

1 AN ACT relating to home or hospital instruction.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 157.270 is repealed, reenacted as a new section of KRS Chapter
4 158, and amended to read as follows:

5 **(1)** If in any district there are **students**~~[exceptional children]~~ not able even with the help
6 of transportation to be assembled in a school, instruction shall be provided **to the**
7 **student** in the **student's**~~[child's]~~ home or in **a hospital**~~[hospitals or sanatoria]~~.

8 **(2)** ***For a student to be eligible for home or hospital instruction, a signed statement of***
9 ***the diagnosed condition requiring home or hospital instruction shall be provided***
10 ***in accordance with subsection (2) of Section 2 of this Act.***

11 **(3)** ***For the purposes of KRS 157.360, a student instructed under this section who***
12 ***receives***~~[Exceptional children so instructed may be counted under the provisions of~~
13 ~~KRS 157.360, counting, however,]~~ a minimum of two (2) **instructional**
14 **sessions**~~[visits]~~ a week with a minimum of one (1) hour of instruction per
15 **session**~~[visit,]~~ by a **certified** teacher provided by the board of education **shall**
16 **equal**~~[as equivalent to]~~ the **student attending**~~[attendance of one (1) child]~~ five (5)
17 days in school.

18 **(4)** ***For students with disabilities, the admissions and release committee shall be***
19 ***responsible for placement decisions regarding home or hospital instruction in***
20 ***accordance with the Individuals with Disabilities Education Act, 20 U.S.C. secs.***
21 ***1400 et. seq. The home or hospital instruction shall be provided pursuant to the***
22 ***individual education program as determined by the admissions and release***
23 ***committee. For the purposes of KRS 157.360, students receiving home or hospital***
24 ***instruction under this subsection may be counted in attendance in accordance***
25 ***with subsection (3) of this section.***

26 **(5)** ***The Kentucky Board of Education shall promulgate administrative regulations to***
27 ***establish the components of home or hospital instruction.***

1 **(6) An instructional session may be delivered in person, electronically, or through**
2 **other means established in regulation.**

3 ➔Section 2. KRS 159.030 is amended to read as follows:

4 (1) The board of education of the district in which the child resides shall exempt from
5 the requirement of attendance upon a regular public day school every child of
6 compulsory school age:

7 (a) Who is a graduate from an accredited or an approved four (4) year high
8 school; or

9 (b) Who is enrolled and in regular attendance in a private, parochial, or church
10 regular day school. It shall be the duty of each private, parochial, or church
11 regular day school to notify the local board of education of those students in
12 attendance at the school. If a school declines, for any reason, to notify the
13 local board of education of those students in attendance, it shall so notify each
14 student's parent or legal guardian in writing, and it shall then be the duty of the
15 parent or legal guardian to give proper notice to the local board of education;
16 or

17 (c) Who is less than seven (7) years old and is enrolled and in regular attendance
18 in a private kindergarten-nursery school; or

19 (d) Whose physical or mental condition prevents or renders inadvisable
20 attendance at school~~[-or application to study];~~ or

21 (e) Who is enrolled and in regular attendance in private, parochial, or church
22 school programs for exceptional children; or

23 (f) Who is enrolled and in regular attendance in a state-supported program for
24 exceptional children;

25 (g) For purposes of this section, "church school" shall mean a school operated as
26 a ministry of a local church, group of churches, denomination, or association
27 of churches on a nonprofit basis.

- 1 (2) (a) Before granting an exemption under subsection (1)(d) of this section, the
 2 board of education of the district in which the child resides shall require
 3 submission to the board of satisfactory evidence~~[-]~~ in the form of a~~[-]~~:
- 4 ~~(a) A~~ signed statement of a properly licensed physician, advanced practice
 5 registered nurse, physician's assistant, psychologist, or psychiatrist
 6 responsible for diagnosing and treating the child, stating~~[-, chiropractor, or~~
 7 ~~public health officer,]~~ that the diagnosed condition of the child prevents or
 8 renders inadvisable attendance at school and requires home or hospital
 9 instruction~~[or application to study]~~. If the condition is mental health related,
 10 then the signed statement shall be completed by a licensed physician,
 11 psychiatrist, psychologist, or physician's assistant described in KRS
 12 202A.011 or an advanced practice registered nurse defined in KRS 314.011
 13 and certified in psychiatric-mental health nursing. On the basis of such
 14 evidence, the local board of education~~[board]~~ may exempt the child from
 15 compulsory attendance.
- 16 (b) Any child who is excused from school attendance more than six (6) months
 17 shall have two (2) signed statements from a combination of two (2) of the~~[-]~~
 18 following~~[-]~~ professional persons in accordance with paragraph (a) of this
 19 subsection~~[-: a licensed physician, advanced practice registered nurse,~~
 20 ~~psychologist, psychiatrist, chiropractor, and health officer]~~, except that this
 21 requirement shall not apply to a child whose signed statement~~[treating~~
 22 ~~physician, advanced practice registered nurse, chiropractor, or public health~~
 23 ~~officer]~~ certifies that the student has a chronic physical condition that prevents
 24 or renders inadvisable attendance at school~~[or application to study]~~ and is
 25 unlikely to substantially improve within one (1) year~~[-; or]~~
- 26 ~~[(b) An individual education plan specifying that placement of the child with a~~
 27 ~~disability at home or in a hospital is the least restrictive environment for~~

1 providing services.]

2 (c) Exemptions of any student~~[all children]~~ under the provisions of subsection
3 (1)(d) of this section shall be reviewed annually with the evidence required
4 being updated~~], except that for an exceptional child whose treating physician,~~
5 ~~advanced practice registered nurse, chiropractor, or public health officer~~
6 ~~certifies that the student has a chronic physical condition unlikely to~~
7 ~~substantially improve within three (3) years, the child's admissions and release~~
8 ~~committee shall annually consider the child's condition and the existing~~
9 ~~documentation to determine whether updated evidence is required. Updated~~
10 ~~evidence shall be provided for a child upon determination of need by the~~
11 ~~admissions and release committee, or at least every three (3) years].~~

12 (3) *The Kentucky Board of Education may promulgate administrative regulations to*
13 *establish the components of compulsory attendance and exemptions*~~[For any child~~
14 ~~who is excluded under the provisions of subsection (1)(d) of this section, home,~~
15 ~~hospital, institutional, or other regularly scheduled and suitable instruction meeting~~
16 ~~standards, rules, and regulations of the Kentucky Board of Education shall be~~
17 ~~provided].~~