

LEGISLATIVE COMMITTEE MINUTES

# **HB1663**

Bill as  
Introduced

HB 1663 - AS AMENDED BY THE HOUSE

15Mar2022... 1028h

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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

22 III. Written notice of termination of a home education program shall be filed by the parent  
23 with the commissioner of education, [~~and, in addition,~~] the resident district superintendent, or **the**  
24 nonpublic school principal within 15 days of said termination.

25 4 New Paragraph; Home Education; Notifications. Amend RSA 193-A:5 by inserting after  
26 paragraph IV the following new paragraph:

27 V. Any parent who previously notified the resident district superintendent of a home  
28 education program who moves from said district shall notify the original resident district  
29 superintendent that the child has moved from the district and shall provide notification pursuant to  
30 paragraph I.

31 5 Home Education; Records; Educational Evaluation. Amend RSA 193-A:6 to read as follows:

1 193-A:6 Records; Evaluation.

2 I. The parent shall maintain a portfolio of records and materials relative to the home  
3 education program. The portfolio shall consist of a log which designates by title the reading  
4 materials used, and also samples of writings, worksheets, workbooks, or creative materials used or  
5 developed by the child. Such portfolio, *which at all times remains the property of the parent*,  
6 shall be preserved [~~by the parent~~] for 2 years from the date of the ending of the instruction.

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

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

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

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

20 (d) The child shall be evaluated using any other valid measurement tool mutually  
21 agreed upon by the parent and the commissioner of education, resident district superintendent, or  
22 nonpublic school principal.

23 6 Effective Date.

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

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

HB 1613-FN - AS AMENDED BY THE HOUSE

15Mar2022... 0830h

2022 SESSION

22-2389

08/10

HOUSE BILL            ***1613-FN***

AN ACT                relative to certain liquor manufacturers.

SPONSORS:            Rep. Post, Hills. 4; Rep. Harvey-Bolia, Belk. 4; Rep. Deshaies, Carr. 6

COMMITTEE:          Commerce and Consumer Affairs

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AMENDED ANALYSIS

This bill authorizes a liquor manufacturer distilling less than 1,000 cases of liquor per year to sell its liquor at its facility for off-premises consumption and establishes fees for domestic liquor manufacturers based on the number of cases they produce per year.

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                         Matter removed from current law appears [~~in brackets and struck through.~~]  
                         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 certain liquor manufacturers.

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

1       1 New Paragraph; Liquor Manufacturer License; Authorizing Retail Sale for Off-Premises  
2 Consumption at Certain Facilities. Amend RSA 178:6 by inserting after paragraph III the following  
3 new paragraph:

4           III-a. Each liquor manufacturer distilling less than 1,000 cases of liquor per year may sell at  
5 retail at its facility for off-premises consumption any of its liquor. Each retail sale shall be limited to  
6 one 9-liter case or less per sale. No liquor manufacturer distilling less than 1,000 cases of liquor per  
7 year shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

8       2 Annual Wine and Liquor License Fees. Amend RSA 178:29, V(b) to read as follows:

9           (b)(1) Domestic [~~manufacturers of liquor~~] *liquor manufacturers of 1,000 or more*  
10 *cases of liquor per year, \$1,692.*

11           (2) *Domestic liquor manufacturers of less than 1,000 cases of liquor per year,*  
12 *\$300.*

13       3 Effective Date. This act shall take effect July 1, 2022.

HB 1613-FN- FISCAL NOTE  
 AS INTRODUCED

AN ACT establishing a limited farmers liquor manufacturer license.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input type="checkbox"/> General Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Liquor			

**METHODOLOGY:**

This bill establishes a limited farmers liquor manufacturer license. The Liquor Commission indicates the existing fee to acquire a liquor manufacturer's license is \$1,692 per licensing year. This bill would establish a limited farm manufacturing license for \$500 per licensing year. The Commission is not able to predict how many farms will apply for this license type and is unable to forecast the amount of sales, license fee, or tax revenue that would be collected if the bill becomes law. The Commission states it is not certain the fee of \$500 would cover the cost to administer and monitor the licensee for reporting and compliance purposes.

**AGENCIES CONTACTED:**

Liquor Commission



CHAPTER 131  
HB 1663 - FINAL VERSION

15Mar2022... 1028h

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

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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.

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CHAPTER 131  
HB 1663 - FINAL VERSION

15Mar2022... 1028h

22-2543  
10/05

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           131:1 Access to Public School Programs by Nonpublic, Public Chartered Schools, or Home  
2 Educated 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           131:2 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 II~~].

21           131:3 Home Education Program; Notifications. Amend RSA 193-A:5, III to read as follows:

22           III. Written notice of termination of a home education program shall be filed by the parent  
23 with the commissioner of education, [~~and, in addition,~~] the resident district superintendent, or **the**  
24 nonpublic school principal within 15 days of said termination.

25           131:4 New Paragraph; Home Education; Notifications. Amend RSA 193-A:5 by inserting after  
26 paragraph IV the following new paragraph:

27           V. Any parent who previously notified the resident district superintendent of a home  
28 education program who moves from said district shall notify the original resident district  
29 superintendent that the child has moved from the district and shall provide notification pursuant to  
30 paragraph I.

**CHAPTER 131**  
**HB 1663 - FINAL VERSION**  
**- Page 2 -**

1       131:5 Home Education; Records; Educational Evaluation. Amend RSA 193-A:6 to read as  
2 follows:

3       193-A:6 Records; Evaluation.

4           I. The parent shall maintain a portfolio of records and materials relative to the home  
5 education program. The portfolio shall consist of a log which designates by title the reading  
6 materials used, and also samples of writings, worksheets, workbooks, or creative materials used or  
7 developed by the child. Such portfolio, *which at all times remains the property of the parent*,  
8 shall be preserved ~~[by the parent]~~ for 2 years from the date of the ending of the instruction.

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

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

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

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

22           (d) The child shall be evaluated using any other valid measurement tool mutually  
23 agreed upon by the parent and the commissioner of education, resident district superintendent, or  
24 nonpublic school principal.

25       131:6 Effective Date.

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

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

Approved: June 02, 2022

Effective Date:

I. Section 1 effective August 31, 2022

II. Remainder effective June 2, 2022

# Amendments

Sen. Ward, Dist 8  
April 5, 2022  
2022-1325s  
10/04

Amendment to HB 1663

1 Amend the bill by inserting after section 5 the following and renumbering the original section 6 to  
2 read as 9:

3

4 6 Home Education; Reference to Rules Deleted. Amend RSA 193-A:11 to read as follows:

5 193-A:11 Authority of School District Officials. No superintendent, school board, school  
6 principal, or other school district official shall propose, adopt, or enforce any policy or procedure  
7 governing home educated pupils that is inconsistent with or more restrictive than the provisions of  
8 this chapter ~~and any rules adopted pursuant to RSA 193-A:3~~.

9 7 Repeal; Home Education; Rulemaking. RSA 193-A:3, relative to home education rules of the  
10 state board of education, is repealed.

11 8 Department of Education; Expedited Repeal of Rules. The commissioner of the department of  
12 education shall expedite the repeal of rules under RSA 541-A:19-a for all rules adopted under section  
13 7 of this act.

UNAPPROVED

2022-1325s

AMENDED 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, and repeals the department of education's rulemaking authority for home education programs.

UNAPPROVED

Amendment to HB 1663

1 Amend the bill by inserting all after section 5 with the following:

2

3 6 Repeal; Rulemaking. RSA 193-A:3, relative to rulemaking by the state board of education on  
4 home education, is repealed.

5 7 Home Education; Authority of School District Officials; Rules. Amend RSA 193-A:11 to read  
6 as follows:

7 193-A:11 Authority of School District Officials. No superintendent, school board, school  
8 principal, or other school district official shall propose, adopt, or enforce any policy or procedure  
9 governing home educated pupils that is inconsistent with or more restrictive than the provisions of  
10 this chapter and any rules adopted *by the state board of education* pursuant to *former* RSA 193-  
11 A:3.

12 8 Prospective Version; Authority of School District Officials; 2031. Amend RSA 193-A:11 to read  
13 as follows:

14 193-A:11 Authority of School District Officials. No superintendent, school board, school  
15 principal, or other school district official shall propose, adopt, or enforce any policy or procedure  
16 governing home educated pupils that is inconsistent with or more restrictive than the provisions of  
17 this chapter [~~and any rules adopted by the state board of education pursuant to former RSA 193-~~  
18 ~~A:3~~].

19 9 Application; Repeal of Rulemaking. Notwithstanding any provision of RSA 541-A, the rules  
20 adopted by the state board of education under former RSA 193-A:3 in effect on the effective date of  
21 this section shall be enforced and remain in effect until they shall expire on January 15, 2031.

22 10 Effective Date:

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

24 II. Section 8 of this act shall take effect on January 15, 2031.

25 III. The remainder of this act shall take effect upon its passage

2022-1769h

AMENDED 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. The bill also repeals the state board of education's rulemaking authority on home education, but retains the current rules in effect until 2031.

UNAPPROVED



# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Education**

Sen Ruth Ward, Chair  
Sen Erin Hennessey, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Jay Kahn, Member  
Sen Suzanne Prentiss, Member

Date: March 30, 2022

**HEARINGS**

Tuesday	04/05/2022
(Day)	(Date)
Education	Legislative Office Building 101 9:00 a.m.
(Name of Committee)	(Place) (Time)
9:00 a.m. <b>HB 1125</b>	relative to school emergency plans.
9:10 a.m. <b>HB 1164</b>	revising the agriculture in the classroom committee.
9:20 a.m. <b>HB 1367</b>	relative to civics instruction in schools.
9:30 a.m. <b>HB 1263</b>	relative to prescribed studies on health, physical education, wellness, and personal finance literacy in schools.
9:40 a.m. <b>HB 1663</b>	relative to requirements for home education students.
9:50 a.m. <b>HB 1381</b>	relative to student school board members.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 1125**

Rep. Cordelli

Rep. Cornell

Rep. Porter

**HB 1164**

Rep. Pearl

**HB 1367**

Rep. Hobson

Rep. Hough

Rep. Moffett

**HB 1263**

Rep. Knirk

Rep. Tanner

Rep. Murphy

Rep. Marsh

Rep. Weston

Rep. Woods

Rep. Schamberg

Sen. Watters

Sen. Sherman

**HB 1663**

Rep. Layon

Rep. Rice

Rep. Moffett

Rep. Nunez

Rep. A. Lekas

Rep. Notter

Rep. Cordelli

**HB 1381**

Rep. Labranche

Rep. Laughton

Rep. Mullen

Rep. Gallagher

Rep. Ellison

Rep. Welkowitz

Ava Hawkes 271-3266

Ruth Ward  
Chairman

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# Senate Education Committee

*Ava Hawkes 271-3266*

**HB 1663**, relative to requirements for home education students.

**Hearing Date:** April 5, 2022

**Time Opened:** 10:03 a.m.

**Time Closed:** 10:32 a.m.

**Members of the Committee Present:** Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

**Members of the Committee Absent :** None

**Bill 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.

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**Sponsors:**

Rep. Layon

Rep. Rice

Rep. Moffett

Rep. Nunez

Rep. A. Lekas

Rep. Notter

Rep. Cordelli

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**Who supports the bill:** 106 people signed in support of this bill. Sign-in sheets are available upon request.

**Who opposes the bill:** Penny Culliton, Janet Lucas

**Who is neutral on the bill:** None

**Summary of testimony presented:**

**Representative Erica Layon – Rockingham, District 6**

- Representative Layon introduced HB 1663.
- There were a lot of changes in home education in 2010. At the time, there were very restrictive.
- Through administrative rulemaking, in 2012, there were very good changes made that allowed parents to better understand how to comply with the law and encourage student success.
- There are a lot of reasons why that action was taken in 2012.
- Families spend months and months preparing their children/students.
- Our public crisis homeschoolers during COVID-19 revealed a lot about the state of homeschooling in NH.

- Many questions surrounded who is the best to notify about your homeschooling plan and what to do if you move.
- This bill requires school districts who do not have a homeschooling policy to create one.
- This bill also addresses a longstanding myth of how long a parent needs to direct this education.
- This bill addresses rulemaking and a core refinement to make laws more clear.
- We need to make this process easier for families to comply.
- This bill was on consent in the House.
- We need to take burden off parents and the department who are trying to interpret rules and the department.

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**Michael Donnelly – Senior Counsel, Homeschool Legal Defense Association**

- This is a helpful bill with a lot of helpful language.
- Homeschooling has become a larger community over the last two years.
- The U.S. Census reports that homeschooling has doubled.
- They support removing the rulemaking authority from the commissioner of the department of education. The rules were never necessary.
- Homeschoolers currently have to consult two bodies of law.
- Families and parents should not have to look into two places for information.
- Senator Kahn asked Mr. Donnelly about the rules in place.
  - Mr. Donnelly said section 315 is the rules section, they are easy to find online. It is six pages.
  - He has been involved in NH homeschool law for nearly 20 years.
  - He has reviewed the rules, as written, and they simply restate the law. He believes Commissioner Edelblut is in support of this effort in this bill.
- Senator Kahn asked Mr. Donnelly about the department not having rules.
  - Mr. Donnelly said they would support the bill as is, however, they would also support putting language back in the bill related to this.
- Senator Kahn said he would rely on the department to give the many instances where we have rules and statutes in both places on the same topic. Different people consult different sources for different reasons.
  - Mr. Donnelly said all 50 states have laws and rules. It is most appreciated to make it simpler for homeschoolers.

**Angel Brisson**

- Supports this bill.
- Her and her husband home educate their daughter.
- Home education is designed to be directed by the parents.

- It was never designed for the home education plan to be agreed on by the parents and the home education agency.
- This bill amends statute related to parents having to get consultation or approval from these agencies.
- The hope is to have clarified that parents do not have to notify all participating agencies when families move out of district.
- It is the parents right and responsibility to see their child's education through.
- As home educators, they seek parity.
- Home educated students, who receive no taxpayer funds, are the only students who are subject to arbitrary achievement requirements.
- The current statute states that home educated students must score at or above the 40<sup>th</sup> percentile.
- These requirements are not in place for students in the four other educational tracks: public school, charter school, Prenda pods, private schools, EFA students, etc. All of which receive public dollars.
- For public schools, the mandated statewide assessment does not have any academic requirements and students can opt out of testing.
- This is inequitable – it makes no sense for this 40<sup>th</sup> percentile requirement to exist for home educated students when no other educational track requires this.
- This bill seeks to correct these fallacies.

### **Abigail Bellemore**

- Chester resident.
- She is a representative of the homeschooling community statewide and locally.
- Supports this bill as it will clarify laws for potential and future homeschoolers.
- Equal access removes confusion for parents who seek to benefit their children.
- They are looking to use their taxpayer money that goes to local districts to utilize enrichment programs.
- Homeschooling parents are being held to a higher standard than public schools. This needs to end.
- Sometimes public-school students are on the same level educationally, homeschool students could be across the spectrum.
- She gets calls and emails from parents who need guidance on reporting and submission of documents.
- Mentors or advisors need this bill as well.
- Senator Kahn asked Ms. Bellemore about the multiple evaluation forms and which forms she uses.
  - Ms. Bellemore said she is using a test called CAT from California.
  - Her daughter is 11 and reads very well, so she does evaluations alone.
  - Her son is not a complete full-on reader so she assists him, however, she does not take tests for him.

- There is another way of evaluating which is through a state-approved educator to look at portfolios.
- When you evaluate a child, it is based on a 40<sup>th</sup> percentile increase from the year previous.
- She does not care if it is 40% as long as her daughter is ready for the next grade level.
- Five programs in one year was tough, however, parents get to customize.

**Michelle Levell – Director & Co-founder, Granite State Educators**

- They support this bill.
- Granite State Educators is a 501(c)(4) non-profit organization with 6,000 members.
- ~~● They serve a massive section of the homeschool community.~~
- This bill addresses important aspects of homeschool education and gives transparency.
- This is about families who do not receive taxpayer support.
- Section five of the bill removes inequitable 40<sup>th</sup> percentile requirements for homeschooling families. This is the only pathway that has individual student achievement requirements written into state law.
- If a homeschooling family uses a standardized test for their annual assessment, the student must fall above the 40<sup>th</sup> percentile to demonstrate academic proficiency.
- This means that 39% of students fail automatically.
- This standard is unique to unfunded students.
- EFA students do not have an educational performance requirement, however, they receive public funds.
- The town tuition program is another example of local tax dollars going to students without the percentile requirement.
- Students in public schools have an average cost of \$18,000 per pupil, yet don't have an academic achievement requirement.
- NH has struggled with learning loss as a result of the COVID-19 pandemic.
- Low proficiency scores were prevalent long before the pandemic.
- Public school districts are required to have pupils at or above the proficient level as of the 2019 school year. That benchmark has not been met.
- If homeschoolers had done that, they would have been considered failing.
- This is very inequitable. The academic requirement is unique to home educated students.
- This proposed change in this bill does not remove the annual assessment requirement. That remains the same.
- Senator Hennessey asked Ms. Levell about section one of the bill and a cost associated.

- Ms. Levell said families already pay into the district, whether they have children or not. Those funds go back to the high school if a student participates or not. There is a section in statute that reimburses the high school out of the state adequacy fund should a student take such programs.
- Senator Hennessey asked Ms. Lavelle if this fund reimburses for cocurriculars as well.
  - Ms. Lavelle said it is ambiguous as it would go down to the district level.
  - She plans to follow-up with the Committee on additional details and testimony.

**Ann Marie Banfield**

- She supports this bill.
- She plans to email the Committee written testimony.

amh  
Date Hearing Report completed: April 12, 2022



# Speakers







## Senate Remote Testify

### Education Committee Testify List for Bill HB1663 on 2022-04-05

Support: 91 Oppose: 2

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Brisson, Angel	A Member of the Public	Myself	Support
Brisson, David	A Member of the Public	Myself	Support
Cobble, Lacey	A Member of the Public	Myself	Support
Berger, Stacey	A Member of the Public	Myself	Support
Albers, Jennessa	A Member of the Public	Myself	Support
Albers, Christopher	A Member of the Public	Myself	Support
Anderson, Shayla	A Member of the Public	Myself	Support
Mirica, Razvan	A Member of the Public	Myself	Support
Mignault, Gabrielle	A Member of the Public	Myself	Support
Stoddard, Alexandria	A Member of the Public	Myself	Support
Mercier, Cynthia	A Member of the Public	Myself	Support
Mercier, Brandon	A Member of the Public	Myself	Support
Bobolia, James and Jennifer	A Member of the Public	Myself	Support
Koenig, Karen	A Member of the Public	Myself	Support
Smith, Julie	A Member of the Public	Myself	Support
Prevost, Eileen	A Member of the Public	Myself	Support
White, Sara	A Member of the Public	Myself	Support
Pereira, Jennifer	A Member of the Public	Catholics United for Home Education NH as the group's president	Support
Moore, Kathy-Jean	A Member of the Public	Myself	Support
Lietsch, Niki	A Member of the Public	Myself	Support
Schmitt, Megan	A Member of the Public	Myself	Support
Christensen, Lora	A Member of the Public	Myself	Support
Christensen, Eric	A Member of the Public	Myself	Support
Ramirez, Amy	A Member of the Public	Myself	Support
Courchaine, Sarah	A Member of the Public	Myself	Support
Avery, Virginia	A Member of the Public	Myself	Support
Abbott, Catherine	A Member of the Public	Myself	Support
Gil, Christine	A Member of the Public	Myself	Support
Rosado, Jose	A Member of the Public	Myself	Support
Wikstrom, Kathleen	A Member of the Public	Myself	Support
Howland, Curtis	A Member of the Public	Myself	Support
Johnson, Courtney	A Member of the Public	Myself	Support
Amato, Jaimie	A Member of the Public	Myself	Support
Amato, Freddie	A Member of the Public	Myself	Support
Beadle, Amanda	A Member of the Public	Myself	Support
Lepine, Karen	A Member of the Public	Myself	Support
Lepine, Keith	A Member of the Public	Myself	Support
Minery, caren	A Member of the Public	Myself	Support
Andrews, Stacy	A Member of the Public	Myself	Support
Anders, Timothy	A Member of the Public	Myself	Support
Elly, Tara	A Member of the Public	Myself	Support
Coleman, Bethany	A Member of the Public	Myself	Support
Corriveau, Maritza	A Member of the Public	Myself	Support
Collins, Kelly	A Member of the Public	Myself	Support
Johnston, Kaylene	A Member of the Public	Myself	Support
Doubleday, Lena	A Member of the Public	Myself	Support
Korfiatis, Maria	A Member of the Public	Myself	Support

Lucas, Janet	A Member of the Public	Myself	Oppose
Medeiros, Jesse	A Member of the Public	Myself	Support
Rohrbacher, Michelle	A Member of the Public	Myself	Support
Vitagliano, Beth	A Member of the Public	Myself	Support
Halbrooks, Mary	A Member of the Public	Myself	Support
Bradford, Meghan	A Member of the Public	Myself	Support
Dean, Lauren	A Member of the Public	Myself	Support
Butler, Susan	A Member of the Public	Myself	Support
Ferraioli, Kristen	A Member of the Public	Myself	Support
Bilby, Sarah	A Member of the Public	Myself	Support
Hotaling, Andrea	A Member of the Public	Myself	Support
Huesman, Kayla	A Member of the Public	Myself	Support
Culliton, Penny	A Member of the Public	Myself	Oppose
Nugent-Mullarkey, Patricia	A Member of the Public	Myself	Support
Mullarkey, Jr., William	A Member of the Public	Myself	Support
Wilson, Barbara	A Member of the Public	Myself	Support
Chylinski, Teresa	A Member of the Public	Myself	Support
Richard, Peter	A Member of the Public	Myself	Support
Daves, Amber	A Member of the Public	Myself	Support
Beadle, Daniel	A Member of the Public	Myself	Support
Markey, Carrie	A Member of the Public	Myself	Support
Magoon, Heather	A Member of the Public	Myself	Support
Nicolaides, Martin	A Member of the Public	Myself	Support
Martin, Kayleen	A Member of the Public	Myself	Support
Kolb, Ellen	A Member of the Public	Myself	Support
Ferguson, Alicia	A Member of the Public	Myself	Support
Dionne, Amanda	A Member of the Public	Myself	Support
Hardwick, Sara	A Member of the Public	Myself	Support
Scaer, Beth	A Member of the Public	Myself	Support
Tower, Heather	A Member of the Public	Myself	Support
Kemp, Gordon	A Member of the Public	Myself	Support
Denysyk, Kristin	A Member of the Public	Myself	Support
Rohrbacher, Ian	A Member of the Public	Myself	Support
Kennedy, Lisa	A Member of the Public	Myself	Support
Mason, Angela	A Member of the Public	Myself	Support
Gildersleeve, Darlene	A Member of the Public	Myself	Support
Hoell, JR	A Member of the Public	Myself	Support
Delano, Janic	A Member of the Public	Myself	Support
St. Peter, Holly	A Member of the Public	Myself	Support
Alleman, Bill	A Member of the Public	Myself	Support
Post, Gretchen	A Member of the Public	Myself	Support
Vaillancourt, Sara	A Member of the Public	Myself	Support
Vaillancourt, Jessica	A Member of the Public	Myself	Support
Christensen, Lisa	A Member of the Public	Myself	Support
Christensen, John	A Member of the Public	Myself	Support
Feather, Linda	A Member of the Public	Myself	Support

# Testimony

## Ava Hawkes

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**From:** Jody Underwood <jodysun@gmail.com>  
**Sent:** Friday, April 1, 2022 9:58 AM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** Testimony in favor of HB 1663

Dear Senate Education Committee,

My name is Jody Underwood. I am Chair of the Croydon School Board. I am on the board of the School District Governance Association. I have a Ph.D. in Education. I have been a school choice advocate in New Hampshire for many years.

Although I support all the proposed changes and encourage you to vote OTP on HB1663, there are some important ways in which this bill doesn't go far enough.

Although the parents of ALL students pay taxes to support the schools of the districts in which they live, homeschooled and non-public-school students are often treated differently in terms of access to curricular and extra-curricular programs offered at district schools. There are a few reasons for this.

First, it's currently too easy for school boards to lose track of what they're supposed to provide to homeschool students and other non-public-school students. I've been on the Croydon school board since 2010, and I'm only now realizing that I didn't know exactly what districts are supposed to provide to these students. School boards are required to create policies for different issues, which forces them to become aware of these issues. One of the required policies should ensure equal access to programs to ALL students living in their districts, not just those students who attend district schools.

Second, it's current practice in many districts to exclude homeschool and non-public-school students from participating in programs if they have failed to meet arbitrary academic standards, while not excluding public-school students who fail to meet those same standards. If a minimum standard is required for ANY students living in the district, it must be required for ALL students. There are two ways this might be accomplished. One would be to simply remove the minimum standards, and let all students participate in everything. Another would be to keep the minimum standards, and use them to exclude any students who fail to meet them — including students who happen to be attending the schools where the programs are offered.

Third, one of the RSAs that is being amended by this bill is RSA 193-A:6 II, which says that parents need to evaluate their homeschooled students annually, and then says what it means for an evaluation to be successful. HB1663 proposes to delete the statement that implies that homeschooled students must perform at the fortieth percentile:

"... Composite results at or above the fortieth percentile on such tests shall be deemed reasonable academic proficiency"

However, note that the RSA does not specify any consequences if homeschooled students don't reach the fortieth percentile. That is, it's not so much a 'statute' as a 'definition'. While deleting that statement would be a fine step, it would be simpler and more sensible to simply remove the reporting requirement completely. Arguing over how to change a rule that has no consequences for being broken is pointless and a waste of time.

But if the definition is to remain in place, it provides an interesting opportunity to address another source of unequal treatment. That is, if the implication is that a homeschooled student who is underperforming should be removed from the homeschool environment, then the same should be true for a public-school student who is underperforming — that student should be removed from the public school that he's currently attending. If

we're going to have consequences for failure to meet some minimum standard, then they should apply to everyone, or to no one.

Again, please vote OTP on HB1663, and consider making the changes even broader. Thank you for your attention.

Jody S. Underwood, Ph.D.  
Chair, Croydon School Board  
Board member, School District Governance Association



## Ava Hawkes

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**From:** Jennifer Bobolia <jjbobolia@gmail.com>  
**Sent:** Friday, April 1, 2022 1:54 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** Support HB 1663

Dear Senate Education Committee Members,

As homeschooling parents, we request that you vote in favor of HB 1663. This bill requires all districts to adopt an Equal Access policy, simplifies homeschool program termination to mirror the initial notification language, removes language that could imply home-ed programs need approval by Participating Agencies, removes inconsistencies regarding who to notify and when, removes inequitable academic achievement requirements, and adds explicit protection for home-educated children with special education differences.

Thank you for your consideration and your service to the citizens of New Hampshire,

James and Jennifer Bobolia  
26 Hampshire Dr  
Derry

## Ava Hawkes

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**From:** goscorwin@hotmail.com  
**Sent:** Saturday, April 2, 2022 7:27 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** HB 1663 - I support

Hello,

I'd like to thank you for taking a moment to read this email. I am a resident of Hillsboro NH and would like to voice my support for HB 1663.

I believe homeschool med students should be able to have equal access in all school districts as we all pay taxes to fund the public schools. I also believe clarifying the language in this bill to ensure continuity and clarity for homeschool families is imperative as we want to make sure we are meeting all the state requirements with ease.

Lastly I believe the removal of unequitable academic achievement requirements is long overdue and needs to be sent with immediately.

Thank you for taking the time to read my support for HB 1663 in it's entirety.

Sincerely,

Sara White  
Hillsboro, NH

Sent from myMail for iOS

## **Ava Hawkes**

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**From:** Jennifer Pereira <pereirajen@yahoo.com>  
**Sent:** Saturday, April 2, 2022 8:10 PM  
**To:** Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** HB 1663 support

Dear Senate Education Committee members,

On behalf of Catholics United for Home Education NH, the statewide Catholic homeschool support group, I wish to ask you to support NH HB 1663 relative to home education. This bill will improve our home education law by requiring school districts to adopt equal access policies, making clarifications regarding home education notifications, adding protections for home education students with special needs, and removing inequitable academic achievement requirements.

Thank you for your hard work on behalf of all students and families.

Jennifer Pereira  
Catholics United for Home Education, President

## Ava Hawkes

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**From:** Mary Beth Halbrooks <mehalbrooks@gmail.com>  
**Sent:** Monday, April 4, 2022 10:33 AM  
**To:** Ava Hawkes; Denise Ricciardi; Erin Hennessey; Jay Kahn; Ruth Ward; Suzanne Prentiss  
**Subject:** We support HB 1663

Hello,

Our family homeschools our children (ages 17, 13 & 8 ) in Jaffrey, NH, and we support the HB 1663 Homeschool freedom bill. Please consider voting in support to help so many NH families who pay out of pocket for their children's education.

Thank you for your time!

Sincerely,

Mary & Jacob Halbrooks  
279 Mountain Rd, Jaffrey, NH 03452

## Ava Hawkes

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**From:** Sarah Rumery <rumery.sarah@protonmail.com>  
**Sent:** Monday, April 4, 2022 10:50 AM  
**Subject:** IN SUPPORT of Bill HB 1663

Dear committee members,

I would like this email that I am sending to be added to Bill HB 1663's permanent records. I am writing to inform the committee members that I am in *support* of the HB 1663 bill which provides homeschoolers and homeschooling families with important freedoms and protections.

As a homeschooling parent living in Lancaster, NH, this bill (HB 1663) is important to me. We have three young children who we homeschool and we appreciate that this bill would do the following things to help homeschooling families:

- Requires all districts to adopt an Equal Access policy.
- Simplifies termination to mirror the initial notification language.
- Removes language that could imply home-ed programs need approval by - Participating Agencies.
- Removes inconsistencies regarding who to notify and when.
- Removes unequitable academic achievement requirements.
- Adds explicit protection for home-educated children with special education differences.
- Explicitly states the portfolio remains the private property of the family.

Please support and pass Bill HB 1663 so that homeschooling families can receive the important benefits above.

Sincerely,  
Sarah Rumery †

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Acts 16:31 "Believe on the Lord  
Jesus Christ, and thou shalt be saved."  
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And Then I Threw My Hands Up  
Worries Down  
I Remember When He Showed Me How  
To Break Up With My Doubt  
Once I Was Lost But Now I'm Found  
*No Strings Attached When He Saved My Soul*  
*I Want You To Know The God I Know*  
---Love & The Outcome--  
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Sent with [ProtonMail](#) secure email.

## Ava Hawkes

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**From:** Andy Hotaling <ahotaling26@gmail.com>  
**Sent:** Monday, April 4, 2022 2:50 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** HB 1663

Education committee-Members:

I strongly urge you to support HB1663. This bill is important to help clarify home education requirements and to move home education freedom forward. Home education is an optimal choice for many families and it should be allowed to flourish in NH.

Thank you for your consideration.

Andrea Hotaling  
Deerfield, NH

## Ava Hawkes

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**From:** p n <mamacita45@hotmail.com>  
**Sent:** Monday, April 4, 2022 4:39 PM  
**To:** Ava Hawkes  
**Subject:** Re: HB 1663

Dear Representative Hawkes:

My husband and I are writing in support of HB 1663. It addresses several areas of inequality and confusion that have plagued homeschoolers for years. Please add our emails as part of the bill's public record.

Patricia Nugent-Mullarkey: mamacita45@hotmail.com  
William Mullarkey, Jr.: bmlrky@hotmail.com

Thank you.

Respectfully,

Patricia Nugent-Mullarkey & William Mullarkey, Jr.

## Ava Hawkes

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**From:** Teresa Chylinski <t\_chylinski@hotmail.com>  
**Sent:** Monday, April 4, 2022 7:18 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** SUPPORT for HB1663

Hello,

My name is Teresa Chylinski and I have been a resident of Londonderry NH for just shy of 20 years. I have homeschooled at least one of my three children over the past 5 years while one has always, happily & successfully, remained in public school. During this time I have heard unsubstantiated comments about a parent's inability to educate their child or that homeschooling is used to cover abuse in one ear while hearing that parents who send their children to public schools are sending them into a conformist, limited, bullying/abusive, and obsolete system in the other. Both sides are sometimes right and often wrong. In no way can we cover each case, but this is personal for me so I will share snapshots of our family story to illustrate that while I am a strong supporter of our public schools, I am also a passionate supporter of homeschooling and this is one of the reasons I don't vote a "straight ticket." In a climate where everyone is saying they "support the children" while sometimes blindly backing themselves further into their own political corners, I implore you to think past partisan politics and consider what might be right for some students, even if it doesn't fit your party's agenda. All of that being said, I am writing this in support of HB 1663.

While I always supported this bill, I was not motivated to actively support it because we live in an amazing district in terms of equal access, reporting, etc... Furthermore, we've been blessed with children who, despite the occasional hardships thrown their way, have been able to perform and evaluate well. The first instance that inspired me to reach out was a comment from our eldest, who we unenrolled during middle school (age 11). She is a very strong, motivated, and high scoring student, so it was a challenge to take the step to homeschool her. While she was homeschooled, she continued to thrive, testing well (90<sup>th</sup> percentile+) on standardized tests and scoring high on AP exams. We were blessed because she was able to easily customize her education and use the Equal Access law to take some courses over the years and access sports and clubs. Because of Equal Access, she has made great connections, both with peers and educators and I hope they have also benefitted from knowing her. As a junior, our district has a pathway for her to go back to school full time to allow her to graduate through the district and with her class. She chose not to re-enroll, valuing her autonomy over graduating with friends. I've often questioned her choice until she recently thanked me and **made the comment that brings me here today. She thanked me for being "that parent" because "most parents would not have listened or had the guts to go against what's "normal" to do what you did for me and I might not be here if it weren't for you"** (referencing a recent suicide in our community). I might have been "that parent" who pulled her out of a situation which was not a good fit, but Equal Access allowed her to make those social and academic connections she wanted to make. Please ensure other students who are unenrolled are guaranteed the opportunity to take part of the amazing educational, social, emotional, and enjoyable opportunities our public schools offer if they so choose. If nothing else, support this bill to ENSURE our children can access the portions of public education that work for them – you never know when it will be your child, relative, grandchild, etc... whose life and/or education it saves/enriches.

Another part of our family's homeschooling experience was when our middle child, Donovan, unenrolled/homeschooled in 4<sup>th</sup> grade. The school was amazing in that I met with our principal and we arranged it so our son would be assigned to a class and come in for specials: music, PE, art, library as well as field trips, science fairs, etc... This Equal Access opportunity made Donovan realize he loved his teacher so much that when he found out his class was looping as he could as well, he chose to re-enroll the next year. I loved this connection & asked the teacher to review our son's portfolio. It was a win-win as the teacher knew Donovan from interacting with him daily, knew he was getting his specials covered at school, then knew what we had covered during the year before our son re-enrolled with him as the



teacher the following year. Equal Access may be a way to allow more students to keep one foot in the door of their public school, thereby increasing the chances of them returning.

From a financial perspective, UNFUNDED homeschooled students do not take away any local money from the school (local tax money is the bulk of what funds schools), plus when a student like Katia accesses courses or co-curriculars through Equal Access, the state reimburses the district for the portion she is accessing (RSA 198:38). Allowing unenrolled students like Katia access to classes and co-curriculars brings more money in to public schools.

If you believe public schools are better equipped at teaching – demand Equal Access to better educate our youth, even for one class.

If you believe some homeschooled children are abused – ensure Equal Access for increased transparency to report it.

If you are worried your district will lose funding because a high schooler chooses to homeschool – demand Equal Access to get some of the funds back.

If you are against demanding Equal Access for all our students, please ask yourself why, and if you truly believe public schools are best, why would you deprive an unfunded homeschooled child the class/club/sport? --

~~The other portion of this bill I strongly support is the removal of the academic performance threshold for~~ homeschoolers. I'm fortunate that Katia is an excellent student, but what if she weren't? She was unenrolled for social/emotional/mental reasons. What if she was not able to meet the 40% proficiency requirement of homeschooled students but her mental health was such that going back to school might make her "not here?" Would putting her back in school be the answer when school was (at least in her mind) the problem? What if Donovan was not able to meet this arbitrary threshold when he was homeschooled while his father was battling cancer? What of students who are not neurotypical or have a disability whose parents unenrolled them because they could support them more yet they don't meet the 40% cut-off (especially when they likely wouldn't have met that threshold while in public school)? This might be reasonable IF public schools had the same requirement, but they don't. Public schooled students are not required to meet any academic threshold, while homeschoolers are the only ones who are held to any standard. For further context, in my town of Londonderry, 58% of our town is proficient in ELA, 42% in math, and 29% in science ([Workbook: iReport \(nh.gov\)](#)). In the state, I believe it was 52% proficient in reading, 38% in math, and 37% in science ([NH assessment results align with nationwide trends | Department of Education](#)). Given these data, many are below an overall threshold of 40% yet they move on to the next grade. I ask that you please consider giving homeschoolers the same rights.

Thank you for your consideration,

Teresa Chylinski

## **Ava Hawkes**

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**From:** Abigail Bellemore <lavenderbellemore7@yahoo.com>  
**Sent:** Monday, April 4, 2022 11:42 PM  
**To:** Ruth Ward; Erin Hennessey; jay.kahn@leg.state.us; denise.ricciard@leg.state.nh.us;  
Suzanne Prentiss; Ava Hawkes  
**Subject:** Bill HB1663

## **Reason: Bill HB 1663 Requirements for Home Educated Students**

Abigail Smith Bellemore

Position: Support

Town: Chester

My testimony maybe included as permanent record.

As a representative of the homeschool community locally and statewide I am in support of clarifying the laws to make it easier and more precise when explaining them to potential and future homeschoolers.

Stating that the public school systems need a equal access policy removes confusion for those looking for that alternative or additional education for their children. Stating that homeschoolers need to be held at a higher standard than the regular public school system needs to be gone because whether a child has a learning disability or not each child learns at their own pace it's not a race. Returning students to public school system need not be discriminated because they were homeschooled either long or short term and be allowed to enter at their grade and age appropriate level. Notifications be at the beginning of the homeschooling career or the end of the homeschooling career needs be less confusion.

Simple and precise legal wordage would clarify those of us that mentor and represent the homeschooling community are.

Sent from my iPad

## Ava Hawkes

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**From:** Addie Mason <addiesvision@gmail.com>  
**Sent:** Tuesday, April 5, 2022 1:04 AM  
**To:** Ava Hawkes; Denise Ricciardi; Erin Hennessey; Jay Kahn; Ruth Ward; Suzanne Prentiss  
**Subject:** I support HB 1663

Good evening,

I am emailing to attest that I am in full support of HB 1663 as it addresses several areas of injustice, inequality, inconsistency, and confusion pertaining to homeschoolers. It is particularly important that we :

- create fair and equal conditions to any child in homeschool education
- provide protection for special-ed children
- include clear and concise expectations to those in charge of homeschooling the child
- ensuring the explicit protection to the saved portfolios! Labeling the portfolio as private property of the family is extremely important. I strongly feel the homeschool portfolio is a keepsake and a trophy of all the hardwork, achievements, accomplishments and milestones performed and reached by the homeschool student and it should be held at more value than what is currently stated in the statute.
- I personally feel these changes/adaptions will provide for more inclusiveness and less confusion

I am also requesting to have my email as part of the public record. It would be helpful to get a response that each of you have received my email and that it is being documented.

Thank you!!

--

Addie Mason  
Owner East Coast Pitties  
Consulting services and more  
6177920406

## Ava Hawkes

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**From:** crystal clock <cclock44@gmail.com>  
**Sent:** Tuesday, April 5, 2022 6:06 AM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** In support of HB1663

Good morning and thank you for your time.

I just wanted to send a quick note in support of HB1663, the home education freedom bill.

I started homeschooling my son with autism because he wasn't getting the supports he needed at school. My other son that was quite a bit ahead, was getting held back. This bill clarifies a lot but is especially important to me because when my autistic son was in school and was being tested, it didn't matter what score he got... He was still moved ahead. He doesn't test well, but I know when I am teaching him at home, we don't move on until he understands something. I shouldn't have to have him test at at least 40% on a standardized test when that wasn't the case at public school! In conclusion, this bill has many wonderful parts to it all of which are very important but this is just one particular part of this bill that means the most to me.

Thank you again for your time and I hope you seriously consider passing HB 1663.

Sincerely

Crystal Clock

158 Chester Rd

Candia NH 03034

(603)512-2668

## Ava Hawkes

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**From:** nicki24755 <nicki24755@gmail.com>  
**Sent:** Tuesday, April 5, 2022 7:51 AM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** In support of Bill HB 1663

Emailing in support of the homeschoolers Ed bill HB 1663

## **Ava Hawkes**

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**From:** Erica Layon  
**Sent:** Tuesday, April 5, 2022 9:39 AM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Subject:** Testimony HB1663 - Prime Sponsor

April 5, 2022

Good morning members of the Senate Education Committee,

Today I present HB1663, a bill I introduced in order to take the lessons learned over the last ten years in order to clarify points of confusion so that parents may focus on educating their child in the way that suits them best, rather than seeking to interpret laws and rules.

I will start with some background, as the years 2010 through 2012 were monumental for home education laws in New Hampshire, and neither you nor I were in the legislature at the time.

In 2010, we had in place more complex and proscriptive laws and there was an attempt to overhaul the laws in a far more restrictive way. While this failed in the legislature, it was followed by an attempt to implement those same restrictive changes in Administrative Rules.

While I won't claim to know all the stories of the time, the law was changed to address serious ongoing issues in 2012 to read as it stands today. It was a significant and meaningful improvement which allowed parents to focus on educating their children rather than on interpreting the law.

Covid's disruption to schooling and the pivot by many families to home education during this time was very informative. Unlike the homeschoolers of prior years who intentionally sought out home education and did months and months of planning and research before making the move, groups like Granite State Home Educators helped families who were crisis homeschoolers find their way and follow the laws and rules.

Some of the procedures which were an accepted part of the song and dance of homeschooling before became major stumbling blocks for crisis homeschoolers – particularly for those parents of special education students.

The bill you see before you today passed the House on consent, because the changes are simple, clear and needed.

There was interest in also removing rulemaking authority in the House, but that interest was put to the side in favor of getting a core bill with unanimous consent through the House.

The rules largely restate the law, and take attention and time from the Department and JLCAR. Current law is 4 pages, the rules are 6 pages. The rules were updated last year.

I appreciate that many groups find the rules in Ed 315 to be comforting and important. I had discussed the potential to retain the rules through expiration with the leadership in House Education, however that is kicking the can down the road to a future legislature which may not understand the intent and goals we have today after the lessons learned during the years of Covid.

While the majority of the rules restate the statute, I would be happy to do the heavy lifting to incorporate any details in the rules that stakeholders believe must be retained.

If you can provide me with any feedback you receive regarding the rules, and permission to work with your committee aide, I can incorporate any rules that are deal-breakers into statute and keep the right people in the loop to prevent problems on the way to enactment.

All of our days are incredibly busy. This issue is very important to me, and I want to help the best that I can to get the best possible bill passed.

If we are successful this year, all future unfunded home education families will have a clear and fair path to follow within the law so that they may focus on education rather than compliance.

Thank you, and I'm happy to take any questions.

Representative Erica Layon

Vice Chair HHS&EA for 2022, former member of House Education in 2021

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A Breakdown of the bill:

Section 1: Lack of school board policies in a handful of SAUs has created a hurdle. Many great policies exist, so requiring a policy ahead of need reduces the burden on a school board

Section 2: Clarifies that a parent can provide an education by working with others, finally putting to rest the "51%" myth that 51% of instruction must be hands on by the parents. Self-directed learning and seeking out subject matter experts are lifelong skills and should be encouraged.

Sections 3 & 4: Clarifying common questions surrounding notification.

Section 5: Clarifies that the portfolio is the property of the parent, that disability can be considered in evaluations, and removes the ONLY performance requirement in statute for any student in NH. Why should unfunded homeschoolers meet a higher bar than anyone else?

April 5, 2022

Good morning members of the Senate Education Committee,

Today I present HB1663, a bill I introduced in order to take the lessons learned over the last ten years in order to clarify points of confusion so that parents may focus on educating their child in the way that suits them best, rather than seeking to interpret laws and rules.

I will start with some background, as the years 2010 through 2012 were monumental for home education laws in New Hampshire, and neither you nor I were in the legislature at the time.

In 2010, we had in place more complex and proscriptive laws and there was an attempt to overhaul the laws in a far more restrictive way. While this failed in the legislature, it was followed by an attempt to implement those same restrictive changes in Administrative Rules.

While I won't claim to know all the stories of the time, the law was changed to address serious ongoing issues in 2012 to read as it stands today. It was a significant and meaningful improvement which allowed parents to focus on educating their children rather than on interpreting the law.

Covid's disruption to schooling and the pivot by many families to home education during this time was very informative. Unlike the homeschoolers of prior years who intentionally sought out home education and did months and months of planning and research before making the move, groups like Granite State Home Educators helped families who were crisis homeschoolers find their way and follow the laws and rules.

Some of the procedures which were an accepted part of the song and dance of homeschooling before became major stumbling blocks for crisis homeschoolers – particularly for those parents of special education students.

The bill you see before you today passed the House on consent, because the changes are simple, clear and needed.

There was interest in also removing rulemaking authority in the House, but that interest was put to the side in favor of getting a core bill with unanimous consent through the House.

The rules largely restate the law, and take attention and time from the Department and JLCAR. Current law is 4 pages, the rules are 6 pages. The rules were updated last year.

I appreciate that many groups find the rules in Ed 315 to be comforting and important. I had discussed the potential to retain the rules through expiration with the leadership in House Education, however that is kicking the can down the road to a future legislature which may not understand the intent and goals we have today after the lessons learned during the years of Covid.



**While the majority of the rules restate the statute, I would be happy to do the heavy lifting to incorporate any details in the rules that stakeholders believe must be retained.**

**If you can provide me with any feedback you receive regarding the rules, and permission to work with your committee aide, I can incorporate any rules that are deal-breakers into statute and keep the right people in the loop to prevent problems on the way to enactment.**

**All of our days are incredibly busy. This issue is very important to me, and I want to help the best that I can to get the best possible bill passed.**

**If we are successful this year, all future unfunded home education families will have a clear and fair path to follow within the law so that they may focus on education rather than compliance.**

**Thank you, and I'm happy to take any questions.**

**Representative Erica Layon  
Vice Chair HHS&EA for 2022, former member of House Education in 2021**

---

**A Breakdown of the bill:**

**Section 1: Lack of school board policies in a handful of SAUs has created a hurdle. Many great policies exist, so requiring a policy ahead of need reduces the burden on a school board**

**Section 2: Clarifies that a parent can provide an education by working with others, finally putting to rest the "51%" myth that 51% of instruction must be hands on by the parents. Self-directed learning and seeking out subject matter experts are lifelong skills and should be encouraged.**

**Sections 3 & 4: Clarifying common questions surrounding notification.**

**Section 5: Clarifies that the portfolio is the property of the parent, that disability can be considered in evaluations, and removes the ONLY performance requirement in statute for any student in NH. Why should unfunded homeschoolers meet a higher bar than anyone else?**



# **AMERICANS FOR PROSPERITY®**

## **NEW HAMPSHIRE**

April 5, 2022

Thank you Madam Chair and Members of the Committee for the opportunity to provide testimony today. My name is Sarah Scott and I'm the Director of Grassroots Operations with Americans for Prosperity New Hampshire.

On behalf of Americans for Prosperity New Hampshire and our activists across the state, I urge you to support House Bill 1663, a bill which clarifies requirements for home education students.

This legislation makes several important clarifications. First, it ensures that each district shall have a policy in place for home educated students who participate in classes and extracurriculars. State law already requires these districts to allow home educated students to participate but often, districts are unclear on this policy and how their district should respond. This bill would guarantee that each district has a set policy that staff can reference and make sure there is no confusion.

There was at least one instance over the past year where a district was unclear on the state requirements and it took time to sort out. That is time that a student is unable to participate in the class or extracurricular that their family is paying for through taxes. I know firsthand the importance of giving home educated students these same opportunities.

I have two sisters and between the three of us, we have attended public school, private school, and homeschool at various points in our education. I took art class, Spanish, French, and gym at the public school while my sister participated in sports and is now a coach for one of those sports. These opportunities were so beneficial to our education and development and it's important to make sure that each district has a policy in place to facilitate this.

Next, this bill clarifies that home education must be provided, coordinated, or directed by a parent. Education over the last 5-10 years has become more unbundled than ever before and parents are seeking out multiple options for their children. This legislation makes clear that parents don't need to be the only educator in their child's instruction.

Lastly, this bill makes certain that home educated students with disabilities are evaluated with the same standards as children with similar disabilities in a traditional school setting when it comes to assessment. This is a straightforward and reasonable expectation that I think we can all agree makes sense. These students should absolutely not be held to a higher level of assessment than a student in a more traditional setting.

It is for these reasons that we ask that you support the passage of this legislation.

Sincerely,  
Sarah Scott  
Director of Grassroots Operations  
Americans for Prosperity-New Hampshire

April 2022

Hello, and thank you for your time today. Please enter my following testimony, in support for HB 1663, into the official record of this bill:

My name is Angel Brisson, and I live in Manchester, NH. My husband and I home educate our daughter, and here are a few reasons that we support HB 1663:

- Firstly, regarding **Part 2-I** of HB 1663—the Participating Agency serves only to acknowledge the letter of intent to home educate, and to retain the letter on behalf of the family.

Home education itself was designed to be directed by parents, and it is solely our right and responsibility to guide our child’s home education program. As it was never intended that a home education plan must be agreed upon by both the parents and the Participating Agency, Part 2-I amends RSA 193 accordingly.

- Next, regarding **Part 3-III** of HB 1663—if our family ever moves to another school district, necessitating termination of our home education within the previous district, we want it clear that we’re only required to notify **one** Participating Agency. We’d not want the currently incorrect inference in RSA 193 that we’d actually be required to notify *more than one* of the Participating Agencies.
- Last, but definitely not least, pertaining to **Part 5-II** of HB 1663—as home educators, we simply seek **parity** when it comes to academic achievement standards. Currently, home-educated students (*who receive zero taxpayer funds*) are the only students for whom arbitrary academic achievement requirements are defined. The current home education statute reads that a student must score “at or above the fortieth percentile” to show “reasonable academic proficiency”.

*In stark contrast*, there are no such requirements for students who are in **any** of the four other educational tracks (*all of which receive taxpayer funds*): public schools (both local and charter), private schools, Prenda pods, and EFA at-home students.

- (1) For public schools, the mandated statewide assessment does not have **any** academic achievement requirements for students or schools, and students may opt out of testing.
- (2) Private schools have their own testing and evaluation criteria, which are not mandated by the state.
- (3) Prenda pod students may opt out of statewide assessments.
- (4) EFA participants must submit annual assessments, but have no academic performance requirements.

That’s **inequitable**. It makes no sense for the “fortieth percentile” requirement to exist for home-educated students, when **no child on any other educational track** has academic achievement requirements defined in a statute.

Because HB 1663 seeks to correct critical fallacies in the current home-education statute, we request that you please vote OTP for this bill.

Thank you,  
Angel Brisson  
[AngelBrisson72@gmail.com](mailto:AngelBrisson72@gmail.com)

J. MICHAEL SMITH, ESQ.  
PRESIDENT (CA, DC, VA)

JAMES R. MASON III, ESQ.  
VICE PRESIDENT (OR, DC)

SCOTT A. WOODRUFF, ESQ.  
SENIOR COUNSEL (VA, MO)

DARREN A. JONES, ESQ.  
ATTORNEY (CA, DC)

THOMAS J. SCHMIDT, ESQ.  
ATTORNEY (CA)

# HSLDA

ADVOCATES FOR HOMESCHOOLING

MICHAEL P. DONNELLY, ESQ.  
ATTORNEY (MA, NH, WV, DC)

WILLIAM A. ESTRADA, ESQ.  
ATTORNEY (CA)

PETER K. KAMAKAWIWOOLE, ESQ.  
ATTORNEY (MO, VA)

DANIEL T. BEASLEY, ESQ.  
ATTORNEY (CA, WI)

MARY E. SCHOFIELD, ESQ.  
OF COUNSEL (CA)

TOM SANDERS, ESQ.  
OF COUNSEL (TX)

## Making Helpful Changes to New Hampshire's Homeschool Law

To: Education Committee

From: HSLDA Senior Counsel Michael Donnelly

Date: April 5, 2022

RE: HB 1663

Good morning my name is Michael Donnelly and I am Senior Counsel and Director of Global Outreach for the Homeschool Legal Defense Association. I am a graduate of the Boston University School of Law and hold an LLM from the London School of Economics in comparative constitutional and human rights law. I am admitted to the bars of New Hampshire, Massachusetts, West Virginia and the District of Columbia. I hold two Adjunct Professorships - one at Patrick Henry College where I teach Constitutional Law and another at Regent Law School where I teach International Criminal and Human Rights Law. I have published numerous articles in peer reviewed journals about homeschooling. I continue to be a NH taxpayer as I grew up in Grafton and continue to manage the historic story homestead in Enfield a 230 plus year old farmhouse built by revolutionary war soldier John Story.

HSLDA is a global advocacy organization with over 107,000 member families, with nearly 1,000 families in the Granite State. I appear today on their behalf and for thousands of other like-minded homeschooling families. For them and for me, I

**HOME SCHOOL LEGAL DEFENSE ASSOCIATION**

NATIONAL OFFICE ■ ONE PATRICK HENRY CIRCLE ■ PURCELLVILLE, VA 20132 ■ 540-338-5600 ■ 1-540-338-1952 FAX

CAPITOL HILL OFFICE ■ 119 C STREET, S.E. ■ WASHINGTON, DC 20003

would like to thank you for your service in the third largest representative body in the world. As a global advocate for homeschooling, I go to many capitals and I know that there is no other state that asks so much effort from so many legislators for so little. You are all truly citizen statesman and are to be commended for your service.

I am here today to ask you to HB 1663.

US Census bureau research indicates that the number of homeschooling families in the United States (and NH) has doubled or tripled. Because of the impact of the pandemic millions more families have found the freedom, flexibility and focus that homeschooling allows. With homeschooling parents can tailor an educational experience for each child to meet their specific and individual needs.

By adding coordinated and directed” in addition to the word “provided” the law will make it crystal clear to NEW families who are encountering the law and may not be as connected to others who have a longer and historical perspective, that homeschooling can be more than just you and your child only and always in your home.

The bill further clarifies that homeschoolers who notify their public school district instead of the commissioner or a private school must notify the public school if they move. The bill would reduce the administrative overhead on the department of education because fewer homeschoolers would be sending letters to the commissioner in addition to their school of notice as the law currently requires.

This Document did  
not include Page 3

were ever needed because of complexity in the law, they certainly are not needed now. The House Education Committee removed the rules sunset language. I urge you to put it back in and pass this bill.

Thank you for your kind attention I would be pleased to answer any questions you have.

Respectfully Submitted this 5<sup>th</sup> Day of April, 2022,

*Michael P. Dy*

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.

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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 40<sup>th</sup> percentile to demonstrate academic proficiency. Achievement at or above the 40<sup>th</sup> 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%
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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 40<sup>th</sup> 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.

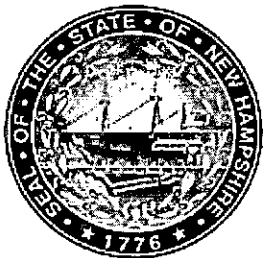
## Ava Hawkes

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**From:** Marie Marston on behalf of Ruth Ward  
**Sent:** Tuesday, April 5, 2022 3:33 PM  
**To:** Ava Hawkes  
**Subject:** FW: Support for HB1663, Home Education

*Marie*

Marie Marston, Administrative Assistant  
Administrative Assistant to Senator Regina Birdsell  
Administrative Assistant to Senator Denise Ricciardi  
Administrative Assistant to Senator Ruth Ward  
107 North Main Street  
State House Room 302  
Concord, NH 03301  
(603) 271-2609



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**From:** Ann Marie Banfield <banfieldannmarie@gmail.com>  
**Sent:** Tuesday, April 5, 2022 4:53 PM  
**To:** Ruth Ward <Ruth.Ward@leg.state.nh.us>; Denise Ricciardi <denise.ricciardi@leg.state.nh.us>; Erin Hennessey <Erin.Hennessey@leg.state.nh.us>; Jay Kahn <Jay.Kahn@leg.state.nh.us>; Suzanne Prentiss <Suzanne.Prentiss@leg.state.nh.us>  
**Subject:** Support for HB1663, Home Education

Members of the Senate Education Committee:

My name is Ann Marie Banfield and I am a parental rights advocate in New Hampshire with a focus on academic excellence in education. I would like to submit testimony in support of HB1663. HB1663 would clarify provisions for home education programs concerning notifications required for students moving to a new district, educational evaluations, and termination of home education.

Updating existing law to make it better, is always a good thing. In the case of HB1663, the suggested changes would improve the home-education law for a variety of reasons. HB1663 clarifies and makes consistent who parents are to notify and when. It would add much needed language that would provide protections for home educated students who have special needs.

School Boards need to adopt an Equal Access policy And finally, adding some equality when a home-schooled student enrolls in a public school makes sense.

Let's look for ways to support all children no matter how or where they are educated. The home-schooled community is practically unfunded, the least we can do is join together to show them some support.

For these reasons I urge you to vote OTP on HB1663.

—  
***Ann Marie Banfield***

***TRUST REQUIRES TRANSPARENCY***

North Hampton, NH

603-714-5814

**Ava Hawkes**

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**From:** Michelle Levell <michelle@granitestatehomeeducators.org>  
**Sent:** Tuesday, April 5, 2022 4:22 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Cc:** Erica Layon; Glenn Cordelli  
**Subject:** HB 1663 regarding home education, testimony from Granite State Home Educators

Dear Honorable members of the Senate Education Committee,

I submitted oral and written testimony earlier today in favor of HB 1663 regarding home education. Below is an electronic copy of this testimony so you can access the numerous links supplied to support our position on this important bill.

Kind regards,  
Michelle Levell

**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,

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Please give HB 1663 an Ought to Pass vote.

**Ava Hawkes**

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**From:** Michelle Levell <michelle@granitestatehomeeducators.org>  
**Sent:** Tuesday, April 5, 2022 4:31 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Cc:** Erica Layon; Glenn Cordelli  
**Subject:** HB 1663 re home education, evidence from the National Home Education Research Institute

Dear Honorable members of the Senate Education Committee,

Dr. Brian D. Ray from the National Home Education Research Institute submitted testimony to the House Education Committee in support of HB 1663. It is part of the bill's record, and important to establish the significance of the unequitable academic performance requirement currently in NH's home education law. Below is his previous testimony; I've attached it so it is more readily available for your consideration.

Kind regards,  
Michelle Levell

Testimony on New Hampshire HB 1663,

by Brian D. Ray, Ph.D.

February 1, 2022

1. Honorable Legislators, thank you for allowing my testimony on HB 1663.
2. My name is Brian D. Ray and I have a Ph.D. in science education, M.S. in zoology, and B.S. in biology and I am a former certified school teacher in public and private schools. I have also been a professor at the graduate and undergraduate university levels in the fields of education, science, and research. I have done research on the homeschool movement for about 37 years and I am the president of the National Home Education Research Institute in Salem, Oregon.
3. Forty years of research studies, by various scholars, show that homeschool students typically outperform public school students by 15 to 30 percentile points on standardized academic achievement tests (Murphy, 2014; Ray, 2017). The majority of research also shows that the home educated are developing socially and emotionally better than the public schooled, and the homeschooled do as well or better than the conventionally schooled in adulthood in various spheres of living (Chen, Hinton, & VanderWeele, 2021; Hamlin, 2019; Hamlin & Cheng, 2022; Ray, 2017).
4. Nevertheless, just as some public school and private school students score below average on achievement tests, whether that means the 10<sup>th</sup>, 20<sup>th</sup>, or 39<sup>th</sup> percentile, so do some homeschool students.
5. Current law states that a homeschool student must score at or above the 40<sup>th</sup> percentile. It is crucial to note that that about 39 percent of all public school students score below the 40<sup>th</sup> percentile on nationally normed achievement tests. Yes, 39 percent of public school students, by definition, score below the 40<sup>th</sup> percentile.

6. Permit me to explain a few main reasons why the mention in law of any cut-off test score (e.g., 40<sup>th</sup> percentile) with regard to homeschooling is wrong.
7. First, it is a discriminatory practice toward homeschooling as a legal private educational option. To be equitable, if there is to be a cut-off score for being free to continue in homeschooling, then there should also be the same cut-off score being allowed to continue in public school and private school (whether Catholic, secular independent, or Christian).
8. But there is no cut-off score for a student to continue in public school or in private institutional school. Neither state law, nor public school teachers, nor teachers' unions are arguing that there should be a cut-off score of the 40<sup>th</sup> percentile for public school students and that 39 percent of public school students should be mandated to attend private schools or homeschooling.
9. Second, there is no sound pedagogical reason to have different – that is lower – standards for public schooling and private schooling as compared to private homeschooling. This is especially true in light of the fact that such a large portions of public school students have been found to be below proficient on the national NAEP testing program and when so many public school students have shown such little educational growth over the past two years.
10. Third, such a cut-off score for homeschooling (or any kind of schooling) ignores the reality that there will always be a given percent of students – whether public schooled, private schooled, or homeschooled – below any given percentile cut-off point. The important thing in education is not whether a student is below point X or Y on a standardized test, but whether the student is making appropriate educational progress. A homeschool student (or public school or private school student) moving from the 20<sup>th</sup> percentile one year to the 27<sup>th</sup> percentile might indicate tremendous growth and learning. All educators should know this.
11. Fourth, and finally, research shows that the degree of state control and regulation of homeschooling is not related to academic achievement (Ray, 2010). Achievement test scores of homeschool students in states with higher regulation are the same as states with lesser regulation.
12. Thank you for allowing me to speak.

Sincerely,

Brian D. Ray, Ph.D.

President, National Home Education Research Institute, [www.nheri.org](http://www.nheri.org), 503-364-1490, [bray@nheri.org](mailto:bray@nheri.org)

## References

- Chen, Ying; Hinton, Christina; VanderWeele, Tyler J. (2021). School types in adolescence and subsequent health and well-being in young adulthood: An outcome-wide analysis. *PLoS ONE* 16(11): e0258723, <https://doi.org/10.1371/journal.pone.0258723>.
- Hamlin, Daniel. (2019) Do Homeschooled students lack opportunities to acquire cultural capital? Evidence from a nationally representative survey of American households. *Peabody Journal of Education*, 94:3, 312-327, DOI: 10.1080/0161956X.2019.1617582.
- Hamlin, Daniel, & Cheng, Albert. (2022): Homeschooling, perceived social isolation, and life trajectories: An analysis of formerly homeschooled adults. *Journal of School Choice*, <https://doi.org/10.1080/15582159.2022.2028338>.
- Murphy, Joseph. (2014). The social and educational outcomes of homeschooling. *Sociological Spectrum: Mid-South Sociological Association*, 34(3), 244-272, DOI: 10.1080/02732173.2014.895640.

Ray, Brian D. (2010, February 3). Academic achievement and demographic traits of homeschool students: A nationwide study. *Academic Leadership Journal*, 8(1), <https://scholars.fhsu.edu/alj/vol8/iss1/7/>.

Ray, Brian D. (2017). A systematic review of the empirical research on selected aspects of homeschooling as a school choice. *Journal of School Choice: International Research and Reform*, 11(4), 604-621, <https://doi.org/10.1080/15582159.2017.1395638>.

## **Ava Hawkes**

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**From:** Carol <clmcc2befree@yahoo.com>  
**Sent:** Wednesday, April 6, 2022 4:29 PM  
**To:** Ruth Ward; Erin Hennessey; Jay Kahn; Denise Ricciardi; Suzanne Prentiss; Ava Hawkes  
**Cc:** James Gray  
**Subject:** HB 1663 please pass

Senate Education Committee,

Please pass HB 1663. This bill makes all educational avenues equal. It also add protection for home-educated children with special education differences. This bill is a great representation of NH's Motto, where all students are treated equally.

Thank you for passing this bill.

Senator Gray, please vote to pass this bill when it comes to the floor.

Thank you all for your service.

Sincerely,

Carol Petruszewicz

## Ava Hawkes

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**From:** Erica Layon  
**Sent:** Monday, April 25, 2022 7:11 PM .  
**To:** ~Senate Education; Glenn Cordelli; Rick Ladd; Edelblut, Louis (Frank)  
**Subject:** Proposed amending language for HB1663  
**Attachments:** HB 1663 - 2022-1769h.pdf

Good evening Senate Education Committee Members, leadership of House Education, and Commissioner Edelblut,

Attached is proposed amending language for HB1663, the Home Ed bill.

Removing rulemaking authority has been one of the main goals of this legislation, however the specific details of how to achieve that goal while honoring the excellent work of the Department, Board of Education, Home Education Advisory Council, JLCAR and all other stakeholders took evolution.

The attached amendment removes rulemaking authority (section 6), specifies that current rules will remain in effect until expiration 1/15/31 (section 9), and updates current language limiting authority of schools to not exceed the laws of this section or the rules to reflect the phase out. (Sections 7 & 8).

I presented similar language to HEAC on Thursday for input, and I will attend your executive session tomorrow in case I can be of help.

As you can see in the forwarded message, I have just received a drafted copy. I wanted to wait to present OLS prepared language, and I apologize for the late information.

Sincerely,  
Erica Layon  
Vice Chair HHS&EA & Homeschooling mom of 3 amazing boys

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**From:** AskOLS <AskOLS@leg.state.nh.us>  
**Sent:** Monday, April 25, 2022 5:33:42 PM  
**To:** Erica Layon <Erica.Layon@leg.state.nh.us>  
**Subject:** HB 1663 - 2022-1769h, Erica Layon

Attached please find a PDF of amendment 2022-1769h to HB 1663 requested by Rep. Erica Layon.

Please note that the amendment copy contains the "UNAPPROVED" watermark. Once OLS is notified that the amendment has been officially adopted by committee action, OLS will remove the watermark and release the amendment to the Clerk.

Sincerely,  
Office of Legislative Services  
State House, Rm 109  
603-271-3435

# Voting Sheets

VCB  
VCR

Senate Education Committee  
EXECUTIVE SESSION RECORD  
2022-2023 Session

Bill # HB 1663

Hearing date: 4/15/22

Executive Session date: 4/26/22

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Prentiss



**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, April 27, 2022

THE COMMITTEE ON Education

to which was referred **HB 1663**

AN ACT

relative to requirements for home education  
students.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Suzanne Prentiss  
For the Committee

The bill clarifies provisions for home education programs concerning notifications required for students moving to a new school district, educational evaluations, and termination of home education. During the COVID-19 pandemic, many NH families made the transition to homeschooling. This bill works to achieve clarity by decomplicating homeschool statutes and rules for parents and advocates seeking to attain information on the homeschooling process in NH without having to consult two bodies of law.

Ava Hawkes 271-3266

FOR THE CONSENT CALENDAR

**EDUCATION**

**HB 1663**, relative to requirements for home education students.

Ought to Pass, Vote 5-0.

Senator Suzanne Prentiss for the committee.

The bill clarifies provisions for home education programs concerning notifications required for students moving to a new school district, educational evaluations, and termination of home education. During the COVID-19 pandemic, many NH families made the transition to homeschooling. This bill works to achieve clarity by decomplicating homeschool statutes and rules for parents and advocates seeking to attain information on the homeschooling process in NH without having to consult two bodies of law.

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Docket of hb1663		
12/30/2021	H	Introduced 01/05/2022 and referred to Education
01/19/2022	H	Public Hearing: 02/03/2022 11:00 am LOB 205-207
03/23/2022	H	Executive Session: 03/07/2022 01:30 pm LOB 205-207
03/15/2022	H	Ought to Pass with Amendment 2022-1028h: MA VV 03/15/2022 HJ 6
03/16/2022	H	Amendment # 2022-1028h: AA VV 03/15/2022 HJ 6
03/09/2022	H	Committee Report: Ought to Pass with Amendment # 2022-1028h (Vote 18-1; CC)
03/22/2022	S	Introduced 03/17/2022 and Referred to Education; SJ 6
03/30/2022	S	Hearing: 04/05/2022, Room 101, LOB, 09:40 am; SC 14
04/27/2022	S	Committee Report: Ought to Pass, 05/05/2022; Vote 5-0; CC; SC 18
05/05/2022	S	Ought to Pass: MA, VV; OT3rdg; 05/05/2022; SJ 11
05/17/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
05/18/2022	H	Enrolled (in recess of) 05/12/2022
06/03/2022	H	Signed by Governor Sununu 06/02/2022; Chapter 131; Eff.I. Sec 1 eff 8/31/22 II. Rem eff 6/2/22

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 11663

Senate Committee: EDU

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 1325s      \_\_\_ - amendment # \_\_\_\_\_
- amendment # 1769h      \_\_\_ - amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_ Enrolled Bill Amendment(s)
- \_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- as amended by the senate      \_\_\_ as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

*Ann Hawkes*  
Committee Aide

9/28/02  
Date

Senate Clerk's Office *AK*