



MAISTO v. STATE OF NEW YORK

Why the September 15 oral argument matters to small city school districts

Case Overview

Maisto v. State of New York is a landmark education equity case concerning whether New York State is meeting its constitutional obligation to provide students in small city school districts the opportunity for a sound basic education.

Why this hearing is important

In 2021, the Appellate Division, Third Department found a constitutional violation involving at-risk students in the eight school districts represented in the case. The trial court held that the State's full funding of the current Foundation Aid formula was a sufficient remedy. The plaintiff's appeal, arguing that the question of what it actually costs today to provide a sound basic education remains unresolved.

What is at stake

- Whether fully funding the existing Foundation Aid formula is enough to remedy the constitutional violation previously found by the Court
- Whether the State must determine the current actual cost of providing a sound basic education
- Whether student need should be assessed using current conditions and current data
- Whether the outcome could influence future policy and funding discussions affecting small city school districts across New York State

The plaintiffs are parents and/or students from these eight school districts

- | | |
|----------------|-----------------|
| • Jamestown | • Niagara Falls |
| • Kingston | • Port Jervis |
| • Mount Vernon | • Poughkeepsie |
| • Newburgh | • Utica |

Why all 57 small city school districts should pay attention

Although the plaintiffs are parents and/or students from eight school districts, the constitutional questions raised in Maisto may have important implications for all 57 small city school districts. The case goes to the heart of educational adequacy, equity, and how New York determines the resources necessary to meet student needs.

SCSD Recommendation

SCSD strongly recommends that each of the eight school districts represented in the case designate at least one representative to watch the oral argument live. Other small city school districts are also encouraged to tune in.



Oral Argument

Tuesday, September 15, 2026 • 1:00 PM

NYS Supreme Court, Appellate Division,
Third Department

Expected to be the first live oral
argument of the session

27 minutes allocated for oral argument

Live webcast:

www2a.nycourts.gov/ad3/ad3.php

“
*A sound basic education
is not a privilege.
It is a constitutional right.*
”

STRONGER SCHOOLS.
STRONGER COMMUNITIES.
A BRIGHTER NEW YORK.