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TO: New York State Legislators

FROM: Vince Watchorn, Executive Director

DATE: March 28, 2025

RE: Substantial Equivalence – NYCRR Part130

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The New York State Association of Independent Schools is a voluntary association of over 200 independent nursery, elementary, and secondary schools enrolling over 80,000 students in New York. On their behalf, NYS AIS conveys our opposition, in the strongest possible terms, to any legislative effort during the 2025-26 state fiscal year budget cycle that would supersede “substantial equivalency” regulations, 8 NYCRR Part 130, adopted by the NYS Board of Regents in September 2022 and largely upheld by the NYS Supreme Court in March 2023.

The NYS Education Department and the Board of Regents undertook an inclusive, long-term process that actively engaged *all* stake holders in the development and adoption of the regulation cited above. Commendably, it strikes a critical balance between the rights of parents to direct their children’s education and the rights of the state to impose minimum standards on schools. The regulation recognizes the rigorous accreditation process by which our schools are judged and for which they devote considerable financial and administrative resources.

We recognize, however, that a few nonpublic school leaders continue to not accept the regulation and are seeking to undermine its enforcement. We maintain that any legislative effort to accommodate the narrow interests of these few leaders represents an existential threat to independent schools and indeed the majority of the families we serve.

The Board of Regents has been entrusted to enforce the state’s educational laws for more than a century. At a minimum, any consideration of statutory language concerning the “substantial equivalency” standards requires public debate, in the light of day, through the regular legislative committee and hearing process – not in last minute budget negotiations.

There is too much at stake for ALL of New York’s children.