



OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

Home and Hospital Instruction (HHI) Appeals Frequently Asked Questions for Parents/Guardians

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What if my child's school/local education agency (LEA) does not issue an approval or denial within five days?

The law does not give the Office of the State Superintendent of Education (OSSE) authority to act until the LEA makes a decision. The law is designed for the LEA to implement a home and hospital instruction (HHI) program. OSSE only serves as a venue for the parent/guardian to challenge the LEA's decision-making. OSSE cannot issue a decision for an appeal absent a decision by the LEA.

What if my child is denied HHI and then on appeal receives it, does the student get "make up" classes?

There are no interim service requirements pending the LEA's application process or appeal to OSSE. The law only says that the LEA must implement OSSE's decision within five days.

What if my child already has HHI services and we are asking for a recertification and the LEA denies and parent/guardian appeals- does the LEA have to continue to give services to the student?

A parent/guardian must request recertification at least five days before expiration of the existing HHI. The LEA has five calendar days to approve or deny. If the LEA denies and the parent/guardian appeals, the law does not require the LEA to continue providing HHI during the appeal to OSSE.

How long will my appeal take?

The law provides five calendar days for the LEA to approve or deny the application. If the parent/guardian appeals, OSSE must offer mediation and if mediation does not resolve the issue within eight calendar days, then the matter must be resolved by the appeals panel. The law requires the appeals panel to issue a decision within 10 school days of OSSE's receipt of the appeal.

My child needs HHI, but also has an individualized education program (IEP). Can we mediate a student's IEP through this appeal process?

No. The laws regarding HHI seek to guide the implementation of an education plan when a student will miss 10 or more school days due to an injury/illness. This is not the correct forum to mediate a student's IEP. Furthermore, the Individuals with Disabilities Education Act (IDEA)

supersedes the applicable laws for HHI. For more information, you may consult the following laws, regulations, and resources:

- [DC Code § 38–251 Subchapter IV. Students' Right to Home or Hospital Instruction.](#)
- [Chapter 25 Students' Right to Home and Hospital Instruction](#)
- [Individuals with Disabilities Education Act \(IDEA\)](#)