Testimony Senate Education
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Children in Home Study bar graph paper work created: (see attached pdf)

During COVID the numbers jumped to 5,500. It took the Agency of Education about a year to work through the paper work created by the pre-2023 statute's requirements. This is one reason they came to the legislature with the current statutory language, which eliminates most of that paperwork.

I also want to note three things:

1. These enrollment figures represent only part of the homeschooling movement in Vermont. Some families do not enroll under 166b but are still homeschooling their children.
2. Since at least 1980, there has been a correlation between the growth of homeschooling in the U.S. and the use of whole language in schools. This isn't to say whole language caused the growth in homeschooling, but rather I want to point out that the homeschooling movement is fully rooted in teaching children to read using phonics not whole language.
3. Some Vermont homeschoolers do not actually want to homeschool. They would prefer to use their local public school but feel their children are not learning what they need to succeed. I hear these stories often from families turning to homeschooling. Now, I'm old school. Homeschooling was my first and only choice, and it's heartbreaking to hear these experiences.

What the statute actually says

166b section (a): The enrollment notice includes directory information of the family, name of child, birth date, etc. If a child has a diagnosed disability proof of that diagnosis. The parent must attest that they will teach 175 days in the minimum course of study found in 16 V.S.A. § 906. They must attest that they will assess the child annually from 5 statutory approved assessment types and keep it on file at home and sign their name to the notice. Once it is submitted the child is automatically enrolled within 10 business days. There is a religious exemption which I remember has only ever been successfully used once since 1987. And finally, there is the description of an annual notice that the parents must file with the Agency of Ed that they have the "intention to continue to provide instruction through a home study program" which was filed in section (a).

H.930 – absenteeism, attendance, and home study programs.

I will now address the terms "absenteeism" and "attendance" as used in H.930. These words do not reflect how a child is actually being educated. All homeschooled students wake up in their school building. They cannot be marked "absent." There is no absenteeism in homeschooling. The child is always in attendance, and the parent uses year-round opportunities to provide the required course of

study. If a parent wakes up and the child is absent, that is a matter for the police, not attendance policy. So why home study is included in H.930 baffles me.

1. A public school student remains enrolled unless formally unenrolled, and is expected to return each September.
2. Before 2023, home study students had to re-enroll annually, with enrollment expiring July 31.
3. The 2023 changes establish that a home study student remains enrolled until the parent notifies the Agency, they are no longer in the program - just like for public school.
4. Current law requires a one-time enrollment notice, followed by an annual notice of intent to continue providing home study instruction. They do not need to "re-enroll" in home study.
5. The problem is that the Agency of Education does not appear to understand what 166b is actually doing as they use the term "re-enroll" 9 times on their home study page.
6. The Agency also has parents complete the full enrollment notice each year, treating it as re-enrollment—a carryover from the old statute—and not aligning with 166b(k) for the annual notice.
7. So, if the Agency and the truant officers are thinking there is a need for re-enrollment then truancy is possible or perhaps educational neglect afoot. And I can understand why something has been placed in H.930 because they do not actually understand 166b.

The only workable way to restore meaningful oversight in the home study law is to reinstate hearings after enrollment. This process allows the state to address concerns while still protecting a parent's right to home educate.

If DCF or another party has concerns that a parent is not meeting the educational responsibilities for their child the hearings after enrollment give the Agency of Education a mechanism to act. Right now, there is nothing they can do about.

Let me give you a real-life example that I discovered this past summer.

For a child under the age of 16 to work they need an employment certificate. This is usually obtained through the public school but home study students have to go directly to the Department of Labor. This process includes things like proof of age, health status, and academic progress and DOL knows to ask for the annual assessment and knows it is to be kept on file at home. At least one parent has told the DOL they do not conduct annual assessments and keep them on file at home. So, this student is either not enrolled in home study OR the parents are admitting to not doing exactly what they said they would do in the enrollment notice. Either way, this is exactly the kind of situation in which DCF has the tools to act or the AOE has the tools to act. If this is a student enrolled in home study, a hearing needs to be called so that all parents know the law should be followed to protect the rights of all parents.

One last note, and this goes to the Agency not understanding 166b fully or at least the history of it. The term "approval" was removed from statute in 1987. In fact, in 2001, the Vermont Supreme Court directed the Agency to stop using that term, affirming that the law is based on notification, not approval. And yet they still use it. In fact, they used it in this room, yesterday.

Bottom line: Remove Section 5 of H.930 and replace it with the exact language from the old statute concerning "hearings after enrollment".