

NEW YORK STATE EDUCATION LAW

Compulsory Attendance

Children must attend school if they become six years of age on or before December first in any given school year. They must continue to attend school **through the year in which they turn sixteen** or graduate from high school. A school year begins on July 1st. That means that anyone turning 16 after June 30th must attend school until the end of the next June.

Home school regulations require the parent to do the following

1. Notify school officials that they plan to start home schooling by July 1 (the beginning of the year) annually, or within fourteen days of starting home schooling during the middle of the school year.
2. Complete an Individualized Home Instruction Plan (IHIP) form according to deadlines specified in Commissioner's Regulations 100.10, containing:
 - a. the child's name, age, and grade level;
 - b. a list of syllabi, curriculum materials, textbooks or a plan of instruction;
 - c. dates for submission of quarterly reports;
 - d. name of the persons giving instruction.
3. Maintaining records of attendance.
4. Filing quarterly reports giving:
 - a. the number of hours of instruction each quarter;
 - b. description of material covered in each subject;
 - c. a grade or narrative evaluation in each subject.
5. Filing an annual assessment including:
 - a. achievement test results, or
 - b. alternative evaluation by any of the following:
 1. a certified teacher;
 2. a home instruction peer review panel;
 3. or other person.

In alternate years, parents must use standardized tests beginning in fourth grade. Beginning with ninth grade, standardized testing must be done every year. The child must score at least in the 33rd percentile composite.

HOME INSTRUCTION FACT SHEET

Students instructed at home **are not awarded a high school diploma**. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Regents, the school, or the district,

Home-instructed students are **not eligible to participate in interscholastic sports**. Section 135.4(c)(7) of the Regulations of the Commissioner of Education, which governs interscholastic sports, directs that a participant in interscholastic sports **must be enrolled in the public school**.

Districts are **not required to loan textbooks** to home-instructed students. A student instructed at home is not enrolled in a nonpublic school, and, therefore, the district is not obligated to loan these items which a district is required to provide, by statute, to children attending nonpublic schools.

Students instructed at home **may not participate in the Instructional program** and the school district (exceptions are listed below). This is because the Legislature has not authorized part-time attendance.

A district must offer a home-instructed student with disabilities the **special education services** and/or programs as recommended on the Individualized Education Program by the Committee on Special Education.

A district may, but is not obligated to, make available to home-instructed students occupational/vocational education programs and programs for the gifted available under Section 3602-c of the Education Law.

A district **may, but is not obligated** to, allow home-instructed students to participate in intramural and other school-sponsored club activities.

State law does not require any specific credentials for the person(s) providing home instruction.

Primary responsibility for determining compliance with Section 100.10 rests with the superintendent of schools of the school district in which a home-instructed student resides. Section 100.10 also provides for parental appeals to the local board of education and the Commissioner of Education.

The purpose of Section 100.10 is to provide a basis for an objective determination of substantial equivalence. A home instruction program that adheres to the standards of Section 100.10 at each stage of the process should be deemed substantially equivalent.