



Book	Draft Policies from NYSSBA
Section	1000
Title	HOME-SCHOOLED STUDENTS
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() Required
(X) Local
 (X) Notice

NOTE: The following is a modified version of the Board's current policy current policy 8440, Home Instruction (Home Schooling). This policy has been modified to include the requirements parents must meet to educate their children at home. Additional bold language has been included for the board's consideration.

The Board of Education will ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians will have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Special Education

NOTE: This section reflects Chapter 217 of the Laws of 2008 which amended 3602-c of Education Law. The amendment deems 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 school year.

A student with an IHIP, who is a resident of the school district and has a disability, or is suspected of having a disability, is eligible to receive services from the school district, in accordance with law, regulation and district policy (4321 et. seq.). A parent/guardian must request special education services in writing to the Board by June 1st, unless the child is first identified or moves into the district after June 1st. In that case, the parent/guardian must request the services within 30 days of being identified or of moving into the district.

Special education services will be provided on an equitable basis compared to programs and services provided to other students with disabilities attending public or nonpublic schools within the district. The Board will determine the location where services will be available to home-schooled students.

Participation in Extracurricular Activities

NOTE: Students who are not immunized and are not entitled to a medical exemption to vaccinations and who receive instruction at home by their parents are not entitled to participate in credit-bearing activities, or interscholastic or intramural sports. However, SED guidance advises that the Board of Education may permit such students to participate in the district's other school-sponsored, extracurricular activities. If the Board wishes to do this, the district adopt the following policy in the paragraph below.

Students instructed at home by their parents are not entitled to participate in interscholastic or intramural sports. Further, the district does not permit home-instructed students to participate in any extracurricular activities.

Use of School Facilities

Students instructed at home by their parents are not permitted to participate in district activities or use district facilities, other than as permitted under district policy 1500, Public Use of School Facilities.

Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or designee will determine the availability of resources and develop appropriate procedures.

Health Services

The district is not required to furnish health services.

Remedial Programs

The district is not responsible for providing remedial programs.

Career and Technical/Gifted Education

The district is not authorized to provide Career and Technical (Occupational) or gifted educational programs to home-instructed students.

Cross-ref:

4321, Programs for Students with Disabilities, *et seq.*

5420, Student Health Services

Ref:

Education Law 3204(2); 3210(2)(d); 3602-c (2-c)

Public Health Law 2164 (as amended by Chapter 35 of the Laws of 2019)

8 NYCRR 100.10; 135.1; 135.4

Appeal of Ponte, 41 EDR 174 (2001)

Matter of Abookire, 33 EDR 473 (1994)

State Education Department Memorandum, New Requirements for the Provision of Special Education Services to Home-Instructed (Home-Schooled) Students, July 2008

State Education Department Memorandum, Home Instruction Questions and Answers,

<http://www.p12.nysed.gov/ssd/homeinstruction/homeschoolingqanda.html>, Sept. 2016

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