



To: Christina Coughlin
New York State Education Department
State Office of Religious and Independent Schools (SORIS)

From: Karen Belanger, Executive Director
Westchester Putnam School Boards Association (WPSBA)

Re: Substantial Equivalency Proposed Regulations

Date: August 29, 2019

The Westchester Putnam School Boards Association is writing to express opposition to the draft substantial equivalency regulations that create an additional unfunded mandate for school districts. The new requirement for regular formal reviews of all non-public schools goes beyond the former guidance, which recommends an informal process to occur only if serious concerns arise.

WPSBA takes issue with the statement in section 4 of the notice of proposed rulemaking that “No additional costs are imposed on local governments beyond those imposed by law.” The requirement for a periodic formal review process undertaken by a suggested minimum of two individuals from the school district will undoubtedly impose administrator time costs on the local school authority, especially in districts that have multiple non-public schools within their geographic boundaries. It is difficult to imagine that the prior requirements of undertaking informal reviews on an “as-needed” basis would cost the equivalent of the new regulations requiring substantial, periodic, formal reviews of all non-public schools.

We are also concerned that the highest need school districts will bear the brunt of the costs of this unfunded substantial equivalency formal review process. For example, out of the 46 school districts in Westchester and Putnam counties, the nine school districts with the highest number of economically disadvantaged students (over 50% of enrollment) will be monitoring the schools that enroll the majority of non-public students in the two counties.

The added costs to school districts may not end with the formal reviews. In cases where the review process suggests a program that is less than substantially equivalent, the proposed regulations impose a new burden on the local school district to work with the non-public school to remedy the deficiencies.

Currently, local school districts work with their non-public counterparts to the benefit of non-public school students – providing services and materials. To change that relationship to one of intrusive oversight by the public school district could harm the public schools’ relationships with their non-public colleagues, and with the parents and taxpayers who choose to send their children to non-public schools.

WPSBA believes that the goal of ensuring a sound basic education for all children in New York State can be accomplished without the unfunded mandate of the proposed regulations. Maintaining a less intrusive, more informal review process that is undertaken when concerns arise regarding the substantial equivalency of instruction at a non-public school, would lift much of the burden of this unfunded mandate from falling on public school districts that need the resources to serve the needs of their students.

President – Victoria Tipp

Executive Director – Karen Belanger