

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

2 § 166b. HOME STUDY PROGRAM

3 (a) Enrollment notice. A parent or legal guardian shall send the Secretary
4 notice of intent to enroll the parent’s or legal guardian’s child in a home study
5 program at least 10 business days prior to commencing home study. Such
6 notice shall be submitted via a form developed by the Agency of Education. A
7 notice under this subsection shall include the following:

8 (1) The name; age; and date, month, and year of birth of the child.

9 (2) The names, mailing addresses, e-mail addresses, town of legal
10 residence, and telephone numbers of all parents or guardians with legal
11 custody who are legally authorized to make educational decisions for the
12 student.

13 (3) An attestation that the academic progress of each child enrolled in a
14 home study program will be assessed at the end of each school year and that
15 the parent or guardian will maintain the record of such assessments. Permitted
16 means of assessment shall include:

17 (A) a standardized assessment, which may be administered by the
18 local school district or a testing service or administered in a manner approved
19 by the testing company;

20 (B) a review of the student’s progress by an individual who holds a
21 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 regarding
8 whether the child has a documented disability and how the disability may
9 affect the student’s educational progress in a home study program.

10 (5) An attestation that each child being enrolled in home study will be
11 provided the equivalent of at least 175 days of instruction in the minimum
12 course of study per year, specifically:

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

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

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

20 (6) [Repealed.]

1 (7) The signatures of all parents or guardians with legal custody who are
2 legally authorized to make educational decisions for the student. In the
3 alternative, the parent seeking enrollment may provide attestation of sole
4 primary educational decision-making authority.

5 (b) Enrollment. Within 10 business days following submission of a
6 complete enrollment notice, the Secretary or designee shall send the home
7 study program a written acknowledgment of receipt, which shall constitute
8 sufficient enrollment verification for purposes of section 1121 of this title.

9 (1) [Repealed.]

10 (2) [Repealed.]

11 (c) Withdrawal. The parent or guardian shall notify the Secretary in
12 writing within 10 business days following the date that any student is
13 withdrawn from the student’s home study program.

14 (d) [Repealed.]

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

1 (f) Hearings after enrollment. If the Secretary has information that
2 reasonably could be expected to justify an order of termination under this
3 section, the Secretary may call a hearing. At the hearing, the Secretary shall
4 establish one or more of the following:

5 (1) the home study program has substantially failed to comply with the
6 requirements of this section;

7 (2) the home study program has substantially failed to provide a student
8 with the minimum course of study; or

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

11 (g) Notice and procedure. Notice of any hearing shall include a brief
12 summary of the material facts and shall be sent to each parent or guardian and
13 each instructor of the student or students involved who are known to the
14 Secretary. The hearing shall occur within 30 days following the day that
15 notice is given or sent. If a notice concerns a child not yet enrolled in a home
16 study program, enrollment shall not occur until an order has been issued after
17 the hearing. The hearing shall be conducted by an impartial hearing officer
18 appointed by the Secretary from a list approved by the State Board. At the
19 request of the child’s parent or guardian, the hearing officer shall conduct the
20 hearing at a location in the vicinity of the home study program.

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

13 (i) [Repealed.]

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

19 (k) Annual notice. A parent or guardian who has provided a complete
20 enrollment notice as described in subsection (a) of this section shall notify the
21 Secretary on or before the start of each following year of the parent's or

1 guardian’s intention to continue to provide instruction through a home study
2 program via a form provided by the Agency of Education. This notice shall be
3 provided at least 10 business days prior to the intended start date of the home
4 study program.

5 (l) [Repealed.]

6 Sec. B. 16 V.S.A. § 166 is amended to read:

7 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

8 (a) Authority. An independent school may operate and provide elementary
9 education or secondary education if it is either approved or recognized as set
10 forth in this section.

11 (b) Approved independent schools. On application, the State Board shall
12 approve an independent school that offers elementary or secondary education
13 if it finds, after opportunity for hearing, that the school provides a minimum
14 course of study pursuant to section 906 of this title and that it substantially
15 complies with all statutory requirements for approved independent schools and
16 the Board’s rules for approved independent schools. An independent school
17 that intends to accept public tuition shall be approved by the State Board only
18 on the condition that the school agrees, notwithstanding any provision of law
19 to the contrary, to enroll any student who requires special education services
20 and who is placed in or referred to the approved independent school as an
21 appropriate placement and least restrictive environment for the student by the

1 student’s individualized education program team or by the local education
2 agency; provided, however, that this requirement shall not apply to an
3 independent school that limits enrollment to students who are on an
4 individualized education program or a plan under Section 504 of the
5 Rehabilitation Act of 1973, 29 U.S.C. § 794, and who are enrolled pursuant to
6 a written agreement between the local education agency and the school.

7 Except as provided in subdivision (6) of this subsection, the Board’s rules must
8 at minimum require that the school have the resources required to meet its
9 stated objectives, including financial capacity, faculty who are qualified by
10 training and experience in the areas in which they are assigned, and physical
11 facilities and special services that are in accordance with any State or federal
12 law or regulation. Approval may be granted without State Board evaluation in
13 the case of any school accredited by a private, State, or regional agency
14 recognized by the State Board for accrediting purposes, provided that the State
15 Board shall determine that the school complies with all student enrollment
16 provisions required by law.

17 (1) On application, the State Board shall approve an independent school
18 that offers kindergarten but no other graded education if it finds, after
19 opportunity for hearing, that the school substantially complies with the Board’s
20 rules for approved independent kindergartens. The State Board may delegate
21 to another State agency the authority to evaluate the safety and adequacy of the

1 buildings in which kindergartens are conducted but shall consider all findings
2 and recommendations of any such agency in making its approval decision.

3 (2) Approvals under this subsection (b) shall be for a term established
4 by rule of the Board but not greater than five years. Approval of a school
5 completing a timely and complete application for reapproval that complies
6 with statutory requirements and State Board rules shall extend until the Board
7 acts on further approval, which shall occur within six months following
8 submission of such application. An application shall be deemed incomplete if
9 it does not comply with statutory requirements or State Board rules.
10 Incomplete applications shall not receive an extension of the school's approval
11 status, which shall terminate on the date specified in the most recent approval
12 action.

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