AN ACT relating to home or hospital instruction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 157.270 is repealed, reenacted as a new section of KRS Chapter 158, and amended to read as follows:

(1) If in any district there are ***students***~~[exceptional children]~~ not able even with the help of transportation to be assembled in a school, instruction shall be provided ***to the student*** in the ***student's***~~[child's]~~ home or in ***a hospital***~~[hospitals or sanitoria]~~.

(2) For a student to be eligible for home or hospital instruction, a signed statement of the diagnosed condition requiring home or hospital instruction shall be provided in accordance with subsection (2) of Section 2 of this Act.

(3) For the purposes of KRS 157.360, a student instructed under this section who receives~~[Exceptional children so instructed may be counted under the provisions of KRS 157.360, counting, however,]~~ a minimum of two (2) ***instructional sessions***~~[visits]~~ a week with a minimum of one (1) hour of instruction per ***session***~~[visit,]~~ by a ***certified*** teacher provided by the board of education ***shall equal***~~[as equivalent to]~~ the ***student attending***~~[attendance of one (1) child]~~ five (5) days in school.

(4) For students with disabilities, the admissions and release committee shall be responsible for placement decisions regarding home or hospital instruction in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et. seq. The home or hospital instruction shall be provided pursuant to the individual education program as determined by the admissions and release committee. For the purposes of KRS 157.360, students receiving home or hospital instruction under this subsection may be counted in attendance in accordance with subsection (3) of this section.

(5) The Kentucky Board of Education shall promulgate administrative regulations to establish the components of home or hospital instruction.

(6) An instructional session may be delivered in person, electronically, or through other means established in regulation.

➔Section 2. KRS 159.030 is amended to read as follows:

(1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:

(a) Who is a graduate from an accredited or an approved four (4) year high school; or

(b) Who is enrolled and in regular attendance in a private, parochial, or church regular day school. It shall be the duty of each private, parochial, or church regular day school to notify the local board of education of those students in attendance at the school. If a school declines, for any reason, to notify the local board of education of those students in attendance, it shall so notify each student's parent or legal guardian in writing, and it shall then be the duty of the parent or legal guardian to give proper notice to the local board of education; or

(c) Who is less than seven (7) years old and is enrolled and in regular attendance in a private kindergarten-nursery school; or

(d) Whose physical or mental condition prevents or renders inadvisable attendance at school~~[or application to study]~~; or

(e) Who is enrolled and in regular attendance in private, parochial, or church school programs for exceptional children; or

(f) Who is enrolled and in regular attendance in a state-supported program for exceptional children;

(g) For purposes of this section, "church school" shall mean a school operated as a ministry of a local church, group of churches, denomination, or association of churches on a nonprofit basis.

(2) ***(a)*** Before granting an exemption under subsection (1)(d) of this section, the board of education of the district in which the child resides shall require ***submission to the board of*** satisfactory evidence~~[,]~~ in the form of ***a***~~[:~~

~~(a) A]~~ signed statement of a ***properly*** licensed physician, advanced practice registered nurse, ***physician's assistant,*** psychologist, ***or*** psychiatrist ***responsible for diagnosing and treating the child, stating***~~[, chiropractor, or public health officer,]~~ that the ***diagnosed*** condition of the child prevents or renders inadvisable attendance at school ***and requires home or hospital instruction***~~[or application to study]~~. ***If the condition is mental health related, then the signed statement shall be completed by a licensed physician, psychiatrist, psychologist, or physician's assistant described in KRS 202A.011 or an advanced practice registered nurse defined in KRS 314.011 and certified in psychiatric-mental health nursing.*** On the basis of such evidence, the ***local board of education***~~[board]~~ may exempt the child from compulsory attendance.

(b) Any child who is excused from school attendance more than six (6) months shall have two (2) signed statements from a combination of ***two (2) of*** the~~[following]~~ professional persons ***in accordance with paragraph (a) of this subsection***~~[: a licensed physician, advanced practice registered nurse, psychologist, psychiatrist, chiropractor, and health officer]~~, except that this requirement shall not apply to a child whose ***signed statement***~~[treating physician, advanced practice registered nurse, chiropractor, or public health officer]~~ certifies that the student has a chronic physical condition that prevents or renders inadvisable attendance at school~~[or application to study]~~ and is unlikely to substantially improve within one (1) year.~~[; or]~~

~~[(b) An individual education plan specifying that placement of the child with a disability at home or in a hospital is the least restrictive environment for~~

~~providing services.]~~

(c) Exemptions of ***any student*** ~~[all children]~~ under the provisions of subsection (1)(d) of this section shall be reviewed annually with the evidence required being updated~~[, except that for an exceptional child whose treating physician, advanced practice registered nurse, chiropractor, or public health officer certifies that the student has a chronic physical condition unlikely to substantially improve within three (3) years, the child's admissions and release committee shall annually consider the child's condition and the existing documentation to determine whether updated evidence is required. Updated evidence shall be provided for a child upon determination of need by the admissions and release committee, or at least every three (3) years]~~.

(3) ***The Kentucky Board of Education may promulgate administrative regulations to establish the components of compulsory attendance and exemptions*** ~~[For any child who is excluded under the provisions of subsection (1)(d) of this section, home, hospital, institutional, or other regularly scheduled and suitable instruction meeting standards, rules, and regulations of the Kentucky Board of Education shall be provided]~~.