

Home Education Advisory Council 2016 – 2017 Annual Report

During this past year, the Home Education Advisory Council spent some time working on internal issues related to vacancies, quorum, and procedural rules. By the end of our session all of the vacancies were filled. We will continue to work on Council procedures during the upcoming session.

Aside from regular inquiries related to getting started, finding or borrowing curricular resources, and record keeping, the Council continues to hear from home educators about the following persistent issues:

DCYF/EDUCATIONAL NEGLECT ALLEGATIONS

For the January HEAC meeting, the chairman pulled together a list of all of the contacts reported by HEAC members regarding DCYF and home education since the law change in 2012 removed the DOE hearing for allegations of educational neglect:

Number Of HEAC Contacts Re: DCYF & Home Education As of 1/12/2017	
2013	1
2014	1
2015	3
2016	6
2017	2 as of 1/12/17

The Council is concerned that DHHS/DCYF staff members, who are neither education experts nor trained in the various methods of home education, will be making decisions about home education programs referred for allegations of educational neglect. The Council sent a request to DHHS for statistical data on home-educational neglect allegations received, substantiated, and adjudicated by DCYF.

DCYF was able to provide the last three state fiscal years (SFY) of data, as prior to that the data may have been purged according to RSA 169 C:35-a. Information they provided pertains to children and youth who were involved in an assessment that closed during the specified SFY. Assessments closed during a SFY could have been received up to a year or more prior to closing. DCYF did not provide data specific to homeschooling as that is not something routinely documented in assessments.

	Unduplicated Alleged Victims Of Educational Neglect	Unduplicated Victims With A Finding Of Educational Neglect
SFY 2014	384	30
SFY 2015	540	52
SFY 2016	592	34

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Follow up questions were answered as follows:

- HEAC: Can an analysis be conducted of the 34 cases investigated with a finding in 2016? Were they substantiated or adjudicated?
- DCYF: Of the 34 children involved in an assessment with a finding of educational neglect, 23 had petitions adjudicated in court regarding the educational neglect.
- HEAC: In the 34 cases, was education the only issue being investigated?
- DCYF: Of the 34 children with a substantiation of educational neglect, 16 had no other allegation of concern during the assessment that led to the finding of educational neglect.
- HEAC: Can the 34 substantiated cases of educational neglect be analyzed by DCYF to find out if they were home education cases, and if there were other allegations being investigated concurrently.
- DCYF: There is currently no way to pull data to differentiate home educational neglect from other educational neglect.

A member of the public who attended a Council meeting reported that as a former DHHS employee they knew that the 34 case files could be researched by hand to determine the answers to our questions.

Many of the contacts HEAC members receive regarding DCYF and home education are from law enforcement officers, medical practitioners, and school administrators seeking unavailable information about specific children. In one case this year, a school administrator received a letter from DCYF asking if a particular family with multiple children was compliant with home education law. Apparently there had been a report of neglect, and DCYF was following up with the district. The district was unaware of either the family or their home education status. The district called the family to ask why they weren't registered as home educators, and had been told that they are using a nonpublic school as participating agency, which is well within the scope of the law.

Other contacts come from families. For example, a parent of four children sought assistance after DCYF initiated an investigation. Their sixth-grade child, with severe muscular dystrophy and the cognitive function of a 3-year-old, had been getting many respiratory infections at school. The school district refused homebound instruction under IDEA, so the mother decided to home educate due to the child's fragile medical condition. They had been receiving occupational and physical therapies through private insurance. The child was noncompliant in an evaluation with an examiner who failed to develop rapport, which resulted in a finding of "inability to benefit", and they were dropped from insurance coverage, losing their access to therapies. The family came back from a trip to find severe water damage in their home. They couldn't stay in the house for four months while it was being repaired, and they were living in temporary housing. Nevertheless, the children have made progress. The special needs child is beginning to read, but progress is slow. Someone reported them to DCYF for educational neglect. DCYF demanded that each child be working fully within a single grade level, which is outside the scope of the home education law.

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In other instances, family members are concerned that their minor-relatives are not receiving an education at home. When the DOE had a phone call from a concerned grandparent, they explained that it is not within the Department's ability to investigate home education programs. Inquiries of this nature must go to DCYF under the current procedural structure.

VLACS

Home Education Advisory Council members continue to receive many contacts regarding the use of VLACS, a public charter school. In some cases families are not planning to homeschool at all, and in other cases they intend VLACS to provide most or all of the "home education". This is a confusing situation for families. A few of the examples from this year:

- A parent withdrew a youth from public high school, planning to transfer directly to VLACS. VLACS helped the parent get set up with a home education program to be in compliance with compulsory attendance law, but the parents had no intention of providing home education.
- A public high school student has had chronic illnesses this year and needs to focus on improving their medical condition. They are planning to do a part-time trial course with VLACS. They plan to delay all other subjects until after the trial period in order to focus on medical care, but they are filling out a home education notice of intent in the meantime to prevent truancy.
- A parent withdrew a child from a local public school district last year, in eighth grade, and applied to become a full time student at VLACS. They filed a homeschool notice of intent while awaiting full time acceptance at VLACS in order to maintain compliance with compulsory attendance law, but never intended to homeschool. The parent thought the student had been accepted as a full time student with VLACS, but was recently told otherwise when they contacted guidance to obtain help because the student has been struggling with staying focused on the program and is behind schedule in the courses.
- A parent who has had an adversarial relationship with the local school district decided to homeschool their high school freshman. The student had an IEP when in school. The parent was required to file a notice of intent to home educate in order to maintain compliance with compulsory school attendance. The parent is now in the process of integrating the student into full time VLACS, which is requiring an updated IEP to give the student necessary accommodations. The local school district refused to update the IEP because the child is considered to be homeschooling and no longer enrolled in public school.

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SPECIAL EDUCATION

Parents of children with special education needs continue to express concern about lack of resources and losing services when initiating home education programs. In particular, parents are seeking help with supportive therapies, as well as with choosing an appropriate curriculum to meet their child's special education needs. A new concern expressed by more than one family this year was fear of retaliation or persecution by the school district upon withdrawing special needs children to initiate home education.

EQUAL ACCESS

Questions and conflicts regarding access to public school programs continue to be heard by HEAC members. I highlight a couple of instances:

- The parent of a child with social delays who will be 6-years-old by the end of September wants to enroll in public kindergarten, but the district only offers a half-day program which does not meet compulsory attendance requirements. As a result of the district requiring the child to enroll in first grade, the parent has chosen to provide home education instead, and wishes to have the child participate in the kindergarten program part time. It was unclear whether or not the school would be amenable to this arrangement.
- An academically-advanced home-educated seventh-grade student has lofty goals for a future career in science. They have taken an assessment showing that they are able to do advanced work, and requested to take a science class only offered by their local school district at the high school. They were denied access to the course due to the student's age. The district stated it was a school policy, but it was not in writing. In fact, state guidelines require districts to provide advanced coursework to students. The district would not capitulate.
- A public high school advertised in a local newspaper a registration period for students who wanted to take the SAT. A home educated student in that district contacted the school to register and was told that they would be put on a waiting list and only allowed to take the test if there was enough room after the public school students had registered.

The statutory oversight reported on last year, which bars some private, charter, and home educated pupils from accessing public school programs, still has not been addressed. Because the language of RSA 193:1-c states that these students "shall have access to curricular courses and co-curricular programs offered by the school district in which the pupil resides", students who live in small school districts with no resident middle or high school can be denied access to programs at schools that their public school peers attend through tuition agreements.

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CREDIT/DIPLOMA REQUESTS

Finally, I'd like to call your attention to an issue which has been increasing in frequency in the past few years. Whether parents have been providing direct instruction, using distance learning or online programs, or hiring tutors and having "co-operatives" do all the teaching, more high school students are being educated outside of traditional school environments than previously. While many of these students have been home educated in the long term, an interesting trend is that of parents choosing to withdraw students from public school part-way through high school. When these students are nearing completion of their high school studies, parents are increasingly seeking "credits" and a "diploma". They do not seem to realize that credits are a moot point because there is no accredited diploma to be awarded at the end of their home education program. Some pertinent cases from this past year:

- A parent, who is homeschooling a number of students using a private online school which will provide high school transcripts and a diploma, was looking for a list of subjects/credits needed for a NH state diploma to be sure the children are "getting all of their credits for high school graduation."
- A high school junior, who attended a private school for ninth and tenth grades, is being home educated this year for eleventh grade while also taking two electives at the local high school. The student will have 17.5 credits by the end of the school year. The state requires 20 credits, and the school district requires 24 credits. The parent wanted to know how many credits the student needs to graduate.
- A parent, who has been providing home education using tutors for the past four years, needs a resource for English and algebra for the student now in grade 11. They wanted to know how many hours are required by law per subject. They noted that they have been taking advice from homeschoolers in Massachusetts about what to do upon graduation.
- A 17-year-old student was described by the parent as being "part homeschooled and goes to the high school part time" while also taking two courses using VLACS. The parent is working with the student on English, and wants someone to give a proper English assessment to get credit for the year.

These anecdotes are representative of the policy issues and concerns currently affecting New Hampshire home educators and institutional education stakeholders with whom we interact.

Respectfully submitted,

Amy Gall, Chair