



LAYC Career Academy PCS Home and Hospital Instruction Policy

Introduction

All students have a right to public education, including when they may have a short-term medical situation that prevents them from attending school in person. To this end, the *Students' Right to Home and Hospital Instruction Act of 2020^[1]* (Act) requires every learning education agency (LEA) to adopt and implement a *home and hospital instruction (HHI) program*.

LAYC Career Academy's HHI Program

The LAYC Career Academy PCS has designed this policy to promote the affected student's academic progress by allowing them to stay current with classroom instruction to the greatest extent possible. The delivery of home or hospital instruction fosters coordination between the home, school, and hospital instructors to ensure a seamless reintegration into the classroom once the student returns to school.

Process

1. An interested student or a minor's parent/guardian must complete an application to notify the **CA** that they are interested in **HHI**. The request may be made verbally, but **the CA** will require a written application and will provide the link to the application within ***two school days of any verbal request***.
2. The written application can be found [here](#). It includes:
 - a. Student's name and date of birth;
 - b. Parent/guardian's name, address, phone number, and email address as available;
 - c. Advocate or representative information, if applicable;
 - d. A medical certification, as defined below;
 - e. Requested start date and duration of services;
 - f. Parental/guardian consent for disclosure of medical information; and
 - g. Parent/guardian's signature
3. Parents/guardians will be notified of **the CA's** decision within five calendar days of receipt of the application.
 - a. The **CA** will issue a written decision explaining approval or denial.



- b. If approved- The **CA** will include a written plan for the delivery of HHI, which includes the location, services to be delivered, delivery method, number of hours per week of direct instruction, and the schedule for service delivery. This plan shall last the duration of the student's health condition or 60 days, whichever is less. If a student requires more than **60** days of HHI, the parent/guardian must reapply at least **five** days before the expiration of the current HHI plan.
 - c. If denied, a specific written explanation of the reason for denial will be provided. Denials shall be based on an application or medical certification of need that is missing or incomplete.
4. Upon receipt of an HHI application for a student with an individualized education program (IEP) or suspected of having such a disability, the LEA is responsible for contacting the appropriate team members.
 - a. The Individuals with Disabilities Education Act (IDEA) supersedes all HHI requirements.
 - b. If a student is eligible for an IEP, the LEA shall also:
 - i. Provide the parent/guardian with procedural safeguard notices under IDEA;
 - ii. Consider whether the placement could impact the student's "least restrictive environment," and if so, convene a placement team to review and revise the student's IEP, as appropriate and
 - iii. In doing so, the determination and eligibility for HHI shall be governed by the IDEA rather than the HHI program.
5. The parent/guardian can appeal the decision through the Office of the State Superintendent of Education (OSSE) (see below for additional details).
6. Suppose home or hospital instruction is approved during the provision of such instruction. In that case, the CA may request reasonable information from the student or minor student's parent concerning the student's continuing medical need for home or hospital instruction and work with a student's parent to develop accommodations or measures that would permit the student to return to school.

Medical Certification

To access HHI, a parent/guardian must provide a medical certification of need. This is a written letter from the appropriate medical personnel and must:



1. Include the signatory's license number;
2. Certify that a student has been diagnosed with a health condition and explain how the condition had caused or is anticipated to cause the student to be unable to attend in-school instruction on a continuous, partial, or intermittent basis at the student's school of enrollment or attendance for ten or more consecutive or cumulative school days during a school year;
3. Contain a recommendation that the student receive HHI;
4. Identify if there is a maximum number of direct instructional hours permitted due to the student's health condition;
5. Define the expected duration and frequency of the student's health condition and the needed start date for services;
6. Explain whether the medical condition is anticipated to cause continuous, partial, or intermittent school absences.

Recertification of Medical Need

When a student has already been receiving HHI services, and the initial 60-day period, a parent/guardian must obtain a recertification of medical need and reapply at least five calendar days before the current HHI plan expires. This requires a second letter of need, with the exact requirements of the original medical certification, and must **also** include the following:

1. Verification of the continued need for HHI;
2. Includes the maximum number needed to continue them beyond the hours per week that the student can receive HHI and
3. Defines the anticipated duration and frequency.

Appeal and Mediation

Appeals are limited to instances where the parent/guardian asserts that the application and medical certification or recertification are complete and/or the LEA's decision was not made in accordance with the statute and/or regulations. The appeal process is outlined below.

1. Parent/Guardian appeals by submitting a written request for an appeal to OSSE within ten (**10**) calendar days of receipt of the LEA decision approving or denying the student home or hospital instruction. Appeals to OSSE can be made through the OSSE Home and Hospital Instruction Appeal [Portal](#).
 - a. An appeal must include all student information, the LEA's reason for denial (if given), a copy of the medical certification, and why the applicant believes the LEA's decision did not align with the law.



- b. An individual who cannot file a written appeal request by e-mail may contact the OSSE Division of Systems and Supports, K12, Special Populations and Programs office at OSSE.HHIappeal@dc.gov for further assistance.
2. OSSE will refer each request for appeal to the OSSE Office of Dispute Resolution to coordinate mediation of the request for appeal.
 - a. Mediation is an automatic step in the appeal process.
 - b. The LEA shall participate in a mediation with the parents/guardians.
 - c. Parents/Guardians have the right to request **one** change in date for mediation.
 - d. OSSE will deny the appeal if a parent/guardian fails to participate in the mediation.
3. If, following receipt of the appeal and after completion of mediation, the LEA and the parent/guardian cannot resolve the issues raised, the appeal shall be reviewed by a three-member appeals panel within OSSE within **eight** school days of the failed mediation.
 - a. The parent/guardian may request an opportunity for oral argument before the appeals panel.
 - b. The parent/guardian shall have the burden of proof.
 - c. The presumption will favor the medical opinion outlined in the medical certification or recertification. The LEA shall have the burden of proof to rebut this presumption.
 - d. The panel will consist of OSSE employees with appropriate expertise as determined by OSSE.
4. OSSE will issue a final decision within **ten (10)** days following receipt of the appeal to the panel that indicates the findings of fact upon which the decision is based and next steps.
5. In the case where the appeal determines that HHI should be provided, the LEA must provide services no later than **five** days following the issuance of the decision.

Definitions

Health Condition – a physical or mental illness, injury, or impairment that prevents a student from participating in the day-to-day activities typically expected during school attendance.



Home or hospital instruction – academic instruction and support provided to students participating in a home and hospital instruction program.

Home and hospital instruction program – a program that provides instruction and support to students who have been or are anticipated to be unable to attend in-school instruction, on a continuous, partial, or intermittent basis, from their school of enrollment for 10 or more consecutive or cumulative school days during a school year due to a health condition.

IDEA – the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*), and its implementing regulations.

IEP – an individualized education program, which is a written plan that specifies special education programs and services to be provided to meet the unique educational needs of a child with a disability, as required under section 614(d) of IDEA (20 U.S.C. § 1414(d)).

In School – Instruction that takes place when the student is either physically present in the school of attendance or when the student is receiving instruction remotely, excluding remote learning as part of a home instruction program pursuant to this chapter or in accordance with the IDEA.

LEA – Local education agency, the District of Columbia Public Schools, and any individual or group of public charter schools operating under a single charter.

OSSE – the Office of the State Superintendent of Education established by the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code § 38-2601 *et seq.*).

Parent – a parent, guardian, or other person who has custody or control of a student enrolled in a school or in an LEA, a student who is 18 years or older and for whom educational rights have transferred, or an emancipated minor.

Administrative

The CA's HHI policy can be found [here](#).

The CA's HHI application can be found [here](#)

Contact Information

For more information, please contact:

→ [Application and Policy Information](#): Student's S3



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^[1] DC ACT 25-526, D.C. Official Code Sections 38-251.01 through 38-251.10