

STATE BOARD OF EDUCATION
Action Item
May 16, 2017

SUBJECT: Approval of Amendment to Rule 6A-6.03020, Exceptional Student Education
Eligibility for Students Who Are Homebound or Hospitalized

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1), (2)(n), 1003.01(3)(a), 1003.57(1)(b), F.S.

EXECUTIVE SUMMARY

This amendment updates language to clarify that prekindergarten students may be considered eligible for homebound or hospitalized services, expand instructional practices, and reflect changes from the 2016 Legislative Session.

Supporting Documentation Included: Proposed Rule 6A-6.03020, F.A.C.

Facilitator/Presenter: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

6A-6.03020 Exceptional Student Education Eligibility Specially Designed Instruction for Students Who Are Homebound or Hospitalized.

(1) Definition. For the purposes of this rule, the following definition applies: Homebound or hospitalized student. A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition ~~that 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. ~~The medical diagnosis shall be made by a licensed physician.~~

~~(2) The term licensed physician, as used in this rule, is defined in Chapters 458 and 459, F.S., and is one who is qualified to assess the student's physical or psychiatric condition.~~

~~(2) (3) Criteria for eligibility.~~ A student, ~~who~~ is eligible for educational instruction through homebound or hospitalized services, is ~~eligible for specially designed instruction~~ if the following criteria are met.

(a) A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., ~~A licensed physician~~ must certify that the student:

1. Is expected to be absent from school due to a physical or psychiatric condition for at least fifteen (15) consecutive school days, or the equivalent on a ~~the~~ block schedule, or due to a chronic condition, for at least fifteen (15) school days, or the equivalent on a block schedule, which need not run consecutively; and
2. Is confined to home or hospital;
3. Will be able to participate in and benefit from an instructional program;
4. Is under medical care for illness or injury ~~that which~~ is acute, catastrophic, or chronic in nature; and,
5. Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.

(b) The student is enrolled in a public school in kindergarten through twelfth grade ~~prior to the referral for homebound or hospitalized services,~~ unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023 or and 6A-6.03027, F.A.C.; ~~and,~~

(c) A child is three (3) through five (5) years of age and has been determined eligible as a student with a disability in accordance with Section 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013,

6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023, 6A-6.03026, 6A-6.03027 or 6A-6.03411, F.A.C.

(d) ~~(e)~~ A parent, guardian or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

(3) ~~(4)~~ Procedures for student evaluation. In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum procedures for evaluation shall include the following:

(a) A current medical report from a licensed physician, as defined in paragraph (2)(a) of this rule, describing the following:

1. The disabling condition or diagnosis with any medical implications for instruction;
2. A statement that the student is unable to attend school;
3. The plan of treatment;
4. Recommendations regarding school re-entry and other school-related activities; and
5. An estimated duration of condition or prognosis.

~~(b) (a) The minimum evaluation for a student to determine eligibility shall be an annual medical statement from a licensed physician(s) including a description of the disabling condition or diagnosis with any medical implications for instruction. This report shall state that the student is unable to attend school, describe the plan of treatment, provide recommendations regarding school re-entry, and give an estimated duration of condition or prognosis. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained ~~provided~~ at no cost to the parent.~~

(c) ~~(b)~~ A physical reexamination and a medical report by a licensed physician or physicians, which physician(s) may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, required in paragraph (4)(a) of this rule and may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical reexamination and medical report shall be obtained ~~provided~~ at no cost to the parent.

~~(5) Procedures for determining eligibility. Procedures for determining eligibility shall be in accordance with Rule 6A-6.0331, F.A.C.~~

(4) ~~(6)~~ Procedures for providing an individual educational plan (IEP) or individualized family support plan (IFSP). The IEP or IFSP individual educational plan shall be developed or revised following determination of

eligibility in accordance with this rule, prior to assignment to the homebound or hospitalized program placement as required in Rule 6A-6.03028, F.A.C. A student may be alternatively assigned to both a the homebound or hospitalized program and to a school-based program due to an acute, chronic, or intermittent condition as certified by a licensed physician, as specified in subparagraph (2) (3)(a)1. of this rule. This decision shall be made by the IEP or IFSP individual educational plan (IEP) team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

(5) (7) Instructional services. The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

(a) Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that which takes into account the student's medical condition and the requirements of the student's coursework.

(b) Instruction in a hospital. 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.

(c) Instruction through telecommunications or electronic computer devices. When the IEP or IFSP individual education plan (IEP) team determines that instruction is by telecommunications or electronic computer devices, an open, uninterrupted telecommunication link shall be provided at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.

(d) Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, hospital or through telecommunications or electronic devices.

(e) Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.

(6) Services for students in specialty hospitals. In accordance with the requirements of Section 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who

transition between school districts while receiving treatment in the children's specialty hospital.

(7) Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospital services pursuant to Section 1003.57, F.S.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), 1003.57(1)(b) (~~5~~), 1003.571(2) FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57(1)(b) (~~5~~), 1003.571, 1011.62(1)(c) FS. History—New 7-1-77, Amended 7-2-79, 4-27-82, Formerly 6A-6.3020, Amended 5-18-86, 9-20-04, ~~9-20-04~~, 1-16-08.