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I N   S E N A T E

May 11, 2016

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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 REPORT, ON OR BEFORE THE FIRST OF  
24    SEPTEMBER OF EACH YEAR ENDING IN AN EVEN NUMBER, TO BE POSTED ON THE  
25    DEPARTMENT WEBSITE, WHICH DETAILS THE FOLLOWING: (I) WHICH SCHOOL  
26    DISTRICTS HAVE FAILED TO SUBMIT THE STATE STANDARDS REPORT; (II) WHICH  
27    SCHOOL DISTRICTS HAVE SUBSTANTIALLY EQUIVALENT INSTRUCTION IN ALL OF  
28    THEIR NON-PUBLIC SCHOOLS; (III) WHICH SCHOOL DISTRICTS DO NOT HAVE

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

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

9 (D) A SCHOOL DISTRICT WHICH DOES NOT SUBMIT THE STATE STANDARDS REPORT  
10 WITHIN NINETY DAYS OF THE FIRST OF AUGUST OF EACH YEAR ENDING IN AN EVEN  
11 NUMBER SHALL REQUIRE THE COMMISSIONER TO INITIATE AN INVESTIGATION AND  
12 MAKE A DETERMINATION OF THE SUBSTANTIAL EQUIVALENCY OF INSTRUCTION AT  
13 ALL NON-PUBLIC SCHOOLS WITHIN THE SCHOOL DISTRICT WITHIN ONE HUNDRED  
14 EIGHTY DAYS OF SUCH DATE. UPON A DETERMINATION BY THE COMMISSIONER THAT  
15 A NON-PUBLIC SCHOOL DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT INSTRU-  
16 TION, NOTICE IN WRITING SHALL BE PROVIDED, WITHIN THIRTY DAYS, TO THE  
17 ADMINISTRATOR OF THE NON-PUBLIC SCHOOL AND THE PARENTS OR GUARDIANS OF  
18 PUPILS ATTENDING THAT SCHOOL AND THE SCHOOL DISTRICT. CHILDREN ATTENDING  
19 A NON-PUBLIC SCHOOL THAT DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT  
20 INSTRUCTION WILL BE CONSIDERED TRUANT. PARENTS AND GUARDIANS OF PUPILS  
21 SHALL TRANSFER THEIR CHILDREN TO EITHER A PUBLIC SCHOOL OR A NON-PUBLIC  
22 SCHOOL THAT HAS BEEN IDENTIFIED AS PROVIDING SUBSTANTIALLY EQUIVALENT  
23 INSTRUCTION AS OF THE MOST RECENTLY SUBMITTED STATE STANDARDS REPORT,  
24 WITHIN THIRTY DAYS OF NOTIFICATION OF THE COMMISSIONER'S DETERMINATION.  
25 ALL TRANSPORTATION, TEXTBOOKS, HEALTH SERVICES AND OTHER SERVICES  
26 PROVIDED BY THE BOARD OF EDUCATION TO A NON-PUBLIC SCHOOL, THAT THE  
27 COMMISSIONER DETERMINES DOES NOT PROVIDE SUBSTANTIALLY EQUIVALENT  
28 INSTRUCTION, WILL BE WITHDRAWN NO LATER THAN FORTY-FIVE DAYS AFTER  
29 NOTIFICATION OF SUCH DETERMINATION BUT NOT LESS THAN THIRTY DAYS.

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

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

37 (G) SCHOOL DISTRICTS SHALL SUBMIT AN UPDATED STATE STANDARDS REPORT TO  
38 THE OFFICE OF NON-PUBLIC SCHOOLS SERVICES EVERY TWO YEARS.

39 (H) THE STATE STANDARDS REPORT SHALL, FOR EACH NON-PUBLIC SCHOOL IN  
40 THE DISTRICT, INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: (I) THAT  
41 EACH NON-PUBLIC SCHOOL BUILDING IN THE DISTRICT IS A SAFE PLACE FOR  
42 CHILDREN, WITH THE LATEST FIRE INSPECTION REPORT FOR EACH NON-PUBLIC  
43 SCHOOL IN THE DISTRICT OR, IN NEW YORK CITY, A CERTIFICATE OF OCCUPANCY  
44 ISSUED BY THE NEW YORK CITY DEPARTMENT OF BUILDINGS FOR EACH NON-PUBLIC  
45 SCHOOL IN THE DISTRICT; (II) A LIST OF NAMES OF PUPILS FROM THE DISTRICT  
46 WHO ARE ATTENDING NON-PUBLIC SCHOOLS WITHIN THE DISTRICT FOR THE PAST  
47 TWO YEARS AND WHICH NON-PUBLIC SCHOOLS THEY ARE ATTENDING; (III) COPIES  
48 OF SCHOOL CALENDARS FOR THE PAST TWO YEARS AND THE UPCOMING YEAR FOR  
49 EACH NON-PUBLIC SCHOOL IN THE DISTRICT; (IV) A LIST OF GRADE LEVELS AND  
50 THE TOTAL ENROLLMENT AT EACH GRADE LEVEL FOR EACH OF THE NON-PUBLIC  
51 SCHOOLS IN THE DISTRICT OVER THE PAST TWO YEARS; (V) A LIST OF COURSES  
52 AND SUBJECTS WHICH WERE TAUGHT AT EACH GRADE LEVEL AT EACH NON-PUBLIC  
53 SCHOOL OVER THE PAST TWO YEARS; (VI) HOW EACH NON-PUBLIC SCHOOL WITHIN  
54 THE DISTRICT, OVER THE PAST TWO YEARS, WAS ABLE TO INSTRUCT THEIR PUPILS  
55 IN THE REQUIRED SUBJECTS OF: ARITHMETIC, ENGLISH LANGUAGE, READING,  
56 SPELLING, WRITING, MUSIC, GEOGRAPHY, HEALTH EDUCATION, PHYSICAL EDUCA-

1 TION, SCIENCE, UNITED STATES HISTORY, NEW YORK STATE HISTORY AND VISUAL  
2 ARTS FOR GRADES ONE THROUGH SIX; ENGLISH, SOCIAL STUDIES, SCIENCE, MATH-  
3 EMATICS, PHYSICAL EDUCATION, HEALTH EDUCATION, NEW YORK STATE HISTORY,  
4 VISUAL ARTS, MUSIC, PRACTICAL ARTS, TECHNOLOGY EDUCATION, HOME AND  
5 CAREER SKILLS AND LIBRARY AND INFORMATION SKILLS FOR GRADES SEVEN  
6 THROUGH EIGHT; ENGLISH, SOCIAL STUDIES INCLUDING A YEAR OF AMERICAN  
7 HISTORY, MATHEMATICS, SCIENCE, HEALTH, PHYSICAL EDUCATION, ART AND MUSIC  
8 FOR GRADES NINE THROUGH TWELVE; (VII) HOW MANY TIMES THE SUPERINTENDENT  
9 VISITED EACH OF THE NON-PUBLIC SCHOOLS IN THE DISTRICT; (VIII) HOW MANY  
10 HOURS OF THE DAY ARE SPENT ON INSTRUCTION OF EACH OF THE REQUIRED  
11 SUBJECTS FOR EACH GRADE LISTED IN SUBPARAGRAPH (VI) OF THIS PARAGRAPH  
12 AND WHICH TEXTBOOKS WERE UTILIZED IN SUCH INSTRUCTION AT EACH OF THE  
13 NON-PUBLIC SCHOOLS; AND (IX) A LIST OF ALL NON-PUBLIC SCHOOLS IN THE  
14 SCHOOL DISTRICT.

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

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

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