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Sequence Number: 04-21-18
Notice ID(s): 2821
File Date: 4/20/18

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee State Board of Education
Division:	
Contact Person:	Elizabeth Taylor
Address:	Andrew Johnson Tower 1st Floor 710 James Robertson Pkwy Nashville, TN 37243
Phone:	615-253-5707
Email:	Elizabeth.Taylor@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Elizabeth Taylor
Address:	Andrew Johnson Tower 1st Floor 710 James Robertson Pkwy Nashville, TN 37243
Phone:	615-253-5707
Email:	Elizabeth.Taylor@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Multipurpose Room
Address 2:	Andrew Johnson Tower 1st Floor 710 James Robertson Pkwy
City:	Nashville, TN
Zip:	37243
Hearing Date :	06/20/2018
Hearing Time:	9:30 a.m. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

Written feedback may be provided to:

Elizabeth Taylor
Andrew Johnson Tower
1st Floor
710 James Robertson Pkwy
Nashville, TN 37243
Elizabeth.Taylor@tn.gov

Written feedback will be accepted until 4:30 p.m. CST/CDT on June 22, 2018.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-02	Administrative Rules & Regulations
Rule Number	Rule Title
0520-01-02-.10	Homebound Instruction For Pregnant Students

0520-01-02-.10 HOMEBOUND INSTRUCTION.

(1) Definitions

- (a) Homebound Instruction – Instruction provided at home or at a hospital or related site to children who are unable to attend school due to a physical or mental condition.
- (b) Review team – The members of the district and school staff who are familiar with the health and educational needs of the student for whom homebound instruction is being requested.
- (c) Treating physician – A person licensed under T.C.A. Title 63, Chapter 6; T.C.A. Title 63, Chapter 9; T.C.A. Title 63, Chapter 11; or T.C.A. § 63-23-105 and who is the professional who is treating the student for the condition requiring homebound instruction and who is most familiar with the treatment plan and standard of care for the physical or mental condition or chronic for which the student is seeking homebound instruction.
- (d) Student – A child enrolled in school in grades kindergarten (K) through grade twelve (12).

(2) Eligibility and Placement

- (a) A student may be eligible for homebound instruction upon certification by the student's treating physician. The physician's certification must show one (1) of the following:
 - 1. The student has a physical or mental condition that will require the student's absence from school for a minimum of ten (10) consecutive instructional days and that the child can receive and benefit from homebound instruction without endangering the health of personnel providing it and/or the student. If the physical or mental condition occurs less than ten (10) instructional days prior to the end of the year and the student needs instruction to meet graduation requirements, the physician's statement must indicate the student will be unable to attend school through the end of the current school year; or
 - 2. The student has a chronic physical or mental condition that will require the student's absence for an aggregate of at least ten (10) instructional days over the period of the school year.
- (b) The student's treating physician shall recommend in writing the period for which the student shall be eligible for homebound instruction.
- (c) Educational decisions are made by the district. Medical documentation is relevant to determining the need for homebound instruction, but the decision to provide services is not made by the treating physician.

(3) Instruction

- (a) The homebound instruction program for students shall consist at minimum of three (3) hours of instruction per week while school is in session for the period of homebound instruction, plus extensions authorized herein, to be provided by the school system to the student in the home, in a hospital, or in other locations approved by the district.
 - 1. The review team shall consider the student's grade level, academic status, physical abilities, individual academic needs, duration of homebound instruction, and similar factors when determining the amount of instruction time, but in no event should the student receive less than three (3) hours of instruction per week unless the student will not benefit from instruction and/or the instruction would endanger the health of personnel providing it and/or the student.
- (b) The three (3)-hour instruction time shall not include travel to and from the student or preparation time. Homebound instruction is only the actual time that the student and the homebound teacher are working together.
- (c) An adult shall be present during the period of homebound instruction.

- (d) The district may provide the homebound instruction via the district's own online or virtual program. The district shall verify that the student has all the necessary equipment, access, and training for working via the Internet at no additional cost to the student.
 - (e) The review team shall conduct progress reviews every thirty (30) days to ensure that homebound instructions is still the most appropriate placement for the student.
- (4) Recertification
- (a) All initial homebound instruction shall be for the period certified by the review team.
 - (b) A homebound instruction for longer than the initial homebound instruction period shall only be provided to a student who is certified in writing by his or her treating physician as having a physical or mental condition that, in the student's treating physician's judgment, prevents the student from returning to regular classes.
 - (c) Recertification must be obtained upon the expiration of each additional period of homebound instruction certified by the student's treating physician if homebound instruction is to be continued beyond the initial homebound instruction period.
- (5) Re-entry
- (a) Prior to the expiration of the period of homebound instruction, the review team shall develop a treatment plan and strategy for the student's reentry into the school environment.
- (6) Students receiving homebound instruction shall not be counted absent from school and shall be included in all computations for purposes of generating state school funds.

Authority: T.C.A. §§ 49-10-1101; 49-10-1102 and 49-10-1103. **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Repeal and new rule filed March 16, 1992; effective June 29, 1992.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 4/20/18

Signature: *[Handwritten Signature]*

Name of Officer: Elizabeth Taylor

Title of Officer: General Counsel

Subscribed and sworn to before me on: 4-20-18

Notary Public Signature: *[Handwritten Signature]*

My commission expires on: 3-8-21

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Filed with the Department of State on: 4/20/18

[Handwritten Signature]

Tre Hargett
Secretary of State



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