

April 5, 2022

To: Senate Education Committee

From: Michelle Levell, Granite State Home Educators

Re: HB 1663 relative to requirements for home education students

Dear Honorable members of the Senate Education Committee,

My name is Michelle Levell and I am the director and a co-founder of Granite State Home Educators. GSHE is an all-volunteer 501c4 non-profit. We have approximately 6,000 members around the state and nine social media accounts with over 14,000 participants.

GSHE supports HB 1663 because it addresses important aspects of home education statute; it resolves some inconsistencies and gives parity to homeschoolers relative to students in other educational programs. This bill impacts unfunded homeschooled students that follow RSA 193-A, not those participating in the Education Freedom Account program that are governed by RSA 194-F, to make the distinction clear.

There are five parts to HB 1663.

Part 1 requires school boards to adopt an Equal Access policy.

The current statute says school boards may adopt an Equal Access policy. HB 1663 changes “may” to “shall.” This is a simple change that ensures taxpaying homeschooling families have access to curricular and co-curricular programs at their local schools.

Families pay local taxes that go to their district schools whether or not they enroll their children. In fact, unfunded homeschoolers are a tax savings to their local districts and the state. [According to research using the US census, estimated homeschool numbers, and the average cost per public-school pupil as of 2017](#), homeschooled children represent a savings of \$80.7 million dollars to New Hampshire. By comparison, the [average cost per public-school pupil](#) is over \$18,000 according to the NH Department of Education’s latest data.

I recently completed [research to examine districts’ home education policies](#) using a sampling of 100 SAUs across New Hampshire. Of these 100 SAUs, 36 do not have an Equal Access policy as written in [RSA 193:1-c](#). Failing to have an Equal Access policy denies taxpaying families the option to participate in programs that they subsidize.

If resident students participate in classes or activities at their local district high schools, SAUs are compensated per [RSA 198:38](#). Changing “may” to “shall” does not represent an additional cost to districts.

Also, this change does not demand homeschooling students get the coveted spot on a sport team or in a theater production. It simply gives them a chance to enroll in classes and try out for those activities. Families simply want the opportunity to participate in programs at their local schools that they already financially support.

Part 2 removes language that could imply home education needs approval by a participating agency.

New Hampshire state and local education institutions are not accountable for homeschooled students' academic outcomes, progress, advancement, or graduation. They do not approve, authorize, or supervise home education programs and are not liable for these students' outcomes or achievements.

The simple change in HB 1663 clarifies that home education is "provided, coordinated, or directed" by families, not these educational institutions, for homeschooled students' learning. This new language makes it clear that the responsibility lies with families.

As I researched NH district policies, I found some that expressly say homeschooling families need to consult with their local SAU to use other educational providers. This is exactly why "coordinated or directed" must be added to the definition of home education.

Parts 3 and 4 eliminate inconsistencies regarding who to notify and when.

Currently the initial and termination notifications have inconsistent requirements in [RSA 193-A](#). Upon beginning a home ed program, families are given three options: they may inform their local SAU office, a private school that offers participating agency services, or the NH Department of Education. This is in RSA 193-A:5, I. However, upon terminating their home ed program, they are required to inform the NH Department of Education and their local SAU or the private school that they used as their participating agency, according to RSA 193-A:5, III. The proposed change keeps the notification options consistent and protects student privacy.

HB 1663 also simplifies the language regarding how notifications work when a child moves from one district to another as this has been an area of confusion.

Part 5 (I) explicitly states the portfolio remains the private property of the family.

Homeschool portfolios consist of the children's reading lists and work samples from various points of their academic year, plus their annual assessments. It reflects their learning, their efforts, and because home education is also how a family raises their children, portfolios also reveal their lives. NH home education law must clearly state that portfolios remain the private property of the family and not belong to anyone else or education entity.

Part 5 (II)(a) adds protection for home-educated children with special education differences.

HB 1663 also seeks to protect homeschooled students who have special-education challenges. They are a fast-growing segment of the homeschool community and they need clear protection stated in the law. The current statute says "progress commensurate with age and ability." HB 1663 provides

language that acknowledges and protects those students who have disabilities by explicitly taking their differences into consideration for their annual assessments.

Part 5 (II)(b) removes unequitable academic achievement thresholds.

Currently, unfunded homeschooled students are the only educational pathway that has individual student academic achievement requirements written into state law. The current home-education statute says a child must show “progress commensurate with age and ability.” It further states that if the family uses a standardized test for the annual assessment, that the child must achieve a composite score at or above the 40th percentile to demonstrate academic proficiency. Achievement at or above the 40th percentile means that 39% of students fail automatically. This standard is unique to unfunded home-educated children.

By comparison, Prenda students, who are enrolled in the Recovering Bright Futures program and funded by a \$6 million federal grant, [may opt-out of the statewide assessment](#) like their public-school peers and have no academic achievement standard. [Funded Education Freedom Account students](#) have no performance requirement, yet have an average of \$4,500 state adequacy money follow the child. Students participating in [town-tuitioning programs](#) also have no academic achievement requirement in statute and have local tax money follow them to an out-of-district or private school. [Students in public schools cost an average of \\$18,000](#), yet do not have individual academic achievement requirements in statute.

Just like other states, New Hampshire’s public schools struggled with learning loss in 2020 due to the pandemic. However, the statewide achievement scores indicate generally low proficiency across all three subject areas before Covid was a factor. According to state statute [RSA 193-H:2](#), public-school districts were required to have “all pupils at the proficient level or above on the statewide assessment by the 2018-19 school year.” That benchmark was not achieved.

[The statewide assessment proficiency scores](#) for the past six years are below.

	2021	2020	2019	2018	2017	2016
ELA	52%	Covid	56%	58%	59%	61%
Math	38%	Covid	48%	48%	49%	49%
Science	37%	Covid	39%	41%	36%	35%

In addition, public-school students may opt-out of the statewide assessment per [RSA 193-C:6](#); home-educated students are required to do some kind of annual assessment and do not have an opt-out choice.

The academic achievement on a standardized test of the 40th percentile or above is an unequitable requirement, particularly given that home-educated students do not receive federal, state, or local dollars.

Note that the proposed changes to RSA 193-A:6 do not remove the annual assessment requirement; home-educated students are still required to administer some type of assessment and the options remain the same -- a standardized test, an evaluation by an education professional who either has certification or is currently teaching in one of NH's private schools, or another agreed upon method. These are not altered in HB 1663.

In closing, please support thousands of unfunded home-educated students and pass HB 1663. Homeschoolers are not asking for funding, services, or special favors. We simply want some important details cleaned up in the statute, privacy, explicit protection for our special ed children, and a level playing field.

Please give HB 1663 an Ought to Pass vote.