

HOME SCHOOLING

Parents may desire to provide home schooling in lieu of regular school attendance. The District will determine the appropriateness of home schooling upon requests made to the Superintendent of Schools.

Requests for home schooling will be reviewed in recognition of three principles:

1. The rights of students to learn in the best possible environment, in light of a student's individual circumstances.
2. The rights of parents to provide required instruction at home to the child(ren), in light of a student's individual circumstances.
3. The District's responsibility to determine the competency of the instructor and the substantial equivalence of the instruction being provided at home to students in attendance at school of comparable age.

The following regulations outline the required procedures for obtaining and appealing the determination of home schooling requests.

In cases of temporary home instruction due to illnesses, medical conditions, or other situations, the District will assist the parents, or persons in parental relation to a student, in obtaining approval for such instruction as easily as possible.

Cross-Reference: 4327, Homebound Instruction
5160, Student Absences and Excuses

Reference: 8 NYCRR §100.10

Approved: December 11, 2001

HOME SCHOOLING REGULATIONS**A. Procedure**

1. Parents, or persons in parental relation to a student, shall provide written notice to the Superintendent of Schools of their intention to educate their child(ren) at home.
 - a. If the home instruction is intended to be permanent, or for a full school year, the parents shall provide written notice of their intention to educate their child(ren) at home by July 1 of each year.
 - b. If the parents decide to educate their child(ren) at home after the start of the school year, or establish residence in the District after the start of the school year, the parents shall provide written notice of their intention to educate their child(ren) at home within fourteen (14) days following the commencement of home instruction within the District.
2. Within ten (10) business days of the receipt of the notice of intention to instruct at home, the Superintendent, or his/her designee, shall send the parents:
 - a. A copy of Part 100.10 of the Regulations of the Commissioner of Education for home instruction, and
 - b. A form on which to submit an Individualized Home Instruction Plan (IHIP) for each child who is to be taught at home.
3. Within four (4) weeks of the receipt of the items in Item 2 above, the parents shall submit the IHIP to the Superintendent, or his/her designee. If requested by the parents, the Superintendent, or his/her designee, shall assist in the preparation of the IHIP.
4. Within ten (10) business days of the receipt of the IHIP, the Superintendent, or his/her designee, shall:
 - a. Notify the parents that the IHIP complies with the requirements of Item B below, or
 - b. Provide the parents written notice of any deficiency in the IHIP.
5. Within fifteen (15) days of the receipt of a notice of deficiency, the parents shall submit a revised IHIP, which attempts to correct any deficiency.
6. Within fifteen (15) days of receipt of the revised IHIP, the Superintendent shall:
 - a. Notify the parents that the revised IHIP complies with the requirements of Item B below, or

- b. Provide the parents written notice that the IHIP does not comply with the requirements of Item B below and the reasons for such determination. The 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 the mailing of the notice, and shall inform the parents that if they wish to contest the determination of non-compliance, they must notify the Board three (3) business days prior to such 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 non-compliance.
7. The parents shall have the right to appeal the Board's determination of non-compliance to the Commissioner of Education within thirty (30) days after the receipt of such determination.
8. If the parents receive a decision of the Commissioner of education which upholds a determination of non-compliance, they shall immediately provide for instruction of their child(ren) at a public school or elsewhere in compliance with the Education Law of the State of New York and provide the Superintendent with written notice of the provisions made within ten (10) days, other than enrolling their child(ren) in another public school.
9. If the parents fail to contest a determination of non-compliance by the Superintendent, or appeal a determination of non-compliance by the Board, they shall provide the Superintendent with written notice of the provisions made within ten (10) days, other than enrolling their child(ren) in another public school.

B. Individualized Home Instruction Plan

The IHIP, and any revised 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 Part 100.10(e) of the Regulations of the Commissioner of Education;
3. The dates for submission to the Superintendent or his/her designee of the parents' quarterly reports, spaced in even and logical periods, as required in Item C-3 below. If the home schooling is temporary, the District may waive or modify the requirements for these reports; and
4. The names of the individual(s) providing instruction.

C. Requirements

1. Attendance
 - a. Absences shall be permitted on the same basis as provided in policy of the District.
 - b. Records of attendance shall be maintained by the parents and shall be made available to the Superintendent upon request.
 - c. If the home schooling is permanent for a school year, each student shall attend the substantial equivalent of 180 days of instruction. The required cumulative hours of instruction shall be 900 hours for Grades 1 through 6 and 990 hours for Grades 7 through 12.
2. The required courses and units of instruction are outlined in Part 100.10(e) of the Regulations of the Commissioner of Education.
3. Quarterly Reports shall be filed with the Superintendent and be spaced in even and logical order. These reports shall contain the following:
 - a. The hours of instruction for such quarter.
 - b. A description of the material covered in each subject listed in the IHIP.
 - c. A grade for the student, or written evaluation of the student's progress.
 - d. A written explanation if less than eighty percent (80%) of the course materials set forth in the IHIP has been covered in any subject.
4. An annual assessment shall be filed with the Superintendent and contain either the results of a commercially published norm-referenced achievement test or an alternative evaluation method. If the home schooling is temporary and the student will not be administered either type of test, this requirement may be waived by the District. If a dispute arises between the parents and the Superintendent over the administration of a commercially published norm-referenced achievement test or the use of an alternative evaluation method, the parents may appeal to the Board. They may appeal to the Commissioner of Education within thirty (30) days of receipt of the Board's final determination.
5. The site of instruction, if other than the student's primary residence, shall be determined not to be in violation of the local building code.

D. Probation

1. If a student's annual assessment fails to comply with the requirements of these regulations, the home schooling shall be placed on probation by the Superintendent for a period of up to, but not exceeding, two (2) years.

2. The parents shall be required to submit a plan to the Superintendent which seeks to remedy the deficiencies in the student's achievement. The Superintendent shall review the remediation plan and may require changes in the plan prior to acceptance.
3. During the probationary period, the Superintendent may require one or more home visits if he has reasonable grounds to believe that the home instruction is in substantial non-compliance with these regulations. The home visit shall be made after three (3) days' written notice and shall be conducted by the Superintendent, or his/her designee, which may include members of a home schooling review panel.
4. If after the end of any semester of the probationary period the student progresses to the level specified in the remediation plan, the home schooling plan previously implemented will be removed from probation.
5. If after any semester during the probationary period the student does not attain at least seventy-five percent (75%) of the objectives specified in the remediation plan, or if after the two-year period one-hundred percent (100%) of these objectives have not been met, the Superintendent shall provide the parents with the notice specified in Item A-6-2 above and the Board shall review the determination of non-compliance, with or without the consent of the parents. Parents can appeal the Board's decision pursuant to Item A-7 above.

Reference: Education Law §§ 1709, 3204, 3210, 3212, 4401
8 NYCRR Part 100.10
8 NYCRR Part 200 et seq.

Approved: December 12, 2001

EXTRA-CURRICULAR ACTIVITIES FOR STUDENTS
PARTICIPATING IN HOME SCHOOLING

The Board of Education believes that guidelines for extra-curricular activities should be implemented for those students whose parents request home schooling. The Superintendent of Schools and the Assistant Superintendent for Instruction follow regulations promulgated by the Commissioner of Education with regard to home schooling.

Those regulations issued by the Commissioner of Education detail the administrative review and the content of the individualized home instruction plan (IHIP) that must be approved by the school district. However, those regulations are silent as to participation in extra-curricular activities by a home-schooled student who has not been classified as a student with a disability. The Commissioner's regulations with regard to home-school students clearly and unambiguously require enrollment in the school district as a condition for participation in a district's extra-curricular activities. Students participating in home-school instruction are not regularly enrolled in a public school. Notwithstanding the fact that the Superintendent of Schools or the Assistant Superintendent for Instruction for the school district approve the home-school instruction provided by the student's parent or guardian, such approval does not make that student a regularly enrolled student of the District.

The purpose of the oversight of home-school instruction by the Superintendent or the Assistant Superintendent for Instruction is to ensure that the home-school student is receiving instruction that is substantially equivalent to the instruction provided to students in public school. In pursuing the home-school alternative to public school education, a student's parent or guardian has clearly elected not to enroll that child or ward in the local school; and therefore pursuant to the clear and unambiguous wording of the relevant regulations, that student is not eligible to participate in the District's extra-curricular activities.

This policy is not applicable to those home-school students designated with a disability pursuant to Part 200 of the Regulations of the Commissioner of Education. Within those regulations, "related services" shall be recommended by the Committee on Special Education (CSE) to meet specific needs of a student with a disability as set forth within that student's Individualized Education Program (IEP). Related services, in turn, are defined in the regulations to include other appropriate developmental or corrective support services, appropriate access to recreation and other appropriate support services. The regulations further provide that the individual needs of a student with a disability shall be determined by the Committee on Special Education which determination shall provide the basis for written annual goals and for the development of an individualized education program for the student.

The Committee on Special Education, when determining individual needs, is required to consider, among other factors, the social development of the student. Social development, in turn, is defined as the degree and quality of the disabled student's relationship with peers and adults, feelings about self, and social adjustment to school and community environments. Extra-curricular activities are therefore properly included in a disabled student's Individualized Education Program.

If participation in extra-curricular activities and social development is deemed by the Committee on Special Education to be a valid related service, then the home-school student with a disability will be able to participate in those extra-curricular activities.

Reference: 8NYCRR Part 100.10, 200.1, 200.1(kk), 200.6(e)
Bradstreet v. Sobo, 225AD2nd 175 (1996)

Issued: May 31, 2000