

704 KAR 7:120. Home/hospital instruction.

RELATES TO: KRS 159.030, 160.290

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.220

NECESSITY, FUNCTION, AND CONFORMITY: 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 157.220 requires the Kentucky Board of Education to promulgate administrative regulations for the proper administration of KRS 157.200 to 157.280 concerning special educational programs. 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/hospital instruction programs.

Section 1. General Provisions. A local board of education shall operate a program for home/hospital instruction for children of school age pursuant to KRS 157.270 and the criteria listed below.

Section 2. Eligibility for Home/hospital Instruction.

- (1) A child or youth shall be provided home/hospital instruction if the condition of the child or youth prevents or renders inadvisable attendance at school as verified by a signed statement in accordance with KRS 159.030(2).
- (2) The Home/Hospital Review Committee shall accept and review applications to determine student eligibility for home/hospital services. This committee shall consist of a local director of pupil personnel, a home/hospital teacher or home instruction program director, medical or mental health personnel, and other professionals relevant to the application being reviewed.
- (3) Eligibility for home/hospital instruction for students with disabilities shall be determined by the Admissions and Release Committee (ARC) in accordance with the Individual Education Program (IEP), with the services being determined to be in the least restrictive environment. The ARC decision for home or hospital instructional services eligibility shall be based on appropriate documentation of student need, including medical or mental health evaluation information. The ARC chairperson shall provide written notice of this eligibility and documentation to the local director of pupil personnel for purposes of program enrollment.
- (4) An application for mental health reasons may be considered if completed by a licensed psychologist or psychiatrist.
- (5) A student referred for home/hospital instruction and not in attendance at school shall not be counted for average daily attendance (ADA) prior to the date on which eligibility for such services is approved.
- (6) An application for home/hospital instruction shall be accepted 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.
- (7) Eligibility for home/hospital instruction shall cease if the student works or participates in athletic activities.

Section 3. Temporary Placement for Children or Youth on Home/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 children or youth with temporary conditions, including fractures, surgical recuperation, or other physical, health, or mental conditions.

(2) 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/hospital instruction for this condition.

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

(a) Initial approval by the home/hospital instruction 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/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/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 home/hospital 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 home/hospital instruction 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 for continued program eligibility; and

(f) The parent or student shall notify the principal or director of pupil personnel prior to the need for school reentry or to exit to home/hospital instruction. Failure to provide this notice to school staff may terminate the student's eligibility for home/hospital instruction and the student shall return to regular school attendance.

Section 4. Extended Placement for Children or Youth on Home/Hospital Instruction.

(1) A local board of education shall implement referral, placement, and review procedures for children or youth whose physical or mental health condition results in placement in a home or hospital setting more than six (6) months.

(2) For secondary students served on home/hospital instruction for extended periods, a local board of education shall adopt a policy regulating the amount of credits that may be earned per semester towards graduation while served on home/hospital instruction, pursuant to the board's authority established in KRS 160.290.

(3) For students on extended placement, the use of Kentucky Virtual High School (KVHS) or other electronic instruction, as approved by the local board of education, may be considered as a mechanism to continue course credit.

(4) The use of Kentucky Virtual High School (KVHS) or other electronic instruction, as approved by the local board of education, shall be in addition to the minimum of two (2) one (1) hour visits per week.

(5) For a child or youth who is exempted from school attendance more than six (6) months, the board shall require evidence in accordance with the provisions of KRS 159.030(2). A mental health condition shall not be regarded as chronic physical condition and shall require two (2) signed statements for exemptions beyond six (6) months.

(6) The exemption shall be reviewed annually with a plan and timeline developed for returning the child or youth to school or documentation maintained verifying why return is not feasible, in accordance with the requirements of KRS 159.030(2).

Section 5. Home/Hospital Instruction Operation.

(1) In addition to the teacher and student, an adult shall be present in the home/hospital room during the time the home/hospital instruction teacher is present.

(2) A home/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.

(3) 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.

(4) 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/hospital instruction.

(5) Pursuant to its authority established in KRS 160.290, a local board of education shall develop timelines for determination of student eligibility for home/hospital instruction, provision of services if eligible, and for committee review of continued eligibility at least every six (6) months or sooner as needed, except as provided in KRS 159.030. The home/hospital instruction committee may schedule a review of continued student eligibility for home/hospital instruction at any time based on changes in the student's condition.

(6) A teacher serving students in a home instruction shall not exceed a caseload of twelve (12) students. A teacher 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.

(7) Children or youth with communicable diseases found eligible for home/hospital instruction may be served by alternative means such as correspondence, computer assisted instruction, or video during the period of contagion, if documentation from a health professional verifies the student's condition poses a serious health threat to a home/hospital teacher providing regular visitation.

Section 6. Incorporation by Reference.

(1) "Application for Home/Hospital Instruction," dated January 1, 2005, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Special Instructional Services, Department of Education, 8th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

(19 Ky.R. 2539; 20 Ky.R. 98; 764; eff. 10-7-1993; 21 Ky.R. 2248; eff. 5-4-1995; 28 Ky.R. 1695; 2204; eff. 4-15-2002; 31 Ky.R. 1357; 1659; eff. 4-22-2005; Crt eff. 11-16-2018; Repealed by :121 eff. 3-1-2022.)