



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

MEMORANDUM

TO: Local Directors of Special Education

FROM: Carol Ann Baglin, Ed.D. *Carol Ann Baglin*
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

DATE: March 28, 2006

SUBJECT: *Home and Hospital Teaching Services for Students with Disabilities*

Recently, Dr. Jodi French, Director of Special Education, Cecil County Public Schools, requested clarification regarding the provision of services to students with disabilities who, due to a physical or emotional condition, are unable to attend their school of enrollment. We appreciate Dr. French's questions, and we welcome the opportunity to provide you with this additional information.

Dr. French asked this office to provide clarification regarding language contained in COMAR 13.A.05.01.10C(6)(d) and a memorandum from me, dated December 3, 2001. Dr. French points out that the language in COMAR states that the 60 day time limit applies to those students out of school due to an "emotional crisis," while, the memo states that it pertains to students who are not able to attend school due to an "emotional condition." She also asked for clarification regarding whether a school system can deny a request for home teaching services beyond the 60 days if the student's physician provides written verification for continuation of the services.

While I understand that there may be a difference between an "emotional crisis" and an "emotional condition," the intent of COMAR is to ensure that no student with a disability continues to receive educational services in their home for extended periods of time, or as a long-term placement. Placement in the home is the most restrictive environment along the continuum of placements because it does not permit instruction to take place with other children. It was not that many years ago when a significant number of students remained in their home and received a minimum amount of education services solely on the basis of a one-time statement by a school psychologist. Often this occurred for students when the school system was unable or unwilling to identify an appropriate day or residential placement needed for the student to receive a free appropriate public education to meet his/her needs.

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It is expected that school systems make home and hospital teaching services available to students consistent with COMAR 13A.03.05. Home and hospital teaching services are, generally, to be provided for a short time while the student is unable to attend their school of enrollment. However, it is understood that there may be those relatively rare cases where the student's condition is such that long-term services in the home and/or hospital setting may be required. School staff is encouraged to consult with the student's treating physician or psychiatrist as the Individualized Education Program team develops a plan for the student to return to a school-based program consistent with COMAR 13A.05.01.10C(6)(b). Each local school system must ensure there is a review process in place to resolve any disagreement that arises surrounding the implementation of the home and hospital teaching requirements pursuant to COMAR 13A.03.05.03(B).

Please note that the proposed State regulations include the following revision:

“Educational placement in the home, for a student with an emotional condition, may not exceed 60 consecutive school days” [COMAR 13A.05.01.10C.(6)(d)].

The proposed amendments to COMAR 13A.05.01, 13A.05.02, 13A.08.03, and 13A.08.04 are to be published in the Maryland Register on April 28, 2006, and the comment period is anticipated to close on May 30, 2006.

I hope this provides you with additional clarification regarding this important matter. Please feel free to put any additional questions to me in writing.

CAB/ lmp

c: Local School System Superintendents
Elliott Schoen
Branch/Section Chiefs