



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

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 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, a determination as to whether independent study is appropriate must be made by the IEP team within 30 days of the request and documented in the IEP prior to placement of the student in independent study. 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.

For additional information, please refer to the Independent Study Operations Manual by visiting:

[www.cde.gov/sp/eo/is/isoperationsmanual.asp](http://www.cde.gov/sp/eo/is/isoperationsmanual.asp)

### ***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”<sup>1</sup>. 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 §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 their education program.

***Home and Hospital Instruction: Eligibility***

It is the primary responsibility of the parent or guardian of a student with a temporary disability to notify the LEA/district of the request for Home and Hospital Instruction. In the case of a parent notifying a school of the request, the school 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.

***Charter Schools and Home Hospital Instruction: Considerations for General Education***

There is no law which expressly authorizes nor prohibits a charter school from providing home-hospital instruction. Therefore, a charter school may choose to either provide HHI services directly or work with the district of residence to ensure services are provided. Under current guidance, it is not recommended that a charter school refuse to provide HHI services if required for a student with a temporary disability to access his or her education.

Assembly Bill 2109, which took effect on January 1, 2019, made several changes to the laws governing home-hospital instruction for students with temporary disabilities. AB 2109 authorizes, but does not require, an LEA/district to continue to enroll a pupil who is receiving individual instruction in a hospital, regardless of district boundaries, in order to facilitate timely reentry following the hospitalization and limit barriers to reenrollment. AB 2109 provides a right for the student to return to the school of origin (the student attended prior to the health issue) if the student is well enough to attend school and returns prior to the end of the school year in which the home-hospital instruction was initiated. Accordingly, all schools must re-enroll a student who receives home-hospital instruction in another school district, but is well enough to return during the same school year.

AB 2109 also authorizes the school of origin to provide a partial week of instruction to a pupil who is receiving individual instruction in a hospital for fewer than five days per week. For example, a student receiving medical treatment in a hospital on Monday and Tuesday may receive individual instruction from the district in which the hospital is located on those days. Then, the student may receive instruction from the school of origin on Wednesday through Friday. This instruction may occur within the school setting or home, depending on the student’s level of need.

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***Charter Schools and Home Hospital Instruction: Considerations for General Education, cont.***

It should be noted that AB 2109 particularly effects general education students with temporary disabilities. Any decision regarding the appropriateness of individualized instruction for students receiving special education services pursuant to an IEP must be made by the student's IEP team<sup>3</sup>.

A school must begin HHI services within five days of determining eligibility. While out of school due to a temporary disability, a student may receive individual instruction 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 HHI program. Services are not provided over the summer or holiday breaks. Additionally, electives such as foreign languages or PE are typically not provided through HHI.

For purposes of computing Average Daily Attendance ("ADA"), the district in which the hospital or other residential health facility is located may only claim ADA for the days of the week the student is receiving individual instruction and the school of origin may only claim ADA for the days the student attends the school. The total combined ADA cannot exceed five school days or the equivalent. As a reminder, each hour of individual instruction may be counted as one day of attendance. It is recommended that charter schools research ADA collection for home/hospital instruction and collaborate with their CALPADS administrator to ensure appropriate rules regarding enrollment and attendance reporting are followed.

As a reminder, if a student with an IEP is unable to attend school due to a temporary 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.

***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 students receiving special education services. If a student with an IEP is deemed unable to attend school due to a temporary or ongoing medical or psychological disability, the school is obligated to continue to provide special education and related services to the student during that time. Home instruction is also 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 (5 CCR § 3051.4):

- 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 are the same as those followed for any other student with special education services. The IEP or 504 team will determine duration and type of instruction required to address student’s unique needs (may be more or less than five hours per week of instruction and may require related services). 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 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 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.

Independent Study, HHI, HI: Quick Reference			
	Independent Study	Home-Hospital	Home Instruction
<i>Brief Description</i>	The purpose of independent study is to provide an alternative education program that is available to all students across all grade levels.	Provides access to general education curriculum for students with temporary disabilities for whom it is impossible or unadvisable to attend regular classes.	Home Instruction is considered a placement on the continuum of services for students receiving special education services.
<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 school of the request for Home and Hospital Instruction, or of the student's presence in a qualifying hospital. Medical documentation of need and return date is required.</p> <p>Note: there is no law which expressly authorizes nor prohibits a charter school from providing home-hospital instruction. Therefore, a charter school may choose to either provide HHI services directly or work with the district of residence to ensure services are provided. It is not recommended that a charter school refuse to provide HHI services if required for a student with a temporary disability to access his or her education.</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 decision of the IEP team. Please refer to section above titled <i>Home Instruction: Eligibility, Services and Teacher Requirements</i> for specific eligibility requirements.</p>
<i>Timelines</i>	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>Upon receiving notification of an HHI request from the parent, the school must <b>determine the appropriateness of HHI services within five days of the request.</b></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 consider the appropriateness of Home</p>

**El Dorado County Charter SELPA Procedural Guidelines**

			<p>Instruction, based on student need.</p> <p>Services begin upon receipt of the signed IEP. Include planning for transition to return to school, if applicable. Existing IEP timelines continue to apply.</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 or psychological 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>		

For additional information, please contact your SELPA Program Specialist.

<sup>1</sup> California Department of Education (12 September 2018). Home and Hospital Instruction. Retrieved from <https://www.cde.ca.gov/sp/eo/hh/>.

<sup>2</sup> California Charter Schools Association (10 April 2018). *CCSA Answers: Charter Schools and Home Hospital Instruction*. Retrieved from <http://library.ccsa.org/blog/members/2018/04/ccsa-answers-charter-schools-and-home-and-hospital-instruction.html>.

<sup>3</sup> Jassawalla, A. (19 February 2019). *State Legislature Makes Changes to Home-Hospital Instruction for Students with Temporary Disabilities*. Retrieved from <http://girardedwards.com/state-legislature-makes-changes-to-home-hospital-instruction-for-students-with-temporary-disabilities/>.