
TESTIMONY

Testimony To: House Committee on Education
Respectfully Submitted by: Emily Simmons, General Counsel
Subject: Agency of Education Home Study Proposal
Date: January 18, 2023

Background:

Every state has a slightly different approach to home schooling or home study. In Vermont, compared to our neighbors, our home study policy is more complex and includes more process. The AOE proposes we simplify Vermont's home study policy to make it more similar to that of other northern New England states. This shift would change the role of the agency from an oversight role to more of a support role.

The AOE is seeking to prioritize those processes that are most closely aligned with the State's interest in home study. Those interests are ensuring that children enrolled in home study are provided instruction in the minimum course of study, that their progress is assessed at the end of each school year, and that the most vulnerable students are protected.

We have identified several existing processes that do not closely align with those interests, and believe they are burdensome on both the AOE's capacity and the home study community. For example, the current law requires an annual report and assessment for each year, for each child enrolled in home study. The annual report is a detailed outline or narrative describing the content provided in each subject area. A progress assessment is required for each child who was enrolled in home study the previous year. The law exempts certain students from the requirement to provide an annual report, determined by two consecutive years of successful completion of home study with any enrolled child. Determination of successful completion is based on compliance with all requirements of the law and documented student progress commensurate with age and ability in all subject areas of the minimum course of study. The exemption then applies to all enrolled children in the same program.

The following proposal eliminates the AOE approval of an annual enrollment application. A Parent or guardian would send a notice of home study enrollment to the AOE, but the AOE would not review and approve the content of the notice. AOE would ensure the notice is procedurally complete and send acknowledgement of receipt, which would constitute enrollment. To continue enrollment in home study for subsequent years, a parent or guardian would notify the AOE of intent to continue prior to the start of the school year.



The annual notice would include a series of attestations related to: adaptations for any documented disabilities, instruction to be provided, instructional time, and annual assessment of progress. A parent or guardian would have responsibility for carrying out these obligations consistent with the attestations. AOE would not receive or review evidence of compliance.

Proposed New Home Study Language:

§ 166b. Home study program

(a) Enrollment notice. A parent or legal guardian shall send the Secretary annual notice of intent to enroll their child(ren) in a home study program to the Secretary 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, month, day and year of birth of the child or children.

- a. The names, mailing addresses, email address, town of legal residence, and telephone numbers of all custodial parents or guardians who are legally authorized to make educational decisions for the student.

(2) For each child not previously enrolled in a Vermont public school or Vermont home study program, independent professional evidence by a Vermont licensed professional regarding whether the child has a documented disability and how the disability may affect the student's educational progress in home study program.

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

(A) For a child who is younger than 13 years of age, the subject areas listed in 16 V.S.A. § 906; or

(B) For a child who is 13 years of age or older, the subject areas listed in 16 V.S.A. § 906(b)(1), (2), (4), and (5).

(C) For students with documented disabilities, parents must attest to providing adaptations to support their student in their home study program.

(4) 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/guardian will maintain the record of such assessments. Permitted means of assessment shall include:

(A) Standardized assessment which may be administered by the local school district or a testing service

(B) A review of the student's progress by an individual who holds a current Vermont teacher's certificate;

(C) A parent/guardian report and portfolio to include a summary of what the student learned during the school year and at least 4 samples of student work

(D) Grades from an online academy or school

(E) Evidence of passing of the GED

(5) The signatures of all custodial parents or guardians who are legally authorized to make educational decisions for the student. Alternatively, the parent seeking enrollment may provide attestation of sole primary educational decision-making authority.

(b) Enrollment. Within 10 business days of submission of a complete enrollment notice, the Secretary or designee shall send the home study program a written acknowledgment of receipt which shall constitute sufficient enrollment verification for purposes of 16 V.S.A. 1121.

(c) Withdrawal. The parent or guardian shall notify the Secretary in writing within seven 10 business days of the date that any student is withdrawn from their Home Study program.

(d) After the filing of the enrollment notice, 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.

(e) Annual notice. A parent or guardian who has provided a complete enrollment notice as described in subsection (a) shall notify the Secretary on or before the start of each following year of their intention to continue to provide instruction through a home study program via a form provided by the Agency of Education. This notice shall be provided at least 10 business days prior to the intended start date of the home study program.