

# Riverside County Special Education Local Plan Area

## Home and Hospital Instruction

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### Introduction

Each Governing Board recognizes its responsibility for the education of all students in the local educational agency (LEA). It is important to distinguish various home instruction options by beginning with basic definitions, describing temporary home instruction versus hospital instruction, and requirements for special education home or hospital instruction.

Individual Instruction: instruction provided to an individual student in the student’s home, a hospital, or other residential health facility, excluding state hospitals.

Temporary Disability: a physical, mental, or emotional disability incurred while a student is enrolled in regular classes, including an alternative education program, and after which the student can reasonably be expected to return to regular day classes without special intervention. A temporary disability shall not include a disability for which a student is identified as a student with exceptional needs pursuant to Education Code § 56026.

### Temporary Home Instruction

Temporary home instruction is typically provided when a student is not expected to attend the regular, alternate, or special education program for four (4) weeks, with a maximum of one semester (18 weeks). Such instruction can only be provided by a teacher with the appropriate credential. Because one hour of home instruction is equivalent to one day of school attendance, LEAs typically offer up to five (5) hours of instruction per week. Each home instruction session shall not exceed three (3) hours, with a maximum of five (5) hours per week. No student shall be credited with more than five (5) days of attendance per calendar week, or more than the total number of calendar days offered by the LEA per semester or fiscal school year.

Generally only courses that are textbook oriented are considered for home instruction. Core curriculum subjects (i.e., English, Math, Social Studies, and Science) are generally available through home instruction. Courses such as advance placement, honors, or a foreign language may or may not be available. For classes that are not textbook oriented (shop, drama, band, etc.), other activities such as book reports on the subject matter, studying safety instructions, studying shop manuals, etc., should be explored by the site teacher and home instructor for short term absences. A student returning to school from home instruction shall have a reasonable time in which to complete makeup work for classes not offered under the home instruction program.

For a medically based temporary disability, a licensed medical physician must provide a written description of the student's condition, specify that the student's temporary disability makes school attendance impossible or inadvisable, and confirm that the student will not expose the home teacher to any contagious diseases that can be transmitted by casual contact. In some instances, when a child is consistently medically fragile, he or she may receive short-term home/hospital instruction due to need to keep child in a protected home setting for a short period of time (e.g., flu season, measles outbreak in class).

If a parent or guardian requests home instruction for a student due to an emotional disability, such disability must be diagnosed by a licensed mental health professional authorized to make such diagnosis and prescribe appropriate treatment, including, if applicable, medication. Home instruction is not a solution to poor school attendance or poor grades.

A student who is pregnant or a new mother is not eligible to receive home instruction on either of these bases alone. However, if the student experiences medically-related complications during or after pregnancy may be eligible if it is deemed a temporary disability. The LEA can require verification from a physician of the condition and its impact on the student's ability to attend school.

In grades K-6, the home instructor will meet with the site teacher to coordinate the instruction. In grades 7-12, the home instructor will meet with each subject teacher, if possible, or arrange lesson plans through the counselor. When the pupil is placed on home instruction, the pupil must remain on all class registers or class lists.

## **Hospital Instruction**

Hospital instruction is intended to be utilized only for limited, short-term placement of students who cannot receive instruction in a regular school, be it in a regular education, alternative education, and/or special education program. Typically hospital instruction is provided only when a student is expected to be out of school for 10 consecutive school days or longer.

The district wherein the hospital is located is considered the district of residence. If a student with a temporary disability is placed in a qualifying hospital or facility located outside of their district of residence, it is the parent's or guardian's responsibility to notify the school district in which the student is deemed to reside because of the hospitalization as well the student's regular district of residence. The student is deemed to meet the residency requirement for school attendance within the district where the hospital is located and shall receive individual instruction from that district.

One hour of hospital instruction is equivalent to one day of school attendance. Students typically receive up to five (5) hours of instruction per week. No student shall be credited with more than five (5) days of attendance per calendar week, or more than the total number of calendar days offered by the LEA per semester or fiscal school year.

As much as practical, the pupil shall receive instruction similar to that which would have been received at a school site. Core curriculum subjects (i.e., English, Math, Social Studies, and Science) are generally available through hospital instruction. Courses such as advance placement, honors, foreign language, lab classes, and/or career technical classes are not available through hospital instruction.

Upon receipt of such notification, the LEA shall determine, within five (5) working days, if the student will be able to receive individual instruction and, if so, when such instruction shall begin. Such instruction shall begin no later than five (5) days after making such determination. The LEA shall also provide written notification to the student's district of residence within five (5) days of beginning instruction notifying them not to count the student for daily attendance purposes while the student is in the hospital. Alternately the LEA can contract with the student's district of residence to provide the individualized hospital instruction for the duration needed.

### **Special Education Home or Hospital Instruction**

The California Code of Regulations defines "home and hospital services" as one of a number of "related services" in the Individuals with Disabilities Education Act (IDEA). Special education and related services provided in the home or hospital for school age pupils is limited to those pupils (1) who have been identified as individuals with exceptional needs in accordance with CCR Title 5 § 3030b and (2) whom the individualized education program (IEP) team recommends such instruction or services. A student with a disability identified under the IDEA may qualify for home or hospital instruction in a medical situation, pending disciplinary action or based on student needs.

In all cases, the IEP must be individually designed to assure that the student continues to make progress on goals (and objectives if appropriate). All the same procedures must be followed in developing an IEP for home or hospital instruction as are followed with any other special education program setting. Equipment or technology necessary to enable the child to benefit from home or hospital instruction, to access and make progress in the general curriculum, or to ensure progress on IEP goals must be provided as part of a free appropriate public education (FAPE). Since these programs are considered to be highly restrictive, they should be considered for use on a temporary basis, with a projected end date so the program does not become "stay-put" in the case of a dispute over FAPE. The student's need for special education supports during extended school year (ESY) to minimize regression and/or recoupment time must also be considered. Although the base for home or hospital instruction is 5 hours of attendance per week, students on IEP are entitled to all services, including related services, which could lead to more hours of attendance per week.

If the LEA does not have personnel with the appropriate credential available to support a student with disabilities who needs home instruction, the LEA may contract with the Riverside County Office of Education. In doing so, the LEA must complete the separate, individualized MOU for home instruction.

### **Medical Reason**

When recommending home instruction, the IEP team must have in the assessment information a medical report from (1) the attending physician and surgeon or (2) a report of the psychologist, as appropriate, stating the diagnosed condition and certifying that the severity of the condition prevents the pupil from attending a less restrictive setting. The IEP team should be augmented by the participation of a school nurse if the condition is physical in nature. If the medical condition is due to emotional conditions or mental illness, the school psychologist should participate on the IEP team.

The school nurse or the school psychologist should confirm with the physician the need for Home Instruction and the expected duration of the need and a projected calendar date for the pupil's return to school. If the duration is not known, the school person contacting the physician should seek information on when periodic evaluations of the student's condition are scheduled or projected. The LEA can request monthly written confirmations of the student's continued need for home or hospital instruction.

For those individuals with exceptional needs with a medical condition such as those related to surgery, accidents, short-term illness or medical treatment for a chronic illness, the IEP team shall review and revise (if appropriate) the IEP whenever there is a significant change in the pupil's medical condition. The IEP team may need to revise the IEP of a student who is placed on home instruction for medical reasons in those areas which are dependent on the student's previous placement (amount of time in general education, participation in extracurricular activities, support to personnel, etc.). Other issues which need to be reviewed and possibly revised include participation in physical education, special education services (duration, frequency, nature), related services (duration, frequency, nature), and accommodations and modifications that may no longer be needed or may now be needed in the new setting. The IEP team will also need to consider how the student will participate in statewide and districtwide testing that is required for all students and make suitable statements of any adaptations, modifications, or other arrangements that may be needed. The IEP team must meet to reconsider the IEP prior to the projected calendar date for the pupil's return to school.

### **Pending Disciplinary Action**

The IEP team does not initiate placement of a student on Home Instruction unilaterally for a disciplinary action. Home instruction is, in respect to disciplinary action, only for use if the disciplinary action is for a period of time greater than 10 school days. The team does need to have either written direction from a district administrator of the short-term or long-term disciplinary action. The IEP team should be augmented by the participation of a school psychologist if the placement is due to disciplinary action.

Special education students who are suspended pending expulsion may receive home instruction until the student's expulsion is approved by the Board of Education. This is short term, usually about 6 – 8 weeks. The student remains enrolled at their school of attendance pending Board action. Temporary home instruction must be documented on the service page at the pre-expulsion manifestation determination meeting.

The IEP team is required to revise the IEP of a student who is placed on home instruction for disciplinary reasons in those areas which are dependent on the student's previous placement (amount of time in general education, participation in extracurricular activities, support to personnel, etc.). Other issues which will need to be reviewed and possibly revised include participation in physical education, special education services (duration, frequency, nature), related services (duration, frequency, nature), and accommodations and modifications that may no longer be needed or may now be needed in the new setting. The IEP team will also need to consider how the student will participate in statewide and districtwide testing that is required for all students and make suitable statements of any adaptations, modifications, or other arrangements that may be needed.

In certain qualified situations, a school official may order or direct that a student with a disability be placed in an Interim Alternative Educational Setting (IAES). It is then up to the IEP to select the IAES for the student. IDEA specifies three instances of conduct that may trigger unilateral placement of a student with a disability in an IAES, without regard to whether the behavior is determined to be a manifestation of the child's disability. These are cases where a student with a disability:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or LEA;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or,
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.

Although the IAES is not defined in great detail in IDEA, it is clear that the determination of an appropriate alternative educational setting must be selected so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. And, even though a school official orders the student to an IAES, IDEA requires that the IEP team must determine the IAES. What constitutes an appropriate interim alternative educational setting depends on the circumstances of each individual case.

Placement into home instruction as the IAES is not automatic. Placement at home must meet the criteria for an appropriate IAES and that determination depends on individual circumstances, such as the length of the removal and the extent to which the child previously has been removed from his regular placement. It also should include consideration of the child's needs and educational goals. The IEP team needs to be ready to state why home instruction is the appropriate IAES rather than another school site, public or private.

If suspended expulsion is determined to be the outcome of the disciplinary action and no suitable placement on a comprehensive campus immediately exists, the IEP team may propose home instruction as a placement during the time in which an appropriate placement is being determined.

### **Home Instruction Based on Student Needs**

In rare cases, a student may be placed on home instruction for reasons based on the student's unique needs due to his or her disability or to instructional requirements (such as a specific methodology) and not due to medical or disciplinary reasons. The IEP team needs to ensure that the student continues to receive the appropriate special education and related services and access to the general curriculum. This includes the number of hours of instruction per week and the student's needs for related services (speech therapy, adapted PE, etc.) while the student is on home instruction. Hours of related service are in addition to those provided by the home instruction teacher.

### **Teacher Qualifications/Responsibilities**

As a special education related service, instruction in the home or hospital may be provided only by personnel who possess a credential authorizing the holder to deliver special education instruction according to the age range and disabling condition of the individual student. The provision of such instruction and services by the teacher or specialist must also be feasible. Such instruction may be provided individually, in small groups, and/or via telecast. The instruction may take place at the student's home with a parent or other adult present at all times. The parent must provide a study area which is safe, quiet and conducive to learning. Another location (i.e., at a public place such as the library) may be approved by the LEA based on unique circumstances. The person responsible for data entry must be notified if there is a change in instructional setting.

The teacher providing the home instruction is responsible for providing appropriate instruction based on the requirements of the IEP. If a different special education teacher is assigned, the student's case manager will provide a copy of the student's IEP to the temporary teacher. The temporary teacher shall contact the pupil's previous school and teacher to determine: (1) course work covered; (2) books and materials to be used; and, (3) who is responsible for issuing grades and promoting the pupil when appropriate.

For pupils in grades 7-12, the teacher also needs to confer with the school guidance counselor to determine (1) the hours the pupil has earned towards semester course credit in each subject included in the IEP and the grade as of the last day of attendance; (2) who is responsible for issuing credits when the course work is completed; and (3) who will issue the diploma if the pupil is to graduate.

## **Case Management**

A student who has an IEP and is on home or hospital instruction continues to have the right to a FAPE. In most cases, the case manager will be the special education teacher assigned to provide home instruction. This special education teacher/case manager will continue to be responsible to ensure that FAPE is provided, the student's IEP is implemented and all procedural safeguards and rights are being observed. All teachers providing home instruction to a student with disabilities will be required to have an active, current special education credential.

In some cases, the special education teacher/case manager of the student on home instruction will be the special education teacher/case manager in whose class or program the student was when the student was participating at a school site. If there is a change in case managers, the previous teacher/specialist and the new case manager both will be informed in writing of the assignment and change. Usually, the case manager is responsible for sending out pupil's progress on IEP goals while the home or hospital teacher provides the progress information.

The assigned special education teacher/case manager will be responsible for:

- Providing the specialized materials and equipment needed.
- Implementation of the student's IEP, including ensuring the delivery of any specialized or related services.
- Coordinating any student evaluations and assessments that are required and conducting the appropriate assessments that are usually done by the student's case manager.
- Coordinating and chairing meetings of the IEP team.
- Conducting timely reviews of the student's program, progress, and status to ensure that the student is returned to a less restrictive environment when timely and appropriate.
- Ensuring provision of related services identified on the student's IEP.
- Periodic communication with the student's parents.
- Periodic communication with the Home Instruction Coordinator.
- Coordination of instruction with the assigned Home Instruction, including consulting with the Home Instruction teacher on the implementation of the IEP and instruction related to the student's goals and objectives.

If a student remains on home instruction from one school year to the next and would normally transition from one grade level and/or campus to another, the case manager is responsible to ensure that the transition is accomplished with minimum disruption to the student's education. The case manager is also responsible for informing the Child Welfare and Attendance (CWA)

office that home instruction will continue the next school year and at the new school. The case manager will conduct a transition staffing with the subsequent year's prospective staff, including the probable case manager for the upcoming year, if there is a change in the student's school of attendance.

## **Common Practices**

The teacher selected to provide home instruction is responsible for following all procedures established by the CWA office. The selected teacher is also responsible for contacting the appropriate case manager and general education teacher and securing the necessary assignments, materials, and texts. The home instruction teacher is responsible for providing periodic status and progress reports regarding the student's work to the case manager and, if appropriate, the general education teacher(s) of the student. The home instruction teacher is responsible for recommending and reporting grades and other comments regarding the student's work to the student's school and the appropriate teacher(s).

If scheduled appointments are missed by home instructor, he/she must make up the missed time. If a student is unavailable for their scheduled time of home instruction, then the home or hospital instructor will still be paid and the session does not need to be rescheduled. Service providers shall document phone calls, teacher/ parent contacts, home visits, etc. Home instructors will follow the track schedule from the student's school of attendance. Students will not receive instruction on weekends, holidays or during vacation times. Home instructors will provide grade information at normal grade reporting periods according to the school calendar and when dropping home or hospital services. Home instructors are required to keep an attendance register for students on home or instruction.

A major issue in the offer of home instruction is when it may occur. Many Home Instruction Teachers are employed by the district and can only do Home Instruction after his or her contract day. There are no legal or procedural restrictions on the time of day or the frequency and duration of Home Instruction, other than those imposed by the IEP team in the affirmed IEP. If IEP meetings are held during the home instruction teacher's contract work day, the Home Instruction Teacher will not be reimbursed additionally for attending the IEP meeting. Time cards for these activities are separate from the time card for home instruction and should be completed and submitted to the appropriate office.

Mileage is reimbursable for one way from the instructor's school site to the student's home. When the instructor serves multiple students on any given day, mileage is reimbursed for distance traveled to each student's house, but not for mileage back to the instructor's home from the last student served. If the instructor serves the student in the evening and is traveling from his/her residence to serve the student, then the mileage is reimbursable for one round trip from the instructor's house to the student's house and back. Mileage for traveling to the student's school site for assignments and to get materials may also be reimbursable. Mileage and pay claims will be processed through the standard LEA procedures at the end of the month.

Any concerns regarding the provision of home or hospital services should be directed to the administrator overseeing the program.

## **Legal References**

Education Code Sections: 44865 Qualifications for home teachers. 45031 Home teachers. 48206.3 Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance. 48206.5 Continuation of individual instruction programs for students with temporary disabilities. 48207 Pupils with temporary disabilities in hospitals outside of school district; compliance with residency requirements. 48208 Presence of pupils with temporary

disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction. 48980 Required notification of rights and availability of nutrition and individualized instruction programs. 51800 Employment of home teachers. 51801 Home teacher's duties. 51802 Home teaching or instruction. 56026

### **References/Resources**

Corona Norco Unified School District. Home and hospital instruction.

El Dorado County Office of Education & Girard & Edwards (January 2015). ACSA Presentation: Effective management of requests for instruction in the home.

Girard Edwards & Hance (November 15, 2010). Home instruction services for special education students.

Lodi Unified School District (December 08, 1998). Policy and Rule 6183: Home and hospital instruction.

Los Angeles Unified School District (November 8, 2005). Policy Bulletin 1229.1: Carlson home instructional program and hospital school-revised.

Modesto City Schools. Special education home and hospital procedures.

M.S.C. California Special Education Code 3051.4: Instruction in the home or hospital.

San Diego Unified School District (February 25, 2004). Administrative Procedure 4257: Home and hospital instruction.

Unknown. (August 27, 2008). Section M: Home instruction and special education.

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