



August 23, 2023

Dear NYS Montessorians,

This letter is to inform all of our members, but is intended specifically for school leaders of independent schools.

The New York State Education Department (NYSED) recently published *Substantial Equivalency Implementation Guidance* intended to assist public and nonpublic school leaders in implementing the Regents Regulation, Part 130, on Substantial Equivalency. Part 130 is intended to ensure that religious and independent schools are complying with NYSED's requirements, part of which in effect, require instruction in nonpublic schools to be "substantially equivalent" to instruction in public schools. It is important to note that Part 130 does *not* require Montessori schools to have the *same* instruction as in public schools, especially considering that some instruction may be contrary to the Montessori method and values.

This letter is intended to accompany the NYSED guidance and provide Montessori school leaders, staff, parents and community members with the context within which the regulation was adopted, the position of the NYSMA in the development of the regulation, and NYSMA's perspectives on its implementation within Montessori schools in New York State.

### **Background**

In response to complaints about the educational program at a relatively small number of nonpublic schools, NYSED began exploring ways to ensure that *every* nonpublic school was complying with the state's minimum education requirements. The Board of Regents and NYSED staff have assured school leaders that Montessori schools are not the target of the complaints, but are often observed to meet and exceed state requirements. NYSMA is making preparations to actively engage with NYSED staff and the Board of Regents in the development of both the regulation and guidance as well as with its implementation.

Our primary concern is over the issue of *who* has the right and responsibility to review and oversee Montessori schools. We maintain such is the responsibility of the state while NYSED maintains that it is the responsibility of local public school authorities (LSA).

The Regents adopted the recommendation of other religious and independent schools to codify, into the regulation, several existing mechanisms by which schools have long demonstrated their academic success and their compliance with education standards. Those pathways include, among

others, 1) being accredited by an approved accrediting agency, 2) administering approved student assessments and demonstrating student progress, and 3) being registered with NYSED. The overwhelming majority of religious and independent schools in the state, and most if not all Montessori schools, will fall under at least one of these pathways and thereby will be automatically considered by NYSED to be “substantially equivalent,” i.e., in compliance with the state’s education requirements. These multiple pathways, therefore, not only obviate the need for an LSA to review the nonpublic school, but LSAs are directed NOT to review any nonpublic school falling under the pathways. LSAs will be responsible for reviewing only those nonpublic schools that DO NOT fall under any of the pathways.

### **Substantial Equivalency Pathway: Accredited by an Approved Accrediting Agency – AMS**

The American Montessori Society (AMS) is an approved accreditor; and, AMS accredited schools will qualify for this pathway to demonstrate their academic success and compliance with education standards.

### **Moving Forward with Implementation**

While major concerns have been addressed and the recommendations heard at the Commissioners Advisory Council representing religious and independent schools were adopted in the final regulations and guidance document, the regulation continues to require LSAs to report the substantial equivalency status of *all* nonpublic schools within their boundaries, even those falling under the pathways and automatically considered to be compliant, to SED. Montessori schools, therefore, will be required to inform their respective LSA of their status (Accredited, Registered, and/or Administering Approved Assessments), and may be required to provide corresponding documentation.

NYSED has agreed to make efforts to streamline this reporting requirement to make it easier for both public and nonpublic schools, including “prepopulating” as much information as appropriate and possible on NYSED’s website and business portal for public schools. In some cases, LSAs may be able to ascertain individual Montessori school’s substantial equivalency status and may not need to contact your school. In either case, because the reporting requirement is the responsibility of the LSAs, Montessori schools need not initiate the communication with the LSA. Rather, you should wait to respond to the request for such information from your respective LSA.

### **Potential Complaints**

The regulation permits the Commissioner (if the Commissioner receives a substantial equivalency-related complaint of a nonpublic school and determines the complaint has merit), to direct an LSA or Board of Cooperative Education Services (BOCES) to conduct a review of the nonpublic school. Independent Montessori schools are encouraged to request to participate in a NYSED- or BOCES-conducted review, if warranted, rather than to participate in any LSA-conducted review of your school. Therefore, should any LSA contact a Montessori school to carry out any review (beyond simply requesting documentation related to the school’s substantial equivalency status), the head of school can notify the board at NYSMA for further information.

### **Updating the Guidance**

NYSED acknowledges that with the initial implementation of this regulation, school leaders may encounter unforeseen challenges and therefore may identify ways to improve upon the guidance document and implementation practices. NYSED invites suggestions from schools’ representatives, like NYSMA, but also asks for everyone’s cooperation and patience in the meantime.