

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF ALBANY

In the Matter of

Index No. 907665-22

PARENTS FOR EDUCATIONAL AND RELIGIOUS LIBERTY IN SCHOOLS; AGUDATH ISRAEL OF AMERICA; TORAH UMESORAH; MESIVTA YESHIVA RABBI CHAIM BERLIN; YESHIVA TORAH VODAATH; MESIVTHA TIFERETH JERUSALEM; RABBI JACOB JOSEPH SCHOOL; YESHIVA CH'SAN SOFER – THE SOLOMON KLUGER SCHOOL;

Petitioners,

For a Declaratory Judgment and a Judgment Pursuant to Article 78 of the Civil Practice Act and Rules

-against-

LESTER YOUNG JR., as Chancellor of the Board of Regents of the State of New York; and BETTY A. ROSA, as Commissioner of the New York State Education Department,,

Respondents.

AFFIDAVIT OF RABBI YISROEL REISMAN

1. I serve as a Dean at Yeshiva Torah Vodaath, (YTV), one of the Yeshiva Petitioners in this action. Yeshiva Torah Vodaath was founded in Brooklyn in 1918, and has operated continuously in Brooklyn since that time. Today, we have a K-12 school as well as undergraduate and graduate programs, with a total enrollment of over one thousand students.

2. I first came to YTV in 1964, as a third grade student. With the exception of a single year post-high school when I studied elsewhere, I have been affiliated with YTV since

that time – as a student in its elementary school, high school, undergraduate and graduate programs, and in various faculty positions.

3. A few years after its founding, YTV engaged Rabbi Shraga Feivel Mendlowitz as its Dean. He crafted the curriculum that is still the template for most yeshivas. Recognizing that the religious strength of the students required immersion in religious life, he founded a summer camp in Upstate New York for the yeshiva's students. And recognizing that for the Orthodox community to thrive it will need religious and societal leaders, he created post-high school and post-graduate programs to train them. He also instituted a strong Secular Studies program taught in the afternoon, focusing on English, Math, History and Science.

4. Integral to the religious studies at YTV (and other yeshivas) is an emphasis on ethics, honesty, responsibility, generosity (financial and otherwise) toward others, and a lifelong commitment to learning. These are not reflected in courses recognized by the State, nor can they be measured via "equivalency." But they are indispensable to the identity of a religious Jew, and the salutary results of this education are obvious in our communities.

5. YTV (and most other yeshivas) continue to have a dual curriculum. The majority of the school day is still devoted to Judaic Studies, which focuses on the Bible and its commentaries, the Talmud and related commentaries, and Jewish history, law and ethics. We also have a General Studies department that provides instruction in English, Math, History and Science. As in most every yeshiva, General Studies are offered four afternoons per week.

6. The parents who choose YTV for their children do so for the religious education that we offer and the religious values that we instill. Many of our current students are the children of YTV alumni, and we even have several fourth generation YTV students enrolled.

7. Rabbi Mendelowitz's vision still animates YTV's mission, and is evident in its successes. YTV graduates serve as Rabbis, teachers, scholars and community leaders, and have established schools, synagogues, charities and social service organizations throughout New York and the United States.

The State Education Department's New Regulations

8. On April 25, 2022, I was one of three yeshiva Deans who met with Commissioner Rosa on behalf of the yeshiva community to express our concerns about the then-proposed Regulations, and the impact that they would have on yeshiva education. At that meeting, we proposed several revisions to the regulations that would help ameliorate some of the concerns we had expressed.

9. Commissioner Rosa asked us to put our suggestions in writing. A week later, we sent Commissioner Rosa a letter with our proposals. A copy of that May 2, 2022 letter is attached as Exhibit A. In response, we received a letter advising us that our letter will be added to all those submitted during the public comment period. A copy of SED's May 17, 2022 letter is attached. We never received a substantive response to the alternatives proposed in our letter.

10. At our April 25, 2022 meeting with the Commissioner and her senior staff, we tried to explain that the current system is working well, detailing the successes of the yeshiva educational system, the academic rigor of a yeshiva education and the rich academic and intellectual content contained in the Judaic Studies courses that we offer.

11. At that meeting, we also explained the pressures on New York City yeshivas, which must continue to fill their classes in order to be viable. Already, rising New York City housing costs and other quality of life issues have tempted many Orthodox families to move to

New Jersey. We advised the Commissioner that if New York yeshivas are required to alter their curriculum and diminish their emphasis on religious education and Judaic Studies, we would experience an immediate and devastating reduction in enrollment. Our parent bodies want the schedule that YTV and other yeshivas maintain, and the rich religious life it encourages.

The Impact of the Regulations

12. The Regulations would require YTV to change its character and identity. We would lose the reputation for religious education that we have carefully nurtured for a century.

13. From seventh grade and on, our children arrive in yeshiva for morning prayers at approximately 7:30 AM. Religious education and Judaic Studies continue until the early afternoon. This is the standard yeshiva schedule, necessary for developing Jews who are grounded in the Orthodox tradition and academics of our faith. Students are taught to study in the languages of our faith and texts, Hebrew and Aramaic. They pursue rigorous, intellectually rewarding and religiously motivated study of a variety of Biblical, Talmudic and other texts. It requires many hours of instruction for these studies to be taught well and fully absorbed..

14. The regulations would require the addition of numerous subjects and topics to the YTV curriculum. Adding them would transform not only our curriculum but also our character, and would diminish our emphasis on religious education and Judaic Studies.

15. The regulations also require local school authorities to assess the competence of all of YTV's faculty. The regulations do not state what standards they will use when the sit in judgment of our teachers, but they surely will not be the same standards employed by YTV.

16. At YTV, as in all other yeshivas, we expect all of our faculty -- including our general studies teachers -- to model, teach and promote behavior in conformity with the

religious values that are at our core. As the United States Supreme Court has recognized, religious school teachers are expected to guide their students, by word and deed, toward the goal of living their lives in accordance with their faith.

17. Because religious education and the formation of students is the very reason for the existence of YTV and other yeshivas, the independence to select and supervise the teachers we employ is indispensable to the success of our mission

18. Empowering local school authorities to approve or disapprove of yeshiva faculty therefore undermines the independence of YTV and interferes with our religious mission.

19. The subjects and topics that the regulations require us to add are courses that YTV has never offered and that, as far as I am aware, no parent has ever requested.

20. YTV already has a very long school day, which runs from 7:30 AM until after 5:30 PM. When travel to and from school is added in, it is a day that cannot be made longer. No parent would permit it, nor would any educator advise it

21. The mission of YTV and other yeshivas is not only to educate our students but primarily to have them understand and accept the principles of our faith and live by them. This mission transcends curriculum but requires an immersion in Jewish living that would be undermined if the regulations shift time away from Jewish Studies to these new classes.

22. YTV is quite proud of the professional successes that so many of its graduates have achieved in medicine, law, accounting, technology, health care and so many other fields. Yet our satisfaction is not derived from their temporal achievements but from the fact that their secular accomplishments are built on a foundation of religious beliefs, values and practices.

23. The Regulations therefore have numerous negative consequences on YTV. First, they require YTV to alter its General Studies curriculum to add classes and teachers. Second, they impermissibly undermine our independence and our control over our teachers, who are integral to our religious mission. Third, because there are only so many hours in a school day, they require YTV to diminish the religious education and Judaic Studies that are at the core of its existence, and the reason its parent body has chosen YTV for their children.

24. YTV has a registered high school, which means that our school is substantially equivalent. That does not diminish my concern about the Regulations and their impact. The Regulations require substantial equivalence reviews even of a registered school if it is the subject of a complaint. The complaint need not come from a parent or former parent, or a former student. There is no requirement that a complainant have any connection to or first-hand experience with the school. Given that there are entire organizations devoted to complaining about yeshivas, every yeshiva -- even those with registered high schools -- are likely targets of a complaint and likely subjects of a local school board review.

Conclusion

25. There is simply no justification for the mandates of the Regulations. They upend a status quo that has existed for more than 125 years and that has worked well.

26. I have been a teacher my entire adult life. In addition to teaching a daily class at YTV and classes for YTV alumni, I teach more than a half-dozen classes each week to the members at the Synagogue where I serve as Rabbi, and offer a weekly lecture that is broadcast live to more than 40 cities across the United States. I can say with great confidence that a yeshiva education prepares students for successful lives.

27. Our system of education has been delicately crafted to balance life skills with a religious life. New York State should not force this to be changed.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct to the best of my knowledge.

Executed this 11 day of November 2022, at Brooklyn, New York.


YISROEL REISMAN


Charles M. Hochman
Notary Public, State of New York
Reg. No. 02HO6130465
Qualified in Kings County
Commission Expires July 18, 2025