



NEW YORK STATE  
**LEAH**  
LOVING EDUCATION AT HOME

# Home Education Information Manual

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**Information to help you as you prepare to educate your children at home and  
complete the paperwork required by the New York State Education  
Department Regulations 100.10**

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Greetings,

Welcome to the new LEAH Information Manual. This is an abridged document of what was previously known as the “LEAH Regulatory and Informational Manual for Home Education in New York State.” Most of the original document has been reviewed, updated, and uploaded to the LEAH.org website. Some of the information uploaded included chapters on: New York State Regulations of Home Schooling, Home School Legal History in New York State, and the New York State Education Law. We encourage you to visit the LEAH website to find additional helpful information.

What is in this document before you is information you would want “at your fingertips.” Information you would use many times during the school year and would not be subject to change, such as addresses or telephone numbers. Whether you are beginning to instruct your children at home, or have been instructing them for years, we are confident that you will find the material in this Manual very helpful in guiding you through the regulatory issues of home schooling in New York State.

All of us, on the LEAH Board, have been where you are as a homeschool parent. Everyone in LEAH leadership, whether at state or local levels, we all volunteer our time to help you and provide you with support. Our prayer for you is that the Lord will richly bless and guide you, as you educate your children at home.

Blessings,  
The LEAH Board

Disclaimer: The information contained in this Manual is not intended to convey or be a substitute for legal advice. We strongly encourage all homeschoolers to join the Home School Legal Defense Association (HSLDA). Accordingly, Loving Education At Home, Inc. will not be held responsible for any legal action taken by or against home school families, nor for errors or omissions in this Manual

## WRITING and USING YOUR PHILOSOPHY OF EDUCATION

Many families find that it is helpful to develop a philosophy of education for their own use, for directing their children's education. If you are a Christian family, writing your own philosophy of education begins with reading and studying Scripture passages related to education, teaching, and learning. Take notes as you read, and try to organize your notes as you go. Jot down Scripture references along with your notes, so that it will be easier for you to go back to that thought again. Some suggested Scripture readings are:

Genesis	1:26-31; 2:15,17; 3:19,22; 8:6; 9:1-6; 18:17-19
Exodus	2:24-27, 31.3-6
Numbers	15:37-41; 16:38-40
Deuteronomy	4:4-10; 6:1-15,20-25; 7:13; 8:5; 11:2-21; 17:18,19; 18:9-14; 21:18;29:29
Joshua	1:8; 4:6-7 1
Samuel	3:13; 12:1-7; 14:1-25
1 Kings	3:7-14; 4:29-35
2 Kings	2:23-24
2 Chronicles	7:6; 29:25-30
Nehemiah	8:1-17
Job	28: 12, 20, 21, 28, 38-41; 42:12-17
Psalms	1:1-3; 8:6; 33:2,3; 51:5; 76:10; 78:1-8; 102:18; 103:13-14; 111:10; 119:9,11,89,99,130; 127; 128; 130
Proverbs	1:2-9,33; 2:1-6; 3:1-2,5-7,11-12,23-26;4:23; 6:20---23; 9:7-10; 10:14; 11:3; 12:1; 13:10,24,34; 14:6,9,26; 15:10,14,33; 17:10,16-24; 18:15;19:8,18,20-21,25,27; 20: 11; 21: 16,22,30; 22:6,15,20-21,24-25; 23:4,7,9,12-23; 24:1-7,14; 27:12,22; 28:2,5,16; 29:1,3,15,17; 30:5,6,11-14; 31:10-31
Ecclesiastes	4:13; 5:5; 8:11; 11:10; 12:1,9-12
Isaiah	28:9-13, 23, 29; 30:9-15; 43:27,28; 50:4
Daniel	1:4, 8-20; 4:35
Hosea	4:6
Malachi	4:6
Matthew	3:17; 5:13-16,19; 6:19-34; 9:36; 11:28-30; 12:3,33-37; 18:2-6,10-14;19:4,14; 21:16; 22:31; 24:25; 28:18-20
Mark	2:25; 6:34, 37; 8:31; 10:14; 12:10,29-30
Luke	2:52; 6:3; 10:25-37; 11:1,13, 33
John	4:7-26; 6:28-29; 7:17; 11:4; 14:16; 16:13; 17:3,17
Acts	2:42; 16:21; 21:28
Romans	2:21-23; 5:12; 8:22, 23; 11:36; 12:1-3,6,7
1 Corinthians	2:13-16; 3:1,2,17,19; 4:6,17; 6:13-20; 9:24-27; 10:12,31; 12:29; 13:14-9,19,31 2
Corinthians	6: 16; 10:3-5; 11:5,6
Galatians	6:6
Ephesians	4: 11-16, 28; 5:22-6:4
Philippians	2:5-8; 3: 12, 15,18-20; 4:6-9
Colossians	1:16-19,28, 29; 2:3,6-8; 3:10,16-21
1 Thess	2:11-12; 4:9-12; 5:21
2 Thess	2: 15

1 Timothy	1:3,7; 2:1-4; 3:4-5,12; 4:5,9-12; 6:3-5,20
2 Timothy	1:5; 2:2,11-15,24-26; 3:13-17
Titus	1:9; 2:4, 5, 12
Hebrews	5:12-14; 6:1,2; 12:6-11; 13:9
James	1:5; 3:13-18
1 Peter	5:5
2 Peter	3: 18
1 John	2:27; 3: 18
Revelation	1:3

This list certainly is not exhaustive; try checking cross-references as you read.

Before you are ready to write your philosophy of education, you need to ask yourselves many questions. Take the time as parents to brainstorm around the table some night, or perhaps over a special dinner out; think about and write down as many ideas as come to your mind as you consider each question. The questions below are intended to be thought-provokers:

### **Authority and Responsibility**

1. Who owns our child?
2. Who is in authority over us and our child?
3. What are the basic concerns of these authorities in relating to the education of our child?
4. What are our responsibilities as parents to our child?
5. Who is ultimately responsible for the education of our child?
6. What are the possible consequences of delegating this responsibility?
7. What qualifications do we need to be able to teach our own child effectively?

### **Readiness**

1. What is meant by "readiness"?
2. When should our child's education begin?
3. When should formal education (structured school time with textbooks, workbooks, lessons, etc. as appropriate) begin?
4. How does physical development affect the ability to learn?
5. What are the differences between how boys and girls learn?
6. What allowances should be made for individual differences?
7. How does the ability to be productive relate to motivation?

### **Goals**

1. Which is more important: the process of becoming educated or the product of being an educated person?
2. What should be the goals of education?
3. What is the role of knowledge in a child's life?
4. What knowledge is necessary for our child?
5. With what aspects of life should education be concerned?
6. What subject areas should be taught?
7. Which is more important: exposure to many things or the mastery of a few?
8. How much attention should be given to developing inherent abilities?
9. What character qualities should be taught?

10. What should be the role of Scripture in the curriculum?
11. What should be the role of socialization in our child's education?

### **Methodology**

1. How does your child learn?
2. What time(s) of day are best for education to take place?
3. In what places should education take place?
4. What methods should be used?
5. What principles should guide the choices of books and other learning resources?
6. What should be the role of incentives and rewards?
7. What should be the role of the teacher in education?

### **Control**

1. What is the goal of discipline?
2. What role should discipline play in the learning environment?
3. What role does dress play in the ability to concentrate?
4. What effect does the environment have on the child's ability to concentrate?

### **Evaluation**

1. How should success in education be measured?
2. Who should evaluate our child's progress?
3. How frequently should evaluation take place?
4. What methods of evaluation should be used? (i.e. oral vs. written; objective vs. subjective, ability vs. achievement, progress, improvement, performance, productivity, etc.)

### **Suggested Goals of Education**

- Develop a growing relationship with God (salvation, discipleship, Bible reading and study, Scripture memorization, meditation)
- Develop a God-centered life view
- Learn how to worship God (i.e. using music, prayer)
- Learn to serve God
- Learn to obey God in all things and seek His will
- Develop convictions based on Scripture
- Learn to serve others; do the work of ministry; be prepared to teach others also
- Learn to seek after wisdom
- Learn the kind of wisdom described in Scripture
- Learn how to work: while under supervision; independently; cooperatively with another person or with a group; in solitude; in an atmosphere where others are doing different things; in a very noisy atmosphere; with interruptions
- Develop good attitudes; develop Christ-like character qualities
- Develop reading and comprehension
- Learn to communicate effectively: orally (speech, use of language, listening skills, etc.); in writing (grammar, spelling, penmanship, typing, word processing, short-hand, etc.)
- Learn to relate to all people in a courteous, respectful manner
- Learn to think creatively

- Develop math and measurement skills
- Develop an appreciation for the fine arts
- Learn principles of health, hygiene, and first aid
- Develop vocational competence
- Develop leadership skills
- Learn how to have wholesome physical and mental recreation
- Develop godly self-motivation
- Develop godly self-discipline
- Become a well-informed and contributing citizen in society
- Develop a godly self-confidence
- Learn Christian social graces
- Develop the ability to plan and carry out a project

This list is not intended to be exhaustive! Some educational goals may be unique to your family, or even to an individual child within your family. Some goals will be more significant at different stages in your child's life.

The following article was written by Chris Klicka, an attorney for the Home School Legal Defense Association, and is reproduced by permission from the Home School Court Report.

## **The Urgent Need to Restore a Biblical View of Education**

By Chris Klicka

*(This article originally appeared in the Spring 1988 issue of the Home School Court Report. Because of the importance of this subject, it is being reprinted with some additions.)*

With a majority of school-aged children attending public schools, education in America has primarily become a function of the state. The public school system is failing miserably both academically and morally. The state, meanwhile, not content to control only public schools, constantly encroaches on the freedoms of private schools and home schools through various case precedents, regulations, and statutes. As a result, many public school authorities have come to believe they are the guardians of all children. In fact, when I negotiate with public school superintendents, they frequently refer to the children in their school districts as "our" children. It is apparent that superintendents sincerely believe they know what is best for "their" children; thus, they feel obligated to "approve" home schools.

Is this assumption by the superintendents correct? How can we determine who has the hue authority and responsibility in the education of our children? Do we need to restore a biblical view of education? Let us consult the best source of truth, the Word of God, which is the standard by which all things are measured.

### **\* God Delegates the Responsibility to Rear Children to Parents**

According to scripture, children belong to God, but the responsibility and authority to rear and educate them is delegated to their parents.

*Behold, children are a gift of the Lord; the fruit of the womb is a reward. Like arrows in the hand of a warrior; so are the children of one's youth. How blessed is the man whose quiver is full of them; they shall not be ashamed when they speak with their enemies in the gate. Psalm 127:3-5*

In Genesis 33:5, Jacob introduces his children to his brother, Esau, as "the children who God has graciously given me," and similarly in Isaiah 8: 18, the prophet explains, "I and the children whom the Lord has given me..." (Also see Hebrews 2:13 and Genesis 48:8-9.) Nowhere in scripture can a reference be found where God delegates the authority to rear and educate children to the state. The only time God's people were educated by the state was when they were occupied by a heathen nation which left them no alternatives. Some famous examples were Moses, Joseph, and Daniel. God, nonetheless, has clearly delegated the responsibility and authority to teach and rear children to the parents first. Parents may delegate their authority to rear and teach their children to someone else (i.e. tutor, church school, private school, or public school), but they can never delegate to anyone else their responsibility to teach their children.

In other words, God will always hold parents responsible for the education children receive. For this reason, parents need to be aware who is teaching their child(ren), what is being taught being taught in all textbooks and supplemental books and projects.



## **\* Children Still Belong To God.**

Although God has "given" children to parents, children are a "gift of stewardship"; this means that parents do not really "own" their children. Parents, therefore, are not free to rear their children as they please because God gives parents certain "conditions" that must be met. God still considers the children to be His children. God refers to Jacob's children as "the work of My hands... " in Isaiah 29:23, and David gave thanks to God for being fearfully and wonderfully made" while in his mother's womb ,in Psalms 139:13~14. (Also see God's claim to unborn children whom He has made and called while they are in their mothers' womb in Jeremiah 1:5, Psalms 139:13-16, Job 10:8-12, Isaiah 49:1,5, and Luke 1:41--44.)

In Ezekiel 16:20-21, the Lord emphasizes again that the children are His:

Moreover, you took your sons and daughters whom you had bam to Me, and you sacrificed them to idols to be devoured. Were your harlotries so small a matter?' You slaughtered My children and offered them up to idols causing them to pass through fire.

God judged these parents severely because they did not meet His conditions for raising His children. They gave their children up to an idolatrous system which hated God. The conditions for educating our children are explained throughout scripture.

## **\* God Mandated Conditions for Rearing Children**

Fathers are commanded to "bring them (children) up in the discipline and instruction of the Lord" (Ephesians).

Furthermore, in Deuteronomy 6:6-9, the Lord, after restating His moral law, declares:

And these words which I am commanding you today, shall be on your heart and you shall teach them diligently to your sons and shall talk of them when you sit in your house and when you walk by the way and when you lie down and when you raise up. And you shall bind them as a sign on your hands and they shall be as frontals on your forehead. And you shall write them on the doorposts of your house and your gate.

(Also see parallel passages in Deuteronomy 4:9, 11:18-21, Psalms 78:1-11.) In other words, God's commands and truth must be taught to the children by the parents, and the teaching must be done diligently. Children are to be trained in the "instruction" of the Lord. How can this be achieved if a child spends six to seven hours a day receiving a public education empty of all references to God's truths?

It is clear the parent's primary responsibility to teach their children so "so that your days and the days of your sons may be multiplied..."(Deuteronomy 11:21). These commands to educate our children, of course, cannot be fulfilled once a week at Sunday School. It involves a comprehensive approach to education on a daily basis. The commands of God should be taught to your children when you sit in your home, when you rise up, when you lie down, and when you travel. In other words, all the time!

This comprehensive educational program is to be based on God's commands. Two of the goals of Godly education, therefore, are that children will put their confidence in the Lord and that they will keep His commandments.

*For He established a testimony in Jacob, and appointed a law in Israel which He commanded our fathers that they should teach their children-that the generation to come might know, even the children yet to be born, that they may arise and tell them to their children, that they should put their confidence in God and not forget the works of God, but keep His commandments. Psalm 78:5-7*

The children are likewise told to obey these commandments which are given to them by God through their parents:

*My son, observe the commandments of your father, and do not forsake the teaching of your mother; bind them continually on your heart. Tie them around your neck. When you walk about, they will guide you; when you sleep, they will watch over you and when you awake, they will talk to you, For the commandment is a lamp and, the teaching is light; and reproofs for discipline are the way of life... Proverbs 6:20-23.*

Again, the comprehensiveness of a Godly education is emphasized. David explains that we need to "meditate" on God's law day and night. (See Psalms 1:1-2,119.) How can our children meditate on God's law when they are never even taught God's law in the public schools? In fact, we are to "take every thought captive to the obedience of Christ" (II Corinthians 10:5).

This responsibility is immense. We must train our children to think God's thoughts after Him. A Godly education, therefore, is learning not only to believe as a Christian, but to think as a Christian. Unfortunately, public schools and some private schools are teaching children who believe as Christians to think as non-Christians, Since Christian parents in the past have neglected their duty to follow this comprehensive approach to education, generations of adult Christians now apply ungodly principles in their lives and workplaces while simultaneously believing Christian doctrine.

Proverbs 23:7 states, "*For as a man thinks; so is he.*" Moreover, the scriptures state, "*Everyone after he has been fully trained will be like his teacher*" (Luke 6:40). This passage continues by describing blind people who lead other blind people into the pit. This is why it is so important that we teach our children to think as Christians and to be taught by Godly teachers. Let us not allow our children to be conformed to the pattern of this world, but let them be "*transformed by the renewing of their minds, that they may prove what is that good, and acceptable, and perfect will of God*" (Romans 12:2).

## **\* Watch Out For Peer Pressure!**

Even though we give our children a biblical education, we must also protect them from "negative socialization." Scripture warns, "*Be not deceived, bad company corrupts good morals*" (I Corinthians 15:33). Proverbs 13:20 adds the thought that "*He who walks with wise men will be wise, but a companion of fools will suffer harm.*"

## \* What Is The Content of True Education?

It is clear from the passages quoted above that God delegates the authority and responsibility to teach children to the parents. God requires us to make certain that His Word and principles are applied in a daily, comprehensive manner to the education and upbringing of our children. Furthermore, He will hold us responsible as to how we direct the education of our children. We must be careful not to "*cause one of these little ones who believe in Me to stumble*" by subjecting them to an ungodly education, because Christ explains "*it is better for him (the offender of the child) that a heavy millstone be hung around his neck, and, that he be drowned in the depth of the sea...*" (Matthew 18:6). (Note as well the consequences of disobedience outlined in Deuteronomy 28.) Paul further reminds us that if we do wrong, we will "*receive the consequences of that wrong...and that without partiality*" (Colossians 3:25).

Therefore, let us be careful to provide our children with an education whose content reflects God's character and which is based on His Word. Paul promises:

*All scripture is inspired by God and profitable for teaching, for reproof, for correction, for training in righteousness; that the man of God may be adequate, equipped for every good work. II Timothy 3:16-17*

Scripture speaks to every area of life. We all know that education is inescapably religious. Every subject, as a result, needs to be studied through the lens of God's Word. If we do this, our children will be equipped for every good work and able to apply God's principles to every area of life. Their beliefs will not be separate from their thoughts and actions.

The argument for home schooling has much Support from God's Word. It outlines the most successful way parents can fulfill their immense obligations in providing their children with a comprehensive, biblical education. The goal of home schooling is to raise our children so that each of them

*will be diligent to present (himself) approved to God as a workman who does not be ashamed, handling accurately the Word of truth (II Timothy 2: 15).*

Remembering this promise: "*And all your children shall be taught of the Lord; and great shall be the peace of thy children*" (Isaiah 54:13).

I am convinced that God is raising up the home school movement, whose children will one day assume leadership by default because they will be able to assume leadership. May God bless you as you faithfully teach your children to walk in His ways!

# **Getting Started**

What you need to teach and how to document it.

## OVERVIEW OF REQUIRED SUBJECTS

Grades 1-6	Grades 7-8		Grades 9-12	
<u>Subjects</u>	<u>Subjects</u>	<u>Units</u>	<u>Subjects</u>	<u>Units</u>
English Language	English	2	English	4
Math	Math	2	Math	2
Science	Science	2	Science	2
U.S. History Geography	History Geography	2	Social Studies 1 U of Amer. Hist. 1/2 U of Gov. Part 1/2 U Economics 2 Electives in Social Studies	
Spelling				
Reading				
Writing	Practical Arts	Regularly	Electives	3
Health	Health	Regularly	Health	1/2
Physical Education	Physical Education	Regularly	Physical Education	2
Various Arts	Art	1/2	Art/Music	1
Music	Music	1/2		
	Library Skills	Regularly		

The following courses must be taught at least once during grades 1-8:

- \* United States History and the Constitution of the United States
- \* New York State History and the Constitution of New York State

The other requirements to be covered in grades 1-12 include:

- Patriotism, Citizenship
- Alcohol, drugs and tobacco (see law Sec. 804)
- Bicycle and Highway Safety (see Sec. 806)
- Fire Safety and Arson Prevention (Sec. 808)

**There are no academic requirements for Kindergarten.**

# ACTION STEPS FOR HOME INSTRUCTION-C.R. 100.10

<u>Person/Group</u>	<u>Action</u>	<u>Time Frame</u>
Parent	Sends written notice to the superintendent of intention to instruct child at home.	By July 1 each year Or Within 14 days after commencing home instruction or moving into the school district.
School District	Sends to parent a copy of the Commissioners Regulations (C.R.) 100.10 and a form for the Individualized Home Instruction Plan (IHIP) for each child.	Within 10 business days after receiving notice from parent.
Parent	Submits completed IHIP to the school district, including child's name, age, grade level; syllabi, curriculum materials, textbooks, or plan of instruction; dates to submit quarterly reports, name of the instructor.  Required Courses Grades 1-6: Math, Reading, Spelling, Writing, English Language, U.S. History, Science, Health, Music, Visual Arts, Physical Ed.; if needed, Bilingual Ed.  <u>Grades 7-8</u> (cumulative for both grades): English (2 units), History/Geography (2 units), Science (2 units), Math (2 units), Physical Ed. (regularly), Art (1/2 unit), Music (1/2 unit), Health (regularly), Practical Arts (regularly), Library Skills (regularly). (Note: a "unit" means 6,480 minutes of instruction per year.)	By August 15 each year Or Within 4 weeks of receipt of C.R. 100.10 and IHIP whichever is later.
Parent	Required once during Grades 1-8: U.S. History, Constitution of U.S. and New York State.	

Parent	<p><u>Grades 9-12</u>: English (4 units); Social Studies (4 units), which includes 1 unit of American History, 1/2 unit of Government participation, 1/2 unit Economics, 2 units of Social Studies electives; Math (2 units); Science (2 units); Art and/or Music (1 unit); Health (1/2 unit); Physical Education (2 units); and 3 units of electives. The units are cumulative requirements for all the grades in which they are listed.</p> <p>Required subjects to be covered during K12: patriotism; citizenship; health education on alcohol, drug -and tobacco misuse; highway, traffic and bicycle safety; fire and arson prevention and safety</p>	
School District	<p>Provides assistance to parent in preparing the IHIP if requested by parent</p> <p>Notifies parents of IHIP compliance Or Gives written notice of any deficiencies</p>	<p>None</p> <p>By August 31 each year <b>Or</b> Within 10 business days of receipt of IHIP, whichever is later</p>
Children	Attend upon instruction	The substantial equivalent of 180 days is 900 hours per year for grades 1-6, Or 990hours per year for grades 7-12
Parent	Maintains records of attendance, permitting absences on the same basis as the school district uses for 180 days per year or the equivalent.	900 hours for grades 1-6 and 990 hours for 7-12
School	During the home school year, the district may review the records of attendance.	Upon request

Parent	Submits to the school district a Quarterly Report for each child which lists hours of instruction, description of material covered in each subject in the IHIP, grade in each subject or a written evaluation of the child's progress. If less than 80% of the course material for any subject (listed in the IHIP) is covered the parent is to submit a written explanation	On or before dates specified in the IHIP.
Parent	By the time of the filing of the third quarterly report, the parent determines if the Annual Assessment will include commercially published norm-referenced achievement tests or an alternative form of evaluation, in accordance with the grade level of the student.	
	Chooses the achievement test for the annual assessment from among the following;	
	Iowa Basic Skills Test; California Achievement Test; Comprehensive Test of Basic Skills; Metropolitan Achievement Test; State Education Department (SED) test; Other SED approved tests.	
	Determines who will administer and score the achievement test and where the test will be taken, from the following options:	
	Public school/professional staff; Registered nonpublic school/professional staff with the consent of their chief school officer;	
Parent	Nonregistered nonpublic school/professional staff with the consent of the Superintendent of the district and the Chief Officer of the school.	
	Other location/other person approved by the Superintendent.	



An alternative Annual Assessment for grades 1-3 can be a written narrative submitted by:

- certified teacher;
- home school peer review panel;
- other approved person.

for grades 4-8, a written narrative can be submitted no more than every other year by:

- certified teacher;
- home school peer review panel;
- other approved person.

School District	Provides the test instrument used for the Annual Assessment	Upon request by the parent.
Parent	Submits an annual assessment which includes the results of test scores or a written narrative report for each child instructed at home	At the time of filing the 4th quarterly report as specified in the IHIP.
School District	Determines the composite scores on achievement tests adequate if they are above the 33rd percentile on the national norms or show one (1) academic year's growth	Following the submission of the annual assessment by the parent.

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## If IHIP Not Found In Compliance With the Regulations

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<u>Person/Group</u>	<u>Action</u>	<u>Time Frame</u>
Parent	If necessary, submits a revised IHIP to school District.	Within 15days of receipt of notice of deficiency in IHIP.
Superintendent	If necessary, reviews the revised IHIP and notifies the parents of its compliance or gives written notice of the reasons the IHIP was not determined to be in compliance and the date of the next regularly scheduled Board meeting to be held at least 10 days after the mailing date of the notice.	By September 30 each year Or Within 15 days of receipt of the revised IHIP, whichever is later.
Parent	At least 3 business days prior to the Board of Education meeting date, if necessary, presents proof of compliance of the IHIP to the Board of Education.	At the regularly scheduled Board of Education meeting at least 10 days from mailing date of the Superintendents notice of the IHIP's noncompliance.
Board of Education	If necessary, makes a final determination of the compliance or noncompliance of the IHIP.	At the regularly scheduled Board of Education meeting at which the parents proof of compliance of their IHIP.
Parent	If necessary, may appeal a final determination by the school district of the IHIP's noncompliance to the Commissioner of Education	Within 30 days following the receipt of determination of the noncompliance of the IHIP.
	If necessary, provides for the instruction of their children at a public school or elsewhere if and when no appeal is left or available concerning the noncompliance of the IHIP.	Immediately
	If necessary, furnishes the Superintendent with a written notice of arrangements that were made to provide their children with the required instruction unless they are enrolled in public school.	Within 10 days following the date on which no appeal is left or available.

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### In Case Of Probation

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<u>Person/Group</u>	<u>Action</u>	<u>Time Frame</u>
School District	Places the home school program on the probation for up to two (2) years if the child's assessment fails to be adequate.	Following the submission of the annual assessment by the parent.
Parent	Submits a plan of remediation which addresses the deficiencies in the child's achievement	Prior to the district's acceptance of the next annual plan.
School District	Removes a home school program from probation if the child progresses to a level specified in the remedial program.	At the end of any semester following the beginning of probation.
Superintendent	May require one or more visitations to the home following three (3) days written notice to ascertain the areas of noncompliance. Visits must be made by the superintendent or a designee; the visit could also include a member of the home school peer review panel.	Upon reasonable grounds of noncompliance with the regulations.
School District	Notifies the parents in writing of: 1) failure to comply with at least 75% of the objectives of a remediation plan each semester or 100% of the objectives of the remediation plan within two (2) years; 2) of the next regularly scheduled Board of Education meeting will fall 10 days past the notices mailing date; 3) the parents right to contest the determination.	End of semester or after two years of probation.

## Suggestions and Sample Forms

The following pages contain suggestions on how to comply with the Regulations and representative samples of filled-in Individualized Home Instruction Plan (IHIP), Quarterly Report Forms, Year-End Evaluations, and other documents. These samples are provided as a guide only. To date, there are no official state wide standard forms. Blank forms are also provided for convenient reproduction. **Make note that these are samples only. There are no specific guidelines in the regulations that indicate what must be included in a narrative.**

## **SUGGESTIONS ON HOW TO COMPLY WITH THE REGULATIONS**

**Note: The information contained below is neither intended to convey legal advice nor should it be substituted for legal advice.**

In this manual, LEAH encourages families to base their home education philosophy and decisions on Scripture because we assume you consider the Word of God to be authoritative in your lives. It is recommended that you work through this section. It will help you establish your purpose and goals. Writing these down will confirm to you WHY you are doing this thing called home schooling and you will feel more confident about what you are doing when you need to deal with school personnel.

**There are two basic rules to remember that will give you confidence when dealing with the local school district.**

- 1. Home Instruction programs in New York are governed exclusively by the provisions of Section 100.10 of the Regulations of the Commissioner of Education. Local school districts are without any authority to establish policies or procedures which add to or contradict the provisions of state law.**
- 2. The parent is responsible to read and know the Regulations. Read them often and read them carefully. Keep them handy and compare what is written there with what is being requested of you.**

Many school districts have chosen to delegate the Superintendent's responsibility of keeping track of the home-schooling families to a home-school contact person within the district or to contract with an individual at the BOCES office. There have been occasions when other district personnel have contacted home-school families looking for information. **However, the Regulations specify that families should address all correspondence to the Superintendent. The legal counsel LEAH has received confirms this also. It is recommended too that you do not carry on any business through phone conversations. All communication should be in writing with copies of all correspondence.**

The school superintendent, or other school district designated personnel, may not be familiar with the home school regulations. Consequently, some districts ask parents to provide information that is not required by the current regulations. Over the years since the Regulations were set in place there have been all manner of irregular requests from numerous school districts around NYS. Local school districts are without any authority to establish policies or procedures which add to or contradict the provisions of the state law. Likewise, no BOCES has the authority to require more of home-schooling families than does Section 100.10.

The home-school regulations can be fulfilled without going overboard! Keep your reporting simple! The IHIP or quarterly report can each fit on one page; the goal should be to provide only the information necessary to fulfill the requirements. Going beyond the minimum in providing information is not only unnecessary, but adds to the work load for the parent and sets a precedent for the coming years. Do not give yourself extra burdens or let anyone else give them to you. **Know the Regulations and abide by them!**

## **1. Notice of Intent**

By July 1, a Notice of Intent to instruct your children at home should be sent to your local school district Superintendent. This letter should be brief, simply state the Name of each Child and your intention to home instruct. A suggested example is:

*July 1, 2015*

*Dear (Superintendent):*

*We are going to home school (child's/children's names) for the 2015-2016 school year. Thank you for your anticipated response to this letter.*

*Respectfully,  
(Parent's Signature)*

There is no need to give any other information, as this will be included on your IHIP which will be filled out later. It is good advice to copy all correspondence sent to the school district. **If you find you are working with a difficult school district, it is recommended that all written correspondence be sent by certified mail. If you hand deliver your paperwork, be sure to get a signed receipt from the person receiving your papers.**

After sending in your Notice of Intent, the school district is to respond by sending a copy of the home-school regulations (Amendment to Regulations of the Commissioner of Education 100.10) and IHIP form within 10 business days of receipt of your letter, or by July 15.

At this point there is another option available for students above mandatory attendance age. When a child reaches the age that mandatory attendance is no longer required, parents could notify the school superintendent that although the student will continue with his education, reports will no longer be sent to the superintendent. (However, if you do this, the school district may mark them as having dropped out of school. It is suggested, though not required, to continue reporting throughout high school. Additionally, this may help you obtain a Letter of Completion from your school superintendent upon completion of high school. Also see "High School Specific information".)

## **2. Individualized Home Instruction Plan (IHIP)**

The IHIP is a form that provides details concerning the student's education for the coming academic school year. An IHIP needs to be filled out for each child between the ages of 6-16 whom you are planning to instruct at home. The Compulsory Attendance Law in New York State has been amended and states that any pupil turning six **on or before December 1** must be in a full time instructional program as of the preceding September, and with some exceptions remain in attendance until the last day of session in the school year in which he/she becomes sixteen years of age. *(Note: Some districts have an option due to enrollment size to extend this age to seventeen, as in the case with the New York City school district; please contact the Office of Nonpublic Schools in the State Education Department or your school district to confirm the compulsory age requirement.)*

**There is no official, standard state wide form for the IHIP.** In other words, you can create your own forms for the IHIP. There are some suggested ideas for various forms in the appendix at the end of this manual the contents of the IHIP must include 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; **[You may choose one of these options.]**
- (3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g);
- (4) and the names of the individuals providing instruction.

The contents of the IHIP can fit on one page. **Nowhere** do the Regulations tell you to break down a subject by quarters, to give specific objectives or any other details.

The dates for your quarterly reports on the IHIP must be between July 1 and June 30, whenever it is convenient for you and your school year. Choose the schedule that best fits your situation and covers the attendance requirement. The dates should be spaced in a quarterly time frame. You are not required to follow the school calendar. Home schooling does allow flexibility concerning the school year. Some home-schooling families begin their school year July 1 and end the year June 30, schooling year round at a more relaxed pace. Other families follow their school district's calendar. As an example, a year may be planned to allow for time off if a baby is expected during the school year. Some families start their school year earlier and take more time off around holidays, some districts may send the forms with dates already filled in, that are convenient for them, but not necessarily convenient for the parents, **you are not required to use dates that your superintendent may provide.**

Please also note that kindergarten is not mandatory in NYS except when you have a child who will be age 6 on or before December 1 of that school year. (See information above on compulsory attendance.) There are no specific course requirements for kindergarten.

According to the regulations, the IHIP is to be submitted by August 15. The SED recommends that if you have not had a response to the Letter of Intent from your school district, you should still submit an IHIP by August 15 for each child being instructed at home, *although the regulations do not actually require this.*

You should receive notice that your IHIP complies with the regulations. In some districts, no notice is given to the parents, so the parents should proceed until they hear otherwise.

If the school district finds your IHIP is in noncompliance they will contact you. If you are a member of the Home School Legal Defense Association (HSLDA), you may want to contact the HSLDA office at this point for further advice on how to proceed. NYS LEAH strongly recommends our members also become members of HSLDA. Information about HSLDA and a membership application are located at the back of this Manual.

**Q. What about the forms the school district sends me with extra questions and information requested, especially the one called a worksheet?**

A. Forms being sent by local school districts to home-schooling families as IHIP forms were primarily developed for their own internal administrative use only. Upon examination, it is clear that they seek information other than what is required by the Regulations. There is no requirement that there be a comprehensive description of the materials covered, since one of the choices is simply a list of the textbooks to be used. Providing a plan of instruction is only one of the four options families may choose

for describing the curriculum materials in an IHIP. Subdivision (d) of Section 100.10 prescribes the content of the IHIP as required by state law:

- (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; [Choose one here.]
- (3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g);
- (4) and the names of the individuals providing instruction.

**Q. In order for parents to teach their children at home, does the local public school superintendent need to approve their home instruction program?**

**A.** No. Subdivision (b) of Section 100.10 simply requires parents to annually provide written notice to the superintendent of their intention to educate their child at home. Thereafter, an Individualized Home Instruction Plan (IHIP) is developed in accordance with the provisions of subdivision (c). See subdivision (d) for the required contents of the IHIP.

While the local school district is required to notify parents of any deficiency in the IHIP, there is no approval of the parents' constitutional right to conduct home instruction for their children. No other information need be given to the school district. Therefore, there is no requirement for parents to include a description of the background, experience, and/or credentials of the teacher or any plan for the annual evaluation of the academic progress of the student.

**Q. Is a child who becomes six years old during the school year required to attend school from the start of classes in September of the school year?**

**A.** Yes, if the child becomes six years old on or before December 1 of the school year. Section 3205 of New York Education Law as amended effective July 26, 1993, states that compulsory attendance begins for a minor "who becomes six years of age on or before the first of December in any school year. "

**3. Quarterly Reports**

Quarterly Reports are filed with the school district four (4) times per year. Include in the quarterly report:

1. The total number of hours of instruction (**per quarter, not per subject**);
2. A brief description of the material covered for each subject;
3. A grade or narrative for each subject, denoting the progress the child has made.

Your quarterly reports should be filed with your school district on or before the dates you set forth in your IHIP, Please also refer to section (g) of the 100.10 regulations.

In terms of attendance, the regulations indicate: 900 hours of instruction per year is required for students in grades 1-6, and 990 hours for students grades 7-12. The number of hours of instruction for the quarter should be noted on the Quarterly Report.

Be sure to provide factual information on the report; the superintendent is not given the authority to make subjective judgments about your program.

Resist the temptation to impress the superintendent by submitting reports that are pages long, full of all your accomplishments! Give only what is required and use the time you save by doing a shorter report to



take a walk with your children or to read them another book! A veteran home-schooling mom once used the example of Jesus paying taxes. She said that he took a coin from a fish and may have wiped it off on his sleeve, but he did not spend time polishing it.

In determining the amount of time spent in education, one may consider legitimate learning activities such as: church activities (i.e. choir), field trips, exploratory learning, additional reading, informal learning, living skills, special lessons (i.e. music, swimming, etc.), spontaneous learning situations, and other varied life activities which are educational in nature. Family vacations can be planned as a field trip.

**Q. Do the Regulations (CR 100.10) require families to report instructional hours for each subject every quarter?**

**A.** Subdivision (g) of section 100.10 sets forth the requirements of a quarterly report, stating that the report should contain "the number of hours of instruction during said quarter." **There is no requirement that the instructional time be recorded for each subject.**

**4. Annual Assessment**

Annual assessments tend to create some anxiety. Just relax and take some time to become familiar with what is and what is not required of you. Annual assessments are defined in the regulations under Section 100.10 (h). In reviewing this section, several questions may come to mind:

**Q. Who selects the annual assessment?**

**A.** Some districts have been known to dictate what assessment measure the parent should use. Please note that the Regulations indicate that it is the parent and not the school district who selects the annual assessment measure (test or narrative) to be used, depending upon the grade level of the child, however, the consent of the superintendent is needed before the annual assessment measure can be used.

**Q. When do I notify the school district of my annual assessment selection?**

**A.** The Regulations are not specific about when to notify the superintendent, but it is recommended that you indicate your selection for the annual assessment by the end of the third (3rd) quarterly reporting period (see question #55 in the Revised Questions and Answers from the SED), Please bear in mind, it is the composite score results of the annual assessment test or written narrative that should be filed with the fourth (4th) quarterly report. Therefore planning for assessments should begin before the end of the third quarter. If you don't have the test results back by the fourth quarterly report don't worry. Just add a notation to the report and send in the results when available.

**Q. How do I notify the school district of the annual assessment selection?**

**A.** There is no standard format to use to notify the school district. One suggestion is to include a statement with the third (3rd) quarterly report, such as:

*"In accordance with Section 100.10 (h) of the Regulations of the Commissioner of Education covering Home School Instruction, please find below our annual assessment selection for (Student's name) for the 2014-2015 school year. Annual Assessment: A written narrative on (Student's name) prepared by (name of person preparing the report). OR (name of Standardized Test). We will assume that the above annual assessment selection meets with your consent unless we hear from you in writing by (two weeks from date on letter.)*

*Sincerely, Parents' Names*

**Q. Which annual assessment should I use?**

A. As indicated per the regulations, the parent can choose either a standardized test or a written narrative, depending upon the grade level of the student. An alternative form of assessment (I.e. written narrative) may be used in grades 1-3, and in grades 4-8 every other year (in other words, if the narrative is used in grade 4 and 6 then a test must be used in grade 5 and 7.) For grades 9-12, a standardized test must be used annually. At this point there is another option available: When a child reaches the age that mandatory attendance is no longer required, parents could notify the school superintendent that although the student will continue with his education, reports will no longer be sent to the superintendent.

**Q. What standardized tests can be used?**

A. Several options exist. The Regulations list several standardized tests which are recognized by the state. There are other tests available which have been recognized since the Regulations were published. The full list should be available from the NY SED.

The following additional tests were deemed equivalent by the Division of Educational Testing on the dates indicated for use in individual testing situations in compliance with CR 100.10:

6/29/90 Stanford Diagnostic Reading Test and Woodcock-Johnson tests  
used together

2/11/91 NYC math exam and DRP-PCT in reading

03/5/91 ERB

9/11/91 Peabody Individual Achievement Test-Revised

Kaufman Test of Education Achievement (brief or comprehensive form)

Woodcock Reading Mastery, Tests-Revised together with KeyMath

A Diagnostic Inventory of Essential Mathematics:

05/3/91 Test of Achievement and Proficiency (TAP)

03/6/95 PASS (Personalized Achievement Summary System) Test

Hewitt Foundation Test

Secondary Level. Tests:

Iowa Tests of Basic Skills, Forms G and H

Stanford Achievement Test Series, Eighth Edition

Metropolitan Achievement Tests 6 -Advanced 1 and 2

California Achievement Tests E and F

CTBS Forms U and V

**Q. Where can I obtain the standardized tests?**

A. There are several sources for obtaining tests. There is a partial listing at the back of this manual in the Resource Appendix. Sources for tests may be found on the LEAH website at [www.leah.org](http://www.leah.org). Some testing agencies also provide practice tests and test-suggestions, such as the *Test Alert* from Bob Jones University Testing Service. These materials are designed to familiarize the student with test-taking strategies, and to strengthen test taking and thinking skills.

**Q. Where can the standardized testing be done?**

A. Testing should ideally be done in the child's classroom with his own teacher. Standardization of a test includes not only the content, timing, and scoring, but the place and administrator also. In home education this would mean the test should be given in the home by the parent. This is not always possible because the test publisher or other factors determine who the test administrator will be, for example:

- Bob Jones University Press Testing Service has a program for training test administrators. Taking this training would enable the parent to give any of the tests provided through BJUP Testing Service.
- Christian Liberty Academy Testing Service has the publication rights to the 1970 edition of the California Achievement Test. Parents can administer this test at home themselves.
- The Hewitt Research Foundation also provides the PASS test for use in the home by the parent. **(See the Test Resource List in the appendix at the back of this manual or on the LEAH internet website, [www.leah.org](http://www.leah.org).)**
- Some families opt to have testing done by a certified teacher or certified test administrator in the home (familiar place).
- Other families may choose to participate in a group testing situation with their support group (somewhat familiar people) at a facility large enough for many children to sit for a test at one time. Usually the families will order testing materials as a group to save costs. If they are using a currently published test, they may share the cost of the test administrator also.
- A poor choice would be to take the child to a non-public school to participate in the testing done by that school. The worst choice is to allow the public school to give the test in their facility. The reason these choices are not as good is that the idea of a standardized test is to have the child in familiar surroundings being tested by a familiar person. The parent/teacher should have charge of the testing situation.

**Q. Are state-mandated tests (i.e. PEP, or the new Assessments) required?**

A. No. Tests that are mandated by the State are not required to be taken by the home schooled student. These tests were intended to measure New York State curriculum.

**Q. Is a school district able to tell home-schooling families they cannot select and use a 1970 edition of the California Achievement Test as an annual assessment because it is outdated?**

A. Subdivision (h)(l) of Section 100.10 simply lists the California Achievement Test as one of the options from which parents may choose, No particular edition of the approved tests is specified, so parents are free to choose any edition that may be available to them.

**Q. Is "another qualified person" in subdivision (h)(l)(ii)(d) of the Regulations limited to a person who is a certified teacher?**

A. No. A plain reading of the language from the regulation indicated that the test may be administered "by a New York State certified teacher or by another qualified person..." The qualified person does not have to be a certified teacher; otherwise, there would be no need of the language "by another qualified person." A person is qualified to administer a standardized achievement test according to the requirements of the publisher of the test not those of the local school district. While the local superintendent has the right to consent to the person who administers the test, the superintendent does not have the authority to arbitrarily exclude persons who are not certified teachers. The Commissioner of Education clearly intended to include other persons as those eligible to administer the tests.

**Q. Are parents excluded from administering the standardized tests?** (Example: parents administer the California Achievement Test through Christian Liberty Academy Satellite Schools in Arlington Heights, Illinois.)

A. Section 100.10 does not exclude parents from administering the standardized tests, and had the Commissioner of Education intended to do so, there would be language to this effect in the Regulation. Unless the superintendent has some basis for believing the parent cannot be trusted to properly administer this test, we know of no reason the parent should be excluded from doing so. Nevertheless, the superintendent must consent to the parents administering the tests. Parents should not proceed to administer the standardized tests without first obtaining the superintendent's consent.

**Q. What Is The Alternate Form of Evaluation?**

A. The alternative forms of evaluation may be used for grades one through three and every other year for grades four through eight. According to the Regulations, the evaluation needs to be a written narrative prepared by a certified teacher, a home instruction peer review panel, or other person, chosen by the parent. This person should have interviewed the child and reviewed a portfolio of the child's work and state that the child has made adequate academic progress. The parent may prepare the written narrative, provided that consent is obtained by the school district. If the school district will not give consent, then try to gain consent by indicating another person, such as a NYS certified teacher, will be reviewing the narrative. Some parents look upon the written narrative as an expanded, and more detailed quarterly report. However, keep the narrative simple. It is not the purpose of this evaluation to convince the superintendent that you are worthy, but to simply meet the requirements of the Regulations. Be sure to include one of the following "certification" statements at the end of the narrative:

\*Use this statement if adequate academic progress has been made:

"I (Person who prepared the narrative) certify that  
{student's name} has made adequate academic progress."

OR

\*Use this statement if there has not been adequate academic progress made:

"I (Person who prepared the narrative) certify that (student's name) has not made adequate academic progress."

As indicated previously, be sure to make copies of all materials that will be submitted; send the material by certified mail. Make note that these are samples and that there are no specific guidelines in the regulations indicating what must be included in a narrative.

**Q. Does the local district have authority to limit persons who may conduct the alternative evaluation?**

A. The local school district has no authority to limit persons who may conduct the alternative evaluation in a way that effectively changes the language of the regulation. "Other person" in subdivision (h)(2)(iii) refers to someone who has "interviewed the child and reviewed a portfolio of the child's work." Nevertheless, the superintendent must consent to the person chosen by the parent. Their consent should be obtained before the evaluation is conducted and submitted to the school district.

**Q. Can home-schooled students participate in the PSAT, SAT?**

**A.** Yes. If you are planning to have your student attend college, such tests are part of the usual admissions requirements. Eligibility for the National Merit Scholarship is based on the score obtained from the PSAT. Arrangements must be made with the public school or a nonpublic school, so contact them early. The test forms have a question asking for a "school number." The number to use for students who are being home schooled is 993399.

## IHIP -Six-Year-Old Kindergarten Student

- Sample -

Name of Student Mary Jones

DOB 1/1/94

Address 123 Main Street, Anytown, New York 00000

Phone (123) 123-1234

Since there are no course requirements for Kindergarten in Section 100.10 of the Commissioner's Regulations, we will be working on phonics, numbers, colors, shapes, counting, and coloring, in addition to lots of reading, trips to the library, nature walks, baking and cooking, etc. We plan to have lots of fun!

# Individual Home Instruction Plan (IHIP)

- Sample -

Date: July 1, 2014

Name: John Homeschooler

DOB: 01/01/2005

Address: 123 Main Street, Anywhere, NY 00000

School District: Anywhere

Grade Level: Third

## Dates for the Submittal of Quarterly Reports:

**9/30/14** First Quarter  
**12/30/14** Second Quarter  
**3/30/15** Third Quarter  
**6/30/15** Fourth Quarter

<b>Reading</b>	Pathway Reading Series, Pathway Publishers, LaGrange, IN
<b>English Language</b>	Understanding Writing, Bradrick Family Enterprises, Port Orchard, WA
<b>Spelling</b>	Phonics For Reading and Spelling, Small Ventures, Dallas, TX
<b>Writing</b>	Italic Handwriting Series, Continuing Education Press, Portland State University
<b>Math</b>	Math-U-See, Level Three/Four- Drumore, PA
<b>Physical Education</b>	Participation in various group sports and programs including but not limited to gymnastics, softball and swimming,

**Continue the same information for all required subjects!**

\_\_\_\_\_  
Parent's/Instructor's Signature

*Note: You choose the dates for the submittal of quarterly reports! Be sure that you know the required subjects for the grade level(s) you will be teaching. It is suggested that you have your curriculum by mid-July in order to have all of your IHIP information in order.*





## Home Instruction Quarterly Report - Sample -

Quarter Ending	September 30, 2014	Quarter	1
Janey Homeschooler 123 Main St. Anywhere, NY 00000			
Hours of Instruction	225+	Grade:	First

Arithmetic Chapters 5-11, Addition and subtraction	Improving
Reading: Lessons 1-30	Learning phonograms quickly
English Language: Writing complete sentences, Capitalization nouns and verbs	Satisfactory progress in English
Spelling: Worked on weekly spelling words	B
Writing: Lesson 1-13	B+
Health and Safety: Proper nutrition, bicycle safety Hygiene	S
Physical Education: Gymnastics classes	Janey loves physical activity

*Note: Continue the same type of information for all required subjects!*

Signature of Instructor(s)

Note: You are providing two things: (1) Description of materials covered; and (2) Evaluation/Narrative OR Grade. You can choose to use a grade (A, B, C, D, F -Excellent, Satisfactory, Fail; Poor), or a Written evaluation (doing well, improving, loves math, etc.) for the grade I evaluation requirement. Use one or the other, not both. The description of materials should be extremely brief and simple. Use a format that is comfortable for you. You do not have to use their forms.

Jr. High and High School quarterlies can be done in the same manner: HSLDA interprets the regs 100.10(g) 1 "*the number of hours of instruction during said quarter*" to mean TOTAL hours. It is not required by the regs to report the number of hours for each subject in your quarterly report.

**Narrative - Sample -**

Mary Jones  
Anytown, NY 00000  
June 14, 2014

Mr. Joe Doe  
Superintendent of Schools  
13 Main St.  
Anytown, NY 00000

Dear Superintendent Doe,

Jimmy Jones has completed second grade using The Weaver Curriculum as his base. This curriculum is a multi-level, integrated, unit study curriculum and includes all subjects except for math, music, and reading.

He has a firm understanding of his second grade level work in his academic subjects and continues to excel in creativity and personal expression in art, music, original experiments and inventions. Jimmy is a creative child who enjoys "being himself" and is most content when busy with his latest "great idea." He readily works very diligently in these areas and does all of his work with perseverance.

Jimmy continues to have an appreciation for learning and, as usual, truly enjoyed his school year. He has demonstrated a good grasp of his curriculum for the 2013-2014 school year.

Sincerely,

Mrs. Mary Jones  
(Signed)

**Narrative - Sample -**

Jonathan Jones  
1234 Main St.  
Anytown, NY 00000

Grade: 3  
2013-2014  
June 14, 2014

After reviewing Jonathan's schoolwork for the 2013-2014 school year,  
I have determined that:

- Jonathan is a very good reader: His comprehension is good and his reading vocabulary is expanding. His word attack skills are still a strength.
- Jonathan demonstrates a good understanding of the English language through speech and writing. Jonathan's writing has improved tremendously; He enjoys writing poems, too.
- Jonathan does very well in Math. He has successfully completed the Grade 3 Math text.
- Jonathan has participated in a wide variety of activities in science and history. He demonstrates good understanding of all concepts presented.
- Jonathan also participated in and was instructed in Music, Phys, Ed., Art and Library.

Based on my review of Jonathan's work, we can confidently say that he has successfully completed third grade.

---

Mrs. Mary Jones (signed)

Mary Smith  
444 Any Street  
Anytown, NY 00000  
June 4, 2014

**Narrative - Sample -**

Mr. Joe Doe  
Superintendent of Schools  
13 Main St.  
Anytown, NY 00000

Dear Superintendent Doe,

Brenda Smith has successfully completed the fourth grade material from The Weaver Collection, a multi-level, integrated, unit-study curriculum, which included all subjects except for math, music and reading. However, reading list was taken from the recommended list in the *Weaver's Teaching Tips and Techniques*.

Brenda's strength is in reading and she excels in this area. She also exhibits a strong interest in the fine arts of music and dance.

Brenda has worked exceptionally hard in mathematics this year and I believe she has reached a goal of solidifying her math skills. Both health and art are enjoyed by Brenda and she is doing a splendid job in both of these subjects. Brenda's writing skills are more than satisfactory for the grade level but there is some fluctuation in their consistency. Mrs. Smith has expressed a desire to work more extensively in this area with Brenda next year.

Brenda will have her New York State History and New York State Constitution requirement completed by the end of this school year. These were integrated within different units of the Weaver curriculum, as well as with the use of the Abeka State Notebook, library books and field trips. Her work in this area is satisfactory and she enjoys it a great deal.

Brenda impressed me as a child with a loving, caring nature who has a concern for others. She has worked very hard this school year and deserves to be commended for her efforts.

Sincerely,

Mrs. Mary Smith  
(signed)

Mrs. Grace Allen  
444 Any Street  
Anytown, NY 00000  
June 4, 2014

**Narrative - Sample -**

Mr. Joe Doe  
Superintendent of Schools  
13 Main St.  
Anytown, NY 00000

Dear Superintendent Doe,

Beth has satisfactorily completed her school work for sixth grade, using a multi-level; integrated, unit study curriculum. This type of curriculum has benefited Beth in several ways. She has been able to study and explore areas that interest her, more in depth than she could with the typical textbook curriculum. Studying the same topics as her brother and sister has allowed her to work cooperatively with them on various projects. Discussions among them have been generated due to researching the answer to a common question or problem. It has helped to improve her research and writing skills.

Continuing in Saxon Math, Beth has solidified her basic math skills and learned new concepts with ease. She has done very well in math this year and is much more confident about her ability in this subject than in past years.

She has good comprehension in reading and fairly good analytical skills. She often chooses to read in her spare time and has truly found enjoyment in reading as a pastime. Spelling is still a weak area for Beth. She scores well on spelling tests, but makes spelling errors in her writing. She has shown improvement, but we continue to work at strengthening this weakness.

She has a solid foundation in language arts in the areas of grammar, expression, and punctuation. She has blossomed this year in creative writing, often doing more than the assignment required.

Beth especially enjoys the study of animals and plants in science. She also enjoys aspects of health. Upon completing this school year she has gained a clearer perspective on how the events of history fit together. She has a fine grasp of beginning computer skills.

She has explored many different skills and techniques in arts and crafts. She often took the initiative to start a project on her own. She is a member of a local 4-H club which affords her the opportunity to learn and grow in various areas of arts and crafts, practical arts, science, public speaking, and community service.

Beth has become more responsible and much more conscientious about her school work this year. She usually completes a task promptly when given an assignment and works independently and diligently.

Sincerely,

Mrs. Grace Allen  
(signed)

## **Alternative Annual Assessment Peer Review Panel**

One of the alternatives to testing suggested in the Regulations is the establishment of a peer review panel. The following materials were edited from documents volunteered by one of the LEAH chapters which offered this option to their members. Please realize that the Regulations are not specific as to the contents of the documents and these pages are only made as a suggestion for your consideration, and may be altered to suit the purposes of your individual situation.

### **Components:**

**Notes & Helps for Parents**

**Information Sheets -Parents to Panel**

**Form Letter -Panel to School Superintendent**

# Home Town LEAH Peer Review Panel

## Notes and Helps for Parents

This list is intended to facilitate the peer review process for both parents and panel members.

### WHAT TO INCLUDE IN THE PORTFOLIO:

- A copy of the IHIP that you submitted to your school district
- The Parent Comment Form: Please include any comments about the year in general with specifics about areas that you want the committee to be aware of during their evaluation.
- Examples of your child's work including a representative piece from each major subject area for each quarter. These could be tests, workbook pages, projects, even a short video or audio tape, i.e. anything which accurately demonstrates the progress of your child.

### WHAT YOU CAN EXPECT:

- This is not a snap judgement. This is a time for serious evaluation, friendly suggestions, and sympathetic support from parents who are experiencing many of the same things you are.
- Honesty, support, and confidentiality. The panel members won't tell you anything that isn't meant to be helpful and useful to you. We are a support group that cares about the success of one another.
- Two copies of a letter to submit to your school superintendent. This is a form letter with appropriate personal comments inserted. You should keep one copy for your own records.

# Home Town LEAH Peer Review Panel Annual Assessment

## Parent Comments for the Panel

Child's Name: Paul Johnson

Grade: 1

Date: June 15, 2014

Initially Paul knew the alphabet letters and how to write them, but he had difficulty remembering letter sounds. In observing his difficulty, we decided he lacked the maturity to do the reading program, *Sing, Spell, Read & Write* that we had originally chosen, so we substituted an extended phonics practice and oral language activities. Later we also switched to the Little Patriots series. Since March, Paul has completed the first books of the series and has shown readiness to progress further.

As writing goes along with reading, Paul has not done much until lately. Now that he is beginning to read he is eager to spell the words he is reading,

Paul does well with number facts to ten. He has some difficulty remembering numbers in the teens or twenties. He recognizes money values up to quarters and he knows that four quarters make a dollar.

*Joe & Betty Johnson, parents*



**From: HomeTown LEAH  
Peer Review Panel**

**Regarding: Annual Assessment**

**Date:** \_\_\_\_\_

To: Mr. John Allen, Superintendent  
Home Town School District

Home Town LEAH, the area support group for home schooling families, has established a peer review panel for annual assessments as provided for in the Regulations (Amendment to the Commissioner's Regulations 100.10). This panel consists of fellow home educators who have reviewed the IHIP and representative samples of schoolwork for the individual listed below.

Student: \_\_\_\_\_ Grade: \_\_\_\_\_

Parents' Names: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

We, the undersigned, have examined the portfolio of schoolwork as provided to us by the parents and interviewed (Name of Student ). It is clear from the material examined that (substitute an appropriate descriptive adjective) academic progress has been made by ( Name of Student )appropriate to the age and grade level listed above.

(A specific narrative comment can be included at this point, similar to the other types of narratives given in the samples provided .)

Sincerely yours,  
HomeTown LEAH Peer Review Panel  
*Signatures following*

## High School Specific Information

- Testing information can be found on the HSLDA.org website:

<http://www.hsllda.org/highschool/testing.asp>

- SAT Home School High School Code is: 970000
- A Transcript example follows on the next page. Other Transcript examples can be found on the HSLDA.org website:

<http://www.hsllda.org/highschool/academics.asp#transcripts>

- More information is on the LEAH.org website to help you

**SMITH ACADEMY**  
**OFFICIAL HIGH SCHOOL TRANSCRIPT**

STUDENT INFORMATION	SCHOOL INFORMATION
<b>FULL NAME:</b> Jane B Smith <b>ADDRESS:</b> 123 Main Street Anywhere, St 56879 <b>PHONE NUMBER:</b> 757-555-1212 <b>EMAIL ADDRESS:</b> janesmith@email.com <b>DATE OF BIRTH:</b> 02/17/92 <b>PARENT/GUARDIAN:</b> Joe and Mary Smith	<b>NAME:</b> Smith Academy <b>ADDRESS:</b> 123 Main Street Anywhere, St 56879 <b>PHONE NUMBER:</b> 757-555-1212 <b>EMAIL ADDRESS:</b> smithacademy@email.com

**ACADEMIC RECORD**

<b>SCHOOL YEAR:</b> 2007-2008 <b>GRADE LEVEL:</b> 9 <sup>th</sup> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Course Title</th> <th style="text-align: center;">Credit Earned</th> <th style="text-align: center;">Final Grade</th> </tr> </thead> <tbody> <tr><td>English 9</td><td style="text-align: center;">1.0</td><td style="text-align: center;">A</td></tr> <tr><td>Algebra I</td><td style="text-align: center;">1.0</td><td style="text-align: center;">A</td></tr> <tr><td>Biology w/lab</td><td style="text-align: center;">1.0</td><td style="text-align: center;">B</td></tr> <tr><td>Geography</td><td style="text-align: center;">1.0</td><td style="text-align: center;">C</td></tr> <tr><td>Latin I</td><td style="text-align: center;">1.0</td><td style="text-align: center;">A</td></tr> <tr><td>Logic</td><td style="text-align: center;">1.0</td><td style="text-align: center;">B</td></tr> <tr><td>Fine Arts: Piano</td><td style="text-align: center;">0.5</td><td style="text-align: center;">B</td></tr> <tr><td>Theology</td><td style="text-align: center;">0.5</td><td style="text-align: center;">A</td></tr> <tr> <td><b>Total Credits:</b> 7.0    <b>GPA:</b> 3.36    <b>Cumulative GPA:</b> 3.36</td> <td></td> <td></td> </tr> </tbody> </table>	Course Title	Credit Earned	Final Grade	English 9	1.0	A	Algebra I	1.0	A	Biology w/lab	1.0	B	Geography	1.0	C	Latin I	1.0	A	Logic	1.0	B	Fine Arts: Piano	0.5	B	Theology	0.5	A	<b>Total Credits:</b> 7.0 <b>GPA:</b> 3.36 <b>Cumulative GPA:</b> 3.36			<b>SCHOOL YEAR:</b> 2008-2009 <b>GRADE LEVEL:</b> 10 <sup>th</sup> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Course Title</th> <th style="text-align: center;">Credit Earned</th> <th style="text-align: center;">Final Grade</th> </tr> </thead> <tbody> <tr><td>English 10</td><td style="text-align: center;">1.0</td><td style="text-align: center;">B</td></tr> <tr><td>Geometry</td><td style="text-align: center;">1.0</td><td style="text-align: center;">B</td></tr> <tr><td>Chemistry w/lab</td><td style="text-align: center;">1.0</td><td style="text-align: center;">C</td></tr> <tr><td>World History</td><td style="text-align: center;">1.0</td><td style="text-align: center;">A</td></tr> <tr><td>Latin II</td><td style="text-align: center;">1.0</td><td style="text-align: center;">B</td></tr> <tr><td>Rhetoric</td><td style="text-align: center;">1.0</td><td style="text-align: center;">A</td></tr> <tr><td>Fine Arts: Piano II</td><td style="text-align: center;">0.5</td><td style="text-align: center;">B</td></tr> <tr><td>Old Testament Survey</td><td style="text-align: center;">0.5</td><td style="text-align: center;">B</td></tr> <tr> <td><b>Total Credits:</b> 7.0    <b>GPA:</b> 3.14    <b>Cumulative GPA:</b> 3.25</td> <td></td> <td></td> </tr> </tbody> </table>	Course Title	Credit Earned	Final Grade	English 10	1.0	B	Geometry	1.0	B	Chemistry w/lab	1.0	C	World History	1.0	A	Latin II	1.0	B	Rhetoric	1.0	A	Fine Arts: Piano II	0.5	B	Old Testament Survey	0.5	B	<b>Total Credits:</b> 7.0 <b>GPA:</b> 3.14 <b>Cumulative GPA:</b> 3.25		
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<b>ACADEMIC SUMMARY</b> Cumulative GPA: 3.38  Credits Earned: 28.0  Diploma Earned: yes  Graduation Date: 6/15/2011	<b>GRADING SCALE</b> 90 – 100 = A 80 – 89 = B 70 – 79 = C 60 – 69 = D 59 – below = F	<b>NOTES</b> * Coursework taken at a local community college. Official transcript from college has been requested and will be sent to you shortly.
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*I do hereby self-certify and affirm that this is the official transcript and record of Jane B. Smith in the academic studies of 2007 – 2011.*

Signature: \_\_\_\_\_ Title: Principal      Date: July 2, 2011

Mr. and Mrs. [Name]

[Address]

[Phone Number]

Superintendent Name  
Street  
City, NY

Date

Dear Superintendent [Name]:

Our student, [Student's Name], is now at the point of finishing his/her homeschool high school program.

As you are aware, we have submitted all Individualized Home Instruction Plan forms, quarterly reports and annual evaluations under NYS Regulations 100.10 for the equivalent of four years of high school.

In order to expedite his/her further life in higher education and/or career path, we respectfully request a letter from you attesting to the completion of a four-year high school program in compliance with Section 100.10 of the Regulations of the Commissioner of Education- the requirements for a homeschool program. Such a letter might say:

I have examined all of the records submitted for [name of student] in accordance with Section 100.10 of the Regulations of the Commissioner of Education. The records show that Individualized Home Instruction Plan (IHIP) forms, quarterly reports and annual assessments have been received for the equivalent of four years of high school work in a home instruction program. Therefore, I hereby certify that [name of student] has completed the substantial equivalent of a four-year high school course in compliance with Section 100.10.

Please respond within ten business days to our request for this letter.

You can find more information in the Guidance letter from the New York State Education Department at <http://www.p12.nysed.gov/nonpub/homeinstruction/homeinstruct.html> and in Home School Legal Defense Association's April 2005 memo.

Thank you for your time on this matter.

Sincerely,

/signed.

[Note: photocopy and send by registered mail.]

**Sample Letter Certifying Substantial Equivalence  
by Home Instruction Program**

RE: Certification of Compliance with Section 100.10

To Whom It May Concern:

I have examined all of the records submitted for [name of student] in accordance with Section 100.10 of the Regulations of the Commissioner of Education. The records show that Individualized Home Instruction Plan (IHIP) forms, quarterly reports and annual assessments have been received for the equivalent of four years of high school work in a home instruction program. Therefore, I hereby certify that [name of student] has completed the substantial equivalent of a four-year high school course in compliance with Section 100.10.

Sincerely,

Superintendent of Schools

# HOME SCHOOL LEGAL DEFENSE ASSOCIATION

*Advocates for Family & Freedom*

J. MICHAEL SMITH, ESQ.  
PRESIDENT (CA, DC, VA)

CHRISTOPHER J. KLICKA, ESQ.  
SENIOR COUNSEL (VA)

DEWITT T. BLACK, III, ESQ.  
SENIOR COUNSEL (AR, SC, DC)

SCOTT W. SOMERVILLE, ESQ.  
ATTORNEY (VA)

THOMAS J SCHMIDT, ESQ.  
ATTORNEY (CA)

MICHAEL P. FARRIS, ESQ.  
GENERAL COUNSEL (DC, WA)

JAMES R. MASON III, ESQ.  
LITIGATION COUNSEL (OR)

SCOTT A. WOODRUFF, ESQ.  
ATTORNEY (VA, MO)

DARREN A. JONES, ESQ.  
ATTORNEY (CA)

## Section 100.10 Compliance Checklist

\_\_\_\_\_  
Name of student

### 9<sup>th</sup> Grade

- \_\_\_\_ Individualized Home Instruction Plan (IHIP) form<sup>1</sup>
- \_\_\_\_ 1<sup>st</sup> Quarter Report<sup>2</sup>
- \_\_\_\_ 2<sup>nd</sup> Quarter Report
- \_\_\_\_ 3<sup>rd</sup> Quarter Report
- \_\_\_\_ 4<sup>th</sup> Quarter Report
- \_\_\_\_ Annual Assessment

### 10<sup>th</sup> Grade

- \_\_\_\_ Individualized Home Instruction Plan (IHIP) form
- \_\_\_\_ 1<sup>st</sup> Quarter Report
- \_\_\_\_ 2<sup>nd</sup> Quarter Report
- \_\_\_\_ 3<sup>rd</sup> Quarter Report
- \_\_\_\_ 4<sup>th</sup> Quarter Report
- \_\_\_\_ Annual Assessment

### 11<sup>th</sup> Grade

- \_\_\_\_ Individualized Home Instruction Plan (IHIP) form
- \_\_\_\_ 1<sup>st</sup> Quarter Report
- \_\_\_\_ 2<sup>nd</sup> Quarter Report
- \_\_\_\_ 3<sup>rd</sup> Quarter Report
- \_\_\_\_ 4<sup>th</sup> Quarter Report
- \_\_\_\_ Annual Assessment

### 12<sup>th</sup> Grade

- \_\_\_\_ Individualized Home Instruction Plan (IHIP) form
- \_\_\_\_ 1<sup>st</sup> Quarter Report
- \_\_\_\_ 2<sup>nd</sup> Quarter Report
- \_\_\_\_ 3<sup>rd</sup> Quarter Report
- \_\_\_\_ 4<sup>th</sup> Quarter Report
- \_\_\_\_ Annual Assessment

<sup>1</sup> IHIP must 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;
- (3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g); and
- (4) the names of the individuals providing instruction.

<sup>2</sup> Quarter Report must contain:

- (1) the number of hours of instruction during the quarter;
- (2) a description of the material covered in each subject listed in the IHIP;
- (3) either a grade for the child in each subject or a written narrative evaluating the child's progress; and
- (4) a written explanation in the event that less than 80% of the amount of the course materials as set forth in the IHIP planned for that quarter has been covered in any subject.

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DARREN A. JONES, ESQ.  
ATTORNEY (CA)

## MEMORANDUM

April 2005

To: Superintendent of Schools

From: Christopher J. Klicka, Esq.

Re: Home Instruction Verification Letter of Substantial Equivalence

### Introduction

This memo is provided to you to help facilitate the right of homeschool students obtain a letter of substantial equivalency. The homeschool student requires this letter in order to graduate from a New York college or University.

### New Board of Regent Rules for Homeschool Students

Effective September 30, 2004, the Board of Regents Rules have been amended to enable a college student to receive an earned degree from a New York degree-granting institution upon satisfactory evidence of meeting any one of six options.<sup>1</sup> The second option is the subject of this memorandum.

Under this option a student is to provide evidence of their “having completed the substantial equivalent of a four-year high school course, as certified by the superintendent of schools or comparable chief school administrator of the candidate’s school district to residence at the time such course was completed” to be eligible to receive an earned degree from a New York institution of high learning.<sup>2</sup>

New York Education Law § 3204 provides that if instruction is given to a minor elsewhere than at public school it is to be “substantially equivalent” to that given to minors of like age and attainments at the public school. A home student is deemed to be receiving “substantially equivalent” instruction if the parent is conducting a home instruction program in compliance with the Regulations of the Commissioner of Education.<sup>3</sup> In other words, if the parent has filed their Individualized Home Instruction Plan (IHIP) forms, the quarterly reports, and annual assessment for their child they are deemed to be providing a substantially equivalent education.

In short, a school superintendent must provide a letter of substantial equivalency to a homeschool student upon request. If the family has provided all of the requirements of the regulations for their child's homeschool high school program there is no discretion or judgment necessary.

### **How to Verify Substantial Equivalence under the Regulations**

Under the regulations a parent is required to submit to the local superintendent a notice of intent to teach their children at home. The superintendent is to send to the parents within 10 days of receipt of the notice of intent a copy of the regulations and a form on which to submit the IHIP. <sup>4</sup>

A parent is then required to return a completed IHIP within four weeks of receipt of the documents from the superintendent. The IHIP must 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;
- (3) the dates for submission to the school district of the parents' quarterly reports as required in subdivision (g); and
- (4) the names of the individuals providing instruction. <sup>5</sup>

The parent must provide instruction in the required courses for a homeschool high school program and document this in their child's IHIP. <sup>6</sup>

### **Homeschool High School Unit Requirements**

Homeschool students are required to complete the following units for grade 9 through 12:

English-	Four units	Social Studies-	Four units, including
Mathematics-	Two units	American History-	One unit
Science-	Two units	Government-	One-half unit
Art/Music-	One unit	Economics-	One-half unit
Health-	One-half unit	Physical Education	Two units
Electives-	Three units <sup>7</sup>		

A unit means 6,480 minutes of instruction per school year. <sup>8</sup>

### **Completion of Homeschool Program**

To complete the home instruction program for a high school student the parent will submit quarterly reports on the dates they have selected in the IHIP and an annual assessment for grades 9 through 12. A standardized achievement test score is to be deemed adequate if the student has received a composite score above the 33<sup>rd</sup> percentile on national norms or reflects one academic year of growth as compared to a test administered during or subsequent to the prior school year. <sup>9</sup>

### **Superintendent Must Provide Letter of Substantial Equivalency**



Upon completing the substantial equivalent of a four-year high school course through a home instruction program, a homeschool student can request certification from their superintendent verifying that they have complied with the regulations. This certification will then be used by that student to satisfy the requirements for college under the new Board of Regents Rule.<sup>10,11</sup> This certification for a home instruction student is to verify that they have complied with the regulations and that they have submitted all of the documentation necessary to demonstrate that they have completed the units for a homeschool program.

A superintendent is not to make a subjective judgment of the substantial equivalency of the home instruction program. Instead the purpose of the regulations is to enable the superintendent to make an objective determination of substantial equivalency. See question No. 36 of the *Revised Questions and Answers on Home Instruction* published by the New York State Department of Education.

Whether or not a homeschool student is currently of compulsory attendance age the superintendent must provide a letter of substantial equivalency within a reasonable time. In light of the timing and sensitivity of homeschool graduates seeking college admission the superintendent should provide this letter of substantial equivalency within 10 business days.

## **Conclusion**

A home instruction student who has complied fully with the regulations by annually submitting the (1) IHIP, (2) quarterly reports, and (3) annual assessment shall be given a letter by the superintendent which the student can then submit to the college or university. This letter shall certify that the homeschool student has completed the substantial equivalent of a four-year high school course through a home instruction program. This determination of substantial equivalency is to be based upon an objective determination of compliance with the regulations and is not to be a subjective comparison of individual home instruction programs with New York state standards.

## **Background**

Established in 1983, Home School Legal Defense Association (HSLDA) is a national organization which has as its primary purpose the protection of the right of parents to teach their children at home.

The Board of Regents Rule change came about through the efforts of HSLDA, Loving Education at Home (LEAH) and the efforts of thousands of homeschool families across the state. HSLDA filed a lawsuit<sup>12</sup> that challenged the old regulation, worked with the Board of Regents and the State Education Department in the amending the regulations and helped deliver thousands of phone calls to the Board of Regents from homeschool families. As a result, we are very familiar and understand the intent behind the Board of Regents Regulations. We continue to represent over 2,500 homeschool families in New York.

Enclosures:

*Guidelines on Revised Rules and Regulations Relating to: The Requirements for Conferral of a College Degree*  
*Revised Questions and Answers on Home Instruction*  
Sample Letter Certifying Substantial Equivalence  
Regulation Compliance Checklist

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<sup>1</sup> 8 NYCRR § 3.47

<sup>2</sup> 8 NYCRR § 3.47(a)(2)(i)(b) and (ii)(b)

<sup>3</sup> 8 NYCRR § 100.10(a)

<sup>4</sup> 8 NYCRR § 100.10(c)

<sup>5</sup> 8 NYCRR § 100.10(d)

<sup>6</sup> 8 NYCRR § 100.10(e)

<sup>7</sup> 8 NYCRR § 100.10(e)(iv)

<sup>8</sup> 8 NYCRR § 100.10(e)(1)

<sup>9</sup> 8 NYCRR § 100.10(h)(1)(v)

<sup>10</sup> 8 NYCRR § 3.47

<sup>11</sup> *Guidelines on Revised Rules and Regulations Relating to: The Requirements for Conferral of a College Degree*

<sup>12</sup> *Paul Owens v. Board of Regents*

## Special Needs Information

For More Information and Resources Visit:

<http://www.leah.org/parents-instructing-challenged-children/picc-resources-i/>

# **Students with Special Educational Needs & Compliance with New York State Regulations**

## **Information from PICC**

The following is a compilation of what we have found to work, based on our own experiences with our own districts, and should not be taken as legal advice. It has been our experience that New York State Regulations can be applied to students with special needs with only a few small changes when necessary.

If a child's special needs mildly or temporarily affect his academic progress, the steps that will be taken toward remediation or compensation of this need should be noted in his/her IHIP. For example: Writing "Angela's broken arm makes writing with a pencil difficult, therefore writing assignments will be done on a word processor or dictated into a tape recorder." Or: Reading -"Emily's continued healing from eye surgery makes it necessary for her to utilize talking books for approximately the next three months:" Quarterly reports and year end evaluations hold the same for these children as any other. (You must state if 80% of the plan has been covered. If it hasn't, you must state how your plan will be modified.) .

When a child's special educational needs cannot be met by a few simple alterations on his/her IHIP, then you may want to notify the school's **Committee on Special Education**. Effective July 7, 2008, the NY State Education Department published guidance on Chapter 217 of the Laws of 2008 (*New requirements for the Provision of Special Education Services to Home-Instructed ("Home-Schooled") Students*), relating to students with disabilities who are in home instruction programs pursuant to section 100.10 of the Regulations of the Commissioner of Education. <http://www.p12.nysed.gov/specialed/publications/policy/homeinstructed708.htm> . This guidance provides the details and steps required that a parent must follow in order to request an initial evaluation and/or special education services for their homeschooled child from their school district. All requests must be made to your school district's board of education. A sample letter to request an initial evaluation or continuation of special education services in NY State is available at: [http://www.leah.org/wp-content/uploads/2012/12/Info\\_Sample\\_Letter\\_Svc\\_Eval\\_NYS.pdf](http://www.leah.org/wp-content/uploads/2012/12/Info_Sample_Letter_Svc_Eval_NYS.pdf)

It is the responsibility of the **Committee on Special Education** (CSE) to determine through testing if your child does indeed have a special educational need. This is known as an initial evaluation. If student's handicapping condition are not labeled by the CSE, the student must follow the state regulations year end evaluation measures as indicated for the grade level in which the child is registered.

A copy of the most up to date NYS Special Education Law is available at <http://www.p12.nysed.gov/specialed/lawsregs/home.html> .

**Publications for Parents** which provide an overview of the Special Education process are available at <http://www.p12.nysed.gov/specialed/parentpubs.htm> .

The document *Special Education in New York State for Children Ages 3–21 - A Parent's Guide- May 2002* available at <http://www.p12.nysed.gov/specialed/publications/policy/parentguide.htm> has not been revised to reflect the new requirements of the Individuals with Disabilities Education Act as reauthorized in 2004. However the link to the Sample Request for Due Process Proceedings has been updated to the form effective March 2014. Though this document has not been updated, it can help you to better understand the steps that your school district will be taking to monitor your child's education. If a need is

found, an Individualized Education Service Plan (IESP) will then be drawn up by the **Committee on Special Education** (not yourself or some other educational consultant). This IESP will show the goals for your child's education and a plan as to how they would be reached. It may include physical therapy, occupational therapy, speech therapy, visual therapy, etc. These are called related services. When the public school recommends related services it is with their classroom situation in mind. When you look at related services, it must be with your home school situation in mind. You may not need an extensive amount of therapeutic services because you will follow up on your child's therapy at home. (You can see that your child sits in appropriate positions, practices his speech exercises, etc. A busy public school teacher may not have time to give your child that individual attention, so their program may involve more intensive therapy time with the therapist.)

Every public school district is obligated to offer related services to any student who has been identified as having a handicapping condition at the written request of the parent. The school district must provide the student the related services in accordance with the approved IESP for the student. You may choose which of these services the district will provide. You may also refuse all of them. The board of education of your school district determines the location where special education services will be available to the homeschooled student, which could include the site of the home school. If you choose not to use these related services through your school district, you should address the needs of the child in the IHIP. The IHIP should include the equivalent services listed in the IESP. As home instruction is, by its very nature, individualized and flexible, parents may provide for the needs of their children in different ways than those contained in the IESP. You can choose another way to provide for your child's therapeutic needs than those specifically prescribed by the district. For example, you could choose therapeutic horseback riding instead of physical therapy. You may use household tasks such as sorting laundry or doing household chores to go along with two-handed fine motor exercises as part of your child's occupational therapy. You may decide to use a therapist or other professional as a consultant and follow through with his/her monthly suggestions in your daily activities.

Students with an IESP may utilize the alternate evaluation measures noted in their IESP. They may also use testing accommodations listed in the IESP (examples: extended or waived time limits, enlargements, use of calculator, someone else records answers on answer sheet, have certain parts read to them) when they reach the age of standardized testing. The district must also provide any specialized materials that are made note of in the child's IESP. This may include special curriculum, therapy equipment, or computer adaptations for example. The options are variable but it must be in writing and it must pertain to the child's education. It should be noted that alternative evaluation measures and testing accommodations may be obtained privately through a qualified professional and that parents are not required to obtain them through their child's school district.

**If your child is known to have a handicapping condition by the public school system's CSE (Committee on Special Education)**, then it is suggested that in the space labeled Grade Level on the cover sheet of your IHIP forms, that the parent write the functional grade level of the student (the grade level the student is actually doing academic school work at and not their chronological grade level) followed by the child's diagnosis (whatever the CSE said that is -CP, Legally Blind, Hearing Impaired, etc). This tells the district that your child will progress at his/her own speed, won't take a standardized test until they are doing 5th grade work (in all subjects, and may have to have testing accommodation. A parent may be able to determine the approximate functional grade level that their student is performing at through available school district testing, private evaluation, or through the use of academic assessments

such as the *Brigance Diagnostic Inventories*. If a student is be doing academic work at a multiple grade levels (example: grades K-2), the grade level on the IHIP should reflect that grade span. Parents should always consult with the Homeschool Legal Defense Association ([www.hslda.org](http://www.hslda.org)) prior to submitting an IHIP for the first time for a child with special ends if the beginning grade level for that child is in question.

You can choose to not notify the public school of your child's special educational need and work on remediation yourself. You may also choose to make it known to the Committee on Special Education and accept all, part, or none of their related services. The choice is up to you, the parent. Remember, if they know you have a child with a handicapping condition, they must offer your child an Individual Education Service Program. You are under no obligation to take any of it.

Some final words of advice for you. Take good notes at all meetings (having another witness is also advisable at meetings) and of phone conversations. Note who you talked to, first and last name, their title, and when the conversation took place. Document everything! Don't act on someone's say so, see it in writing first. WRITE IT DOWN! WRITE IT DOWN!

Do some research and lots of praying.

## **Resources:**

**NYSED Commissioner's Regulation 100.10 Home Instruction**

**<http://www.p12.nysed.gov/part100/pages/10010.html>**

**NYSED Revised Questions and Answers on Home Instruction**

**<http://www.p12.nysed.gov/sss/homeinstruction/homeschoolingqanda.html>**

**NYSED Special Education Department**

**<http://www.p12.nysed.gov/specialed/>**

**NYSED New Requirements for the Provision of Special Education Services to Home-Instructed ("Home-Schooled") Students**

**<http://www.p12.nysed.gov/sss/homeinstruction/homeinstructionguidance708.html>**

**Parent to Parent of New York State**

**<http://parenttoparentnys.org/education/resources/C177/>**

**Parents' Guide to Special Education**

**<http://www.p12.nysed.gov/specialed/publications/policy/parentguide.htm>**

Please note: This document has not been revised to reflect the new requirements of the Individuals with Disabilities Education Act as reauthorized in 2004. However the link to the Sample Request for Due Process Proceedings has been updated to the form effective March 2014.

### **Home School Legal Defense Association**

HSLDA's attorneys have helped special needs families across the nation protect their right to homeschool when officials go out of bounds. Besides legal help, HSLDA's Special Needs Coordinators are available for consultation. HSLDA has lists of resources and names of professionals qualified to assist in testing or setting up IHIPs.

<http://www.hslda.org/strugglinglearner/default.asp>

PO Box 3000

Purcellville, VA 20134

Telephone 540-338-5600

### **LEAH - Parents Instructing Challenged Children (PICC)**

Special Needs Services and Support is available to LEAH members. Members have access to a special needs lending library, confidential online chat group, phone, email and SKYPE support, homeschool friendly provider listing, as well as educational support programs.

<http://www.leah.org/parents-instructing-challenged-children/parents-instructing-challenged-children-faqs/>

### **Further notes for families with special needs:**

We have compiled a list of tips, advice and resources for families home schooling children with special needs. We hope this will help you. It was compiled from a variety of sources (parents, chapter leaders, HSLDA's Special Needs Coordinator and legal staff, and PICC). This does not imply LEAH's endorsement of all resources or organizations. They all vary in approach, content, cost, etc. It is up to each family to do the research and determine what will meet their unique needs and situation.

LEAH does not give legal advice. The purpose of this section is to give parents of special needs students a beginning point. Parents are ultimately responsible for the decisions made for their own children. That said, then it is highly recommended that each family join HSLDA. Also HSLDA offers helpful information for member parents who are home schooling special needs children. They have a Special Needs Coordinator available to help with questions, writing IEPs, understanding options, resource suggestions. Through HSLDA families can rent an assessment test for evaluating their child's special needs (offered at a fraction of what it would cost to buy it... this alone is worth the cost of HSLDA membership).

Parents of special needs students should be very familiar with the Home School Regulations and know their rights.

Understand the term IESP, which stands for Individualized Educational Service Plan. An IESP is the same as an IEP (Individualized Education Plan) but that is what it is called for non-public schools, which homeschooled students under C.R. 100.10 who receive special education through their school districts in NY State are considered. An IESP is an educational plan developed by professionals and parents. It plans ways that the child's special needs will be met in addition to, or in place of regular class/curriculum.

Parents can choose COMPLETE control of their child's education. This means they do not have to meet with school professionals for evaluations, tests, or even have them develop the IEP. These can all be done using private sources. Realize that children DO NOT have to be tested by the school. Look for private

alternatives to school services and evaluations/tests. Neither LEAH nor HSLDA suggest that families use the "free" services from the government schools. An HSLDA brochure on special needs says it this way, "We understand that as a matter of economics and ease of access, free public school services are very attractive. We also understand however, that strings of regulation come attached to these programs. Generally, we find that the longer a family uses these programs, the tighter the strings of control become." Below are a few alternatives to using the school.

- Your present health insurance often will cover some evaluations, therapy, etc. (if you have a referral from your doctor.)
- Ask a pediatrician for private sources for testing and therapy.
- Make use of LEAH PICC Special Needs Services and Support
- Make use of the Special Needs Coordinators at HSLDA and rent the test from them
- Ask HSLDA to send you a list of local professionals and organizations.

Parents do not have to inform the school of a child's special need or use an IESP. BUT, if the student does not have "a composite score above the 33" percentile on national norms," [C.R.100.10 (h) (1) (v) (a)] or the student's score fails to "reflect one academic year of growth as compared to a test administered during or subsequent to the prior school year," [C.R. 100.10 (h) (1) (v) (b)] your home school program will be put on probation. See the Regulations, subdivision (i) Probation. Seek ways to get better test scores. For example, you could elect to use the PASS Test which does not use time limits. If a student requires testing accommodations to successfully demonstrate knowledge of material learned for standardized testing purposes, parents may use any testing accommodations specified in a child's IESP or on a Section 504 plan prepared by the Committee on Special Education (CSE). If a student does not have an IESP or Section 504 plan but requires accommodations in order to successfully demonstrate knowledge of material learned, parents should consider seeking a professional evaluation to determine student testing accommodation needs and get a Letter of Accommodation.

For a listing of Testing Services please see go to:

<http://www.leah.org/parents-instructing-challenged-children/picc-resources-i/>  
[http://www.hslda.org/strugglinglearner/sn\\_testing.asp](http://www.hslda.org/strugglinglearner/sn_testing.asp)

If a family does choose to use the school for help with testing and identification of their child as a special needs student, understand the parent always has the upper hand. The parent has the final say in all decisions regarding his /her child. In this culture we are taught to believe that the "professionals" know best. This is not always the case. Parents should not be intimidated by superintendents or school psychologists, nor submit to any request that is outside the law or seems unreasonable for his/her child.

Parents who do choose to let the school have some say in their child's evaluation or IESP do not have to accept any or all of it. They can also bring in their own consultants to meetings. When a non-public school parent uses the school to help develop the IESP, the school is obligated by law to offer special services. However, the parent is not obligated to use those services.

Note: All of the above apply even to a child who already has been labeled, evaluated, serviced or given an IEP (Individualized Education Plan) by a school district.



## Sample Blank Forms

## IHIP -Six-Year-Old Kindergarten Student

School District: \_\_\_\_\_ Date: \_\_\_\_\_ Grade Level: Kindergarten

Name of Student \_\_\_\_\_ Age 6

Address \_\_\_\_\_

Instructor/s: \_\_\_\_\_

Dates for the Submittal of Quarterly Reports: \_\_\_\_\_

### **PLAN OF INSTRUCTION**

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## Individual Home Instruction Plan (IHIP)

School District: \_\_\_\_\_ Date: \_\_\_\_\_ Grade Level: \_\_\_\_\_

Name of Student \_\_\_\_\_

Address \_\_\_\_\_

Instructor/s: \_\_\_\_\_

Dates for the Submittal of Quarterly Reports: \_\_\_\_\_

Plan of Instruction	Materials
Subjects: (topics taught)	(syllabi, curriculum materials, textbooks, or plan of instruction for each subject)

[Use additional sheets, if needed.]

NOTE: If the student will be meeting the compulsory educational requirements of Education Law, section 3205 through full-time study at a degree-granting institution, meaning enrollment for at least 12 semester hours in a semester or its equivalent, the IHIP shall identify the degree granting institution and the subjects to be covered by that study. Per Commissioner's Regs 100.10(d)(5).

**Note: The annual assessment report is due when the 4th quarterly report is submitted.**

# QUARTERLY REPORT -Six-Year-Old Kindergarten Student

Date: \_\_\_\_\_

Circle One:

1<sup>st</sup>    2<sup>nd</sup>    3<sup>rd</sup>    4<sup>th</sup>    Quarter

Name of Student: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Description of materials covered:

\_\_\_\_\_  
Parent's/Instructor's signature

# Home Instruction Quarterly Report

Name of Student: \_\_\_\_\_ Grade Level: \_\_\_\_\_

Quarter Ending: \_\_\_\_\_ Quarter: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup>

Hours of Instruction: \_\_\_\_\_ Grade Level: \_\_\_\_\_

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Description of materials covered and evaluation of each subject area: or GRADE

We have covered at least 80% of our planned material for this quarter. Yes X No \_\_\_\_  
(if "no", please provide explanation in the space below.)

\_\_\_\_\_  
Signature of Instructor(s)