

HOME INSTRUCTION

Head note

The Board of Education is responsible for ensuring that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the public schools where the child resides.

General Discussion

The Regulations of the Commissioner of Education provide that parents who wish to educate their children at home must submit to their local school districts an individualized home instruction plan (IHIP). This plan outlines the educational goals to be met and the course materials and a syllabus to be used each year for the child's learning process. The regulations assign specific time requirements.

The regulations further provide that districts have the responsibility of either accepting or denying the plan. If the plan is accepted, parents must submit quarterly reports which provide districts with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

An annual assessment must be conducted consisting, in part, of standardized exams designed to properly demonstrate to school districts that the child has fulfilled all of the requirements of the Compulsory Education Law for a given year. Parents of home-instructed children in grades three through eight may choose to have their children assessed by a written narrative, prepared in accordance with the Commissioner's Regulations, instead of a standardized exam. A written narrative, however, may not be used more than every other school year for children in grades four through eight.

The regulations set up a detailed system of probation for the home educational program if the parent and child fail to meet the requirements of the Education Law. In addition, there is a due process procedure of appeal if the parents' program is ultimately determined not to be in compliance with the regulations.

Home Schoolers' Participation in District Instructional and Extracurricular Programs

Instructional Program - Home schoolers may not participate in a school district's instructional program except under the dual enrollment opportunities the district may make available under section 3602-c of the Education Law and for special education programs and services the district is required to make available. Under section 3602-c of the Education Law, a board of education may, at its discretion, allow students instructed at home to participate in gifted and occupational education programs.

Home schoolers within the Cobleskill-Richmondville Central School District will be permitted to participate in gifted programs, occupational education programs, and the like provided those programs are taught by the District and do not result in any increase in district expenditures. Such programs are not to be confused with BOCES programs offered in the district building or at out-of-district facilities. Home schoolers within the Cobleskill-Richmondville Central School District may borrow textbooks if there are extra copies available or are no longer used and can be loaned for the school year. Home schoolers will be provided access to library facilities when such access is during school hours and does not impose difficulty for supervision. Generally, technology equipment will not be loaned.

For students with disabilities, a school board must offer the special education services and/or programs as recommended in the Individualized Education Program (IEP) by the Committee on Special Education. Such services and/or programs will be provided at a school site.

Extracurricular Activities - Home schoolers may not participate in interscholastic sports since Commissioner's Regulations require that such students must be enrolled in the public school. At a Board's discretion, however, home schoolers may participate in non-credit-bearing organized school activities such as clubs, sports, intramurals, and the school band. Home schoolers within the Cobleskill-Richmondville Central School District will be permitted to participate in organized school activities such as band, choir, and orchestra provided that space is available, that the District incurs no additional costs and that transportation be provided by the student's family. While participation may be permitted, home schoolers will be expected to be active in all aspects of the program. However, academic credit will not be earned or granted.

Ref: Education Law § 3202(4)
8 NYCRR §100.10
Matter of Abookire, 33 EDR 473 (1994)
Revised Questions and Answers on Home Instruction,
NYS Education Department publication, May 1991

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