

Wallkill Central School District



Home Instruction Manual

INTRODUCTION

Welcome to the world of home schooling! We have provided these guidelines to help you navigate through the process of beginning your home school experience. If you have any questions or need assistance at any time, please do not hesitate to call our office. We are here to help you make this experience a successful one. We can be reached at (845) 895-7103.

I. What you will need to do:

STEP 1:

You will need to send the Assistant Superintendent for Educational Services a letter of intent to home-school. This letter should include your child's name, date of birth, grade level, parent's or guardian's name, address, phone number and email address. This needs to be done every year that you home-school.

Due: On or before July 18th (or within 14 days of moving into the district or beginning your home-school instruction).

STEP 2:

You will need to fill out an Individualized Home Instruction Plan (IHIP). We have included a template for you to use. Requirements are different for elementary, middle and high school grades. Once this is reviewed and approved by the Assistant Superintendent for Educational Services, your child(ren) will be listed as "home schooled" on our student database.

Due: August 15th (or within 4 weeks after submitting your letter of intent)

STEP 3:

You will need to keep attendance records (dates/minutes of instruction in each subject). You are required to provide the substantial equivalent of 180 days of instruction each year. You do not have to submit these records to the district unless we request them, but we recommend that you keep these records yourself for six years after your child finishes the 12th grade.

Due: Only upon request

STEP 4:

You will need to submit quarterly grades/assessments to our office. These dates are determined by you (on the IHIP) but should be as evenly spread out through the year as possible.

Due: As stated on the IHIP

STEP 5:

You will need to arrange for your child to take a standardized test before the end of each year. This must be a commercially published norm-referenced achievement test. Examples are: the California Achievement Test, the Iowa Test of Basic Skills, the Stanford Achievement Test, the Comprehensive Test of Basic Skills, the Metropolitan Achievement Test, a State Education Department test, or another test approved by the State Education Department. There are some exceptions to this requirement for students in grades 1-4 only.

Due: With the 4th Quarter report

All correspondence should be sent to: Assistant Superintendent for Educational Services, Wallkill CSD, PO Box 310, Wallkill, NY, 12589.

II. What you can expect from us:

- We will acknowledge your letter of intent and send you this informational packet along with the Commissioner’s Regulations.
- We will review the IHIP and let you know if it complies with the Commissioner’s Regulations.
- We will provide you with assistance in filling out the IHIP if requested.
- We will monitor the quarterly reports and annual assessments to determine if your child is making adequate progress and help you develop a remediation plan if necessary.
- We will keep the records you send us on file for six years after your child completes the 12th grade.

REQUIREMENTS OF INSTRUCTION

Subjects K-6	Subjects 7-8	Required Units	Subjects 9-12	Required Units
Mathematics	English	2	English	4
Reading	History/Geography	2	American History	1
Spelling	Science	2	Participation in Govt.	½
Writing	Mathematics	2	Economics	½
English Language	Physical Education	Regularly	Social Studies Electives	2
Geography	Health Education	Regularly	Mathematics	2
U.S. History	Art	½	Science	2
Science	Music	½	Art/Music	1
Health Education	Practical Arts	Regularly	Health Education	½
Music	Library Skills	Regularly	Physical Education	2
Visual Arts	NYS History	1	Electives	3
Physical Education	US Constitution	1		
ESL	ESL	as needed	ESL	as needed

Other Requirements:

- Patriotism and citizenship
- Health education regarding alcohol, drug and tobacco misuse
- Highway safety and traffic regulation, including bicycle safety
- Fire and arson prevention and safety
- United States Constitution
- New York State Constitution



Home Instruction

Questions and Answers

General

1. May a district require parents to register their child in the public school if they plan to provide home instruction?

No. Parents are not required to register their child in the public school if they plan to provide home instruction. However, the parent, if requested, must demonstrate that the child resides within the school district and is of compulsory age.

2. Are parents required to meet with school officials?

No. School officials may request a meeting with parents to discuss the process of home schooling, but they may not deny parents the right to home instruct if the parents decline such a meeting.

3. Must a district respond to a letter of intent?

Yes. The district is obligated to reply within 10 business days of receiving the notice of intent by sending to the parents a copy of C.R. 100.10 and a form on which to submit an IHIP.

4. May parents engage a tutor to provide home instruction?

Yes. Parents may engage the services of a tutor to provide instruction for all or a portion of the home instruction program.

5. May groups of parents provide home instruction collectively by engaging the services of a tutor to provide group instruction to their children?

Parents providing home instruction to their children may arrange to have their children instructed in a group situation for particular subjects but not for a majority of the home instruction program. Where groups of parents organize to provide group instruction by a tutor for a majority of the instructional program, they are operating a nonpublic school and are no longer providing home instruction. Substantial equivalency of a nonpublic school program is not determined pursuant to Section 100.10 of the Regulations of the Commissioner.

6. Must parents file a health inspection report or fire inspection report?

No. This is not required in the case of home instruction.

7. Must home instruction take place on days and during the times of day when school is in session?

Instruction at home is usually given within the general time-frame of the normal school day, but greater flexibility in scheduling is possible. For example, parents may choose to provide instruction on weekends or in the evening. The total amount of instructional time per week should be generally comparable to that of the public school.

8. May a district require parents or tutors to produce credentials for home instruction?

No. State law does not require any specific credentials for the person(s) providing home instruction.

9. What is a Home Instruction Worksheet?

The Worksheet is provided as a model to assist districts in maintaining and keeping records on home instruction. Although the worksheet is an internal district document completed by school officials, it may be filled out in consultation with the parents, if appropriate. Some of the information on the Worksheet will be derived from the quarterly reports and the annual evaluation.

10. Must the Home Instruction Worksheet be filled out by parents?

No. The Worksheet is for internal district use.

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

Commissioner's Regulation 135.4(c)(7) directs that a participant in interscholastic sports must be enrolled in the public school; however, children educated other than at the public school may participate in intramural and other school-sponsored club activities. It is recommended that each board of education establish a policy to this effect.

12. May a student instructed at home participate in the school band and/or receive music lessons?

If the district considers these activities to be extra-curricular, such a student may participate in the band and/or receive music lessons. It is recommended that the board of education establish a policy regarding participation in these activities.

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

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

14. Must students instructed at home meet immunization requirements for in-school students?

The provisions of Public Health Law Section 2164 which require parents to submit proof of immunization prior to admission of their children to a school do not apply to students being educated at home. If the Commissioner of Health notifies school officials of the outbreak of a disease for which immunization is required, however, parents of children on home instruction who seek to participate in testing or other activities on the premises of a public or nonpublic school must produce proof of immunization or the children must be denied access to the school building.

15. May parents or students on home instruction borrow instructional items from the public school such as library books, microscopes and movie projectors?

Yes. Although a public school is not obligated by law to lend such items, it may allow parents or students to borrow available materials.

16. Is a student instructed at home entitled to benefit from the loan programs (textbooks, library materials and computer software) available to students enrolled in nonpublic schools?

A student instructed at home is not enrolled in a nonpublic school and, therefore, the district is not obligated to loan those items which a district is required to provide, by statute, to children attending nonpublic schools. Although not required, a school district may offer such loans to the extent available.

17. Is the school district required to furnish health services to students on home instruction?

No. The district is not required to furnish health services.

18. Is the district responsible for providing remedial programs for students instructed at home?

No. The district is not responsible for providing remedial programs for these students.

19. 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.

20. May a district provide dual enrollment services under Section 3602-c to students instructed at home?

No.

21. Does a school district obtain State aid for students instructed at home by their parents?

School districts cannot claim State aid for students instructed at home.

22. How should school officials deal with the grade placement of a student who has been instructed at home and subsequently enters the public school?

As with any other transfer, the principal of the school determines the appropriate grade placement of the student.

23. Does a home-instructed student earn high school credits for completing the course work specified in the IHIP?

Credit is given only by schools. It is recommended that when a home-instructed student transfers from a high school program into a school that the principal of the school award credit on the basis of assessment or evidence that the student has successfully completed the course work.

24. May a student instructed at home be awarded a local or Regents diploma?

No. A high school diploma may only be awarded only to a student enrolled in a registered secondary school who has completed all program requirements set by the Regents, the school or the district.

25. Is a K-8 school district responsible for a high school student on home instruction?

Yes. The district of residence retains responsibility for the student's education but is encouraged to consult with the receiving high school on the adequacy of the IHIP, quarterly reports and the annual assessment.

26. Is a student instructed at home eligible to participate in summer school programs operated by the public school district?

Yes. Summer school programs are open to all residents of the district.

27. May a superintendent apply for a variance under Commissioner's Regulation 100.2(n) to enable a parent to implement a program designed to provide excellence in education?

Yes. A superintendent may apply for a variance for a home instruction program.

28. Under what circumstances is a home instruction program placed on probation?

As described below, the circumstances depend upon the option selected by the parents for complying with the annual assessment requirement of subdivision (h) of Section 100.10 of the Regulations of the Commissioner.

a. If parents submit test scores for an achievement test, the program will be placed on probation only if the composite score of the student is below the thirty-third percentile on national norms or the score fails to reflect one academic year of growth when compared to a prior test. The student's score on individual test subscores should not be considered in determining whether the program should be placed on probation.

b. If parents submit a written narrative, the program will be placed on probation only if the evaluator certifies that the student has not made adequate academic progress.

29. Under what circumstances may a school district require home visits?

A school district may require home visits, upon three days' written notice to the parents, only when the home instruction program is on probation. Under any other circumstances, a school official may request a home visit but a parent would not be required to consent to the request.

30. If parents provide instruction at home to more than one child and the program for one child is placed on probation, must the programs for other children in the family be placed on probation?

No. Each child's achievement is evaluated separately. A situation may arise where one child's program is on probation, and yet one or more other children in the same family are making adequate progress so that their programs would not be placed on probation.

31. How should a district maintain records on students instructed at home?

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. A notation on the student's permanent record card should indicate the period during which the student is on home instruction.

32. How long should a district retain records on a home-instructed student?

There is no legal obligation specified in this matter. To the extent that records are kept, it is recommended that an annual Worksheet for each student be kept until six years after the student would have graduated from high school.

33. 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 school district.

34. If a student instructed at home is unable to read adequately or find employment following completion of educational requirements as defined within the compulsory education laws, can the school district be held liable?

No. As a matter of public policy, the highest court in New York State has declined to recognize a cause of action for educational malpractice. Where the board of education and superintendent of schools make good faith efforts to implement the requirements of Section 100.10 of the Regulations, there should not be a basis for liability under current law.

Individualized Home Instruction Plan (IHIP)

35. Are parents required to submit more than a list of textbooks in the IHIP to comply with the requirements of subdivision (d) of Section 100.10?

The IHIP must include for each of the required courses either a list of syllabi, curriculum materials and textbooks to be used or a plan of instruction to be followed. A different alternative may be used for different subjects. While a list of textbooks may be submitted, it is reasonable for the district to require more than the name, publisher, copyright date and author's name if the district is not familiar with the textbook's content. If the district requests additional information beyond the list of textbooks, the parents may, at their option, submit either a written scope and sequence describing the text or a copy of the text for the district's review (which copy shall be promptly returned to the parents). The purpose of such review is not to compare the text with those employed by the district, but rather: 1) to insure that the parent is providing the mandated subjects for the grade level in question, and 2) to provide the district with more complete information to assist its review of quarterly reports and annual assessments.

36. When the IHIP is submitted by the parents, does the school district have the responsibility to make a subjective judgment of the substantial equivalency of the home instruction program?

No. The purpose of these regulations is to provide a basis for objective determinations of substantial equivalence. IHIP submissions are to be evaluated to determine compliance with subdivisions (d) and (e) of Section 100.10. Quarterly reports are to be evaluated to determine compliance with subdivision (g). Annual assessments must comply with the requirements of subdivision (h). A home instruction program that adheres to the standards of the regulations at each stage of the process should be deemed to be substantially equivalent.

37. Must the parents indicate on the IHIP what will be taught and the total time of instruction?

The IHIP must include a list of the syllabi, curriculum materials, or plan of instruction to be used in each of the subjects required for that grade level. The total number of hours of

instruction per quarter must be documented on the quarterly report. It is recommended that, in the secondary grades, hours per subject be included in each quarterly report.

38. When must a student begin to receive instruction?

A change in Education Law 3205, which became effective on July 26, 1993, clarifies the age at which a student is subject to compulsory education. The law now requires children who turn six on or before December 1 to receive instruction from the start of the school year in September of that year. Children who turn six after December 1 must begin to receive instruction no later than the first day of school the following September.

39. Must the IHIP for a six-year-old indicate that the instruction is on the first grade level?

No. As with any age, instruction should be geared to the level appropriate to the student's needs and previous level of achievement.

40. Are students instructed at home required to take a second language?

No. They are not required to take a second language, but they may choose to study a second language.

41. Is physical education required?

Yes. Every student must have a physical education program. Activities may differ but outcomes should be similar to those established for students in the public school.

42. Must the topics proposed for study in each subject correspond to the material covered in the public school curriculum?

While the subjects required by Law and Regulation must be taught, the course content may differ.

43. If a student reaches the maximum age for compulsory attendance during the school year, must the IHIP for that student cover the full year?

Yes. Students who turn 16 (or 17 in New York City) between July 1 and June 30 are of compulsory attendance age during the entire school year.

44. Is a district required to review the IHIP submitted for a student beyond compulsory attendance age?

No.

45. Can a district require parents to provide more information on the IHIP than the Regulations of the Commissioner require?

No. A district may require only that information set forth in subdivision (d) of Section 100.10 of the Regulations of the Commissioner.

46. May a superintendent find a program of home instruction deficient, if he/she concludes that the student needs socialization or interaction with other children?

No. This is not a basis for finding a program of home instruction deficient.

47. Must home instruction for a student of limited English proficiency include instruction in the English language?

Yes. Home instruction for such a student must include instruction in the English language.

48. Are parents instructing their children at home required to teach courses which involve education about substance abuse, AIDS, human sexuality and family planning?

Parents are required to provide health education at all grade levels. Section 804 of the Education Law requires that such health education include instruction to discourage the misuse and abuse of alcohol, tobacco and other drugs. Section 135.3(b) of the Regulations of the Commissioner of Education requires that the elementary and secondary health education curriculum include age appropriate instruction concerning the nature, methods of transmission and methods of prevention of the acquired immune deficiency syndrome (AIDS). Parents must address the topic of AIDS as a part of the required health instruction at least once in grades K-6, once in grades 7-8 and once in grades 9-12. Parents may include instruction on human sexuality and family planning as part of their children's health education, but are not required to do so.

49. Must a district notify parents that the IHIP is in compliance with C.R. 100.10?

Yes. The district is obligated to notify parents that the IHIP is in compliance. It is strongly recommended that such notification be in writing.

50. Must a board of education approve the IHIP?

No. The superintendent of schools is responsible for reviewing the IHIP and notifying the parents of its status.

51. When is the board of education involved in the process?

If the superintendent of schools determines that a revised IHIP is not in compliance and the parents contest that determination, the parents may meet with the board to present evidence of compliance. The board then makes its determination of compliance or noncompliance.

52. If the board finds that an IHIP is not in compliance, do the parents have the right to appeal?

Yes. The parents may appeal a determination of noncompliance by the board to the Commissioner of Education within 30 days of receiving notice of the determination.

53. Must the parents of a student instructed at home file an IHIP with the district if the student is enrolled in a correspondence school?

Yes. The obligation to file an IHIP does not depend on the source of material used but rather on the location of the student's instruction. The board of education is responsible for ensuring that any student of compulsory age living within the district is receiving an adequate program of instruction. The parents and the district must comply with C.R. 100.10 even if the supplier of the curriculum materials considers the student to be enrolled in its school or program.

54. Does the State Education Department approve programs of home instruction provided by correspondence schools?

No. The State Education Department does not perform this function. Correspondence school materials for home instruction must be reviewed by the superintendent of schools.

Evaluation

55. When should parents inform the school district of their choice of a standardized test or alternative evaluation method?

No date is specified in the regulation but it is recommended that parents provide this information by the end of the third quarterly reporting period.

56. When is it necessary for parents to obtain the consent of the school district if they are using a norm-referenced achievement test for the annual assessment?

a. If the parents are having the student tested at a registered nonpublic school, the consent of the public school district is not required.

b. If the parents are having the student tested at the public school, the testing should be done at the time of the school's own testing program, unless a mutually agreeable alternative is reached. The district should give the parents several weeks' notice of the dates for this testing.

c. If the parents are having the student tested at another location, the school district is required to review, and (if in agreement) consent to the parents' selection of the test administrator.

57. Are students instructed at home required to take any State tests such as the PEP tests or RCTs?

No. These tests may be used to meet annual assessment requirements, but home-instructed students are not required to take them.

58. Which State tests suffice for an annual assessment?

Any State tests designed to evaluate individual student achievement are acceptable. State tests designed to evaluate a school's program (Program Evaluation Tests) are not appropriate for this purpose

59. If parents instructing their children at home choose to use PEP tests or RCTs as a part of their annual evaluation, should the school district include their scores with the scores of the public school students?

No.

60. Can parents of a fourth-grader opt for an alternative form of evaluation?

Yes. Alternative forms of evaluation may be used every other year for pupils in grades 4 through 8. Thus, grade 4 could be the first year in this pattern.

61. Must the district administer tests during the school year to home-instructed students?

No. The district is not obligated to administer any tests unless the student is referred to the Committee on Special Education for evaluation.

62. May a student instructed at home take Regents examinations?

Yes. If a request is made, school officials are encouraged to admit a student receiving home instruction to Regents examinations. If a Regents examination has a lab requirement, the student may be admitted to the examination if there is evidence that the student has met the lab requirement. The IHIP, quarterly reports and/or verification from the student's teacher can provide such evidence.

Regents examinations may only be administered at the public school or registered nonpublic school because they are secure examinations. The test results can be helpful to the student and also to public school officials.

63. If parents want to use one of the standardized tests listed in the home instruction regulation but not used by the school district, who orders and who pays for it?

If the parent chooses to use a test that has not been ordered for use in the public schools of the district, the school district, upon request of the parent, would order the test. The parent would, however, pay for the cost of procuring it.

64. May a parent administer a standardized test or prepare the written narrative of assessment?

Yes. With the consent of the superintendent, a parent may perform these actions.

65. What is a home instruction peer review panel and what is its function under the regulations?

A home instruction peer review panel is an advisory group of home instructing parents who prepare a written narrative of a student's achievement. Members of such a panel may be chosen by the parent with the consent of the superintendent.

66. What action should be taken by the district if parents do not submit any evaluation?

If phone calls or letters do not elicit the information, the district should notify parents by registered mail that the evaluation is due and set a reasonable date for its submission. If the information is not forthcoming, the district is without evidence that instruction has been taking place. In that case, the district would be obligated to report the case to the central registry as a case of suspected educational neglect.

Commencement of Home Instruction During the School Year

67. May a district refuse to consider a parent's request for home instruction if it occurs during the school year?

No. The district must respond to a letter of intent and to the submission of an IHIP at any time during the school year.

68. If home instruction begins during the normal school year, which timelines apply?

The regulation specifies that parents who decide to begin home instruction or parents who move into the district after the start of the school year must file a letter of intent within 14 days of beginning home instruction within the district.

From that point on, the usual timelines apply:

- Within 10 business days of receiving the letter, the district must furnish the parent with a copy of C.R. 100.10 and an IHIP form for each child.
- Within 4 weeks of receiving it, the parent must submit the completed IHIP to the district.
- Within 10 business days of receiving the IHIP, the district must notify the parent whether it complies with the requirements of the regulation or give written notice of any deficiency.
- Within 15 days of receiving a notice of deficiency, the parent must submit a revised IHIP which corrects the deficiencies.
- Within 15 days of receiving the revised IHIP, the district must notify the parent as to whether it complies with the regulation.

69. If home instruction begins during the school year, when should parents schedule quarterly reports to the district?

The number of reports should be proportional to the period of home instruction. For example, if instruction begins at about the end the first reporting period in the public school, the parent would schedule three reports during the remainder of the year.

College Entrance

70. If home-instructed students cannot be awarded local or Regents high school diplomas, how can they gain entrance to colleges?

First, please note that seeking admission to college is entirely a choice that students make, and successfully gaining admission to college is entirely the responsibility of home-instructed students and their parents. It is not the responsibility of the State Education Department or the local public school district to secure college admission for home-instructed students.

Secondly, colleges set their own admissions requirements. These requirements vary from college to college. The burden, therefore, is on home-instructed students (and their parents) to seek and acquire information on the admissions requirements of the colleges of their choice. The burden is also on home-instructed students (and their parents) to convince colleges to accept them. Because of this, home-instructed students (and their parents) may wish to seek information regarding the admissions requirements of the colleges of their choice well in advance of the actual application for admission.

Third, Listed below are some suggested strategies for home-instructed students (and their parents) to consider using to help them gain entrance to colleges. Consideration can be given to using a combination of these strategies. Please note that there is no guarantee that following any or all of the strategies listed below will ensure a home-instructed student's admission to any college. Again, if home-instructing students choose to pursue admission to college, they (and their parents) are fully responsible for this.

Suggested Strategies

1. A portfolio of the student's work, demonstrating its breadth and depth, might be developed over time. This portfolio can be shared with college admissions personnel to demonstrate the student's capabilities.
2. If a home-instructed student has taken Regents exams at the public school of residence, he/she can request the public school district to produce, on school letterhead, a list of the exams taken, the date on which they were taken, and the score the student earned. This list of Regents exam scores can be shared with college admissions personnel.
3. Home-instructed students can take the Scholastic Aptitude Test (SAT) and/or other standardized tests used for college admissions purposes. Scores on these tests can be shared with college admissions personnel. Home-instructed students should contact their public school district about arrangements for taking the Scholastic Aptitude Test and/or achievement examinations offered by the College Board or the American College Testing Service.

4. If the student is beyond the age of compulsory education, and has completed a program of home instruction in compliance with Section 100.10 of the Regulations of the Commissioner of Education, he/she can request that the superintendent of schools of the public school district of residence attest to this, in writing, on district letterhead. This can be shared with college admissions personnel. Please note, however, that the superintendent of schools may, but is under no obligation to, attest to this.
5. Home-instructed students can take the GED exam, when they have reached eligibility to do so. Students passing the GED exam can share their General Equivalency Diplomas with college admissions personnel.

Additional Information for Classified Students

Pursuant to Chapter 217 of the Laws of 2008, which was signed by the Governor on July 7, 2008, students with disabilities who are in home instruction programs pursuant to section 100.10 of the Regulations of the Commissioner of Education are eligible to receive special education services from their school district. The new law resulted from proposed legislation advanced by the State Education Department.

Section 3602-c of the Education Law has been amended to add a new subdivision 2-c to deem home-schooled students with disabilities and students suspected of having a disability to be nonpublic school students solely for the purpose of receiving special education services during the regular school year.

To be eligible for special education services, a home-schooled student must be entitled to attend the public schools without payment of tuition pursuant to Education Law §3202(1). In addition, such student would be required to have an individualized home instruction plan (IHIP) that the superintendent of schools of the school district in which the home school is located has determined to be in compliance with section 100.10 of the Regulations of the Commissioner of Education. Where the student is educated at home, the school district of location is the same as the student's school district of residence.

- For home-schooled students who are students with disabilities, the Committee on Special Education (CSE) would develop an individualized education services program (IESP) for the student. The IESP would be developed in the same manner and have the same contents as an individualized education program (IEP). An IESP is developed in consideration of the parents' decision to home school their child.
- In order to receive services, a parent must request special education services in writing to the board of education of the school district of location by June 1st preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after

the student was first identified. A request may also be submitted within 30 days of a change in the student's school district of residence.

- Special education services must be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district.
- Parents of home-schooled students who disagree with the IESP recommendation of the CSE would be entitled to due process pursuant to Education Law section 4404 just as parents of nonpublic students are.
- A board of education determines the location where special education services will be available to home-schooled students, which could include the site of the home school.



Home Instruction in New York State

PART 100.10 OF REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 3204, 3210, 3212 and 3234 of the Education Law

§100.10 Home instruction.

(a) Purpose of section. The purpose of this section is to establish procedures to assist school authorities in fulfilling their responsibility under Education Law, sections 3204(2) and 3210(2)(d), and in meeting their responsibility of determining the competency of the instructor and substantial equivalence of instruction being provided at home to students of compulsory school attendance age, and to assist parents who exercise their right to provide required instruction at home to such students in fulfilling their responsibilities under Education Law, section 3212(2).

(b) Notice of intention to instruct at home.

(1) Except as otherwise provided in paragraphs (2) and (3) of this subdivision, parents or other persons in parental relation to a student of compulsory school attendance age shall annually provide written notice to the superintendent of schools of their school district of residence of their intention to educate their child at home by July 1st of each school year. The school year begins July 1st and ends June 30th for all purposes within this section. In the case of the City School District of the City of New York, the school district of residence for students who, if enrolled in the public schools, would attend elementary school, intermediate school or junior high school in a community school district, shall be deemed to be the community school district in which the parents reside.

(2) Parents who determine to commence home instruction after the start of the school year, or who establish residence in the school district after the start of the school year, shall provide written notice of their intention to educate their child at home within 14 days following the commencement of home instruction within the school district.

(3) For the 1988-89 school year only, the written notice of intention to instruct at home required in paragraph (1) of this subdivision shall be due on August 1, 1988.

(c) Procedures for development and review of an individualized home instruction plan (IHIP).

(1) Within 10 business days of the receipt of the notice of intention to Instruct at home, the school district shall send to the parents a copy of this section 100.10 of the Regulations of the Commissioner of Education 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.

(2) Within four weeks of the receipt of such materials, or by August 15th, or for the 1988-89 school year by September 15, 1988, whichever is later, the parent shall submit the completed IHIP form to the school district. The district shall provide assistance in preparation of the forms, if requested by the parents.

(3) Within 10 business days of receipt of the IHIP, or by August 31st, or for the 1988-89 school year by September 30, 1988, whichever is later, the school district shall either notify the parents that the IHIP complies with the requirements of subdivisions (d) and (e) of this section or shall give the parents written notice of any deficiency in the IHIP.

(4) Within 15 days of receipt of a notice of a deficiency in the IHIP, or by September 15th, or for the 1988-89 school year by October 15, 1988, whichever is later, the parents shall submit a revised IHIP which corrects any such deficiencies.

(5) The superintendent of schools shall review the revised IHIP and shall notify the parents as to whether the revised IHIP complies with subdivisions (d) and (e) of this section within 15 days of receipt of the revised IHIP or by September 30th, or for the 1988-89 school year by October 31, 1988, whichever is later. If the revised IHIP is determined not to be in compliance with subdivisions (d) and (e) of this section, then the parents shall be notified in writing of the reasons for such 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 10 days after the date of mailing of the notice, and shall indicate that if the parents wish to contest the determination of noncompliance, the parents must so notify the board of education at least three business days prior to such meeting. At such board meeting, the parents shall have the right to present proof of compliance, and the board of education shall make a final determination of compliance or noncompliance.

(6) The parents shall have the right to appeal any such final school district determination of noncompliance to the Commissioner of Education within 30 days after receipt of such determination.

(7) When administrative review of a school district determination of noncompliance is completed, the parents shall immediately provide for the instruction of their children at a public school or elsewhere in compliance with Education Law, sections 3204 and 3210. For purposes of this subdivision, such administrative review shall be deemed to be completed when one of the following events has occurred:

(i) the parents have failed to contest a determination of noncompliance by appealing to the board of education;

(ii) the parents have failed to appeal a final school district determination of noncompliance to the Commissioner of Education; or

(iii) the parents have received a decision of the Commissioner of Education which upholds a final school district determination of noncompliance.

(8) Within 10 days after administrative review of the determination of noncompliance is completed, the parents shall furnish the superintendent of schools with written notice of the arrangements they have made to provide their children with the required instruction, except that such notice shall not be required if the parents enroll their children in a public school.

(d) Content of individualized home instruction plan (IHIP).

Each child's IHIP 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 listed in subdivision (e) of this section;

(3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g) of this section. These reports shall be spaced in even and logical periods;

(4) the names of the individuals providing instruction; and

(5) a statement that the child will be meeting the compulsory educational requirements of Education Law, section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least 12 semester hours in a semester or its equivalent, if that is the case. In this situation, the IHIP shall identify the degree-granting institution and the subjects to be covered by that study.

(e) Required courses.

(1) For purposes of this subdivision, a unit means 6,480 minutes of instruction per school year.

(2) Instruction in the following subjects shall be required:

(i) For grades one through six: arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education, bilingual education and/or English as a second language where the need is indicated.

(ii) For grades seven and eight: English (two units); history and geography (two units); science (two units); mathematics (two units); physical education (on a regular basis); health education (on a regular basis); art (one-half unit); music (one-half unit); practical arts (on a regular basis); and library skills (on a regular basis). The units required herein are cumulative requirements for both grades seven and eight.

(iii) The following courses shall be taught at least once during the first eight grades: United States history, New York State history, and the Constitutions of the United States and New York State.

(iv) For grades 9 through 12: English (four units); social studies (four units), which includes one unit of American history, one-half unit in participation in government, and one-half unit of economics; mathematics (two units); science (two units); art and/or music (one unit); health education (one-half unit); physical education (two units); and three units of electives. The units required herein are cumulative requirements for grades 9 through 12.

(v) Education Law, sections 801, 804, 806 and 808, also require the following subjects to be covered during grades kindergarten through 12:

(a) patriotism and citizenship;

(b) health education regarding alcohol, drug and tobacco misuse;

(c) highway safety and traffic regulations, including bicycle safety; and

(d) fire and arson prevention and safety.

(f) Attendance requirements. Each child shall attend upon instruction as follows:

(1) The substantial equivalent of 180 days of instruction shall be provided each school year.

(2) The cumulative hours of instruction for grades 1 through 6 shall be 900 hours per year. The cumulative hours of instruction for grades 7 through 12 shall be 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 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 shall be provided in a building which has not been determined to be in violation of the local building code.

(g) Quarterly reports. On or before the dates specified by the parent in the IHIP, a quarterly report for each child shall be furnished by the parent to the school district. The quarterly report shall contain the following:

(1) the number of hours of instruction during said quarter;

(2) a 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; and

(4) a written explanation in the event that less than 80 percent of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.

(h). Annual assessment. At the time of filing the fourth quarterly report as specified in the IHIP, the parent shall also file an annual assessment in accordance with this subdivision. The annual assessment shall include the results of a commercially published norm referenced achievement test which meets the requirements of paragraph (1) of this subdivision, or an alternative form of evaluation which meets the requirements of paragraph (2) of this subdivision.

(1) Commercially published norm-referenced achievement tests.

(i) The test shall be selected by the parent from one of the following: the Iowa Test of Basic Skills, the California Achievement Test, the Stanford Achievement Test, the Comprehensive Test of Basic Skills, the Metropolitan Achievement Test, a State Education Department test, or another test approved by the State Education Department.

(ii) The test shall be administered in accordance with one of the following options, to be selected by the parents:

(a) at the public school, by its professional staff;

(b) at a registered nonpublic school, by its professional staff, provided that the consent of the chief school officer of the nonpublic school is obtained;

(c) at a non-registered nonpublic school, by its professional staff, provided that the consent of the superintendent of schools of the school district and of the chief school officer of the nonpublic school is obtained; or

(d) at the parents' 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.

(iii) The test shall be scored by the persons administering the test or by other persons who are mutually agreeable to the parents and the superintendent of schools.

(iv) The test shall be provided by the school district upon request by the parent, 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.

(v) If a score on a test is determined to be inadequate, the program shall be placed on probation pursuant to subdivision (i) of this section. A student's score shall be deemed adequate if:

(a) the student has a composite score above the 33rd percentile on national norms; or

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

(2) Alternative evaluation methods. An alternative form of evaluation shall be permitted to be chosen by the parent only as follows:

(i) for grades one through three, a written narrative prepared by a person specified in subparagraph (iii) of this paragraph;

(ii) for grades four through eight, a written narrative prepared by a person specified in subparagraph (iii) of this paragraph. This alternative form of evaluation may be used no more often than every other school year for these grades;

(iii) for the purposes of this paragraph, the person who prepares the written narrative shall be a New York State-certified teacher, a home instruction peer group review 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 pursuant to subdivision (i) of this section. The certified teacher, peer review panel or other person shall be chosen by the parent with the consent of the superintendent. Any resulting cost shall be borne by the parent.

(3) If a dispute arises between the parents 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 may appeal to the board of education. If the parents disagree with the determination of the board of education, the parents may appeal to the Commissioner of Education within 30 days of receipt of the board's final determination.

(i) Probation.

(1) If a child's annual assessment fails to comply with the requirements of subdivision (h) of this section, the home instruction program shall be placed on probation for a period of up to two school years. The parent 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 to make changes in the plan prior to acceptance.

(2) 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 75 percent 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 100 percent of the objectives of the remediation plan have not been satisfied, the superintendent of schools shall provide the parents with the notice specified in paragraph (c)(5) of this section and the board of education shall review the determination of noncompliance in accordance with such paragraph, except that consent of the parents to such review shall not be required.

(3) If, during the period of probation, the superintendent of schools 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 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.