

1 H.608
2 Introduced by Representatives Cupoli of Rutland City, Anthony of Barre City, 2 Arrison
3 of Weathersfield, Harrison of Chittenden, Leffler of 3 Enosburgh, Page of
4 Newport City, Parsons of Newbury, 4 Williams of Granby, and Yacovone of
5 Morristown

6 Referred to Committee on

7 Date:

8 Subject: Education; home study program

9 Statement of purpose of bill as introduced: This bill proposes to simplify the home study
10 program by changing the role of the Agency of Education from an oversight role to a
11 support role. Instead of ~~an application- submitting an enrollment notice~~ that would be
12 reviewed and ~~approved-found complete~~ by the Agency, a notice of home study would be
13 submitted to the Agency on an annual basis. The notice would require an attestation to
14 certain conditions and processes. Annual reports and hearings challenging a program's
15 minimum course of study would be eliminated.

16

17 It is hereby enacted by the General Assembly of the State of Vermont:

18 Sec. 1. 16 V.S.A. § 166b is amended to read:

19 § 166b. HOME STUDY PROGRAM

20 (a) Enrollment notice. A home study program ~~home study program~~ shall send an written
21 enrollment notice to the Secretary ~~whenever it intends to enroll a child. Enrollments in~~
22 ~~home study programs shall expire on July 1. If a home study program intends to re-enroll~~

1 ~~a child for the following school year, a new notice under this section is required and may~~
2 ~~be submitted at any time after March 1. 10 days prior to commencing home study. A~~

3 notice under this subsection shall include the following:

4 (1) The name, age, and month and year of birth of the child.

5 (2) The names, mailing addresses, town of legal residence, and telephone numbers of the
6 parents or guardians of the child.

7 ~~(3) For each child enrolled during the preceding year, any assessment of progress~~
8 ~~required under subsection (d) of this section.~~

9 ~~(4)(3) For each child not previously enrolled in a Vermont public school or Vermont~~
10 ~~home study program, an attestation that if the child has a disability, the home study~~
11 ~~program will include adaptations to the minimum course of study. independent~~
12 ~~professional evidence on whether the child has a disability. A comprehensive evaluation~~
13 ~~to establish eligibilities for special education is not required. A comprehensive evaluation~~
14 ~~to establish eligibilities for special education is not required, but may be ordered by a~~
15 ~~hearing officer after a hearing under this section~~

16 ~~(5)(4) Subject to the provisions of subsections (k) and (l) of this section, for each child~~
17 ~~being enrolled for the current year, a detailed outline or narrative that describes the~~
18 ~~content to be provided in each subject area of the minimum course of study, including~~
19 ~~any special services or adaptations to be made to accommodate any disability. Methods~~
20 ~~and materials to be used may be included but are not required. An attestation that each~~
21 ~~child being enrolled in home study shall be provided the equivalent of at least 175 days of~~

1 ~~instruction~~ learning experiences adapted to a student's age and ability in the minimum
2 course of study, specifically:

3 (A) for a child who is younger than 13 years of age

4 (1) reading, writing, and the use of numbers;

5 (2) citizenship, history, and government in Vermont and the United States;

6 (3) physical education and comprehensive health education,

7 (4) English, American, and other literature;

8 (5) the natural sciences; and

9 (6) the fine arts

10 (B) for or a child who is 13 years of age or older:-

11 (1) reading, writing, and the use of numbers;

12 (2) citizenship, history, and government in Vermont and the United States;

13 (4) English, American, and other literature;

14 (5) the natural sciences;

15 ~~(6) The names, addresses, telephone numbers, and signatures of the persons who will~~
16 ~~provide ongoing instruction in each subject area of the minimum course of study, as~~
17 ~~defined in subsection (i) of this section.~~

18 (5) An attestation to assess the student's academic progress at the end of each school
19 year and maintain the records of such assessments at home. Permitted means of
20 assessment shall include:

21 ~~—(A) standardized assessment administered by the local school district;~~

1 (1) A report ~~in a form designated by the Secretary,~~ by a teacher licensed in Vermont that
2 demonstrates age and ability progress. ~~In determining the form of the report, the~~
3 ~~Secretary shall consult with parents who have provided home study programs for their~~
4 ~~children. Nothing in this section shall be construed to require the Secretary to consult~~
5 ~~with parents on an individual basis regarding the form of a teacher report.~~

6 (2) A report prepared by the student's parents or instructor, or a teacher advisory service
7 report from a publisher of a commercial curriculum, together with a portfolio of the
8 student's work that includes work samples to demonstrate age and ability progress in each
9 subject area in the minimum course of study.

10 (3) The complete results of a standardized achievement test approved by the Secretary,
11 administered in a manner approved by the testing company, and scored in accordance
12 with this subdivision. In selecting the list of tests to be approved, the Secretary shall:

13 (A) Consult with parents who have provided home study programs for their
14 children. Nothing in this section shall be construed to require the Secretary to
15 consult with parents on an individual basis regarding the test to be administered as
16 a progress assessment for their own home study programs.

17 (B) Select at least four tests to be scored by a testing company, and at least four
18 tests to be administered and scored by a teacher licensed in Vermont who is not
19 the parent or legal guardian of the student.

20 (4) A report prepared by a licensed teacher who is part of or has contracted with a support
21 group for the purposes of assessing age and ability progress for the children in a home
22 study program.

1 ~~_____ (C) a review and acceptance of the student's progress based on an educational~~
2 ~~portfolio to a local area homeschool support group whose membership for this purpose~~
3 ~~includes a currently certified Vermont teacher or administrator.~~

4 ~~(7) (6)~~ The signatures of all custodial parents or guardians who are legally authorized to
5 make educational decisions for the student.

6 (b) ~~Notice to home study programs. Enrollment.~~ Within ~~14~~ 10 business days ~~of receiving~~
7 ~~an after submission of an complete~~ enrollment notice, the Secretary or designee shall
8 send the home study program a written acknowledgment of receipt that shall constitute
9 the student's enrollment in a home study program. ~~The acknowledgment shall include a~~
10 ~~determination:~~

11 ~~(1) either that the enrollment notice is complete and no further information is needed, or~~
12 ~~specifically identifying information required under subsection (a) of this section which is~~
13 ~~missing. If information is missing, the home study program shall provide the additional~~
14 ~~information in writing within 14 days; and~~

15 ~~(2) either that the child may be enrolled immediately or that the child may be enrolled 45~~
16 ~~days after the enrollment notice was received. At any time before the child may be~~
17 ~~enrolled, the Secretary may order that a hearing be held. After notice of such a hearing is~~
18 ~~received, the child shall not be enrolled until after an order has been issued by the hearing~~
19 ~~officer to that effect.~~

20 (c) Enrollment reports. Each home study program shall notify the Secretary within seven
21 days ~~of following~~ the day that any student ceases to be enrolled in the program. Within

1 ten days ~~of~~ after receiving any enrollment report, the Secretary shall notify the
2 appropriate superintendent of schools.

3 ~~(d) Progress assessment. Each home study program shall assess annually the progress of~~
4 ~~each of its students. Progress shall be assessed in each subject area of the minimum~~
5 ~~course of study, as defined in subsection (i) of this section, by one or more of the~~
6 ~~following methods:~~

7 ~~(1) A report in a form designated by the Secretary, by a teacher licensed in Vermont. In~~
8 ~~determining the form of the report, the Secretary shall consult with parents who have~~
9 ~~provided home study programs for their children. Nothing in this section shall be~~
10 ~~construed to require the Secretary to consult with parents on an individual basis regarding~~
11 ~~the form of a teacher report.~~

12 ~~(2) A report prepared by the student's parents or instructor, or a teacher advisory service~~
13 ~~report from a publisher of a commercial curriculum, together with a portfolio of the~~
14 ~~student's work that includes work samples to demonstrate progress in each subject area in~~
15 ~~the minimum course of study.~~

16
17 ~~(3) The complete results of a standardized achievement test approved by the Secretary,~~
18 ~~administered in a manner approved by the testing company, and scored in accordance~~
19 ~~with this subdivision. In selecting the list of tests to be approved, the Secretary shall:~~

20 ~~(A) Consult with parents who have provided home study programs for their children.~~

21 ~~Nothing in this section shall be construed to require the Secretary to consult with parents~~

1 ~~on an individual basis regarding the test to be administered as a progress assessment for~~
2 ~~their own home study programs.~~

3 ~~(B) Select at least four tests to be scored by a testing company, and at least four tests to~~
4 ~~be administered and scored by a teacher licensed in Vermont who is not the parent or~~
5 ~~legal guardian of the student.~~

6 ~~(e) Hearings before enrollment. If the Secretary has information that creates a significant~~
7 ~~doubt about whether a home study program can or will provide a minimum course of~~
8 ~~study for a student who has not yet enrolled, the Secretary may call a hearing. At the~~
9 ~~hearing, the home study program shall establish that it has complied with this section and~~
10 ~~will provide the student with a minimum course of study.~~

11 ~~(f) Hearings after enrollment. If the Secretary has information that reasonably could be~~
12 ~~expected to justify an order of termination under this section, he or she may call a~~
13 ~~hearing. At the hearing, the Secretary shall establish one or more of the following:~~

14 ~~(1) the home study program has substantially failed to comply with the requirements of~~
15 ~~this section;~~

16 ~~(2) the home study program has substantially failed to provide a student with the~~
17 ~~minimum course of study;~~

18 ~~(3) the home study program will not provide a student with the minimum course of study.~~

19 ~~(g) Notice and procedure. Notice of any hearing shall include a brief summary of the~~
20 ~~material facts and shall be sent to each parent or guardian and each instructor of the~~
21 ~~student or students involved who are known to the Secretary. The hearing shall occur~~
22 ~~within 30 days of the day that notice is given or sent. If a notice concerns a child not yet~~

1 ~~enrolled in a home study program, enrollment shall not occur until an order has been~~
2 ~~issued after the hearing. The hearing shall be conducted by an impartial hearing officer~~
3 ~~appointed by the Secretary from a list approved by the State Board. At the request of the~~
4 ~~child's parent or guardian, the hearing officer shall conduct the hearing at a location in the~~
5 ~~vicinity of the home study program.~~

6 ~~(h) Order following hearing. After hearing evidence, the hearing officer shall enter an~~
7 ~~order within ten working days. If the child is not enrolled, the order shall provide that the~~
8 ~~child be enrolled or that enrollment be disallowed. If the child is enrolled, the order shall~~
9 ~~provide that enrollment be continued or that the enrollment be terminated. An order shall~~
10 ~~take effect immediately. Unless the hearing officer provides for a shorter period, an order~~
11 ~~disallowing or terminating enrollment shall extend until the end of the following school~~
12 ~~year, as defined in this title. If the order is to disallow or terminate the enrollment, a copy~~
13 ~~shall be given to the appropriate superintendent of schools, who shall take appropriate~~
14 ~~action to ensure that the child is enrolled in a school as required by this title. Following a~~
15 ~~hearing, the Secretary may petition the hearing officer to reopen the case only if there has~~
16 ~~been a material change in circumstances.~~

17 ~~(i) The minimum course of study required under this section shall be provided every~~
18 ~~school year, and the educational content provided shall be adapted in each area of study~~
19 ~~to the age and ability of each child and to any disability of the child. Nothing in this~~
20 ~~section requires that a home study program follow the program or methods used by the~~
21 ~~public schools. In this section, "minimum course of study" means:~~

1 ~~(1) For a child who is younger than 13 years of age, the subject areas listed in section 906~~
2 ~~of this title.~~

3 ~~(2) For a child who is 13 years of age or older, the subject areas listed in subdivisions~~
4 ~~906(b)(1), (2), (4), and (5) of this title, and other subject areas selected by the home study~~
5 ~~program. The child's progress in the elective areas shall not be subject to the annual~~
6 ~~progress assessment.~~

7 ~~(j) (d) Religious conviction waiver.~~ After the filing of the enrollment notice ~~or at a~~
8 ~~hearing~~, if the home study program is unable to comply with any specific requirements
9 due to deep religious conviction shared by an organized group, the Secretary may waive
10 such requirements if ~~he or she~~ the Secretary determines that the educational purposes of
11 this section are being or will be substantially met.

12 ~~(e) Annual notice. A parent or guardian who has provided an complete enrollment notice~~
13 ~~as described in subsection (a) of this section shall notify the Secretary on or before~~
14 ~~September 1 of each year to state the intention to continue to provide instruction through~~
15 ~~a home study program. A subsequent enrollment notice shall not be required.~~

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2022.