

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02
DISTRICT AND SCHOOL OPERATIONS**

0520-01-02-.10 HOMEBOUND INSTRUCTION.

- (1) Definitions. As used in this rule:
- (a) "Homebound Instruction Period" means the number of school days that the medical homebound instruction program shall be provided to the student.
 - (b) "Individualized Education Program (IEP) team" means a group of individuals described in 34 CFR § 300.321 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.
 - (c) "Medical Condition" means a physical or mental condition, illness, or disorder that prevents a student from attending regular classes and is certified in writing by the student's treating physician.
 - (d) "Medical Homebound Instruction Program" means an instruction program provided at home, hospital, or other related locations to all students, including students with disabilities, who are unable to attend regular classes due to a medical condition.
 - (e) "Regular Classes" means the classes to which the student has been assigned by the school where the student is enrolled.
 - (f) "Review team" means Local education agency ("LEA") staff and/or school staff, including the student's 504 team or IEP team if applicable, who are familiar with the health and educational needs of the student for whom a medical homebound instruction program is being requested.
 - (g) "Student" means a child enrolled in a Tennessee public school in grades kindergarten through grade twelve (K-12).
 - (h) "Treating physician" means a person who is 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 or similar statute in another jurisdiction and who is the professional treating the student for the medical condition requiring medical homebound instruction.
- (2) Medical Homebound Qualification and Placement
- (a) Each LEA shall establish a medical homebound instruction program for each student who qualifies. A student qualifies for a medical homebound instruction program if the student's treating physician certifies in writing that the student has a medical condition that prevents the student from attending regular classes. A student is prevented from attending regular classes if the student will miss more than ten (10) consecutive instructional days over the period of the school year due to the medical condition. An LEA may also create a policy that allows students who miss an aggregate number of instructional days over the period of the school year due to a medical condition to be eligible for a medical homebound instruction program.

(Rule 0520-01-02-.10, continued)

- (b) Once a student has qualified for a medical homebound instruction program, the homebound instruction period shall be determined by the student's review team on a case-by-case basis and shall take into consideration the recommendations of the student's treating physician, if available. Educational decisions regarding the student's medical homebound instruction program shall be determined by the student's review team on a case-by-case basis. .
 - (c) Decisions regarding students with disabilities who require instruction in the home, hospital, or related site pursuant to an IEP team's determination that the home, hospital, or related site is the child's least restrictive environment are governed by the requirements set forth in the Individuals with Disabilities Education Act (34 C.F.R. § 300.39; 34 C.F.R. § 300.115) and State Board Rule 0520-01-09-.07 regarding educational homebound placements.
- (3) Medical Homebound Instructional Requirements
- (a) A Medical Homebound instruction program shall consist of a minimum of three (3) hours of instruction per week while school is in session for the homebound instruction period determined by the student's review team.
 - (b) The student's review team shall consider the student's grade level, academic status, physical abilities, individual academic needs, homebound instruction period, and similar factors when determining the amount of instructional time per week provided to the student under a medical homebound instruction program. For students receiving special education and related services, the frequency and duration of instruction necessary to provide a free appropriate public education for a student with a disability during a medical homebound instruction program placement shall be determined by the student's IEP team, but shall not be less than the minimum of three (3) hours per week..
 - (c) The minimum of three (3)-hours of instruction per week shall not include travel to and from the student or preparation time. Homebound instruction is measured by the amount of time that the student and the homebound teacher are working together; or, if a student is enrolled in a district's virtual program, homebound instruction is only the actual time that the student is engaging in instruction via the virtual program.
 - (d) Homebound instruction shall be provided by a teacher holding a valid Tennessee teacher license as provided in T.C.A. Title 49, Chapter 5.
 - (e) An adult, other than the homebound teacher/instructor, shall be present during the homebound instruction period.
 - (f) The district may provide the homebound instruction program via the district's own online or virtual program, if the review team deems it appropriate for the student. 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.
- (4) Recertification for Medical Homebound
- (a) A medical homebound instruction program for longer than the initial medical homebound instruction period shall only be provided to a student who is recertified in writing by his or her treating physician as having a medical condition that, in the student's treating physician's judgment, continues to prevent the student from returning to regular classes.

(Rule 0520-01-02-.10, continued)

- (b) The initial medical homebound instruction period and any additional medical homebound instruction period shall be for the number of school days certified by the student's review team.
 - (c) Recertification must be obtained upon the expiration of each additional medical homebound instruction period if medical homebound instruction is to be continued beyond the initial medical homebound instruction period.
- (5) Re-entry
- (a) Prior to the expiration of the medical homebound instruction period, the review team shall develop a transition plan for the student's reentry into the school environment.
- (6) Attendance and Funding
- (a) Students receiving medical homebound instruction shall not be counted absent from school and shall continue to earn Basic Education Program (BEP) funding for the LEA in which the student is enrolled.
 - (b) IDEA Part B funds may be expended only for instruction of students with disabilities who are placed in a homebound instruction program.

Authority: T.C.A. §§ 49-10-1101 and 49-10-1103, 34 C.F.R. § 300.39; 34 C.F.R. § 300.115 .
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.