

Regional Forum for Home Schooled Students

- Legal Authorizations
- Parent's Responsibilities
- District's Responsibilities
- Provisions, Restrictions and Rights
- Common Questions Answered by NYSED

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What is Home Schooling?

- Home Schooling refers to when a parent or caregiver chooses to educate his or her child at home.
- While a parent has the right to home school his or her child, the decision to do so gives rise to certain obligations on the part of the parent and the district in which the child resides.



These Obligations are Derived from the Relevant Laws and Regulation

- Education Law Section §§3204(1), 3210(2)(d), 3212(2)
- 8 NYCRR §§100.10, 135.4(c)(7)(ii)(b)(2), 200.2(a)



District-Parent Relationship

- The Regulations are intended to establish procedures to assist Districts in fulfilling their obligations under the applicable provisions of the Education Law.
- Districts are responsible for determining the competency of the instructor and the substantial equivalence of instruction.
- Districts must assist parents who exercise right to home school their children.



Degrees Received

- As only public high schools and registered non-public schools can issue high school diplomas, home-schooled students must choose from one of the alternatives available (e.g., earning a HS equivalency diploma, receiving a letter of substantial equivalency from the Superintendent of Schools).



Parents' Obligations: Submissions to Districts

- Notice of intention to Home School
 - By July 1 or within 14 days of commencing home schooling
- Individualized Home Instruction Plan
 - By August 15 or within 4 weeks of receiving District response to Notice of Intent
- Quarterly Reports
 - On dates set forth in the IHIP
- Annual Assessment
 - With the fourth quarterly report



Parents' Obligations: Curriculum

- Comply with the subject matter requirements outlined in CR § 100.10 for age group (K-6, 7-8, 9-12).
- Comply with the additional subjects mandated by education law §§ 801, 804, 806, 808 (patriotism and citizenship, health education, highway and traffic safety, fire prevention and safety).



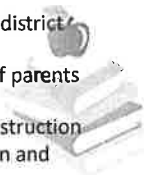
Parents' Obligations: Attendance

- Each child must attend the substantial equivalent of 180 days of instruction annually
- Cumulative hours of instruction
 - Grades 1-6: 900 hours per year
 - Grades 7-12: 990 hours per year
- Absences permitted thru same policy District applies to its students
- Records must be maintained by parent and provided to District on request.



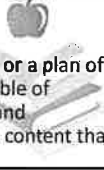
Notice of Intention to Home School

- Description: notification to instruct any child of compulsory school attendance age at home.
- Content:
 - Name, age, grade, date of birth, name of district / school for each child
 - Name, address, and telephone number of parents or guardians
 - Name and address of person providing instruction
 - Date on which home instruction will begin and end



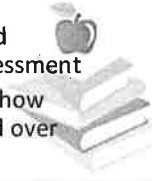
Individualized Home Instruction Plan (IHIP)

- Required content:
 - Name, age, and grade level of student;
 - The dates, between July 1 and 30, on which quarterly reports of progress will be submitted to the school District, spaced in even and logical time spans;
 - The names of all individuals providing instruction;
 - A list of the syllabi, curriculum materials, textbooks, or a plan of instruction to be used in each required subject. A table of contents from an appropriate textbook, or a scope and sequence chart may be submitted if it describes the content that will be taught.



Preparing the IHIP: Completing the Cover Sheet

- The cover sheet should include dates on which the four quarterly reports will be submitted
- The third quarterly report should include plans for the annual assessment
- The cover sheet should indicate how instructional time will be divided over the school year



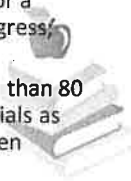
Quarterly Reports

- Due: on dates specified by parents on IHIP
- Content
 - Number of hours of instruction completed in quarter
 - A written description of the materials covered for each subject listed on the IHIP
 - A grade/written evaluation of students progress, including a level of achievement
 - If less than 80% of instruction in IHIP planned for quarter is completed, a written explanation is required



Quarterly Reports: Content

- The number of hours of instruction in said quarter;
- A description of the material covered in each subject listed in the IHIP;
- Either a grade for the child in each subject or a written narrative evaluating the child's progress; and
- A written explanation in the event that less than 80 percent of the amount of the course materials as set forth in the IHIP for that quarter has been covered in any assessment



Annual Assessment

- The annual assessment should be filed when the quarterly report is due, as specified by the IHIP,
- The annual assessment must include the results of a commercially published norm reference test, or
- An alternative form of evaluation meeting the requirements of the regulations.



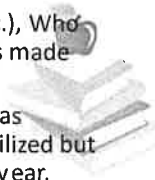
Annual Assessment: Option 1 Achievement Test

- Parent must select from the list of approved test in CR 100.10
- Test may be administered in accordance with one of the options listed in CR 100.10, to be selected by the parents
- If a score is deemed to be inadequate, the program shall be placed on probation



Annual Assessment: Option2 Alternative Evaluation Methods

- Grades 1-3: a written narrative prepared by a person specific in CR 100.10(h)(2)(iii) (i.e., a certified teacher, a home instruction peer review panel, etc.), Who shall certify whether the child has made sufficient academic progress;
- For grades 4-8, the same process as outlined for grades 1-3 may be utilized but no more than every other school year.



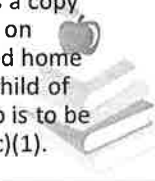
School Districts' Obligations

- Respond to letter of intent within 10 business days
- Provide IHIP form
- Refer each IHIP to coordinator of home instruction for compliance review
- Refer quarterly reports to coordinator for compliance review
- Inform parents of compliance ruling
- Grant permission to substitute a test not listed in CR 100.10 for an annual assessment
- Provide assistance in developing IHIP when requested



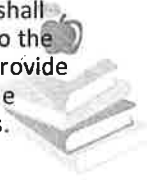
District-Parent Communication Timelines

- Within 10 business days of receipt of intent to instruct at home, the school District shall send to the parents a copy of CR section 100.10 and a form on which to submit an individualized home instruction plan (IHIP) for each child of compulsory attendance age who is to be taught at home. NYCRR 100.10(c)(1).



District-Parent Communication Timelines

- Within 4 weeks of receipt of this material from the District or by August 15, whichever is later, the parent shall submit the completed IHIP form to the school District. The District shall provide assistance in the preparation in the forms, if requested by the parents. NYCRR 100.10(c)(2).



District-Parent Communication Timelines

- Within 10 business days of receipt of the IHIP, or by August 31, whichever is later, the District shall either notify the parents that the IHIP complied with the requirements of subdivisions (d) and (e) of CR 100.10 or provide parents with written notice of any deficiency. NYCRR 100.10 (c)(3).



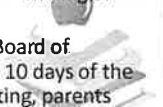
District-Parent Communication Timelines

- Within 15 days of receipt of a notice of deficiency in the IHIP, or by September 15, whichever is later, the parents shall submit a revised IHIP which corrects any deficiencies. NYCRR 100.10 (c)(4).



District-Parent Communication Timelines

- The superintendent of schools shall review the revised IHIP and shall notify the parents as to whether the revised IHIP complies with the relevant subdivisions of CR 100.10 within 15 days of receipt or by Sept.30, whichever is later. If the revised IHIP is not in compliance, the parents will be notified in writing of this determination.
- Such notice shall include the date of the next Board of Education meeting, which must be held within 10 days of the mailing notice. At the Board of Education meeting, parents have the right to present proof of compliance, and the Board shall make a final determination. NYCRR 100.10(c)(5)



District-Parent Communication Timelines

- If the Board of Education rules that the revised IHIP is not in compliance, the parents shall have 30 days from the receipt of such determination to appeal to the commissioner of Education. NYCRR 100.10(c)(6).



Q&A

Guidance Released by NYSED
Pertaining to the Regulations



▪ May parents engage a tutor to provide home instruction?

▪ Yes, parents may engage the services of a tutor to provide home instruction for all or a portion of the home instruction program

▪ Must home instruction take place on the days/times of day when school is in session?

▪ No, home instruction is usually given within this general time frame, but flexibility in scheduling is possible.



▪ May students instructed at home by their parents take part in non-credit-bearing organized school activities such as clubs, sports, and intermurals?

▪ Commissioner's Regulation 135.4(c)(7) directs that a participant in interscholastic sports must be enrolled in the public school. Home schoolers may participate in intermural and other school-sponsored club activities and can attend interscholastic and intermural competitions, musical programs, and presentations that are open to the public.

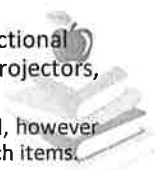


▪ May students instructed at home be allowed to use school facilities such as the library, career information center and gymnasium?

▪ Yes. Students may use such school facilities provided that there is mutual agreement on the part of all involved parties.

▪ May parents/students borrow instructional items from the school (e.g., books, projectors, etc.)?

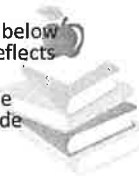
▪ Parents/students may borrow material, however the District is not obligated to lend such items.



- May a student instructed at home participate in the instructional program of the school District?
 - The legislature has not authorized part-time attendance and, therefore, a student instructed at home may not participate in the instructional program of the school District except for special education programs and services the District is required to make available.



- Is a student instructed at home eligible to participate in summer school programs operated by the public school District?
 - Yes, summer school programs are available to all residents of the District.
- When is a home instruction program placed on probation?
 - If the student's composite growth score is below the 30th percentile of national norms, or reflects under a year's growth
 - If written narrative is submitted, then if the evaluator certifies the student has not made sufficient academic progress



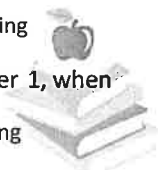
- How should the district maintain records on students instructed at home? How long should the records be kept?
 - It is recommended that the district complete a worksheet for each student to place in the student's file along with the current IHIP, quarterly reports and annual evaluation information.
 - There is no legal obligation specified to this matter, however NYSED recommends until 6 years after a student graduates.



- Should parents maintain records on students instructed at home?
 - Parents are required to keep attendance records for each student, but there is no legal obligation for them to maintain any other records. It is recommended that parents keep evidence of their programs and their children's achievement and correspondence with the District.



- If a child reaches the age of compulsory attendance during the school year, must a parent file an IHIP for that year?
 - Yes
- If a child reaches age 6 on or before December 1, when must the parent file an IHIP?
 - The school year beginning the preceding September
- If a child reaches age 6 after December 1, when must the parent file an IHIP?
 - The school year beginning the following September

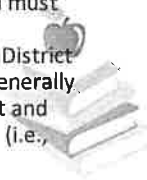


- Which State tests suffice for annual exams?
 - Any state test designed to evaluate individual student achievement are acceptable. State test designed to evaluate a school's program are not appropriate for this purpose.
- Must the District administer tests during the school year to home-instructed students?
 - No, unless the student is referred to the committee on Special Education for evaluation.



▪ Is the District required to provide service to a student who has been identified by the committee on Special Education?

▪ The District is required to make appropriate services available to any identified student in accordance with the approved IEP, and must offer all services contained in the IEP. Transportation must be offered by the District to the extent necessary. Services are generally delivered at the school, but the District and parents may agree to another location (i.e., local library, student's home, etc.).



▪ May a parent elect to have a student receive some but not all services in the IEP?

▪ Yes, the parent may assume the responsibility of providing some of the services, and have the District provide other services.

▪ Must the Committee on Special Education review or approve an IHIP for a special needs student?

▪ No. The superintendent determines if the IHIP is in compliance.



QUESTIONS