



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *L. Lowery*
DATE: January 27, 2015
SUBJECT: COMAR 13A.03.05 (AMEND)
Administration of Home and Hospital Teaching for Students
Adoption

PURPOSE:

Adoption of amendments to COMAR 13A.03.05, Administration of Home and Hospital Teaching for Students (ATTACHMENT I).

BACKGROUND/HISTORICAL PERSPECTIVE:

As part of the regulatory review process during SY 2013-2014, the Maryland State Department of Education worked with supervisors and coordinators of the home and hospital programs in local school systems to review and update the regulations on the administration of home and hospital teaching. Input and insights gained from nursing associations, physicians, and parents helped inform the changes. The regulations require local school systems to provide a specified base amount of weekly instruction to students who are unable to attend their school of enrollment due to a verifiable physical or emotional condition.

Currently, COMAR 13A.03.05.04A allows only a licensed physician to verify a medical need for home and hospital instruction based on a student's physical condition. There has been discussion for years about expanding the verification requirement to allow nurse practitioners to also verify this need. Now, more parents than ever before are inquiring if they can provide the required verification statement from a nurse practitioner, in all likelihood reflecting societal trends in the health care arena which support consulting with nurse practitioners in lieu of licensed physicians. For some, this change could result in a cost savings if a lower fee or no fee is incurred for seeing a nurse practitioner.

In addition, COMAR 13A.03.05.04C requires reverification of the student's need for home and hospital instruction every 60 days for all cases, including student's with chronic health conditions who are intermittently absent from school. Students with such conditions who receive home and hospital services fall under the concurrent delivery of services provision, COMAR 13A.03.05.01C. This status allows them to receive home and hospital instruction during episodes of the condition that result in their absence from school while allowing them to



maintain enrollment and attend school on days when they are able. Students in this category almost always require intermittent home and hospital services well beyond 60 days. Changing the reverification requirement to an annual reverification for students who receive concurrent delivery of services would help alleviate the expense, time, and effort that parents/guardians have to expend dealing with this requirement when they are already dealing with the child's chronic condition.

Also on the issue of concurrent delivery of services, currently COMAR 13A.03.05.01C allows concurrent services only for students with a physical condition that requires them to miss school intermittently. This differs from regular home and hospital instruction which pertains to students who are absent for a distinct period of time and then return to school. Because home and hospital instruction is provided for both physical and emotional conditions, the regulatory provision for concurrent delivery of services should also include emotional conditions so that the home and hospital regulations are internally consistent.

Opportunities for public comment were provided through publication of the proposed regulation in the Maryland Register from November 14 – December 15, 2014. No comments were received.

EXECUTIVE SUMMARY:

The proposed amendments: (1) add nurse practitioners as health professionals who may verify the need for home and hospital instruction services; (2) require an annual reverification for students who receive concurrent delivery of instructional services instead of reverification every 60 calendar days; and (3) add emotional conditions, such as depression and bipolar disorder, to the provision for concurrent delivery of instructional services.

ACTION:

Request to adopt COMAR 13A.03.05, Administration of Home and Hospital Teaching for Students.

Attachment

(d) Rate Table for Childless Adult Population, Effective July 1, 2014—December 31, 2014.

	PMPM Baltimore City	PMPM Rest of State
Under 45 Males	\$477.60	\$436.72
Under 45 Females	\$596.25	\$545.22
45-64 Males	\$826.40	\$755.66
45-64 Females	\$993.03	\$908.03

(e) — (h) (text unchanged)
 (5) (text unchanged)
 C.—D. (text unchanged).

JOSHUA M. SHARFSTEIN, MD
 Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.05 Administration of Home and Hospital Teaching for Students

Authority: Education Article, §§2-205, 6-704, 7-101, 7-301, and 8-403,
 Annotated Code of Maryland

Notice of Proposed Action [14-334-P]

The Maryland State Board of Education proposes to amend Regulations .01, .03, and .04 and repeal Regulation .05 under COMAR 13A.03.05 Administration of Home and Hospital Teaching for Students. This action was considered during the Maryland State Board of Education meeting on September 23, 2014.

Statement of Purpose

The purpose of this action is to require local school systems to provide a specified base amount of weekly instruction to students who are unable to attend their school of enrollment due to a verifiable physical or emotional condition.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Parents will save money spent on doctors' fees as they now will shift from having to get the referral for home and hospital services renewed every 60 days for those utilizing the concurrent enrollment. Parents will save money when nurse practitioners are allowed to sign the referral as opposed to doctors. We do not expect that there will be an influx of students in need of these sporadic tutoring services. This will be a small segment of the student population made even smaller because many students initially denied services due to an emotional condition have received referrals from their physicians for physical conditions that manifest themselves due to emotional conditions.

Presently, COMAR requires that concurrent enrollment services be provided for students with physical conditions such as sickle cell anemia, severe asthma, and cystic fibrosis. It is silent as far as an emotional condition that is chronic and acute such as depression. This short-term intermittent need for tutoring due to episodes that leaves a student unavailable for learning is not presently recognized in COMAR as physical conditions requiring intermittent instruction are. It is believed that making this regulation internally congruent will not create a demand for this service. It will simply recognize that such a request can hold as much validity as a request due to a physical condition can.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Unknown
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Coordinators of Home and Hospital Programs indicate that the economic impact on their school system will be insignificant or none at all.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael Linkins, School Counseling Specialist, Division of Student, Family and School Support, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0769 (TTY 410-333-6442), or email to michael.linkins@maryland.gov, or fax to 410-333-8148. Comments will be accepted through December 15, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 27, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Scope.

A. — B. (text unchanged)

C. Concurrent delivery of instructional services and enrollment in a public school shall 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, [and] sickle cell anemia[.], depression, and bipolar disorder.

D. (text unchanged)

E. Excluded from these regulations are the home-based programs operated through the Office for Children, Youth, and Families] and the Maryland Infants and Toddlers Program for the birth through 2-year-old disabled population and Home Instruction [as defined in] under COMAR 13A.10.01.[01.]

.03 Responsibility of Local School Systems.

A. Nature.

(1) Each local school system shall make instructional services available to students who are unable to participate in their school of enrollment for those reasons set forth in this chapter. In making instructional services available, local school systems shall consult with the parent, guardian, student, psychologist, [and] physician, psychiatrist, and nurse practitioner, as appropriate.

(2) (text unchanged)

B. Service Delivery.

(1) (text unchanged)

(2) [Beginning July 1, 2001, instructional] *Instructional* services as outlined in this chapter shall be delivered by an individual possessing a minimum of a bachelor's degree from an institution of higher education as defined in COMAR 13A.12.01.02B. This requirement does not apply to an individual who has demonstrated satisfactory performance as a home and hospital teacher in a local school system before July 1, 2001.

C. (text unchanged)

D. Attendance and Time of Instruction.

(1) — (3) (text unchanged)

(4) [The instructional service shall begin] *A local school system shall determine the need for service and begin instruction* as soon as possible, but not later than 10 school calendar days following the:

(a) — (b) (text unchanged)

.04 Verification Procedures.

A. [Initial service need is determined by:]

[(1) Verification] *The local school system shall determine initial service need through verification* of the physical condition, including drug and alcohol dependency, by a licensed physician or certified nurse practitioner, or verification of emotional condition by a certified school psychologist, [or] licensed psychologist, or licensed psychiatrist; and].

[(2)] B. [A] *The student's parent or guardian shall submit a statement [by the physician or psychologist] from a practitioner designated in §A of this regulation verifying that the current physical or emotional condition prevents the student from participating in the student's school of enrollment.*

[B. Service need is subject to review:

(1) 60 calendar days after the initial determination of eligibility;

or

(2) Sooner at the request of either the parent, guardian, or local school system.]

C. Continuation of [this service beyond 60 calendar days requires reverification of service need, in accordance with §A of this regulation] *Service Need.*

(1) *Continuation of service need is subject to review and determination by the local school system and requires reverification of the physical or emotional condition in the manner set forth in §§A and B of this regulation.*

(2) *Except as provided in §C(3) of this regulation, service need shall be reverified as follows:*

(a) *60 calendar days after the initial determination of eligibility and every 60 days thereafter; or*

(b) *Sooner at the request of the parent, guardian, or local school system.*

(3) *Service need shall be reverified annually for students who receive concurrent delivery of instructional services pursuant to Regulation .01C of this chapter.*

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Subtitle 04 SPECIFIC SUBJECTS

13A.04.08 Program in Social Studies

Authority: Education Article, §2-205(h), Annotated Code of Maryland

Notice of Proposed Action

[14-335-P]

The Maryland State Board of Education proposes to amend Regulation .01 under COMAR 13A.04.08 Program in Social Studies. This action was considered by the Maryland State Board of Education at their meeting on September 23, 2014.

Statement of Purpose

The purpose of this action is to align the regulation to the College, Career, and Civic Life Framework for teaching history/social studies. Included in the amendments is a change from "Political Science" to "Civics" and the addition of disciplinary and inquiry literacy as the focus of social studies processes and skills.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Local school systems will need to make some adjustments to their curriculum documents and incorporate disciplinary and inquiry literacy into their social studies programs, if they have not already done so.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	