

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1137

(Delegate Bhandari, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Home and Hospital Teaching Program for Students – Report

This bill requires the Maryland State Department of Education (MSDE) to (1) assess whether students in the Home and Hospital Teaching Program for Students receive adequate support and instructional time to successfully transition back to a classroom setting; (2) analyze whether local school systems have sufficient staffing to coordinate instructional services for students; (3) study whether transition plans for students returning to the classroom should be implemented and, if so, the viability of having school counselors lead and develop those plans; (4) assess whether any transition plans should be reviewed or evaluated by a licensed medical professional prior to implementation; and (5) make recommendations regarding any statutory or regulatory changes to the Home and Hospital Teaching Program for Students. MSDE must report its findings and recommendations to the Governor, the Maryland State Board of Education, and the General Assembly by December 31, 2019. **The bill takes effect July 1, 2019, and terminates June 30, 2020.**

Fiscal Summary

State Effect: MSDE can perform the required assessment and analysis, and provide recommendations, with existing budgeted resources. Revenues are not affected.

Local Effect: Local school systems can respond to MSDE requests for information on home and hospital teaching with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: The Code of Maryland Regulations (COMAR) establishes the minimum requirements for providing instructional services to public school students who are unable to participate in their school of enrollment due to a physical or emotional condition. These programs are generally known as home and hospital teaching programs. In implementing these programs, a local school system must comply with the federal Individuals with Disabilities Education Act, Americans with Disabilities Act, and § 504 of the Rehabilitation Act of 1973, as appropriate. Concurrent delivery of instructional services and enrollment in a public school must be provided for a student whose physical or emotional condition requires the student to be absent from school on an intermittent basis. These conditions include, but are not limited to, kidney failure, cancer, asthma, cystic fibrosis, sickle cell anemia, depression, and bipolar disorder.

Instructional services must be provided to an identified student with disabilities in accordance with federal and State special education law and regulations, including COMAR provisions related to special education. The student and parents must be involved in the process and are entitled to all rights and due process procedures included within these laws and regulations.

Each local school system must make instructional services available to students who are unable to participate in their school of enrollment for those reasons set forth in COMAR. In making instructional services available, local school systems must consult with the parent, guardian, student, psychologist, physician, psychiatrist, and nurse practitioner, as appropriate. Instructional services must be available to all students during convalescence or treatment time in a medical institution or therapeutic treatment center and at the student's place of residence, or all of these. The local school system must provide for initial and recurring verification of a student's physical or emotional condition and, thus, need for services through the programs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2019
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