



# SPED

SPECIAL EDUCATION

## Homebound/Home Instruction Guidance for Special Education



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## **Purpose**

This guidance provides school administrators and special education directors with key considerations for legally compliant and effective decision-making when determining home instruction placements for students receiving special education services. It outlines the distinction between home instruction and homeschooling, emphasizes legal requirements under IDEA, and highlights best practices to support student success and minimize restrictive placements.

## **Key Definitions**

**Homebound Services vs. Home Instruction:** The term Homebound Services is used differently across districts and states. In your district it may mean services for any student that is confined at home or a health care facility for a time and as a result they cannot attend school.

In the interest of clarity this document will use the term Home Instruction. Home Instruction is the IDEA term used to describe specially designed instruction and related services for students with a disability provided in the home or hospital setting based on the IEP team's determination that the particular home placement meets the unique needs of the child with a disability.

**Homeschool:** Students are not enrolled in a public school system; instead, parents deliver instruction at home per state homeschooling guidelines. Homeschool students are considered "exempt" under Nebraska regulations (92 NAC 13). This guidance document does not address homeschool students.

**Placement vs. Location:** "Placement" refers to the educational setting on the IDEA continuum, while "location" refers to the physical site within the placement where services are provided. Placement decisions must align with IDEA requirements ([34 C.F.R. § 300.115](#); *R.M. v. Gilbert Unified Sch. Dist.*).

**Placement Continuum:** Placement continuum describes the students Least Restrictive Environment (LRE) placement level. Generally, the continuum can be summed up as the level of access and interaction with non-disabled peers. The continuum moves from 100% access to non-disabled peers in general education to 0% access to non-disabled peers to in full Home Instruction.

## Legal Compliance and Least Restrictive Environment

# LRE Placement Continuum



Least Restrictive Environment (LRE) Mandate: Students with disabilities must be educated with nondisabled peers to the maximum extent appropriate. Removal to restrictive settings is permissible only when the nature or severity of the disability makes general education settings unsatisfactory, even with supplementary aids and services (92 NAC 51-008.01A).

### Placement Decision Requirements:

- Made by a knowledgeable team, including parents.
- Based on the student's unique needs, not solely on disability category or administrative convenience (92 NAC 51-008.01C).
- Potential harmful effects on the child or quality of services must be considered (92 NAC 51-008.01H).

# Best Practices for Placement Decisions

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## Schedule a meeting to discuss needs and next steps

1. **Consider Team Composition:** Include relevant professionals beyond the core IEP team (e.g., medical staff, therapists) to provide insight into the student's unique needs.
2. **Identify Student Needs:** Clearly document the student's academic and functional needs and goals and the services and supports that will enable the child to reach those goals.
3. **Consider All Placement Options, Beginning with the General Classroom:** Thoroughly explore all services and supports that the district could provide to enable the student to be successful in the general education classroom. Use home instruction as a last resort, not a default response to behavioral challenges. Avoid basing decisions on adult convenience or preferences. Discuss whether the benefits of a more restrictive setting outweigh the benefits of the student remaining in the general education classroom. Consider all appropriate placement options, based on the student's needs and services and supports that could be provided.
4. **Evaluate Impacts:** Analyze the potential positive and negative impacts of the placement on the student, the quality of the services the student needs, and the student's peers.
5. **Plan for transition:** Teams should consider factors that may lead a student to transition to a less restrictive environment and what support may be necessary to support that transition.
6. **Document Thoroughly:**
  - Detail the student's needs, goals, services, and supports. Document discussion on the continuum of supports and services the team considered before deciding on home instruction.
  - Record parental input and demonstrate meaningful involvement in the decision-making process.
  - Summarize discussions concisely for clarity and transparency.
  - Documentation of discussion around all placement options considered and decisions made should be reflected in the IEP, PWN, and meeting notes.

## Specific Considerations for Home Instruction as an Interim Alternative Educational Setting (IAES)

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Under 34 C.F.R. § 300.530, a school district may remove a student to an Interim Alternative Educational Setting (IAES). The student's IEP Team determines the IAES and special education legal requirements do not specify the IAES in which the district must provide educational services.

The student's IEP Team must select an IAES to enable the student to continue to participate in the general education curriculum and to progress toward meeting the student's IEP goals.

Whether a student's home would be an appropriate IAES would depend on the particular circumstances of an individual case such as the length of the removal, the extent to which the child previously has been removed from his or her regular placement, and the child's individual needs and educational goals. (United States Department of Education Comments to Regulations Implementing the Individuals with Disabilities Education Act, 71 Fed. Reg., 46,540, 46,722 (Aug. 14, 2006)).

Interim Alternative Educational Settings are intended to be used for a short time to provide time to plan to meet the needs of students. They are not long-term solutions and come with their own procedures not covered in this document. Interim Alternative Educational Setting decisions should be approached with caution as there are many legal procedures and precedents surrounding their use.

## Placement Change to Home Instruction Due to Student Behavior

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Decisions regarding placement into home instruction should not be made solely on the basis of a singular behavioral incident. Any consideration of a placement change to home instruction should result from a comprehensive review of the student's needs, data on the effectiveness of prior interventions, and the team's determination that instruction outside of all other options on the LRE continuum is currently the most appropriate setting for the student to receive FAPE. A stepwise approach through the continuum of placements with documented instructional and behavioral supports should be completed prior to consideration of a home instruction placement.

As with any Home Instruction placement the team should plan for transition back to a less restrictive placement. The team should take care to avoid setting a perfection standard in order to transition back to a less restrictive setting. The planning should include what skills are necessary and how the student will be taught and practice those skills in the Home Instruction placement.

A manifestation determination must occur within 10 school days of any decision to change placement due to student behavior violation that results in a violation of the district or school code of conduct. Placement changes due to behaviors must include appropriate behavioral supports and not deny FAPE. (92 NAC 51-016.02E).

The parent of a child with a disability who disagrees with any decision regarding a change in placement due to student behavior or a manifestation determination, may request an expedited due process hearing by filing a petition pursuant to 92 NAC 55 with the Nebraska Department of Education. (92 NAC 51-016.04A).

## Common Pitfalls to Avoid

### **Administrative Convenience**

Placement decisions must prioritize the child's needs over staffing shortages, space limitations, or other logistical concerns.

### **Insufficient Evaluation Data**

Ensure decisions are informed by comprehensive and up-to-date evaluative data from all parties with knowledge of the student's unique needs.

### **Parent Preferences and Professional input**

Decisions about student placement and support should reflect a comprehensive review of all relevant factors—not just a single source of input. While parent preferences and professional recommendations are important considerations, the team must evaluate the full range of information available and document how their decision best meets the student's needs.

### **Premature Decisions**

Use home instruction as a last resort, not a default response to behavioral challenges. Ensure that behavioral supports and interventions in less restrictive settings have been thoroughly explored.

Home instruction is one of the most restrictive placements and should be approached with caution. Effective decision-making requires a focus on individual student needs, compliance with legal mandates, and proactive planning for the least restrictive placement that allows meaningful educational progress.

## Homebound Services provided through remote or virtual learning

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Virtual instruction can be used as a component of homebound services for students with IEPs, but only when the IEP team determines it is appropriate to meet the student's needs and provide FAPE. The method of instruction must be tailored, documented, and monitored for effectiveness. Courts have ruled that remote or virtual learning can satisfy FAPE, but only if it meets the student's unique needs as documented in the IEP.

For example:

- In *D.C. v. District of Columbia*, 2014 WL 5305527 (D.D.C. 2014), the court found that homebound services delivered virtually could fulfill FAPE, but only if the student could engage meaningfully with virtual instruction.
- However, if a student cannot benefit from virtual services (e.g., due to cognitive or physical limitations), then solely virtual instruction may be considered a denial of FAPE.

The IEP team must determine whether virtual instruction is appropriate based on the student's needs. The U.S. Department of Education (OSEP) guidance emphasizes that remote learning cannot be a one-size-fits-all substitute for direct services unless the IEP team agrees it is appropriate.

### OSEP March 2020 and Sept 2021 guidance on virtual instruction and FAPE

Districts must document rationale and ensure comparability, if virtual services are provided, they must:

- Be comparable in content and intensity to in-person services.
- Include progress monitoring and opportunities for interaction, especially for related services like speech or OT.
- Be adjusted if progress is not being made.

## **Homebound Services provided through Section 504 of the Rehabilitation Act**

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Under Section 504 of the Rehabilitation Act, a student may be eligible for homebound services if their disability substantially limits one or more major life activities and prevents them from attending school for an extended period of time. However, Section 504 does not prescribe a specific process or timeline for providing homebound instruction—it requires that appropriate accommodations and services be provided to ensure the student receives a Free Appropriate Public Education (FAPE) in the least restrictive environment possible, given their individual circumstances.

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### **Key Points About Homebound Services Under Section 504**

#### **Eligibility and Determination**

The decision to provide homebound services must be made by a 504 team (which typically includes the parent/guardian, educators, and relevant specialists). The team considers medical documentation, functional limitations, and impact on the student's ability to attend school. The student does not need to be eligible for special education under IDEA to receive services under Section 504.

#### **Purpose**

The purpose of homebound services is to ensure that the student can continue to access the general education curriculum during a period when they cannot attend school due to a physical or mental impairment (e.g., surgery, chronic illness, severe anxiety).

#### **FAPE Requirements**

Section 504 requires that any student with a qualifying disability be provided with an educational program that is comparable to that provided to students without disabilities. If a student is temporarily unable to attend school, homebound instruction may be the appropriate method for delivering FAPE.

## **Service Plan**

The 504 team must determine:

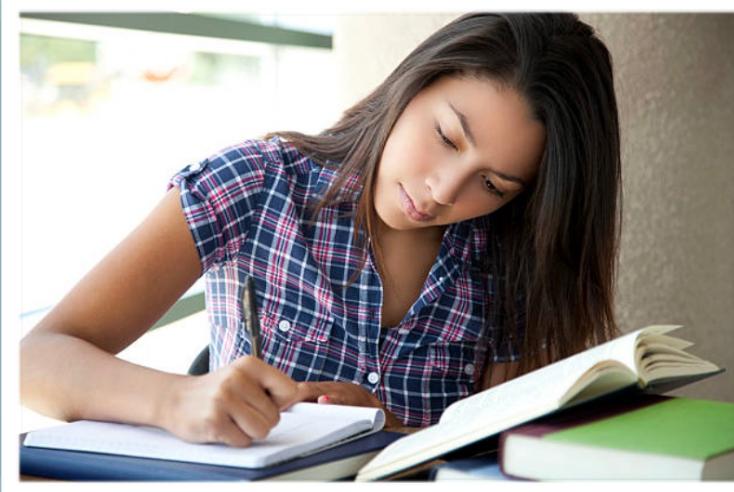
- What services the student will receive (e.g., instructional support, tutoring),
- How often and by whom services will be delivered,
- How progress will be monitored and when re-evaluation will occur.

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Unlike IDEA, Section 504 does not require an Individualized Education Program (IEP), but a 504 Plan must outline the accommodations and services, including homebound instruction if applicable.

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Under Section 504, if a student's disability prevents them from attending school and substantially limits a major life activity (like learning or attending school), the district must consider providing homebound services as part of their obligation to offer FAPE. The determination must be individualized and documented through the 504 planning process.



Mariana is a 7th grade student with a Specific Learning Disability in the area of Reading Fluency. She was recently diagnosed with Non-Hogkins Lymphoma and has begun treatment. The resulting treatment has suppressed her immune system and caused extreme fatigue. The school and parents both recognize the need for an IEP meeting to consider IEP changes including placement to respond to the recent changes in Mariana's health.

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Next steps the school should consider:

Next steps for the district and IEP team to consider:

**1. Ask to schedule a meeting to discuss needs and next steps**

**2. Consider Team Composition:**

Mariana's placement team should include her parents, general education teacher, special education teacher, district representative, with permission from the parents members of her medical team, and anyone else that has special knowledge of her unique needs. If members of the medical team are not available for an in person meeting every effort should be made to gather their input prior so that it can be incorporated into the decision-making process made to gather their input prior so that it can be incorporated into the decision-making process.

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**3. Identify Student Needs: Consider All Placement Options, Beginning with the General Classroom:**

The team should discuss Mariana's current needs. Marian's needs may include continuing with general education instruction in core classes like English, math, science and social studies, progress on her reading fluency goal, and importantly staying healthy while undergoing treatment. With needs established the team should identify goals. From there, the team should discuss each of the placement options on the LRE continuum and the supplemental supports and services that would be needed to support Mariana in the placement.

**4. Evaluate Impacts:**

Together the team should evaluate the impacts of each potential placement option both positive and negative on Mariana's health, education, and social needs. Mariana's team needs to balance her educational needs with her health needs. In this case her team may decide that her health needs carry the most weight based on input from the parents and medical staff. As a result of that analysis the team should make a decision about which placement is best for Mariana.

**5. Document Thoroughly:**

- Detail Mariana's needs, goals, services, and supports. Document discussion on the continuum of supports and services the team considered before deciding on home instruction.
- Record parental input and demonstrate meaningful involvement in the decision-making process. As well as the involvement or information from the medical team.
- Summarize discussions concisely for clarity and transparency
- Documentation of discussion around all placement options considered and decisions made should be reflected in the IEP, PWN, and meeting notes.



Jordan is an 11th grade student with an OHI verification. He has recently been experiencing anxiety and depression resulting in poor academic performance, a lack of progress on his IEP goals, and poor attendance. His psychologist wrote a prescription for home instruction. Jordan's parents provided the prescription to the school.

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Next steps the school should consider:

- 1. Ask to schedule a meeting to discuss needs and next steps**
- 2. Consider Team Composition:**  
Jordan's team should include his parents, special education teacher, general education teacher(s), district representative, and with parent permission invite the psychologist or get written input detailing Jordan's specific needs that the provider means to address through the prescription. In Jordan's case the school counselor and social worker have both spent time with Jordan working through his anxiety so they should also be invited.
- 3. Identify Student Needs: Consider All Placement Options, Beginning with the General Classroom:**  
The team should discuss Jordan's needs related to his anxiety and education. In this case some root cause information provided by the

psychologist, school counselor, and social worker may be especially helpful. With specific needs identified the team should develop goals. With needs and goals established the team should discuss each option on the placement continuum and the supplementary supports that may be required to meet Jordan's needs at each level.

**4. Evaluate Impacts:**

Together the team needs to analyze the positive and negative impacts of each placement option balancing Jordan's mental health and educational needs. In this case the team needs to decide together how to balance the weight of the psychologist's prescription with his educational and social needs. Their analysis of the positive and negative impacts at each placement should help the team decide how to meet his needs at the least restrictive option possible.

**5. Document Thoroughly:**

- Detail Jordan's needs, goals, services, and supports. Document discussion on the continuum of supports and services the team considered before deciding on home instruction.
- Record parental input and demonstrate meaningful involvement in the decision-making process. As well as the input and involvement of the psychologist.
- Summarize discussions concisely for clarity and transparency.
- Documentation of discussion around all placement options considered and decisions made should be reflected in the IEP, PWN, and meeting notes.



Vilma is a 6th grader with an Emotional Disturbance verification. Last semester Vilma was suspended several times after disrupting the school and acting aggressively. Staff are fed up and solutions tried haven't worked. Vilma then causes another disturbance and behaves aggressively toward administrators.

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Next steps the school should consider:

- 1. Ask to schedule a meeting to discuss needs and next steps**
- 2. Consider Team Composition:**  
Vilma's team should include her parents, special education teacher, general education teacher(s), district representative, and any one else with knowledge of her needs. The team will want to ensure they have accounted for all those with knowledge.
- 3. Identify Student Needs: Consider All Placement Options, Beginning with the General Classroom:**  
The team should discuss Vilma's needs related to her behavior and education. The team should consider any current behavior information such as functional behavioral assessments, behavior intervention plans, previous evaluations, ratings scales, etc. Functional behavioral assessment and behavioral intervention plans should be completed

before considering placement changes. The team should develop goals based on the needs developed from the conversation and review of data. Following this analysis the team should discuss each placement option starting with then general education setting and what supplemental supports are necessary to support each placement option.

**4. Evaluate Impacts:**

The team should investigate the impacts both positive and negative on Vilma's educational and behavioral progress. In this case it is appropriate to consider the impacts positive and negative on Vilma's peers of her participation with support at each placement level.

**5. Document Thoroughly:**

- Detail Vilma's needs, goals, services, and supports. Document discussion on the continuum of supports and services the team considered before deciding on home instruction.
- Record parental input and demonstrate meaningful involvement in the decision-making process. As well as the input and involvement of the psychologist.
- Summarize discussions concisely for clarity and transparency.
- Documentation of discussion around all placement options considered and decisions made should be reflected in the IEP, PWN, and meeting notes.

## Sources

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