

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 215, 305, 3204, 3205, 3210, 3233 and 3234.

Subchapter F of the Regulations of the Commissioner of Education is amended by adding a new Part 130 to read as follows:

Part 130

Substantial Equivalency Reviews for Students Attending Nonpublic Schools

§130.1 Definitions

As used in this Part:

(a) *Competent teacher* means instructional staff employed by the school who demonstrate the appropriate knowledge, skill, and dispositions to provide substantially equivalent instruction. A competent teacher need not be certified.

(b) *Substantial equivalency of instruction* for a nonpublic school, means an instructional program which is comparable to that offered in the public schools and is designed to facilitate students' academic progress as they move from grade to grade.

(c) *Local school authority (LSA)* means the trustees or board of education of the school district that serves the geographic area in which a nonpublic school is located; provided that in the case of the city school district of the City of New York, such term shall mean the Chancellor of the city school district of New York or, to the extent provided by law, the board of education of the City School District of the City of New York.

(d) *Nonpublic school* means a religious or independent school located in New York State that provides elementary and/or secondary education (any grades 1 through

12) and such education is intended to fulfill the compulsory education requirements of Article 65 of the Education Law for the students that attend such school.

(e) *Registered school* means a nonpublic school that is voluntarily registered with the Board of Regents under section 100.2(p) of this Title.

(f) *Superintendent* means the superintendent of schools or other chief school officer of a school district, and in regard to the city school district of the City of New York, superintendent shall mean the Chancellor of the city school district.

§130.2 Types of Substantial Equivalency Reviews and Determinations.

(a) LSA's determination. LSAs shall make substantial equivalency determinations for all nonpublic schools within their geographical boundaries, provided, however, that LSAs shall not make a determination for schools deemed substantially equivalent pursuant to section 130.3 of this Part. For nonpublic schools subject to a Commissioner's substantial equivalency determination ("Commissioner's determination") pursuant to Education Law §3204(2)(ii)-(iii), LSAs must review such schools for substantial equivalency and forward a recommendation and supporting documentation to the Commissioner for his/her final determination. Such reviews must be done consistent with section 130.9 of this Part.

(b) Commissioner's determination. The Commissioner is responsible for making final substantial equivalency determinations for any nonpublic schools which meets the requirements of Education Law §3204(2)(ii)-(iii) after an LSA review and recommendation as described in subdivision (a) of this section, provided, however, that the Commissioner shall not make a determination for schools deemed substantially

equivalent pursuant to section 130.3 of this Part. Such reviews must be done consistent with section 130.9 of this Part.

130.3. Nonpublic Schools Deemed Substantially Equivalent. (a) A nonpublic school shall be deemed substantially equivalent if it annually provides sufficient evidence to the LSA that it is a:

(1) Registered school or nonpublic school serving grades 1 through 8 that has a registered high school;

(2) State-approved private special education school or State-operated or State-supported school established by the State Legislature pursuant to Article 85, 87, or 88 of the Education Law;

(3) Nonpublic school that is accredited by an accrediting body approved by the Department for purposes of demonstrating compliance with the requirements of this Part. Such accrediting body shall use a peer review process that includes evaluation by leaders of similar nonpublic schools, appropriately train all staff and peer reviewers who are involved in the accreditation process, accredit based on publicly accessible documented standards, perform a comprehensive onsite visit of any school seeking accreditation while such school is in session, and periodically conduct a combination of interim and full accreditation reviews of the nonpublic schools which it accredits during at least a ten year period. Additionally, such accrediting body shall require nonpublic schools seeking accreditation to have curriculum that is informed by research, document individual student progress, and have mechanisms for monitoring, assessing, and providing feedback on student progress.

(4) Nonpublic school that participates in the international baccalaureate program;

(5) Nonpublic school whose instruction is approved by the United States government for instruction on a military base or service academy; or

(6) Nonpublic school that uses assessments approved by the Department for purposes of demonstrating compliance with the requirements of this Part. Such assessments shall demonstrate student academic progress as they move from grade to grade, be regularly used by the nonpublic school as part of its instructional program and have a student participation rate which is equal or greater to the three-year state-wide average State assessment public school participation rate.

(b) Where an LSA deems a nonpublic school substantially equivalent pursuant to this section, it shall notify the nonpublic school of such determination, and the Commissioner may, at any time, request the evidence submitted to the LSA from the nonpublic school to demonstrate that it satisfies subdivision (a) of this section. The LSA must submit such evidence to the Commissioner within 10 days of such request. If, upon review of such evidence, the Commissioner determines that the nonpublic school has not submitted sufficient evidence to the LSA to demonstrate it satisfies subdivision (a) of this section, the Commissioner shall direct the LSA to conduct a review for purposes of making a substantial equivalency determination, or recommendation for schools subject to a final determination by the Commissioner, in accordance with this Part.

§130.4 Timeframes. Substantial equivalency reviews, recommendations, and final determinations made pursuant to this Part shall be completed within the following timeframes:

(a) New nonpublic schools. A new nonpublic school shall notify the LSA of the date on which it intends to commence instruction and how it intends to provide instruction that is substantially equivalent to that of students in the public schools. Except for schools deemed substantially equivalent pursuant to section 130.3 of the Part, LSAs shall complete substantial equivalency determinations, and recommendations for schools subject to a Commissioner's determination pursuant to section 130.2(b) of this Part for all new nonpublic schools that open on or after the effective date of this Part within two years of when the nonpublic school commences instruction for students in any grades 1-12 and every seven years thereafter.

(b) Existing nonpublic schools. Except for schools deemed substantially equivalent pursuant to section 130.3 of this Part, LSAs shall make required substantial equivalency determinations, and recommendations for schools subject to a Commissioner's determination pursuant to section 130.2(b) of this Part, for all nonpublic schools in their geographic boundaries that are operating on the effective date of this Part by the end of the 2024-2025 school year and every seven years thereafter.

(c) Failure to comply. If an LSA does not make sufficient progress, as determined by the Department, toward reviewing nonpublic schools for purposes of making required substantial equivalency determinations by the end of the 2023-2024 school year and every period of review thereafter, the Commissioner may withhold public moneys from such LSA consistent with Education Law §3234.

§130.5 Substantial Equivalency Reviews.

(a) Prior to commencing a substantial equivalency review, the LSA shall determine whether the Commissioner is responsible for making the final determination pursuant to section 130.2(b) of this Part, or whether the LSA is responsible for making such final determination pursuant to section 130.2(a) of this Part. If an LSA determines that the Commissioner is responsible for making the final determination, the LSA shall provide the Commissioner with the school's name, contact information, and evidence that the school meets the criteria for a Commissioner's determination.

(b) Except for schools deemed substantially equivalent pursuant to section 130.3 of this Part, the superintendent or his or her designee, which may include a board of cooperative educational services (BOCES), provided that such designee shall hold either a school building leader or school district leader certificate pursuant to Part 80 of this Title, shall review all nonpublic schools in the LSA's geographic boundaries, including nonpublic schools that meet the criteria for a Commissioner's determination, and, in conducting such reviews, the LSA shall use the criteria outlined in section 130.9 of this Part. For schools that meet the criteria for a final determination by the Commissioner pursuant to section 130.2(b) of this Part, the LSA must conduct the review and make a recommendation on substantial equivalency to the Commissioner for the Commissioner's final determination as set forth in section 130.8 of this Part. All reviews shall include at least one site visit to the nonpublic school by the LSA.

130.6 LSA Determinations. For nonpublic schools where the LSA is responsible for making the final determination pursuant to section 130.2(a) of this Part, following its review, the LSA shall render a substantial equivalency determination in the following manner:

(a) Preliminary determinations.

(1) If, following review, in accordance with section 130.9 of this Part, the superintendent, or his or her designee determines that the nonpublic school has not sufficiently demonstrated the substantial equivalence of instruction, the LSA shall:

(i) inform the nonpublic school's administrators of the preliminary determination and the reason(s) for such preliminary determination;

(ii) notify the Department in a form and manner prescribed by the Commissioner;

(iii) collaboratively develop, within sixty days, a timeline and plan with the nonpublic school for attaining substantial equivalency in an amount of time that is reasonable given the reasons identified in the review, provided that such timeline shall not exceed the end of the next academic year following the year in which the preliminary determination is made; and

(iv) continue services to the nonpublic school and its students during the period covered by the collaboratively developed timeline.

(2) No later than sixty days after the end of the timeline described in paragraph (1) of this subdivision, including any extensions granted pursuant to paragraph (3) of this subdivision, the LSA shall render a final determination in accordance with the provisions of subdivision (b) of this section.

(3) Notwithstanding paragraph (1) of this subdivision, the Commissioner may in his or her discretion, upon written request from the LSA and nonpublic school jointly or from the nonpublic school on notice to the LSA, extend the sixty-day deadline and/or timeline collaboratively developed by the LSA and nonpublic school upon a showing of good faith progress toward development of a timeline and/or implementation of the plan, as applicable.

(b) Final determinations.

(1) Final determinations for school districts, other than the city school district of the City of New York:

(i) After review of the nonpublic school in accordance with section 130.9 of this Part and preliminary determination, the superintendent, or his or her designee, shall make a recommendation in writing to the LSA that a nonpublic school be deemed to provide at least substantially equivalent instruction (a positive substantial equivalency determination), or be deemed to not provide at least substantially equivalent instruction (negative substantial equivalency determination).

(ii) The LSA shall notify the nonpublic school administration of the date of the regularly scheduled board meeting at which the LSA will consider the matter of substantial equivalency at least 15 calendar days prior to such date.

(iii) The nonpublic school shall be provided an opportunity to present additional relevant materials and/or a written statement to the LSA prior to the LSAs' vote at such board meeting.

(iv) The LSA shall then vote on the superintendent's or his or her designee's recommendation at a regularly scheduled public board meeting and render either a

positive or negative substantial equivalency determination as prescribed in subdivision (c) of this section.

(2) Final determinations for the city school district of the City of New York:

(i) After review of the nonpublic school in accordance with section 130.9 of this Part and preliminary determination, the LSA shall render either a positive or negative substantial equivalency determination.

(c) Procedure after final determination.

(1) If the LSA renders a positive substantial equivalency determination, the LSA shall provide written notification within 30 days to the nonpublic school administrator, the superintendent(s) of schools of each of the districts which have resident students enrolled in the nonpublic school, and the Department in a form and manner prescribed by the Commissioner, advising them of such determination, and the Department shall post such determination on its website. Such notification shall include a summary of the basis of the LSA's determination and the reason(s) therefore.

(2) If the LSA renders a negative substantial equivalence determination:

(i) the nonpublic school shall no longer be deemed a school which provides compulsory education fulfilling the requirements of Article 65 of the Education Law.

(ii) The LSA shall provide written notification to the nonpublic school administrator of such determination within 30 days, including the nonpublic school's right to appeal pursuant to Education Law §310 to the Commissioner and section 275.16 of this Title, and provide a letter for the nonpublic school to distribute to the parents or persons in parental relationship to students attending the nonpublic school and the superintendent(s) of schools of each district which has resident students

enrolled in the nonpublic school advising them of such determination. The LSA shall provide a reasonable timeframe for parents or persons in parental relationship to enroll their children in a different appropriate educational setting, consistent with Education Law §3204.

(iii) The LSA shall notify the Department of the negative determination, and reasons therefore, in a form and manner prescribed by the Commissioner. Such notification shall include the justification for the LSA's determination.

(iv) Legally required services to the nonpublic school and students must continue until the end of the reasonable timeframe provided to the parents and persons in parental relationship as described in subparagraph (ii) of this paragraph.

(v) Student records shall be managed consistent with section 104.2 of this Title.

(d) Such LSA determinations shall be accepted by LSAs who have resident students attending a nonpublic school that is not within their geographic boundaries, absent a subsequent substantial equivalency determination by the Commissioner pursuant to an appeal in accordance with Education Law §310 and section 130.12 of this Part or pursuant to a review in accordance with section 130.14 of this Part.

130.7 Reporting Requirement.

(a) By September 1, 2023 and each September 1 thereafter, LSAs shall file a report with the Department, in a form and manner prescribed by the Commissioner, containing a list of all nonpublic schools located within the LSA's geographical boundaries and the date of the last substantial equivalency determination made for each nonpublic school;

(b) By December 1, 2023 and each December 1 thereafter, LSAs shall file a report with the Department, in a form and manner prescribed by the Commissioner containing a list of all the nonpublic schools identified in subdivision (a) of this section that:

(1) are registered schools or nonpublic schools serving grades 1 through 8 that have a registered high school, pursuant to section 130.3(a)(1) of this Part;

(2) are State-approved private special education schools and State-supported or State-operated schools, pursuant to section 130.3(a)(2) of this Part;

(3) are accredited by an approved accreditor, pursuant to section 130.3(a)(3) of this Part;

(4) participate in the international baccalaureate program, pursuant to section 130.3(a)(4) of this Part;

(5) whose instruction is approved by the United States government for instruction on a military base or service academy, pursuant to 130.3(a)(5) of this Part;

(6) use assessments, pursuant to section 130.3(a)(6) of this Part;

(7) are not identified in paragraphs (1)-(6) of this paragraph and are subject to Commissioner's review pursuant to section 130.2(b) of this Part; and

(8) are not identified in subparagraphs (1)-(6) of this paragraph for which the LSA is responsible for making the final substantial equivalency determination.

(c) By December 1, 2024 and each December 1 thereafter, LSAs must submit an attestation that indicates whether they:

(1) have or have not yet made a final substantial equivalency determination for each nonpublic school in their geographic area that is subject to their final determination

as identified in paragraph (8) of subdivision (b) of this section and the date on which such determination was made or is anticipated to be made; and

(2) have or have not yet forwarded a substantial equivalency recommendation to the Commissioner for each nonpublic school in their geographic area that is subject to a final determination by the Commissioner, as identified in paragraph (7) of subdivision (b) of this section and the date on which such recommendation was made or is anticipated to be made.

§130.8 Commissioner's Determination.

(a) For nonpublic schools for which the Commissioner is required to make the final determination pursuant to section 130.2(b) of this Part, the LSA must conduct a review in accordance with section 130.9 of this Part and forward its substantial equivalency recommendation and all relevant documentation to support its recommendation to the Commissioner for review.

(b) The Commissioner shall provide the nonpublic school with an opportunity to present additional relevant materials and/or a written statement to the Commissioner prior to rendering a final determination.

(c) If, based on the LSA recommendation and the documentation submitted, the Commissioner determines that the nonpublic school is providing substantially equivalent instruction, the Commissioner shall, within 30 days, send written notification to the nonpublic school and provide a letter for the nonpublic school to distribute notifying the parents or persons in a parental relationship to the students who attend the nonpublic school and the superintendent(s) of schools of each of the districts which have resident

students enrolled in the nonpublic school. The Department shall post such determination on its website.

(d) If, based on the LSA recommendation and the documentation submitted, the Commissioner determines that the nonpublic school has not sufficiently demonstrated compliance with this Part, then:

(1) the Commissioner shall inform the nonpublic school and the LSA of such determination and the reason for such determination;

(2) the Commissioner shall direct the LSA to collaboratively develop, within sixty days, a timeline and plan with the nonpublic school for attaining substantial equivalency in an amount of time that is reasonable given the reasons identified in the review, provided that such timeline shall not exceed the end of the next academic year following the year in which the preliminary determination is made provided, however, that the Commissioner may, in his or her discretion and upon written request from the LSA and nonpublic school jointly or from the nonpublic school on notice to the LSA, extend the sixty-day deadline and/or timeline collaboratively developed by the LSA and nonpublic school upon a showing of good faith progress toward development of a timeline and/or implementation of the plan, as applicable.

(3) the LSA must continue services to the nonpublic school and its students all services during the timeline described in paragraph (2);

(4) if, after the timeline described in paragraph (2) of this subdivision:

(i) the nonpublic school has demonstrated compliance with this Part the LSA shall make a recommendation to the Commissioner for a positive substantial

equivalency determination and provide supporting documentation to the Commissioner for review;

(ii) the nonpublic school has not demonstrated compliance with this Part, the LSA shall notify the Commissioner and provide supporting documentation to the Commissioner for review;

(5) the nonpublic school may present additional relevant materials and/or a written statement to the Commissioner, prior to the Commissioner's rendering of a determination pursuant to paragraphs (6) and (7) of this subdivision.

(6) if the Commissioner makes a positive substantial equivalency determination based on the process described above, the Commissioner will follow the procedures outlined in subdivision (c) of this section;

(7) if the Commissioner makes a determination that the school does not provide substantially equivalent instruction, then:

(i) the nonpublic school shall no longer be deemed a school which provides compulsory education fulfilling the requirements of Article 65 of the Education Law.

(ii) the Commissioner shall provide a letter to the nonpublic school administrator of such determination within 30 days and provide a letter for the nonpublic school to distribute to the parents or persons in parental relationship to students attending the nonpublic school and the superintendent(s) of schools of each district which has resident students enrolled in the school advising them of such determination. The Commissioner shall provide a reasonable timeframe for parents or persons in parental relationship to identify and enroll their children in a different, appropriate educational setting, consistent with Education Law §3204;

(iii) legally required services to the nonpublic school and students must continue during the reasonable timeframe provided to the parents and persons in parental relationship as described in subparagraph (ii) of this paragraph; and

(iv) student records shall be managed consistent with section 104.2 of this Title.

§130.9 Criteria for Substantial Equivalency Reviews. When reviewing a nonpublic school for substantial equivalency, other than schools deemed substantially equivalent pursuant to section 130.3 of this Part, the following must be considered:

(a) whether instruction is given only by a competent teacher or teachers as required by Education Law §3204(2)(i);

(b) whether English is the language of instruction for common branch subjects as required by Education Law §3204(2)(i);

(c) whether students who have limited English proficiency have been provided with instructional programs enabling them to make progress toward English language proficiency as required by Education Law §3204(2-a);

(d) accreditation materials from the last five years;

(e) whether the instructional program in the nonpublic school as a whole incorporates instruction in mathematics, science, English language arts, and social studies that is substantially equivalent to such instruction required to be provided in public schools pursuant to Education Law §3204(3);

(f) whether the nonpublic school meets the following other statutory and regulatory instructional requirements:

(1) instruction in patriotism and citizenship pursuant to Education Law §801(1) and section 100.2(c)(1) of this Title;

(2) instruction in the history, meaning, significance and effect of the provisions of the Constitution of the United States and the amendments thereto, the Declaration of Independence, the Constitution of the State of New York and the amendments thereto, pursuant to Education Law §801(2) and section 100.2(c)(3) of this Title;

(3) instruction in New York State history and civics pursuant to Education Law §3204(3) and section 100.2(c)(7) of this Title;

(4) instruction in physical education and kindred subjects pursuant to Education Law §803(4) and section 135.4(b) of this Title and instruction in health education regarding alcohol, drugs, and tobacco abuse pursuant to Education Law §804 and section 100.2(c)(4) of this Title. Pursuant to Education Law §3204(5), a student may, consistent with the requirements of public education and public health, be excused from such study of health and hygiene as conflicts with the religion of the students' parents or guardian; provided that such conflict must be certified by a proper representative of their religion as defined in Religious Corporations Law §2;

(5) instruction in highway safety and traffic regulation, pursuant to Education Law §806 and section 100.2(c)(5) of this Title;

(6) instruction in fire drills and in fire and arson prevention, injury prevention and life safety education, pursuant to Education Law §§807 and 808, and section 100.2(c)(6) of this Title; and

(7) instruction in hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator pursuant to Education Law §305(52) and section 100.2(c)(11) of this Title; and

(g) For nonpublic schools meeting the criteria in Education Law §3204(2)(ii)-(iii), the criteria enumerated in such statute for such schools.

130.10 Conduct of Reviews. Substantial equivalency reviews conducted pursuant to this Part shall be conducted in the following manner:

(a) Reviews shall be conducted in a manner that is respectful to the diversity of the nonpublic school community. Nonpublic schools being reviewed shall be cognizant and respectful of the responsibilities of the LSA, and their designee(s), to conduct reviews and ensure that nonpublic school students receive substantially equivalent instruction.

(b) Reviews shall be based on objective criteria focused on whether students in the nonpublic school receive instruction that is at least substantially equivalent to instruction provided in public schools. This shall include a focus on opportunities offered to nonpublic school students to acquire core skills and make academic progress. Instructional programs in nonpublic schools need not demonstrate perfect congruence between public and nonpublic school instruction.

(c) Reviews shall be cognizant of the rights of parents or persons in a parental relationship to choose among religious and independent schools that offer instruction that is at least substantially equivalent to instruction provided in public schools for their children.

(d) Reviews shall be informed by, and respectful of, the cultural and religious beliefs and educational philosophy that may drive the curriculum in nonpublic schools and be integrated with academic content in the delivery of instruction.

130.11 Complaints.

(a) The Commissioner, or his or her designee, may direct an LSA, or other authority which may include a BOCES, to investigate a nonpublic school if the Commissioner receives a complaint regarding the substantial equivalency of instruction at such nonpublic school, or if the Commissioner otherwise has concern regarding the substantial equivalency of instruction at a nonpublic school, regardless of whether a complaint has been submitted. The Commissioner will not direct an investigation of a nonpublic school where the Commissioner determines, in his or her discretion, that a complaint does not have merit or that investigation is otherwise not warranted.

(b) If so directed, the LSA shall investigate such complaint and make a positive or negative substantial equivalency determination, or recommendation for schools subject to a final determination by the Commissioner, consistent with this Part.

(c) If an LSA does not investigate and make a determination or recommendation on such complaint, the Commissioner may withhold public moneys from such LSA consistent with Education Law §3234 and section 130.14(b) of this Part.

130.12 Appeal to the Commissioner. Persons considering themselves aggrieved by an LSA's substantial equivalency determination may file an appeal to the Commissioner within 30 days of the LSA's decision pursuant to Education Law §310 and section

275.16 of this Title, and the Commissioner may, in his or her discretion, stay such determination pending a final determination on such appeal pursuant to Education Law §311 and section 276.1 of this Title.

130.13 Records Request and Review.

(a) Records request.

(1) With respect to nonpublic schools where the LSA is responsible for making the final determination pursuant to section 130.2(a) of this Part, the Commissioner may request records and/or documentation the LSA used to make its final determination on substantial equivalency of instruction. The LSA shall provide such records and/or documentation to the Commissioner within 10 days of the request.

(2) With respect to any nonpublic school against which a penalty pursuant to §130.14(c) of this Part is being considered, the Commissioner may request that the LSA provide records and/or documentation that a nonpublic school has intentionally prohibited an LSA from conducting a review, and records and/or documentation of the LSA's good faith efforts to review such nonpublic school, for purposes of making a substantial equivalency determination, or recommendation for schools subject to a final determination by the Commissioner, in accordance with the provisions of this Part. The LSA shall provide such records and/or documentation to the Commissioner within 10 days of the request.

(b) Review.

(1) If the Commissioner's review of such records and/or documentation gives rise to a substantial question as to whether the LSA's positive or negative substantial

equivalency determination is or is not supported, or whether a penalty under §130.14(c) of this Part is warranted, the Commissioner may initiate review of whether the procedures in this Part were followed, whether the criteria in section 130.9 of this Part have or have not been satisfied, or whether a penalty against such non-public school pursuant to section 130.14(c) of this Part is warranted.

(2) Such review shall be commenced by service of a notice of intent to review on the LSA and nonpublic school administrator, by certified mail, return receipt requested, advising them of the issues under consideration. The LSA and nonpublic school administrator may file a written response with the Commissioner, within 30 days of being served with such notice, with proof of service by regular mail on the other party.

(3) The Commissioner may, in his or her discretion, issue a stay of an LSA determination pending a final decision; permit or require the service and filing of affidavits, exhibits and other supporting papers consistent with section 276.5 of this Title; and/or take into consideration any official records or reports on file in the Department consistent with section 276.6 of this Title.

(4) The Commissioner shall render a written decision on the issues under review and follow the notification procedures set forth in section 130.8(c) or (d) of this Part, as applicable.

§130.14 Penalties and Enforcement.

(a) Any violation of the compulsory education requirements contained in Article 65 of the Education Law is subject to the penalties prescribed in Education Law §3233.

(b) Pursuant to Education Law §3234, the Commissioner may withhold one-half of all public school moneys from any city or district, which, in the Commissioner's judgment, willfully omits and refuses to enforce the provisions of the compulsory education requirements contained in Article 65 of the Education Law, in accordance with such section.

(c) If, after review as prescribed in section 130.13(b) of this Part, the Commissioner determines that a nonpublic school has intentionally prohibited an LSA from conducting a review for purposes of making a substantial equivalency determination, or recommendation for schools subject to a final determination by the Commissioner, in accordance with the provisions of this Part, the Commissioner may issue a written decision making a negative substantial equivalency determination in accordance with section 130.13 of this Part.

130.15 Severability.

If any provision of this Part or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons or circumstances.