

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Board of Education

Department of Education

(Amended After Comments)

702 KAR 7:150. Home or hospital instruction.

RELATES TO: KRS 160.290, 202A.011, 314.011

STATUTORY AUTHORITY: KRS 158.033, 156.070, 156.160, 159.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.033 requires the Kentucky Board of Education to promulgate administrative regulations establishing the components of home or hospital instruction. KRS 156.070 requires the Kentucky Board of Education to establish policy or act on all matters relating to the administrative responsibility of the Department of Education. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 159.030 provides exemptions from compulsory attendance for students whose physical or mental condition prevents or renders inadvisable attendance at school or application to study. This administrative regulation establishes minimum requirements for home or hospital instruction programs.

Section 1. General Provisions.

(1) A local board of education shall establish home or hospital instructional programs for students pursuant to KRS 158.033 and the criteria contained in this administrative regulation.

(2) A local board of education shall establish a local board policy setting forth parameters for the operation of home or hospital instructional programs.

(3) A student referred for home or hospital instruction and not in attendance at school shall not be counted for attendance purposes prior to the date recommended by an eligible health care provider on an approved application or for students with disabilities, the date determined by the Admissions and Release Committee (ARC) as defined in 707 KAR 1:002.

(4) Home or hospital instruction shall be used only for a student for whom there is an expectation of an inability to attend regular school for more than five (5) consecutive school days.

(5) For students with disabilities, the ARC shall be responsible for placement decisions regarding home or hospital instruction in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et. seq and 707 KAR 1:350.

(6) The ARC chairperson shall provide written notice of eligibility and documentation to the local Director of Pupil Personnel (DPP) for purposes of program enrollment using the Notice of Home or Hospital Instruction Placement by Admissions and Release Committee (ARC) Form.

Section 2. Home or Hospital Review Committee.

(1) A local board of education shall establish a Home or Hospital Review Committee (Review Committee). The Review Committee shall accept and review applications to determine student eligibility for home or hospital services.

(2) The Review Committee shall consist of a local director of pupil personnel, a home or hospital teacher, a home or hospital instructional program director, medical or mental health personnel, and may consist of other professionals relevant to the application being reviewed.

(3) The condition of pregnancy shall not be considered a physical or health impairment in and of itself, and the nature and extent of any complication shall be delineated prior to consideration of home or hospital instruction for this condition.

(4) Except as provided by subsection (5) of this section, eligibility for home or hospital instruction shall cease, for students placed by the Review Committee if the student works, plays sports or participates in extracurricular activities.

(5) For students with a 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, eligibility for home or hospital instruction shall not cease if the student works, plays sports or participates in extracurricular activities if participation in work, sports or extracurricular activities is consistent with the student's 504 plan.

Section 3. Placement for Students on Home or Hospital Instruction.

(1) Pursuant to its authority established in KRS 160.290, a local board of education shall implement referral and placement procedures in accordance with local board policy for students with temporary conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions.

(2) A student with a recurring condition, which results in periods in which the need for home or hospital instruction is intermittent and the student is able to attend school for short periods, may be exited and reentered on home or hospital instruction, and the following shall apply:

(a) Initial approval by the Review Committee shall be required;

(b) The Review Committee shall review the need for an alternative schedule of services based on verification by the professional statement in the application for home or hospital instruction of the need for intermittent services;

(c) If a health professional who completed the initial application for a student to be served on home or hospital determines the student needs additional time for services, the health professional shall submit a written statement, either mailed or faxed, to the Director of Pupil Personnel, requesting additional time up to two (2) weeks for services and provide a brief explanation for the extension;

(d) The Review Committee shall meet to review this extension and either approve or deny the request for an extension, prior to provision of any extended services;

(e) The Review Committee shall review intermittent placement at least every six (6) months, and at that time a statement from a second professional, shall be required by the Review Committee for continued program eligibility; and

(f) The parent or guardian shall notify the principal or Director of Pupil Personnel prior to the need for school reentry or to exit to home or hospital instruction.

Section 4. Home or Hospital Instruction Operation.

(1) Instructional sessions shall be delivered by a certified teacher. Instructional sessions may be delivered in person, electronically, or telephonically. If the instruction is other than in person, the district shall ensure the instruction is meaningful and require the certified teacher to directly contact the student during instructional sessions.

(2) When a home or hospital instruction teacher is physically present in the home or hospital, a parent, guardian, medical professional, assigned hospital staff member or an adult authorized by the parent or guardian shall be present in the home or hospital room during the time of instruction.

(3) A home or hospital instruction teacher shall complete a visitation and planning schedule on a weekly basis. This schedule shall include specific times for instruction, travel, planning and conferences. A copy of this schedule shall be on file in the central office.

(4) Attendance records and services descriptions shall be maintained and summarized on an annual basis on the Home/Hospital Program Form for submission to the department at the end of each school year.

(5) The school's records of daily attendance and the teacher's monthly attendance reports shall be maintained and summarized on a monthly basis as to home and hospital instruction.

(6) Pursuant to its authority established in KRS 160.290, a local board of education shall develop timelines for determination of continuing student eligibility for home or hospital instruction. The Review Committee shall schedule a review of continued student eligibility for home or hospital instruction at any time based on changes in the student's condition.

(7) A teacher serving students on home instruction shall not exceed a caseload of twelve (12) students. A teacher serving students on hospital instruction shall not exceed a caseload of fifteen (15) students. For a teacher serving a combination of home and hospital students, the caseload maximum shall be determined by the setting in which the majority of his students are served.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Home or Hospital Instruction", June 2021; and

(b) "Notice of Home or Hospital Instruction Placement by Admissions and Release Committee (ARC) Form", June 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, Office of Finance and Operations, 300 Sower Building, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(48 Ky.R. 233, 1612; eff. 3-1-2022.)

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON GLASS, Commissioner

LU YOUNG, Chair

APPROVED BY AGENCY: October 12, 2021

FILED WITH LRC: October 15, 2021 at 11:53 a.m.

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