

HOME INSTRUCTION

I. Rationale

Under Sections 3204(2), 3210(2)(d) and 3212(2) of the Education Law, the Board of Education has the responsibility to ensure that all students residing within the School District who are between the ages of six (6) and sixteen (16) receive a quality education and competent instruction. The Board recognizes that such instruction may be provided in the home, pursuant to the Regulations of the Commissioner of Education. The Board also believes that the legality of the concept of home instruction does not diminish the District's responsibility to see that every student of compulsory age receives instruction from a competent instructor that is substantially equivalent to the instruction provided in State-regulated schools. In order to accomplish this goal, a framework of mutual cooperation, respect and interaction must exist between the District and parents who desire home instruction for their children. It is with this framework in mind that the following policy is implemented.

II. Definitions

- A. Parent: The term "parent" is used to mean the person or persons standing in parental relation to the student.
- B. Superintendent: The term "Superintendent" refers to the Superintendent of Schools of the District or the person the Superintendent designates to act on his/her behalf.
- C. Teacher: The term "teacher" refers to either the parent or a tutor, depending on who is doing the actual teaching and providing the actual instruction to the student.
- D. IHIP: The term "IHIP" means Individualized Home Instruction Plan.

III. Notification and Approval Procedure

- A. Parents who desire to provide home instruction for a student of compulsory school attendance age shall annually provide written notice to the Superintendent of their intention by July 1st of each school year. Parents who choose to commence such instruction after the start of the school year, or who establish residence in the District after the start of the school year, shall provide the written notice within fourteen (14) days following the commencement of home instruction.

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- B. Within ten (10) business days of receipt of the written notice of intent, the District shall send to the parent(s) a copy of this policy, a copy of Section 100.10 of the Commissioner's Regulations and a form on which to submit an individualized home instruction plan (hereafter referred to as "IHIP") for a child of compulsory attendance age.
- C. Within four (4) weeks of the receipt of the materials described in (B) above or by August 15th, whichever is later, the parents shall submit the completed IHIP to the District containing the following information:
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 Section 100.10(e) of the Commissioner's Regulations;
 3. The dates for submission to the School District of the parents' quarterly reports, as required. These reports shall be spaced in even and logical periods; and
 4. The names of the individual(s) providing instruction.
 5. A statement that the child will be meeting his/her compulsory education requirements 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.

The District shall provide assistance in preparation of the IHIP, if requested by the parents.

- D. Within ten (10) business days of receipt of the IHIP, or by August 31st, whichever is later, the District shall either notify the parent(s) that the IHIP complies with the Commissioner's Regulations or give the parent(s) notice of any deficiency in the IHIP.
- E. Within fifteen (15) days of receipt of a notice of deficiency in the IHIP, or by September 15th, whichever is later, the parent(s) shall submit a revised IHIP which corrects any such deficiencies.
- F. Within fifteen (15) days of receipt of the revised IHIP, or by September 30th, whichever is later, the Superintendent shall review the revised IHIP and shall

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notify the parent(s) as to whether the revised IHIP is in compliance. If the revised IHIP is determined not to be in compliance, 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 ten (10) days after the date of mailing of the notice.

- G. If the parents wish to contest the determination of noncompliance, the parents must notify the Board of Education at least three (3) business days prior to the scheduled meeting. At such meeting, the parents shall have the right to present proof of compliance and the Board shall make a final determination of compliance or noncompliance.

IV. Right of Appeal

- A. The parents shall have the right to appeal any final School District determination of noncompliance to the Commissioner of Education within thirty (30) days after receipt of such determination.
- B. When administrative review of a School District determination is completed (i.e. the parents fail to contest a determination at any level or receive a decision from the Commissioner of Education upholding the School District's final determination), the parents shall immediately provide for the instruction of their children at a public school or elsewhere in compliance with Sections 3204 and 3210 of the Education Law.
- C. Within ten (10) days after administrative review is completed, the parents shall furnish the Superintendent with written notice of arrangements for instruction provided to their children; except that such notice is not required if parents enroll their children in a public school.

V. Attendance Requirements

- A.
 - 1. Each child shall attend the substantial equivalent of one hundred eighty (180) days of instruction each school year.
 - 2. The cumulative hours of instruction shall be nine hundred (900) hours per year for Grades 1-6 and nine hundred ninety (990) hours for Grades 7-12.
- B. Absences shall be permitted on the same basis as provided for District students.

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- C. Parents are required to maintain attendance records and such records shall be made available to the District upon request.

VI. Quarterly Reports

- A. On or before the dates specified in the IHIP, a quarterly report for a child shall be furnished by the parent to the District.
- B. The quarterly report shall contain the following information:
 - 1. The number of hours of instruction during said quarter;
 - 2. A description of the material covered in a subject listed in the IHIP;
 - 3. Either a grade for the child in a subject or a written narrative evaluating the child's progress; and
 - 4. Evidence that the course materials as set forth in the IHIP have been covered.

VII. Annual Assessment

- A. At the time of submission of the fourth (4th) quarterly report, the parents also shall file an annual assessment.
- B. The annual assessment shall include the results of a commercially published norm-referenced achievement test, or an alternative form of evaluation, which meets the requirements of Section 100.1(h)(1) or (2) of the Commissioner's Regulations.
- C.
 - 1. Any commercially published norm-referenced achievement tests 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; or
 - b. At a registered non-public school by its professional staff, provided that the consent of the Chief School Officer of the non-public school is obtained; or
 - c. At a non-registered non-public school, by its professional staff, provided that the consent of the Chief School Officer of the non-public school and of the Superintendent is obtained; or

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- 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 said individual administering the test.
- 2. 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 any location other than the public school shall be borne by the parents.
- 3. The test shall be scored by the person(s) administering the test or by other persons who are mutually agreeable to the parents and the Superintendent.
- D. 1. An alternative form of evaluation shall be permitted to be chosen by the parent, as follows:
 - a. A written narrative for Grades 1-3;
 - b. A written narrative, used no more often than every other year, for Grades 4-8.
- 2. a. The person(s) who prepare(s) the written narrative shall be a New York State certified teacher, a home instruction peer group review panel, or other person selected by the parent with the consent of the Superintendent, who has interviewed the child and received a portfolio of the child's work.
- b. Such person shall certify whether the child has made adequate academic progress.
- 3. Any resulting costs shall be borne by the parent(s).
- 4. In the event that the child has failed to make adequate progress the home instruction shall be placed on probation pursuant to Section VIII of this policy.
- E. If a dispute arises between the parent(s) and the Superintendent, including disputes over the administration of tests or alternative evaluation methods, the parent(s) may appeal to the Board of Education. If the parent(s) disagree with the determination of the Board of Education, they may appeal to the Commissioner within thirty (30) days of the receipt of such determination.

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VIII. Probation

- A. If a child's annual assessment fails to comply with the provisions of Section VII of this policy and the corresponding Commissioner's Regulations, the home instruction program shall be placed on probation for a period of up to two (2) school years.
- B. The parent(s) shall be required to submit a plan of remediation, which addresses the deficiencies in the child's achievement. Such plan shall be reviewed by the School District. The School District may require the parents to make changes in the plan prior to acceptance.
- C. If after the end of any semester of the probationary period the child progresses to the level specified in the remediation plan, then the program shall be removed from probation.
- D. If the child does not attain seventy-five percent (75%) or more of the objectives specified in the remediation plan at the end of any semester of the probationary period, or if after two (2) years of probation one hundred percent (100%) of the objectives of the remediation plan have not been met, the Superintendent shall issue a notice of noncompliance.
- E. The Board shall review any determination of noncompliance issued in (D) above, except that the parents' consent to such review is not required.
- F. If, during the period of probation, the Superintendent has grounds to believe that the program of home instruction is in substantial noncompliance with this policy and the corresponding Regulations of the Commissioner, the Superintendent may require one or more home visitations. Such visits shall be made only after three (3) days written notice; and shall be conducted by the Superintendent or his/her designee.

IX. Participation in School Activities

- A. Children who receive home instruction may not participate in interscholastic sports, intramural activities, occupational/vocational education programs and gifted programs.
- B. Children who receive home instruction may not participate in instructional programs except that the District must provide special education services, as recommended on the Individual Education Program (IEP) by the Committee on Special Education.

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- X. Verification of Preliminary Education Requirements:
- A. The District is aware that individuals seeking a college degree may have to verify to college administrators that they have completed certain “preliminary education requirements.” The district will take the following steps to help these individuals provide colleges with that verification:
 - 1. If requested by a student, the Superintendent will perform an evaluation of substantial equivalency of the student’s IHIP.
 - 2. If requested by a student or former student, the Superintendent will certify in writing to the student, whether the student’s program was substantially equivalent to a four year high school program.
 - B. The District will open Regents Examination admissions to any district resident, including home schooled students, who is seeking to fulfill his/her preliminary education requirements to take five specific Regents Examinations or approved alternative examinations. If possible, the resident should provide the District with reasonable advance notice of his/her intent to take a specific Regents Examination.
- XI. Home instruction is highly-individualized approach that can only be undertaken after a great deal of careful preparation. It is the obligation of both parents and school officials to make sure that no child is deprived of the right to an appropriate instructional program.

Waterville Central School District

Legal Ref: Education Law §§3204(2), 3210(2)(d) and 3212(2); 8 NYCRR 100.10

Adopted: 12/14/88, 05/26/98

Revised: 03/09/04, 06/14/11, 04/17/18