
TESTIMONY

Testimony To: House Education Committee
Respectfully Submitted by: Emily Simmons, General Counsel
Subject: **Agency of Education Feedback on S.167, Sec. 7**
Date: April 25, 2024

Thank you for the opportunity to provide testimony on Sec. 7 of S.167, which deals with Vermont home study requirements.

The Agency believes the bill should be amended to substitute a process that will be more efficient and provide better oversight of education quality for home study students.

Current Law

16 V.S.A. § 166b:

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

- (1) The name; age; and date, month, and year of birth of the child.
- (2) The names, mailing addresses, e-mail addresses, town of legal residence, and telephone numbers of all parents or guardians with legal custody who are legally authorized to make educational decisions for the student.
- (3) An attestation that the academic progress of each child enrolled in a home study program will be assessed at the end of each school year and that the parent or guardian will maintain the record of such assessments. Permitted means of assessment shall include:
 - (A) a standardized assessment, which may be administered by the local school district or a testing service or administered in a manner approved by the testing company;
 - (B) a review of the student's progress by an individual who holds a current Vermont teacher's certificate;
 - (C) a parent or guardian report and portfolio to include a summary of what the student learned during the school year and at least four samples of student work;
 - (D) grades from an online academy or school; or



(E) evidence of passing of the GED.

Sec. 7 As Passed by The Senate

The bill as passed by the Senate reinstates a hearing process associated with former home study requirements. The requirements were amended in 2023 in response to an Agency of Education request to make the requirements for enrolling in home study less subjective and less burdensome for the Agency of Education to administer.

The Agency is opposed to reinstating the old hearing process. It requires significant staff time to prepare for a single hearing, and multiple hearings may be required at the beginning of each school year. Additionally, the old process left too much room for interpretation by the Agency as to the quality of education being delivered in the home. Finally, it is difficult for the Agency to present evidence in the context of an evidentiary hearing about what is or is not occurring in a private home.

Instead, the Agency proposes an objective measure of home study compliance with enrollment requirements. A home study program should be required to submit the assessment required by current law in order to enroll in a subsequent year. This will preserve Agency resources without burdening home study programs, since they are already required to conduct an assessment and maintain a record of the assessment. Most importantly, this will add assurance that students are receiving the minimum course of study.

Suggested Language

Amend S.167 by striking the current text of Sec. 7 and inserting the following:

16 V.S.A. § 166b is amended as follows:

(k) Annual notice. A parent or guardian who has provided a complete enrollment notice as described in subsection (a) of this section shall notify the Secretary on or before the start of each following year of the parent's or guardian's intention to continue to provide instruction through a home study program via a form provided by the Agency of Education. The notice shall include a copy of the record of assessment required by (a)(3) above. This notice shall be provided at least 10 business days prior to the intended start date of the home study program.