

### **6A-6.03020 Exceptional Student Education Eligibility 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 is acute or catastrophic in nature, 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.

(2) Criteria for eligibility. A student is eligible for educational instruction through homebound or hospitalized services 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 paragraph 6A-6.0331(3)(e), F.A.C., 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 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 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 unless the student meets criteria for eligibility under 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 or 6A-6.03027, F.A.C.

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

(3) Procedures for student evaluation. In addition to the provisions of subsection 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) The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.

(c) A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, 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 at no cost to the parent.

(4) Procedures for providing an individual educational plan (IEP) or individualized family support plan (IFSP). IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule. A student may be assigned to both a 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)(a)1. of this rule. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

(5) 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 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 devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic 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), 1003.571(2) FS. Law Implemented 1001.03(8), 1001.42(4)(1), 1003.01(3)(a), (b), 1003.57(1)(b), 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, 6-20-17.*