

## ANNUAL ASSESSMENT REQUIREMENTS

At the time of filing the fourth quarterly report as specified in the IHIP, the parent shall also file an annual assessment. The annual assessment shall include the results of a commercially published norm-referenced achievement test which meets the requirements noted below.

1. Commercially published norm-referenced achievement tests (**see attached consent form**).
  - 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 and available within the district.
  - 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 nonregistered 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.
2. Alternative evaluation methods (**see attached consent form**). An alternative form of evaluation shall be permitted to be chosen by the parent only as follows:
  - a. for grades one through three, a written narrative prepared by a person specified in subparagraph (c) of this paragraph;
  - b. for grades four through eight, a written narrative prepared by a person specified in subparagraph (c) of this paragraph. This alternative form of

evaluation may be used no more often than every other school year for these grades;

- c. 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 (3) 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.

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.

### 3. Probation.

- i. If a child's annual assessment fails to comply with the requirements 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.
- ii. 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 below, 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.

- a. Such notice shall 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.
  
- iii. 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.