

## HOME-HOSPITAL INSTRUCTION, HOME INSTRUCTION AND INDEPENDENT STUDY

Ideally, all students would be educated with their peers within the school setting to the maximum extent possible. However, in the incidence that a student is unable to attend school due to a medical disability such as illness or hospitalization, an LEA/district may implement one of the following programs to meet the student's general and/or special education needs for the duration of their absence from the school setting: *Home-Hospital Instruction, Home Instruction or Independent Study*. The purpose of this section is to outline which instructional program in the home is most appropriate based on the student's educational program and level of need.

### *What is Independent Study?*

The purpose of independent study is to provide an alternative education program that is available to all students across all grade levels. Independent study programs are voluntary and use alternative instructional strategies that respond to individual student needs and learning styles. Instruction may be provided in the home, on a school site, or virtually. While a student is participating in independent study, the LEA/district is responsible for the provision of general education as well as special education and related services as deemed appropriate by the IEP team.

Per CDE, examples of when independent study may be appropriate include students who have health problems, are traveling for a period of time, are parents, need to work, or are child actors. As a reminder, the option to take courses via independent study must be continuously voluntary. [EC Section 51747(c)(7); 5 CCR 11700(d)(2)(A)].

For students with Special Education services, Independent Study must be stipulated in the IEP and must be developed and approved prior to the placement of the student in independent study. For a student who has an IEP and wants to participate in independent study, a determination as to whether independent study is appropriate must be made within 30 days and written into the IEP. The offer of special education and related services must continue to be based on student need while enrolled in the independent study program and must not be decreased based solely on availability of student, staff and/or resources. The IEP must specify the appropriate content under the Individuals with Disabilities Education Act (IDEA) 34 Code of Federal Regulations (CFR) 300.302 including:

- The percentage of time the student will participate in independent study.
- The percentage of time to be spent in regular education, if any.
- The percentage of time the student will receive special education support.
- Discussions of the placement options and supports considered in developing an independent study program for a student with special needs.
- The academic goals and services that are unique to the needs of the special education student.
- The accommodations and related services needed to maximize access in an independent study placement.
- A plan that outlines the course of study as it relates to the independent study curriculum.

### ***What is Home Instruction?***

Home instruction is also referred to as *Homebound Instruction* or *Instruction in the Home* and is considered a placement on the continuum of services for special education students. If a student with an IEP is deemed unable to access their educational program due to a temporary or ongoing medical disability, the school is obligated to continue to provide a program of special education and related services to the student during that time.

Home Instruction is also an educational program option available to students with disabilities who are hospitalized for medical or psychiatric purposes or who cannot be educated in the public school setting due to significant health or behavioral needs which may not be temporary in nature.

### ***Home Instruction: Eligibility, Services and Teacher Requirements***

In order to qualify for Home Instruction, a student must have an Individualized Education Program (IEP) or Section 504 plan. Home Instruction may only be provided under the following circumstances:

- Student has been identified as having exceptional needs (IEP or 504)
- IEP team has recommended Home instruction
- IEP team recommendation is based on a medical report which:
  - Is from the student's attending physician, surgeon or psychologist;
  - States the diagnosed condition;
  - Certifies that student's condition prevents attendance in a less restrictive setting; and
  - Contains a "projected calendar date for student's return to school."

*\*Note: As a reminder, procedures followed by the IEP team in developing an IEP for a home instruction student is the same as those followed for any other student with special education services. Therefore the IEP or 504 team decides duration and type of instruction needed to address student's unique needs (may be more than five hours per week of instruction). If Home Instruction is intended to be temporary, please include an end-date.*

Any home instruction program must be individually designed to assure that the student continues to make progress on goals and objectives. The law also requires that students have access to and make progress in the general education curriculum. Home Instruction may be provided over the summer if required to provide FAPE and may be provided in excess of five hours per week (as is the case with HHI) if required for the student to continue to progress on goals and objectives.

Equipment or technology necessary to enable the child to benefit from home instruction, to access and make progress in the general curriculum, or to ensure progress on IEP or 504 goals must be provided as part of FAPE.

Teacher providing Home Instruction shall contact student's prior teacher to determine:

- The course work to be covered;
- Books or other materials to be used; and
- Who is responsible for issuing grades and/or promoting the student?

For grades 7-12, school must determine:

- Hours earned toward course credit in each subject;
- Student's grade in each subject; and
- Who will issue credit or diploma as work is completed.

### ***Home Instruction: Credentialing***

Home Instruction services may include individual, small group, or virtual instruction and must be provided by a regular education teacher or a specialist with the appropriate teaching or related services credential. There is currently no law in California requiring a parent to be home during periods of instruction, however it may be within the best interest of the educator and student to schedule instruction while parents are home whenever possible.

### ***What is Home and Hospital Instruction?***

California state law affords all students enrolled in a public school the right to access the Home and Hospital Instruction ("HHI") Program. The HHI Program serves students with temporary disabilities for whom it is impossible or unadvisable to attend regular classes, regardless of their disability status. For example, HHI may be appropriate when a general education student; is in the home or hospital for a temporary period due to pneumonia, a communicable disease, a broken a limb significantly impacting mobility, or is temporarily unable to attend school due to the death of loved one and subsequent emotional impact (with medical documentation of return date).

A temporary disability is defined as, "a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program, and after which the student can reasonably be expected to return to regular day classes or the alternative education program without special intervention" (CDE HHI Program Summary website). A temporary disability does not include a disability for which a student is identified as an individual with exceptional needs pursuant to California Education Code (EC) Section 56026.

The primary outcome of HHI is to maintain a student at the student's former level of performance while recovering from the temporary disability so as not to jeopardize the student's future performance upon returning to a regular day class or alternative education program.

### ***Home and Hospital Instruction: Eligibility and Services***

The district where the home or hospital is located is considered the district of residence and is therefore required to provide HHI services. For example, if a student who attends a charter school in San Jose is hospitalized in Sacramento, the district in Sacramento where the hospital is located is considered the district of (temporary) residence and therefore required to provide HHI. If the

student is admitted to a hospital or facility within the boundaries of the current district of residence, that district would be responsible for providing services.

If a student has a temporary disability pursuant to Education Code Section 48206.3, it is recommended that the charter school work with the district of residence to ensure that services are provided. Services are not provided over the summer or holiday breaks. Additionally, electives such as foreign languages or PE are typically not provided through HHI.

It is the primary responsibility of the parent or guardian of a student with a temporary disability to notify the LEA/district in which the student is deemed to reside of the request for Home and Hospital Instruction. In the case of a parent notifying a charter school of the request, it is recommended that the charter contact the district of residence immediately to discuss provision of general education services. Upon receiving notification of an HHI request from the parent, the district where the student resides (home or hospital) must determine the appropriateness of HHI services within five days of the request. Determination of a temporary disability should be based on a physician’s written description of the disabling condition for which the student is unable to attend school.

The school must then begin HHI services within five days of determining eligibility. Within five days of beginning such services, the district must notify the prior school district that the student is receiving HHI and the date on which HHI services began. While out of school due to a temporary disability, a student may receive individual instruction provided to the student either in the home, hospital or other residential facility. A student may receive one clock hour of instruction per calendar day of school, up to five hours per week through the district of residence HHI program.

**\*As a reminder, if a student with an IEP is unable to attend school due to a temporary medical disability, the charter school where the student is enrolled continues to be responsible for provision of special education and related services during that time. General education supports would also be provided through the Home Instruction program as indicated in the IEP. Please refer to Home Instruction section above for further information.**

***Home and Hospital Instruction: Credentialing***

HHI shall be provided only by teachers with valid California teaching credentials who consent to the assignment. As a reminder, there is no provision in statute that specifically addresses instructional content; however, the goal of home or hospital instruction should be maintenance of the pupil's former level of performance while recovering.

<b>Independent Study, HHI, HI: Quick Reference</b>			
	<b>Independent Study</b>	<b>Home-Hospital</b>	<b>Home Instruction</b>
<i>Brief Description</i>	The purpose of independent study is to provide an alternative education program that is available to <b>all students</b> across all grade levels.	Serves <b>general education</b> students with temporary disabilities for whom it is impossible or	Home Instruction is considered a placement on the continuum of services for <b>special education students</b> .

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		unadvisable to attend regular classes.	
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<i>Eligibility</i>	<p>Independent study programs are voluntary.</p> <p>For students with Special Education services, Independent Study must be stipulated in the IEP and must be developed and approved prior to the placement of the student in independent study.</p>	<p>It is the primary responsibility of the parent or guardian of a student with a temporary disability to notify the LEA/district in which the student is deemed to reside of the request for Home and Hospital Instruction, or the student's presence in a qualifying hospital.</p> <p>Medical documentation of need and return date is required.</p>	<p>In order to qualify for Home Instruction, a student must have an Individualized Education Program (IEP) or Section 504 plan.</p> <p>Placement in Home Instruction program is the joint decision of the IEP team. Please refer to section above for specific eligibility requirements.</p>
<i>Reminder for all cases</i>	<p>If a student with an IEP is unable to attend school due to a temporary or ongoing medical disability, the charter school where the student is enrolled <b>continues to be responsible</b> for provision of special education and related services during that time.</p>		

<b>Independent Study, HI, HHI: Quick Reference, cont.</b>			
	<b>Independent Study</b>	<b>Home-Hospital</b>	<b>Home Instruction</b>
<i>Function of General Education</i>	X	X	
<i>Function of Special Education</i>	X		X

<p><i>Timelines?</i></p>	<p>For a student who has an IEP and wants to participate in independent study, a determination as to whether independent study is appropriate must be made within <b>30 days</b> and written into the IEP.</p>	<p>Upon receiving notification of an HHI request from the parent, the district where the student resides (home or hospital) must <b>determine the appropriateness of HHI services within five days of the request</b>. It is recommended that the charter school work with the district of residence to ensure that services are provided</p> <p>The school must then <b>begin HHI services within five days of determining eligibility</b>. Within five days of beginning such services, the LEA/district must notify the prior LEA/district that the student is receiving HHI and the date on which HHI services began.</p>	<p>If a parent requests Home Instruction based on medical documentation, or if Home Instruction is deemed appropriate due to another medical or mental health need, it is recommended that the IEP team <b>respond to the request within five days</b> by offering IEP dates for scheduling and/or IEP meeting notice to participants.</p> <p>Convene an IEP meeting as soon as possible to formally recommend Home Instruction, if applicable based on student need.</p> <p>Services begin upon receipt of the signed IEP. Include planning for transition to return to school, if applicable. IEP timelines apply.</p>
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*For additional information, please contact your SELPA Program Specialist.*