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I N  S E N A T E

May 11, 2016

Introduced by Sens. CARLUCCI, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring a state standards report to be filed by all non-public schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3204 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-A. OFFICE OF NON-PUBLIC SCHOOL SERVICES. (A) THE OFFICE OF NON-PUBLIC SCHOOL SERVICES WITHIN THE DEPARTMENT SHALL VERIFY NO LATER THAN THE FIRST OF AUGUST OF EACH YEAR ENDING IN AN EVEN NUMBER THAT EVERY SCHOOL DISTRICT HAS SUBMITTED A CERTIFIED STATE STANDARDS REPORT FOR THE PRECEDING TWO YEARS. THE STATE STANDARDS REPORT SHALL CERTIFY THAT INSTRUCTION GIVEN TO ALL MINORS ELSEWHERE THAN PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT 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 AND SHALL BE SIGNED BY THE SUPERINTENDENT OF SCHOOLS AND APPROVED BY MAJORITY VOTE OF THE BOARD OF EDUCATION.

(B) THE OFFICE OF NON-PUBLIC SCHOOL SERVICES SHALL CREATE AND REVISE A DOCUMENT TITLED THE STATE STANDARDS REPORT. THE STATE STANDARDS REPORT, WHICH IS TO BE COMPLETED BY THE SUPERINTENDENT OF EVERY SCHOOL DISTRICT FOR EACH NON-PUBLIC SCHOOL IN SUCH DISTRICT, WILL ASSIST AND GUIDE THE SCHOOL DISTRICT IN DETERMINING THAT ALL RESIDENT CHILDREN ATTENDING A SCHOOL OTHER THAN A PUBLIC SCHOOL RECEIVE INSTRUCTION FROM COMPETENT TEACHERS AND IS AT LEAST SUBSTANTIALLY EQUIVALENT TO THE INSTRUCTION GIVEN TO MINORS OF LIKE AGE AND ATTAINMENTS AT THE PUBLIC SCHOOLS WHERE THE MINOR RESIDES.

(C) THE COMMISSIONER SHALL ISSUE A DISTRICT COMPLIANCE REPORT, ON OR BEFORE THE FIRST OF SEPTEMBER OF EACH YEAR ENDING IN AN EVEN NUMBER, TO BE POSTED ON THE DEPARTMENT WEBSITE, WHICH DETAILS THE FOLLOWING: (I) WHICH SCHOOL DISTRICTS HAVE FAILED TO SUBMIT THE STATE STANDARDS REPORT;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD14945-05-6

(II) WHICH SCHOOL DISTRICTS HAVE SUBSTANTIALLY EQUIVALENT INSTRUCTION IN ALL OF THEIR NON-PUBLIC SCHOOLS; (III) WHICH SCHOOL DISTRICTS DO NOT HAVE SUBSTANTIALLY EQUIVALENT INSTRUCTION IN ALL OF THEIR NON-PUBLIC SCHOOLS; (IV) WHICH SCHOOL DISTRICTS WERE UNABLE TO DETERMINE THE EQUIVALENCY OF INSTRUCTION IN ALL OF THEIR NON-PUBLIC SCHOOLS; (V) WHICH NON-PUBLIC SCHOOLS ARE NOT PROVIDING SUBSTANTIALLY EQUIVALENT INSTRUCTION; (VI) WHICH NON-PUBLIC SCHOOLS HAVE FAILED TO COOPERATE IN THE COMPLETION OF THEIR SCHOOL DISTRICT'S STATE STANDARDS REPORT; (VII) WHICH NON-PUBLIC SCHOOLS ARE PROVIDING SUBSTANTIALLY EQUIVALENT INSTRUCTION; AND (VIII) ANY OTHER INFORMATION THE COMMISSIONER DEEMS NECESSARY.

(D) A SCHOOL DISTRICT WHICH DOES NOT SUBMIT THE STATE STANDARDS REPORT WITHIN NINETY DAYS OF THE FIRST OF AUGUST OF EACH YEAR ENDING IN AN EVEN NUMBER SHALL REQUIRE THE COMMISSIONER TO INITIATE AN INVESTIGATION AND MAKE A DETERMINATION OF THE SUBSTANTIAL EQUIVALENCY OF INSTRUCTION AT ALL NON-PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH DATE. AS A RESULT OF THE COMMISSIONER'S INVESTIGATION, NON-PUBLIC SCHOOLS WITHIN SUCH DISTRICT THAT ARE DETERMINED BY THE COMMISSIONER TO PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION SHALL HAVE THEIR STATUS UPDATED TO REFLECT SUCH DETERMINATION BY THE COMMISSIONER AND NON-PUBLIC SCHOOLS WITHIN SUCH DISTRICT THAT DO NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION MAY BE GIVEN A REASONABLE AMOUNT OF TIME TO REMEDY ANY DEFICIENCIES IDENTIFIED BY THE COMMISSIONER. THE COMMISSIONER MAY ORDER A SCHEDULE FOR SUCH SCHOOL TO REMEDY SUCH IDENTIFIED DEFICIENCIES. FAILURE OF SUCH SCHOOL TO REMEDY SUCH DEFICIENCIES WITHIN THE ORDERED SCHEDULE WILL RESULT IN A DETERMINATION THAT SUCH SCHOOL DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION. UPON A DETERMINATION BY THE COMMISSIONER THAT A NON-PUBLIC SCHOOL DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION, NOTICE IN WRITING SHALL BE PROVIDED, WITHIN THIRTY DAYS, TO THE ADMINISTRATOR OF THE NON-PUBLIC SCHOOL AND THE PARENTS OR GUARDIANS OF PUPILS ATTENDING THAT SCHOOL AND THE SCHOOL DISTRICT. CHILDREN ATTENDING A NON-PUBLIC SCHOOL THAT DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION WILL BE CONSIDERED TRUANT. PARENTS AND GUARDIANS OF PUPILS SHALL TRANSFER THEIR CHILDREN TO EITHER A PUBLIC SCHOOL OR A NON-PUBLIC SCHOOL THAT HAS BEEN IDENTIFIED AS PROVIDING SUBSTANTIALLY EQUIVALENT INSTRUCTION AS OF THE MOST RECENTLY SUBMITTED STATE STANDARDS REPORT, WITHIN THIRTY DAYS OF NOTIFICATION OF THE COMMISSIONER'S DETERMINATION. ALL TRANSPORTATION, TEXTBOOKS, HEALTH SERVICES AND OTHER SERVICES PROVIDED BY THE BOARD OF EDUCATION TO A NON-PUBLIC SCHOOL, THAT THE COMMISSIONER DETERMINES DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION, WILL BE WITHDRAWN NO LATER THAN FORTY-FIVE DAYS AFTER NOTIFICATION OF SUCH DETERMINATION BUT NOT LESS THAN THIRTY DAYS.

(E) THE COMMISSIONER SHALL CREATE, MAINTAIN AND SUPERVISE AN OFFICE OF NON-PUBLIC SCHOOL SERVICES WITHIN THE DEPARTMENT AND SHALL ALLOCATE SUFFICIENT STAFFING AND RESOURCES TO ACHIEVE THE REQUIREMENTS OF THIS SECTION.

(F) NON-PUBLIC SCHOOL ADMINISTRATORS SHALL ASSIST AND COOPERATE WITH SUPERINTENDENTS AND BOARDS OF EDUCATION IN THE COMPLETION AND SUBMISSION OF THE STATE STANDARDS REPORT.

(G) SCHOOL DISTRICTS SHALL SUBMIT AN UPDATED STATE STANDARDS REPORT TO THE OFFICE OF NON-PUBLIC SCHOOLS SERVICES EVERY TWO YEARS. THE SUPERINTENDENT OF EVERY SCHOOL DISTRICT SHALL HAVE THE DUTY TO SUBMIT THE STATE STANDARDS REPORT PURSUANT TO THIS SUBDIVISION, PROVIDED, HOWEVER, EACH SUPERINTENDENT MAY COORDINATE AND OBTAIN THE ASSISTANCE OF OTHERS, INCLUDING BUT NOT LIMITED TO BOCES IN THE COMPLETION OF THE STATE STANDARDS REPORT.

(H) THE STATE STANDARDS REPORT SHALL, FOR EACH NON-PUBLIC SCHOOL IN THE DISTRICT, INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: (I) THAT EACH NON-PUBLIC SCHOOL BUILDING IN THE DISTRICT IS A SAFE PLACE FOR CHILDREN, WITH THE LATEST FIRE INSPECTION REPORT FOR EACH NON-PUBLIC SCHOOL IN THE DISTRICT OR, IN NEW YORK CITY, A CERTIFICATE OF OCCUPANCY ISSUED BY THE NEW YORK CITY DEPARTMENT OF BUILDINGS FOR EACH NON-PUBLIC SCHOOL IN THE DISTRICT; (II) A LIST OF NAMES OF PUPILS FROM THE DISTRICT WHO ARE ATTENDING NON-PUBLIC SCHOOLS WITHIN THE DISTRICT FOR THE PAST TWO YEARS AND WHICH NON-PUBLIC SCHOOLS THEY ARE ATTENDING; (III) COPIES OF SCHOOL CALENDARS FOR THE PAST TWO YEARS AND THE UPCOMING YEAR FOR EACH NON-PUBLIC SCHOOL IN THE DISTRICT; (IV) A LIST OF GRADE LEVELS AND THE TOTAL ENROLLMENT AT EACH GRADE LEVEL FOR EACH OF THE NON-PUBLIC SCHOOLS IN THE DISTRICT OVER THE PAST TWO YEARS; (V) A LIST OF COURSES AND SUBJECTS WHICH WERE TAUGHT AT EACH GRADE LEVEL AT EACH NON-PUBLIC SCHOOL OVER THE PAST TWO YEARS; (VI) HOW EACH NON-PUBLIC SCHOOL WITHIN THE DISTRICT, OVER THE PAST TWO YEARS, WAS ABLE TO INSTRUCT THEIR PUPILS IN THE REQUIRED SUBJECTS OF: ARITHMETIC, ENGLISH LANGUAGE, READING, SPELLING, WRITING, MUSIC, GEOGRAPHY, HEALTH EDUCATION, PHYSICAL EDUCATION, SCIENCE, UNITED STATES HISTORY, NEW YORK STATE HISTORY AND VISUAL ARTS FOR GRADES ONE THROUGH SIX; ENGLISH, SOCIAL STUDIES, SCIENCE, MATHEMATICS, PHYSICAL EDUCATION, HEALTH EDUCATION, NEW YORK STATE HISTORY, VISUAL ARTS, MUSIC, PRACTICAL ARTS, TECHNOLOGY EDUCATION, HOME AND CAREER SKILLS AND LIBRARY AND INFORMATION SKILLS FOR GRADES SEVEN THROUGH EIGHT; ENGLISH, SOCIAL STUDIES INCLUDING A YEAR OF AMERICAN HISTORY, MATHEMATICS, SCIENCE, HEALTH, PHYSICAL EDUCATION, ART AND MUSIC FOR GRADES NINE THROUGH TWELVE; (VII) HOW MANY TIMES THE SUPERINTENDENT VISITED EACH OF THE NON-PUBLIC SCHOOLS IN THE DISTRICT; (VIII) HOW MANY HOURS OF THE DAY ARE SPENT ON INSTRUCTION OF EACH OF THE REQUIRED SUBJECTS FOR EACH GRADE LISTED IN SUBPARAGRAPH (VI) OF THIS PARAGRAPH AND WHICH TEXTBOOKS WERE UTILIZED IN SUCH INSTRUCTION AT EACH OF THE NON-PUBLIC SCHOOLS; AND (IX) A LIST OF ALL NON-PUBLIC SCHOOLS IN THE SCHOOL DISTRICT.

(I) THE COMMISSIONER MAY AT HER OR HIS DISCRETION INITIATE AN INVESTIGATION INTO THE SUBSTANTIAL EQUIVALENCY OF INSTRUCTION AT ANY NON-PUBLIC SCHOOL AND MAKE A DETERMINATION OF WHETHER INSTRUCTION IS SUBSTANTIALLY EQUIVALENT BASED ON THE FINDINGS OF SUCH INVESTIGATION.

(J) THE COMMISSIONER SHALL INITIATE AN INVESTIGATION INTO THE SUBSTANTIAL EQUIVALENCY OF INSTRUCTION AT ANY NON-PUBLIC SCHOOL THAT IS IDENTIFIED IN THE STATE STANDARDS REPORT AS: (I) NOT PROVIDING SUBSTANTIALLY EQUIVALENT INSTRUCTION; AND (II) NOT COOPERATING WITH THE COMPLETION OF THEIR SCHOOL DISTRICT'S STATE STANDARDS REPORT, WITHIN NINETY DAYS OF SUBMISSION OF THE STATE STANDARDS REPORT. THE COMMISSIONER MAY MAKE A DETERMINATION OF WHETHER INSTRUCTION IS SUBSTANTIALLY EQUIVALENT BASED ON THE FINDINGS OF SUCH INVESTIGATION.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.