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H.608

Introduced by Representatives Cupoli of Rutland City, Anthony of Barre City,  
Arrison of Weathersfield, Harrison of Chittenden, Leffler of  
Enosburgh, Page of Newport City, Parsons of Newbury,  
Williams of Granby, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Education; home study program

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

An act relating to the simplification of the home study program

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

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

3 § 166b. HOME STUDY PROGRAM

4 (a) Enrollment notice. A ~~home study program~~ parent or guardian shall  
5 send a ~~written~~ completed enrollment notice to the Secretary ~~whenever it~~  
6 ~~intends to enroll a child. Enrollments in home study programs shall expire on~~  
7 ~~July 1. If a home study program intends to re-enroll a child for the following~~  
8 ~~school year, a new notice under this section is required and may be submitted~~  
9 ~~at any time after March 1~~ 10 days prior to commencing home study. A notice  
10 under this subsection shall include the following:

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

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

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

16 ~~(4)~~(3) For each child not previously enrolled in a Vermont public school  
17 or Vermont home study program, independent professional evidence on  
18 whether the child has a disability. ~~A comprehensive evaluation to establish~~  
19 ~~eligibilities for special education is not required, but may be ordered by a~~  
20 ~~hearing officer after a hearing under this section.~~

1           ~~(5)(4)~~ Subject to the provisions of subsections ~~(k)~~ and ~~(l)~~ of this section,  
2           for each child being enrolled for the current year, a detailed outline or narrative  
3           that describes the content to be provided in each subject area of the minimum  
4           course of study, including any special services or adaptations to be made to  
5           accommodate any disability. ~~Methods and materials to be used may be~~  
6           ~~included but are not required.~~ An attestation that each child being enrolled in  
7           home study shall be provided the equivalent of at least 175 days of instruction  
8           in the minimum course of study, specifically:

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

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

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

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

19                   (A) standardized assessment administered by the local school district;

20                   (B) a review and acceptance of the student's progress by an  
21           individual who holds a current Vermont teacher's certificate; or

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

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

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

12            ~~(1) either that the enrollment notice is complete and no further~~  
13            ~~information is needed, or specifically identifying information required under~~  
14            ~~subsection (a) of this section which is missing. If information is missing, the~~  
15            ~~home study program shall provide the additional information in writing within~~  
16            ~~14 days; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           ~~(h) Order following hearing. After hearing evidence, the hearing officer~~  
14           ~~shall enter an order within ten working days. If the child is not enrolled, the~~  
15           ~~order shall provide that the child be enrolled or that enrollment be disallowed.~~  
16           ~~If the child is enrolled, the order shall provide that enrollment be continued or~~  
17           ~~that the enrollment be terminated. An order shall take effect immediately.~~  
18           ~~Unless the hearing officer provides for a shorter period, an order disallowing or~~  
19           ~~terminating enrollment shall extend until the end of the following school year,~~  
20           ~~as defined in this title. If the order is to disallow or terminate the enrollment, a~~  
21           ~~copy shall be given to the appropriate superintendent of schools, who shall take~~

1 appropriate action to ensure that the child is enrolled in a school as required by  
2 this title. Following a hearing, the Secretary may petition the hearing officer to  
3 reopen the case only if there has been a material change in circumstances.

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

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

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

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



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

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

17       ~~(l) A home study program that has successfully completed two consecutive~~  
18       ~~school years of home study as defined in subsection (k) of this section shall not~~  
19       ~~be exempt from any other requirements of this section and shall annually~~  
20       ~~submit a description of special services and adaptations to accommodate any~~  
21       ~~disability of the child consistent with subsection (i) of this section. In addition,~~

1 ~~the program shall submit a detailed outline or narrative describing the content~~  
2 ~~to be provided in each subject area of the minimum course of study as part of~~  
3 ~~its enrollment notice for each child who is 12 years of age at the time the~~  
4 ~~enrollment notice is submitted.~~

5 Sec. 2. EFFECTIVE DATE

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