Home Instruction and Special Education

I would like to take this opportunity to notify all parents of students with disabilities who are in home instruction programs pursuant to section 100.10 of the Regulations of the Commissioner of Education that:

For home-schooled students who are students with disabilities, the Committee on Special Education (CSE) would develop an individualized education services program (IESP) for the student. The IESP would be developed in the same manner and have the same contents as an individualized education program (IEP). An IESP is developed in consideration of the parents’ decision to home school their child.

In order to receive services, the parent must request special education services in writing to the board of education of the school district of location by June 1 preceding the school year for which the request for services is made. However, for a student who is first identified as a student with a disability after the first day of June preceding the school year for which the request is made and prior to the first day of April of such current school year, the parent must submit the written request for services within 30 days after the student was first identified. A request may also be submitted within 30 days of a change in the student’s school district of residence.

Special education services must be provided to home-schooled students on an equitable basis as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools within the district.

Parents of home-schooled students who disagree with the IESP recommendation of the CSE would be entitled to due process pursuant to Education Law section 4404 just as parents of nonpublic students are.

A board of education determines the location where special education services will be available to home-schooled students, which could include the site of the home school.