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August 22, 2019

Christina Coughlin, Assistant Commissioner
 NYS Education Department , SORIS
 89 Washington Avenue, Room 1075
 Albany, NY 12234

Dear Assistant Commissioner Coughlin,

I am writing to you to submit my comments on NYSED’s proposed regulations for substantially equivalent instruction for nonpublic school students. The mission of assuring that all students are receiving the education that they are entitled to under the law is an important responsibility. I have serious concerns about the method proposed in the draft regulations.

Public school district superintendents in the school districts I represent have expressed their concern and dissatisfaction at the prospect of spending their time, energy and resources, and that of other school authorities, outside of the school district that they have been tasked to serve. The tremendous responsibility of managing the day-to-day operations of a school district and the students and staff that have been entrusted to them, requires various areas of expertise, time and commitment.

Requiring local school authorities to spend a considerable amount of time outside their districts conducting site visits, curriculum review, issuing reports and meeting deadlines and otherwise collaborating between the non-public schools in their area, causes a considerable strain on their time and resources.

Although the proposed rules indicate that no cost will be incurred, local taxpayer dollars will in essence account for superintendent time spent outside of their local school district. With approximately 2,000 nonpublic schools across the state, the cost to implement this program could be substantial.

In addition, positioning local school Superintendents as overseers of local private and parochial schools adds an element of friction between educational institutions that no one is happy about. While local schools, public and private, are focused on their own institutions they interaction within a community in a variety of positive and cooperative ways. To now insert

public school superintendents in a supervisory or evaluation role will change the cooperative relationships that exist between institutions in most communities.

Many independent schools already undergo a thorough accreditation process and review. Any state evaluation of independent schools should take advantage of existing accreditation programs for purposes of determining whether students are receiving instruction that meets the state's requirements for substantial equivalency or exceed those standards. It is unnecessary and duplicitous to spend the significant amount of time and expense required to properly assess a school that already undergoes a proven review process every few years. I strongly recommend that revised regulations include a process for using existing accreditation systems to validate compliance with state law.

In developing a system for evaluating independent schools I suggest that an evaluation system be organized through SED directly rather than local school districts. I also suggest that you consider one alternative, a complaint-based system, which would allow SED resources to be focused on schools where there are real issues of compliance. Certainly a vetting process could be created that would discount complaints that have no basis. This would provide a more efficient way to use state resources to certify compliance. In the alternative, a system for submission of curriculum plans to SED to validate compliance may be another option.

I respectfully request that the SED and the Board of Regents reconsider the regulations as currently stated, both with regards to their intended purpose, and the significant burden that it will place on local school authorities. Thank you for the efforts to address this important issue. I am available to discuss any questions or concerns as the department proceeds.

Sincerely,



Steven Otis
State Assemblyman

Cc: Board of Regents