

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 806

INTRODUCER: Senator Legg

SUBJECT: Instruction for Homebound and Hospitalized Students

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 806 obligates school districts to provide instruction to homebound or hospitalized students as part of its program of special instruction for exceptional students. More specifically, the bill requires:

- Each school district with children’s hospital located within the district, to enter into an agreement with the hospital no later than August 15, 2016, to establish a process by which the hospital will notify the district of students who may be eligible for educational instruction, and to establish timeliness for determining student eligibility and providing educational instruction.
- Each school district with a children’s specialty hospital located within the district to provide educational instruction to eligible students receiving treatment in the hospital, until the district is able to enter into an agreement with the school district where the student resides.
- Each district school board, at least every three years, to submit its proposed procedures for the provision of special instruction and service for exceptional students to the Department of Education.
- State Board of Education rules to establish: criteria and procedures for determining student eligibility; appropriate methods and requirements for providing instruction for eligible students; and a standard agreement for schools districts to use when students receiving services from a children’s specialty hospital transition between school districts.

The bill takes effect July 1, 2016.

II. Present Situation:

Hospitalized or Homebound Students

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.”¹

Hospitalized or homebound students are included within the definition of an “exceptional student.”² As such, they are entitled to all the rights and protections of the Individual with Disabilities Education Act (IEA), including a free appropriate public education (FAPE).³ Thus, Hospitalized or homebound students are eligible for certain exceptional student education services.⁴

The school district in which an eligible, hospitalized or homebound student resides is responsible for providing educational services to the student even if the student is placed at a hospital in another district (e.g., a children’s specialty hospital) for treatment.⁵

Eligibility for Specifically Designed Instruction

The minimal evaluation for a student to determine eligibility shall be an annual medical statement from a licensed physician, including a description of the disabling condition or diagnosis with any medical implications for instruction.⁶ This report must 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.⁷

A student who is hospitalized or homebound is eligible for specifically designed instruction if the following criteria are met:⁸

- A licensed physician⁹ must certify that the student:

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

² Section 1003.01(3)(a), F.S.

³ Florida Department of Education, Bureau of Exceptional Education and Student Services, *Policy and Procedures Manual Hospital/Homebound Program and Services (2008)*, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/hhppm08.pdf>

⁴ Section 1003.01(3)(a), F.S.; Rule 6A-6.03020, F.A.C.

⁵ E-mail, Florida Department of Education (January 18, 2016); Florida Department of Education, Bureau of Exceptional Education and Student Services, *Policy and Procedures Manual Hospital/Homebound Program and Services (2008)*, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/hhppm08.pdf>

⁶ Rule 6A-6.03020(4)(a), F.A.C.

⁷ *Id.* The team may require additional evaluation, which shall be provided at no cost to the parent. *Id.* A physical reexamination and medical report may be requested by the administrator of exceptional education on a more frequent basis and may be required if the student is scheduled to attend part of the school day during a recuperative period of adjustment to a full school schedule. Rule 6A-6.03020(4)(b), F.A.C. This physical reexamination and medical report shall be provided at no cost to the parent. *Id.*

⁸ Rule 6A-6.03020(3), F.A.C. Procedures for determining eligibility must be in accordance with Rule 6A-6.00331, F.A.C.

⁹ The physician must be licensed under chapter 458 or 459, F.S.

- Is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days, or due to a chronic condition, for at least 15 consecutive or nonconsecutive school days, which need not run consecutively;¹⁰
- 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.
- The student is enrolled in a public school in kindergarten through 12th grade prior to the referral for homebound or hospitalized services, unless a student already meets eligibility criteria for other exceptional student education services.¹¹
- The student's parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.¹²

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.¹³

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services¹⁴:

- Instruction in a hospital. The hospital administrator or designee is required to provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
- Instruction at home. The parent, guardian or primary caregiver is required to provide a quiet, clean, well-ventilated setting where a teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits which takes into account the student's medical condition and the requirements of the student's coursework.
- Instruction through telecommunications or computer devices. When the IEP team determines that instruction is by telecommunications or computer devices, an open, uninterrupted telecommunication link shall be provided at no additional costs to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.

¹⁰ Or the equivalent on a block schedule. *Id.* No prior absence is required, and districts are encouraged to be proactive in initiating procedures to establish eligibility to avoid any interruption of the student's education. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Policy and Procedures Manual Hospital/Homebound Program and Services (2008)*, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/hhppm08.pdf>

¹¹ Rule 6A-6.03020(3)(b), F.A.C.

¹² Rule 6A-6.03020(3)(c), F.A.C.

¹³ Rule 6A-6.03020(6), F.A.C. A student may be alternatively assigned to the hospitalized or homebound program and to a school-based program due to an acute, chronic, or intermittent condition as certified by a licensed physician. *Id.* This decision shall be made by the IEP team. *Id.*

¹⁴ Rule 6A-6.03020(7), F.A.C.

Children's Specialty Hospitals

There are three children's specialty hospitals in Florida that meet the licensing criteria in Part 1 of chapter 395, Florida Statutes. The facilities are:¹⁵

- All Children's Hospital, in Pinellas County.
- Nicklaus Children's Hospital, in Miami-Dade County.
- Nemours Children's Specialty Care, in Orange County.

As previously mentioned, the school district in which an eligible, hospitalized or homebound student resides is responsible for providing educational services to the student even if the student is placed at a children's specialty hospital located in another school district for treatment.¹⁶

This placement may delay initiation of educational services for the student while the hospital, the school district in which the hospital is located, and the school district in which the student resides determine when, how and where to deliver the services.¹⁷

III. Effect of Proposed Changes:

SB 806 obligates school districts to provide instruction to homebound or hospitalized students as part of its program of special instruction for exceptional students. More specifically, the bill requires:

- Each school district with children's hospital located within the district, to enter into an agreement with the hospital no later than August 15, 2016, to establish a process by which the hospital will notify the district of students who may be eligible for educational instruction, and to establish timeliness for determining student eligibility and providing educational instruction.
- Each school district with a children's specialty hospital located within the district to provide educational instruction to eligible students receiving treatment in the hospital, until the district is able to enter into an agreement with the school district where the student resides.
- Each district school board, at least every three years, to submit its proposed procedures for the provision of special instruction and service for exceptional students to the Department of Education.
- State Board of Education rules to establish: criteria and procedures for determining student eligibility; appropriate methods and requirements for providing instruction for eligible students; and a standard agreement for schools districts to use when students receiving services from a children's specialty hospital transition between school districts.

Seamless Provision of Instructional Services

The bill requires each school district in which a children's specialty hospital¹⁸ is located to:

- Enter into an agreement with the hospital, no later than August 15, 2015, to establish a process for the hospital to notify the school district of patients who may be eligible for instruction.

¹⁵ E-mail, All Children's Hospital Johns Hopkins Medicine, Government and Corporate Relations (January 19, 2016).

¹⁶ Footnote 5.

¹⁷ E-mail, All Children's Hospital Johns Hopkins Medicine, Government and Corporate Relations (January 19, 2016).

¹⁸ The bill requires the children's specialty hospital to be licensed under part I of chapter 395, Florida Statutes.

- Provide instruction to eligible students until the district enters into an agreement with the school district in which the student resides.

Review of School District's Special Instruction Procedures

The bill requires the district to submit its proposed procedures for the provision of special instruction and services for exceptional students to the Department of Education at least once every three years.

State Board of Education Implementation

The bill provides specific State Board of Education rulemaking authority for hospitalized and homebound students. Furthermore, the bill requires State Board of Education rules, at minimum, to address:

- 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.
- Developing a standard agreement for use by school districts to provide seamless instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.57 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.