

8 NYCRR 100.22

Section 100.22. Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction)

(a) Purpose. The purpose of this section is to establish minimum instructional requirements that must be provided to students who are anticipated to be unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to

(1) When requesting home, hospital, or institutional instruction, the parent or guardian must submit a request to the school district of residence that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the director of school health services or designee to contact the treating healthcare provider. Refusal to provide such written consent will result in a denial of the request for home, hospital, or institutional instruction.

(2) The school district shall forward the request to the director of school health services, who shall review the need for home, hospital, or institutional instruction. The director of school health services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

(3) The school district shall provide instructional services to the student within five school days after the school district receives notification of the student's medical condition or within five school days from the parent or guardian's request for home, hospital, or institutional instruction, whichever occurs first.

(4) The school district shall notify the parent or guardian regarding the director of school health services approval or reason(s) for denial within five school days after receipt of written medical verification from the student's treating healthcare provider.

(5) The parent or guardian may appeal the director of school health services denial to the school district's board of education within ten school days of receipt thereof.

(6) Instructional services shall be provided during the timeframe prescribed in paragraph (3) of this subdivision while an appeal of a denial of home, hospital or institutional instruction is pending before the school district's board of education pursuant to paragraph (5) of this subdivision.

(e) Instructional requirements. Home, hospital, or institutional instruction, which may include remote instruction, shall meet the following minimum requirements:

(1) The school district shall establish a written home, hospital, or institution instruction delivery plan to continue the student's academic progress, obtaining and considering input from the parent/guardian and, if appropriate, the student, where appropriate. The instruction plan shall be reviewed by the school district as needed, based upon changed condition and/or needs of the student. The school district shall maintain a record of delivery of instructional services and student progress. The instruction delivery plan shall include, but not be limited to:

N.Y. Comp. Codes R. & Regs. tit. 8, § 100.22, 8 NY ADC 100.22