



New Hampshire

Department of Education

Serving New Hampshire's Education Community

Technical Advisory

Subject: HB 545 and 1571

Home Education: Notification of *change* in the procedure for establishing a Home Education program and evaluation procedures

Title XV, Chapter 193-A

This advisory is in response to changes to the Home Education laws 2012

Explanation of House Bill 545:

- I. Revises the notification and rulemaking procedures for home educated pupils by giving the home education advisory council an opportunity to review and comment on proposed rules.
- II. Makes the legislative members of the home education advisory council nonvoting members of the council.
- III. Prohibits a school district official from proposing, adopting, or enforcing any policy or procedure relative to home educated pupils that is inconsistent with or more restrictive than the provisions of the home education statute.

Repealed and reenacted; 193-A:3 Home Education; Rulemaking. - The state board of education shall adopt rules, pursuant to RSA 541-A, relative to administering the home education program. The state board of education shall, in addition to the provisions of RSA 541-A, submit any notice of proposed rulemaking under RSA 541-A:6 and any final proposed rule under RSA 541-A:12 to the home education advisory council established in RSA 193-A:10 for review and comment.

Amendment; 193-A:5, I; Notification and Other Procedural Requirements. –

I. Any parent commencing a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the commissioner of the department of education, resident district superintendent, or principal of a nonpublic school of such within 5 business days of commencing the program.

Amendment; 193-A:10; I (a)-(b); Home Education Advisory Council. –

I. There is established the home education advisory council which shall consist of the following members:

- (a) Two members of the house of representatives from the house education committee, appointed by the speaker of the house of representatives, who shall be nonvoting members.
- (b) One member of the senate from the senate education committee, appointed by the president of the senate, who shall be a nonvoting member.

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Virginia M. Barry, Ph.D.

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New Section; RSA 193-A

193-A:11; Authority of School District Officials. - No superintendent, school board, school principal, or other school district official shall propose, adopt, or enforce any policy or procedure governing home educated pupils that is inconsistent with or more restrictive than the provisions of this chapter and any rules adopted pursuant to RSA 193-A:3.

HB 545 takes effect 60 days after its passage.

Approved: June 13, 2012

Effective Date: August 12, 2012

Explanation of House Bill 1571

This bill amends the educational evaluation procedures for home educated children and repeals the notice, hearing, and appeals procedures afforded to parents relative to the termination of a home education program. The bill also clarifies the school district's limited liability for home educated children.

Amendment; RSA 193-A:5, IV; Home Education; Notification. –

IV. The commissioner of education, resident district superintendent, or nonpublic school principal shall acknowledge receipt of notification within 14 days of such receipt.

Amendment; RSA 193-A:6; Home Education; Records; Evaluation. -

I. The parent shall maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio shall be preserved by the parent for 2 years from the date of the ending of the instruction.

II. The parent shall provide for an annual educational evaluation in which is documented the child's demonstration of educational progress at a level commensurate with the child's age and ability. The child shall be deemed to have successfully completed his annual evaluation upon meeting the requirements of any one of the following:

(a) A certified teacher or a teacher currently teaching in a nonpublic school who is selected by the parent shall evaluate the child's educational progress upon review of the portfolio and discussion with the parent or child;

(b) The child shall take any national student achievement test, administered by a person who meets the qualifications established by the provider or publisher of the test. Composite results at or above the fortieth percentile on such tests shall be deemed reasonable academic proficiency;

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- (c) The child shall take a state student assessment test used by the resident district. Composite results at or above the fortieth percentile on such state test shall be deemed reasonable academic proficiency; or
- (d) The child shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal.
- III. The parent shall maintain a copy of the evaluation. The results of the evaluation:
- (a) May be used to demonstrate the child's academic proficiency in order to participate in public school programs, and co-curricular activities which are defined as school district-sponsored and directed athletics, fine arts, and academic activities. Home educated students shall be subject to the same participation policy and eligibility conditions as apply to public school students.
- (b) Shall not be used as a basis for termination of a home education program.
- (c) Provides a basis for a constructive relationship between the parent and the evaluator, both working together in the best interest of the child.

Amendment; RSA 193-A:9; Home Education; Liability Limited. -

193-A:9 The resident school district, the board of such district, and any employees of the resident school district associated with a child who is *or has been* receiving home education are not liable in damages in a civil action for any injury, death or loss to person or property allegedly sustained by that child, *the child's* parent, or any other person as a result of the child's receipt of home education, including but not limited to, any liability allegedly based on the failure of the child to receive a free appropriate or adequate public education.

The following are repealed:

- RSA 193-A:7, relative to notice and hearing afforded to a parent conducting a home education program.
- RSA 193-A:8, relative to issuance of order after a hearing and appeals of such orders.

Department comment:

- HB 545 takes effect in 60 days starting on August 12, 2012. HB 545 states that once a parent has provided written notification of intent to home educate a child to the participating agency the notification of intent status remains unless otherwise notified by the parent. Notification of intent to home educate does not need to be provided each school year to the participating agency.
- HB 1571 takes effective immediately (June 18, 2012). HB 1571 bill was allowed to pass without the Governor's signature. Evaluations no longer must be turned into a participating agency on an annual basis. While the evaluation must be done each year, it does not have to be shared with the participating agency. It is now used only for the parent's information and to be kept as a record of progress of the student.

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