

## HOME INSTRUCTION FACT SHEET

*Listed below are some pertinent, but not necessarily widely known facts about home instruction in New York State under Section 100.10 of the Regulations of the Commissioner of Education:*

- Students instructed at home **are not awarded a high school diploma**. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Regents, the school, or the district.
- Home-instructed student are **not eligible** to participate in **interscholastic sports**. Section 135.4(c)(7) of the Regulations of the Commissioner of Education, which governs interscholastic sports, directs that a participant in interscholastic sports must be enrolled in the school.
- Districts are **not** required to loan textbooks to home-instructed students. A student unstructured at home is not enrolled in a nonpublic school, and therefore, the district is not obligated to loan those items which a district is required to provide, by stature, to children attending nonpublic school. However, a school district **may**, if it wishes to, provide textbooks and other materials to students instructed at home.
- Students instructed at home **may not participate in the instructional program** of the school district (exceptions are listed below). This is because the Legislature has not authorized part-time attendance.
- A district **must offer** a home instructed student with disabilities the **special education services**, as recommended on the Individualized Education Program (IEP) by the Committee on Special Education.
- A district **may, but is not obligated to**, make available to home instructed student occupational/vocational education programs and programs for the gifted available under Section 3602-c of the Education Law.
- A district **may, but is not obligated to**, allow home instructed students to participate in intramural and other school-sponsored club activities.
- State law **does not require any specific credentials** for the person(s) providing home instruction.
- Primary responsibility for determining compliance with Section 100.10 rests with the superintendent of school of the school district in which a home-instructed student resides. Section 100.10 also provides for parental appeals to the local school board of education and the Commissioner of Education.

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