

1 H.352

2 Introduced by Representatives Toof of St. Albans Town and Taylor of Milton

3 Referred to Committee on

4 Date:

5 Subject: Education; home study

6 Statement of purpose of bill as introduced: This bill proposes to make
7 amendments to the home study program enrollment and monitoring process,
8 including eliminating the requirement for an annual report and eliminating the
9 Agency of Education's ability to ask for a hearing if the Agency has cause to
10 doubt whether the home study program will offer a minimum course of study.

11 An act relating to home study programs

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

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

14 § 166b. HOME STUDY PROGRAM

15 (a) Enrollment notice. ~~A home study program shall send a written~~
16 ~~enrollment notice to the Secretary whenever it intends to enroll a child.~~
17 ~~Enrollments in home study programs shall expire on July 1. If a home study~~
18 ~~program intends to re-enroll a child for the following school year, a new notice~~
19 ~~under this section is required and may be submitted at any time after March 1.~~
20 A parent or legal guardian shall send the Secretary annual notice of intent to

1 enroll the parent's or legal guardian's child in a home study program at least
2 10 business days prior to commencing home study. Such notice shall be
3 submitted via a form developed by the Agency of Education. A notice under
4 this subsection shall include the following:

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

6 (2) The names, mailing addresses, e-mail addresses, town of legal
7 residence, and telephone numbers of ~~the~~ all custodial parents or guardians ~~of~~
8 the child who are legally authorized to make educational decisions for the
9 student.

10 (3) ~~For each child enrolled during the preceding year, any assessment of~~
11 ~~progress required under subsection (d) of this section. An attestation that the~~
12 academic progress of each child enrolled in a home study program will be
13 assessed at the end of each school year and that the parent or guardian will
14 maintain the record of such assessments. Permitted means of assessment shall
15 include:

16 (A) a standardized assessment, which may be administered by the
17 local school district or a testing service;

18 (B) a review of the student's progress by an individual who holds a
19 current Vermont teacher's certificate;

1 (C) a parent or guardian report and portfolio to include a summary of
2 what the student learned during the school year and at least four samples of
3 student work;

4 (D) grades from an online academy or school; or

5 (E) evidence of passing of the GED.

6 (4) For each child not previously enrolled in a Vermont public school or
7 Vermont home study program, independent professional evidence ~~on~~ regarding
8 whether the child has a ~~disability. A comprehensive evaluation to establish~~
9 ~~eligibilities for special education is not required, but may be ordered by a~~
10 ~~hearing officer after a hearing under this section~~ documented disability and
11 how the disability may affect the student's educational progress in a home
12 study program.

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

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

3 (B) for a child who is 13 years of age or older, the subject areas listed
4 in subdivisions 906(b)(1), (2), (4), and (5) of this title; or

5 (C) for students with documented disabilities, a parent or guardian
6 must attest to providing adaptations to support the student in the home study
7 program.

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

11 [Repealed.]

12 (7) The signatures of all custodial parents or guardians who are legally
13 authorized to make educational decisions for the student. In the alternative, the
14 parent seeking enrollment may provide attestation of sole primary educational
15 decision-making authority.

16 ~~(b) Notice to home study programs~~ Enrollment. Within 44 10 business
17 days of ~~receiving an~~ submission of a complete enrollment notice, the Secretary
18 or designee shall send the home study program a written acknowledgment of
19 receipt, which shall constitute sufficient enrollment verification for purposes of
20 section 1121 of this title. ~~The acknowledgment shall include a determination:~~

1 (1) ~~either that the enrollment notice is complete and no further~~
2 ~~information is needed, or specifically identifying information required under~~
3 ~~subsection (a) of this section which is missing. If information is missing, the~~
4 ~~home study program shall provide the additional information in writing within~~
5 ~~14 days; and [Repealed.]~~

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

11 ~~[Repealed.]~~

12 (c) ~~Enrollment reports~~ Withdrawal. Each home study program shall notify
13 the Secretary within seven days of the day that any student ceases to be
14 enrolled in the program. Within ten days of receiving any enrollment report,
15 the Secretary shall notify the appropriate superintendent of schools The parent
16 or guardian shall notify the Secretary in writing within 10 business days
17 following the date that any student is withdrawn from the student's home study
18 program.

19 (d) ~~Progress assessment~~. Each home study program shall assess annually
20 the progress of each of its students. Progress shall be assessed in each subject

1 area of the minimum course of study, as defined in subsection (i) of this
2 section, by one or more of the following methods:

3 (1) A report in a form designated by the Secretary, by a teacher licensed
4 in Vermont. In determining the form of the report, the Secretary shall consult
5 with parents who have provided home study programs for their children.

6 Nothing in this section shall be construed to require the Secretary to consult
7 with parents on an individual basis regarding the form of a teacher report.

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

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

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

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

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

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

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

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

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

20 ~~(g) Notice and procedure. Notice of any hearing shall include a brief~~
21 ~~summary of the material facts and shall be sent to each parent or guardian and~~

1 each instructor of the student or students involved who are known to the
2 Secretary. The hearing shall occur within 30 days of the day that notice is
3 given or sent. If a notice concerns a child not yet enrolled in a home study
4 program, enrollment shall not occur until an order has been issued after the
5 hearing. The hearing shall be conducted by an impartial hearing officer
6 appointed by the Secretary from a list approved by the State Board. At the
7 request of the child's parent or guardian, the hearing officer shall conduct the
8 hearing at a location in the vicinity of the home study program. [Repealed.]

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

1 (i) ~~The minimum course of study required under this section shall be~~
2 ~~provided every school year, and the educational content provided shall be~~
3 ~~adapted in each area of study to the age and ability of each child and to any~~
4 ~~disability of the child. Nothing in this section requires that a home study~~
5 ~~program follow the program or methods used by the public schools. In this~~
6 ~~section, “minimum course of study” means:~~

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

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

13 (j) Waiver. ~~After the filing of the enrollment notice or at a hearing,~~ if the
14 home study program is unable to comply with any specific requirements due to
15 deep religious conviction shared by an organized group, the Secretary may
16 waive such requirements if ~~he or she~~ the Secretary determines that the
17 educational purposes of this section are being or will be substantially met.

18 (k) ~~A Vermont home study program that has successfully completed the last~~
19 ~~two consecutive school years of home study with any enrolled child, provided~~
20 ~~those two years fall within the most recent five years, shall not thereafter be~~
21 ~~required to submit an annual detailed outline or narrative describing the~~

1 ~~content of the minimum course of study. For the purposes of this subsection,~~
2 ~~successful completion of a home study program shall mean that, in each of the~~
3 ~~two consecutive years, the program has not been disallowed by order of a~~
4 ~~hearing officer, the previously enrolled student made progress commensurate~~
5 ~~with age and ability in all subject areas of the minimum course of study, and~~
6 ~~the home study program has otherwise complied with the requirements of this~~
7 ~~section.~~ Annual notice. A parent or guardian who has provided a complete
8 enrollment notice as described in subsection (a) of this section shall notify the
9 Secretary on or before the start of each following year of the parent's or
10 guardian's intention to continue to provide instruction through a home study
11 program via a form provided by the Agency of Education. This notice shall be
12 provided at least 10 business days prior to the intended start date of the home
13 study program.

14 (l) ~~A home study program that has successfully completed two consecutive~~
15 ~~school years of home study as defined in subsection (k) of this section shall not~~
16 ~~be exempt from any other requirements of this section and shall annually~~
17 ~~submit a description of special services and adaptations to accommodate any~~
18 ~~disability of the child consistent with subsection (i) of this section. In addition,~~
19 ~~the program shall submit a detailed outline or narrative describing the content~~
20 ~~to be provided in each subject area of the minimum course of study as part of~~

1 ~~its enrollment notice for each child who is 12 years of age at the time the~~
2 ~~enrollment notice is submitted.~~ [Repealed.]

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2023.