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Bureau of Special Education FY'17 Memo #31

Date: March 31, 2017

To: Superintendents
Special Education Directors

From: Office of the Commissioner of Education

Division of Educational Improvement
Bureau of Special Education

RE: New Hampshire Rules for the Education of Children with Disabilities Adopted March 23, 2017
Ed 1111.04 Home Instruction for School-Aged Children with Disabilities

On March 23, 2017, the State Board of Education adopted the New Hampshire Rules for the Education of Children with Disabilities, the NH Rules have been put into effect as of March 24, 2017.

The Bureau of Special Education would like to address the repeal of **Ed 1111.05, Home Instruction for School-Aged Children**. This rule, requiring an application and approval from the Department of Education for Home Instruction and Shortened School Day programs, has been repealed.

The newly adopted rule regarding Home Instruction is as follows;

Ed 1111.04 Home Instruction for School-Aged Children with Disabilities

- (a) Home instruction is an alternative placement for children at least 6 years of age but less than 21 years of age in accordance with CFR 300.115.
- (b) This section shall not apply to children with disabilities who have been removed from school for violations of a code of student conduct or removals to an interim alternative educational setting as authorized in 34 CFR 300.530(b) through (d) and 300.532(b). Such children shall receive services consistent with Ed 1124; provided that such services, if provided at the child's home, shall consist of: (a) a minimum of 10 hours/week of instruction, including special education as specified in the child's IEP; and (b) related services as specified in the child's IEP.
- (c) Home instruction for children at least 6 years of age but less than 21 years of age shall not include parent-designed home instruction programs as authorized in Ed 315.
- (d) Pursuant to CFR 300.116, a child's placement is determined at a least annually and is based on the child's IEP.
- (e) Children who are placed in home instruction should be allowed to participate with nondisabled children to the maximum extent appropriate to the needs of the child, as required by 34 CFR 300.114(a)(2)(i).

- (f) *Length of the school year and school day for a home instruction placement shall be consistent with RSA 186-C: 15 except as follows:*
- (1) *When the superintendent has excused a student from full-time attendance in accordance with RSA 193:1, I(c) or RSA 193:5, in which case the superintendent and parent shall agree on the number of hours per week of instruction, including special education and related services that the student shall receive.*
 - (2) *For children with disabilities ages 18-21, the procedures in Ed 1111.04(e) (1) shall apply as if the child with a disability were under 18 years of age.*

When a student is unable to attend school, the district superintendent may excuse the student from attendance, in accordance with **RSA 193:1(c) Duty of Parent; Compulsory Attendance by Pupil.**

If you have any questions or concerns regarding the content of this message and its implications, please contact Janelle Cotnoir, Program Coordinator at the Department of Education, Bureau of Special Education, (603) 271-3737, Janelle.Cotnoir@doe.nh.gov.

You may also contact the Bureau of Special Education main line at (603) 271-3741.