

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
900 Special Populations**

930 Supportive Instruction (Homebound)

1.0 Definition

“Supportive Instruction” means an alternative educational program provided at home, in a hospital or at a related site for a student temporarily at home or hospitalized for a sudden physical or mental illness, injury, episodic flare up of a chronic physical or mental health condition, accident, or pregnancy, childbirth, or related medical condition to pregnancy or childbirth. Subject to 14 **Del.C.** §1604(8), this may also include an alternative educational program provided at home to a student that has been suspended, expelled or subject to expulsion based upon the student’s local school district or charter school policy.

- 1.1 Procedures for eligibility shall be limited to appropriate certification that the student cannot attend school.
- 1.2 Services for children with disabilities as defined in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.), and its regulations (34 CFR parts 300 and 301), 14 **Del.C.** Ch. 31, and the Department of Education’s regulations on Children with Disabilities (14 **DE Admin. Code** 922 through 929) shall be provided in accordance with these laws and shall be processed under the district’s or charter school’s special education authority. Nothing in this regulation shall prevent a district from providing supportive instruction to children with disabilities in a manner consistent with the Individuals with Disabilities Education Act (IDEA) and its regulations, 14 **Del.C.** Ch. 31, and the Department of Education’s regulations on Children with Disabilities.
- 1.3 Nothing in this regulation shall alter a district’s or charter school’s duties under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act to students who are qualified individuals with disabilities. Nothing in this regulation shall prevent a district from providing supportive instruction to such students.

14 DE Reg. 558 (12/01/10)

16 DE Reg. 412 (10/01/12)

18 DE Reg. 215 (09/01/14)

23 DE Reg. 452 (12/01/19)

2.0 Eligibility for Conditions other than Suspension, Expulsion or Subject to Expulsion

- 2.1 A student enrolled in a school district or charter school is eligible for supportive instruction when the district or charter school receives the required certification that one or more of the following conditions will prevent the student from attending school for at least ten (10) school days:
 - 2.1.1 Sudden physical or mental illness;
 - 2.1.2 Accident;
 - 2.1.3 Episodic flare up of a chronic physical or mental health condition;
 - 2.1.4 Injury; or
 - 2.1.5 Pregnancy, childbirth or related medical condition.
- 2.2 A physician or an advanced practice nurse, employed by or who has a collaborative agreement with a licensed physician, or a physician assistant employed by and who has a written agreement with a supervising licensed physician must certify absences due to a medical condition.
 - 2.2.1 A student who remains enrolled in school is eligible for supportive instruction during a postpartum period for as long as deemed medically necessary. Postpartum absences shall be certified by a physician or an advanced practice nurse, employed by and who has a collaborative agreement with a licensed physician, or a physician assistant employed by and who has a written agreement with a supervising licensed physician.
- 2.3 A licensed clinical mental health provider (such as a Licensed Clinical Social Worker, psychiatric nurse practitioner, psychologist, or psychiatrist) must certify absences due to a mental illness or mental health condition.

TITLE 14 EDUCATION
DELAWARE ADMINISTRATIVE CODE

- 2.4 Supportive instruction can be requested as an in school transitional program that follows a period of supportive instruction that was provided outside of the school setting. If the supportive instruction is provided as an in school transitional program, it must be approved through a staff conference.

9 DE Reg. 402 (09/01/05)

14 DE Reg. 558 (12/01/10)

16 DE Reg. 412 (10/01/12)

18 DE Reg. 215 (09/01/14)

23 DE Reg. 452 (12/01/19)

3.0 Implementation

- 3.1 Supportive instruction for a student shall begin as soon as the documentation required by Section 2.0 is received. Supportive instruction may continue upon the return to school setting only in those exceptional cases where it is determined that a student needs a transitional program to guarantee a successful return to the school setting in accordance with subsection 2.4.

- 3.1.1 Supportive instruction shall adhere to the extent possible to the student's school curriculum and shall make full use of the available technology in order to facilitate the instruction.

- 3.1.1.1 The school shall provide a minimum of three (3) hours of supportive instruction each week of eligibility for a K to 5th grade student, and a minimum of five hours each week of eligibility for a 6th to 12th grade student. There is no minimum for in school transition.

- 3.1.1.1.1 For a pre-school student identified with a disability pursuant to 14 **Del.C.** §3122, the district shall provide supportive instruction each week of eligibility in an amount recommended by the student's individualized education program (IEP) team.

- 3.1.1.1.2 For an enrolled pre-school student, the district may, but is not required to, provide supportive instruction. There is no minimum number of hours each week of eligibility.

- 3.1.1.2 Nothing in this regulation shall prevent a school district or charter school from providing additional hours of supportive instruction to an eligible student from other available funding sources.

- 3.1.2 Summer instruction is permitted for a student who is otherwise eligible for supportive instruction and, as determined by the student's teachers and principal, needs the instruction to complete course work or to maintain a level of instruction in order to continue in a school setting the following school year.

4 DE Reg. 344 (08/01/00)

4 DE Reg. 497 (09/01/00)

9 DE Reg. 402 (09/01/05)

14 DE Reg. 558 (12/01/10)

16 DE Reg. 412 (10/01/12)

18 DE Reg. 215 (09/01/14)

23 DE Reg. 452 (12/01/19)

4.0 Eligibility and Implementation for Suspension, Expulsion, or Subject to Expulsion

If a local school district or charter school provides for supportive instruction (homebound) for students that have been suspended or expelled, the local school district or charter school shall have a written policy, which conforms with 14 **Del.C.** §1604(8), and any of its implementing regulations, regarding eligibility and implementation.

16 DE Reg. 412 (10/01/12)

23 DE Reg. 452 (12/01/19)