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Statement in Response to Lack of Secular Education in Some Nonpublic Schools Receiving Public Funding

In a recent investigative report in a New York Times publication,¹ concerns raised about the lack of sufficient secular education – English, Math, History, Science, or other subjects – in some nonpublic schools were reaffirmed. As the lead plaintiff in the Campaign for Fiscal Equity lawsuit, with a 30-year history of advocacy to ensure students receive their constitutionally entitled education, it is deeply disheartening to learn that too many nonpublic schools are failing our students by denying their rights to a comprehensive, sound, and basic education. This means the opportunity to graduate knowing how to read, write, and hold competitive employment. A corrective course of action must be promptly implemented to prevent any further misuse of public dollars by nonpublic schools failing to provide a substantially equivalent education to public schools as minimally required.

Evidence has found that some ultra-Orthodox and Hasidic Yeshivas, many of which receive state funding, fail to provide students with the basic secular instruction that is legally required. These shortfalls were proven by the New York City Department of Education 2019 inquiry,² which found that only 2 of the 28 schools investigated met the basic standards for a secular education. Yeshivas are not being asked to cut back on the teaching of Jewish law and tradition that their institutions are grounded in; however, such teaching does not supersede meeting the legal requirements of a sound and basic education.

The casualties of these failures are the students, not the institutions that reap millions of dollars in state funding. I have been working with Young Advocates for Fair Education (YAFFED), introducing legislation in the Senate³ that will hold nonpublic schools that receive taxpayer money accountable. The Board of Regents justifiably voted Monday and Tuesday this week to approve strengthening amendments to substantially equivalent instruction in nonpublic schools.⁴

¹ <https://www.nytimes.com/2022/09/11/nyregion/hasidic-yeshivas-schools-new-york.html>

² <https://www.politico.com/states/f/?id=0000016f-1fc6-dc86-ab7f-bfeed3d50000>

³ <https://www.nysenate.gov/legislation/bills/2021/s6423>

⁴ <https://www.regents.nysed.gov/common/regents/files/922p12a7.pdf>

The proposal enhances current regulations for nonpublic schools to ensure that they will be held accountable — and that their students receive the education necessary to ensure they can be successful.

Reportedly, during the NYC DOE's inquiry, some nonpublic schools failed to allow city officials access to determine if secular education courses were being taught. In promoting transparency, the state and city must be able to determine how public funds are being used as legally required. Public officials must be allowed to certify that nonpublic schools are in compliance in order to continue justifying the granting of public dollars. Failure to do so is cause for reconsideration of how our public agencies allocate taxpayers' money to promote a sound basic education.

Taking action to defend the constitutional rights of all NYS students cannot be dictated by politics. The bottom line is that education is the key to uplift all people. Our state must enforce our laws, and NYC must finally conclude its investigation and be transparent about its findings.

A handwritten signature in black ink, appearing to read "Robert Jackson", with a long, sweeping horizontal stroke extending to the right.