

Subject: Home Education

Legal Reference:

New Hampshire RSA 193:A
 ED 315.04

This advisory is in response to questions the NH Department of Education has received regarding home education. **Blue** reflects statutory language. **Red** reflects rules adopted by the State Board of Education pursuant to RSA 541-A. The NH Department of Education continues to work with the State Board of Education and the Home Education Advisory Council to ensure that the administrative rules accurately reflect the statutory purpose.

New Hampshire RSA 193-A was amended in 2012 (HB 545 and HB 1571) to revise the notification and rulemaking procedures for Home Education Programs. In addition, the law prohibits a school district official from proposing, adopting, or enforcing any policy or procedure governing home educated pupils that is inconsistent with or more restrictive than the provisions of [RSA 193-A, *Home Education*] and any rules adopted pursuant to RSA 193-A:3 [Rulemaking]. (RSA 193-A:11).

Home Education, Defined (RSA 193-A:4, I-II)

Instruction **shall** be deemed home education if it consists of instruction in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music. Home education **shall** be provided by a parent for his own child, unless the provider is as otherwise agreed upon by the appropriate parties (the parents, the department of education, resident district superintendent, or a nonpublic school). Additionally, the department of education, resident district superintendent, or a nonpublic school **shall** work with parents upon request in meeting the requirements of this section.

Department comment: *This section provides mandatory subject requirements for a Home Education Program. Additionally, it requires the department of education, resident district superintendent, or a nonpublic school to work with parents **upon request** in meeting these requirements; however, the parent is **not** required to provide a plan for meeting these requirements in order to establish a Home Education Program. The parent is **only** required to provide adequate notice of the commencement of a Home Education Program as outlined below.*

Notification of Commencement (RSA 193-A:5, I-II, IV; Ed 315.04; Ed 315.05)

Any parent commencing a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall notify the commissioner of the department of education, resident district superintendent, **or** principal of a nonpublic school of such within 5 business days of commencing the program.

Notification made by the parent [...] **shall** include:

- (1) **The date on which the program will begin or has begun;**
- (2) **The name and full address, including street and town, of the child;**
- (3) **The child's date of birth;**
- (4) **The name and address of the parent(s); and**
- (5) **A phone number at which the parent(s) may be reached during normal business hours.**

A participating agency or school district **shall not require information in addition to the information required above.** The parent of a child currently enrolled in a public school in the resident district **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. A resident district superintendent or commissioner or non-public school **shall** assist the parent

making notification in complying with RSA 193-A:5.

No fee **shall** be collected for this service by the resident district superintendent or by the commissioner. Participation in home education programs **shall** be optional for nonpublic schools which **may** charge a fee for this service.

Resident district superintendents or nonpublic school principals as participating agencies **shall** maintain a list of all home education programs for which they have received notification. This list **shall** contain the name, date of birth and address of each child for whom a home education program is established. On October 1 of each year, the participating agency **shall** notify the commissioner of the number of children for whom programs were established.

Department comment: Notification of establishment of a Home Education Program is only required one time; it is **not** required annually. See attached notification template. Once a parent has provided written notification with the information required in Ed 315.04(b), the Home Education Program remains established until such time as the parent terminates the program. All participating agencies should be aware of the timelines associated with acknowledging receipt of the home education notification listed in Ed 315.04(g-j)

Notification of Termination (RSA 193-A:5, III; Ed 315.04(m))

Written notice of termination of a home education program **shall** be filed by the parent with the commissioner of education, and, in addition, the resident district superintendent or nonpublic school principal within 15 days of said termination. A parent wishing to voluntarily terminate an established home education program **shall** notify the commissioner and the participating agency in writing within 15 business days of satisfying any one of the alternatives for compulsory attendance listed in RSA 193:1 such as enrollment in a public or non-public school.

Department comment: These notifications can be provided in a single notification document or separate notifications documents as appropriate in accordance with the timelines above.

Transfer of Home Education Program (Ed 315.04(k))

A home education program established in accordance with [Ed 315.04] **shall** remain in effect unless terminated in accordance with [Ed 315.04(m)]. If a program is transferred because of a change in resident district for the child or by choice of the parent, the program **shall** continue under the new participating agency. The following **shall** apply to transfer of home education programs:

- (1) If the child moves and the parent wishes to continue a program which was established with the former resident district superintendent as the participating agency and selects the new resident district superintendent as the new participating agency, the parent **shall** so inform both superintendents in writing;
- (2) In any other case, both the participating agency with which the program was established and the new participating agency **shall** be informed in writing by the parent; and
- (3) In either (1) or (2) above, upon notification in writing by the parent of a change in participating agencies, the former participating agency **shall** transfer all pertinent records to the new participating agency.

Records and Evaluation (RSA 193-A:6; Ed 315.04(d); Ed 315.06; Ed 315.07)

Evaluations are **not** required to be turned into a participating agency; however, a parent **shall** maintain a portfolio of records and materials relative to the home education program. The portfolio **shall** consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio **shall** be preserved by the parent for two years from the date of the ending of instruction.

The parent **shall** provide for an annual educational evaluation, in which is documented the child's demonstration of

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educational progress at a level commensurate with the child's age and ability. The child **shall** be deemed to have successfully completed his annual evaluation upon meeting the requirements of any one of the following:

- (1) A certified teacher or a teacher currently teaching in a nonpublic school who is selected by the parent **shall** evaluate the child's educational progress upon review of the portfolio and discussion with the parent or child;
- (2) The child **shall** take any national student achievement test, administered by a person who meets the qualifications established by the provider or publisher of the test. Composite results at or above the fortieth percentile on such tests **shall** be deemed reasonable academic proficiency;
- (3) The child **shall** take a state student assessment test used by the resident district. Composite results at or above the fortieth percentile on such state test **shall** be deemed reasonable academic proficiency; or
- (4) The child **shall** be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal.

Department comment: *The results of the aforementioned evaluation provide a basis for a constructive relationship between the parent and the evaluator, both working together in the best interest of the child. The evaluation **may** be used to demonstrate the child's academic proficiency in order to participate in public school programs, and co-curricular activities which are defined as school district-sponsored and directed athletics, fine arts, and academic activities. Home educated students **shall** be subject to the same participation policy and eligibility conditions as apply to public school students. **At no time, and under no circumstances, shall the evaluation be used as a basis for termination of a home education program.***

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