

# STATE OF NEW YORK

4367

2017-2018 Regular Sessions

## IN ASSEMBLY

February 2, 2017

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

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

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1 which school districts have failed to submit the state standards report;  
2 (ii) which school districts have substantially equivalent instruction in  
3 all of their non-public schools; (iii) which school districts do not  
4 have substantially equivalent instruction in all of their non-public  
5 schools; (iv) which school districts were unable to determine the equiv-  
6 alency of instruction in all of their non-public schools; (v) which  
7 non-public schools are not providing substantially equivalent instruc-  
8 tion; (vi) which non-public schools have failed to cooperate in the  
9 completion of their school district's state standards report; (vii)  
10 which non-public schools are providing substantially equivalent instruc-  
11 tion; and (viii) any other information the commissioner deems necessary.

12 (d) A school district which does not submit the state standards report  
13 within ninety days of the first of August of each year ending in an even  
14 number shall require the commissioner to initiate an investigation and  
15 make a determination of the substantial equivalency of instruction at  
16 all non-public schools within the school district within one hundred  
17 eighty days of such date. As a result of the commissioner's investi-  
18 gation, non-public schools within such district that are determined by  
19 the commissioner to provide substantially equivalent instruction shall  
20 have their status updated to reflect such determination by the commis-  
21 sioner and non-public schools within such district that do not provide  
22 substantially equivalent instruction may be given a reasonable amount of  
23 time to remedy any deficiencies identified by the commissioner. The  
24 commissioner may order a schedule for such school to remedy such identi-  
25 fied deficiencies. Failure of such school to remedy such deficiencies  
26 within the ordered schedule will result in a determination that such  
27 school does not provide substantially equivalent instruction. Upon a  
28 determination by the commissioner that a non-public school does not  
29 provide substantially equivalent instruction, notice in writing shall be  
30 provided, within thirty days, to the administrator of the non-public  
31 school and the parents or guardians of pupils attending that school and  
32 the school district. Children attending a non-public school that does  
33 not provide substantially equivalent instruction will be considered  
34 truant. Parents and guardians of pupils shall transfer their children  
35 to either a public school or a non-public school that has been identi-  
36 fied as providing substantially equivalent instruction as of the most  
37 recently submitted state standards report, within thirty days of notifi-  
38 cation of the commissioner's determination. All transportation, text-  
39 books, health services and other services provided by the board of  
40 education to a non-public school, that the commissioner determines does  
41 not provide substantially equivalent instruction, will be withdrawn no  
42 later than forty-five days after notification of such determination but  
43 not less than thirty days.

44 (e) The commissioner shall create, maintain and supervise an office of  
45 non-public school services within the department and shall allocate  
46 sufficient staffing and resources to achieve the requirements of this  
47 section.

48 (f) Non-public school administrators shall assist and cooperate with  
49 superintendents and boards of education in the completion and submission  
50 of the state standards report.

51 (g) School districts shall submit an updated state standards report to  
52 the office of non-public schools services every two years. The super-  
53 intendent of every school district shall have the duty to submit the  
54 state standards report pursuant to this subdivision, provided, however,  
55 each superintendent may coordinate and obtain the assistance of others,

1 including but not limited to BOCES in the completion of the state stand-  
2 ards report.

3 (h) The state standards report shall, for each non-public school in  
4 the district, include, but not be limited to, the following: (i) that  
5 each non-public school building in the district is a safe place for  
6 children, with the latest fire inspection report for each non-public  
7 school in the district or, in New York city, a certificate of occupancy  
8 issued by the New York city department of buildings for each non-public  
9 school in the district; (ii) a list of names of pupils from the district  
10 who are attending non-public schools within the district for the past  
11 two years and which non-public schools they are attending; (iii) copies  
12 of school calendars for the past two years and the upcoming year for  
13 each non-public school in the district; (iv) a list of grade levels and  
14 the total enrollment at each grade level for each of the non-public  
15 schools in the district over the past two years; (v) a list of courses  
16 and subjects which were taught at each grade level at each non-public  
17 school over the past two years; (vi) how each non-public school within  
18 the district, over the past two years, was able to instruct their pupils  
19 in the required subjects of: arithmetic, English language, reading,  
20 spelling, writing, music, geography, health education, physical educa-  
21 tion, science, United States history, New York State history and visual  
22 arts for grades one through six; English, social studies, science, math-  
23 ematics, physical education, health education, New York State history,  
24 visual arts, music, practical arts, technology education, home and  
25 career skills and library and information skills for grades seven  
26 through eight; English, social studies including a year of American  
27 history, mathematics, science, health, physical education, art and music  
28 for grades nine through twelve; (vii) how many times the superintendent  
29 visited each of the non-public schools in the district; (viii) how many  
30 hours of the day are spent on instruction of each of the required  
31 subjects for each grade listed in subparagraph (vi) of this paragraph  
32 and which textbooks were utilized in such instruction at each of the  
33 non-public schools; and (ix) a list of all non-public schools in the  
34 school district.

35 (i) The commissioner may at her or his discretion initiate an investi-  
36 gation into the substantial equivalency of instruction at any non-public  
37 school and make a determination of whether instruction is substantially  
38 equivalent based on the findings of such investigation.

39 (j) The commissioner shall initiate an investigation into the substan-  
40 tial equivalency of instruction at any non-public school that is identi-  
41 fied in the state standards report as: (i) not providing substantially  
42 equivalent instruction; and (ii) not cooperating with the completion of  
43 their school district's state standards report, within ninety days of  
44 submission of the state standards report. The commissioner may make a  
45 determination of whether instruction is substantially equivalent based  
46 on the findings of such investigation.

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