



Subject: Home Education Programs

Legal Reference: RSA 193-a; Ed 315

This Technical Advisory provides the New Hampshire Department of Education's (the "Department's") guidance regarding the legal requirements to establish a home education program.

RSA 193-1 requires all New Hampshire children "at least 6 years of age and under 18 years . . . to attend the public school to which the child is assigned in the child's resident district." The statute sets forth various exceptions to this requirement, including when a child is "receiving home education pursuant to RSA 193-A."

In response to the COVID-19 pandemic, some New Hampshire families have filed intent to home educate notices pursuant to RSA 193-A commencing for the 2020-2021 school year. The Department has received substantial feedback from parents regarding school districts' home school policies, many of which are either out-of-date, purport to impose additional, extra-statutory requirements for home education notices/programs, or both. This Technical Advisory sets forth the requirements for intent to home educate notices and clarifies that districts may not add requirements not imposed by the statute or State Board of Education Rules.

Statutory Requirements for Intent to Home School Notices Pursuant to RSA 193-A

Notice

A family that elects to commence a home education program must send a notice to a "participating agency," which means either the superintendent of their resident school district, a private school, or the Commissioner of the NH Department of Education. The family is free to elect the participating agency to which they send notice—the district policy may not require a specific selection.

The notification only requires the student's name, address, and date of birth. Additional information, such as the duration of the intent to home educate or information about the home education program's curriculum, may not be required in the intent to commence a home education notice.

Acknowledgment

Once a home education notification is received by a participating agency, that agency must send an acknowledgment to the family within 14 days. The agency may not impose additional requirements on the student or family in addition to the statutory notice requirements set forth above.

Only One Notice/Acknowledgment is Required

In the Department's review of district policies, several districts purported to require families to file annual notices indicating a continuation of the home education program. Pursuant to RSA 193-A:5, however, a



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family is only required to file a single notice of an intent to home educate. Such notice shall continue in effect until it is terminated by the family pursuant to RSA 193-A:5, III.

Similarly, it has come to the attention of the Department that in their acknowledgments, some districts are indicating that their acknowledgment is only effective for the current school year, e.g., “the District accepts your intent to home school for the 2020-2021 school year.” This is improper pursuant to the statutory framework. The acknowledgment must simply acknowledge that the family has commenced a home education program, which election is effective until terminated pursuant to RSA 193-A:5, III.

Districts are Encouraged to Review Their Policies and Revise Them if they are Out of Date

RSA 193-A was most recently amended in 2012. In its review of district policies, the Department noted that many district policies pre-date the current statute. This may be the source of at least some of the noted inconsistencies between district policies and the statutory requirements. As such, districts are strongly encouraged to review and, if appropriate, update their policy to ensure statutory compliance.

Communication with Home Education Parents

Many district policies purport to require periodic “check-in meetings” with home education families. Required meetings are not appropriate and are not consistent with RSA 193-A. Of course, many parents of home education students may seek out communication with the district, especially if they plan to return their child to the district school in a subsequent school year. Such communication is encouraged where sought by the family, but districts must understand that they cannot require such periodic check-ins. They may be offered, but they may not be mandatory.

Additional Items that May Not Properly be Included in a District’s Home Education Policy

The Department’s review of district policies revealed a number of impermissible requirements purportedly placed on home education programs. The following is a non-inclusive list of requirements that districts *may not* include in their home education policies:

- Additional requirements on home education students for participation in district curricular or co-curricular activities to which district students are not subject;
- District review of the home education academic program and curriculum;
- Specification of the method of evaluation pursuant to RSA 193-A:6 (this is a parent decision);
- Annual home education notices

For assistance or to address questions or concerns: Contact:

Stephen W. F. Berwick, CPS/CPM

Phone: (603) 271-2299

Stephen.Berwick@doe.nh.gov

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