

November 27, 2018

Commissioner MaryEllen Elia
New York State Education Department
89 Washington Avenue
Albany, N.Y. 12234



Dear Commissioner Elia

When we met earlier this month, we agreed that meeting would mark the beginning and not the end of our dialogue. We have now reviewed the "substantial equivalence" materials released by the Department last week and would like to continue the conversation.

We left the meeting with the understanding that there would be a meaningful opportunity for the nonpublic school community to provide substantive input into the draft guidance, and that the Department would embark on a pilot program to assess its guidance before rolling it out for statewide implementation. We are disappointed that neither of those assurances were realized.

Nevertheless, we are reaching out to you once again in the hope that you can allay our concerns and answer our questions about what is being demanded of yeshivas across New York State.

We were gratified that the "Core Principles" acknowledge that any review and determination must be conducted "in a flexible and inclusive manner" and that the purpose of these reviews is "not demonstrating a perfect correspondence between public and nonpublic schools." We were also pleased that they contain a reminder that local school districts should "not assume that religious and independent schools have the same resources or programs as the public district" and most importantly, that they must "understand that, in some cases, traditions and beliefs . . . will drive the curriculum and will be integrated into the delivery of the learning standards."

What concerns us is how those general principles will be reconciled with the toolkit and rubric that the Department provided to local school districts. Those materials seem to impose a rigid set of requirements that no yeshiva in New York can satisfy.

For example, while the Local School Authority Review Tools that the Department distributed recognizes that "local school authorities are not looking for the same curricula, assessments, and instructional approaches that are used in the public schools," page 5 of that document lists the "requirement" that yeshivas must provide the instruction contained in the "Program Requirements" listed in Appendix A, and requires the LSA to answer either "yes" or "no" about whether each "requirement is met." Appendix A contains a list of at least 10 courses that are required for grades 5-8, with the amount of "seat time" that must be devoted to each course adding up to more than 35 hours each week. The requirements for other grades are also quite prescriptive, even if they do not have specific "units of study" attached to them.

Our specific questions are as follows:

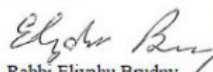
1. Does "substantial equivalence" require schools to devote at least six hours a week in grades 5-8 to each of English language arts, Social Studies, Science and Mathematics, plus the time allotted to each of the other subjects listed in Appendix A? If it does not, is there a minimum amount of seat time required for instruction in these subjects?
2. A "unit of study" is defined as "at least 180 minutes of instruction per week throughout the school year, or the equivalent." What is the meaning of "or the equivalent"?
3. Appendix A states that the unit of study requirements "may be met by the incorporation of the State learning standards of such subjects into the syllabi for other courses. Such integration must be documented in writing and kept on file at the school." Does this mean that there needs to be a minute-by-minute assessment of whether a "unit of study" has been provided by incorporation into the Jewish studies curriculum? Or does this permit a qualitative assessment of the skills conveyed through teaching Jewish studies?
4. What form of documentation in writing will the Department require, or direct Local School Authorities to accept, for a yeshiva to demonstrate that it has incorporated the State learning standards into its Jewish studies curriculum?
5. With reference to the review of a nonpublic school's teachers, does the Department intend for Local School Authorities to assess the competence of Jewish Studies faculty if a yeshiva has incorporated the State learning standards into Jewish studies curriculum?

How these questions are answered will help determine whether the guidance is forcing yeshivas to choose between providing the Jewish education parents want for their children and complying with the Department's dictates.

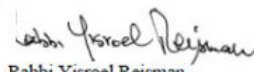
Our concerns are exacerbated by the Department's insistence that the continued existence of religious schools in the State of New York will be subject to a vote of local school boards. There are unfortunately individuals and communities that dislike religious practice and religious people. Empowering local school boards to vote on religious schools will give license to bigotry, will politicize education and will tear communities apart.

We and our colleagues at the more than 400 Jewish elementary and high schools in New York that educate more than 165,000 school children are awaiting your response.

Sincerely,



Rabbi Eliyahu Brudny
Murrer Yeshiva



Rabbi Yisroel Reisman
Yeshiva Torah Vodaath