

Harley among schools suing state

Non-public institutions object to oversight rules

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The Harley School in Brighton and several other non-public schools across New York are suing the state Education Department over new regulations they say would infringe on their independence.

The new state guidance, announced in November 2018, has to do with whether private and parochial schools are offering an education that is at least “substantially equivalent” in quality to public schools in the area.



Students from the Harley School. There are 68 non-public schools in Monroe County, with 23 in Rochester. ROCHESTER DEMOCRAT AND CHRONICLE FILE

That standard has always existed. What is new are guidelines from the state specifying how public school districts and their elected boards must make the substantial equivalency determination for non-public schools within their district lines. If a private school’s curriculum is determined to be lacking, it is the public school’s responsibility to help develop a corrective plan.

The regulations were developed with an eye toward downstate ultra-Orthodox yeshivas, where critics allege students graduate from high school without even a rudimentary secular education. Harley Head of School Larry Frye said he understands the need for quality control at non-public schools but maintained that independent accrediting organizations like the New York State Association of Independent Schools, which is organizing the lawsuit to halt the new regulations, have always proven capable of providing oversight.

There are 68 nonpublic schools in Monroe County, according to state Education Department records. The most, 23, are in the city of Rochester, followed by eight in Brighton and five each in Greece, Penfield and Webster.

Harley says regulations should have narrower focus

Instead, Frye said, a solution should be better tailored to the narrower concerns, whether about downstate

we can have a conversation about whether kids are getting what they need. ... But that should be in a collaborative format rather than a compliance format.”

A state Education Department spokeswoman declined to comment on the lawsuit. In an interview this week with *The Journal News*/lohud in White Plains, Elia said she believes it is her responsibility to ensure that all students, including those in non-public schools, are getting a decent education.

“We are working ...closely with all different groups to try to address some of their concerns,” she said. “(But) the reality is, we took what was in the law and we translated that.”

Lawsuit aims to throw out new rules

The lawsuit earlier this month from Harley and 10 other schools aims to have the regulations thrown out. Another lawsuit to the same effect has been filed by a group of yeshiva operators and families in downstate New York, where the tensions have been much hotter. Frye and McGowan said their concern is more philosophical than practical — both said local public-private relationships are respectful and didn’t think any local schools would be at risk of sanction. But they envisioned scenarios where, for instance, a politically motivated school board could damage a private school that was siphoning off its enrollment.

yeshivas or other schools with reported problems.

“What (state Education Commissioner MaryEllen Elia) really needed was needle-nose pliers, but she came out with a Godzilla of a tool,” he said. “This has the potential to sweep up a lot of really high-functioning independent schools in a way that’s really unnecessary.”

School districts will have five years to complete their initial evaluations of nearby private schools. The new regulations were developed after two years of consultation with public and private school leaders, including Brighton Superintendent Kevin McGowan, presidentelect of the New York State Council of School Superintendents. He said he would welcome a way for public and private schools in a given area to collaborate and share best practices, but objected to it coming in a compliance framework.

“There is no superintendent I know — and I know a lot of them — who ever felt they had a compliance role regarding a private/parochial school, or frankly the right to impose any kind of oversight on those types of schools,” McGowan said. “Philosophically I don’t have a problem with the idea that there should be some sort of relationship, and locally

McGowan also worried the new task of overseeing the eight nonpublic schools in Brighton would be burdensome for staff and on the budget. “We don’t have the resources to help them become compliant,” he said. “That’s not our role; that’s their obligation. ... There could be some fascinating opportunities, but we’d like to be finding those opportunities in other ways without having another state regulation forced upon us without funding.”

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Rockland County Legislator Aron Wieder, left, and Yeshiva Degel Hatorah’s principal, Rabbi Moshe Schwab, speak about issue of public and private school equivalency Feb. 26. PETER CARR/THE JOURNAL NEWS