

HOME EDUCATION ADVISORY COUNCIL (HEAC)
NH DEPT OF EDUCATION – GRANITE STATE COLLEGE BUILDING – 25 HALL ST.
CONCORD, NH
FRIDAY, MAY 19, 2023 ~ 2:30 PM

AGENDA

1. **CALL TO ORDER ~ 2:30 PM** – Mrs. Villani, Vice Chair
2. **APPOINTMENTS/RESIGNATIONS**
 - 8/31/2023 Term Expirations: Michael Koski, Michelle Levell, Jennifer Pereira
 - Recruitment for vacancies *Membership per [RSA 193-A:10](#)*
 - (1) Home Educator Association
organized within NH
 - (1) Commissioner Nominee
 - (1) NH School Boards Association
 - (1) NH Association of School Principals
 - (1) Nonpublic School Advisory Council
3. **AGENDA REVIEW** – Vice Chair
4. **MINUTES OF PREVIOUS MEETING** – [April 21, 2023](#)
5. **PUBLIC COMMENTS** – 10 Minutes
6. **IMMEDIATE BUSINESS**
 - 2022-2023 Annual Report *Provided to the State Board per [Ed 315.09\(b\)\(4\)](#) **Vote to accept***
7. **COMMISSIONER'S REPORT/Updates from NH Department of Education**
8. **MEMBER REPORTS**
 - Legislators – Sen. Ward, Rep. Kuttub, & Rep. Peternel
 - Christian Home Educators NH and S. Maine – Mr. Koski
 - Catholics United for Home Education – Mrs. Pereira
 - Granite State Home Educators – Mrs. Levell
 - Home Education Community – Ms. Woodman
 - New Hampshire Homeschooling Coalition – Mrs. Barton
 - NH School Administrators Association – Ms. Barker
9. **NEW BUSINESS**
 - What is a “certified teacher” as it pertains to home education portfolio evaluations?
[RSA 193-A:6, II\(a\), Ed 315.08](#)
 - **HiSET** (NH High School Equivalency) technical issues
 - **Concord Monitor** article published 4/29/2023: [Hi-Set High School Equivalency Tests in NH have faced technical issues for five months since switching companies](#)
10. **CONTINUING BUSINESS**
 - **ED 315** Rule Revisions
 - Amendments approved by the NH Board of Education **Vote to accept [193-A:3 Rulemaking](#)**. – *The state board of education shall adopt rules, pursuant to RSA 541-A, relative to administering the home education program. The state board of education shall, in addition to the provisions of RSA 541-A, submit any notice of proposed rulemaking under RSA 541-A:6 and any final proposed rule under RSA 541-A:12 to the home education advisory council established in RSA 193-A:10 for review and comment.*
 - Rulemaking Status Update [Rulemaking Flow Chart](#). [Rulemaking Register](#)

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- [NH DOE Technical Advisory](#) addressing Equal Access to public school programs by nonpublic, public charter, and home educated pupils. *During the 2021-2022 legislative session, [HB 1663](#) was passed into law, amending [RSA 193:1-c](#).*
- Frequently Asked Questions on NH DOE Web Site
- Best Practices review

11. ANNOUNCEMENTS

12. INFORMATIONAL ITEMS

- [Date](#) to provide annual report to State Board of Education

13. PUBLIC COMMENTS - 10 minutes

14. NON--PUBLIC SESSION – [NH RSA 91-A:3, II](#), - *If needed*

15. ADJOURNMENT ~ **4:00 PM**

Home Education Advisory Council Meeting ~ April 21, 2023 ~ 2:30 PM
NH Dept of Education ~ Granite State College Building

[Ed 315.09](#) The Home Education Advisory Council.

(a) The home education advisory council shall carry out those duties assigned to it by the commissioner. The council shall work with home educators and representatives of private and public education to encourage an understanding of home education.

(b) Assigned areas of responsibility for the council shall include the following:

(1) Developing and maintaining effective communications between home educators and those public, and nonpublic schools and state and local agencies involved in home education;

(2) Recommending to the commissioner and state board of education desired changes in rules pertaining to home education;

(3) Establishing a grievance committee to hear grievances referred to it by the commissioner; and

(4) Providing an annual report to the state board on its activities.

NH Home Education Advisory Council (HEAC) Minutes for April 21, 2023 Meeting

Location: Granite State College, 25 Hall St., Concord, NH

In physical attendance: Mike Koski, Jen Pereira, Heather Barker, Michelle Levell, Rebekah Woodman, Shireen Meskoob.

In remote attendance: Althea Barton (family obligation, alone in room), Katy Peternel, new Representative from Carroll District 6.

Introductions: Rebekah Woodman, Home Education Community, has been appointed by the Commissioner of Education to fill the remainder of Tim Carney's term. Brian Voelk is the new EFA Administrator.

Meeting called to order at 2:40pm.

Motion to approve minutes of 1/20/23, Michelle, seconded by Heather, all in favor.

Appointments/resignations

- 8/31/2023 Term Expirations: Isabella Edwards, Michael Koski, Michelle Levell, Jennifer Pereira
- 8/31/2024 Term Expirations: Heather Barker, Althea Barton, Sarah Cheek, Rep. Glenn Cordelli, April Villani, Sen. Ruth Ward, Rebekah Woodman

Sarah Cheek and Tim Carney have resigned.

Discussion ensued about filling vacancies, including the need to communicate with the NH Association of School Principals, Nonpublic School Advisory Council, and NH School Boards Association.

Public comments - none

NHED Office of Home Education Report prepared by Tim Carney, Administrator of Educational Pathways

Mike reviewed the report:

1. Ed 315 Rule Revisions. In progress
2. Vacant HEAC Memberships. Members should verify their email addresses on the HEAC website.
3. Education Freedom Accounts. Refer questions to Brian Voelk.
4. Frequently Asked Questions on NHED website
5. Access to Public School Programs by Nonpublic, Public Charter Schools, or Home Educated Pupils (HB – 1663 – 131:1). Jen recommended addressing all parts of the new law changes in the technical advisory. Rebekah asked if “curricular and co-curricular” includes access to guidance counsellors and other services. Heather confirmed that it gives equal access to all programs that public school students get, such as field trips, scholarships, etc. Mike said informing the public is important and encouraging families to request access to public school resources.

Member reports

Rep. Peternel- A couple of bills affecting homeschooling have been retained in the Education committee.

Christian Home Educators – no updates

Catholics United – no concerns

Granite State Home Educators – numbers are growing. Still seeing confusion about EFA program; requests technical advisory and clarity from NHED.

NH Homeschooling Coalition – no issues. Concur with importance of recruiting new members from school administration groups.

NH School Administrators Association – reminded administrators to update policies.

Immediate Business

Ed-315 Rulemaking Update – HEAC’s recommended revisions were incorporated.

Equal access to public school programs by nonpublic, public charter, and home educated pupils – There are still questions statewide about equal access. Heather has suggested to administrators that when a parent states intent to homeschool a child, the administrator could write a letter/email acknowledging the choice, then inform the superintendent’s office; no other action is needed. Jen suggested putting this in a technical advisory.

Best practices review

Michelle circulated a proposed draft Best Practices for discussion. It’s modelled after prior practices, and related research. Guiding principles are for the council to be transparent, accessible, accountable, and responsive.

1. *HEAC meets September through May on the third Friday of every other month, with alternating months as the “placeholder.”* – revise to June for placeholder month.
2. *HEAC meetings will occur at a location provided by the Department of Education.* – Jen noted that legally we can meet elsewhere if properly noticed. Intention is accessible public space. Check if it’s in the rules.
3. *The Chairman prepares a draft annual report for approval by a majority vote by the council prior to presenting it to the state Board of Education. A minority report may be prepared.* - Jen suggested it’s important for the chair to be able to delegate some responsibilities. Change to “Chairman ensures preparation of draft annual report for approval by majority...”
4. *The Chairman may delegate responsibilities to the Vice Chairman and other council members as needed.*
5. *Meetings will be posted on the DOE website and at the DOE meeting location at least 24 hours in advance. Every effort will be made to also publish an agenda and related meeting material prior to meetings.* - This goes beyond the Right To Know requirement. Discussion ensued.
6. *HEAC allows council members and the public to attend remotely.* – Members noted “in keeping with 91-A.”
7. *The public will have an opportunity to address the council at the end of meetings and at the discretion of the Chairman. The individual will identify themselves by name and affiliation, if appropriate.* – Best to keep it at chair’s discretion whether public comment is allowed at beginning or end of meeting. Confirmed council has no requirement to reply to public comment. Discussed having option of capping each person’s time to keep meetings on track.

8. *HEAC posts minutes, meeting materials, annual reports, and recordings of meetings on the DOE website and retains them a minimum of ___ years.* - Currently meeting materials and recordings are not shared, though they are subject to Right To Know. Discussed possible 10 year retention period. Concerns expressed about members' children being on recordings; possible to record audio only? Rebekah said it's best to destroy recordings after minutes are available. Michelle strongly disagreed; sometimes minutes aren't detailed enough or aren't retained or accessible; and recordings would retain valuable testimony/presentations. Jen said in the past members were told it was hard for NHED to post minutes online, and it's not in the HEAC's control if the NHED fails to post things. Heather said recordings are helpful for people who can't attend meetings. Althea asked whether NHED has technical capacity to store extensive video files; Mike asked Shireen to investigate.

Rebekah said NHED attorney Liz Brown suggested keeping procedures simple; suggested asking Liz to review the final draft and getting the support of NHED. Mike will invite Liz to the May meeting if we can get a revised draft out in advance. No vote was taken on Best Practices pending further revision and discussion.

Announcements - none

Informational Items

Annual Report to State Board of Education – Mike will prepare an annual report using meeting minutes, and email a draft for council review before the May 19 meeting, when he will seek approval following discussion.

Motion to adjourn at 4:08 pm, made by Michelle, seconded by Rebekah, all in favor.

Next meeting May 19.

Secretary's note: NHED = NH DOE

Minutes by AB

Home Education Advisory Council Annual Report 2022-23

Draft for Review

Chair Michael Koski and Vice Chair April Villani

The Home Education Advisory Council (HEAC) continued this past year to fulfill its role to facilitate communication between the NH Department of Education, various education stakeholders, and the homeschool community. The council worked to promote an understanding of home education as well as the various perspectives of the education community. We listened to and shared our thoughts with the NH representatives and senator who have seats on the council. The NH Department of Education incorporated HEAC's advice for the home education rules during the rule making process. The Office of Adult Education also graciously listened to our concerns as they worked through the rule making process.

New Hampshire has continued to see growth in home education and a continued need to inform new families about the requirements and opportunities of the choice to home educate. Participation on the Home Education Advisory Council keeps its home education representatives as well as all of its other members up to date on the changes in home education law and rules. This assists the homeschool organizations to provide their members with information about how to initiate and carry out a home education program in New Hampshire. The fruits of participation on this council can also be seen in other participating stakeholders. For example, our NH School Administrators Association representative, understanding the law and the perspective of homeschool families, was able to assist her public school district to develop a way to respond and document when a parent of an enrolled student tells staff they have decided to homeschool. We have seen many other benefits of the council's work.

The Department of Education entered the rule making process this year to amend the home education rules for consistency with the changes brought about by the passage of House Bill 1663 relative to equal access to public school programs by nonpublic, public charter, and home educated pupils. HEAC reviewed and commented on a draft of the updated rules and assisted with clear documentation of the three options to whom parents may send their notifications. The council commented on where to incorporate in the rules consideration of a child's age, ability, or disability when evaluating educational progress. HEAC also provided suggestions for a Technical Assistance Advisory being written by the Department related to these legal changes.

The Office of Adult Education is also going through their rule making process. Their administrator, Sarah Wheeler, attended a HEAC meeting to discuss concerns pertaining to home educators using the GED alternative, the HiSET Exam. Council members were able to explain the ramifications of the current wording of ED 704 adult education rules for home educator access to the exam as well as access to various public-school opportunities if the exam is taken by a home educated student.

Elizabeth Brown, the Attorney for the Department, gave the council a presentation on the Right to Know law. This year, HEAC has worked on best practices to support transparency, accessibility, accountability, and responsiveness of the council. Homeschool families, educators, legislators, and members of the public are encouraged to bring questions and concerns to our advisory body.

The council had been hearing about confusion surrounding the Education Freedom Accounts and was seeking to clarify the distinction between students being educated under RSA 194-F Education Freedom Accounts and RSA 193-A Home Education. There are separate and distinct legal requirements and opportunities in each of these educational pathways of which parents and education stakeholders need to be aware. HEAC is pleased to have met the Department's new administrator for the Education Freedom Account program, Brian Voelk. He will be a wonderful resource going forward.

On behalf of the Home Education Advisory Council, we would like to thank the Board of Education for taking the time to learn about the council's work. We hope to continue to be a strong asset to the home education community, education stakeholders, and the NH Department of Education.

Establishment of HEAC

RSA 193-A, enacted in 1990, established home education as an alternative to compulsory attendance at school.

The general court recognizes, in the enactment of RSA 193-A as inserted by section 3 of this act, that it is the primary right and obligation of a parent to choose the appropriate educational alternative for a child under his care and supervision, as provided by law. One such alternative allows a parent to elect to educate a child at home as an alternative to attendance at a public or private school, in accordance with RSA 193-A. The general court further recognizes that home education is more individualized than instruction normally provided in the classroom setting.

The statute also created the home education advisory council (HEAC). Its membership consists of six persons nominated by New Hampshire home educator associations, two persons nominated by the New Hampshire department of education, one person nominated by each of the following associations: the NH School Administrators Association, the New Hampshire School Boards Association, the New

Hampshire School Principals Association, the Nonpublic School Advisory Council, and three members of the New Hampshire Legislature: a Senator, and two members of the House of Representatives. The chair of the council is elected from among the home educator members. A list of the members of the council is attached. The Council was modeled, in part, after the Nonpublic School Advisory Council to provide a forum for the exchange of ideas and concerns of educators/administrators and homeschooling parents.

The duties of the Council, as prescribed in ED 315.09, are as follows:

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*******HEAC MEMBERS *******

Heather Barker, NH School Administrators Association
Althea Barton, New Hampshire Homeschooling Coalition
Michael Koski (Chair), Christian Home Educators NH/S.ME
Katelyn Kuttub, House of Representatives
Michelle Levell, Granite State Home Educators
Jennifer Pereira, Catholics United for Home Education
Katy Peternel, NH House of Representatives
April Villani (Vice Chair), Catholics United for Home Education
Ruth Ward, NH Senate
Rebekah Woodman, Home Education Community

News > State

Hi-Set High School Equivalency Tests in NH have faced technical issues for five months since switching companies.

By RHIANWEN WATKINS

Granite State News Collaborative

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After 40 frustrating minutes of trying to launch the HiSET test for the test-takers who had driven great distances and waited patiently, Michelle Voto apologized for the technical difficulties and told them it was not working and to go home.

Before they left, she asked them if they would like her to call them back if the program started up again, to which many said yes.

Twenty minutes later, the test site was up and running. Voto rushed to call all the test-takers back. Some were able to return, but others could not due to various circumstances, and by then it was too late. They would have to wait until the following month to take the test and hope the same issues wouldn't happen again.

Top Stories

00:09

01:12

Karen Steele returns to the Special Olympics, this time as a coach

For five months – since being bought out by PSI Services – the HiSET test has experienced recurring technical issues, including system outages, improper test scores and mounting financial strain, to name a few. It's gotten so bad the state Department of Education plans to bring back the GED test that HiSET replaced, to provide more options until problems can be resolved.

“It's been very difficult,” said Voto, the executive director of the Exeter Adult Learning Center. “Both at the grassroots efforts for us and our students, but also for the state level.”

What is HiSET?

HiSET is a high school equivalency test offered in many states across the country, including New Hampshire. It tests students in five categories, including language arts reading, language arts writing, mathematics, science and social studies, according to the website.

In New Hampshire, adult learning centers across the state offer a variety of educational programs, with HiSET being one of them, according to Deanna Strand, executive director of the Dover Adult Learning Center. She explained that students study for the exams with the help of counselors at the learning centers, then take the tests when they are prepared. Once they complete all five tests, they earn their high school equivalency certificate.

Eligibility differs from state to state, but in New Hampshire, people 16 and older can take the test, according to Strand.

Before HiSET, the state offered an exam called the GED.

Originally, the GED was replaced because it expired at the end of 2013, as it has done periodically in history to allow for updates, Strand said. It was also sold to Pearson Vue, and with this sale came two major changes: The test became online-only, and the price increased significantly. HiSET, therefore, was its replacement as it provided paper options and operated at a much lower price, she explained.

What is the issue HiSET is facing?

HiSET was owned by a company called Educational Testing Services (ETS) until it was sold to PSI Services in December 2021, according to Sarah Wheeler, the administrator of the Bureau of Adult Education for the NH Department of Education. The testing services officially made the transition last September and October.

Since the transition to PSI Services, HiSET has faced a multitude of technical issues, including difficulties scheduling students for testing dates, tests not working or shutting down midway through, lost test scores and a plethora of other problems, according to Strand.

These issues have resulted in major delays in people receiving their certificates, she said.

“If they’re delayed, it could mean they don’t get a promotion or they don’t get the job or they miss an admission deadline. So any delay is a problem,” she said. “People’s lives are being held up because they can’t pursue their goals, because they haven’t got the credential that they’ve been preparing for, sometimes for years.”

Strand gave an example.

“We get calls from families saying, ‘My child wants to register for college in the spring semester, but they don’t have their certificate yet.’ And then we have to go and try to get a second-best, which would be a transcript. But then their (PSI’s) transcript system was unreliable,” she explained.

Why are these issues happening?

Educational Testing Services, which formerly owned HiSET, was the company that developed the test as well as the SAT, according to Strand. It provided strictly educational testing.

PSI Services, which bought HiSET from ETS, offers a much broader range of testing services, including tests for those seeking to go into real estate, cosmetology, manicurist and barbering, IT, construction and trades, insurance and other sectors, according to their website.

“I don’t think they really understood the kind of students that we serve or the way adult education centers operate or what our specific needs would be,” said Strand. “There was very little testing of their systems, and of the test itself, that would have worked out these kinks before they rolled it out to the whole country.”

Allistair Fryer-Bovill, vice president of Global Marketing at PSI Services, countered this, saying that there was significant testing in August and September before the launch in October. However, he acknowledged that issues specific to certain scenarios were not identified during the testing process.

Other states that employ the HiSET as their high school equivalency standard have also experienced issues, although these have varied state to state, according to Fryer-Bovill.

“I just don’t think they understood the enormity of the project that they were undertaking,” said Pam Shaw, student services coordinator at the Dover Adult Learning Center.

However, Fryer-Bovill said that since going live in October, PSI Services has “more than doubled our resources dedicated to HiSET across all of the client- and candidate-facing teams.” This includes leveraging overall technology and the hiring of almost 40 individuals dedicated to HiSET, taking calls and supporting test centers, he informed.

Fryer-Bovill issued an email statement responding to the delayed test score reports.

“We know how important HiSET is to our test-takers, and anything that gets in the way of receiving their High School Equivalency (HSE) credential has an impact. Regrettably, there was a technical issue that led to delays with New Hampshire test takers receiving their HiSET results, for which we truly apologize. As soon as this was identified, a dedicated team of experts within PSI was assembled and as of 6 April 2023 all results have now been passed through to New Hampshire Department of Education and those delays in results should no longer occur.”

However, testing delays are not the only issue being faced by test centers. Strand said that even though test turnaround time for scoring has been generally better since April 6, other issues continue to occur and new ones have presented themselves.

Log-in issues

One of the first issues to arise with the switch to PSI Services, according to Vigdis Dunn, the HiSET coordinator at Second Start in Concord, was that test providers were given incorrect log-in credentials to access student schedules and log into the system portal to view student score reports.

This was also true for test-takers. When the switch first happened in September, test-takers were unable to access their accounts, as PSI did not automatically transfer student account information over from the old system. The students had to create new PSI accounts, according to Dunn.

The issue, however, was not creating a new account, but rather getting in touch with PSI to figure out how to go about doing it.

“We were on hold for like an hour,” said Ricky Currier, a HiSET student at the Exeter Adult Learning Center. “They were still not very good at handling the situation.”

Issues with test date scheduling

The biggest issue at the beginning of the switch for the Concord center, according to Dunn, was with accessing the test schedule. Dunn explained that when PSI took over, they requested all the centers to send in which test dates and times they wanted to show up on their schedule.

“Our schedules just could not get loaded into the system,” she said. Without a schedule, nobody could sign up to take the tests they needed.

When they finally loaded their schedule in the system, the dates and times they requested were incorrect.

These issues, Dunn added, meant she was rushing to communicate with other adult learning center directors, such as Voto and Strand, to see if they could take on some of her test-takers.

Fryer-Bovill acknowledged the issue and said there were delays in the transition process but that additional training was provided and the issue was resolved.

Dunn said that even though this specific issue is no longer present, the Concord adult learning center experienced months of delay, being unable to run tests in September and October. Their first test under PSI ran on Nov. 22

Tests shutting down

Testing outages have also been an issue across the state.

Cindy St. Germain, HiSET coordinator at the Dover Adult Learning Center, explained that there have been multiple occasions where tests shut down midway through, so students could not complete their tests.

She provided an example of one student who experienced this issue.

“He was in the middle of taking his test. And the test totally shut down. ... He had 20 questions left to answer,” she said.

The student passed the test, despite being unable to answer the last 20 questions.

“But if this scenario had been any different, and he didn’t pass, he would have had to come back to take another test at our test center,” St. Germain said.

“It’s also unfortunate, because his score is probably a lot lower than he would have scored, which, if he was applying for college, it’s better to have a higher score. So it definitely affected him in that regard,” added Shaw.

Fryer-Bovill responded saying, test-takers impacted by outages receive an “excused absence” in their records for the test that shut down and receive a voucher to retake their test free of charge.

However, adult learning centers explained the complexities of the situation.

Voto said that when a test shuts down, it not only shuts down for one center, it shuts down for all of the centers in the state that may be taking tests at a given time. Tests also are only offered a few times a month at each center, so when they shut down, students have to wait a while to come back, she noted.

“They pick their testing time very specifically to fit with what else is going on in their lives – work, children, transportation and, you know, to arrive at a test center and then not be able to test is definitely a burden,” Shaw said.

Strand added that the Dover Adult Learning Center has had to pause HiSET testing operations twice this year to try and figure out all the issues and get up and running without system outages.

“When we restarted, we were doing like two, three test-takers at a time and hand-selecting the ones we felt had the greatest urgency and the most resilience to be able to handle what we knew was going to be a clunky problem.”

They still have not returned to full test taking capacity, as issues persist.

New Hampshire as a whole, had scheduled 435 tests by March of last year, under ETS. By March of this year under PSI, it had scheduled 252, according to data across the N.H. adult learning centers.

Incorrect test scores

Another major issue test centers have faced is students receiving incorrect score reports.

“I have one student who tested in November, who was well-prepared, and she received a 1 on her reading test and that still hasn’t been corrected,” said Shaw.

Strand explained that tests are scored on a scale from 1 to 20.

“A one is essentially an invalid score,” she said. “You never see an accurate score of a one.”

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“Even if you guessed on every question, you know, if you chose B for every answer, you would get at least 4 or 5,” said Shaw.

She added that this student passed her practice test.

“I would not let her take the test unless I felt confident,” she said. “If you can pass the practice tests, most likely you will pass the official HiSET test.”

Strand added that this is one example of many situations where students’ transcripts say they passed, but the score is not a passing number.

“We are assessing all instances of these results individually to reset records appropriately,” Fryer-Bovill responded.

Tests can also be taken on paper, but that has presented its own set of issues.

Incorrect paper-based scores have been recorded, and paper-based tests have been lost. Since there is only one copy of the paper-based test, a lost test is a major issue, Strand said.

In addition, paper-based tests have sometimes taken up to six weeks to get a score. If the score is wrong, the student has to retake the test, then wait another six weeks and hope it is correctly scored the second time.

Voucher issues

Students under the age of 18 are required to submit a voucher to be eligible to take the test, according to Voto. However, when the switch to PSI happened, the system experienced issues with accepting vouchers, so people under the age of 18 could not take the tests. That problem took multiple weeks to sort out, she said.

Fryer-Bovill disputed this, saying was never an issue and that all vouchers were accepted regardless of age.

But according to Dunn, there was a significant wait period for the vouchers to be accepted, when this was never a problem under ETS.

Voto’s student, Currier, had this issue.

“I just had to wait,” he said. “I really just wanted to get it done and over with.”

Impact on mental health for students

The issues have not only frustrated workers at adult learning centers but also their students.

“School has been very stressful for me and this program has made it a lot less stressful,” said Currier. “But it definitely was overwhelming with the amount of problems run into with the company.”

Voto reflected on the impacts of tests shutting down and not working properly.

“When you think about the appropriate testing sites you want, you want it to be a quiet room, we tell students to sleep well the night before you come in, relax, to make sure you eat, go use the bathroom before we start,” said Voto.

But when tests don’t function and test-takers have to wait for the system to get up and running, or to have it shut down in the middle, it is frustrating, she said.

“The folks it has impacted the most have been our students. The ripple effect of not testing for three months is significant. It affects student’s lives and their livelihood,” said Dunn. “I have had many students who have had to take time out of busy work schedules to come in to test, only to have the schedule changed on them.”

Dunn added that she had many stories of people who needed to complete the HiSet for jobs, or to enroll in schools, certificate programs, and the military, but were delayed in doing so.

“I had two students that needed to have the test completed by the end of the year to keep their jobs. They both completed (the test) just under the wire, but I wrote letters of explanation to their employers, so they did not lose their jobs,” she said.

“It was the end of the year; it was the holidays. It was stressful.”

One student of Dunn’s needed disability accommodations including extended time, extra breaks, and having a designated person read the test to them.

These accommodations had previously existed for the student in the ETYS system, but when PSI took over, the accommodations did not automatically transfer, so Dunn was faced with having to reapply her student for necessary accommodations.

“Pulling all of that information over, it just didn’t come over easily.

Students leaving testing centers

Many of her students, Dunn said, have stopped coming to classes and studying for the tests, with tests shutting down and scheduling issues persisting.

“I heard from a lot of them say, ‘Why should I even bother coming if there’s nothing for me to do?’ ” she said. “So a lot of them just sort of disappeared.”

Shaw said much of the time she would normally use to help students is being used to deal with technical issues.

“Our students are pretty resilient. And we try to make it as smooth as possible,” said Shaw. “There are students not being served in the way that I like to serve them in meeting their needs.”

“From the top right on down, every single person working in adult education right now and doing HiSET testing is experiencing this inability to do the central core mission of our work because we’re having to manage this really dysfunctional system in order to get our students through,” Strand said.

“We’re doing it as best we can to create a filter and a barrier between those troubles and our students to protect them.

Financial impacts

“The financial toll on the testing centers and the state has been huge,” said Strand.

She explained that each of the five categories that make up the Hi-Set are called subtests. The staff get paid a portion of each subtest to be able to administer the tests.

“When our own testing capacity is so severely diminished, we’re bringing in less money to support the testing program,” she said.

She said the cost of running the program has increased dramatically, “because of all of the time it takes to just use the system even when it’s functioning, and then troubleshoot all the problems and then try and get resolution from their customer service department.”

St. Germain added that her work hours have tripled, which means Strand has to pay her for that time.

“I don’t have the income with which to pay her. So that draws money from other programs. I have to find that money somehow,” said Strand. “You can’t test, we don’t bring in money. You can’t pay your staff.”

In addition to staff, students have also been affected financially.

Each of the five required HiSET subtests cost \$25. According to Dunn, if students get sick and need to reschedule their tests that they had already paid and signed up for, the previous company, ETS, would have given them a credit in their account to put that money toward the rescheduled test.

But, when PSI took over, the students stopped receiving credits, and either have to pay in full again, or have Dunn advocate for them to get the money credited, which sometimes takes months and puts the students behind on their testing.

If a test shuts down or doesn’t start up to begin with, students face the same issues with having to reschedule and fight to have their payments credited towards a make-up test.

Is anything happening to solve the issue?

Wheeler – from the state Department of Education – has been meeting with PSI officials in person on a weekly basis to try and solve issues.

“She’s been trying to consolidate and organize problems thematically, because they occur at every level, from registration to scheduling to scoring. There are categories of issues that she’s been compiling from the field and bringing to PSI,” said Strand. “She’s been incredibly, incredibly helpful.”

Fryer Bovill, spokesperson for PSI, also said the company plans to “keep the lines of communication with our HiSET clients and partners open as we make ongoing enhancements to the program.”

Janet Garcia, [resident of PSI said in an email to that “we would be very happy to work directly with your source to resolve their specific issues.”

The state education department is now working to bring back the GED test, which they previously employed before using Hi-SET.

Wheeler said it will take three to four months to get GED back in place.

As of right now, GED will not replace HiSET, but will be offered alongside it. Therefore, people who started with the HiSET test cannot switch over to GED and issues with HiSET will still need to be solved.

However, the state Bureau of Adult Education is looking into whether it is possible to combine scores to make a complete switch to GED an option for the future.

Strand said some students have opted to wait for GED and receive their certificate rather than get involved with HiSET.

In the meantime, test centers continue to struggle with technical issues and frustration over the situation.

“I worry about the impression that is left on the community, and if the reputation of the high school equivalency testing program isn’t tarnished,” Strand said.

“This is not the quality product that we are accustomed to delivering. And, I’m hopeful that once we get the GED back up and running in New Hampshire, that we can recapture that confidence in the integrity and the efficiency and the quality of our testing program.”

These articles are being shared by partners in The Granite State News Collaborative. For more information visit [collaborativenh.org](https://www.collaborativenh.org).

Readopt with amendments Ed 315, effective 1-15-21 (Document #13158), to read as follows:

PART Ed 315 HOME EDUCATION

Ed 315.01 Statement of Purpose. The purpose of Ed 315 is to provide a process for uniform application of the requirements of RSA 193-A. These rules take into account the fact that home education is an alternative to attendance at a public or private school and is an individualized form of instruction in accordance with chapter 279:2, laws of 1990.

Ed 315.02 Definitions. In addition to the words defined in RSA 193-A:1, the following words shall have the meanings indicated when used in Ed 315:

(a) “Certificate of completion” means a document signed by the parent of a home educated child certifying that the child has achieved the equivalent of a high school diploma by completing a home education program;

(b) “Commissioner” means the commissioner of the New Hampshire department of education;

~~(c) “Composite results,” means one score that is provided by the publisher of the standardized test, or the average of all such scores that have been provided by the publisher of the standardized test;~~

~~(c)~~ (d) “Department” means the New Hampshire department of education;

~~(d)~~ (e) “Educational progress” means growth in learning commensurate with age, ~~and~~ ability, and/or disability within the child’s individual home education program chosen by the parent;

~~(e)~~ (f) “Participating agency” means the resident district superintendent, the commissioner, or a participating nonpublic school principal;

~~(f)~~ (g) “Teacher” means a person who holds a teaching credential issued by the New Hampshire state board of education, is licensed in state which is a party to the interstate contract, or is currently teaching in a nonpublic school.

~~(g) “Home education” means 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 as provided, coordinated, or directed by a parent for his or her own child.~~

Ed 315.03 Eligibility and Program Schedule.

(a) A parent shall be eligible under these rules to establish a home education program for a child, including those defined under RSA 186-C:2, I, and I-a.

(b) Pursuant to RSA 193:1,I(b), home education shall be an alternative to compulsory attendance at a public school. Dates and hours of instruction shall not be required to coincide with the resident district

calendar. The academic term of a home education program shall not be required to coincide with the resident district academic year.

Ed 315.04 Participating Agencies: Duties and Authority.

(a) A parent shall select, as a participating agency for home education program notification and support, one of the following:

- (1) The commissioner;
- (2) The resident district superintendent; or
- (3) The head of a nonpublic school.

(b) A parent may select a new participating agency at any time. If a parent selects a new participating agency the parent shall notify the new participating agency in accordance with Ed 315.05 and Ed 315.06.

(c) Pursuant to RSA 193-A:4, II, the selected participating agency shall work with parents upon request in meeting the requirements of RSA 193-A:4, I.

(d) A participating nonpublic school shall agree to administer the provisions of RSA 193-A and Ed 315, shall not be required to be in the resident district, and may require a fee for any request for assistance by the parent.

(e) No fee shall be required when a test utilized in the resident district is administered to the student by the resident district.

(f) A resident district acting as the participating agency may charge fees for any mutually agreed upon alternative used to satisfy the requirements of RSA 193-A or Ed 315, including, but not limited to, portfolio review.

(g) Pursuant to RSA 193-A:11, the commissioner or resident district acting as the participating agency shall not propose, adopt, or enforce any policy or procedure governing home educated pupils that is inconsistent with or more restrictive than the provisions of RSA 193-A, RSA 193:1-c, or the rules of Ed 315.

(h) On October 1 of each year, the participating agency shall notify the commissioner of the number of children for whom programs were established since the previous report.

Ed 315.05 Notification Requirements.

(a) Notification of a home education program pursuant to RSA 193-A:5 shall be required for a parent to comply with the compulsory attendance requirements of RSA 193:1.

(b) The parent of a student currently enrolled in a public school 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.

(c) A parent shall notify the selected participating agency in writing within 5 business days of commencing a home education program. Only the information enumerated in RSA 193-A:5, II shall be required in the notice. The parent shall provide contact information and update the notification information as necessary.

(d) Any parent who previously notified the resident district superintendent of a home education program who moves from said district shall notify the original resident district superintendent that the child has moved from the district and shall provide notification pursuant to (a) above.

~~(e)~~ Within 14 days of receipt of the notification, a participating agency shall acknowledge receipt of the notification in accordance with the contact information provided by the parent, along with a request for any information required by RSA 193-A:5, II that was not included in the original notice.

Ed 315.06 Notification – Termination of a Home Education Program. A home education program shall remain in effect unless terminated in writing by the parent. A parent wishing to terminate a home education program shall notify ~~the commissioner and~~ the participating agency in writing within 15 days of termination while also satisfying any one of the alternatives for compulsory attendance listed in RSA 193:1.

Ed 315.07 Records.

(a) In accordance with RSA 193-A:6, the parent shall keep a portfolio each year the child is being home educated.

(b) The portfolio shall be the property of the parent. Access to the portfolio shall be at the parent's discretion, except as provided in RSA 193-A:6.

Ed 315.08 Annual Evaluation.

(a) The parent shall provide for an annual evaluation for a child that meets the requirements of the options enumerated in RSA 193-A:6, II.

(b) The resident district superintendent, when acting as the participating agency, shall provide evaluation services, upon request of the parent. If the resident district superintendent is not acting as the participating agency, the resident district superintendent may provide evaluation services.

(c) A parent intending to use the state or local assessment provided by the resident district shall notify the resident district superintendent in writing as soon as practicable to provide the district adequate time to prepare and obtain the testing materials.

(d) If a parent chooses to have a portfolio review as the method of evaluation pursuant to RSA 193-A:6, II(a), the parent may choose a teacher who agrees to perform evaluation services, or the parent may request the evaluation to be performed through the resident district superintendent when the resident district superintendent is acting as the participating agency.

(e) The contents of the portfolio shall comply with the requirements of RSA 193-A:6, I and include the following:

- (1) The name and address of the teacher, including state recognized documentation of certification, or the name and address of the nonpublic school in which the teacher is currently teaching;
- (2) The date(s) on which the evaluation(s) took place;
- (3) A description of the work reviewed;
- (4) A summary of the child's educational progress in the home education program concluding with a statement that the child has or has not made educational progress; and
- (5) The signatures of the teacher and the parent.

(f) The parent may choose any other valid measurement tool mutually agreed upon by the parent and the participating agency as provided for in RSA 193-A:6, II(d), including but not limited to:

- ~~(1)a.~~ Interview;
- ~~(2)b.~~ Educational progress in a particular curriculum as measured by the parent;
- ~~(3)c.~~ Educational progress in a particular curriculum as measured by the provider;
- ~~(4)d.~~ Review of the child's portfolio by a participating agency;
- ~~(5)e.~~ Evaluation by a teacher in a program recognized by any state department of education; or
- ~~(6)f.~~ Specially prepared tests or evaluations measuring educational progress in a particular subject or curriculum.

Ed 315.09 The Home Education Advisory Council.

(a) The home education advisory council shall carry out those duties assigned to it by the commissioner. The council shall work with home educators and representatives of private and public education to encourage an understanding of home education.

(b) The home education advisory council shall comply with RSA 91-A. Minutes of home education advisory council meetings shall be maintained by the department.

~~(c)~~ Assigned areas of responsibility for the council shall include the following:

- (1) Developing and maintaining effective communications between home educators and those public, and nonpublic schools and state and local agencies involved in home education;

- (2) Recommending to the commissioner and state board of education desired changes in rules pertaining to home education;
- (3) Establishing a grievance committee to hear grievances referred to it by the commissioner; and
- (4) Providing an annual report to the state board on its activities.

Ed 315.10 Membership Selection For the Home Education Advisory Council and Term of Appointment.

(a) Membership selection for the home education advisory council shall be as specified in RSA 193-A:10, I. Council chair selection shall be as specified in RSA 193-A:10, III.

(b) Members appointed by the commissioner shall have a term of 3 years, and such terms shall end on August 31 of the year in which the term is completed. Legislative members shall serve a term which is coterminous with their elected office and will be non-voting members of the council.

(c) The conduct of business shall not depend on the maintenance of full council membership.

(d) In the event of vacancies, replacement members shall be appointed as required under RSA 193-A:10 to fill the unexpired term.

~~Ed 315.11 Records of the Advisory Council. The records and minutes of the home education advisory council shall be filed and maintained in the department.~~

Ed 315.11~~2~~ Funding and Support of Council Activities. The members of the home education advisory council shall serve without compensation. Subject to available funds, the department shall financially support the activities of the council, including but not limited to such expenses as mileage, secretarial assistance, and meeting facilities.

~~Ed 315.1~~²³ Grievance Committee.

(a) The grievance committee shall be a subcommittee of the home education advisory council appointed by the chairperson, consisting of no more than 5 members, a majority of whom shall be representatives of home education associations. One member of the grievance committee shall be appointed by the chairperson to preside at grievance conferences.

(b) The grievance committee shall hear all grievances referred to it by the commissioner.

(c) The grievance committee shall call upon consultants and conduct interviews for the purpose of gathering relevant facts if the committee lacks relevant expertise. The grievance committee shall keep a written account of its investigations and shall submit such an account, together with its findings, to the commissioner within 30 calendar days of the commissioner's referral.

Ed 315.1~~34~~ Request for Grievance Conference. Any party to a home education program may request a grievance conference as follows:

(a) Such request shall be in writing to the commissioner;

(b) The request shall state in detail the reasons for the request for a grievance conference and name the parties involved;

(c) The commissioner shall notify the requestor within 5 business days in writing that he/she has scheduled a grievance conference in accordance with Ed 31~~45~~.14 or that he/she requires additional information to clarify the issues;

(d) The requestor shall have 10 calendar days from receipt of the commissioner's request for additional information to respond with the requested information; and

(e) The commissioner shall, upon receipt of the requested information, forward the request to the chairperson of the home education advisory council who shall schedule a grievance conference in accordance with Ed 31~~45~~.15(b).

Ed 315.1~~45~~ Grievance Conference.

(a) Upon receipt of a request concerning an action taken under these rules, the commissioner shall notify the chairperson of the home education advisory council of the request for a grievance conference, and the grievance conference shall then proceed in accordance with this section.

(b) Within 5 business days of the commissioner's notification of a request for a grievance conference, the chairperson shall schedule the conference with the parties to the grievance.

(c) At the conference, each party shall be prepared to consider:

(1) The simplification of the issues and an agreement of facts;

(2) Possibility of settlement; and

(3) Such other matters as may aid in disposition of the action.

(d) Parties to a grievance may be represented at the conference by counsel.

(e) At the grievance conference the grievance committee shall interview the parties to the grievance to reach a proposed settlement on the facts of the grievance.

(f) The grievance committee shall present its findings on unresolved grievances or report on the proposed settlement reached by the parties to the commissioner within 10 calendar days of the conference.

(g) Any settlement reached at a grievance conference shall be subject to review by the commissioner and shall not be implemented unless it is consistent with these rules and with applicable statutes.

(h) The findings shall list the pertinent facts found by the committee.

(i) If the parties do not reach a settlement prior to, or during, the grievance conference, the commissioner after reviewing the unresolved grievances shall notify the parties of her/his decision within 10 calendar days of receipt of the committee’s findings.

(j) A party aggrieved by the decision of the commissioner may appeal by requesting an administrative due process hearing in accordance with Ed 200.

Ed 315.1~~56~~ Certificate of Completion.

(a) Pursuant to RSA 193:1, I(f)(2), when the parent of a child under the age of 18 submits a document to the department certifying that the child has completed the home education program at the high school level, the student shall be determined to have met the requirements for successful completion of a home education program.

(b) The document containing the statement above shall also include the following information:

- (1) Name and address of the child;
- (2) Name and address of the parents;
- (3) Date of completion of the home school program;
- (4) A phone number at which the parent can be reached during normal business hours; and
- (5) Signature of the parent.

(c) A document that meets all the requirements of Ed 315.1~~34~~ (a) and (b) shall be conclusive evidence of completion of the parent’s duty of compulsory attendance, as set forth in RSA 193:1.

(d) Documentation of receipt shall serve as proof of delivery of such certification.

Appendix I

Rule	Statute
Ed 315.01	RSA 193:1, I(e)
Ed 315.02	RSA 193-A:1; RSA 193-A:3
Ed 315.03	RSA 193:1,I(b)
Ed 315.04	RSA 193-A:1, I; RSA193-A:3; RSA 193-A:4, I
Ed 315.05	RSA 193-A:5
Ed 315.06	RSA 193-A:5

Ed 315.07	RSA 193-A:6
Ed 315.08	RSA 193-A:6
Ed 315.09, Ed 315.10, Ed 315.11 (formerly Ed 315.12) and Ed 315.12 (formerly Ed 315.13)	RSA 193-A:10
Ed 315.13 and Ed 315.14 (formerly Ed 315.14 and Ed 315.15)	RSA 193-A:10, 11
Ed 315.15 (formerly Ed 315.16)	RSA 193:1, I(f)(2)

**SUMMARY OF PROCEDURE FOR ADOPTION OF REGULAR RULES
(See RSA 541-A:5 through RSA 541-A:14)**

FIRST STAGE:
(RSA 541-A:5 through
RSA 541-A:12)

NOTE: Days are calendar days unless otherwise shown. Also, OLS Director may waive deadlines or extend time periods imposed by RSA 541-A in First and Second Stages pursuant to RSA 541-A:40, IV. See 1.9 in Chapter 3.

*Allow 10 working days (after receipt by LBA of agency request) for LBA to complete the FIS.

20 days minimum

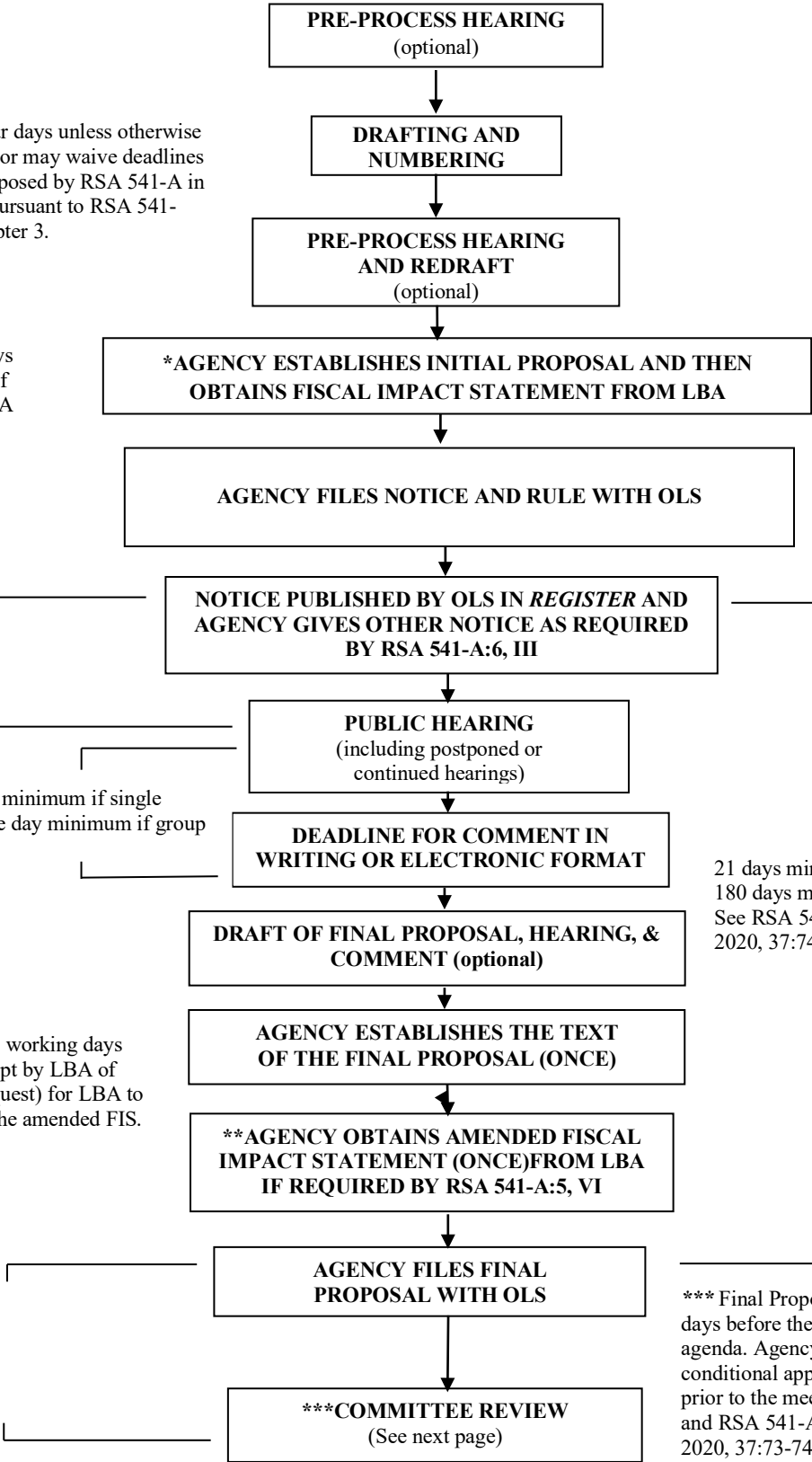
5 business days minimum if single rulemaker; same day minimum if group rulemaker.

**Allow 5 working days (after receipt by LBA of agency request) for LBA to complete the amended FIS.

60 days max.

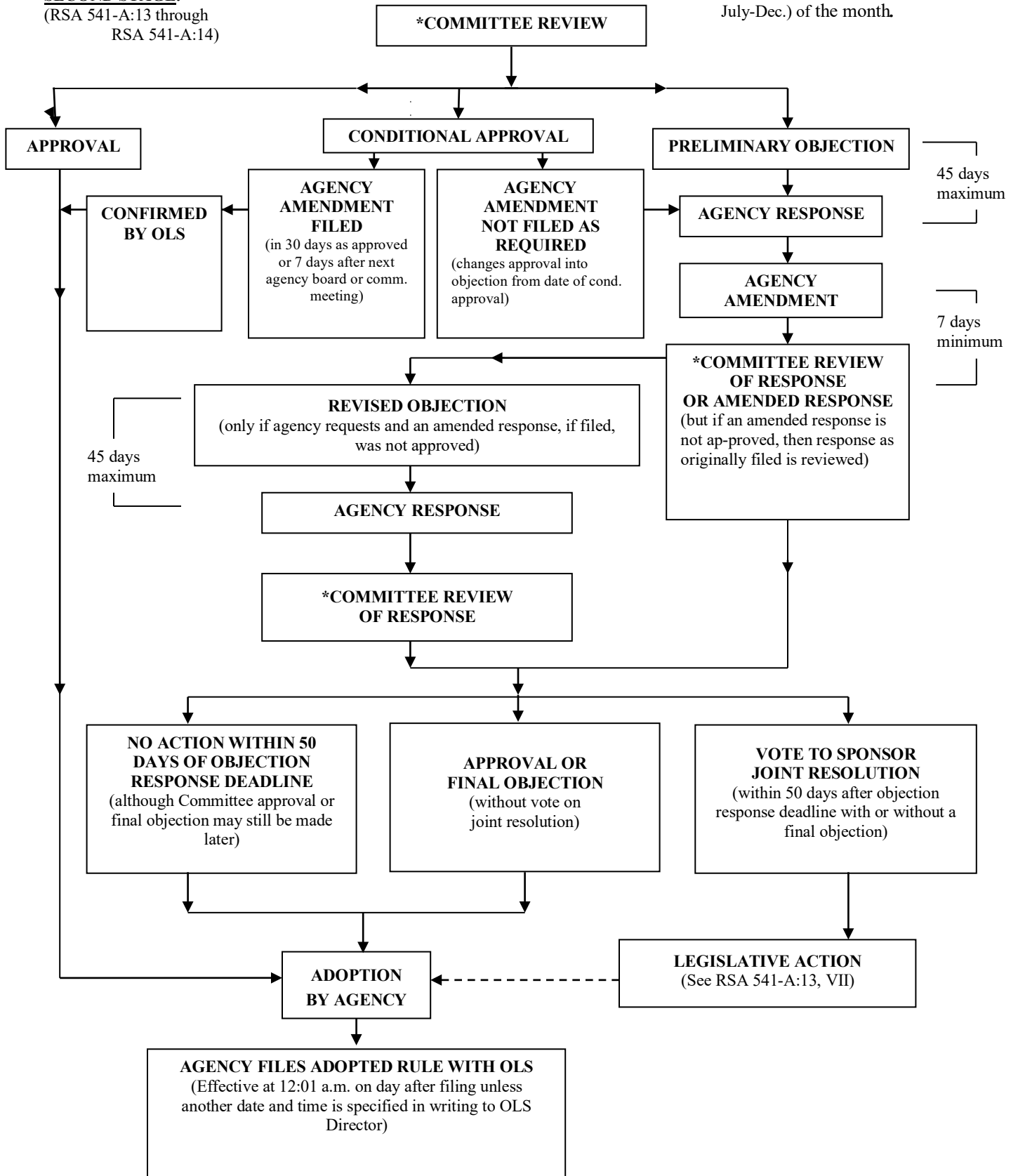
21 days minimum; 180 days maximum
See RSA 541-A:12, I, as amended by 2020, 37:74, eff. 9-27-20.

*** Final Proposal must be filed at least 21 days before the meeting for placement on the agenda. Agency has option of. filing a conditional approval request at least 7 days prior to the meeting. See RSA 541-A:12, I and RSA 541-A:13, II(b), as amended by 2020, 37:73-74, eff. 9-27-20.



SECOND STAGE:
(RSA 541-A:13 through
RSA 541-A:14)

*Committee meets at least once a month on the 3rd Friday (usu. Jan.-June) or the 3rd Thursday (usu. July-Dec.) of the month.





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OFFICE OF LEGISLATIVE SERVICES

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Published every Thursday pursuant to RSA 541-A:9

Number 10, March 9, 2023

Proposed Rules			
Notice Form	Rule Number	Agency	Proposed Rule
2023-53	Nur 501.01, Nur 501.02, and Nur 501.03	Board of Nursing	Ethical Standards
2023-54	Arch 100 various	Board of Architects	Definitions, Organization, and Public Information
2023-55	Emp 300 various	Department of Employment Security	Employer Requirements/Quarterly Reports/Authorized Agents/Filing Requirements
2023-56	Rab 200	Real Estate Appraiser Board	Applicability and Waiver of Substantive Rules
2023-57	Ed 315	Board of Education	Home Education
2023-58	Ed 602.05	Board of Education	Application Fees for Program Review
2023-59	Ed 603, Ed 604.01, Ed 604.08, Ed 605, and Ed 606	Board of Education	Standards for Curriculum, Clinical Practice, Resources and Assessment Systems for Professional Educator Preparation Programs (PEPPs)
2023-60	Fis 300 various, Fis 1102.06, Fis 1102.12, Fis 1110.03	Fish and Game Department	Wildlife Rules and Licenses and Permits
Postponement Notice 2023-27	Med 600 various	Board of Medicine	Physician Assistants

JLCAR

2023 SCHEDULED MEETING DATES AND FILING DEADLINES

The JLCAR has voted to hold its regularly scheduled meetings for January through May on the **third Friday** of the month and for June through December on the **third Thursday** of the month as listed below. The minimum 21-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules* for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays and Fridays to address items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
December 30*	January 20	February 3
January 27	February 17	March 3
February 24	March 17	March 31
March 31	April 21	May 5
April 28	May 19	June 2
May 26	June 16	June 30
June 29	July 20	August 3
July 27	August 17	August 31
August 31	September 21	October 5
September 28	October 19	November 2
October 26	November 16	November 30
November 30**	December 21	None

***NOTE:**

The filing deadlines relate to JLCAR meetings pursuant to RSA 541-A. However, if a proposed interim rule is filed with a rulemaking notice for publication in the *Rulemaking Register*, be aware that Thursdays—not Fridays—remain the filing deadline under the *Drafting and Procedure Manual for Administrative Rules* to have the rulemaking notice published the following week. Pursuant to RSA 541-A:19, V, the notice must be published at least 14 days before the regularly scheduled meeting for which the proposed interim rule has been placed on the agenda. Therefore, filing the notice together with the proposed interim rule no later than the Thursday **before** the 21-day statutory deadline would assure that both the 21-day deadline for filing the rule and the 14-day deadline for publication in the *Rulemaking Register* would be met.

****NOTE:**

The 21-day deadline to file for the December 15 meeting falls on Thanksgiving, November 24. Pursuant to RSA 541-A:16, IV, it is automatically extended to Monday, November 28.

However, if a proposed interim rule is filed with a rulemaking notice for publication in the Rulemaking Register, be aware that Wednesday, November 23 remains the filing deadline under the *Drafting and Procedure Manual for Administrative Rules* to have the rulemaking notice published the following week. Pursuant to RSA 541-A:19, V, the notice must be published at least 14 days before the regularly scheduled meeting for which the proposed interim rule has been placed on the agenda. Therefore, filing the interim rulemaking notice together with the proposed interim rule no later than Wednesday, November 23 would assure that both the 21-day deadline for filing the rule for the December 15 JLCAR meeting and the 14-day period for notice publication in the Rulemaking Register would be met.

NEXT REGULAR MEETING: March 17, 2023

Live Stream Link: <https://youtube.com/live/TL-WoWNjrlc?feature=shareC>

CONTINUED MEETING: March 31, 2023

Live Stream Link: [To Be Provided](#)

The meetings will be held in-person in rooms 306/308 of the Legislative Office Building.

Notice Number 2023-57

Rule Number Ed 315

<p>1. Agency Name & Address:</p> <p>Board of Education c/o Department of Education 25 Hall St. Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 21-N:9, II(g); RSA 193-A:3</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
---	--

5. Short Title: **Home Education**

6. (a) Summary of what the rule says and of any proposed amendments:

The Board of Education is proposing to readopt with amendment Ed 315, relative to home education, to reflect statutory changes, as follows:

Ed 315.01, regarding the statement of purpose, is being readopted with no changes;
Ed 315.02, regarding definitions, deletes “composite results”, amends “educational progress,” and adds “home education”;
Ed 315.03 and Ed 315.04, regarding eligibility and the program schedule, are being readopted with no changes;
Ed 315.05, regarding notification requirements, amends language to reflect changes in RSA 193-A:5;
Ed 315.06, regarding the notification of termination of a home education program, removes “the commissioner” to reflect changes in RSA 193-A:5, III;
Ed 315.07, regarding records, is being readopted with no changes;
Ed 315.08, regarding annual evaluations, is being amended with editorial changes;
Ed 315.09, regarding the Home Education Advisory Council (HEAC), is being amended to reflect the addition of paragraph (b), previously found in Ed 315.11;
Ed 315.10, regarding membership and term of appointment for the HEAC, is being readopted with no changes;
Ed 315.11, regarding the records of the Advisory Council, was deleted, and re-added as (b) in Ed 315.09;
The existing Ed 315.12, regarding funding and support of HEAC activities, is being readopted and renumbered as Ed 315.11;
The existing Ed 315.13, regarding the grievance committee, is being readopted and renumbered as Ed 315.12;
The existing Ed 315.14, regarding request for grievance conference, is being readopted and renumbered as Ed 315.13;
The existing Ed 315.15, regarding grievance conference, is being readopted and renumbered as Ed 315.14; and
The existing Ed 315.16, regarding certificate of completion, is being readopted and renumbered as Ed 315.15.

6. (b) Brief description of the groups affected:

Parents and guardians of students enrolled in home education, school districts, participating agencies, as defined in Ed 315.02(e), and the Home Education Advisory Council.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State or Federal Statute or Federal Regulation Implemented
Ed 315.01	RSA 193:1, I(e)
Ed 315.02	RSA 193-A:1; RSA 193-A:3
Ed 315.03	RSA 193:1, I(b)
Ed 315.04	RSA 193-A:1, I; RSA193-A:3; RSA 193-A:4, I
Ed 315.05	RSA 193-A:5
Ed 315.06	RSA 193-A:5
Ed 315.07	RSA 193-A:6
Ed 315.08	RSA 193-A:6
Ed 315.09, Ed 315.10, Ed 315.11 (formerly Ed 315.12) and Ed 315.12 (formerly Ed 315.13)	RSA 193-A:10
Ed 315.13 and Ed 315.14 (formerly Ed 315.14 and Ed 315.15)	RSA 193-A:10, 11
Ed 315.15 (formerly Ed 315.16)	RSA 193:1, I(f)(2)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Julie Shea** Title: **Administrative Rules Coordinator**
 Address: **Department of Education** Phone #: **(603) 931-9133**
25 Hall St. Fax#:
Concord, NH 03301 E-mail: **Julie.R.Shea@doe.nh.gov**
 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, April 20, 2023**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 13, 2023, 11:30 am**
 Place: **Granite State College Events, Center, 25 Hall St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 23:055, dated 2/24/2023

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in costs when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
 - A. **To State general or State special funds:**
None
 - B. **To State citizens and political subdivisions:**
None
 - C. **To independently owned businesses:**
None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

This proposal does not mandate any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivisions, and therefore does not violate Part I, Article 28-a of the New Hampshire Constitution.

HEAC Best Practices

Draft for review

[NH Constitution, Part I, Article 8](#): “Government...should be open, accessible, accountable, and responsive.”

1. HEAC meets September through **May June** on the third Friday of every other month, with alternating months as the “placeholder.”

2. HEAC meetings will occur at a location provided by the Department of Education.

[Ed 315.12 Funding and Support of Council Activities](#). The members of the home education advisory council shall serve without compensation. Subject to available funds, the department shall financially support the activities of the council, including but not limited to such expenses as mileage, secretarial assistance, and meeting facilities.

3. The Chairman **prepares ensures the preparation** of a draft annual report for approval by a majority vote of the council prior to presenting it to the State Board of Education. A minority report may be prepared.

4. The Chairman may delegate responsibilities to the Vice Chairman and other council members as needed.

5. Meetings will be posted on the DOE website and at the DOE meeting location at least 24 hours in advance. Every effort will be made to also publish an agenda and related meeting material prior to meetings.

Alternative: The HEAC Meeting Notices lists dates, times, and locations of upcoming HEAC meetings and subcommittee meetings. All meetings are held in compliance with [RSA 91-A](#), New Hampshire’s Right-to-Know law.

6. HEAC allows council members and the public to attend remotely **in keeping with** [RSA 91-A](#).

HEAC Best Practices

Draft for review

7. The public ~~will~~ **may** have an opportunity to address the council ~~at the end of~~ **during** meetings ~~and~~ at the discretion of the Chairman. The individual will identify themselves by name and affiliation, if appropriate.

Note: The Right-to-Know Law, [RSA 91-A](#), does not give the public the right to speak at a public meeting. A public body may permit, but is not required, to allow the public to comment at regular meetings that are not public hearings.

Alternative:

Public Comment:

- Public comment will take place at the discretion of the Chairman.
- One person speaks at a time (no interrupting).
- No one speaks until recognized by the Chair.
- The speaker must identify him or herself by name when beginning to speak and shall indicate whether they are a resident, state their address, and affiliation if appropriate, and address their remarks to the Home Education Advisory Council.
- Public comment is a time for members of the public to speak; it is not a “question and answer session” with HEAC.
- Each speaker will be limited to a limited time period.

8. HEAC posts minutes, meeting materials, annual reports, and recordings of meetings on the DOE website and retains them a minimum of ___ years.

Note: HEAC relies on the DOE for “secretarial assistance”. Ref. [Ed 315.12](#).

Alternative: HEAC meeting notices, minutes, and annual reports shall be published on the NH DOE website.