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Exterior view of the New York state Capitol as seen from the steps of the New York state Education Department Building Tuesday, July 17, 2018, in Albany, N.Y. (AP Photo/Hans Pennink)

POLITICS

State Education Department: Don't play politics with nonpublic school standards

BY KATE LISA | ALBANY

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State Education Department officials told Gov. Kathy Hochul and legislative leaders Thursday not to play politics with rules that give greater oversight to the curriculum in religious and nonpublic schools as lawmakers attempt to erode the standards in a backroom budget deal.

Some lawmakers want to sneak language in the budget to give private schools more flexibility to comply with stricter SED guidelines [adopted by the Board of Regents in 2022](#) that provide greater oversight of what instructors teach at religious and nonpublic schools.

Assembly Speaker Carl Heastie on Thursday confirmed the change has been brought up in ongoing budget talks.

"Members have the right to raise issues," he told reporters.

Lawmakers proposed budget language to change the department's substantial equivalency standards as schools that have not met the stricter guidelines are

Senate Finance Committee chair Liz Krueger said the push to change the standards in the budget is a non-starter, and she'd be disappointed if it was approved by Hochul or the Legislature.

"It basically undoes the SED regulations that took years, and years and years to get approved and get through court," said Krueger, a Manhattan Democrat. "...Our job as legislators is to make sure all children get the best education we can provide, [and] to ensure they can be productive members of our society."

As a second-generation Jewish-American, Krueger said it's painful for her to watch Jewish children not receive their rightful opportunity for quality education at schools that failed to do their jobs.

"I think it's critically important that the Legislature not insert itself in this process this year," she said.

SED on Thursday said substantial equivalency is based on teaching the core subjects required by state law, and the regulations ensure students attending

education for every child could be traded away as part of a political deal to pass a state budget," SED spokesperson JP O'Hare said in a statement. "This appears to be an attempt by some legislators to go around our state's courts and dismantle a law that has been in place for over a century."

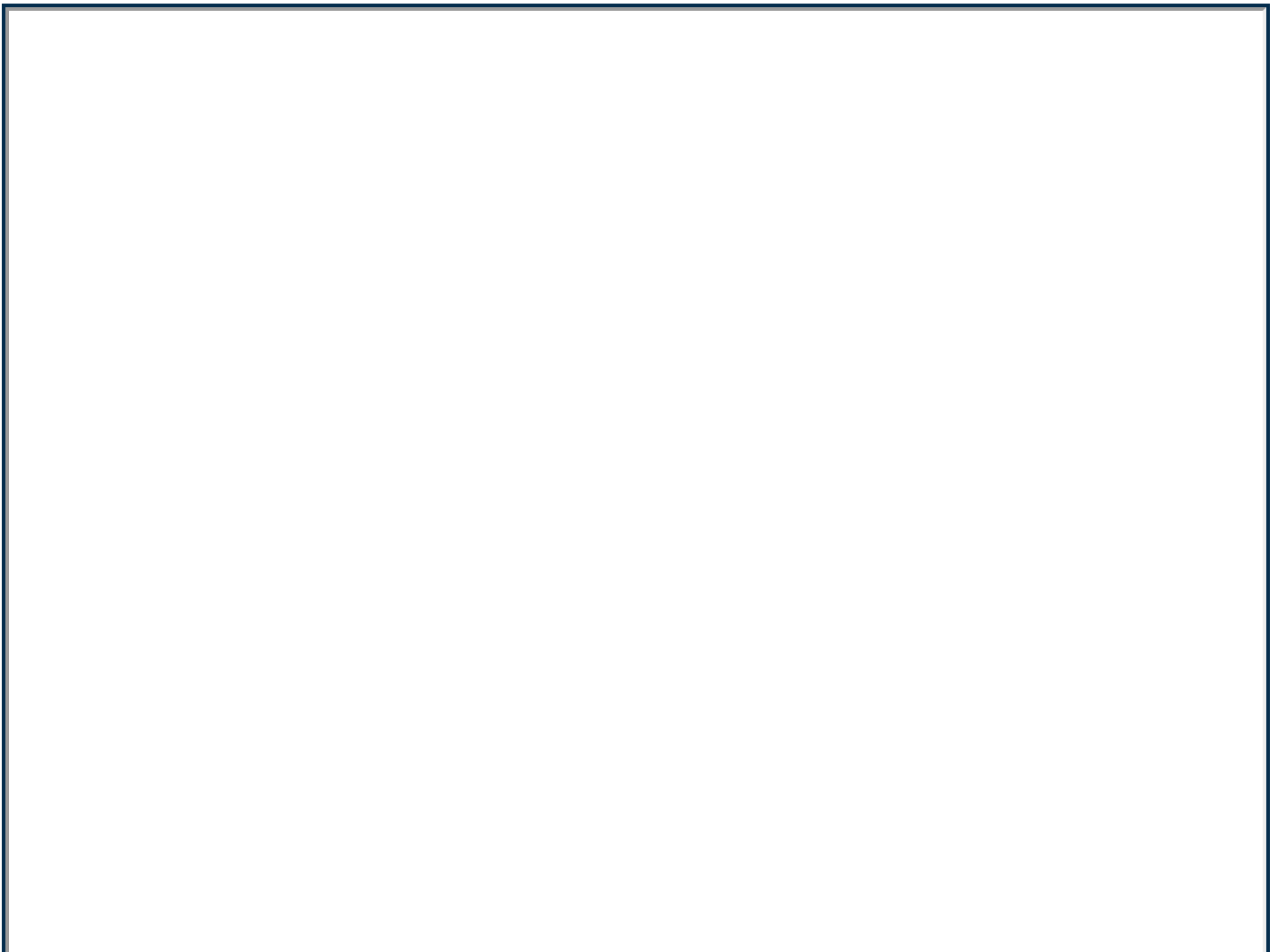
SED added the regulations were upheld in court, and the department is ready to engage with the small number of schools that have failed to meet the minimum state requirements.


"The courts upheld the rules in their entirety, finding that 'parents and guardians have a duty under the Education Law to ensure that the children in their care attend proper educational instruction... [They] cannot discharge their statutory duty by relying upon a nonpublic school that fails to meet the minimal standards of our state law, and the regulations at issue here are the direct application of the Commissioner's statutory authority to enforce compliance with that standard,'" according to the department.

The Young Advocates For Fair Education met with several lawmakers in Albany on Thursday to protest the proposal.

"We're concerned about the tens of thousands of children that are currently in schools that are not receiving a basic education," YAFFED Executive Director Adina Mermelstein Konikoff said. "They are not receiving English, math, history, science as part of their daily instruction."

The group argues it would weaken academic standards and eliminate a parent's right to demand their child receive an education, and that it's inappropriate for the Legislature to change guidelines adopted by the Board of Regents.





The issue has resurfaced during closed-door budget talks to change the criteria for religious and private schools to teach an equivalent education to public districts since the rules took effect. Legislative leaders have considered the change to boost their support with orthodox Jewish voters, who make up powerful voting blocs downstate.

An advocate representing the yeshiva community said they want to see the guidelines improved, including the pathways that are available and how schools can satisfy SED's requirements, but added they have yet to see a proposal they want lawmakers to adopt.

"There are some minimum standards where we think yeshivas should be protected and have autonomy and educate as they see fit," they said. "Unlike the diocese, each school is independent."

Assemblyman David Weprin agrees the SED guidelines should be more flexible to prove academic equivalency for private schools and yeshivas, which often have a longer school day.

"It may have less English learning but they have very extensive Talmudic learning, which is equivalent to skills that are learned in the public school in an academic environment and have value, so I don't think you can say one size fits all," Weprin told *Spectrum News 1*.

The state Council of Catholic School Superintendents has stood against a last-minute change [slipped into the budget in the past](#), but now agrees the department standards go too far.

"New York's Catholic schools have a 225-year track record of academic success, and the NYS Council of Catholic School Superintendents remains opposed to any effort that would erode the confidence parents have in nonpublic schools," Council of Catholic School Superintendents Executive Secretary James Cultrara said. "However, we also believe that the Regents regulation should have focused on only those schools that may need some improvement. The current regulation creates a costly, time-consuming, and completely unnecessary administrative burden not only on the vast majority of nonpublic schools that meet and exceed state standards, but on public schools as well."

Gov. Hochul's office did not immediately return multiple requests for comment.

Multiple lawmakers who said they're in favor of changing SED's requirements declined to be interviewed.