

NEWS FROM
Senator Chris Jacobs
REPRESENTING THE 60TH NEW YORK SENATE DISTRICT



FOR IMMEDIATE RELEASE

August 27, 2019

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**JACOBS CALLS DEPARTMENT OF EDUCATION REGULATIONS AN
"ASSAULT" ON THE INDEPENDENCE OF PRIVATE AND RELIGIOUS SCHOOLS**
Calls regulations an overreach & unfunded mandates on public and private schools

(Buffalo, NY) — State Senator Chris Jacobs (R,C,I) called on the New York State Department of Education (SED) to rescind its proposed rule that would give public school districts oversight responsibilities on the quality of instruction at private and religious schools in their district.

"We have excellent non-public schools in Western New York and imposing these far-reaching oversight requirements is not only unnecessary, but harmful to their independence," said Jacobs. "Besides violating the long-held separation and respect between public and private schools, subordinating private schools to the wishes and whims of the state and local school districts compromises the educational choice of students and families who believe they would be better served by an independent school curriculum," the Senator added.

Jacobs also said there are currently provisions for oversight and intervention if a private school has shown itself not to be providing a sound education for children. He argued that imposing duplicate layers of oversight on private and religious schools - most of them with stellar academic records - is governmental overreach. He also pointed out that this requirement will drain precious resources from both the private schools and the public school districts required to conduct the oversight.

"This is a prime example of an unfunded state mandate, and a waste of resources that both our public and private schools could put to better use elsewhere," said Jacobs.

In announcing his opposition, leaders of independent educational institutions from the 60th Senate District who were also opposed to the SED's new rules joined Jacobs in calling for them to be rescinded.

"The Park School was founded in 1912 to be intentionally different than the traditional, larger-scale educational model, and our practices and philosophy are more individually student-focused than what large public districts are able to offer," said Jeremy Besch, Head of School at the Park School. "As a result, our outcomes routinely exceed the standards set by the public districts, and thereby suggest that our current accreditation process through New York State Association of Independent Schools is more than adequate in ensuring that our students receive a quality education that meets and surpasses state standards."

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Education Regulations an "Assault" on Private & Religious Schools Add One

"Since 1857, Nardin Academy's tradition of academic excellence has been insured by the oversight of an independent Board of Trustees and a vigilant accreditation process," said Nardin President Marsha Sullivan. "Additional oversight as proposed by the State of New York would deny Nardin Academy its ability to offer the independent curriculum that has defined our school for generations while providing our students with such a strong academic foundation. Generating additional costs, introducing state oversight of our internal operations and jeopardizing proprietary information shared between the school and our families adds no value to Nardin Academy or its students."

"St. Joseph's Collegiate Institute, alongside our Catholic partner schools, is proud of our long tradition of providing a high-quality, innovative education to generations of students from throughout Western New York," said President Christopher Fulco. "This regulation is unnecessary as we are already regularly reviewed and accredited through both national and regional agencies and have consistently proven to exceed the standards set by these organizations in all aspects of school life."

"Christian Central Academy upholds high standards of academic excellence and Business First's rankings of our K-12 school demonstrate that our students' academic performance exceeds that of the large majority of the public school districts in our region," said Interim Head of School Dr. Stuart Chen. "Our re-accreditation by Middle States Association of Colleges and Schools provides the oversight needed for certifying our academic rigor and ensuring continuous improvement. To impose further bureaucratic burdens on our neighboring public school districts would be totally unnecessary, superfluous and wasteful."

A longtime education advocate, Jacobs is the co-founder of the BISON Scholarship Fund that over the last twenty-five years has provided more than 20,000 scholarships to help Western New York children attend the private school of their choice. The Senator is encouraging all public and private stakeholders who would be negatively impacted by the proposed rules to register their opposition with the SED before the public comment period closes on September 2nd.

"We have had success in preventing bad policy from being enacted when our arguments had merit and our voices were strong, and I think that is the situation we find ourselves in here," said Jacobs. "I would encourage the leadership of our independent schools and as many of their alumni as possible to speak out in opposition to the proposed changes, and our public school districts need to let the SED know how burdensome these rules would be for them," he concluded.

Anyone wishing to express their opposition to the proposed rules can send their comments to seregcomments@nysed.gov.

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**THE SENATE
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August 26, 2019

Dr. Elizabeth Berlin
Acting Commissioner
Executive Deputy Commissioner
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Acting Commissioner Berlin:

I am writing to express my serious concerns with respect to regulations regarding statutory requirements for substantially equivalent instruction for students attending nonpublic schools that were proposed by the New York State Education Department (SED) on July 3, 2019.

The most troubling aspect of the proposed regulations is the transferring of governance and oversight of curriculum from the board of trustees and the administration of nonpublic schools to local public school districts. Granting this authority to a competitor school district presents a clear conflict of interest and strips the independence away from independent schools. In so doing, it compromises the educational choice of students and families who believe they would be better served in an independent school environment.

I also find the proposed regulations to be duplicative given the existing authority that rests with the Board of Regents and SED, as well as the rigorous accreditation process many independent schools undergo through their affiliation with the New York State Association of Independent Schools (NYSAIS). Adding unnecessary costs on independent schools and creating additional layers of oversight that will undoubtedly be burdensome on the independent school as well as the local public school district is counterintuitive, particularly in light of the fact that many of the independent schools greatly exceed existing state standards.

I have received feedback from many stakeholders in my district who share my concerns and opposition to these proposed regulations. Potential remedies have been suggested that range from amending the regulations to include a statement that all NYSAIS accredited schools are

Dr. Elizabeth Berlin
August 26, 2019
Page 2.

already substantially equivalent, expanding the voluntary registration process to include elementary level grades, or as a last resort, have SED engage BOCES or another contracted entity to conduct reviews instead of the local public school district. While I would be open to considering any of these alternatives, my strong preference would be that at the conclusion of the public comment period on September 2, 2019, SED rescind the proposed regulations entirely. Authority over nonpublic schools should rest with SED, the Commissioner and the Board of Regents.

Finally, as a former Chair of the New York State Senate's Administrative Regulations Review Commission, I feel obligated to express my disagreement with the practice of implementing major policy initiatives with significant consequences through the rule making process. I believe it is a subversion of the legislative process, and that the public is not well served by the lack of transparency and dialogue with affected parties that inevitably occurs through rule making. The review and analysis that takes places in the committee process, and the debate legislators engage in before voting, is a more effective vetting of policy proposals.

I would welcome the opportunity to discuss these matters with you in greater detail if you would like, and ask that this letter serve as my formal submission of comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Jacobs", is positioned above the printed name.

Chris Jacobs
State Senator
60th District

cc: Christina Coughlin, Assistant Commissioner, NYS Education Department, SORIS
Dr. Catherine Collins, Board of Regents Member, 8th Judicial District