:  
NYSCEF Docs: 1-162