
HOME OR OUT OF SCHOOL INSTRUCTION

To provide uninterrupted education for students unable to attend their regular classes because of illness, disability or administrative action, the board of education shall provide away-from-school instruction when proper application has been made and subject to the following restrictions:

- A. The period of absence must be expected to be longer than two weeks except in special circumstances.
- B. In the event instruction is provided in the student's home, a parent/guardian or appropriate adult authority, who is over twenty-one (21) years of age, must be present during all periods of instruction. Refusal or failure of a parent/guardian or appropriate adult authority, who is over twenty-one (21) years of age, to be present in the home may be deemed a violation of compulsory education laws and applicable child neglect laws.
- C. In cases of illness or disability, medical certification is required both of the necessity for the pupil's absence and his/her fitness to benefit from the instruction.

Each qualifying case of home or out of school instruction must be approved by the Board, and all requirements for receipt of state aid must be fulfilled.

The District will provide home or out of school instructional services no later than five (5) school days after the student has left his/her regular educational program.

The Superintendent or his/her designee will develop regulations for the process and procedures for requesting, reviewing and approving home or out of school instruction.

Home Or Out of School Instruction For Temporary or Chronic Health Conditions

The Board is committed to providing home instruction or out of school instruction to students who cannot participate in the regular education program due to temporary or chronic health conditions or treatment needs that prevent participation and/or attendance in the District's educational facilities. The Superintendent and/or his/her designee will select the instructors and oversee coordination between the instructor and the regular classroom teacher in determining the student's instructional program. The home or out-of-school instructional services will meet the minimum standards that are specified in N.J.A.C. 6A:16-10.1(c) including but not limited to:

- A. For general education students whose projected confinement will exceed thirty (30) consecutive calendar days, the District will develop an Individualized Program Plan (“IPP”) for delivery of instruction within thirty (30) calendar days from the date on which the District receives the District Physician’s verification that the period of confinement would likely exceed the thirty (30) calendar day threshold. The District will maintain a record of delivery of instructional services and student progress;
- B. For general education students, the instruction shall meet the Core Curriculum Content Standards. Home instruction shall meet the requirements of the Board for promotion at the grade level. When the provision of home or out of school instruction will exceed sixty (60) calendar days, the school physician will refer the student to the Child Study Team for consideration of eligibility for special education and related services;
- C. For special education students, the instruction will be consistent with the student’s Individualized Education Plan (“IEP”) to the extent appropriate. The instruction will also meet the Core Curriculum Content Standards. When the provision of home or out of school instruction will exceed thirty (30) consecutive school days in a school year, the IEP team will convene a meeting to review and, if appropriate, revise the student’s IEP;
- D. Teachers providing home or out of school instruction will be appropriately certified for subject, grade level and special needs of the student;
- E. If one-on-one instruction is provided, the teacher will provide such instruction for no fewer than five (5) hours per week on three (3) separate days of the week. If the student is physically able, the instruction will also include no fewer than five (5) hours per week of additional guided learning experiences, which may include the use of technology to provide audio and visual connections to the student’s classroom; and
- F. If group instruction is provided to students in small groups, as opposed to one-on-one instruction, the minimum number of hours of instruction per week for the group will be determined by multiplying the number of students in the group by five (5) hours, and the hours of instruction must be provided on no fewer than three separate days during the week.

Home Or Out of School Instruction For Reasons Other Than a Temporary or Chronic Health Condition

The Board is committed to providing home instruction or out of school instruction to students for reasons other than a temporary or chronic health condition when:

1. The student is mandated by State law and rule for placement in an alternative education program for firearms offenses and/or assault with weapons offenses but placement is not immediately available;
2. The student is placed on short-term or long-term suspension;
3. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The Superintendent and/or his/her designee will select the instructors and oversee coordination between the instructor and the regular classroom teacher in determining the student's instructional program. The home or out-of-school instructional services for reasons other than a temporary or chronic health condition shall meet the minimum standards that are specified in N.J.A.C. 6A:16-10.2(d) including but not limited to:

- A. The District will develop an Individualized Program Plan ("IPP") only for students that are placed on long term suspension, as defined by N.J.A.C. 6A:16-7.3, for delivery of instruction and maintain a record of delivery of instructional services and student progress.
- B. The IPP will be developed within thirty (30) days following a determination by the Board to place to the student on a long term suspension, and will be based upon consultation with the student's parent and a multidisciplinary team of professionals with appropriate instructional and educational services credentials to assess the educational, behavioral, emotional, social and health needs of the student, as well as recommend a program to address both educational and behavioral goals. The IPP will incorporate any prior findings and actions recommended through the school building system of Intervention and Referral Services, and will recommend placement in an appropriate educational program, including supports for transition back to the general education setting. The District will review the student's progress, consult with the student's parent and revise the IPP no less than every 60 calendar days;
- C. The teacher providing instruction shall be appropriately certified for subject, grade level and special needs of the student,
- D. The instruction shall meet the Core Curriculum Content Standards and board requirements for promotion and graduation.
 - a. In addition, for special education students, the instruction will be consistent with the student's Individualized Education Plan ("IEP") to the extent appropriate. The instruction will also meet the Core Curriculum Content Standards. When the provision of home or out of school instruction will exceed thirty (30) consecutive school days in a school year, the IEP team will convene a meeting to review and, if appropriate, revise the student's IEP;

- E. If one-on-one instruction is provided, the teacher will provide such instruction for no fewer than ten (10) hours per week on three (3) separate days of the week, and the instruction will also include no fewer than ten (10) hours per week of additional guided learning experiences, which may include the use of technology to provide audio and visual connections to the student's classroom; and
- F. If home instruction is provided to students in a small group rather than through one-on-one instruction, direct instruction that may include guided learning experiences will be provided for no fewer than twenty (20) hours per week on no fewer than three separate days during the week, and the student to teacher ratio will not exceed 10:1.

Any student receiving home instruction is not considered absent so long as the conditions outlined above are complied with.

Date: January 18, 1983

Date Revised: May 17, 1988

Date Revised: April 26, 2010

Legal References:

N.J.A.C. 6A:14-1.1 <i>et seq.</i> See particularly: N.J.A.C. 6A:14-4.8, 4.9	Special education
N.J.A.C. 6A:16-4.3	Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs
N.J.A.C. 6A:16-5.5	Removal of students from general education for firearms offenses
N.J.A.C. 6A:16-5.6	Removal of students from general education for assaults with weapons offenses
N.J.A.C. 6A:16-7.1 <i>et seq.</i> See particularly: N.J.A.C. 6A:16-7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.10	Student Conduct
N.J.A.C. 6A:16-10.1 <i>et seq.</i> See particularly: N.J.A.C. 6A:16-10.1, 10.2	Home or Out-of-School Instruction

Legal References: (continued)

N.J.A.C. 8:61 1.1 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 338 (Ch. Div. 2000)

Possible
Cross References:

4112.2	Certification
5113	Absences and excuses
5114	Suspension and expulsion
5131	Conduct/discipline
5131.6	Drugs, alcohol, tobacco (substance abuse)
5131.7	Weapons and dangerous instruments
5134	Married/pregnant pupils
5141.2	Illness
6146	Graduation requirements
6164.2	Guidance services
6164.4	Child study team
6171.4	Special education
6172	Alternative educational programs