

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Approval of 702 KAR 7:150, Home/Hospital Instruction

Date: June 2021

Action Requested: ☐ Review ☐ Action/Consent ☒ Action/Discussion

Held in: ☒ Full Board ☐ Curriculum, Instruction and Assessment ☐ Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on proposed regulation 702 KAR 7:150, Home/Hospital Instruction. Subsequent to the enactment of HB 458 (2020), which amended and renumbered the home/hospital statute, it is necessary to promulgate a new home/hospital instruction regulation. This proposed regulation updates the prior regulation to conform to the requirements of KRS 158.033, the amended and renumbered home/hospital statute. The promulgation of this regulation is being done concurrently with the repeal of 704 KAR 7:120, the existing home/hospital instruction regulation.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the Kentucky Board of Education (KBE) approve 702 KAR 7:150, Home/Hospital Instruction.

APPLICABLE STATUTE OR REGULATION:

KRS 158.033

BACKGROUND:

Existing Policy:

KRS 158.033, enacted during the 2020 legislative session, clarified the home and hospital provisions to reflect applicability for all students, not just exceptional students. It updated the list of licensed health and mental health providers eligible to sign off on home and hospital provisions and permitted the electronic delivery of instruction. The enactment of KRS 158.033 necessitates updating the home/hospital regulation.

Summary of Issue:

HB 458 (2020) amended and renumbered KRS 157.270 to become KRS 158.033. The renumbering moved the statute from statutes applicable to special education students to statutes with general applicability to all students. HB 458 also revised several home/hospital statutory provisions to provide clarification and ameliorate issues raised by districts. Therefore, it is necessary to replace 704 KAR 7:120 with 702 KAR 7:150 to clarify applicability to all students, and to update requirements consistent with KRS 158.033.

Rural districts and mental health professionals noted the prior statute and regulation were too restrictive in the types of mental health professionals authorized to sign-off on home/hospital

applications. Many rural locations in Kentucky have limited access to mental health services. Some of these areas are served by general practice physicians as well as physician assistants and nurse practitioners with mental health training. The previous version of the statute and regulation did not permit these types of providers to complete home/hospital applications for mental health reasons, however, the revised statute and the proposed regulation permit those providers to complete applications.

Further, under the prior version of the statute, districts were required to deliver all home/hospital instruction in person. KRS 158.033 permits districts to provide instruction electronically and the proposed regulation requires instructional sessions to be delivered by a certified teacher in person, electronically, or telephonically. If the instruction is other than in person, the district must ensure the instruction is meaningful and require the certified teacher to directly contact the student during instructional sessions.

Beyond the aforementioned issues raised by districts, the proposed regulation requires boards of education to adopt local home/hospital instructional policies. It sets out the general provisions for eligibility and minimum instructional requirements to receive funding. Districts are required to establish home/hospital review committees to review applications for general education students. For students with Individual Education Plans (IEPs), the Admissions and Release Committee (ARC) dictates placement decisions. The regulation permits instruction to be delivered in-person or electronically by a certified teacher. It sets forth the providers eligible to complete the home/hospital application when the condition is mental health related. The proposed regulation establishes procedures to permit intermittent home/hospital instruction when the student has a recurring condition. It establishes attendance and scheduling documentation requirements as well as maximum caseload for teachers providing home/hospital instructional services.

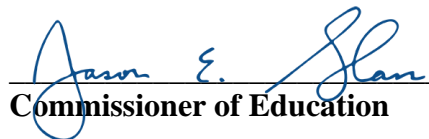
Budget Impact: There is no budget impact to the Kentucky Department of Education.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The proposed regulation will be reviewed by the Local Superintendent's Advisory Council (LSAC) at its May 25, 2021 meeting.

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Commissioner of Education

Category:	<input type="checkbox"/> Educator Workforce Diversity	<input type="checkbox"/> Portrait of a Graduate Partnerships	<input type="checkbox"/> Racial Equity Commitment	<input type="checkbox"/> Student-Centered Accountability System	<input type="checkbox"/> Early Childhood	<input checked="" type="checkbox"/> District Support
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