

Dear Non-Public School Leader,

Like many states, New York has a compulsory education law which requires that children aged 6-16 (or 17 in some localities) receive instruction. While most students receive this instruction in public schools, families have a constitutional right to select other options, such as a religious or independent school. Article 65 of the New York State Education law requires that wherever school-aged children receive instruction, that instruction must provide them with the opportunity to acquire the essential basic knowledge and skills necessary to function as citizens and members of society. It places the primary responsibility for confirming that students attending nonpublic schools are receiving such instruction upon local school authorities. Students in nonpublic schools are entitled to receive instruction that is at least substantially equivalent to the instruction provided in the public schools. It need not be identical to what is provided in the public schools.

New York's vibrant religious and independent school sector serves many of the state's students in a wide variety of settings. The New York Board of Regents celebrates the diversity of these schools, which reflects our state's broad diversity and tradition of welcoming newcomers from around the world. Protecting these schools is a core commitment of the Regents' and New York State's commitment to respect students and families of all backgrounds. This understanding is an essential starting point for this work.

By December 1, 2023, it is our responsibility as the Local School Authority (LSA) to inform the New York State Department of Education (NYSED) of the pathway each nonpublic school in its boundaries has selected to demonstrate substantial equivalence of its instruction. As the LSA, if a pathway is unable to be selected to determine if the non-public school is offering a substantially equivalent education, a local review to support the non-public school in meeting the criteria for a Commissioner's determination will be conducted in 2024.

Please sign and complete the form below to inform **Name of School District** of the pathway your institution chooses to select to demonstrate substantial equivalence. Be sure to return to **contact info** by Wednesday, November 22, 2023.

Sincerely,

Superintendent Signature or LSA leader overseeing Substantial Equivalency

Name of Non-Public School: _____

Local School Authority: _____

Please choose a pathway in which your school will demonstrate Substantial Equivalency of Instruction.

The pathways established by the regulation are:

1. Registered high schools and their affiliated lower grade programs;
2. State-approved private special education schools, state-operated, or state-supported schools;
3. Accreditation by an approved accreditor;
4. Schools with International Baccalaureate programs;
5. Federally approved schools;
6. Regular use of approved assessments demonstrating academic progress;
7. Traditional approach of Local school authority (LSA) reviews with either LSA or Commissioner's determination.

Pathway Non-Public School chooses: _____

NYSED guidance addresses each pathway in turn at
<https://www.nysed.gov/nonpublic-schools/substantial-equivalency>

Signature of Non-Public School Leader

Date