

INSTRUCTION CONDUCTED IN THE HOME

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PURPOSE

The purpose of this Basic Education Circular (BEC) is to provide:

1. The federal and state regulations that apply to Instruction Conducted in the Home.
2. A definition for Instruction Conducted in the Home and Educational Placement.
3. The reporting requirements for students with disabilities assigned to Instruction Conducted in the Home by the Individualized Education Program (IEP) Team.
4. The difference between Instruction Conducted in the Home and Homebound Instruction for students with disabilities.

NOTE: 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 addresses the identification of children who are experiencing placement delays or who are at-risk for placement delays.

FEDERAL AND STATE REGULATIONS

Instruction Conducted in the Home is included in the federal regulations under 34 CFR § 300.39 Special education (a)(i) as: Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. Also, 34 CFR § 300.115 Continuum of alternative placements (b)(1) includes Instruction Conducted in the Home as: Include the alternative placements listed in the definition of special education under 34 CFR § 300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions).

Pennsylvania special education regulations under Title 22 PA Code Chapter 14, specifically § 14.102 Purposes, adopts by reference those federal regulations that refer to Instruction Conducted in the Home. They include: 34 CFR § 300.39 (relating to special education), 34 CFR § 300.113 and § 300.114(a)(2) (relating to routine checking of hearing aids and external components of surgically implanted medical devices; and

LRE requirements), and 34 CFR §§ 300.115—300.117 (relating to continuum of alternative placements; placements; and nonacademic settings).

EDUCATIONAL PLACEMENT

A local educational agency (LEA) has a duty after evaluating a student to determine if the student has a disability and requires specially designed instruction through the development of an IEP. According to 34 CFR § 300.306 (c)(2): If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§ 300.320—300.324. Based on the IEP, the LEA must determine the educational placement located in the least restrictive environment. Neither the Individuals with Disabilities Education Act (IDEA), nor its implementing regulations, however, define the term “educational placement.” According to 34 C.F.R. § 300.116 Placements: In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that:

(a) The placement decision –

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with IDEA’s LRE provisions of this subpart, including 34 C.F.R. §§ 300.114—300.118;

(b) The child’s placement –

(1) Is determined at least annually;

(2) Is based on the child’s IEP; and

(3) Is as close as possible to the child’s home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

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 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 (FAPE) equal to his or her non-disabled peers, unless this amount of instruction would jeopardize the child's health or welfare.

Instruction conducted in the home is not an appropriate option in situations when the LEA is experiencing difficulty in arranging the program or placement that a student requires. In such cases, the LEA 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 PDE or from other child-serving agencies involved with the student.

REPORTING REQUIREMENTS

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 LEAs to report monthly all children with disabilities who are placed by the IEP Team to Instruction Conducted in the Home or assigned to Homebound Instruction to PDE.

In all circumstances involving the placement of a student on Instruction Conducted in the Home, LEAs must electronically report students with disabilities to PDE via the Special Education Students at Home website at: [Special Education Students @ Home Reporting System](#). Reports must be made within five (5) days of the placement. LEAs should use their Administrative Unit Number (AUN) as the user name to log into the website. The password is identical to the one used to log into the Compliance Monitoring System on Leaderservices.com. For assistance identifying a user name and password, the LEA may contact the Bureau of Special Education by phone at 717.783.6913. LEAs must supply PDE 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. LEAs must provide information regarding the person within the specific LEA whom PDE can contact to discuss the placement if necessary.

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 LEA agree to instruction conducted in the home as a short-term option. In these cases, the LEA must report not less than weekly to PDE utilizing the web-based reporting system. As indicated on the [Special Education Students @ Home Reporting System](#), the LEA is also responsible for informing PDE when the short-term placement has concluded.

INSTRUCTION CONDUCTED IN THE HOME V. HOMEBOUND INSTRUCTION

Instruction Conducted in the Home should not be confused with "Homebound Instruction" which describes the instruction a LEA 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. The most important difference between Instruction Conducted in the Home and Homebound Instruction is that Homebound Instruction is NOT a special education placement while Instruction

Conducted in the Home is a placement made by the IEP Team. Formal definitions for each are below.

- **Instruction Conducted in the Home** is the most restrictive option on the continuum of special education placements for students with disabilities. This placement is provided as a last resort when a student with disabilities requires that special education services and programs can only be conducted in the home or a mutually agreed upon location that is decided by the IEP Team. This educational placement team decision also requires a Notice of Recommended Educational Placement/Prior Written Notice.
- **Homebound Instruction** is described in 22 PA Code § 11.25 Temporary excusals due to illness or other urgent reasons, "A principal or teacher may, upon receipt of satisfactory evidence of mental, physical or other urgent reasons, excuse a student for nonattendance during a temporary period, but the term 'urgent reasons' shall be strictly construed and does not permit irregular attendance. A school district shall adopt rules and procedures governing temporary excusals that may be granted by principals and teachers under this section. A school district, area vocational technical school, charter or independent school may provide students temporarily excused under this section with homebound instruction for a period not to exceed 3 months. A school district, area vocational technical school, charter or independent school may request approval from the Department to extend the provision of homebound instruction, which shall be reevaluated every 3 months."

Special Note: For students placed on Instruction Conducted in the Home, IEP Teams may consider technological options such as web conferencing, distance learning, video conferencing, and virtual classrooms to connect students to the classroom and schools, when appropriate, to provide access to teachers, peers, and provide additional participation and learning opportunities.

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. LEAs must also report to PDE 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 [Special Education Students @ Home Reporting System](#) website, LEAs 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, LEAs may need to reevaluate the student. In addition, the student's IEP Team may need to reconvene to determine whether it is necessary to revise the IEP and change the student's placement to Instruction Conducted in the Home. Moreover,

the LEA may be responsible for providing compensatory education to the student for the interruption in services if they did not provide FAPE.

The Pennsylvania Training and Technical Assistance Network website contains a publication titled *What is the difference between Homebound Instruction and Instruction Conducted in the Home?* which may provide additional information on the topic. You can access the publication at: [PaTTAN Pamphlet](#).

REFERENCES

Department of Education Regulations

22 PA Code § 14.102
22 PA Code § 11.25

Code of Federal Regulations

34 C.F.R. § 300.39
34 C.F.R. § 300.114
34 C.F.R. § 300.115
34 C.F.R. § 300.116

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