



**Home is Where the Heart Is:  
The Struggles of Home-based Placements**  
*Beth Morris and Reagan Sauls, Harben, Hartley & Hawkins LLC*

Home-based placements and the issues that surround these placements are some of the most complicated and emotional issues that IEP Teams face. This is because the issues that Teams are facing which result in a home-based placement are varied and complicated in and of themselves. When considering home-based placements, Teams are often considering student needs that involve severe behavioral, emotional, or medical issues which prevent the student from receiving FAPE in the typical school setting. Thus, an IEP Team might feel like they are facing their “last resort” when considering a home-based placement and parents might be panicked or emotionally drained at the prospect. This is not always the best recipe for careful and defensible placement determinations. It is, therefore, important to have an understanding of the legal requirements that relate to home-based placements so that when your district is faced with such a decision, you are able to make appropriate placements.

While all IEP placements involve the IEP Team’s need to balance FAPE with a student’s access to the least restrictive environment, home-based placements force IEP Teams to consider the true tension of the requirements between FAPE and LRE given the restrictiveness of a home-based placement. This is because home-based placements are, perhaps, the most restrictive placements IEP Teams can make. There are many long standing principles in serving students with disabilities. Among these are that students may be served in various placements along the continuum of so long as it enables a student to make educational progress *and* that this is done in a student’s least restrictive environment. IDEA directs school districts:

“To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

20 U.S.C. § 1412(a)(5)(A). When a student’s needs are so severe that an IEP Team is considering a home-based placement, the balance between meeting those needs and providing the student with access to his or her LRE is often one of the most difficult aspects of the IEP Team discussion.

So, when might a home-based placement be the appropriate placement and when might it not be? Given the restrictiveness of the placement, it is important that the IEP Teams has considered whether the student might be able to participate in a less restrictive environment with the use of supplementary aids and services. LRE mandates this consideration. Thus, before making home-based placements, it is critical that IEP Teams consider, try and document other efforts. These may include training for teachers, additional accommodations, increased special education services, direct staff support (such as a one-on-one paraprofessional or other direct adult support or supervision), support from a behavior specialist, counseling or any other appropriate supports and services and that enable the child to make educational progress in his or her least restrictive environment. Accordingly, it is important that home-based placements are not utilized in situations when staff are simply unable serve the student (due to the student’s severe needs), but only utilized when the student *requires* this placement in order to make educational progress. Thus, it would not be defensible to recommend such a placement simply because a student melts

down in the afternoons or because a student's behavior has, generally, become so severe that the school staff is struggling to assist the student and the student is not making educational progress in the school environment. It is critical that the student's needs are such that the placement will enable the student to make educational progress. For most students, a part day placement or full home-based placement is not going to enable the student to make educational progress.

But, for some students, a home-based placement *might* be the LRE for a student and in those situations an IEP Team is entitled to make such placements. The Eleventh Circuit, in considering a request for reimbursement for home-based services stated, "It is clear to us that in some cases, reimbursement for one-on-one home instructional programs will be 'appropriate' in light of the IDEA's purpose. The IDEA clearly contemplates that a state might be required to place a student in one-on-one homebound instruction to meet the student's needs, evidenced by its definition of 'special education' to include 'instruction conducted ... in the home.' 20 U.S.C. § 1401(29); *see also* 34 C.F.R. § 300.115 (listing home instruction as part of the continuum of alternative placements states must make available to students to comply with the IDEA)." R.L. v. Miami-Dade Cty. Sch. Bd., 757 F.3d 1173, 1185 (11th Cir. 2014)(awarding reimbursement for one-on-one home-based services based on District's failure to provide FAPE to a student with digestive and developmental disorders when the District declined to place the student in a smaller high school and the student then exhibited severe regression in obsessive compulsive disorder, muscle tics, severe behaviors, headaches and vomiting related to the sensory overload of the larger school). Thus, home-based placements are clearly an option on the continuum that should be considered by the IEP Team whenever appropriate for a student based on his or her unique needs and such a placement should be made if it is necessary in order to enable the student to make educational progress – *and* such progress could not be made in a less restrictive environment.

Due to the strong preference to enable students to have some interaction with peers (which is unavailable at home or significantly restricted even with technology available today), there are many instances in which a student's needs might be severe, but still not necessitate placement in a home setting. In A.K. ex rel. E.K. v. Gwinnett Cty. Sch. Dist., 556 F. App'x 790, 792-93 (11th Cir.) cert. denied, 135 S. Ct. 78, 190 L. Ed. 2d 68 (2014), the court set out the strong preference for all students be in some kind of educational setting when it stated that, "It seems clear, then, that the statute favors reintegrating children into the school setting, where they can socially interact with other children. *See Dep't of Educ., Haw. v. Katherine D. ex rel. Kevin and Roberta D.*, 727 F.2d 809, 817 (9th Cir.1983) ('The congressional preference for educating handicapped children in classrooms with their peers is made unmistakably clear in \*793 section [1412(a)(5)(A)].')." In that case, the court found that the student would best be served in the school setting despite the parent's request that the student be served at home for a three month period to allow for the student to receive a regimen of nutritional supplements every 45 minutes in a stress free environment. While looking through the lens of LRE, the court analyzed the specifics of the student's needs, noting that the student's strict diet had not been prescribed by a doctor, she did not have a life-threatening condition, nor was she under the regular medical care of a physician that necessitated that she be served in such a restrictive placement in order to make educational progress. Likewise, in Stamps v. Gwinnett Cty. Sch. Dist., 481 F. App'x 470, 471 (11th Cir. 2012), the court found that "testimony did not establish that H.S., S.S., and J.S. had to be educated at home because they had a nonspecific immune deficiency," affirming the lower court's finding that the District had appropriately offered a placement in the school setting despite the family's request for the students to be educated at home because the District could accommodate the students along with their hygiene needs and their disabilities.

Home-based placements are often confused with hospital homebound placements. While they can result from similar needs at times – a student's inability to attend school due to medical needs – they do not necessarily mean the same thing, nor is the process the same. A student who requires a home (or hospital bound) placement purely based on medical necessity and who is unable to leave the home for this reason may qualify for hospital homebound pursuant to State Board Rule 160-4-2-.31. Any student (regardless of whether he or she is served under IDEA) may receive these services if he or she meets the requirements under the rule and set out by the district. For students without disabilities, a team will meet to determine how eligible students' educational needs will be met. For students who are already served under an IEP (or Section 504 plan), the IEP (or 504) Team will convene to determine how the student's educational needs will be met. But, unlike a home-based placement, these needs may not be driven by the student requiring this placement for educational purposes. For example, a student with a disability might be having surgery and qualify for hospital-homebound services. That student may not require a home-based placement for FAPE, but still be in need of educational services for the period of time which he or she is recovering from the surgery and those services would be provided through the hospital homebound process. The IEP Team

would likely ultimately be involved, but the basis for the need differs.

Overall, while it is often the goal of all members of an IEP Team for a student to be served in the school setting, scenarios arise which do necessitate consideration of services outside that setting including services in the home. It is important that Teams consider all of the individual and unique needs of the student as well as the obligations of the district under IDEA to provide FAPE in a student's least restrictive environment. In doing so, the district should be able to make appropriate, if not always easy, placement determinations.

## A Message from the President

Allison Oxford, President



SSSIP, budgets, allotments, Milestones, student achievement, closing the gap, student growth percentiles, data, data, and more data! Only a few of the things that we all have going on in the coming months. The fall G-CASE conference was a huge success and on behalf of the executive board, we hope that you found the sessions useful in assisting with your work on literacy in your schools. I would like to personally thank each one of you for your commitment to G-GASE and on-going professional learning as a special education administrator.

G-CASE has two very important events coming up to continue to serve our membership and we need your support! First, we are changing up our 2016 G-CASE Spring Conference. We will be holding a multi-state conference entitled, *A special Education Legal Forum*. The conference will begin on March 8<sup>th</sup> at 4pm and will end on March 10<sup>th</sup> at noon at the Savannah Marriott Riverfront. We have an elite legal team lined up to present on legal topics.

Phil Hartley, Beth Morris and Reagan Sauls of **Harben, Hartley, & Hawkins, LLP** will delve into student discipline and compliant practices under OCR, IDEA, and 504.

Sherry Culves and Nina Gupta of **Nelson, Riley and Scarborough, LLP** will take you on a fast paced interactive session of “surviving a day in the life of a special education administrator”.

Last, but certainly not least, we will end with Julie Weatherly of **Resolutions in Special Education, Inc.** Julie will bring us all up to date on the current on all the current court decisions in the area of special education as well as from the U.S. Department of Education and the Department of Justice.

In addition, Debbie Gay, Jamila Pollard and Carol Seay from the **Georgia Department of Education** will update us on compliance and state requirements regarding special education. We hope you will attend and bring your administrators, lead teachers, and school psychologists to this amazing line up of legal minds.

Our **DAY AT THE CAPITAL** will be February 16<sup>th</sup>. This is the day we descend on the state Capital with other educational organizations to speak with legislators to put a real story and faces behind our legislative priorities. Although many of us are on winter break that week, we are choosing to take the time to speak to our legislators on your behalf. It is a wonderful experience, and I highly encourage you to plan to participate with us next year. For more information on legislative issues, you can email Tris Gilland, legislative chair at [tgilland74@gmail.com](mailto:tgilland74@gmail.com).

Please continue to call on G-CASE for support. We are your organization and want to support your needs. If you have any need or input on professional development or support we can provide you, please contact us and we will be happy to assist any way we can.

# Notes from the Executive Director



## **Ignorantia legis neminem excusat**

Translation: “Ignorance of law excuses no one”

The 2016 Spring Conference is all about special education and the law. Educators will not want to miss this opportunity to keep abreast of what’s going on not just in Georgia, but nationally. Three outstanding law firms will present on hot topics like discipline, IEPs, 504 plans, bullying, along with presenting results of recent litigation and updates about what’s going on in Washington.

There will also be updates from the GaDOE focusing on special education compliance. That’s a lot of information in one conference so come prepared! If you haven’t registered yet, you better make it a priority today. Here is the information you need-

The 2016 Spring G-CASE Conference  
*A Special Education Legal Forum*  
Tuesday – Thursday, March 8-10  
Savannah Marriott Riverfront Hotel in Savannah, GA.

Law firms presenting:

Harben, Hartley & Hawkins LLP (Phil Hartley, Beth Morris, Reagan Sauls)  
Nelson, Mullins, Riley & Scarborough LLP (Sherry Culves, Nina Gupta)  
Resolutions in Special Education, Inc. (Julie Weatherly)

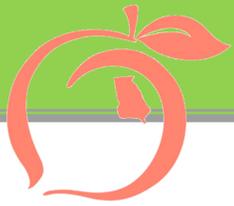
GaDOE presenters:

Debbie Gay, Jamila Pollard, Carol Seay

**[Click here to register for the G-CASE 2016 Spring Conference](#)**

*Did you know?* that the G-CASE Advisory Board members are your local contacts for information sharing. Be sure to communicate any special announcements, suggestions and/or communications so that we can send it out in a newsletter, put it on our website, or take it to the Executive Board for decision-making. G-CASE is your organization – here to serve its members. Here is the link to find your district’s [Advisory Board Member](#).

And finally, don’t forget to share the information on the Theodore Smith Scholarship Award which is currently open for nominations. The award allows Special Education teachers or paraprofessionals to continue the pursuit of excellence with two scholarships of \$1,000 each. In addition to the \$1,000 toward higher education, paraprofessionals who are not CEC members receive a one year membership to CEC. Applications are due by February 29, 2016. Contact MaryKay Berry at [marykay.berry@white.k12.ga.us](mailto:marykay.berry@white.k12.ga.us) for more information.



# From Around the State



## Oconee County's Special Education Department Host Mock Interviews.

The Special Education Department in Oconee County held its first session of mock interview on April 23rd, 2015. When the Director of Special Education, Suzanne Korngold, presented the idea to Kari Turbin and Candace Conglose, both high school special education teachers, the teachers felt this educational experience fit perfectly with the student's goals for CBVT. North Oconee High School and Oconee County High School teamed up to provide their students in their special education program the opportunity to participate in a mock interview. A committee of teachers and administrators found community business owners and board members that could serve as the "mock interviewers" that would provide both valuable experience to the student as well as community awareness of differing abilities and the very real potential they add to the work force.

In the classroom, teachers prepared students by providing strategic lessons in appropriate dress code, social skills, and self-advocating needed for a successful interview. Students practiced firm handshakes, making eye contact, and posture with one another as well as running through possible questions the interviewers may ask them.

When the day came, the students were prepared, excited, and a little nervous. Students from both involved schools met at the local Civic Center where the Mock Interview took place. Students rotated between four stations following a schedule. Each student participated in two mock interviews with an unfamiliar community member, a self-assessment station, filled out a mock application, and a video station that reiterated lessons in the classroom. After each interview, the community member scored the student on their performance and the information was provided back to the teacher. Teachers, Candace Conglose, Kari Turbin, Tonya Day and Lynn Heyen spent close to two months preparing the students and working on the event.

Community business owners who interviewed noted that some of the 14 year old students out interviewed some of their real life potential employees and the students' confidence level was through the roof. The schools hope to continue the exercise in years to come to equip these very capable students for participation in the real world job force.



## Self Determination Conference February 27, 2016 Macon, GA

For most parents, the time when their student is getting ready to move from high school to post-secondary education/work is both exciting and terrifying. Transition from High School is a part of every student's experience. Whether moving

on to college, technical school, or a career, middle Georgia students are using resources to assist them in choosing the correct path. Making this transition can be difficult for all students, however, students with disabilities often have are faced with many questions and concerns that the traditional high school student does not have.

There are so many options offered to students that it can be difficult to navigate the ever changing world of a graduate. Many schools have counselors who can assist with basic plans for applying to colleges. But who is available to provide you with the knowledge of disability services on a campus or housing assistance?

Parents often find themselves searching for resources to assist their children. This can lead to frustration and at times parents give up the search. Time is also a factor when planning for the future. Even though parents have planned and prepared for graduation, it often sneaks up on them and the details can be difficult to manage.

Middle Georgia RESA has taken all of this into consideration and has developed a solution for parents, teachers, and students in planning for graduation. The Self-Determination Conference is offered to students with disabilities, their parents, and the educators that work with them daily. This conference will take place on February 27, 2015. All students in eighth and ninth grade will receive invitations to this event. It is an event not to be missed!

Since not every student has the same needs or the same course of study, the Self-Determination Conference will offer two tracks for students to attend. The first track focuses on students that are college bound. The second track focuses on students community bound. In addition to these two tracks for students, there are events and sessions for parents and educators to attend. The keynote speaker sets the tone for the event and summarizes the amazing resources that can be found at events like this.

Parents from previous conferences have reported how wonderful it was to meet and talk with individuals who had access to resources for their child. Teachers mentioned an overwhelming support from the Department of Education highlighting the importance of graduation. Teachers returned to school with a renewed dedication to transition plans with resources to bring to the meetings and give to parents. One teacher mentioned the session called "Discovering your Gift" and how this introduction tool was embedded with her Making Action Plans (MAPS) process to improve the process for her ninth graders. The MAPS process involves using student centered planning in order to plan for the students future.

Please join us as we kickoff the next Self-determination conference in Macon, Georgia on February 27th.



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The voice and vision of special education

# Walker County Participates in Project SEARCH

## Project SEARCH

Project SEARCH is a one school year, unpaid job internship training program for students with disabilities age 18 - 22. It is a partnership between Walker County Schools; a host business; Vocational Rehabilitation; Supported Employment Services of Kaleidoscope and Orange Grove Center; and the GDBHDD, Georgia Department of Behavioral Health and Developmental Disabilities. The program is business led and takes place entirely in the workplace. The host business is Hutcheson Medical Center in Ft. Oglethorpe, GA where experiences include a combination of classroom instruction, career exploration, and hands-on training through three, 10-week worksite job rotations.

## Students Develop Competitive Employment Skills

Project SEARCH is a high school transition program that provides training and education intended to lead to employment for individuals with disabilities. Students who have completed their academic requirements may apply if they are in their last year of high school. Each interested student is required to make a formal application to the program and to interview with a selection committee. Students participate in an interview process with an evaluation committee consisting of representatives from the school system, Vocational Rehabilitation, Supported Employment Services, and the Project SEARCH host business. All students must be eligible for services with Georgia Vocational Rehabilitation.

## Seriously Unique High School Transition Program

The program provides real-life work experience to help youth with significant disabilities make successful transitions from school to adult life. Each student participates in three 10-week internships during the school year. In each rotation the student learns job-specific skills while having the opportunity to put employability skills into practice. Monthly progress meetings are held to help students define their career goal and to plan necessary steps to achieve that goal.

## Program Model

Project SEARCH is an international trademarked and copyrighted program model, which focuses on employment for Project SEARCH interns and meeting business needs. The cornerstone of Project SEARCH is total workplace immersion in a large business. For five days a week, students report to the host business where they learn employability skills in the classroom and job skills while participating in a variety of work experiences. Classroom instructor, job coach, business department managers and mentors at the internship sites work to support the students during the day. Students get continuous feedback from the internship manager, co-workers, and Project SEARCH staff. A certified special education teacher and job coach work with both the students and the business staff. Students end their day by reflection, problem solving, planning, and journaling key learning points. The goal upon program completion and graduation is to utilize skills acquired during the internship for gainful, competitive employment.

## Want more information?

Contact Angie Ingram at [angieingram@walkerschools.org](mailto:angieingram@walkerschools.org) or 706-375-9900.

# What Happens on Tuesday in Paulding County?



The Paulding County School District has repurposed its Stakeholder meetings to address preparation for post school. Therefore, parents of students with disabilities can have all of their transition questions answered during monthly Transition Tuesday meetings. For the past two years, the Paulding County School District has provided this opportunity one Tuesday night per month. Coordinated by Kristin Pewitt, PCSD transition coach and District Success Coach, dinner and childcare are provided in order to give parents time to meet with other parents as well as hear from various speakers. Topics include financial planning, guardianship, Medicaid waivers, college, and post-secondary options beyond college. Parents leave with valuable information and appreciate the opportunity to have the information brought to them on a monthly basis.



"We work so hard in our districts to encourage schools and their staff to collaborate and eliminate the 'silo' mentality. G-CASE allows directors around the state to collaborate on issues, ideas, concerns, successes and inspirations! It is the best professional developing and networking in the state for special education directors, coordinators and teachers."

Allison G. Oxford, Ed.S.  
Director of Instructional Support Services  
President, G-CASE  
Murray County Schools

I am a member of CASE/CEC/GCASE/GAEL so that I can learn best practices from Georgia educators, as well as special educators from across the country!

Sarah Burbach,  
Assistant Superintendent of Student Support and Community Relations  
Morgan County Charter School System



- March 8-10**  
**Spring G-CASE Conference**  
**Savannah, GA**
- April 13-16**  
**CEC Annual Conference**  
**St. Louis, MO**
- July 10-13**  
**Summer GAEL Conference**  
**Jekyll Island, GA**
- July 10-13**  
**Special Ed Legislative Summit**  
**Washington D.C.**
- September 25-27**  
**NASCE / CASE Fall Conference**  
**Milwaukee, WI**
- November 2-4**  
**Fall G-CASE Conference**  
**Savannah, GA**



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**G-CASE serves the members of CASE who live and work in Georgia! Our major goal is to improve services to children with special needs. We strive to provide leadership and support to members by providing input into the policies and practices in Georgia which impact the quality of education and by providing support to the professionals who serve the students of Georgia.**