Update Guidesheets

December 2018 Update Guidesheet

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

Home and Hospital Instruction

(AR revised) Regulation reorganized and updated to reflect NEW LAW (AB 2109) which expands the parental notification to include information regarding student eligibility for individual instruction and the duration of such instruction, requires that individual instruction in a student's home begin within five days of determining a student's eligibility, provides that students receiving individual instruction in a hospital for a partial week are eligible to attend school on days that they are not at the hospital, and provides that the absences of a temporarily disabled student must be excused until the student is able to return to the regular school program.

See AR 6183

CSBA Sample
Administrative Regulation
Home And Hospital Instruction

AR 6183
Instruction

A student with a temporary disability which makes school attendance impossible or inadvisable shall be entitled to receive individual instruction at home or in a hospital or other residential health facility, excluding state hospitals. (Education Code 48206.3)

(cf. 5112.2 - Exclusions from Attendance)

Temporary disability means a physical, mental, or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program, and after which the student can reasonably be expected to return to regular day classes or the alternative education program in which the student is enrolled. Temporary disability does not include a disability that would qualify a student for special education pursuant to Education Code 56026. (Education Code 48206.3)

(cf. 5141.22 - Infectious Diseases)
(cf. 6158 - Independent Study)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Note: Education Code 48206.3, as amended by AB 2109 (Ch. 167, Statutes of 2018), requires the district to notify parents/guardians of the availability of individual instruction for students with a temporary disability and to include in that notification information regarding student eligibility for, and the duration of, individual instruction.

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of district students regarding: (Education Code 48206.3, 48208, 48980)

1. The availability of individual instruction for any student with a temporary disability, including information regarding student eligibility for, and the duration of, individual instruction

2. The rights and responsibilities of parents/guardians of any student with a temporary disability pursuant to Education Code 48207 and 48208

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Education Code 48208, it is the primary responsibility of parents/guardians to notify the district when their child is in a qualifying hospital. The following paragraph expands this requirement to include notification when a temporarily disabled student needs instruction at home.

Parents/guardians shall notify the principal or designee when their child is temporarily disabled and needs individual instruction at home or in a hospital or other residential health facility.

Determination of Student Eligibility

Note: Education Code 48208 specifies that the district must make a determination regarding a student's eligibility for individual instruction within five working days of receiving notification of the student's presence in a qualifying hospital. Although the law does not establish a time period for determining a student's eligibility for individual instruction at home, the following paragraph uses the five-day time period for determining eligibility for home instruction and may be revised to reflect district practice.

Not later than five working days after receiving notification from a parent/guardian that a student has a temporary disability, the Superintendent or designee shall determine whether the student will be able to receive individual instruction at home or in a hospital or residential health facility. (Education Code 48208)

Note: The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee may require verification through any reasonable means that the student is temporarily disabled and needs individual instruction.

Provision of Individual Instruction

Note: Education Code 48208 requires that individual instruction in a hospital or residential health facility begin no later than five working days after determining a student's eligibility. As added by AB 2109, Education Code 48207.5 establishes the same time limit for providing instruction in a student's home.

Individual instruction at a student's home or in a hospital or other residential health facility shall begin no later than five working days after the Superintendent or designee makes the determination that the student is eligible to receive individual instruction. (Education Code 48207.5, 48208)

The district shall be responsible for providing individual instruction to any temporarily disabled student who is in a hospital or other residential health facility located within district boundaries, whether or not the student is enrolled in the district. If the student is enrolled in another district, the Superintendent or designee may enter into an agreement to have the student's district of residence provide the individual instruction. The Superintendent or designee may also enter into an agreement to provide individual instruction to a district student who is in a hospital or other residential health facility located within the boundaries of another district. (Education Code 48208)

(cf. 5111.1 - District Residency)

Whenever the district provides individual instruction to a non-district student who is in a hospital

or other residential health facility located within district boundaries, the Superintendent or designee shall, within five working days of the beginning of the individual instruction, provide written notification to the student's district of residence that, effective on the date on which individual instruction began, the district of residence may not count the student for purposes of computing that district's average daily attendance. (Education Code 48208)

Note: Pursuant to Education Code 48207.3, as added by AB 2109, students receiving individual instruction in a hospital or residential health facility for a partial week remain eligible to attend school on days when they are not at the hospital. Pursuant to Education Code 48207, as amended by AB 2109, for apportionment purposes each district may count the student's attendance for only those days it provides instruction to the student.

A student receiving individual instruction in a hospital or residential health facility for a partial week shall be entitled to attend school or receive individual instruction at home on days in which the student is not receiving individual instruction in the hospital or other residential health facility, if the student is well enough to do so. (Education Code 48207.3)

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

Note: The following optional paragraph may be revised to reflect district practice. State law does not prescribe the content of home and hospital instruction, but the California Department of Education's web site states that the goal of the program is to maintain the student's former level of performance while recovering.

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

Note: Education Code 48240, as amended by AB 2109, adds the following responsibility of the district's supervisor of attendance.

The district's attendance supervisor shall ensure that the absences of any temporarily disabled student receiving individual instruction at home or in a hospital or other residential health facility are excused until the student is able to return to the regular school program. (Education Code 48240)

(cf. 5113 - Absences and Excuses)
(cf. 5113.11 - Attendance Supervision)

Return to School

A student receiving individual instruction who is well enough to return to school shall be allowed

to return to the school that the student attended immediately before receiving individual instruction, if the return occurs during the school year in which the individual instruction was initiated. (Education Code 48207.3)

Legal Reference:
EDUCATION CODE
44865 Qualifications for home teachers
45031 Home teachers
48200 Minimum school day
48206.3-48208 Students with temporary disabilities; individual instruction
48240 Supervisors of attendance
48980 Parental notifications
51800-51802 Employment of home teachers
56026 Individual with exceptional needs
CODE OF REGULATIONS, TITLE 5
421 Method of verification
423 Prolonged illness

(6/89 10/98) 12/18

HOME AND HOSPITAL INSTRUCTION

A student with a temporary disability which makes school attendance impossible or inadvisable shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026. (Education Code 48206.3)

(cf. 6158 - Independent Study)
(cf. 6164.4 - Identification of Individuals for Special Education)

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

The district shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year. (Education Code 48200, 48206.3)

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program.

The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)

HOME AND HOSPITAL INSTRUCTION (continued)

Nondistrict Students

A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. (Education Code 48207)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital. (Education Code 48208)

Upon receiving such notification, the Superintendent or designee shall: (Education Code 48208)

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.

2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began.

Alternatively, the Superintendent or designee may enter into an agreement with the district in which the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

Parental Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians that: (Education Code 48208, 48980)

1. Individual instruction is available for temporarily disabled students as prescribed by Education Code 48206.3.

2. If a student becomes temporarily disabled, it is the parent/ guardian's responsibility to notify the receiving district of the student's presence in a qualifying hospital.

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

HOME AND HOSPITAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE
44865 Qualifications for home teachers
45031 Home teachers
48200 Minimum school day
48206.3 Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance
48206.5 Continuation of individual instruction programs for students with temp. disabilities
48207 Pupils with temporary disabilities in hospitals out- side of school district; compliance with residency requirements
48208 Presence of pupils with temporary disabilities in qualifying hospitals; notice by parents or guardians; commencement of individualized instruction
48980 Required notification of rights and availability of nutrition and individualized instruction programs
51800-51802 Employment of home teachers
CODE OF REGULATIONS, TITLE 5
421 Method of verification
423 Prolonged illness