

Vermont Home Education Network

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House Education Committee, April 25, 2024 Vermont Home Education Network (VHEN) Testimony of Retta Dunlap

I want to provide some historical information. Since 1987, the Agency of Education has been able to manage the hearings after enrollment that was found within 166b before the law was changed. It gave them a tool in case there were issues before or after enrollment. While it may be difficult for the current Agency staff to manage, the AOE always found ways to make it work. And I would note that hearings have been rarely called.

Previously 166b, the home study statute, had two types of hearings. Those before enrollment could be called up to 45 days after an enrollment notice was submitted. This type of hearing no longer fits within the new structure of the statute. However, the hearings after enrollment can be called at any time after enrollment and does indeed fit the structure of the new law.

These hearings after enrollment can be called when NEW evidence surfaces that the home study program may not be able to or is willing to provide a minimum course of study, i.e. not able or willing to provide learning experiences. Requiring these learning experiences is found in Title 16 under section 906, where the public schools, approved and recognized independent schools, and home study programs are required to provide “learning experiences” in the minimum course of study.

Then there is the compulsory attendance statute which requires that parents enroll their kids in a public school, an approved or recognized school or a home study program. According to testimony by the Department of Children and Families in Senate Ed this year defines educational neglect as a child not enrolled anywhere. If a child is enrolled there is no educational neglect.

So, the statutes assume that if the child is enrolled somewhere and that “entity” is providing learning experiences in the minimum course of study then the child will learn simply by being there, as you cannot actually force or mandate learning. Of course, all of these different entities assess their students to know if learning is taking place.

This history comes in contact with home study when last summer, Sen Hashim had a constituent come to him saying her homeschooled grandchildren were not being educated and that she went to the Agency of Ed and the Department of Children and Families. The AOE said the home study law was changed and that they could not do anything about it. DCF said if the child is enrolled there is no educational neglect. And the law concerning educational neglect was not changed. Family law was not changed. So, nobody could or would address the grandmother’s complaint. It would be interesting to have that homeschooling parent’s point of view on what the grandmother said before we set about changing laws.

Out of the blue, I actually had a homeschooling mom contact me to ask if that was her mother who complained to Senator Hashim? I said I do not know. So, this homeschooling mom went on to tell me her mom never supported her choice to homeschool and that her children were indeed getting an education and she assessed every year. And this has ripped the family apart simply because grandma did not like homeschooling. Again, for clarity, I do not know if this is the same family.

So, to solve the dilemma Sen Hashim pointed out, I suggested to Senate Ed that putting hearings after enrollment back into the statute would give the Agency of Ed the tool it needed to handle such complaints. But the Agency's answer was to put submission of the assessments to the state back instead of the hearings after enrollment. Submitting annual assessments does not provide the evidence needed to call a hearing after enrollment nor does it signal neglect is going on. These grandchildren could have beautiful assessments and grandma could still complain about it. And without hearings after enrollment the AOE still could do nothing about it. With hearings after enrollment further and new evidence would be needed to call this hearing to check in on the kids. The home study statute, 166b, has always had this protection for the children in it until the AOE removed it last year.

So, if grandma, or any other person wants to make such a claim about a family they need to back it up with some kind of evidence outside of the parents that there is a lack of attendance or learning experiences being provided no matter where the assessment is filed.

Therefore, I do not support the submission of the assessment to the AOE for this very reason. The assessment is not needed to call a hearing after enrollment. Further evidence is required and if that grandmother is correct, she should be able to provide it.

All that to say I am ok with Section 7, the hearings after enrollment, being put back into the statute to give the Agency a tool when something like this turns up.

I would like to also add that the new statute does not save the parents any time. They still have to do all the same work they did before the law changed. They have to create a plan for the year that covers the minimum course of study. They still have to provide learning experiences. They still have to do an annual assessment and maintain those records at home. This new law change saves the AOE time. Time they could use to call hearings after enrollments.

Lastly, and this is not always said this way but parents and children have the same human rights. A child does not have less rights than the parents. We know that someone must take care of the children, especially when they are very young. Children must grow with guidance to the place where they can manage and exercise their own human rights. This is why along with parental rights comes a responsibility and a duty in the raising of one's own children – to prepare them for adult life. A failure in this duty causes not only harm to the child but harm to the society hence why there are compulsory attendance laws and why the schools and home study programs are required to provide learning experiences in the minimum course of study.