

## 5C - HOME BASED

A pupil who has been suspended or expelled from school as the result of a disciplinary action may be educated at the pupil's home or at a neutral site away from the general school population. This **individualized program** is considered home based and means there is one pupil with the certificated teacher. Home based instruction must be the result of disciplinary action, determined to be the best placement for instruction for the pupil, and authorized in writing by the district superintendent and the district alternative or disciplinary education supervisor. This is a change of placement for a special education pupil and must be accompanied by a new IEP. The IEP will determine what services will occur in the alternative educational setting.

### A. Expelled Under Local District Policy

A pupil who has been expelled or placed on a long-term suspension, or for whom disciplinary action by the district removes the pupil from the classroom pursuant to local district policy, may receive home based instruction. The district may provide appropriate instruction (as described below) in the pupil's home, or at a neutral site, and may count the pupil on a pro rata basis if all of the following criteria are met:

- ✓ The district provides at least 2 nonconsecutive hours of pupil instruction per week to the pupil under the supervision of a certificated teacher.
- ✓ The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.
- ✓ Course content is comparable to that of the alternative education program.
- ✓ Credit earned is awarded to the pupil and placed on the pupil's transcript.

### B. Expelled Under Mandatory Expulsion Laws

A pupil who has been expelled pursuant to Revised School Code 380.1311(2) or 380.1311a (mandatory expulsion) may receive home based instruction. **Mandatory suspension or expulsion** is required for bringing a dangerous weapon to school, committing an act of arson, committing a criminal sexual assault in a building or on the school grounds, or for committing a physical assault against an employee or volunteer of the school district. Verbal assault or bomb threat could be a permanent expulsion if the pupil is permanently expelled as a result of school board defined verbal assault or due to bomb threats. Separation of such a pupil from the general population is necessary and education may be provided through an alternative education program or through an **individualized schedule** at the pupil's home or at a neutral site. A pupil that has been expelled under the mandatory expulsion requirements and is educated through an individualized home based program may be counted for a **full membership** if the following four requirements are met:

- ✓ The district provides two nonconsecutive one-hour periods of pupil instruction per week to the pupil under the supervision of a certificated teacher;
- ✓ The district provides instructional materials, resources, and supplies that are comparable to those otherwise provided in the district's alternative education program.
- ✓ Course content is comparable to that of the alternative education program.
- ✓ Credit earned is awarded to the pupil and placed on the pupil's transcript.

**NOTE:** The individualized program means the certificated teacher is with one pupil during the instructional period. Teaching more than one pupil at a time indicates that it is not an individualized program and the FTE must be pro-rated.

### **C. Regulatory References**

State Aid Act Sections:

388.1606(4)(u)

Revised School Code Sections:

380.1311

380.1311a

Administrative Rule:

340.2(13)

### **Alternative Education Program for Pupils Expelled Under the State Mandated Expulsions**

Q #1

The district wants to operate an area wide alternative education program for seventh and eighth grade pupils who have been expelled under MCL 380.1311(2) and 380.1311a or under local board of education policy. This would be under a cooperative agreement with the local area districts and enrollment would be limited to pupils who reside within the intermediate district. The alternative education program would operate 180 days for 1,098 hours. Section 6(4)(u) permits a district to offer this type of student two (2) one-hour sessions per week and count the student for a full FTE. May we count each student for 1.0 FTE?

A #1

No, section 6(4)(u) addresses pupils who are not in attendance as a result of a disciplinary action under the local school board policy for an offense that the district feels that it is in the student's best interest to be educated at home or at a neutral site away from all other pupils. This must be an individualized program; in other words, a one-on-one teacher-student one hour session. The student cannot be sitting with other pupils in a classroom receiving instruction at the same time with other pupils nor in a lab working on individualized instruction. Only the state mandated expulsions, MCL 380.1311(2) and 380.1311a, qualify for the full FTE for two one-hour individualized sessions per week. All other pupils not in attendance as the result of a disciplinary action must be pro-rated based upon the actual number of hours of pupil instruction that the pupil is receiving compared to the minimum required 1,098 hours.

Q #2

May the intermediate school district or a local school district provide home-based instruction to several pupils who have been expelled under state mandatory expulsion by several districts throughout the surrounding area?

A #2

Home-based instruction must be provided to the expelled pupil by the expelling district. The expelling district may contract with the intermediate school district or with a local school district to provide home-based instruction to pupils who have been expelled under MCL 380.1311(2) and 380.1311a. The instruction must be provided in a one-on-one setting and not in a group setting. ~~However, it is the expelling district that counts the FTE for that pupil and the educating district would have to bill the expelling district.~~ This does not prevent an intermediate district or a district from creating an alternative education program for a group of pupils within the area who have been suspended or expelled under 380.1311(2) and 380.1311a. The FTE for such a pupil would be prorated on the actual hours provided as compared to the minimum required hours of pupil instruction. (See Section 25 (MCL 388.1625) of the State School Aid Act.)

### **Home based instruction for verbal assault**

Q #3

The district expelled a pupil for threatening to blow up the school, making bombs, and threatening the school counselor's life. Does the fact that the pupil made threats of bombs or injury to school employees represent adequate grounds for the district to treat this situation as a state mandated expulsion?

A #3

Yes, if the criteria in MCL 380.1311a(2) are met. Section 380.1311a(2) of the Revised School Code states that a pupil in grade 6 or above who commits a verbal assault, as defined by the school board policy, against an employee or volunteer of a school district or makes a bomb threat or similar threat at a school building, or other school property, or school related event, shall be suspended or expelled for a period of time as determined by the school board or its designee. Based on language in Section 1311a(3), if the pupil is permanently expelled as a result of school board defined verbal assault or due to a bomb threat, the pupil can qualify for a full FTE when provided two one hour periods of individualized pupil instruction per week.

### **Using the Virtual Learning Medium**

Q #4

District A wants to offer two virtual learning classes to three youths, ages 16 and 17, incarcerated in the county jail. One youth had been enrolled in District A. The other two youths were enrolled in District B and District C respectively. District C is located in a contiguous ISD. May District A count those three youths for a full FTE under home-based learning?

A #4

The answer is "no" based on the following:

- (a.) "Home-based" instruction may be counted as a full FTE if the pupils were expelled from the district under mandatory expulsion laws, MCL 380.1311(2) and 380.1311a. The pupils were not expelled from District A.
- (b.) Virtual learning does not replace the minimum two (2) one-hour individualized instructional periods with a certificated teacher as required under section 6(4)(u). Virtual learning may be in addition to the required individualized pupil-teacher instruction and used to increase the prorated FTE.

### **Special Education Pupil's IEP**

Q #5

A special education pupil was "homebound" by the court system because of behavioral problems. The pupil was not expelled from the school district but the court felt it was not a safe environment to have the pupil in a public school because of his behavior. The district wants to provide 2 one-hour sessions of pupil instruction per week to this pupil. May the district count this pupil for 1.0 FTE?

A #5

No. Only pupils expelled pursuant to MCL 380.1311(2) and 380.1311a and pupils who are homebound/hospitalized due to a certified medical condition qualify for a full FTE when provided 2 one-hour individualized sessions per week. The pupil membership would be a prorated FTE.

Q #6

If a pupil is a special education student who is receiving home-based services, does the teacher have to be special education certified or is it sufficient that the teacher providing the instruction be a certified teacher?

A #6

A special education pupil who is receiving home-based services must have been suspended or expelled for disciplinary reasons. Thus, a new IEP is required. That IEP may specify that a teacher with a special education certification must provide the service or that a teacher with a general education certification will provide the services. The pupil will continue to be carried on the original teacher's caseload.