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From: Desjardins, Peter <pdesjard@esboces.org>
Sent: Friday, January 20, 2023 11:17 AM
To: Curriculum listserv
Subject: [curriculum] Updated Homebound Instruction Rules for 2023-24
Attachments: home-hospital-or-institutional-instruction-faqs.pdf; HOMEBOUND Part 100.pdf

Good Morning,

NYSED has released the updated rules regarding "Homebound" instruction. Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by a school district to resident students (public and nonpublic) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury.

This instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control. These services are provided in accordance with Commissioner's regulations §100.22 and §175.21.

The update to section 100.22 to the Commissioner's regulations include:

- Defines the terms: tutor, school district of residence, and healthcare provider
- A request for home, hospital, or institutional instruction (HHII) must originate from a parent/guardian or CSE **AND** requires medical verification from the student's treating healthcare provider
- Establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education
- Requires an instruction delivery plan in writing that explains how the district will continue the student's academic progress and to maintain a record of delivery of instructional services and student progress
- Identifies minimum requirements for instruction to continue a student's academic progress, including the development of an instructional plan in consultation with the parent or guardian
 - **Effective July 1, 2023**, increases the minimum instruction hours to:
 - at least 10 hours of instruction per week, 2 hours per day when possible at the elementary level
 - at least 15 hours of instruction at the secondary level 3 hours per day when possible at the secondary level
 - unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician

Pete

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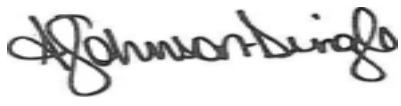
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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable Members of the Board of Regents

FROM: Angelique Johnson-Dingle 

SUBJECT: Proposed Addition of Section 100.22 and Amendment of Section 200.6 of the Regulations of the Commissioner of Education Relating to Instruction Provided to Students in a Home, Hospital, or Institutional Setting Other Than a School (Homebound Instruction)

DATE: September 1, 2022

AUTHORIZATION(S):



SUMMARY

Issue for Decision (Consent)

Should the Board of Regents approve the proposed addition of section 100.22 and amendment of section 200.6 of the Regulations of the Commissioner of Education relating to the instruction provided to students in a home, hospital, or institutional setting other than a school (also referred to as Homebound Instruction)?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as an emergency rule at the September 2022 Regents meeting. A copy of the proposed rule is included (Attachment A) and a statement of facts and circumstances justifying emergency action is included (Attachment B).

Procedural History

The proposed amendment was presented to the P-12 Education Committee for discussion and recommended to the Full Board for adoption as an emergency rule at the May 2022 meeting, effective July 1, 2022. A Notice of Proposed Rule Making was published in the State Register on June 1, 2022, for a 60-day public comment period

and a Notice of Emergency Adoption was published in the State Register on July 20, 2022.

Emergency action is necessary at the September 2022 meeting to ensure the rule remains in effect for the coming 2022-2023 school year, before public comment may be assessed and the rule can either be permanently adopted or revisions be made, likely at the October 2022 Regents meeting. A Notice of Emergency Adoption will be published in the State Register on October 19, 2022. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

Homebound instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. Homebound instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner's regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law §3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner's regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner's regulations and reserves the determination of the instruction and related services to the CSE. There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.

Throughout the 2021-2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request or were entitled to receive, "homebound" instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student's eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner's regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student's treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student's academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and
- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner's regulations to provide that the amount of home, hospital, and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

Related Regents Items

May 2022: [Proposed Addition of Section 100.22 and Amendment of Section 200.6 of the Regulations of the Commissioner of Education Relating to Instruction Provided to Students in a Home, Hospital, or Institutional Setting Other Than a School \(Homebound Instruction\)](https://www.regents.nysed.gov/common/regents/files/522p12a4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/522p12a4.pdf>)

June 2008: [Proposed Amendments to and Repeals of the Regulations of the Commissioner Relating to State Aid](https://www.regents.nysed.gov/meetings/2008/2008-06-27)

(<https://www.regents.nysed.gov/meetings/2008/2008-06-27>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 200.6 of the Commissioner's regulations be amended, and section 100.22 of the Regulations of the Commissioner of Education be added, as submitted, effective September 29, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that districts and parents or guardians receive clarity as to the circumstances under which "homebound" instruction may be requested and delivered for the upcoming school year and to ensure the emergency action taken at the May 2022 meeting, effective July 1, 2022, remains continuously in effect.

Timetable for Implementation

If adopted as an emergency rule at the September 2022 meeting, the emergency rule will become effective on September 29, 2022. It is anticipated that the proposed amendment will be presented for permanent adoption at the October 2022 Regents meeting. If adopted at the October 2022 meeting, the proposed amendment will become effective as a permanent rule on October 19, 2022.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 215, 305, 1604, 1709, 2503, 2554, 3202, 3204, and 3205 of the Education Law.

1. Part 100 of the Regulations of the Commissioner of Education, is amended by adding a new section 100.22 to read as follows:

§100.22 Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).

(a) Purpose. The purpose of this section is to establish minimum instructional requirements that must be provided to students who are anticipated to be unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

(b) Definitions. As used in this section:

(1) Remote instruction shall have the same meaning as defined in section 100.1(u) of this Part.

(2) Tutor means an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction pursuant to this section. Such tutor must hold a New York State teaching certificate pursuant to Part 80 of this Title. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide such instruction pursuant to Education Law §1950.

(3) Instruction delivery plan means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress, in accordance with paragraph (1) of subdivision (e) of this section.

(4) School district of residence means the public school district within the State of New York where students legally reside with their parents or guardians.

(5) Treating health care provider means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

(c) Responsibility for instruction.

(1) The board of education of the school district of residence shall provide instructional services to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

(2) Such instruction may be provided by the district or by a tutor; provided, however, that for hospital and institutional instruction, such instruction may also be provided via contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located. Such contract shall be limited to the cost of educational services and shall not include maintenance or medical services.

(d) Request for instruction.

(1) When requesting home, hospital, or institutional instruction, the parent or guardian must submit a request to the school district of residence that includes written medical verification from the student's treating healthcare provider demonstrating the

student's anticipated inability to attend school in person for at least ten days during the next three months.

(2) The school district shall forward the request to the school's medical director, who shall review the need for home, hospital, or institutional instruction. Upon consent from the parent or guardian, the school's medical director may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

(3) The school district shall provide instructional services to the student within five school days after the school district receives notification of the student's medical condition or within five school days from the parent or guardian's request for home, hospital, or institutional instruction, whichever occurs first.

(4) The school district shall notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medical verification from the student's treating health care provider.

(5) The parent or guardian may appeal the medical director's denial to the school district's board of education within five school days of receipt thereof.

(6) Instructional services shall be provided during the timeframe prescribed in paragraph (3) of this subdivision while an appeal of a denial of home, hospital or institutional instruction is pending before the school district's board of education pursuant to paragraph (5) of this subdivision.

(e) Instructional requirements. Home, hospital, or institutional instruction, which may include remote instruction, shall meet the following minimum requirements:

(1) The school district, in consultation with the parent, guardian, and student, where appropriate, shall establish a written home, hospital, or institution instruction

delivery plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress. The instruction delivery plan shall include, but not be limited to:

(i) the number of hours per week and hours per day that the student will receive instructional services;

(ii) the method by which instructional services will be delivered;

(iii) the location where instructional services will be provided, such as the home, hospital, or institution; and

(iv) an explanation of how the instructional services will enable the student to maintain academic progress.

(2) (i) Prior to July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum:

(a) at the elementary school level, 5 hours of instruction per week. To the extent possible, at least one hour of instruction shall be provided each day.

(b) at the secondary school level, 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided daily.

(ii) On and after July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum:

(a) at the elementary school level, 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided each day.

(b) at the secondary school level, 15 hours of instruction per week. To the extent possible, at least three hours of instruction shall be provided daily.

(3) Notwithstanding paragraph (2) of this subdivision, students may receive less than the required amount of instruction per week if requested by their parent(s) or guardian(s) and supported by documentation submitted by their treating healthcare provider. The district must ensure that the student is unable to receive the additional hours of instruction required by such paragraph and that the reason why the student is receiving less instruction is documented in the instruction delivery plan required pursuant to paragraph (1) of this subdivision. Under these circumstances, the district must ensure that the student's instruction delivery plan is reviewed regularly, but not less than once a month, to determine when the student's instructional hours may be increased; provided, however, that for purposes of determining average daily attendance pursuant to Education Law §3602(1)(d) and average daily membership pursuant to Education Law §3602(1)(l), a student must receive the minimum amount of instruction as prescribed in section 175.21 of this Chapter.

(4) The school district of residence shall maintain a record of the dates, amount, and type of instructional services the student received, including the teacher's name, subjects taught, and the location where the instructional services were provided.

(f) Students with disabilities. Notwithstanding the provisions of this section, students with disabilities who are recommended for home, hospital, or institutional instruction by the committee on special education pursuant to section 200.6(i) of this Chapter shall be provided instruction and related services as prescribed in such section.

2. Subdivision (i) of section 200.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Home and hospital instruction. Students with disabilities who are recommended for home and/or hospital instruction by the committee on special

education shall be provided instruction and appropriate related services as determined and documented by the committee on special education in consideration of the student's unique needs. Home and hospital instruction shall only be recommended if such placement is in the least restrictive environment and must be provided for at least the number of days and length of time as provided in section 100.22(e)(2) of this Chapter.

[(1) a minimum of five hours per week at the elementary level, preferably one hour daily; or

(2) a minimum of 10 hours per week at the secondary level, preferably two hours daily].

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING
EMERGENCY ACTION

Homebound instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. Homebound instruction ensures that students can continue learning and working towards mastery of State learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner's regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law §3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner's regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner's regulations and reserves the determination of the instruction and related services to the CSE. **There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.**

Throughout the 2021 -2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request or were entitled to receive, “homebound” instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student’s eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner’s regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student’s treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student’s academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and

- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner's regulations to provide that the amount of home, hospital, and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

Emergency action is necessary at the September 2022 meeting, effective September 29, 2022, for the preservation of the general welfare to ensure that districts and parents or guardians receive clarity as to the circumstances under which "homebound" instruction may be requested and delivered for the upcoming school year and to ensure the emergency action taken at the May 2022 meeting, effective July 1, 2022, remains continuously in effect. It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the October 2022 meeting.

Home, Hospital, or Institutional Instruction Frequently Asked Questions

1. What is home, hospital, or institutional instruction?
 - Home, hospital, or institutional instruction (sometimes referred to as **homebound instruction**) is an educational service provided by a school district to resident students (public and nonpublic) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. This instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control. These services are provided in accordance with Commissioner's regulations §100.22 and §175.21.
2. Who is eligible for home, hospital, or institutional instruction?
 - A resident of the public school district enrolled in a public or nonpublic school who is anticipated to be unable to attend school in person for at least ten days during a three-month period due to illness or injury is eligible for home, hospital, or institutional instruction.
3. **How does one “apply” for home, hospital, or institutional instruction?**
 - For a student to receive home, hospital, or institutional instruction, the parent, guardian, or person in parental relationship must submit a request to the school district of residence. **The request must include written verification from the student's treating healthcare provider (including mental health providers) demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months. In addition, the request must include a signed consent authorizing the school medical director or designee to contact the student's treating healthcare provider. Failure to provide this consent will result in an automatic denial of the request.** The school district shall forward the request to the school district's director of school health services (a.k.a., medical director), who shall review the need for home, hospital, or institutional instruction. The district's medical director may contact the student's treating healthcare provider (including mental health providers) to obtain additional information regarding the student's health or mental health. **The school district shall notify the parent or guardian regarding the school district's approval or reason(s) for denial within five school days after receipt of written medical verification** from the student's treating health care provider or mental health provider.
4. How soon should the student receive home, hospital, or institutional instruction services?
 - **The school district shall provide instructional services to the student within five school days** after the school district receives written verification of the student's health condition or within five school days from the parent or guardian's request for home, hospital, or institutional instruction, whichever occurs first.
5. How many hours of home, hospital, or institutional instruction is a student entitled to receive?
 - Prior to July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum 5 hours of instruction per week at the elementary school level; to the extent possible, at least one hour of instruction shall be provided each day. At the secondary school level, the student shall receive 10 hours of instruction per week; to the extent possible, at least two hours of instruction shall

Home, Hospital, or Institutional Instruction Frequently Asked Questions

be provided daily. *****As of July 1, 2023, the hours of instruction will be increased to 10 hours of instruction per week at the elementary level and 15 hours of instruction per week at the secondary level.**

6. What is the process for a parent or guardian to appeal a request for home, hospital, or institutional instruction that has been denied?
 - The parent or guardian may appeal the school district's denial to the school district's board of education within ten school days of receipt thereof.
 - Instructional services shall be provided during the timeframe prescribed above while an appeal of a denial of home, hospital or institutional instruction is pending before the school district's board of education.
7. What recourse does a parent or guardian have if the local school district's board of education denies the request for home, hospital, or institutional instruction?
 - The parent or guardian can appeal the school district's determination to the New York State Commissioner of Education pursuant to Education Law §310. Information regarding the Education Law §310 appeal process is available on [NYSED's Office of Counsel webpage](#).
8. Is home, hospital, or institutional instruction the same as home instruction?
 - No. Home, hospital, or institutional instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. By contrast, [Home instruction](#) is the provision of instruction at home by parents, or persons in parental relation, to compulsory school age children, pursuant to 8 NYCRR 100.10.
9. Who provides the instruction for students receiving home, hospital, or institutional instruction?
 - **Instruction may be provided by the district or by a tutor;** provided, however, that for hospital and institutional instruction, such instruction may also be provided via contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located. Such contract shall be limited to the cost of educational services and shall not include maintenance or medical services. Please refer to the [FAQ for Contracts for Instruction](#) for questions about contracting for instructional services and/or core instructional services.
10. What grade levels are considered elementary and secondary?
 - Commissioner's regulation [§80-1.1](#) defines "elementary" as grades K-6 and "secondary" as grades 7-12.
11. How is home, hospital, or institutional instruction provided?
 - **The school district will determine the method by which instructional services will be delivered;** the district may seek input from the parent, guardian, and the student, if appropriate.
12. What is a home, hospital, or institutional instruction delivery plan?

Home, Hospital, or Institutional Instruction Frequently Asked Questions

- The school district shall establish a written instruction delivery plan to continue the student's academic progress, which shall include, but not be limited to:
 - the number of hours per week and hours per day that the student will receive instructional services;
 - the method by which instructional services will be delivered;
 - the location where instructional services will be provided, such as the home, hospital, or institution; and
 - an explanation of how the instructional services will enable the student to maintain academic progress.
13. Will the delivery plan be reviewed?
- The delivery plan will be reviewed by the school district as needed, based upon a changed condition and/or needs of the student.
14. Is a student with a disability able to receive home, hospital, or institutional instruction services?
- Yes. Students with disabilities who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury are entitled to home, hospital, or institutional instruction
15. For a student with a disability who is receiving home, hospital, or institutional instruction, when should the CSE convene to determine if it is necessary to change the student's individualized education program (IEP) placement to "home and hospital," as defined in Commissioners regulation [§200.1\(w\)](#)?
- If a student with a disability is unable to attend school for an extended period of time because of a medical problem (generally more than 10 consecutive school days), a CSE meeting should convene to determine whether the student with disability should be placed on home and/or hospital instruction, pursuant to [§200.6\(i\)](#). The special education programs and related services the student will receive at home and/or in the hospital must be determined by the CSE in consideration of the student's unique needs and any such recommendation would be indicated in the IEP under "Recommended Special Education Programs and Services." Any provision of related services for a student placed on home and/or hospital instruction by the CSE would be in addition to the minimum hours of instruction required under Commissioner's regulation [§100.22](#).
16. How is a nonpublic student's enrollment status affected by the period of home, hospital, or institutional instruction?
- The student should enroll in the public school district for the purpose of receiving home, hospital, or institutional instruction and the district may count the student in its attendance report for state aid purposes.
17. Where should home, hospital, or institutional instruction take place?
- The site for instruction depends on the physical condition and location of the student. Every effort should be made to provide an environment conducive to learning and in which the health and safety of both the student and tutor are assured. Instruction may be provided in the home or hospital.
18. Can home, hospital, or institutional instruction be provided through virtual learning, otherwise known as remote instruction?

Home, Hospital, or Institutional Instruction Frequently Asked Questions

- **Yes.** Please note that if instruction is being provided through a virtual modality, the district must ensure the student has access to a computing device and broadband internet sufficient to fully participate in the instruction.
19. Can a public school district delay home, hospital, or institutional instruction?
- Home, hospital, or institutional instruction should begin within 5 days (see question 4). However, on rare occasions it may be necessary to delay the provision of instruction due to circumstances, such as health hazards to others caused by a communicable disease; in such instances, these exceptional circumstances should be documented by a healthcare professional (physician, nurse practitioner or physician assistant, or local department of health).
20. How long must home, hospital, or institutional instruction continue to be available?
- **This service must be made available until the student is capable of returning to school.** Provider orders are valid for 12 months or until the order is changed or discontinued by the provider – therefore, school districts should request new written verification of a student health condition annually. If a question arises about this, the public school district should consult with the student’s treating healthcare provider (including mental health providers).
21. My child requires home, hospital, or institutional instruction and attends a nonpublic school which has an instructional model that is very different from the public school. Will the district’s home, hospital, or institutional instruction be consistent with that of the nonpublic school?
- **The Commissioner of Education has ruled, in Commissioner’s Decision No. 16,627, that there is “no legal authority... requiring a public school district to replicate a nonpublic school curriculum in providing home instruction. However, in determining the appropriate instruction to be provided, a school district should consider all relevant factors,** such as the student’s grade level, point in the school year, syllabus previously covered and prior student work.” Thus, while public districts are not required to match the nonpublic school’s curriculum, districts should work with the nonpublic school to ensure that, to the extent possible, the student is prepared to return to their own school, with a minimum of disruption.