

## Special Education Services to Home-Instructed (“Home-Schooled”) Students

Dear Parents/Guardians:

The IDEA requires that home-schooled students receive special education services to the same extent other parentally placed private school students receive services only if home schools are recognized under State law as private elementary or secondary schools. In June, 2007, a State Review Officer’s decision confirmed that home schools are not recognized in New York as private elementary or secondary schools, and ruled therefore that public school districts in the state were not authorized to provide IEP services to home schooled students with disabilities.

Subsequently, the NYS legislature passed, and the governor signed on July 7, 2008, Chapter 217 of the Laws of 2008. This chapter adds a new subdivision 2-c to **Education Law Section 3602-c, to provide that students with disabilities being instructed at home by their parents shall be deemed to be a student enrolled in a nonpublic school and therefore eligible to receive special education services pursuant to 3602-c.**

As a parent or guardian, you must request special education services in writing to the Board of Education of the Grand Island School District by June 1 preceding the school year for which the request for services is made. However, for a child 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, you must submit the written request for services within 30 days after your child was first identified. A request may also be submitted within 30 days of a change in your child’s school district of residence.

For home-schooled students who are students with disabilities, the Committee on Special Education (CSE) would develop an individualized education services program (IESP) for your child. 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 your decision to home school your child.

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.

As a parent/guardian of a home-schooled student, should you disagree with the IESP recommendation of the CSE, you would be entitled to due process pursuant to Education Law section 4404 just as parents of nonpublic students are.

The Grand Island 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.

If you have any questions/concerns regarding this notification, please call Ms. Cheryl Cardone, Director of Pupil Personnel Services, at 773-8815.

Sincerely,

Cheryl Cardone  
Director of Pupil Personnel Services

CC/cbf