

Instruction Conducted in the Home

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June 30, 2005 (revised)

October 31, 2001 (formerly BEC 22 Pa. Code §342.42(c))

REMEDIAL ORDER

It should be noted that implementation of the following procedures is required by the terms of a federal court-approved remedial order. In *Cordero v. Pennsylvania Department of Education* (PDE), the district court directed PDE to implement a comprehensive system for identifying all children with disabilities who are experiencing placement delays or who are at-risk for placement delays. In part, the court order requires districts to report monthly all children with disabilities who are placed by the Individualized Education Program (IEP) team to instruction conducted in the home or assigned to homebound instruction to PDE .

This BEC will address only the reporting requirements of children placed by the IEP team to instruction conducted in the home or assigned to homebound instruction. The Intensive Interagency Coordination BEC will address the identification of children who are experiencing placement delays or who are at-risk for placement delays.

PURPOSE

This BEC will explain the reporting requirements for students with disabilities assigned to instruction conducted in the home by the IEP team and students with disabilities who may be assigned to homebound instruction.

REPORTING PROCEDURES

"Instruction conducted in the home" is included in the definition of special education located in the federal regulations (34 CFR §300.39(a)(i)) and is recognized as a placement option on the continuum of alternative placements for students with disabilities (34 CFR §300.115). The use of instruction conducted in the home is restricted to students whose needs require full-time special education services and programs outside the school setting for the entire day. Ordinarily, these will be students who, because of a severe medical condition or mobility impairment, are unable to leave home to attend school.

Although a student placed by his or her Individualized Education Program (IEP) team on instruction conducted in the home does not receive his or her program in the school setting, he or she remains entitled to a free appropriate public education equal to his or her non-disabled peers, unless this amount of instruction would jeopardize the child's health or welfare. In such cases, the IEP team can agree on fewer hours of instruction so long as the student still receives a free appropriate public education. In all circumstances involving the placement of a student on instruction conducted in the home, the districts and charter schools must electronically report students with disabilities to the Department within five 5 days of the placement. Districts and Charter schools must use the web-based reporting system, [Special Education Students at Home Reporting System](#) (email at SES@Home).

Districts and Charter Schools should use their Administrative Unit Number (AUN) as the user name to log into the reporting system. The password is identical to the one used to log into the Cyclical Compliance Monitoring System. For assistance identifying a user name and password, the school districts and charter schools may contact the Bureau of Special Education by phone at 717-783-6134. The Districts and Charter Schools must supply the Department with information about the student, his or her disability, **the type of program or placement required**, and the anticipated length and reason for the placement. Districts and Charter Schools must provide information regarding the person in the district or charter school whom the Department can contact to discuss the placement if necessary.

Instruction conducted in the home is not an appropriate option in other situations, such as when a district or charter school is experiencing difficulty in arranging the program or placement that a student requires. In such cases, the district or charter school should continue to serve the student in accordance with his or her IEP while taking steps to promptly arrange for the services that the student requires. These steps may include seeking assistance from the Department or from other child-serving agencies involved with the student.

Although instruction conducted in the home is not ordinarily permitted when the student has no condition preventing him or her from leaving the home, there are occasional, exceptional cases in which the parents and the district or charter school agree to instruction conducted in the home as a short-term option. In these cases, the district or charter school must report not less than weekly to the Department utilizing the web-based reporting system. As indicated on the [SES@Home](#) website, the district or charter school are also responsible for informing the Department when the short-term placement has concluded. "Instruction conducted in the home," which is listed in the continuum of special education alternative placements in federal regulations, should not be confused with "homebound instruction," which describes the instruction a district or charter school may provide when a student has been excused from compulsory attendance under 22 Pa. Code §11.25 due to temporary mental or physical illness or other urgent reasons.

Even though homebound instruction is not a special education placement option for students with disabilities, there are occasions when a student with a disability may receive homebound instruction due to a temporary excusal from compulsory attendance in the same manner as the student's non-disabled peers. Districts and charter schools must also report to the Department for students with disabilities for whom homebound instruction is approved and must also file a follow up report when the temporary placement has concluded and the student has returned to school. In addition, as indicated on the [SES@Home](#) website, districts and charter schools must document the physician's recommendation for homebound instruction.

If the temporary condition that precipitated the excusal from attendance for a student with disabilities results in a change in the student's need for specially designed instruction, Districts and Charter Schools may need to reevaluate the student. Districts or Charter Schools may also need to reconvene the student's IEP team to determine whether it is necessary to revise the IEP and change the student's placement to instruction conducted in the home. Moreover, the district or charter school may be responsible for providing

compensatory education to the student for the interruption in services if the district or charter school did not provide a free appropriate public education.

REFERENCES:

Department of Education Regulations

[22 Pa. Code §11.25](#)

Code of Federal Regulations

34 CFR §§300.39 and 115

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