

Home Education Advisory Council Minutes – November 10, 2009

Chairman Abbey Lawrence called the regular meeting of the Home Education Advisory Council to order at 3:40 pm on November 10, 2009 in Room 15 of the Department of Education and announced that the Department of Education requested that Council members and guests vacate the building upon adjournment. Guests attending the meeting made audio and video recordings of the meeting.

Members Present: Marc Boyd, Michael Compitello, Chris Hamilton, Representative Paul Ingbretson, Abbey Lawrence, Keith Pfeifer, and Representative Emma Rous.

Visitors present: Katherine Averill, Kristine Bolstridge, Greg Bolstridge, Daniel Faiella, Mary Faiella, Michael Faiella, Jim Forsythe, Jane Grady, Erin Groudas, Julia Hawkins, Michele Hawkins, Elizabeth Landry, Margaret Landry, Nicholas Landry, Angela Lawrence-Hurt, Larisa Molloy, Nick Patton, Steph Patton, Susan Patton, Gordon Shaw, Deidra Winslette, and Rachel Winslette

Minutes: The October 13, 2009 minutes were accepted by general consent.

Public Comment: Abbey Lawrence invited guests to make public comment. There was no comment.

Chairman's Report:

- Mary Faiella notified Abbey that the Council meetings are not posted on the legislative calendars. Future council meetings will be included on the calendar.
- Six Council members, Abbey Lawrence, Chris Hamilton, Michael Compitello, Dennis Wyman, Michael Benik, and George D'Orazio[*] met with Commissioner Barry on Tuesday, November 3 to discuss concerns about the Ed 315 revision process. The Department of Education submitted a proposal to the State Board of Education on October 14 to enter Ed 315 into rulemaking so as to make change the regulations. The Council was not allowed to see the rules prior to their submission to the State Board of Education. Commissioner Barry requested another meeting with Abbey and Michael Compitello on Monday, November 16. Abbey asked Michael Compitello to explain the concerns brought before Commissioner Barry at the November 3 meeting.
 - HEAC is part of the formal rulemaking process pursuant to Ed 315.10(b)(2) and by precedent.
 - A subcommittee of Council members worked for eighteen months to incorporate the impact of various legislation on Ed 315. On March 10, 2009 the Council, including the Department of Education, agreed to Ed 315 changes recommended by the subcommittee. Following Council approval, the revised rules were submitted to the Department of Education for proposing to the State Board of Education rulemaking for Ed 315. The Department of Education retained the rules and did not submit them to the State Board of Education until October 14, 2009.

- Following the retention of HB 368 in March, 2009, the Department of Education made changes to Ed 315 that were a significant departure from the recommendations agreed to on March 10, 2009. In addition to bypassing legislative and departmental processes, these changes contradict existing law.
- When promulgating rules, minor changes are expected, such as grammar, format preferences, nomenclature, and so forth. Exceeding the scope of the law, contradicting existing law, and bypassing approved processes are not expected.
- Concerns about the changes proposed by the Department of Education to Ed 315 include, but are not limited to:
 - § Ed 315.04(b)—May expose homeschooling parents to potentially unwarranted truancy charges, and could embroil participating agencies in unnecessary disputes.
 - § Ed 315.05(e)(14)—Contradicts existing law (RSA 193- A:5,I), exposes parents to unwarranted truancy charges, and limits student rights under SB18.
 - § Ed 315.07(a)—Removes parental signature from the annual evaluation
 - § Ed 315.08(a)(2)—Exceeds the scope of existing law. Disregards advisory adopted on November 7, 1995, that homeschooling programs are multi-year programs providing instruction in all required subjects, but not necessarily in each subject every year.

Following discussion of the Chairman’s report, Representative Ingbretson moved that:

The Commissioner of Education make a request to the State Board of Education that the Ed 315 rules be withdrawn with the intent of allowing the Department of Education and the HEAC to discuss regulations that were proposed.

The motion was adopted after debate: 3 in favor, 2 opposed, 1 abstain

Marc Boyd moved that:

The delegation from the Council be authorized to represent the Council at the November 16, 2009 meeting with the Commissioner of Education.

The motion was adopted unanimously.

Legislative Report: Chris Hamilton distributed a legislative report.

DOE Report: There was no report from the Department.

Unfinished Business: There was no unfinished business.

New Business: Representative Rous reported that the House Education Committee will meet in Executive Session on November 19 at 10:00 a.m. in the Legislative Offices Building.

The Chairman adjourned the meeting at 5:10 p.m.

Respectfully submitted, Jane Grady (substituting for Dennis Wyman)

[*] A meeting of six Council members to discuss Council business constitutes a quorum. However, George D’Orazio is not a Council member until his nomination is approved by the State Board of Education.