**Substantial Equivalency Q & A**

**What is Substantial Equivalency?**

Equivalency of Instruction - <http://www.p12.nysed.gov/nonpub/manualfornewadministratorsofnps/statereqs.html>

The is taken from the Manuel for New Administrators of NPS prepared by the NYS Education Department.

*The compulsory attendance law in New York State requires that all children between the ages of six and sixteen be provided with a program of instruction, either at a public school or elsewhere. The object of the compulsory attendance law is to see that children are not left in ignorance, that from some source they receive the instruction that will fit them for their place in society. If a child attends a nonpublic school or is being educated at home, the board of education of each school district must be assured that the child is receiving instruction which is substantially equivalent to that provided in the public schools of the district of residence. The Board's responsibility is the children living in the district; it has no direct authority over a nonpublic school. The board usually asks its superintendent of schools to gather the information necessary for determining equivalency. With regard to new schools, the steps in the section on New Schools should be followed.*

*If a nonpublic school is chartered by the Board of Regents, or if a secondary school is registered by the Board of Regents, the State Education Department recommends that the board of education of the district in which the school is located accept the registration as evidence that the nonpublic high school has an equivalent program of instruction. Local school officials are usually familiar with the programs of nonpublic schools which have been in existence for a period of time. Such schools have a known record through children transferring in and out of school and their subsequent achievements in public schools and colleges.*

*If a serious question does arise about equivalency of instruction in a nonpublic school, the superintendent of the district should inform the administrator of the nonpublic school that a question has been raised and arrange time for an informal discussion between the superintendent and nonpublic school officials regarding the inquiry.*

***Why is Substantial Equivalency being discussed now?***

Over the last few years questions have been raised by the organization Young Advocates for Fair Education (YAFFED). This organization has cited the Substantial Equivalency regulation and stated that the LEAs have not ensured that a substantially equivalent education is being provided in some Yeshiva schools.

***How is the NYS Education Department responding?***

1. The Commissioner and the Board of Regents are working on revised guidance.
2. NYSED will sponsor training for public school officials, BOCES officials and Independent and Religious School officials (*Target date was August 2018, postponed with no new date released*.)

***How are the Independent and Religious Schools being represented?***

The Commissioners Advisory Council for Nonpublic Schools, which Carol Geddis of CSAANYS is a member, has been discussing this topic at its regular meetings since 2016. CSAANYS, the Council for Catholic School Superintendents, and other groups have expressed our concern for the process under which this regulation will be enforced. The Advisory Council is working closely with NYSED on the process to measure the academic rigor of our schools in a way that does not threaten the autonomy, independence, or mission of the schools that parents choose to send their children. We have made it very clear that any process that is not fair and unbiased will not be acceptable. The Advisory Council has also made it clear that it is not appropriate to put implementation of this regulation on the LEAs. NYSED has indicated that they don’t have the capacity to oversee the reviews.

***How will the reviews happen and what is the LEA looking for?***

NYSED has stated repeatedly that the local education agency (public school), will be responsible for implementing the process. Many LEAs have indicated that they will be outsourcing the review process to the BOCES that the public school is a member.

At this point the guidance for implementation has not been reviewed by the Commissioners Advisory Council. We will be having meetings on November 4th and November 5th, this topic is on the agenda for both meetings.

The simplistic list is for our schools to have available proof of instruction in the 12 common branch subjects (math, science, social studies, reading, English, health, civics, NYS history, phys. Ed, etc.) test data (3-8, Regents, SAT, ACT,) course schedules, graduation rates, retention rates, attendance data, etc. A school that does not administer the 3-8 tests or Regents exams is *NOT* evidence of a lack of equivalent instruction.

***What if my school is accredited by an outside agency?***

The Advisory Council has indicated to NYSED that many schools are accredited by outside agencies (Middle States, AdvancED, NYSAIS, etc.) We have asked that this accreditation serve as an indication of substantial equivalency. Because the guidance is not complete, there is no clear indication if this will be accepted as proof.

***Next steps***

* Notify your superintendent’s office immediately if you are contacted by your LEA, BOCES, or NYSED to participate in a Pilot or other evaluation process. Do not agree to participate without first discussing with the Superintendent.
* For independent Catholic Schools feel free to call CSAANYS – 518-273-1205 if you are asked to participate in a pilot or other program for guidance and the latest information.
* Business as usual. When the guidance and trainings are announced you will be informed.
* Watch the CSAANYS newsletter and www.csaanys.org for updates.
* If you have questions please email Carol at [csaanys@nycap.rr.com](mailto:csaanys@nycap.rr.com), or call 518-273-1205.