

9947--A

I N A S S E M B L Y

May 2, 2016

Introduced by M. of A. JAFFEE -- read once and referred 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:

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

3 1-A. OFFICE OF NON-PUBLIC SCHOOL SERVICES. (A) THE OFFICE OF NON-PUBL-
4 IC SCHOOL SERVICES WITHIN THE DEPARTMENT SHALL VERIFY NO LATER THAN THE
5 FIRST OF AUGUST OF EACH YEAR ENDING IN AN EVEN NUMBER THAT EVERY SCHOOL
6 DISTRICT HAS SUBMITTED A CERTIFIED STATE STANDARDS REPORT FOR THE
7 PRECEDING TWO YEARS. THE STATE STANDARDS REPORT SHALL CERTIFY THAT
8 INSTRUCTION GIVEN TO ALL MINORS ELSEWHERE THAN PUBLIC SCHOOLS WITHIN THE
9 SCHOOL DISTRICT IS AT LEAST SUBSTANTIALLY EQUIVALENT TO THE INSTRUCTION
10 GIVEN TO MINORS OF LIKE AGE AND ATTAINMENTS AT THE PUBLIC SCHOOLS OF THE
11 CITY OR DISTRICT WHERE THE MINOR RESIDES AND SHALL BE SIGNED BY THE
12 SUPERINTENDENT OF SCHOOLS AND APPROVED BY MAJORITY VOTE OF THE BOARD OF
13 EDUCATION.

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

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

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

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1 ALL OF THEIR NON-PUBLIC SCHOOLS; (III) WHICH SCHOOL DISTRICTS DO NOT
2 HAVE SUBSTANTIALLY EQUIVALENT INSTRUCTION IN ALL OF THEIR NON-PUBLIC
3 SCHOOLS; (IV) WHICH SCHOOL DISTRICTS WERE UNABLE TO DETERMINE THE EQUIV-
4 ALENCY OF INSTRUCTION IN ALL OF THEIR NON-PUBLIC SCHOOLS; (V) WHICH
5 NON-PUBLIC SCHOOLS ARE NOT PROVIDING SUBSTANTIALLY EQUIVALENT INSTRU-
6 TION; (VI) WHICH NON-PUBLIC SCHOOLS HAVE FAILED TO COOPERATE IN THE
7 COMPLETION OF THEIR SCHOOL DISTRICT'S STATE STANDARDS REPORT; (VII)
8 WHICH NON-PUBLIC SCHOOLS ARE PROVIDING SUBSTANTIALLY EQUIVALENT INSTRU-
9 TION; AND (VIII) ANY OTHER INFORMATION THE COMMISSIONER DEEMS NECESSARY.

10 (D) A SCHOOL DISTRICT WHICH DOES NOT SUBMIT THE STATE STANDARDS REPORT
11 WITHIN NINETY DAYS OF THE FIRST OF AUGUST OF EACH YEAR ENDING IN AN EVEN
12 NUMBER SHALL REQUIRE THE COMMISSIONER TO INITIATE AN INVESTIGATION AND
13 MAKE A DETERMINATION OF THE SUBSTANTIAL EQUIVALENCY OF INSTRUCTION AT
14 ALL NON-PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT WITHIN ONE HUNDRED
15 EIGHTY DAYS OF SUCH DATE. AS A RESULT OF THE COMMISSIONER'S INVESTI-
16 GATION, NON-PUBLIC SCHOOLS WITHIN SUCH DISTRICT THAT ARE DETERMINED BY
17 THE COMMISSIONER TO PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION SHALL
18 HAVE THEIR STATUS UPDATED TO REFLECT SUCH DETERMINATION BY THE COMMIS-
19 SIONER AND NON-PUBLIC SCHOOLS WITHIN SUCH DISTRICT THAT DO NOT PROVIDE
20 SUBSTANTIALLY EQUIVALENT INSTRUCTION MAY BE GIVEN A REASONABLE AMOUNT OF
21 TIME TO REMEDY ANY DEFICIENCIES IDENTIFIED BY THE COMMISSIONER. THE
22 COMMISSIONER MAY ORDER A SCHEDULE FOR SUCH SCHOOL TO REMEDY SUCH IDENTI-
23 FIED DEFICIENCIES. FAILURE OF SUCH SCHOOL TO REMEDY SUCH DEFICIENCIES
24 WITHIN THE ORDERED SCHEDULE WILL RESULT IN A DETERMINATION THAT SUCH
25 SCHOOL DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION. UPON A
26 DETERMINATION BY THE COMMISSIONER THAT A NON-PUBLIC SCHOOL DOES NOT
27 PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION, NOTICE IN WRITING SHALL BE
28 PROVIDED, WITHIN THIRTY DAYS, TO THE ADMINISTRATOR OF THE NON-PUBLIC
29 SCHOOL AND THE PARENTS OR GUARDIANS OF PUPILS ATTENDING THAT SCHOOL AND
30 THE SCHOOL DISTRICT. CHILDREN ATTENDING A NON-PUBLIC SCHOOL THAT DOES
31 NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION WILL BE CONSIDERED
32 TRUANT. PARENTS AND GUARDIANS OF PUPILS SHALL TRANSFER THEIR CHILDREN
33 TO EITHER A PUBLIC SCHOOL OR A NON-PUBLIC SCHOOL THAT HAS BEEN IDENTI-
34 FIED AS PROVIDING SUBSTANTIALLY EQUIVALENT INSTRUCTION AS OF THE MOST
35 RECENTLY SUBMITTED STATE STANDARDS REPORT, WITHIN THIRTY DAYS OF NOTIFI-
36 CATION OF THE COMMISSIONER'S DETERMINATION. ALL TRANSPORTATION, TEXT-
37 BOOKS, HEALTH SERVICES AND OTHER SERVICES PROVIDED BY THE BOARD OF
38 EDUCATION TO A NON-PUBLIC SCHOOL, THAT THE COMMISSIONER DETERMINES DOES
39 NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRUCTION, WILL BE WITHDRAWN NO
40 LATER THAN FORTY-FIVE DAYS AFTER NOTIFICATION OF SUCH DETERMINATION BUT
41 NOT LESS THAN THIRTY DAYS.

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

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

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

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

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

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

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