

[SAMPLE POLICY]

School Board Policy No. Medical Excusal and Homebound Instruction

Section 1. Excusal from School for Mental, Physical, and Other Urgent Reasons.

1.0 Mental or Physical Reasons for Excusal. The Board of School Directors, upon recommendation of the Superintendent, may excuse from compulsory school attendance any District resident of compulsory school age when the following conditions are satisfied:

1.0.1 A mental or physical condition that (a) is severe, (b) is likely to persist for greater than four calendar weeks during which school is in session, and (c) is widely recognized within an established field of medicine or psychology prevents the child from attending school;

1.0.2 The District has received a report written by a licensed medical doctor or a licensed psychologist that (a) describes the mental or physical condition using professionally recognized diagnostic criteria, (b) contains a clear recommendation that the child not attend school for a specified period, and (c) explains how the mental or physical condition of the child prevents school attendance; and

1.0.3 The District does not have reason to suspect that the reasons offered to excuse the nonattendance are fraudulent or constitute and attempt to subterfuge the compulsory attendance laws of the Commonwealth. Such reasons include, but are not limited to, (a) the use of a medical doctor or psychologist who has a history of supporting fraud or subterfuge, (b) over-reliance by the medical doctor or psychologist on secondary information rather than on direct, independent assessment and judgment, (c) a history of the parent, guardian, or student violation of compulsory attendance laws, or (d) a history of erratic attendance or unexcused absence on the part of the student.

1.1 Other Urgent Reasons for Excusal. In extraordinary circumstances, upon recommendation of the Superintendent, the Board of School Directors may excuse from compulsory school attendance any District resident of compulsory school age upon receipt of clear evidence from credible sources that a condition exists that indisputably renders such attendance a clear and immediate danger to the health, safety, or welfare of the student or others and when such condition is likely to persist for a period greater than four calendar weeks during which school is in session. Whenever possible, evidence of such condition must be provided under or subject to an oath that would subject the provider thereof to criminal prosecution in the event that any portion is determined to be false.

1.2 Approval by the Department of Education. The approval of any excusal from compulsory attendance shall not become final until it is approved by the designated

authority within the Pennsylvania Department of Education. The Superintendent or his or her designee shall forward any approval by the Board to the Department in such form and with such substantiating documentation as the Department shall require. Nothing in this policy shall preclude excusal of a resident who has satisfied the conditions enumerated in subsections 1.0 or 1.1 of this policy pending approval from the Department, provided, however, that the District shall treat such excusal as revoked immediately upon notification of the parent or guardian of the student that the Department has disapproved such excusal.

1.3 Excusal for Temporary Periods. The principal of any school within the District may excuse from attendance any student for any of the reasons identified, and upon satisfaction of the conditions specified in subsections 1.0 or 1.1 of this policy, for a period not to exceed three months during which school is in session in any one school year. Such excusals are not subject to approval by either the Board of School Directors or the Department of Education but shall be promptly reported to the Superintendent or his or her designee.

Section 2. Homebound Instruction.

2.0 Eligibility. Except as provided in Section 3.0 of this policy, a public school student whom the Board or the principal has excused in accordance with Section 1 of this policy shall receive homebound instruction upon receipt of a request in writing from the parent or guardian of the student, subject to the following limitations and conditions:

2.0.1 Absent compelling and extraordinary circumstances, homebound instruction shall not commence prior to the expiration of one week of continuous absence from the date on which the request for such instruction is received in writing from the parent or guardian or from the point at which excusal is approved by the Board or principal in accordance with Section 1 of this policy, whichever is later;

2.0.2 The hours of such instruction shall not exceed five weekly or the maximum number for which subsidy is available from the Commonwealth of Pennsylvania or the maximum that the health and well-being of the student will allow, whichever is less;

2.0.3 The availability and amount of such instruction is subject to the availability of certified teachers to provide such services in the home;

2.0.4 The scheduling of such instruction shall be at the mutual convenience of the parent or guardian and the instructor, and the District shall not provide makeup sessions when the student or the parent or guardian is unavailable for a scheduled session of instruction.

2.0.5 A responsible adult caretaker must remain in the home for the entire time that a homebound instructor is in the home.

2.0.6 Continuation of homebound instruction for any period beyond three months shall be contingent expressly upon approval of such instruction by the Pennsylvania Department of Education.

2.1 Provision of Homebound Instruction. Homebound instructors shall be certified to teach within the Commonwealth of Pennsylvania the subjects in which they are instructing the homebound student. Homebound instruction shall mirror as closely as possible the planned scope and sequence of instruction that is delivered to students of similar age attending the public schools.

Section 3. Students With or Thought to Have Disabilities.

3.0 Students with Disabilities. When the Board or principal has excused from school, in accordance with Section 1 of this policy, a student with a disability whom the District has determined to be eligible for special education and related services in accordance with the Individuals with Disabilities Education Act and Chapter 14 of the regulations of the State Board of Education or adaptations and accommodations in accordance with Section 504 of the Rehabilitation Act of 1973 and Chapter 15 of the regulations of the State Board of Education, the Superintendent or his or her designee shall ensure that an IEP team or an accommodation planning team convenes with reasonable promptness. The team thus convened shall determine the type, frequency, duration, and location of instruction provided to the student, the provisions of Section 2 of this policy notwithstanding. Nothing in this policy shall limit the authority of the team to seek any necessary reevaluations of the child prior to recommending changes in program or placement.

3.1 Students Not Identified as Having Disabilities. When the Board or principal has excused from school, in accordance with Section 1 of this policy, a student whom the District has not identified as having a disability, the following shall apply:

3.1.1 For a student excused in accordance with subsection 1.0 of this policy, the Superintendent or his or her designee may seek from the parent or guardian of the student permission to complete a multidisciplinary team evaluation and, upon receipt of permission either from the parents or guardian or by final order of a hearing officer or court, shall proceed with such evaluation within the time allotted by law. The requirement to complete a pre-evaluation screening of such child shall be waived unless the Superintendent or his or her designee determines that such screening can be completed meaningfully and practicably under the circumstances.

3.1.2 For a student excused for a temporary period in accordance with subsection 1.3 of this policy, the Superintendent or his or her designee shall seek from the parent or guardian of the student permission to proceed with a pre-evaluation screening as soon as possible upon the return of the student to school and, upon receipt of permission either from the parents or guardian or by final order of a hearing officer or court, shall proceed with such screening within the time allotted by law or policy, provided, however, that the Superintendent or his or her designee shall have the authority, based upon a review of the records of the student and the circumstance of the case, (a) not to proceed with such screening if the condition for which the excusal was granted is eliminated or mitigated to such an extent that it will not effect the ability of the student to access or participate in educational programming, or (b) to proceed with screening or with a multidisciplinary team evaluation prior to the return of the student to school if circumstances warrant. Nothing in this policy shall limit the right of a parent or guardian to request that a multidisciplinary team evaluation proceed immediately and without pre-evaluation screening or the right of the District to refuse such a request in the manner prescribed by law.

3.1.3 An excusal granted in accordance with subsection 1.1 of this policy shall not in itself constitute reason to believe that a student has a disability, unless circumstances otherwise so indicate.

Authority: Public School Code of 1949, *as amended*, 24 PA. STAT. § 13-1330; 22 Pa. Code § 11.25, Chapt. 14 and 15; 20 U.S.C. §§ 1400 *et seq.*; 29 U.S.C. § 794; 34 C.F.R. Parts 104 and 300.

ADOPTED:

REVISED: