



New York State
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity

Update on Substantial Equivalence

November 2021

Policy Goals

NYSED has two overarching policy goals to ensure all children across New York State attending non-public schools receive instruction that is “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.” (Education Law 3204(2)):

Recognition and support of the unique culture and beliefs that form the foundation of our nonpublic schools.

Compliance with the law.

Background

2018

April: Legislature amended the Education Law relating to the substantial equivalence determination for nonpublic schools.

November: NYSED released updated guidance.

December-March 2019: NYSED conducted trainings across the State for public and nonpublic school leaders.

2019

June: Department proposed new regulations.

July: A Notice of Proposed Rule Making was published in the State Register.

2020

February:

NYSED staff summarized the more than 140,000 comments that had been received on the proposed regulations for the Board of Regents.

The Board recommended enhanced stakeholder engagement as part of developing new regulations.

Bringing the Process Forward

2020

March: Based on the Board's recommendation, Department staff planned a stakeholder engagement process. Later that same month, and for months thereafter, the CoVID-19 pandemic and associated closures delayed the implementation of that process.

September/October: Department staff began to meet in-person with small groups of nonpublic school leaders.

November/December: Department staff conducted a series of regional stakeholder sessions.

2021 and Beyond

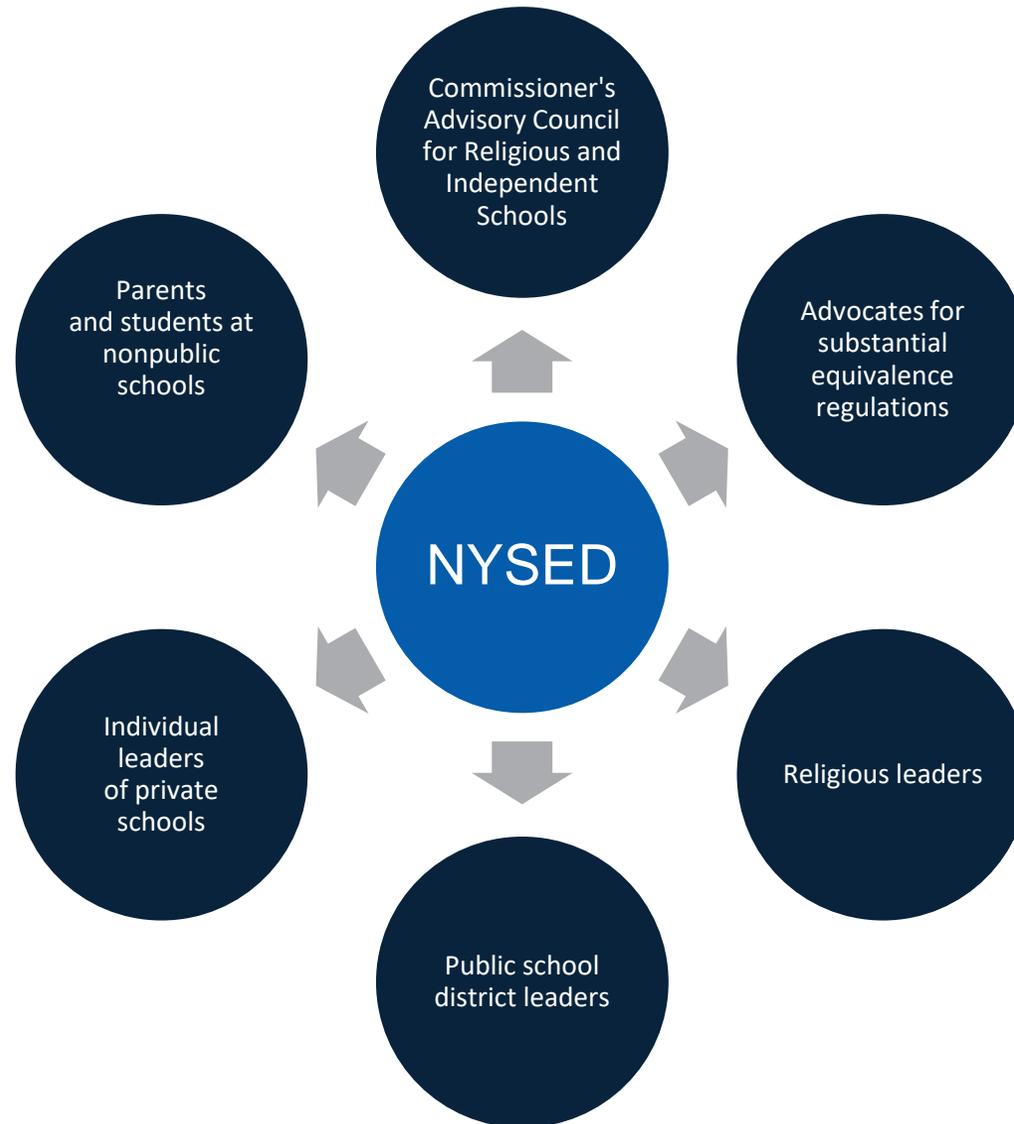
May and November: Report on the Stakeholder sessions is made.

Ongoing: Department staff consider the recommendations made by stakeholders.

2022: Updated regulations will be released in the coming months once stakeholder engagement is completed.

Continued Engagement

Since 2020, NYSED has engaged with key stakeholder groups:



Framing the Engagement Process: Principles

Ensure all children are prepared to engage in our civic, cultural, social, and economic systems as adults, while respecting families' rights to raise their children consistent with their values.

Develop a common definition for “substantial equivalence” and means through which it can be assessed and evaluated.

Framing the Engagement Process: Questions Asked

- What are the core principles we can agree upon regarding substantial equivalence?
- How do we ensure all children are prepared for participation in society when they become adults?
- How would you define “substantial equivalence”?
- What timeline would work for establishing procedures and timelines for substantial equivalency reviews?
- What are reasonable reporting requirements that help explain each school’s work towards substantial equivalence?

Listening and Learning

Summary of Public Engagement

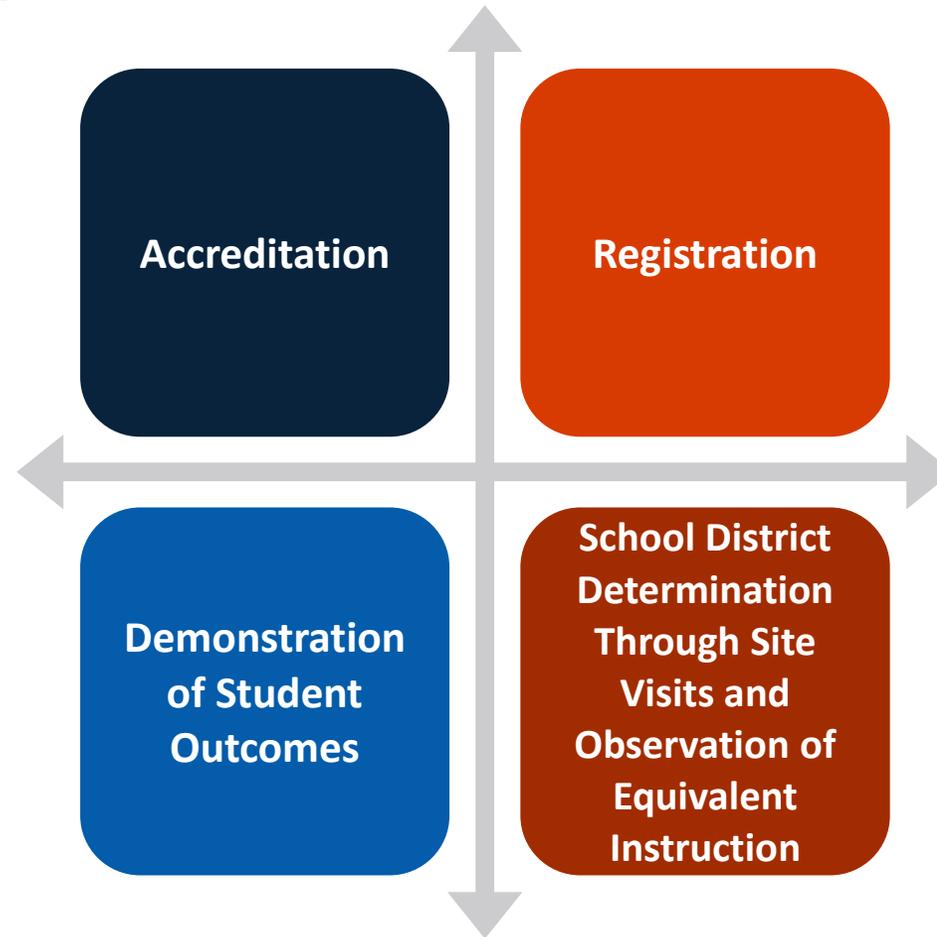
- Respect for parents' rights to raise their children according to their conscience/religious beliefs.
- Recognition of the varied learning needs of students.
- Concern about difficulties of implementation - for both public and private educators.
- Focus on the variety of ways nonpublic schools use to measure student progress.
- Call for collaboration.
- Need for support in implementation.

Themes from Engagement Process

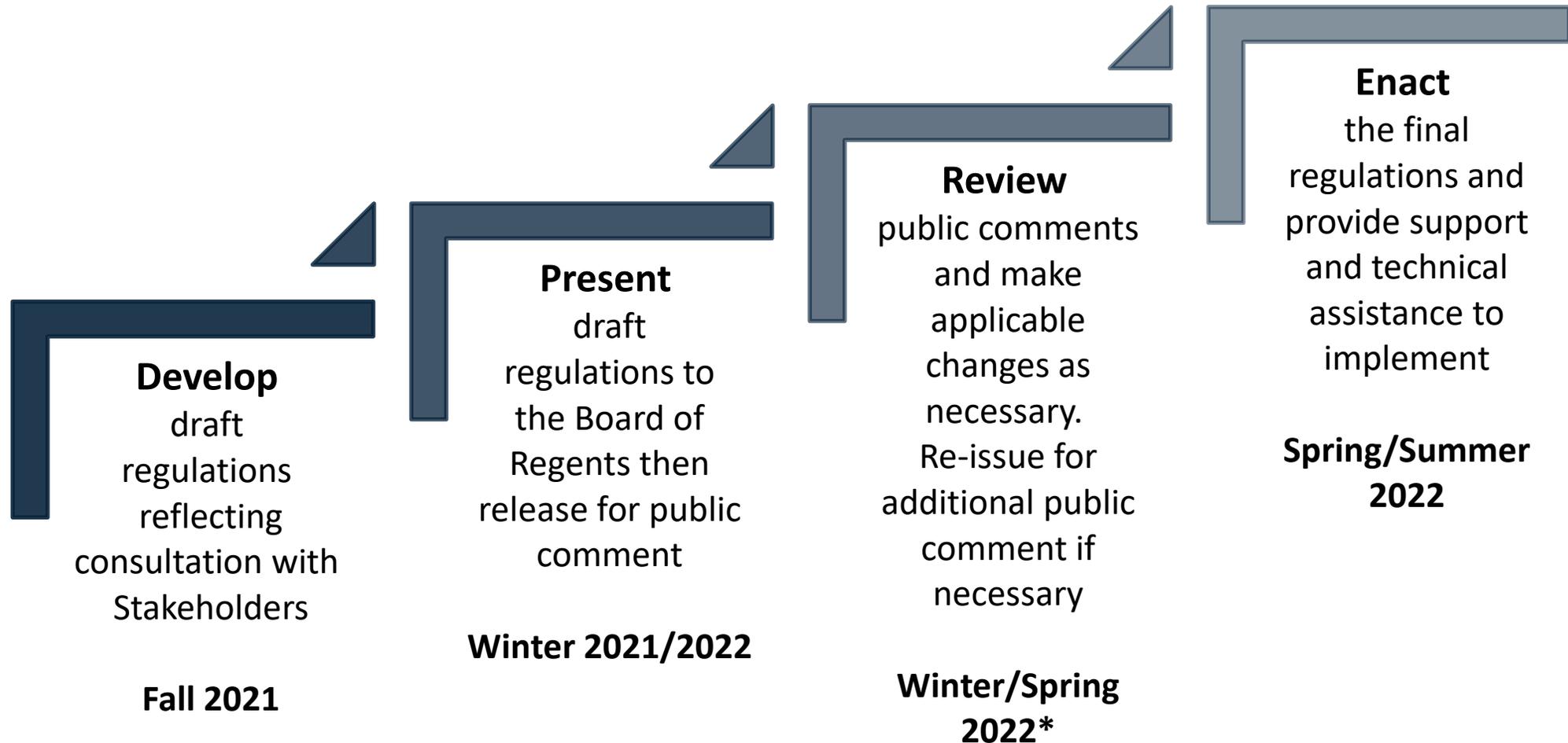
- Need to understand context of religious communities.
- Streamline the process.
- Multiple pathways needed to substantial equivalence – No “one size fits all” in terms of demonstrating substantial equivalence and student learning.

Multiple Pathways to Demonstrate Equivalence

Nonpublic schools are unique. Multiple pathways to demonstrate substantial equivalency will hold nonpublic schools to high standards while respecting their unique cultures and backgrounds:



Next Steps



*Depending on how many comments are received, due to the time needed to review, synthesize, and respond to them, this processes may take longer pushing out the timeline.

Questions

Thank you!