



New York State
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity

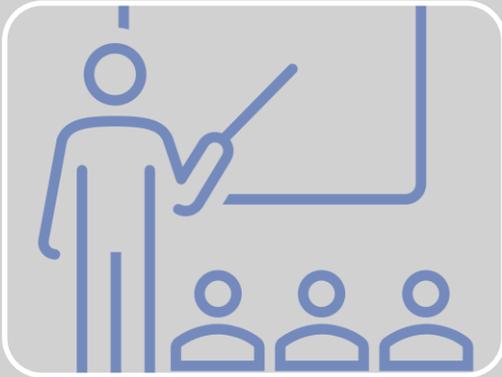
Draft Substantial Equivalence Regulation

March 2022

Compulsory Education Law

“Education Law §3204(2) requires that instruction for students in nonpublic schools **“shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.”**”

Local Public & Nonpublic Schools' Responsibilities Under Compulsory Education Law



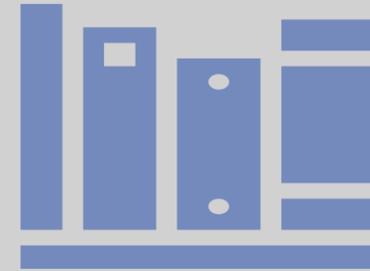
Public School District:

Ensure resident students receive instruction to which they are entitled under the law.



Public School District:

Confirm that the education provided in nonpublic schools is substantially equivalent to that of local public schools.



Nonpublic School:

Demonstrate that instruction provided in their school is substantially equivalent.

Values-Driven Process



Inclusive Stakeholder Outreach



6 Virtual Stakeholder Meetings: with a diverse group of more than 500 individuals representing nonpublic school communities, public schools, and other stakeholders.



Dozens of in-person meetings: with a diverse group of stakeholders, some who could not attend virtual meetings.



Commissioner's Advisory Council on Nonpublic Schools: regular consultation with a broad spectrum of the nonpublic schools in New York State.

Key Features of the Draft Regulations

- **Respect for Different Instructional Models**
- **Multiple Pathways to Demonstrate Equivalence**
- **Focus on Core Instruction**
- **Expectations for School Districts**
- **Provide for a Complaint and Review Process**

Multiple Pathways for Nonpublic Schools



Accreditation by a recognized accreditor



Approved Private Special Education School ('853'), State-Operated, and State-Supported School ('4201')



International Baccalaureate & U.S. Government-Approved Instruction



Registered high schools (and their same-organization grade 1-8 programs)



Demonstrate grade-level progress on approved assessments

Expectations for Nonpublic Schools

Nonpublic schools may **choose** 1) a pathway or 2) to participate in a review by the local school district to demonstrate substantial equivalency (SE) of instruction.

Pathway Option

Before Dec. 1, 2023:

Nonpublic school chooses and demonstrates it meets one of the SE pathways.

After Showing Pathway is Met:
Nonpublic school is deemed to have substantially equivalent instruction.

Local Review Option

Before Dec. 1, 2023:

Nonpublic school chooses one of the SE pathways or local school authority review option.

Through End of SY 2024-25:
Nonpublic school participates in initial review for existing schools.

After Reviews are Complete:
If a nonpublic school needs more time to demonstrate SE, does so within a reasonable timeline.

After Implementing Timeline:
Nonpublic school is deemed to have substantially equivalent instruction.

Expectations for Districts

**By Sept. 1,
2023:**

**Local School
Authority (LSA)
identifies
nonpublic
schools in their
boundaries.**

Dec. 1, 2023:

**LSA receives
notice /
evidence of
pathway or
selection of
LSA review
option.**

**End of
SY 2024-25:
LSA completes
initial reviews
for existing
schools &
within two
years after a
new school
opens.**

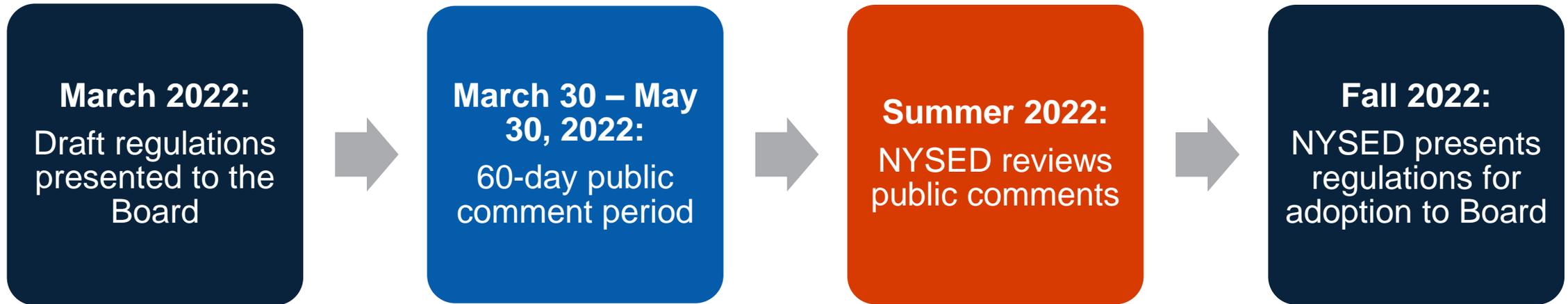
**After Reviews
are Complete:**

**School board
votes on SE
determinations
for nonpublic
schools
requiring LSA
review.**

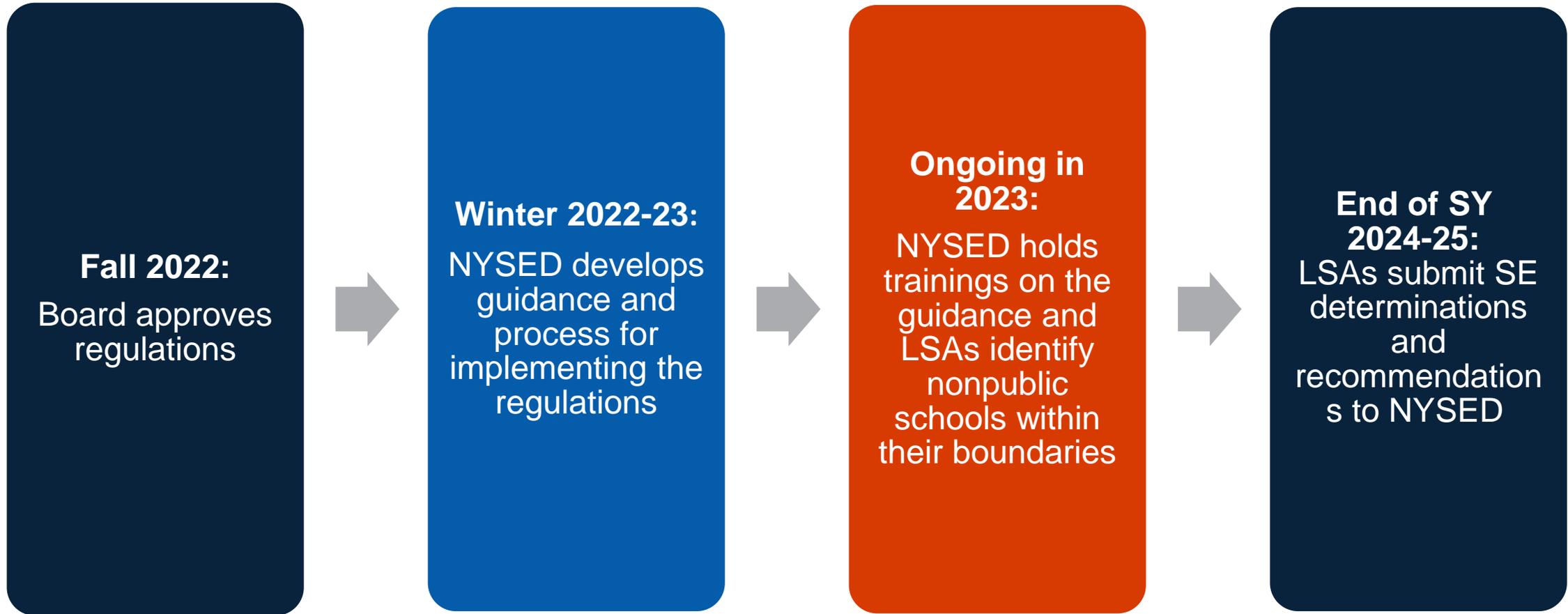
**After Reviews
are Complete:**

**If a nonpublic
school needs
more time to
demonstrate
SE, it has a
reasonable
timeline for
doing so.**

Anticipated Regulatory Timeline



Anticipated Implementation Timeline



Questions

Thank you!