EDUCATION LAW CENTER | FACT SHEET

STUDENT RIGHTS IN HOSPITALS

August 2026

Students in hospital programs, including partial hospitalization programs (PHPs), inpatient hospitalization programs, and day treatment programs, maintain their right to a free public education. Students who need special education services or accommodations for qualifying disabilities also continue to have a right to a free appropriate public education (FAPE). These rights are not lost because the student is receiving medical or psychological treatment and is temporarily not physically attending their prior school. Students may be in hospital programs for a variety of reasons, including medical needs, mental health challenges, behavior disorders, or substance use. These students cannot be discriminated against based on their disabilities.

WHAT ROLE DOES RACE PLAY IN EDUCATIONAL DISRUPTIONS CAUSED BY REFERRALS TO HOSPITALS, PARTIAL HOSPITALIZATION PROGRAMS, INPATIENT OR DAY TREATMENT PROGRAMS?

Due to the significant impact of systemic racism, discrimination, and well-documented racial bias in the mental health system, children and youth of color receive more mental health referrals from the criminal justice system or social services than do their white peers, who are more likely to receive health services and be referred in less coercive ways, such as through a family doctor.[1] Lack of access to culturally competent mental health services in communities of color, anti-Black racism, and discrimination have all been shown to contribute to poor health outcomes.[2] Racial disparities in access to services and the forced hospitalization of children and adolescents, as well as the quality of mental health services provided to Black and Brown children, represent urgent issues that must be addressed.[3]

IS MY CHILD AUTOMATICALLY EXCUSED FROM SCHOOL WHILE THEY ARE IN A HOSPITAL OR HOSPITALIZATION PROGRAM?

No. Pennsylvania law requires all children of compulsory school-age to attend school.[4] Each school district has its own rules and policies about student attendance and how to document absences.[5] Pennsylvania law broadly defines absences as excused when a student is prevented from attending school due to physical or mental conditions or "other urgent reasons."[6] An absence is lawful when a student is dismissed during school hours by a nurse, school administrator, or other designee, or if the student is absent to obtain professional healthcare or therapy provided by a licensed practitioner.[7] Schools should consider illness, medical, mental health, or dental appointments as lawful absences.[8] However, such absences must be documented in accordance with school policies, which differ regarding what is required. For

example, school policies may require that documentation be submitted within three days of an absence and/or be provided by a physician rather than through a discharge from a hospital. You should consult your student handbook or code of conduct to learn what policies apply in your child's school.

Schools may excuse your child from attending school for the purpose of obtaining professional healthcare or therapy service, but **only if all of the following requirements** are met:

- The health or therapeutic services are delivered by a doctor or therapist who is licensed by the Commonwealth of Pennsylvania.
- It is not practical or possible for the student to receive the healthcare or therapy services outside of school hours.
- The absence has as little interference as possible with the child's regular program of study.[9]

If your child is in a hospitalization program, you should provide documentation of the hospitalization to your child's school as soon as possible to ensure that the student's absences are excused.

CAN MY CHILD'S ABSENCE DUE TO HOSPITALIZATION COUNT AS TRUANCY UNDER PENNSYLVANIA LAW?

In some circumstances, yes. Properly documented **excused** absences (such as for medical reasons) do **not** count toward a finding of truancy. However, if a school does not receive any documentation or acceptable documentation in accordance with school policies, the absence may be marked as "unexcused" and therefore would count as truancy. *Truancy* is a legal term that refers to **unexcused** absences. Truancy under Pennsylvania law means having three or more unexcused absences in the current school year.[10] Habitual truancy means having six or more unexcused absences in the current school year.[11] These absences do not need to be in a row but may be cumulative in a year.

Make sure you contact your student's school and submit appropriate documentation in accordance with your school district's policies so that your child's absences due to hospitalization are marked as excused. If your child was improperly marked as having an unexcused absence, you can request that your child's attendance record be corrected. See ELC-PA's Attendance Record Correction Self-Advocacy Tool. For more information on attendance and truancy issues, see ELC-PA's fact sheet on attendance barriers.

PARTIAL HOSPITALIZATION AND DAY TREATMENT PROGRAMS

WHAT ARE PARTIAL HOSPITALIZATION AND DAY TREATMENT PROGRAMS?

Partial Hospitalization Programs (PHPs) are **nonresidential** licensed psychiatric partial hospitalization programs that serve patients who require less than 24-hour care but who need more intensive and comprehensive psychiatric and psychological services than are offered in outpatient treatment programs.[12] Children who attend partial hospitalization programs typically receive psychological, psychiatric, social, and/or vocational treatment. PHPs are also referred to as "day treatment programs." Day treatment programs may also offer a variety of treatment services, including psychiatric or mental health treatment, behavior management, counseling, and treatment for substance abuse, among others. Students may be referred to partial hospitalization programs by schools, courts, the medical system, or family/self-placement.

Pennsylvania's 29 Intermediate Units (IUs) provide a wide variety of services to schools and communities, including day treatment and specialized schooling programs.[13] See more on IUs below.

Other PHPs or day treatment programs may be school-based or privately run and may provide an educational component. If you have been referred to or have chosen to send your child to one of these programs, you must make sure that your child continues to receive educational services and complies with state attendance laws. You should contact your child's school to provide documentation for their absence and ask what options are provided for educational services. In some cases, particularly with regard to short-term day treatment programs, your school may provide support for your child to complete school assignments and stay on track with their class.

WHAT KINDS OF EDUCATION SERVICES SHOULD MY CHILD RECEIVE IN A PARTIAL HOSPITALIZATION OR DAY TREATMENT PROGRAM?

The education services offered in a PHP or day treatment program often depend on whether the program is school-based, offered by an IU, or offered through a privately run program. If your child is referred to a PHP or day treatment program by their school as a result of an IEP team decision, the district is obligated to offer comprehensive education services that will ensure that your child receives a free appropriate public education.[14] Often the PHP or day treatment program will deliver the educational services and they, along with your child's school district, are responsible for your child's education while they are enrolled in that program. (You can read more about your child's special education rights in these programs below.)

If your child is ordered to participate in a PHP or day treatment program, such as by a juvenile court, it is the responsibility of the school district where the program or facility is located to provide educational services to your child.[15]

If you enroll your child in a privately run PHP or day treatment program without an educational component, you can request that your school district of residence provide educational services.[16] The state Department of Human Services has set out guidance about how a child's parents, school,

medical providers, and service providers should work together to determine the best course of action when a student is referred or enrolled one of these programs.[17] For example, this may include an education program provided by a district in a private placement, homebound instruction, virtual learning, or other educational services. Before making the decision to place your child in a PHP or day treatment program, you should consult with your child's school to determine what services may and may not be offered and how they will be provided.

Under state law, basic education and special education are recognized as "essential and required part of service" for children and youth in partial hospitalization programs, and ensuring the provision of that education is the ultimate responsibility of "the Department of Education or its agent."[18] The education program may be provided at the same site as the partial hospitalization program, but it is considered a separate, though complementary, program.[19]

WHAT IF MY CHILD HAS A DISABILITY AND RECEIVES SPECIAL EDUCATION SERVICES?

Students with disabilities are entitled to receive special protections under the law (Individuals with Disabilities Education Act, or IDEA) that apply when a student's educational situation or placement is changed. School districts (called "local educational agencies" or LEAs) are obligated under IDEA to provide a "free appropriate public education" (FAPE) to children with disabilities, regardless of whether the child is in a private facility, hospital, or day treatment program.[20] They must also provide a "continuum of alternative placements" to meet children's needs, including instruction in hospitals and institutions.[21] This means that if your child has a disability and must attend a PHP or day treatment program because of their educational needs, your LEA is still responsible for providing special education services to them.[22] The LEA's specific responsibility for education may vary based on certain factors, so contact ELC's Helpline at 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) for additional guidance.

If your child already has an IEP and they miss school due to hospitalization or a day treatment program, you can request a meeting to discuss your child's IEP or ask for additional accommodations. If your student has disabilities and was not provided appropriate services and supports while in a hospital or day treatment program, they may be entitled to compensatory education services.[23] See our fact sheet on compensatory education for more information.

A change in the physical location of education only — from school to a day treatment program, for example — may not qualify as a change in educational placement. However, if your child has an IEP and is placed in a PHP or day treatment program by the school, it could qualify as a change in placement under IDEA. If this occurs, your child's school must issue a Notice of Recommended Educational Placement (NOREP), which you may or may not agree with. Any change in placement can be challenged. For information on contesting a placement decision, see the ELC fact sheet Resolving Special Education Disagreements.

IS MY CHILD ENTITLED TO SPECIAL EDUCATION SERVICES AND ACCOMMODATIONS AS A RESULT OF THEIR HOSPITALIZATION OR REFERRAL TO A DAY TREATMENT PROGRAM?

No. But you may request an evaluation if you believe your child may be eligible. If the child does not have an IEP at the beginning of treatment but may qualify for special education services, the child must be evaluated by the school district to receive an IEP or IEP accommodations. These services would not be provided until they return to their school district. This means the student would likely not receive accommodations while receiving treatment unless you and your school district come to an agreement to provide such accommodations.

Importantly, your child may be entitled to accommodations as a student with qualifying disabilities under the Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.[24] Section 504 defines a person with a qualifying disability to include any person who has a physical or mental impairment that substantially limits one or more major life activities, including learning.[25] This includes a mental or psychological disorder, emotional or mental illness, and physical impairments.[26] It includes "hidden disabilities," which are physical or mental impairments that are not readily apparent to others.[27] You may talk to your school about whether your child should be evaluated for a Section 504 Accommodations Plan, which provides accommodations in school for students with qualifying disabilities to enable them to access learning. For more information about Section 504 plans, see our Section 504 fact sheet.

WHAT IS HOMEBOUND INSTRUCTION?

Schools are allowed to excuse students from attendance and place students on homebound instruction based on evidence of mental, physical, or "other urgent reasons" for up to three months.[28] This is another option for students in a partial hospitalization program. The school is required to adopt policies that describe the homebound instruction or other instructional services that are provided to these students.[29] After three months, the district must reevaluate the reasons for excusing the student from attendance and get approval for continued homebound instruction from the Pennsylvania Department of Education.[30] These policies may require parents to submit documentation from medical professionals to justify the absences, including ongoing updates on the student's progress.[31]

Homebound instruction may be an appropriate option for some students in a PHP or day treatment program that does not include an education component or for children with chronic health problems who cannot attend school regularly. Parents and the school district should determine how the student will receive their assignments and how much in-home or in-program teaching the student needs.[32] Homebound instruction can also include a plan with part-time attendance at school when appropriate and approved by the school district.[33]

Homebound instruction is different from instruction in the home. Homebound instruction is a temporary excusal from compulsory attendance, along with the provision of some educational instruction; instruction in the home is a special education placement pursuant to the Individuals with Disabilities Education Act (IDEA) determined by an Individualized Education Program (IEP) team based on the setting the student requires to receive a Free Appropriate Public Education.

IS VIRTUAL LEARNING AN OPTION FOR MY CHILD IN A PARTIAL HOSPITALIZATION PROGRAM?

Perhaps. Your child's school may allow them to attend class virtually while they are in a PHP or day treatment program, but this will likely depend on each school's individual capacity and schedule for virtual learning. Your school district may also have a separate cyber or virtual learning program that your child may be able to participate in as part of their PHP or day treatment program. When considering this option, think about the supports and services your child needs for learning. Advocating for your child's right to continue their education through their local school district is the best way to find out about these options.

WHAT ABOUT TRANSPORTATION TO AND FROM PARTIAL HOSPITALIZATION OR DAY TREATMENT PROGRAMS?

Pennsylvania law does not require school districts to provide transportation for public school students.[34] If the district does provide transportation, it may set its own policies for eligibility and how transportation will be provided.[35] School districts are, however, required to provide transportation for children with disabilities if their IEP requires it.[36] This transportation may be provided by the local IU.

If your child is referred to a PHP or day treatment program within your school district or IU **and** your school district provides transportation for students generally, they should provide transportation to that program in accordance with the policies adopted by your school board. If your district does not generally provide transportation to school, then it is unlikely your student will receive transportation services. If your student has a disability and their IEP requires transportation, those services should continue with their placement in the PHP or day treatment program. Check your school district's transportation policies and talk with your school for more specific information and rules.

If your child is referred to (or you choose to place them in) a private PHP or day treatment and it is not through your school, then they may not be able to get transportation there and back. If your school district provides general transportation for students, it is also required to provide transportation for "resident students attending nonpublic schools."[37] Whether a private PHP or day treatment program qualifies as a nonpublic school depends on the extent of its education program. However, if your student is receiving ongoing educational services through their school district, you should ask the school to provide transportation as part of that plan.

WHAT ABOUT MY CHILD'S TRANSITION BACK TO SCHOOL FROM A PHP?

As your child nears the end of their PHP or day treatment program, you should discuss with their school how they will transition back to full-time or part-time attendance. As noted above, it is important to track their absences and provide documentation from their providers to avoid attendance issues. If your child was receiving homebound or virtual instruction during their treatment, make sure they are caught up on assignments before they return. You should request a meeting with the school upon the student's return to coordinate schoolwork assignments and make a plan to ensure they do not fall behind. Based on services received in treatment, it may be

advantageous to request an educational evaluation from the LEA for an IEP or 504 Plan to make sure the student is back on track and receiving necessary supports. For more information on the evaluation process, see our Special Education Evaluations fact sheet.

If your child has experienced school disruptions due to homelessness or involvement in foster care or the juvenile justice system, your child may also be eligible for credit or coursework assessment under Act 1 to ensure they stay on track to graduate. Some schools offer these supports if a child has been absent from school for a long time and changed schools more than once in the last year. For more information on Act 1 eligibility, see our Act 1 fact sheet.

INPATIENT HOSPITALIZATION PROGRAMS

WHAT ARE INPATIENT HOSPITALIZATION PROGRAMS?

Inpatient hospitalization programs are short-term psychiatric hospitalization programs that serve patients who need 24-hour psychological and psychiatric support. Inpatient treatment involves an overnight or longer stay in a psychiatric hospital or the psychiatric unit of a hospital. It also includes psychiatric residential treatment facility (PRTF). Typically, inpatient treatment is for those who are in an acute stage and need continuous support. Inpatient hospitalization programs are not intended to be long-term placement; however, students in foster care with significant mental health needs have increasingly been hospitalized for extended periods as they await an appropriate long-term placement.[38] Black children are disproportionately represented in these hospitals, due in part to a systemic failure to provide effective mental health services in their communities and disproportionate representation in the child welfare system due to systemic racism and individual implicit racial bias.[39]

WHAT KINDS OF EDUCATIONAL SERVICES SHOULD CHILDREN RECEIVE IN INPATIENT PROGRAMS?

When a student is in an inpatient hospital, the school district in which the inpatient hospital is located is responsible for providing educational services, including special education services, and for communicating about the student's needs and progress with the student's district of residence.[40] At some inpatient hospital programs in Pennsylvania, students receive a mere one to two hours of educational services — often not individualized to the student's needs.[41] Some facilities may have an on-grounds schooling program that provide slightly longer, more individualized instruction.[42] As a child's education decision maker, you have the right to advocate for what your child needs; if your child is a student with a disability, they remain entitled to a FAPE and their IEP team continues to be responsible for making decisions.

Some school districts that serve as host districts for hospitals and PRTFs have developed processes and protocols for students in these settings. For example, the School District of Philadelphia has adopted a policy that outlines the steps the district will take to timely identify students in hospital settings and provide educational services, including special education services, to them. The policy, known as the Protocol for Administration of Services to Students Confined to Hospitals, includes establishing points of contact at hospitals and a process to notify the district when students arrive; timelines for sharing education records and holding IEP meetings; a procedure for

sharing progress monitoring and grades; and protocol for the student's transition upon discharge and upon return to the student's home school.

WHAT CAN A STUDENT'S PARENT OR EDUCATIONAL DECISION MAKER DO TO ADVOCATE FOR APPROPRIATE EDUCATIONAL SERVICES WHILE THE STUDENT IS IN AN INPATIENT PROGRAM?

Although the student's educational programming will likely be different to account for the student's placement in an inpatient hospital, you can take steps to advocate for as robust an educational program as possible while your student is in an inpatient hospital setting.

For students with an IEP, consider taking the steps below.

- Request an IEP meeting with (1) the team at the hospital setting, (2) the host school district in which the facility is located, and (3) the student's school district of residence.
- In the IEP meeting, request that the IEP team modify the student's IEP to reflect the goals that the student will be working toward while in the inpatient setting; a plan and frequency for sharing progress monitoring data with members of the IEP team; and a plan for how any supplemental services outlined in the IEP, such as speech and language therapy, will be provided by the host school district while the student is hospitalized.

If your student does not have an IEP, consider the steps below.

- Request that the school district in which the hospital is located complete a special education evaluation to determine the student's eligibility for an IEP or Section 504 plan. For more information on the evaluation process, see our Special Education Evaluations fact sheet.
- Ask your child's school and the hospital team about the possibility of the student's teachers at their school coordinating with the hospital team to provide educational materials to the student while they are in the inpatient setting.
- If your student has disabilities and was not identified and provided appropriate services and supports for some time, your child is entitled to compensatory education services.[43] See our fact sheet on compensatory education for more information.

WHAT ABOUT MY CHILD'S TRANSITION BACK TO SCHOOL?

Once your student is nearing discharge from an inpatient hospitalization program (*e.g.*, has a planned discharge date or week), you can request that the team have a discharge meeting to plan for the student's transition back to school. You can invite members of the school team that the student is transitioning back to, members of the hospital care team, and any involved mental health agencies that will be working with the student upon discharge to coordinate outpatient services. In the discharge meeting, you can ask your student's school about available supports to assist with the student's transition back to school and ask the hospital care team for any records to be provided to the student's school. The discharge meeting should also include consideration of the student's needs and accommodations, supports, and interventions the student may need to effectively transition back to school.

For a student with an IEP, you can request an IEP meeting to revise the child's IEP to reflect any educational progress that the student made in the inpatient setting and any additional supports, accommodations, or modifications that are recommended by the hospital care team or host district. You can ask that any educational progress reports be provided to you and the IEP team from the student's stay in the hospital.

If your student does not have an IEP, you can request that your home school complete a special education evaluation to determine the student's eligibility for special education. For more information on the evaluation process, see our Special Education Evaluations fact sheet. You can also request that the school implement a Section 504 plan based on the student's mental health diagnoses. For more information about Section 504 plans, see our Section 504 fact sheet.

If you believe your student is not being provided adequate educational services within the inpatient program, you can also call ELC's Helpline at 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) for additional guidance.

The Education Law Center-PA (ELC-PA) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC-PA advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ students, and children experiencing homelessness.

ELC-PA's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC-PA's Helpline for information and advice — visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) — or contact another attorney of your choice.

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[1] Hoffmann JA, Alegría M, Alvarez K, Anosike A, Shah PP, Simon KM, Lee LK. *Disparities in Pediatric Mental and Behavioral Health Conditions*. Pediatrics 2022 Oct 1;150(4):e2022058227. doi: 10.1542/peds.2022-058227. PMID: 36106466; PMCID: PMC9800023, https://publications.aap.org/pediatrics/article/150/4/e2022058227/189498/Disparities-in-Pediatric-Mental-and-Behavioral?autologincheck=redirected; Lewis Hyukseung Lee, Sara Goodkind, & Jeffrey J. Shook, *Racial/Ethnic Disparities in Prior Mental Health Service Use Among Incarcerated Adolescents*, 78 Child. & Youth Servs. Rev. 23, 23-24 (2017) (finding that racial differences in mental health and substance use service provision contribute to the overrepresentation of youth of color in the justice system), https://www.sciencedirect.com/science/article/abs/pii/S0190740917303468.

[2] *See* Thomas G. McGuire & Jeanne Miranda, *Racial and Ethnic Disparities in Mental Health Care: Evidence and Policy Implications*. Am. J. Psychiatry 27(2), 393 (2008), https://pmc.ncbi.nlm.nih.gov/articles/PMC3928067/. *See also* Aprile D. Benner et al., *Racial/ethnic discrimination and well-being during adolescence: A meta-analytic review*, 73(7) AM. PSYCH. 855, 855-83 (2018), https://pmc.ncbi.nlm.nih.gov/articles/PMC3928067/.

[3] Asos Mahmood et al., *Disparities in Access to Mental Health Services Among Children Diagnosed with Anxiety and Depression in the United States* 60 CMTY. MENTAL HEALTH J. 1532 (2024), https://doi.org/10.1007/s10597-024-01305-3; OFFICE OF BEHAVIORAL HEALTH, DISABILITY, AND AGING POLICY, RACIAL AND ETHNIC DIFFERENCES IN CHILDREN'S MENTAL HEALTH SERVICES IN MEDICAID BEFORE AND DURING THE COVID-19 PANDEMIC (Nov. 1, 2022), https://aspe.hhs.gov/sites/default/files/documents/a1b3d091f2a0568442f5235790093406/racial-ethnic-differences-children-mh.pdf.

[4] *See* 24 P.S. § 13-1326 (defining compulsory school age) and 24 P.S. § 13-1327(a). *See* COMMONWEALTH OF PA., COMPULSORY SCHOOL ATTENDANCE, UNLAWFUL ABSENCES, AND SCHOOL ATTENDANCE IMPROVEMENT CONFERENCES

(Jan. 2024), https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-becs/purdons-statutes/compulsory-school-attendance-unlawful-absences-and-school-attendance-improvement-conferences. In addition, "all persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth's public schools." 22 Pa. Code § 12.1(a).
[5] 24 P.S. § 13-1329(a); 22 Pa. Code § 11.25(a).
[6] *Id.*
[7] 24 P.S. § 13-1329(c)-(d).
[8] COMMONWEALTH OF PA., COMPULSORY SCHOOL ATTENDANCE, UNLAWFUL ABSENCES, AND SCHOOL ATTENDANCE IMPROVEMENT CONFERENCES (Jan. 2024), https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-becs/purdons-statutes/compulsory-school-attendance-unlawful-absences-and-school-attendance-improvement-conferences.
[9] 24 Pa. Code § 11.23.
[10] 24 P.S. § 13-1326.
[11] *Id.*
[12] 55 Pa. Code § 5210.3.
[13] *See About PAIU*, PA. ASS'N OF INTERMEDIATE UNITS, https://www.paiu.org/About-PAIU2, (last visited July 26, 2024).
[14] *See, e.g., Tyler W. v. Upper Perkiomen Sch. Dist.*, 963 F. Supp.2d 427 (E.D. Pa. 2013) (holding that a school district was required to provide educational services when it issued a NOREP placing the student in a partial hospitalization program).
[15] *Cmty. Serv. Found. v. Bethlehem Area Sch. Dist.*, 706 A.2d 882, 885–86 (Pa. 1998) (holding that the education of all children assigned to a day treatment program is the initial responsibility of the school district where the program is located, which can either educate the children with their own resources or purchase educational services for them and later request reimbursement for such costs from the child's home district).
[16] *See* 22 Pa. Code § 11.34(a) (school district must have a recommendation from a school physician and psychiatrist/psychologist, plus the approval of the Pennsylvania Department of Education, before excusing a child from school); *see also Homebound Instruction*, COMMONWEALTH OF PA, https://www.pa.gov/agencies/education/programs-and-services/instruction/elementary-and-secondary-education/homebound-instruction (last visited June 15, 2026) (permitting school districts, charter schools, and non-public schools to provide homebound instruction to a student while they are temporarily excused from school for illness or other "urgent reasons").
[17] PA. DEP'T OF HUM. SERV. [FORMERLY PA. DEP'T OF PUB. WELFARE], GUIDELINES FOR INTERAGENCY PLANNING FOR CHILDREN IN NEED OF BEHAVIORAL HEALTH REHABILITATION SERVICES OR PARTIAL HOSPITALIZATION SERVICES DURING THE SCHOOL DAY (Jan. 4, 2008), https://www.pa.gov/content/dam/copapwp-pagov/en/dhs/documents/docs/publications/documents/forms-and-pubs-omhsas/d_005077.pdf.
[18] 55 Pa. Code § 5210.37.
[19] *Id.*
[20] 34 C.F.R. §§ 300.1–300.2(c);). *See also* 34 C.F.R. § 300.17 (defining a free, appropriate public education).
[21] 34 C.F.R. § 300.115.
[22] *See, e.g., Tyler W.*, 963 F. Supp.2d at 440 (district was still required to provide special education services implementing their IEP when they were placed in a partial hospitalization program).
[23] *See Miener By & Through Miener v. State of Mo.*, 800 F.2d 749, 754 (8th Cir. 1986) (asserting that compensatory education is the appropriate remedy for a student denied FAPE); *see also Lester H. v. Gilhool*, 916 F.2d 865 (3d Cir. 1990) (citing *Miener* to say that compensatory education is the appropriate remedy for a student denied FAPE).
[24] Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (1990); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
[25] 34 C.F.R. § 104.3.
[26] *Id.*
[27] *The Civil Rights of Students with Hidden Disabilities Under Section 504*, OFFICE OF CIVIL RIGHTS, U.S. DEP'T OF EDUC. (July 7, 2023), https://www2.ed.gov/about/offices/list/ocr/docs/hq5269.html.
[28] 22 Pa. Code § 11.25(a).
[29] 22 Pa. Code § 11.25(c); 22 Pa. Code § 11.41.
[30] *Id.*; *see also Homebound Instruction*, COMMONWEALTH OF PA, https://www.pa.gov/agencies/education/programs-and-services/instruction/elementary-and-secondary-education/homebound-instruction (last visited June 15, 2026).
[31] *See Structuring Homebound Instruction*, COMMONWEALTH OF PA., https://www.pa.gov/agencies/education/programs-and-services/instruction/elementary-and-secondary-education/homebound-instruction/structuring-homebound-instructions (last visited June 18, 2026).
[32] *Id.*
[33] *Id.*

[34] 24 P.S. § 13-1361.
[35] 22 Pa. Code § 23.4.
[36] 24 P.S. § 13-1374.
[37] 24 P.S. § 13-1361. *See also Frequently Asked Questions*, COMMONWEALTH OF PA., https://www.pa.gov/agencies/education/programs-and-services/schools/grants-and-funding/school-finances/reporting/pupil-transportation/pupil-transportation-faqs.
[38] CNTY. COMM'R ASSOC. OF PA. COMPLEX CASE WORK GRP., FINDINGS AND RECOMMENDATIONS (Feb. 2024), https://www.pacounties.org/getmedia/d8ee4cf1-7047-49aa-8a64-87a250db48ed/CCAP-Complex-Case-Workgroup-Report.pdf. *See also* Samantha Melamed, *Missing kids, illicit activity: Staff warn of chaos at Philly DHS office that houses stranded kids*, THE PHILADELPHIA INQUIRER (Aug. 4, 2022), https://www.inquirer.com/news/philadelphia-dhs-kids-childcare-room-office-juvenile-justice-delays-20220804.html.
[39] Zinzi D. Bailey et al., *Structural racism and health inequities in the USA: evidence and interventions*, 389(10077) THE LANCET 1453, 1453-63 (2017), https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)30569-X/abstract#seccestitle10; Caryn Rogers et al., *Racial/Ethnic Disparity Trends in Children's Mental Health Care Access and Expenditures From 2010-2017: Disparities Remain Despite Sweeping Policy Reform* 61(7) J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 915, 915-25 (2022), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8986880/.
[40] 24 P.S. § 13-1306.
[41] *See, e.g., Classroom Facility*, FAIRMOUNT BEHAVIORAL HEALTH SYSTEM, https://fairmountbhs.com/programs-services/child-adolescent-treatment/classroom-facility/ **(last visited June 15, 2026).**
[42] *See, e.g., New Oaks Academy,* BELMONT BEHAVIORAL HEALTH SYSTEM, https://www.belmontbehavioral.com/programs/inpatient/child-adolescent-inpatient/new-oaks-academy/ (last visited July 26, 2024).
[43] *See* supra, note 23.