


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 16, 2020

SUBJECT: Fiscal Impact Statement – Students' Right to Home and Hospital Instruction Act of 2020

REFERENCE: Bill 23-392, Draft Committee Print as provided to the Office of Revenue Analysis on November 5, 2020

Conclusion

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill will cost \$162,000 in fiscal year 2022 and \$1.74 million over the financial plan.

Background

The bill requires that all local education agencies (LEAs) adopt and implement a home and hospital instruction program that provides academic instruction and support to students who have been or will be absent due to a health condition, on a continuous, partial, or intermittent basis, for ten or more consecutive or cumulative school days during a school year. Programs must promote student academic progress and ensure coordination with any special education services. Each LEA is required to designate at least one employee to manage the home and hospital instruction program. Each LEA must publish its written home and hospital instruction program policy online and provide written copies to parents upon request. All LEAs must implement a home and hospital instruction program by school year 2022-2023.

Parents of students can request, either orally or in writing, an application for home or hospital instruction. Once a LEA receives an application, including a medical certification of need,¹ a student

¹ Medical certification of need is a written diagnosis with an explanation of how a health condition has caused or is anticipated to cause the student to be absent, on a continuous, partial, or intermittent basis, from their

is eligible for home or hospital instruction. An LEA may deny an application only in the event that a medical certification of need is not submitted to the LEA. Instruction must begin within five school days of determining a student is eligible for home or hospital instruction. Students can receive home or hospital instruction for up to sixty days and can receive an additional sixty days if a parent submits an approved recertification of need to extend home or hospital instruction. LEAs can provide instruction directly to students, contract with private providers, contract with other LEAs, or use a mix of these options.

The bill gives parents the right to appeal a home or hospital instruction eligibility determination made by an LEA. The Office of the State Superintendent of Education (OSSE) must administer a process for reviewing these appeals. OSSE will convene a three-member panel to review an appeal and will issue written responses to an appeal no later than fifteen school days following receipt of an appeal.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill will cost \$162,000 in fiscal year 2022 and \$1.74 million over the financial plan.

The District of Columbia Public Schools' (DCPS) Home and Hospital Instruction Program (HHIP) currently provides instruction and support to students that have health conditions. DCPS must slightly modify this program to satisfy the requirements of the bill. Specifically, DCPS must hire a central office employee to directly manage HHIP and to implement the new application and appeals process. DCPS must also hire one HHIP teacher to handle an increase in the number of approved HHIP applications since students are automatically eligible if a medical certification of need is submitted. DCPS will also have increased translation costs since it will provide written notification of eligibility determinations to parents. In total, DCPS requires \$226,000 in fiscal year 2023 and \$452,000 over the financial plan to implement the bill. DCPS will also receive additional funding in fiscal year 2023 and fiscal year 2024 based on adjustments made to the Uniform Per Student Funding Formula (UPSFF). The weighting adjustments are necessary to cover public charter school costs (see below).

District of Columbia public charter LEAs contract with private providers on a case-by-case basis to provide instruction to students that cannot attend school because of a health condition. To comply with the timeline requirements in the bill, charter LEAs will need to enter into retainer agreements with private providers to have home and hospital instructors available on standby. The Public Charter School Board estimates that these retainers will cost \$5,000 per year for the 57 LEAs with students in compulsory grades. In total, the charter sector will need \$285,000 in fiscal year 2023 and \$570,000 over the financial plan.²

OSSE must hire one employee who will implement and manage a home and hospital instruction eligibility determination appeal process. This employee must be hired in fiscal year 2022 to develop regulations prior to LEAs implementing home and hospital instruction programs in fiscal year 2023.

school of enrollment for ten or more consecutive or cumulative school days during a school year, and a recommendation that the student receive home or hospital instruction, to the extent permitted by the student's health condition, that is certified by a licensed physician, licensed nurse practitioner, licensed clinical psychologist, licensed mental health counselor or therapist, or physician's assistant.

² Compulsory grades are kindergarten through Grade 12.

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OSSE will also need additional funding to contract with a vendor to build and maintain an IT system to track incoming requests for appeal and panel review. In total, OSSE needs an additional \$162,000 in fiscal year 2022 and \$446,000 over the financial plan to implement the bill.

Bill 23-392 - Students' Right to Home and Hospital Instruction Act of 2020					
Total Costs					
DCPS	FY 2021	FY 2022	FY 2023	FY 2024	Total
DCPS Salary and Fringe ^(a)	\$0	\$0	\$223,000	\$224,000	\$447,000
Translation Costs	\$0	\$0	\$3,000	\$3,000	\$6,000
Additional Funding based on UPSFF Adjustments ^(b)	\$0	\$0	\$134,000	\$134,000	\$268,000
DCPS Total	\$0	\$0	\$360,000	\$361,000	\$721,000
Public Charter Schools	FY 2021	FY 2022	FY 2023	FY 2024	Total
Public Charter School Total^(c)	\$0	\$0	\$285,000	\$285,000	\$570,000
OSSE	FY 2021	FY 2022	FY 2023	FY 2024	Total
Salary and Fringe ^(d)	\$0	\$122,000	\$122,000	\$122,000	\$366,000
IT Costs ^(e)	\$0	\$40,000	\$20,000	\$20,000	\$80,000
OSSE Total	\$0	\$162,000	\$142,000	\$142,000	\$446,000
Grand Total	\$0	\$162,000	\$787,000	\$788,000	\$1,737,000

Table Notes:

- (a) Assumes salary for one HHIP teacher and one central office employees at a fringe rate of 16.1 percent. Assumes 1.5 percent growth in fringe costs.
- (b) Per the UPSFF ratio used to calculate the fiscal year 2021 budget.
- (c) Assumes \$5,000 cost per charter LEA with compulsory grades.
- (d) Assumes one Grade-13, Step-5 employee and a fringe rate of 23.1 percent. Assumes 1.5 percent growth in fringe costs.
- (e) Recurring maintenance and hosting costs begin in fiscal year 2023.