

Legal ReferencesHOME INSTRUCTION**Other Reasons:**

N.J.A.C. 6A:14-4.8 sets guidelines for implementation of a disabled student's IEP through one-to-one instruction at home or in another appropriate setting when all other less restrictive program options have been considered and deemed inappropriate.

N.J.A.C. 6A:16-10.1 requires districts to provide instruction at home or in another appropriate setting for students enrolled in the general or special education program who are unable to attend school due to health concerns. If a student will miss 10 consecutive or 20 cumulative school days during the school year, upon parental request with supporting documentation from the child's physician, the district is required to provide instructional services at home or in another appropriate setting so that the student may continue to make academic progress. Instruction may be provided directly, through online services, including any needed equipment, or through contract. To qualify, a student must reside within and be enrolled in a public school program, or must be enrolled in a private school operating within the district. Services must comply with the New Jersey Student Learning Standards and/or the student's IEP, as appropriate.

N.J.A.C. 6A:16-10.2 requires home or out-of-school instruction for general education students for reasons other than a temporary or chronic health condition in the following special circumstances:

1. When placement in an alternative program is not immediately available including firearms offenses (N.J.A.C. 6A:16-5.5) and assaults with weapons offenses (N.J.A.C. 6A:16-5.6);
2. When a student is placed on short-term or long-term suspension from participation in general education program pursuant to N.J.A.C. 6A:16-7.2 and 7.3;
3. When a court order requires that the student receive instructional services in the home or other out of school placement.

Instructional services must begin within five days of the student's departure from the general education program; may be provided directly, through online services, including any needed equipment, or through contract; must be delivered pursuant to a written plan; must be delivered by a certified teacher who must provide one-on-one instruction for at least ten hours per week over three separate days per week, with an additional ten hours per week of guided learning experiences; and which must comply with the New Jersey Student Learning Standards.

The requirements of the Comprehensive Equity Plan (N.J.A.C. 6A:7-1.7) direct districts to ensure that support services (e.g. school-based youth services, health care, tutoring and mentoring) are available to all students, including English language learners. Home instruction is a support service.

Recommendation:

A policy directing the chief school administrator to arrange all district-provided home instruction to comply with requirements to meet the individual needs of students who are unavailable to appear on campus to participate in the district's instructional programs.

Home instruction as a placement for a classified pupil is more appropriately addressed at 6171.4.

HOME INSTRUCTION (continued)**Legal References:**

- N.J.A.C. 6A:7-1.7 Equity in school and classroom practices
- N.J.A.C. 6A:14-1.1 et seq. Special education
- See particularly:
- N.J.A.C. 6A:14-4.8, 4.9
- 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:16-10.1 et seq. Home or out-of-school instruction
- N.J.A.C. 8:61-2.1 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)
- Jacobson v. Jackson School District, 2013, Feb. 27; OAL Dkt. No. CRT4100-08; Agency No. P211WE-02944; EDS15092-12;
- The Comprehensive Equity Plan, New Jersey Department of Education

Possible**Cross References:**

- *4112.2 Certification
- *4119.26/4219.26 Electronic communication between staff and students
- *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

*Indicates policy is included in the Critical Policy Reference Manual.