



New York State Education Department (NYSED)  
Substantial Equivalency (SE) Frequently Asked Questions  
as of November 14, 2024

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regardless of the selected pathway.

## Substantial Equivalency FAQ

12. How should we determine “the end of the next academic year” in reference to the LSA and R/I collaboratively developing a timeline and plan for the R/I to attain substantial equivalency?

The end of the next academic year would be the next June 30. See Education Law § 2(15). (“The term ‘school year’ means the period commencing on the first day of July in each year and ending on the thirtieth day of June next following.”)

13. Do LSAs need to provide SE related data annually?

Yes, LSAs are required to collaborate with R/I to submit the LSA Survey annually. Please refer to pages 25-26 of the Substantial Equivalency Implementation Guidance found on the [Substantial Equivalency Resources](#) webpage regarding the regulation implementation timeline. R/Is demonstrating SE through certain pathways (i.e. Pathway 6) may also need to provide additional information to the LSA annually to ensure continued compliance with the applicable pathway.

14. ~~Can Title III funds be used to purchase curriculum development for SE?~~

Title funds cannot be used to purchase curriculum development solely to comply with the SE requirement. Federal funds must be used to supplement, not supplant, non-Federal funding a school would use towards compulsory education requirements.

15. Can schools use Title III funds to provide professional development related to SE for teachers providing programs for English learners and immigrant children curriculum development ~~can~~ F1 otLSA 26s63(t)

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The LSA should review such schools through the lens of developmentally appropriate practices. Care should also be taken to review such schools through the lens of what would be provided to similar students attending schools either in the LSA or through placements provided by the LSA. When conducting school review visits, the LSA should ensure that staff with special education experience are part of the school visit team. NYSED expects that students with disabilities will have meaningful access to general education curriculum with appropriate supports, services and accommodations to address any disabilities in consideration of the content of the curriculum, instructional materials, how the curriculum is taught, the physical environment, and how student learning is measured.

18. What happens if the LSA has received a complaint about the instruction provided in an R/I?

An LSA that receives a complaint about the substantial equivalency of instruction at an R/I within its geographical boundaries may use its discretion to determine whether the complaint has merit and whether an investigation is warranted. The scope of an investigation should be tailored to the nature of the concern about the instruction provided at the R/I. LSAs may contact ORISS for technical assistance in handling complaints. NYSED will investigate complaints about registered nonpublic schools.





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26. What should an LSA do if an R/I fails to give the LSA requested information to verify that the R/I meets the requirements for the selected pathway?

The LSA will proceed with a local school review (Pathway 7).

27. If an R/I does not select a pathway at all, what happens?

The R/I



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32. If my school wants to follow Pathway 1, but will not have the required graduating class to be able to become a registered high school, what do we have to provide the LSA?

Only R/Is with registered high schools and their related elementary and middle schools may choose Pathway 1. You will have the option to choose Pathway 1 if/when the R/I becomes a registered high school.

33. How is a school determined to be related



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No. Answers for some older assessments have been disclosed and therefore would not be appropriate to re-use. R/Is should administer current-year NYS assessments in accordance with the NYSED-

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51. For schools that have a preliminary finding of not meeting SE requirements, is there a template that should be followed for the structure of a timeline and plan to attain SE following a preliminary determination?

While there is no specific template, we recommend that





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requested. All R/Is should be cooperative in these endeavors and may contact ORISS at [SESupport@nysed.gov](mailto:SESupport@nysed.gov) with any concerns.

63. What is the difference between an SE determination and pathway verification?

The term “SE determination” refers to R/Is who undergo a Pathway 7 local school review and receive a final determination by the LSA or the Commissioner.

The terms “pathway verification” and “verified pathway” refer to the process by which an LSA verifies that an R/I meets the regulatory requirements for any pathways 1-6.