

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1045 Instruction for Homebound and Hospitalized Students

**SPONSOR(S):** K-12 Subcommittee, Burgess, Jr.

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Brink	Fudge
2) Education Appropriations Subcommittee		Seifert	Heflin
3) Education Committee			

### SUMMARY ANALYSIS

Although the State Board of Education has adopted rules regulating instruction for homebound or hospitalized students, current law does not expressly provide minimum requirements for providing instruction to such students.

Accordingly, the bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill also streamlines provisions relating to school district programs of special instruction, facilities, and services for exceptional students.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

A student who is homebound or hospitalized qualifies as an exceptional student, and is thus eligible for certain exceptional student education services.<sup>1</sup>

A homebound or hospitalized student is a student who “has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts activities for an extended period of time.”<sup>2</sup>

State Board of Education rule provides criteria for determining when a student qualifies as hospitalized or homebound for purposes of receiving specially designed instruction.<sup>3</sup> A licensed physician<sup>4</sup> must certify that the student:

- Is expected to be absent from school due to a physical or psychiatric condition for at least fifteen consecutive school days, or, for students with a chronic condition, for at least 15 consecutive or nonconsecutive school days;
- Is confined to home or hospital;
- Will be able to participate in and benefit from an instructional program;
- Is under medical care for illness or injury which is acute, catastrophic, or chronic in nature; and
- Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.<sup>5</sup>

In addition, unless a student already meets eligibility criteria for other exceptional student education services, the student must be enrolled in a public school in kindergarten through 12<sup>th</sup> grade prior to the referral for homebound or hospitalized services.<sup>6</sup> Finally, the student’s parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.<sup>7</sup>

At minimum, an annual report from a licensed physician must be used to determine the student’s eligibility for specially designed instruction. The report must:

- State that the student is unable to attend school;
- Describe the plan of treatment;
- Provide recommendations regarding school reentry; and
- Give an estimated duration of condition or prognosis.<sup>8</sup>

The team determining eligibility may require additional evaluation data, at no cost to the parent. A physical reexamination and medical report by a licensed physician may be requested on a more frequent basis and may be required if the student is scheduled to attend school part of a day while the student readjusts to a full school schedule. Reexaminations and reports must be provided at no cost to the parent.<sup>9</sup>

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<sup>1</sup> Section 1003.01(3)(a), F.S.; rule 6A-6.03020, F.A.C.

<sup>2</sup> Rule 6A-6.03020(1), F.A.C. A licensed physician must make the medical diagnosis. *Id.*

<sup>3</sup> Rule 6A-6.03020(3), F.A.C.

<sup>4</sup> The physician must be licensed under chapter 458 or 459, F.S.

<sup>5</sup> Rule 6A-6.03020(3)(a), F.A.C.

<sup>6</sup> Rule 6A-6.03020(3)(b), F.A.C.

<sup>7</sup> Rule 6A-6.03020(3)(c), F.A.C.

<sup>8</sup> Rule 6A-6.03020(4)(a), F.A.C.

<sup>9</sup> Rule 6A-6.03020(4)(b), F.A.C.

The school district is responsible for conducting all initial evaluations to determine if the student is eligible for services and to determine the student's educational needs.<sup>10</sup> An individual educational plan must be developed or revised for the student before he or she is assigned to a homebound or hospitalized student services program.<sup>11</sup>

State board rule specifies appropriate instructional methods for homebound or hospitalized students, including in-home instruction, instruction in a hospital,<sup>12</sup> and instruction through telecommunications or computer devices.<sup>13</sup>

### **Effect of Proposed Changes**

The bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill also streamlines provisions relating to school district programs of special instruction, facilities, and services for exceptional students.

#### **B. SECTION DIRECTORY:**

Section 1. Amends 1003.57, F.S.; requiring districts to provide instruction to homebound or hospitalized students in accordance with state board rule; requiring certain provisions to be adopted in state board rule.

Section 2. Providing an effective date of July 1, 2015.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

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<sup>10</sup> See Rule 6A-6.03020(5); rule 6A-6.0331(3)(e), F.A.C.

<sup>11</sup> Rule 6A-6.03020(6), F.A.C.

<sup>12</sup> "The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits." Rule 6A-6.03020(7)(b), F.A.C.

<sup>13</sup> Rules 6A-6.03020(7)(a), (b), and (c), F.A.C.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill codifies current district practice and State Board of Education rule regulating instruction for homebound and hospitalized students. Since school districts are already meeting the minimum requirements for providing instruction to such students there will not be a fiscal impact.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the State Board of Education express rulemaking authority related to instruction for homebound and hospitalized students.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2015, the K-12 Subcommittee heard a proposed committee substitute (PCS) for the bill and reported it favorably. The PCS differs from the bill by:

- Removing language defining homebound instruction, establishing requirements for “in-hospital” teachers, providing for the award of course credit, and requiring district school boards to develop rules.
- Clarifying that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board.
- Requiring state board rules to establish, at minimum:
  - Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
  - Procedures for determining student eligibility.
  - A list of appropriate methods for providing instruction to homebound or hospitalized students.
  - Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill analysis reflects the committee substitute as passed by the K-12 Subcommittee.