

NH Home Education Advisory Council (HEAC)

Final Minutes of January 19, 2024 Meeting
Granite State College, 25 Hall St., Concord, NH

In physical attendance: Tim Carney, Dianne Nolin, Rep. Katy Peternel, April Villani, Sen. Ruth Ward, Rebekah Woodman

In remote attendance: Heather Barker (no one in room, illness), Althea Barton (no one in room, family obligations)

Meeting called to order at 2:30pm by Chair.

Agenda review: Chair noted a request to add HB 1402 to item 8.

Minutes: Sen. Ward moved to approve the November 17, 2023 minutes, Ms. Barker seconded. Roll call: Nolin yes, Villani yes, Woodman yes, Barker yes, Barton yes

Public comments: None. Rochester resident and member of the public Tracy Walbridge joined on Zoom.

Immediate business: None

Commissioner's report/NHED updates: Mr. Carney presented the NHED Home Education Report.

Item #1 – NHED Home Education webpage update – Mr. Carney's staff is working on preparing an FAQ document to be posted as a resource to parents, school districts and adult home education completers. They're planning to develop an informational webinar to present to public school districts about the updated home education laws and rules, and schedule open office hours once a month. A timeline for these last efforts has not been developed.

Item #2 – Vacant HEAC memberships – no change

Item #3 – Home education associations – Mr. Carney reported that NHED shows only five home education associations on its resources webpage and he'd like to know if there are more that should be included. Members were not aware of any others, suggesting caution about defining "association" and the difficulties of keeping information updated. Ms. Barker said a lot of families refer to the NHED website for information.

2:49 pm – Meeting was interrupted by incident of obscene Zoombombing.

3:00 pm – Meeting continued with Ms. Barton on speaker phone. Ms. Barker did not re-join.

Item #4 – Home education commencement notifications from October 2023 to present increased by 83% over the same period last year. There are normally about 400 per year.

Item #5 – Ed 700 rulemaking status – Staff is trying to update the rules but have been unable to complete the process. They've recently hired another staff person to handle the project. Mr. Carney will keep us posted.

Item #6 – Mr. Carney said Commissioner Edelblut wants his office to work with home education organizations to promote Learn Everywhere opportunities which are open to home educated students. They are also talking with private schools about participating in the program.

Member reports: Rep. Peternel will speak during the legislative section. Rep. Ward had nothing to report regarding home education legislation, noting some legislators seem suspicious of home education methods and there's strong sentiment against anything beyond public schools.

Ms. Nolin said she received an inquiry from the mother of a high school student asking about the state requirement to complete a Free Application for Federal Student Aid (FAFSA) application. Members confirmed this requirement would not apply to 193-A home educated students, but were not sure whether it might apply to 194-F students who receive EFA funding. Members will research and report.

Ms. Barton reported that the NH Homeschooling Coalition has received many questions about legislation. Ms. Villani said CUHE is also receiving questions about how proposed legislation might impact home educated students. Ms. Woodman reported on HEAC meetings that might fall on major religious holidays, as requested by HEAC members to ensure inclusivity regardless of faith. The October 18 placeholder meeting falls during a major Jewish holiday; members agreed to take this into consideration. Ms. Barton noted Orthodox Jews observe the Sabbath beginning at sunset Friday which might preclude some from attending Friday 2:30 pm HEAC meetings. Members agreed to respect religious observations.

Ms. Woodman requested that a discussion of Prenda pods be added to the next agenda.

Rulemaking/legislative updates:

Ed 704.02 High School Equivalency Program - Admission to Testing for Home Educated Students. This issue is pending.

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. This bill was voted inexpedient to legislate on January 3.

HB 1012 exempting from criminal penalty certain parenting decisions intended to encourage a child's independence and freedom. Rep. Peternel noted this bill stems from the free child/parenting movement and relates to different viewpoints of what activities are dangerous for children. Members shared examples of a child walking barefoot or carrying a whittling knife. Ms. Woodman said the example given at the hearing was of a parent who gave their teenage daughter a firearm for protection when she walked in the woods.

HB 1610 relative to standardized assessment data for participants in education freedom accounts. This bill requires all students to participate in standardized statewide assessments.

*A statewide assessment shall be administered in all school districts, **public, nonpublic, and all learning environments** in the state once in an elementary school grade, once in a middle school grade, and one grade in high school, in **English/language arts, reading, and mathematics at minimum.***

*Home educated students [~~may~~] **shall** contact their local school districts [~~if they wish~~] to participate in the statewide assessment.*

Rep. Peternel offered that this bill would cause concern for home educated students because as written it would require them to participate in testing. Ms. Nolin said there will be an amendment to exclude

home educators. Ms. Villani said it allows public school parents to opt out, but not home educators or private school parents.

HB 1128 relative to the definition of a scholarship organization for purposes of the education tax credit. Rep. Peternel said this bill would require the organization that oversees the state's Education Funding Accounts (EFA) to be a 501(c)(3) nonprofit within the state of New Hampshire. The Childrens Scholarship Fund (CSF) which currently manages EFA funding is a New York City-based organization. Ms. Peternel explained that, before the CSF began overseeing NH's EFA program, Kate Baker had started a precursor NH organization with a different name. It wasn't operating as efficiently as Ms. Baker wanted, so she reached out to CSF in NYC. They hired her to manage the NH EFA program until enough donations were received to cover the cost of running the organization, since EFA management wasn't taxpayer funded.

Ms. Woodman said the bill sponsor's argument is that there would be more transparency to the public if CSF were a NH 501(c)(3) nonprofit organization. Some members said the CSF website is transparent with tax documents and other paperwork.

At 3:38 pm Commissioner Edelblut entered the meeting in person, thanking members for their participation and asking for questions. He emphasized that home educators have access to Learn Everywhere and encouraged participation in this and other programs. He said he thinks NH is in a good place with regard to home education statutes, though for the first time he is noting a bit more antagonism toward home education among state legislators.

Ms. Villani noted there's public confusion between 193-A home education and 194-F homeschooling, and asked the Commissioner for thoughts on how those waters might be unclouded. The Commissioner acknowledged the confusion and said he is careful to explain the four educational pathways: public, approved nonpublic, home education, and homeschool, each with different sets of laws and different requirements, with lots of blending.

Ms. Villani asked for the Commissioner's input on HEAC's recommendation of 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). The Commissioner said his office can sign off while this goes through the rulemaking process.

At 3:54 pm Commissioner Edelblut left the meeting.

HB 1652 relative to establishing a local education freedom account program. Ms. Villani said this bill would allow home educated students to be eligible for local EFA funding, but once you accept funds, you become a public school student. Members noted HB 1652 would allow public school students to leave their districts without petitioning the new school board. Funding would go to the public school and be disbursed from there, making the public school an EFA vendor. Rep. Peternel said this bill failed last year. Sen. Ward said there is a bill coming up that would expand the definition of eligible students for EFAs to students whose transfer request had been denied. There would be no cap on income at that point.

CACR 17 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. Rep. Peternel said this is a parental bill of rights and would be a constitutional amendment.

CACR 25 relating to the rights of children and parents. Providing that parents and children have the right to control their health, education, and welfare. Rep. Peternel said there is a hearing on January 30.

HB 1402 relating to establishing a procedure for a high school proficiency exam waiver of mandatory school attendance. Rep. Peternel said this bill would allow a public or nonpublic high school student to take a test that would exempt them from the compulsory education requirement before age 18, effectively testing out of high school. Ms. Barton asked whether the bill specified which test would be used to determine proficiency. Ms. Peternel said the legislature cannot recommend specific tests. The Commissioner of Education would choose the test or develop his/her own test.

SB 444 relative to the public posting of Board of Education agenda items and meeting materials. Mr. Carney said this might affect HEAC.

Continuing business:

Meeting day/time for 2024 – HEAC will keep the October religious holiday in mind.

Best Practices review – Attorney Liz Brown and Mr. Carney will meet to discuss. Attorney General is still working on advice regarding the report.

New business: None

Informational items: Mr. Carney asked for advice on how to estimate the number of home educated students in NH, saying his department doesn't have solid data. He sees around 3,000 new intent to homeschool notifications each year but doesn't have data on how many students are leaving home education because they're graduating, moving out of state, accepting EFA funding and shifting to 194-F, etc. He asked if 38,000 is a reasonable estimate based on the surveys his office has done. Ms. Barton noted that in a prior meeting Mr. Carney had reported inconsistencies in the survey results, likely the result of misunderstandings on the part of school district administrators. Mr. Carney said he does question some of the data, like a district that reported 130 preschoolers were home educated, though legally home education doesn't start until age 6. He also noted he's seen only about 20 terminations reported over the years, meaning names stay in the system even after the child is no longer home educating. Ms. Barton acknowledged the difficulties of surveying and estimating the total number of home educated students statewide. She said home education organizations' membership numbers are not a reliable source either, because a family might belong to several organizations simultaneously and so be counted multiple times, or their children might graduate but the family remains members. Other members noted other challenges, and said there's no good way to get an estimate.

Announcements: Next scheduled meetings are February 16, 2024 (if needed) and March 15, 2024.

Public comments: none

Non-public session: none

Motion to adjourn 4:23 pm made by Ms. Nolin, seconded by Ms. Woodman. Roll call: Nolin yes, Villani yes, Woodman yes, Barton yes

Minutes AB