

HB 1663 - AS INTRODUCED

2022 SESSION

22-2543

10/05

HOUSE BILL **1663**

AN ACT relative to requirements for home education students.

SPONSORS: Rep. Layon, Rock. 6; Rep. Rice, Hills. 37; Rep. Moffett, Merr. 9; Rep. Nunez, Hills. 37; Rep. A. Lekas, Hills. 37; Rep. Notter, Hills. 21; Rep. Cordelli, Carr. 4

COMMITTEE: Education

ANALYSIS

The bill clarifies provisions for home education programs concerning notifications required for students moving to a new district, educational evaluations, and termination of home education.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to requirements for home education students.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Access to Public School Programs by Nonpublic, Public Chartered Schools, or Home Educated
2 Pupils. Amend RSA 193:1-c, I to read as follows:

3 I. Nonpublic, public chartered school, or home educated pupils shall have access to
4 curricular courses and cocurricular programs offered by the school district in which the pupil resides.
5 The local school board ~~may~~ **shall** adopt a policy regulating participation in curricular courses and
6 cocurricular programs, provided that such policy shall not be more restrictive for non-public, public
7 chartered school, or home educated pupils than the policy governing the school district's resident
8 pupils. In this section, "cocurricular" shall include those activities which are designed to supplement
9 and enrich regular academic programs of study, provide opportunities for social development, and
10 encourage participation in clubs, athletics, performing groups, and service to school and community.
11 For purposes of allowing access as described in this section, a "home educated pupil" shall not
12 include any pupil who has graduated from a high school level program of home education, or its
13 equivalent, or has attained the age of 21.

14 2 Home Education Defined. Amend RSA 193-A:4, I to read as follows:

15 I. Instruction shall be deemed home education if it consists of instruction in science,
16 mathematics, language, government, history, health, reading, writing, spelling, the history of the
17 constitutions of New Hampshire and the United States, and an exposure to and appreciation of art
18 and music. Home education shall be provided, **coordinated, or directed** by a parent for his **or her**
19 own child~~[, unless the provider is as otherwise agreed upon by the appropriate parties named in~~
20 ~~paragraph H].~~

21 3 Home Education Program; Notifications. Amend RSA 193-A:5, I - III to read as follows:

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

27 II. Notification made by the parent pursuant to paragraph I shall include a list of the
28 names, addresses, and birth dates of all children who are participating in the home education
29 program.

30 III. Written notice of termination of a home education program shall be filed by the parent
31 with the commissioner of education~~[,]~~ and~~[, in addition,]~~ the resident district superintendent or

1 nonpublic school principal *notified under paragraph I* within 15 days of said termination. *Any*
2 *parent who previously notified the resident district superintendent of a home education*
3 *program who moves from said district shall notify the original resident district*
4 *superintendent that the child has moved from the district.*

5 4 Home Education; Educational Evaluation. Amend RSA 193-A:6, II to read as follows:

6 II. The parent shall provide for an annual educational evaluation in which is documented
7 the child's demonstration of educational progress at a level commensurate with the child's age and
8 ability. The child shall be deemed to have successfully completed [~~his~~] *an* annual evaluation upon
9 meeting the requirements of any one of the following:

10 (a) A certified teacher or a teacher currently teaching in a nonpublic school who is
11 selected by the parent shall evaluate the child's educational progress upon review of the portfolio
12 and discussion with the parent or child;

13 (b) The child shall take any national student achievement test, administered by a person
14 who meets the qualifications established by the provider or publisher of the test[~~—Composite results~~
15 ~~at or above the fortieth percentile on such tests shall be deemed reasonable academic proficiency~~];

16 (c) The child shall take a state student assessment test used by the resident district[~~—~~
17 ~~Composite results at or above the fortieth percentile on such state test shall be deemed reasonable~~
18 ~~academic proficiency; or~~];

19 (d) The child shall be evaluated using any other valid measurement tool mutually
20 agreed upon by the parent and the commissioner of education, resident district superintendent, or
21 nonpublic school principal[~~—~~]; *or*

22 (e) *A child with a disability as defined in RSA 186-C:2, I, shall be evaluated with*
23 *the disability in mind and shall not be subject to more restrictive evaluation criteria in the*
24 *home education setting than a child with a similar disability in a traditional school*
25 *setting appropriate to such disability.*

26 5 Home Educated Students. Amend RSA 193-A:11 to read as follows:

27 193-A:11 Authority of School District Officials. No superintendent, school board, school
28 principal, or other school district official shall propose, adopt, or enforce any policy or procedure
29 governing home educated pupils that is inconsistent with or more restrictive than the provisions of
30 this chapter and any rules adopted pursuant to RSA 193-A:3. *Home educated students entering*
31 *a public school shall be enrolled based upon age and address unless the receiving school*
32 *requires academic progress for promotion of existing students, and shall not require*
33 *student portfolios or test scores unless students within the school are stratified or placed by*
34 *academic performance.*

35 6 Effective Date.

36 I. Section 1 of this act shall take effect 90 days after its passage.

37 II. The remainder of this act shall take effect upon its passage.