

## 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.