

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

**Fiscal Impact Statement:**

None.

**Statement of Rationale:**

This regulation is based on SC Code of Law Section 59-17-100, which directs local education entities to submit their annual audit report to the Department by December 1, after the close of the fiscal year. The regulation is also for the counting of pupil classifications in the state.

Document No. 4819  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-21-540(11), 59-33-20(c), and 59-33-30

43-241. Medical Homebound Instruction.

**Synopsis:**

The State Board of Education proposes to amend R.43-241, Medical Homebound Instruction, to add “nurse practitioner” and “physician assistant” as additional providers who may sign forms recommending Homebound Instruction.

Notice of Drafting for the proposed amendment to the regulation was published in the *State Register* on April 27, 2018.

**Instructions:**

Entire regulation is to be replaced with the following text.

**Text:**

43-241. Medical Homebound Instruction.

I. Students who cannot attend public school because of illness, accident, or pregnancy, even with the aid of transportation, are eligible for medical homebound or hospitalized instruction.

A. A physician, nurse practitioner, in compliance with the requirements the Nurse Practice Act, or physician assistant in compliance with the requirements of Article 7 of the Medical Practice Act, must certify that the student is unable to attend school but may profit from instruction given in the home or hospital.

B. Any student participating in a program of medical homebound instruction or hospitalized instruction must be approved by the district superintendent or his or her designee on standardized forms provided by the State Department of Education (Department).

C. A South Carolina school district may count in membership a pupil who is compelled to reside outside the State to receive medical services provided the teacher is certificated by the Department in the state where services are rendered.

D. All approved forms must be maintained by the district for documentation.

## 50 FINAL REGULATIONS

II. A student is eligible for medical homebound instruction (1) on the day following his or her last day of school attendance or (2) on the first day of the regular nine-month academic year of the school in which he or she is enrolled and would otherwise be in attendance. The student remains eligible (1) until the day before he or she returns to school or (2) until the last day of the regular academic year in the school year he or she would normally be enrolled, whichever occurs first.

III. The Department shall fund a maximum of five periods per week of medical homebound instruction pursuant to the Education Finance Act (EFA).

A. A day of instruction must be based on the student's individual need but may be no less than fifty minutes to qualify for state funding.

B. There is no limit to the amount of instruction that may be provided with funds other than state funds.

C. If more instruction is needed, the school district must provide the additional funds.

IV. Should an approved student not be provided the medical homebound instruction that he or she is entitled to receive, the student is eligible to have the medical homebound instruction made up by the district.

A. This make up may occur during the student's remaining eligibility for medical homebound instruction or may occur after the student returns to school provided the make-up periods are not during the regular school day.

B. State funding for medical homebound instruction is available until the last day of the regular school year. If the school district delays the start of services for any reason, the student is still entitled to the instructional services, and the school district must make up the missed instructional periods even if the regular school year has ended and services are provided without the benefit of state funding.

V. All teachers providing medical homebound instruction to students domiciled in South Carolina must hold a valid South Carolina teacher's certificate.

A. The teacher shall teach the medical homebound student or students in a room especially set aside for the period of instruction.

B. Medical homebound teachers are required to keep a weekly record of teaching services provided.

### **Fiscal Impact Statement:**

No additional state funding is requested. The Department estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-241.

### **Statement of Rationale:**

School districts are required to collect numerous student related medical documents for a variety of reasons. It is customary that students are treated by other providers in addition to physicians, and the Homebound regulation needs to be updated to allow for these providers to sign as is customary with other medical school forms.