

# ALERT: Special Education Amendments

## PROVIDING HOMEBOUND SERVICES UNDER THE NEW REGULATIONS

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Home hospital instruction is generally provided when a licensed physician confirms in writing that a student will be absent from school and confined to a home or hospital. On August 29, 2009, the Illinois General Assembly approved Public Act 96-684, which created a new definition of educational programming, "remote educational programs." A remote educational program is generally defined as "an educational program delivered to students in the home or other location outside a school building," and includes home hospital instruction provided pursuant to an IEP. 105 ILCS 5/10-29.

Recently, the State Board of Education adopted amendments to the special education regulations, 23 Illinois Administrative Code 226, that place additional requirements on school districts providing remote educational programs, including home or hospital instruction, to special education students. Effective October 28, 2010,

"A school district that places a student into a remote educational program authorized under Section 10-29 of the School Code [105 ILCS 5/10-29] shall ensure that the educational programming and related services as specified in the child's IEP are provided to the student. The placement of the student in a remote educational program does not relieve the school district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources. Each local school district shall be responsible for monitoring the performance of the remote educational program to ensure that the implementation of each IEP conforms to the applicable requirements of this Part." 23 Ill. Admin. Code 226.360.

In addition, home hospital instructors must now meet the requirements of 23. Ill. Admin. Code 1.610, meaning staff providing home hospital instruction must meet State Board of Education established regulatory qualifications for school personnel. 23 Ill. Admin. Code 226.300(g).

These newly enacted regulations now require related services, such as occupational therapy, speech and language services, and physical therapy to be provided to students on homebound status. Other programming identified in the IEP must also be provided, and academic instruction must be delivered by a special education teacher, in accordance with a child's IEP. These changes close a prior loophole in the statute and now ensure that students on homebound do not lose out on the necessary IEP services they are entitled to under the law.