

§ 906. Course of study

(a) In public schools, approved and recognized independent schools, and in home study programs, learning experiences shall be provided for students in the minimum course of study.

(b) For purposes of this title, the minimum course of study means learning experiences adapted to a student's age and ability in the fields of:

- (1) basic communication skills, including reading, writing, and the use of numbers;
- (2) citizenship, history, and government in Vermont and the United States;
- (3) physical education and comprehensive health education, including the effects of tobacco, alcoholic drinks, and drugs on the human system and on society;
- (4) English, American, and other literature;
- (5) the natural sciences; and
- (6) the fine arts

Subchapter 001 : General Provisions

§ 166b. Home study program

(a) Enrollment notice. A home study program shall send a written enrollment notice to the Secretary whenever it intends to enroll a child. Enrollments in home study programs shall expire on July 1. If a home study program intends to re-enroll a child for the following school year, a new notice under this section is required and may be submitted at any time after March 1. A notice under this subsection shall include the following:

- (1) The name, age, and month and year of birth of the child.
- (2) The names, mailing addresses, town of legal residence, and telephone numbers of the parents or guardians of the child.
- (3) For each child enrolled during the preceding year, any assessment of progress required under subsection (d) of this section.
- (4) For each child not previously enrolled in a Vermont public school or Vermont home study program, independent professional evidence on whether the child has a disability. A comprehensive evaluation to establish eligibilities for special education is not required, but may be ordered by a hearing officer after a hearing under this section.

(5) Subject to the provisions of subsections (k) and (l) of this section, for each child being enrolled for the current year, a detailed outline or narrative that describes the content to be provided in each subject area of the minimum course of study, including any special services or adaptations to be made to accommodate any disability. Methods and materials to be used may be included but are not required.

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

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

(b) Notice to home study programs. Within 14 business days of receiving an enrollment notice, the Secretary or designee shall send the home study program a written acknowledgment of receipt. The acknowledgment shall include a determination:

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

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

(c) Enrollment reports. Each home study program shall notify the Secretary within seven days of the day that any student ceases to be enrolled in the program. Within ten days of receiving any enrollment report, the Secretary shall notify the appropriate superintendent of schools.

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

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

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

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

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

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

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

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

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

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

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

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

(h) Order following hearing. After hearing evidence, the hearing officer shall enter an order within ten working days. If the child is not enrolled, the order shall provide that the child be enrolled or that enrollment be disallowed. If the child is enrolled, the order shall provide that enrollment be continued or that the enrollment be terminated. An order shall take effect immediately. Unless the hearing officer provides for a shorter period, an order disallowing or terminating enrollment shall extend until the end of the following school year, as defined in this

title. If the order is to disallow or terminate the enrollment, a copy shall be given to the appropriate superintendent of schools, who shall take appropriate action to ensure that the child is enrolled in a school as required by this title. Following a hearing, the Secretary may petition the hearing officer to reopen the case only if there has been a material change in circumstances.

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

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

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

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

(k) A Vermont home study program that has successfully completed the last two consecutive school years of home study with any enrolled child, provided those two years fall within the most recent five years, shall not thereafter be required to submit an annual detailed outline or narrative describing the content of the minimum course of study. For the purposes of this subsection, successful completion of a home study program shall mean that, in each of the two consecutive years, the program has not been disallowed by order of a hearing officer, the previously enrolled student made progress commensurate with age and ability in all subject areas of the minimum course of study, and the home study program has otherwise complied with the requirements of this section.

(l) A home study program that has successfully completed two consecutive school years of home study as defined in subsection (k) of this section shall not be exempt from any other requirements of this section and shall annually submit a description of special services and adaptations to accommodate any disability of the child consistent with subsection (i) of this section. In addition, the program shall submit a detailed outline or narrative describing the content to be provided in each subject area of the minimum course of study as part of its enrollment notice for each child who is 12 years old at the time the enrollment notice is submitted. (Added 1987, No. 97, § 3, eff. June 23, 1987; amended 1989, No. 44, § 6, eff. June 1, 1990; 1989, No. 118, § 3; 1991, No. 24, § 11; 1995, No. 100 (Adj. Sess.), § 1; 2005, No. 107 (Adj. Sess.), § 1; 2013, No. 92 (Adj. Sess.), § 14, eff. Feb. 14, 2014.)

(c) Recognized independent schools. Upon filing an enrollment notice, a recognized independent school may provide elementary or secondary education in Vermont. The enrollment notice shall be on a form provided by the Secretary and shall be filed with the Secretary no earlier than three months before the beginning of the school year for the public schools in the town in which the applicant proposes to locate.

(1) The enrollment notice shall contain the following information and assurances:

(A) a statement that the school will be in session an amount of time substantially equivalent to that required for public schools;

(B) a detailed description or outline of the minimum course of study for each grade level the school offers, and how the annual assessment of each student will be performed; and

(C) assurances that:

(i) the school will prepare and maintain attendance records for each student enrolled or regularly attending classes;

(ii) at least once each year, the school will assess each student's progress, and will maintain records of that assessment, and present the result of that assessment to each student's parent or guardian;

(iii) the school's educational program will include the minimum course of study set forth in section 906 of this title;

(iv) the school will have teachers and materials sufficient to carry out the school's educational program; and

(v) the school will meet such State and federal laws and regulations concerning its physical facilities and health and safety matters as are applicable to recognized independent schools.

(2) If the Secretary has information that creates significant doubt about whether the school would be able to meet the requirements set forth in this subsection (c), the Secretary may call a hearing. At the hearing, the school shall establish that it can meet the requirements for recognized independent schools. Failure to do so shall result in a finding by the Secretary that the school must take specified action to come into compliance within a specified time frame or the children enrolled must attend another recognized independent school, a public school, an approved independent school, or a home study program, or be declared truant unless absent with legal excuse.

(3) A recognized independent school shall provide to each student's parent or guardian a copy of its currently filed statement of objectives and a copy of this section. The copy shall be provided when the student enrolls or before September 1, whichever comes later. Failure to comply with this subsection may create a permissible inference of false advertising in violation of 13 V.S.A. § 2005.

(4) A recognized independent school shall renew its enrollment notice annually. An independent school shall be recognized for a period not to exceed five years by the Secretary without need for filing an annual enrollment notice if:

(A) it is recognized by an organization approved by the State Board for the purpose of recognizing such school; or

(B) it is accredited by a private, state, or regional agency approved by the State Board for accrediting purposes; provided, however, nothing in this subdivision (4) shall be construed to prohibit the Secretary from initiating a hearing under this subsection (c).

(5) If the Secretary has information that creates significant doubt about whether the school, once in operation, is meeting the requirements for recognized independent schools, the Secretary may call a hearing. At the hearing, the school shall establish that it has met the requirements for recognized independent schools. Failure to do so shall result in a finding by the Secretary that:

(A) the school may not be in operation for the remainder of the school year and that the children are truant unless absent with legal excuse or enrolled in a public school, an independent school, another recognized independent school, or a home study program; or

(B) the school must take specified action to come into compliance within a specified time frame or the school will not be permitted to operate for the remainder of the school year.

(6) Each recognized independent school shall provide to the Secretary on October 1 of each year the names, genders, dates of birth, and addresses of its enrolled students. Within seven days of the termination of a student's enrollment, the recognized independent school shall notify the Secretary of the name and address of the student. The Secretary shall notify the appropriate school officials as provided in section 1126 of this title.

(7) After the filing of the enrollment notice or at a hearing, if the school is unable to comply with any specific requirements due to deep religious conviction shared by an organized group, the Secretary may waive such requirements if he or she determines that the educational purposes of this subsection are being or will be substantially met.

Courts... procedures...

(c) It shall be a defense to any action for medical malpractice based upon an alleged failure to obtain such an informed consent that:...

(4) A reasonably prudent person in the patient's position would have undergone the treatment or diagnosis if he or she had been fully informed

§ 5102. Definitions and provisions of general application

(3) "*Child in need of care or supervision (CHINS)*" means a child who:

(A) has been abandoned or abused by the child's parent, guardian, or custodian...

(B) is without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being;

(C) is without or beyond the control of his or her parent, guardian, or custodian; or

(D) is habitually and without justification truant from compulsory school attendance.