

NH Home Education Advisory Council (HEAC)

Final Minutes: November 17, 2023

Granite State College, 25 Hall St., Concord, NH

In physical attendance:

April Villani, Mike Koski, Dianne Nolin, Rebekah Woodman, Sen. Ruth Ward, Tim Carney

In remote attendance:

Althea Barton (family obligations, alone in room), Jill Grant (other meetings, alone in room)

Meeting called to order at 2:34 pm by Chair.

Agenda review: Mr. Koski requested adding district communication on student withdrawal to Continuing Business.

Minutes of previous meeting: Ms. Villani suggested correcting a typo in the May 19, 2023 minutes. Motion to accept as corrected by Ms. Barton, second Ms. Woodman. Roll call: Koski yes, Nolin yes, Woodman yes, Villani yes, Barton yes.

Ms. Grant joined at 2:39 pm. MC Anders joined at 2:41 pm remotely.

Ms. Villani suggested correcting a typo in the September 15 minutes. Motion to accept corrected draft minutes by Ms. Woodman, second Ms. Nolin. Roll call: Koski yes, Nolin yes, Woodman yes, Villani yes, Grant yes, Barton yes.

Public comments: None

Immediate Business:

- A. Meeting day and time for current year: Currently third Fridays at 2:30 pm. Want to avoid meeting on major religious holidays. Ms. Woodman will research holidays. We can change a single meeting with proper notice.
- B. Best Practices review: Members reviewed the draft. Ms. Villani referred to the advice of attorney Liz Brown to keep policies simple. Mr. Carney will ask whether Ms. Brown could review the draft to ensure compliance and get clarification on the posting of meeting videos.

Rulemaking/Legislative updates:

- A. **Ed 704.02** High School Equivalency Program – Admission to Testing for Home Educated Students.

Ms. Villani said in April 2022 HEAC recommended waiving the requirement for the participating agency to sign off to allow 16- and 17-year-old home educated students to take the HiSET (High School Equivalency Test).

Mr. Carney reached out to Sarah Wheeler, adult education administrator. Ms. Villani will follow up and ask for this to be considered soon to bring it in line with other home education rules.

- B. **HB 628 (2023)** requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

Ms. Villani read an email by Rep. Peternel saying the bill passed out of the Education Committee and will go to the House where the first motion will be Ought to Pass. Rep. Peternel noted in her email that the bill would require parents of home educated students receiving Education Freedom Accounts (EFA) to get background checks to educate their own children. Members questioned this statement, noting that, once a parent accepts EFA funding, they can “homeschool” under RSA 194-F, but they are no longer “home educating” under RSA 193-A.

Ms. Grant offered that the intention of the bill is that home-educating parents are not required to have background checks. Ms. Nolin said she attended the October hearing and this week’s vote, and it seemed the legislators were confused about the distinction between “home education” and “homeschooling.” Discussed confusing scenarios like a co-op that includes RSA 193-A students and RSA 194-F students receiving EFA funding, and whether co-op teachers or leaders would be required to have background checks. Ms. Nolin said RSA 193-A home-educated students were explicitly excluded in a proposed amendment offered by Rep. Tanner, a link to which was shared.

Sen. Ward questioned why background checks are needed. Discussed that many groups already require checks. Ms. Nolin said variations in the type and quality of background checks was discussed at the hearings. It was noted that Prenda does third-party checks which are not as thorough as FBI checks. Ms. Nolin said she’s confident all HEAC members are concerned with child safety and are not disparaging that goal or the bill’s sponsors.

Members agreed to inform home educators about these issues through our respective organizations and continue discussion.

Ms. Grant stepped out at 3:40 pm.

C. Legislative Service Requests

- a. LSR 2024-2234 relating to the rights of parents. Providing that parents shall have a fundamental right to direct the upbringing, education, and care of their minor children.
- b. LSR 2024-2772 relating to the rights of children and parents. Providing that parents and children have the right to control their health, education, and welfare.

Sen. Ward advised to watch for upcoming bills on these LSRs.

Commissioner’s Report/Updates from NH Department of Education

Mr. Carney presented his 11/16/23 report. Discussion ensued:

Item #1 – Ed 315 Rule Revisions: Mr. Carney said the new rules have been posted on the NHED Home Education webpage.

Ms. Grant returned at 3:51 pm.

Item #2 – NHED Home Education webpage update: Mr. Carney reported on updates including adding information on the Education Tax Credit (ETC) and the EFA programs. The Office of Home Education will now focus on preparing an FAQ document as a resource for parents, school districts, and adult home education completers. They also hope to develop a webinar for public school districts.

Members thanked Mr. Carney for his work on updating the webpage. Ms. Barton suggested adding links to RSA 193-A and Ed 315 to the top of the page for clarity, and noting that the provided sample forms are not required formats. She asked why the EFA information was added when accepting EFA funding means a student is no longer home educating under RSA 193-A, noting it might add to families' confusion. Mr. Carney said his office receives many calls from people looking to homeschool to take advantage of EFA, and he's hoping the webpage helps them understand the issues. He said there is an EFA webpage and more information on the Children's Scholarship Fund (CSF) website. CSF, not NHED, administers EFA and is responsible for informing EFA recipients of their rights and responsibilities.

Members discussed ways to further clarify and present the issues including: (1) If parents accept EFA funding they are terminating home education under RSA 193-A and switching to RSA 194-F; (2) need for more outreach to parents, schools, participating agencies, and others; (3) need for CSF to more clearly outline RSA 194-F rights and responsibilities on their website and communications.

Discussed public confusion over the differences between home education and EFA-funded homeschooling. Unlike schooling under 194-F, home education under 193-A includes: (1) the right to access the resident public school curricular and cocurricular programs; and (2) an option to evaluate a student's progress using a valid measuring tool mutually agreed upon by the parent and the Education Commissioner, resident district superintendent, or nonpublic school principal. Also, under 194-F, the CSF reviews the child's curriculum to make sure it meets state requirements. Under 193-A, there is no required curriculum review.

Sen. Ward left at 4:12 pm.

Mr. Carney will ask the director of CSF to help clarify communications and the HEAC will continue this discussion.

Item #3 – Office of Adult Education information – no updates.

Item #4 – Vacancies – no updates.

Item #5 – 2023 – 2024 Home Education Counts: Mr. Carney presented the counts for the current school year. He noted districts are supposed to report new notifications received over the past year, not cumulative totals. He plans to remind districts of this since some recent counts look high.

He is working to refine the tables by: correcting the reference in the title from "Home Schooled Enrollments" to something like "home educated enrollments;" following up with districts that haven't reported; and figuring out why some districts have submitted a negative number of enrollments.

He will also explain to districts that these counts apply only to children aged 6 – 18, plus students with disabilities outside that age range. He will ask districts reporting large numbers of preschool- and kindergarten-aged children to confirm that they are counting only children aged 6 and up and children with disabilities. These points will also be part of future training and FAQs.

Mr. Koski noted that identifying disabilities in home-educated children may differ from processes used in schools. Mr. Carney said regulations like ChildFind are the responsibility of districts, and suggested future discussion of how this process works in the home education community.

HEAC members thanked Mr. Carney for his efforts and recognized the importance of accurate counts.

Member Reports

- A. Legislators: Nothing further.
- B. Home Educator Associations Representatives: Ms. Barton said the NH Homeschooling Coalition is updating its website. Ms. Nolin said Catholics United for Home Education (CUHE) has heard concerns about HB 628. Ms. Villani said CUHE has seen more people wanting to get together in person post pandemic.
- C. Home Education Community: Ms. Woodman said she has heard HB 628 questions. Mr. Koski had nothing further to report.
- D. NH School Administrators Association: Ms. Barker was absent.
- E. Nonpublic School Advisory Council: Ms. Grant said the Council has not met since the last HEAC meeting. She will inform them of pertinent issues at their next meeting and report back.

Continuing Business: Mr. Koski reported on district communication regarding student withdrawal. He said there have been cases where the Department of Health & Human Services (HHS) has been concerned about the whereabouts of a child who has left public school. If a parent notifies their district of student withdrawal but chooses to notify NHED (not the district) of intent to home educate, the district would not know where the student went after withdrawing from public school. If HHS contacts the district due to concerns for the child's welfare, the district would have no information on the student's next step, which may cause concerns.

Mr. Carney said his office has received calls from superintendents concerned that they haven't received letters of intent, but NHED is not allowed to share this information. NHED is required to send acknowledgement to the parent of receipt of a letter of intent, so if the parent has notified through NHED, the superintendent can ask the parent for the acknowledgement letter.

Ms. Villani said it's overreach if a district requests a letter of intent from a parent who has submitted it through another participating agency. Mr. Koski said there have been terrible situations where something has happened to a child and the district doesn't know their whereabouts; this may explain some district outreach. Mr. Carney said NHED is allowed to follow up on students in the other educational pathways (EFA, nonpublic, etc.), but not on home educated students, unless there is a change in the law.

Mr. Koski suggested encouraging parents of former public school students who choose to notify intent through NHED to also inform their districts as a courtesy.

At 4:42 pm Ms. Villani noted it was past 4:30 pm. Mr. Koski motioned to extend meeting time to finish item 10.A. which requires action. Second by Woodman. Roll call: Koski yes, Nolin yes, Woodman yes, Villani yes, Grant yes, Barton yes.

New Business

Establishment of Grievance Committee – Action needed: Ed 315.12 requires HEAC to have a grievance subcommittee appointed by the Chair, consisting of up to 5 members, a majority of whom shall be representatives of home education associations. The committee hears grievances referred to it by the commissioner. It can use consultants and conduct interviews. It must take minutes and submit them and its findings to the commissioner within 30 calendar days of referral.

Ms. Villani appointed Ms. Nolin (chair), Mr. Koski, and herself. She noted it has been years since a grievance committee has needed to meet.

Public comment: none present

Adjournment: Ms. Villani noted the next scheduled meetings are December 15, 2023 (if needed) and January 19, 2024. Motion to adjourn at 4:42 pm by Woodman, second Koski. Roll call: Koski yes, Nolin yes, Woodman yes, Villani yes, Grant yes, Barton yes.

Minutes AB