

## **NH Home Education Advisory Council (HEAC)**

Draft Minutes of September 15, 2023 Meeting  
Granite State College, 25 Hall St., Concord, NH

**In physical attendance:** Dianne Nolin, April Villani, Michael Koski, Heather Barker, Rep. Ruth Ward, Rep. Rebekah Woodman, Tim Carney

**In remote attendance:** Jill Grant (no one in room, tight meeting schedule), Katy Peternel (no one in room but an infant), Althea Barton (no one in room, family obligations), Rep. Peternel joined for a short time as noted

### **Introductions**

April Villani, Catholics United for Home Education

Rebekah Woodman, home education community

Dianne Nolin, Catholics United for Home Education

Rep. Ruth Ward, chair, Senate Education Committee

Michael Koski, represents homeschool community at large

Tim Carney, NHED

Althea Barton, NH Homeschooling Coalition

Jill Grant, principal, Trinity Christian School, Keene, and Nonpublic School Advisory Council

Rep. Katy Peternel, member, House Education Committee

**Meeting called to order** at 2:31pm by Vice Chair.

**Selection of officers:** Mike motioned to nominate April as chair, Heather second. Althea nominated as secretary, April second. Roll call vote, all in favor.

### **Appointments and resignations**

Term Expirations: Michael Koski, Michelle Levell, Jennifer Pereira

Appointments: Jill Grant, Michael Koski, Dianne Nolin

**Vacancies:** Three home educator positions are vacant. Members encouraged to recruit. Tim reported he reached out twice to fill the NH School Board Association and NH Association of School Principals positions but does not expect these to be filled for the 2023-24 year. Heather said these are important roles for collaboration and we should keep trying to recruit.

**Agenda review:** No changes or additions

**Minutes:** April suggested edits to the May 19, 2023 draft minutes. After discussion, motion to approve as amended made by Heather, second by Rebekah. Roll call vote, all in favor.

**Public comments:** None

**Immediate business:**

Withdrawal: Ed 315.05(b) states “The parent of a student currently enrolled in a public school shall advise the resident district superintendent of the child’s withdrawal from attendance in public school on or before the date the home education program shall begin.” Discussion ensued about the need to inform school districts and the public about the difference between withdrawal and notification, and the notification requirements for each. Tim said compulsory attendance law all references the superintendent and the rules need to be consistent. He plans to develop a webinar and FAQ to clarify the current rules for school districts. Members noted that template letters of notification are available online.

Heather stepped out at 3:07 pm. Quorum maintained.

Rulemaking and legislative updates: Members discussed confusion over the timing of adopting the rules after JALCAR. All agreed the process moved forward in good faith. HEAC had suggested two technical changes which were accepted and incorporated. The rules were adopted by the State today and will be put on the NHED website.

Heather rejoined at 3:17 pm.

Ed 315.02(d): Per this section, “‘Educational progress’ means growth in learning commensurate with age, ability or disability within the child’s individual home education program chosen by the parent.” A parent had voiced concern that “or” was more restrictive than “and/or.” Attorney Liz Brown advised that “and/or” is not allowed in the rulemaking process. The intent of eliminating “and” and keeping “or” is to be less restrictive, not more, per April.

Jill asked: What are the benchmarks for claiming disability? Is there a requirement for documentation to demonstrate disability? Is the burden of proof on the parent to show why the child didn’t demonstrate educational progress at a certain level?

Members discussed the intention of the legislators in referencing educational disabilities and whether a student with educational disabilities in the school district would have an IEP or 504 plan. Discussed assuming competence and evaluating the whole child, not just their disability.

Jill emphasized the importance of protecting students’ rights as well as parents’ rights. As a private school administrator, she is seeing parents trying to enroll students who are up to three grade levels behind their peers. She said roughly 15% of students applying to her school left public school to homeschool during the pandemic. The parents of roughly half these students have no evidence of annual evaluations and no evidence of learning disabilities. She noted school administrators need this kind of information to place students at the appropriate level.

Mike said parents need to do annual evaluations; if not, it constitutes negligence on the parents' part. April noted the portfolio is the property of the parent. Heather said if there are no records, public schools will place them based on age until further assessment can be done.

Jill spoke about making sure parents know about the legal requirements for home education and who can help them meet those expectations, e.g., where they can get standardized tests and other methods of evaluation. April suggested a school that acts as a participating agency can offer assistance to families. Jill said we need more accountability and clarity around responsibilities. Heather said we're seeing learning gaps among all types of students due to the pandemic.

Jill said the core issue is finding ways to not miss kids who need help by making sure families have the information they need. She said Child Find is a way that schools identify children who may have an educational disability and refer them for special services. She asked how children get identified and referred in the homeschool community. Heather said it's the decision of the parent raising the child. Mike said that's the cost of freedom to choose; the responsibility is placed on the parent. He offered to speak with parents about the process.

HB 308 (2023) Relative to a quorum for meetings open to the public to include remote presence. During the 2022-2023 legislative session, HB 308 was passed into law, amending RSA 91-A, effective October 3, 2023. Discussion ensued about the advantages of allowing remote attendance to encourage statewide participation. Motion made by Heather, seconded by Mike: "HEAC allows one or more members to attend remotely to form a quorum to hold meetings in accordance with RSA 91-A:2." The law says one third of members must be physically present. Roll call: all in favor.

Jill stepped out at 4:01 pm.

Chair asked for a motion to proceed past the 4:00 pm end time or adjourn. Heather motioned to extend it to 4:35 pm, seconded by Dianne. Roll call, all in favor.

Members discussed whether to change the meeting date/time and meeting length. Althea suggested doing an online poll. She noted today is the start of Rosh Hashanah and requested that future meetings not be scheduled on major religious holidays.

HB628 (2023) Requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers. Rep. Peternel noted HB628 was retained in committee. She said she considers it a dangerous bill for homeschoolers because it might mean that parents may be required to have background checks to teach their own children or have other children come into their homes. She invited members to the subcommittee meeting on September 26 at 9:00 am in LOB Room 205. She noted public comment may not be allowed.

Heather said background checks are very important and it's surprising that nonpublic schools don't require them. April said the Catholic diocese requires them. Rep. Peternel said this bill is about background checks for non-public schools or educational services that accept funding from scholarships, grants, or tax credits, like Education Freedom Accounts.

Althea said Prenda “guides” are also not currently required to have background checks. Heather asked why requiring background checks would be controversial. Rep. Peternel said the concern was for the vendors in the Education Freedom Account program.

Rep. Peternel had no other bills to report. She left the meeting at 4:14pm.

**Commissioner’s report/NHED updates:** Tim noted that we’ve discussed the rule revisions and he will update the webpage, documents, and FAQs to reflect those changes. He said Sarah of the Office of Adult Education has shared that they’ve added the GED as an option for high school equivalency testing at four test sites statewide after encountering difficulties with the HiSET test service provider. Her office is offering a high school equivalency webinar for schools.

Regarding NHED Technical Advisory addressing Equal Access to public school programs by nonpublic, public charter, and home educated pupils, Tim reported he asked Commissioner Edelblut about producing a technical advisory. He said the Commissioner prefers not to use that method because it’s a nuanced subject. Instead, they will address it in a training webinar. Part of the updating process will be removing prior technical advisories.

### **Continuing business**

Best practices review: Members discussed the Best Practices draft, the need for transparency, and the desire to be responsive to the community. Discussion ensued about posting meeting materials and recordings, possible methods and options of doing this, whether an automated transcript would be useful, and what technology is available. The group decided to explore feasibility and continue the discussion at a later meeting.

Jill returned to the meeting at 4:26pm.

After discussion, Heather motioned to change Best Practices draft #8 to read: “HEAC meeting notices, agendas, minutes, and annual reports shall be published on the NHED website.” Seconded by Rebekah. Roll call, all in favor.

Motion made by Mike, seconded by Heather, to change #5 to read: “Meeting notices will be posted on the NHED website and at the NHED meeting location at least 24 hours in advance in accordance with RSA 91-A requirements. The agenda will be published on the NHED website.” Roll call, all in favor.

**New business:** None

**Announcements:** Next meeting: October 20 placeholder as needed, November 17 meeting. Future meeting time extended to two hours, 2:30 – 4:30pm or as decided by poll.

### **Informational items**

HEAC Annual Report was presented to State Board of Education on July 20, 2023.

**Public comments:** none

**Non-public session:** none

**Motion to adjourn** 4:37 made by Mike, seconded by Jill. Roll call, all in favor.

Minutes AB