

REGULATION

1999

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Instruction

SUBJECT: HOME SCHOOLING

New York State Law provides parents/guardians the right to educate their child(ren) at home; however, it is the responsibility of the Board of Education to ensure that no child is deprived of an adequate educational program.

When parents/guardians choose to instruct their children at home, the Superintendent or his/her designee will determine the competency of instruction by analyzing the instructional program to see if it is substantially equivalent to that provided by the School District.

NOTICE OF INTENTION TO INSTRUCT AT HOME

Parents/guardians must annually provide written notice to the Superintendent of their intention to instruct their child at home by July 1st of each school year.

If parents/guardians choose to provide home instruction or establish residence in the School District after the start of the school year, they must provide written notice to the Superintendent within fourteen (14) days following the commencement of home instruction.

INDIVIDUALIZED HOME INSTRUCTION PLAN (IHIP)

The Superintendent or his/her designee will provide parents/guardians a copy of Section 100.10 of the Commissioner's Regulations addressing home instruction and a form on which to submit an individualized home instruction plan for each child of compulsory attendance age who is to be taught at home. School authorities will provide assistance, if requested, to parents/guardians in preparation of the individualized home instruction plan.

Parents/guardians shall be responsible for the purchase and payment of all instructional materials used for home schooling, as the School District is under no obligation to supply such materials. The District will, however, provide commercially published tests at no cost to the parents/guardians, if so requested, but only if the District uses and is in possession of said tests. If the parent/guardian chooses to use a test that has not been ordered for use in the public schools of the District, the District, upon request of the parent/guardian, will order the test. The parent/guardian will, however be responsible for the cost of procuring it.

ADMINISTRATIVE REVIEW

The Superintendent or his/her designee shall review completed IHIP forms and either notify parents/guardians that the IHIP is in compliance or provide written notice of any deficiency in the IHIP. If the individualized home instruction plan is determined not to be in compliance, parents/guardians must submit a revised IHIP which corrects any deficiencies.

The Superintendent reviews the revised IHIP and renders a decision, indicating in a written notice to the parents/guardians the reasons for such a determination. Such notice shall also contain the date of the next regularly scheduled meeting of the Board of Education that will be held at least ten (10) days after the mailing date of the notice, and shall inform parents/guardians of their right to present to the Board of Education proof of compliance. The Board of Education shall make a final determination of compliance or noncompliance.

Parents/guardians have the right to appeal the Board of Education's determination of noncompliance to the Commissioner of Education within thirty (30) days after receipt of such determination.

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Upon completion of the administrative review, if the result is a finding of non-compliance, parents/guardians must immediately enroll their children in the public school system or provide written notice to the Superintendent of the arrangements made to provide the required instruction for each child.

The administrative review is completed when one of the following events has occurred:

1. The parents/guardians have failed to contest a determination of noncompliance by appealing to the Board of Education; or
2. The parents/guardians have failed to appeal the final School District determination of noncompliance to the Commissioner of Education; or
3. The parents/guardians have received a decision of the Commissioner of Education which upholds the final School District determination of noncompliance.

CONTENT OF INDIVIDUALIZED HOME INSTRUCTION PLAN

An individualized home instruction plan for each child shall contain:

1. The child's name, age and grade level;
2. A list of the syllabi, curriculum materials, textbooks, or plan of instruction to be used in each of the required subjects;
3. The dates for submission to the School District of the parents'/guardians' quarterly reports. These reports shall be spaced in even and logical periods;
4. The names of the individuals providing instruction.

REQUIRED COURSES

A unit means six thousand four hundred eighty (6,480) minutes of instruction per school year.

Grades 1-6

| | |
|--------------------|-----------------------|
| Arithmetic | English Language |
| Reading | Geography |
| Spelling | United States History |
| Writing | Science |
| Health Education | Music |
| Physical Education | Visual Arts |

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Bilingual education and/or English as a Second Language where the need is indicated.

Grades 7-8

English (2 units)

Physical Education (on a regular basis)

Science (2 units)

Health Education (on a regular basis)

History and Geography (2 units)

Practical Arts (on a regular basis)

Mathematics (2 units)

Library Skills (on a regular basis)

Art (1/2 unit) Music (1/2 unit)

The units required are cumulative requirements for both grades seven and eight.

The following courses shall be taught at least once during the first eight grades: United States History, New York State History, and the Constitution of the United States and New York State.

Grades 9-12

English (4 units)

Physical Education (2 units)

Science (2 units)

Art and/or Music (1 unit)

Mathematics (2 units)

Health Education (1/2 unit)

Social Studies (4 units, which includes

Elective (3 units)

one unit of American History,

1/2 unit in participation in government, and 1/2 unit of economics)

The units required are cumulative requirements for grades nine through twelve.

ADDITIONAL SUBJECTS

Educational Law Sections 801, 804, 806 and 808 also require the following subjects to be covered during grades kindergarten

through twelve:

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1. Patriotism and citizenship;
2. Health education regarding alcohol, drug and tobacco misuse;
3. Highway safety and traffic regulations, including bicycle safety;
4. Fire and arson prevention and safety.

The program of health education shall also include (at least once in grades K-6, once in grades 7-8 and once in grades 9-12) age appropriate instruction concerning the nature, methods of transmission and methods of prevention of acquired immune deficiency syndrome (AIDS).

ATTENDANCE REQUIREMENTS

Each child shall receive the required amount of instruction as follows:

1. The substantial equivalent of one hundred eighty (180) days of instruction shall be provided each school year;
2. The cumulative hours of instruction for grades one through six shall be nine hundred (900) hours per year. The cumulative hours of instruction for grades seven through twelve shall be nine hundred ninety (990) hours per year;
3. Absences shall be permitted on the same basis as provided in the policy of the School District for its own students;
4. Records of attendance shall be maintained by the parent/guardian and shall be made available to the School District upon request;
5. Instruction provided at a site other than the primary residence of the parents/guardians shall be provided in a building which has not been determined to be in violation of the local building code.

QUARTERLY REPORTS

On or before the dates specified by the parent/guardian in the IHIP, a quarterly report for each child shall be furnished by the parent/guardian to the School District. The quarterly report shall contain the following:

1. The number of hours of instruction during said quarter;
2. Description of the material covered in each subject listed in the IHIP;
3. Either a grade for the child in each subject or a written narrative evaluating the child's progress;
4. Written explanation in the event that less than eighty percent of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.

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ANNUAL ASSESSMENT

At the time of filing the fourth quarterly report as specified in the IHIP, the parent/guardian shall also file an annual assessment. The annual assessment shall include the results of the commercially published norm-referenced achievement test or an alternative form of evaluation.

The commercially published norm-referenced achievement test shall be selected by the parent/guardian from one of the following:

1. Iowa Test of Basic Skills
2. California Achievement Test
3. Stanford Achievement Test
4. Comprehensive Test of Basic Skills
5. Metropolitan Achievement Test
6. State Education Department Test
7. Another test approved by the State Education Department

The test shall be administered in accordance with one of the following options, to be selected by the parents/guardians:

1. At the public school, by its professional staff; or
2. At a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of the nonpublic school is obtained; or
3. At a nonregistered nonpublic school, by its professional staff, provided that the consent of the Superintendent of the School District and of the chief school officer of the nonpublic school is obtained; or
4. At the parents'/guardians' home or at any other reasonable location; by a New York State certified teacher or by another qualified person, provided that the Superintendent has consented to having said certified teacher or other person administer the test.

The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents/guardians and the Superintendent of Schools.

The test, if it is one that has been ordered for use in the District, shall be provided at no cost by the School District upon request by the parent/guardian, provided that the cost of any testing facilities, transportation, and/or personnel for testing conducted at a location other than the public school shall be borne by the parent/guardian.

If a score on a test is determined to be inadequate, the program shall be placed on probation.

A student's score shall be deemed adequate if:

1. The student has a composite score above the thirty-third percentile on national norms; or

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2. The student's score reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year.

Alternative evaluation measures, for the purpose of determining whether a student with a disability has achieved an appropriate level of growth, may be used, if these measures are provided for in the student's Individualized Educational Program (IEP).

ALTERNATIVE EVALUATION METHODS

An alternative form of evaluation may be chosen by the parent/guardian only as follows:

1. For grades one (1) through three (3) a written narrative prepared by a qualified person;
2. For grades four (4) through eight (8) a written narrative prepared by a qualified person. This alternative form of evaluation may be used no more often than every other school year for these grades;
3. The person who prepares the written narrative shall be a New York State certified teacher, a home instruction peer group panel, or other person, who has interviewed the child and reviewed a portfolio of the child's work. Such person shall certify either that the child has made adequate academic progress or that the child has failed to make adequate progress. In the event that such child has failed to make adequate progress, the home instruction program shall be placed on probation. The certified teacher, peer review panel, or other person shall be chosen by the parent/guardian with the consent of the Superintendent. Any resulting cost shall be borne by the parent/guardian.

If a dispute arises between the parents/guardians and the Superintendent of Schools, including disputes over the administration of the commercially published norm-referenced achievement test or the use of alternative evaluation methods, the parents/guardians may appeal to the Board of Education. If the parents/guardians disagree with the determination of the Board of Education, the parents/guardians may appeal to the Commissioner of Education within thirty (30) days of receipt of the Board's final determination.

If a child's annual assessment fails to comply with the requirements, the home instruction program shall be placed on probation for a period of up to two (2) school years. The parent/guardian shall be required to submit a plan of remediation which addresses the deficiencies in the child's achievement, and seeks to remedy said deficiencies. The plan shall be reviewed by the School District. The School District may require the parents/guardians to make changes in the plan prior to acceptance.

If after the end of any semester of the probationary period the child progresses to the level specified in the remediation plan, then the home instruction program shall be removed from probation. If the child does not attain at least seventy-five percent (75%) of the objectives specified in the remediation plan at the end of any given semester within the period of probation, or if after two years on probation one hundred percent (100%) of the objectives of the remediation plan have not been satisfied, the Superintendent shall provide the parents/guardians with notice and the Board of Education shall review the determination of noncompliance, except that consent of the parents/guardians to such review shall not be required.

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PROBATION

If during the period of probation the Superintendent has reasonable grounds to believe that the program of home instruction is in substantial noncompliance with these regulations, the Superintendent may require one or more home visits. Such home visit(s) shall be made only after three (3) days written notice. The purpose of such visit(s) shall be to ascertain areas of noncompliance with these regulations and to determine methods of remediating any such deficiencies. The home visit(s) shall be conducted by the Superintendent or by the Superintendent's designee. The Superintendent may include members of a home instruction peer review panel in the home visit team.