

Home Education Advisory Council

2023-2024 Annual Report

Approved May 17, 2024

Chair April Villani

In 2023-2024, the Home Education Advisory Council (HEAC) persevered in its responsibilities as prescribed in Ed 315.09 to promote communication between the NH Department of Education (NHED), various education stakeholders, and the home education community. The council worked to enhance the understanding of home education as well as the various perspectives of the education community. It's important to note that HEAC operates in an advisory capacity only and is not involved in policy-making, fiscal matters, or taking a stance on proposed legislation. The council works to resolve differences of interpretation and opinion regarding the law, the rules, compulsory attendance requirements, dual enrollment opportunities, application of health and labor laws, and other matters. Through the years, the Commissioner has delegated various tasks to the council, and NH Department of Education staff members have consulted with the council in the formation of general policies and in addressing individual situations.

Throughout the 2023-2024 session, the Home Education Advisory Council convened in September, November, January, March, and May. Meeting minutes are accessible on the Home Education section of the NHED website. In an effort to encourage statewide participation, the council approved remote attendance at meetings following RSA 91-A:2 in September. The council successfully maintained both physical membership requirements and facilitated remote attendance and public remote presence, effectively extending the positive impact and reach of HEAC.

The council examined internal matters concerning vacancies, quorum, and procedural rules. We are optimistic that in the upcoming year, there will be a rise in membership. Every possible effort has been exerted to enlist new members to occupy the vacant positions. Currently, the NH School Boards Association, NH Association of School Principals, and three home educator seats are still available. Unoccupied seats can lead to irregular meeting attendance and meeting cancellations. Nonetheless, thanks to the dedication of committed HEAC members, we have successfully convened bimonthly meetings while maintaining a quorum. The council has also reviewed and adopted best practices to uphold our commitment to transparency, accessibility, and accountability, as well as compliance with existing laws.

HEAC members disseminated information amongst the home education community regarding educational opportunities such as the "Learn Everywhere" program and other offerings discussed during meetings. These included resources related to the solar eclipse, the Congressional Art Competition, the Currier Museum of Art Homeschool Art Studio, and the Early College Exploration Event for Home Education Families presented by the Community College System of New Hampshire

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(CCSNH), New Hampshire Pathways to High School Completion Seminar, tutoring opportunities, scholarships, volunteering, leadership programs, etc.

HIGH SCHOOL EQUIVALENCY PROGRAM - Rule Change Recommendation

Ed 704.02(f) Admission to Testing for Home Educated Students.

The Office of Adult Education is currently in the rulemaking process of revising Ed 704, which was last updated in 2013. HEAC recommends waiving the requirement for the participating agency to sign off with its approval to allow 16- and 17-year-old home educated students to take the HiSET (High School Equivalency Test) and/or General Educational Development (GED) Test, or any other similar testing, as stated in [Ed 704.02 \(f\)](#). Families argue that Ed 704.02 is incongruent relative to home educated students requiring an attestation from the Participating Agency to be admitted to testing. In New Hampshire, parents are responsible to self-certify completion of a home education program ([Ed 315.15](#)) and issue certificates for youth employment ([RSA 276-A:5.I](#)), not public school officials.

SPECIAL EDUCATION

There have been inquiries about the identification and referral process for children with disabilities in the home education community. Under the federal Individuals with Disabilities Education Act, the Child Find mandate ([34 CFR § 300.111](#)) requires all school districts to actively seek out and assess children with disabilities, regardless of the severity, from birth through age 21. This responsibility to identify children in need of special education services applies even if the school currently does not provide such services to the child. Further discussions, research, and recommendations are necessary to clarify the information that should be conveyed to parents regarding Child Find and public-school evaluations. Additionally, school districts can be encouraged to provide special education therapies to home educated students under the Optional Services law, [RSA 189:49](#).

WIDESPREAD PUBLIC CONFUSION: 193-A vs. 194-F

As the popularity of home education grows and alternative schooling options become more customizable, there exists a need to facilitate communication among representatives of all forms of education. Members of HEAC frequently receive inquiries regarding the confusion surrounding the use of Education Freedom Accounts and seeking guidance to clarify the distinct differences between students being educated under RSA 194-F Education Freedom Accounts and RSA 193-A Home Education. It is essential for parents and education stakeholders to understand the distinct legal requirements and opportunities associated with each of these education pathways.

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In response to the concerns about what education programs fit the definition of home education under RSA 193-A, the council made the following clarifications. The same clarifications were made in 2021-2022.

1. Parents can choose their child’s curriculum which does not need to be aligned with state standards;
2. Parents have multiple choices for annual assessment which need not be standardized testing and does not need to be NH State assessments;
3. Parents are not required to submit *any* testing or assessment data to any department or agency of the state;
4. Parents have multiple choices for home education notification “participating agencies” including a participating NH nonpublic school;

Therefore, the council recommends that any education program—whether a NH charter school, a program created by federal contract or money, or other program of the State of NH—that does not allow for these freedoms should not fall under RSA 193-A Home Education. Rather, programs that do not adhere to these principles 1-4 above should be categorized under an alternative option to satisfy NH RSA 193:1 Compulsory Attendance Law.

COMMENDATIONS

The council expresses its gratitude to Mr. Timothy Carney, NHED Administrator of Educational Pathways, for his dedicated support of home education and HEAC. Mr. Carney consistently collaborates with HEAC relaying our inquiries and communications to the Commissioner and NHED, furnishing NHED Home Education Reports with helpful updates and information, revising the NHED webpages in an ongoing effort to clarify the difference between the educational pathways of “Home Education” (RSA 193-A) and “Homeschool” via Education Freedom Accounts (EFA) (RSA 194-F), and more. Mr. Carney’s active involvement as the council’s liaison is undeniably appreciated and essential.

We convey our sincere thanks to Sen. Ruth Ward (District 8) and Rep. Katy Peternel (Carroll - District 6) for generously sharing their insights and expertise with us on the various bills presented during this session. Several bills introduced by our legislative body raised concerns within the home education community, particularly HB628 and HB1610. HB628 required certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers. The home education community considered the possibility it could mean they may be required to have background checks to teach their own children or have

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other children in their home. Meanwhile, HB1610 relative to standardized assessment data for participants in education freedom accounts included this statement: “*home educated students shall contact their local school districts to participate in the statewide assessment.*” Currently, RSA 193-A does not mandate state assessment testing for home education students. Both bills faced strong opposition from home education families and advocates and ultimately did not pass.

As the number of home education students increases across the state, HEAC is committed to serving the home education community and providing input to the Commissioner and the State Board of Education on arising issues and rule changes.

On behalf of the Home Education Advisory Council, I would like to thank the State Board of Education for dedicating time to familiarize itself with the council’s efforts. We are committed to serving as a valuable resource for the home education community, education stakeholders, and the NH Department of Education.

Respectfully submitted,

April Villani, Chair
Home Education Advisory Council

Home Educator Advisory Council

April Villani, Chair
Catholics United for Home Education

Rep. Katelyn Kuttab
NH House of Representatives

Althea Barton, Secretary
NH Homeschooling Coalition

Dianne Nolin
Catholics United for Home Education

Heather Barker
NH School Administrators Association

Rep. Katy Peternel
NH House of Representatives

Jill Grant
Nonpublic School Advisory Council

Sen. Ruth Ward
NH Senate

Michael Koski
Home Education Community

Rebekah Woodman
Home Education Community

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Establishment of HEAC

The home education law, [RSA 193-A](#) Home Education, Ch. 279 Laws of 1990, established home education as an alternative to compulsory attendance at school ([RSA 193:1](#)) and created the Home Education Advisory Council (HEAC).

The purpose of the original legislation was stated as follows:

The general court recognizes, in the enactment of RSA 193-A as inserted by section 3 of this act, that it is the primary right and obligation of a parent to choose the appropriate educational alternative for a child under his care and supervision, as provided by law. One such alternative allows a parent to elect to educate a child at home as an alternative to attendance at a public or private school, in accordance with RSA 193-A. The general court further recognizes that home education is more individualized than instruction normally provided in the classroom setting.

The Home Education Advisory Council consists of six persons nominated by home educator associations organized within New Hampshire, two persons nominated by the commissioner of the Department of Education, one person nominated by each of the following education associations: the New Hampshire School Administrators Association, the New Hampshire School Boards Association, the New Hampshire School Principals Association, the Non-Public School Advisory Council, and three non-voting members representing the New Hampshire Legislature: one appointed from the Senate Education Committee by the President of the Senate, two appointed from the House Education Committee by the Speaker of the House. The chair of the council is elected from among the home educator members. A list of the members of the council is attached.

The Council was modeled, in part, after the Non-Public School Advisory Council to provide a forum for the exchange of ideas and concerns of educators/administrators and home education parents.

The duties of the Council as prescribed in administrative rules:

[Ed 315.09 The Home Education Advisory Council.](#)

(a) The home education advisory council shall carry out those duties assigned to it by the commissioner. The council shall work with home educators and representatives of private and public education to encourage an understanding of home education.

(b) The home education advisory council shall comply with RSA 91-A. Minutes of home education advisory council meetings shall be maintained by the department.

(c) Assigned areas of responsibility for the council shall include the following:

(1) Developing and maintaining effective communications between home educators and those public and nonpublic schools and state and local agencies involved in home education;

(2) Recommending to the commissioner and state board of education desired changes in rules pertaining to home education;

(3) Establishing a grievance committee to hear grievances referred to it by the commissioner; and

(4) Providing an annual report to the state board on its activities.