

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 can only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Regents, the school or the district.
- Home-instructed students are not eligible to participate in interscholastic sports. Section 135.4 (c)(7) of the Regulations of the Commissioner of Education, which governs interscholastic sports, directs that a participant in interscholastic sports must be enrolled in the school.
- Districts are not required to loan textbooks to home-instructed students. A student instructed at home is not enrolled in a nonpublic school, and, therefore, the district is not obligated to loan those items which a district is required to loan, by statute, to children attending nonpublic schools. However, a school district may, if it wishes, 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 students occupational/vocational education programs and programs for the gifted available under Section 3602-c of the Education Law.
- A district may, but is not obligated to, allow home-instructed students to participate in intramural and other school-sponsored club activities.
- State law does not require any specific credentials for the person(s) providing home instruction.
- Primary responsibility for determining compliance with Section 100.10 rests with the superintendent of schools of the school district in which a home-instructed student resides. Section 100.10 also provides for parental appeals to the local board of education and the Commissioner of Education.
- The purpose of Section 100.10 is to provide a basis for an objective determination of substantial equivalence. A home instruction program that adheres to the standards of Section 100.10 at each state of the process should be deemed substantially equivalent.