

Amendment to HB 368

Proposed by the Minority of the Committee on Education - R

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of and evaluation procedures used in home education.

Amend the bill by replacing all after the enacting clause with the following:

1 Home Education; Definition. Amend RSA 193-A:4, I to read as follows:

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

2 Home Education; Notification and Other Procedural Requirements. Amend RSA 193-A:5, I-II to read as follows:

I.(a) Any parent commencing a home education program for a child, for a child who withdraws from a public school, or for a child who moves into a school district shall ~~[notify]~~ **provide written notification to** the commissioner of the department of education, resident district superintendent, or principal of a nonpublic school of such within 5 business days of commencing the program.

(b) A parent planning to continue a home education program shall ~~[notify]~~ **provide written notification to** the commissioner of **the department of** education, resident district superintendent, or principal of a nonpublic school by the first school day according to the school calendar in the child's resident school district.

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

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

I. The parent shall maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio shall be preserved by the parent for 2 years from the date of the ending of the instruction.

II. The parent shall provide for an annual educational evaluation in which is documented the child's demonstration of educational progress at a level commensurate with the child's age and ability. The child shall be deemed to have successfully completed his **or her** annual evaluation upon meeting the requirements of **subparagraph (a) and** any one of ~~[the following]~~ **subparagraphs (b), (c), or (d), provided that the testing frequency need not exceed the schedule of state testing in the public schools:**

(a) A certified teacher or a teacher currently teaching in a nonpublic school who is selected by the parent, **but who is not the parent**, shall evaluate the child's educational progress upon review of the portfolio and discussion with the parent ~~[or]~~ **and** child. The teacher shall **sign and** submit a written evaluation **which complies with department of education rules for portfolio evaluations, including qualifications for evaluators, requirements for portfolio contents including the type of work and sources used, criteria to determine evidence of the child's growth in the subjects required under RSA 193-A:4, and any other issues related to portfolio evaluation deemed appropriate** to the commissioner of **the department of** education, resident district superintendent, or nonpublic school principal~~[s]~~. **The department of education shall adopt rules, pursuant to RSA 541-A, relative to portfolio evaluations as required in this subparagraph.**

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

proficiency. Such test results shall be reported to the commissioner of *the department of education*, resident district superintendent, or nonpublic school principal[;].

(c) The child shall take a state student assessment test *which is offered for the child's current grade level, and which is used and administered to the child* by the resident district. Composite results at or above the fortieth percentile on such state test shall be deemed reasonable academic proficiency. Such test results shall be reported to the commissioner of *the department of education*, the resident district superintendent, or nonpublic school principal[;].

(d) The child shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of *the department of education*, resident district superintendent, or nonpublic school principal. The results shall be reported by the parent or the testing agency to such appropriate official.

III. The commissioner of *the department of education*, resident district superintendent, or nonpublic school principal shall review the results of the annual educational evaluation of the child in a home education program as provided in paragraph II. If the child does not demonstrate educational progress for age and ability at a level commensurate with his *or her* ability, the commissioner, superintendent, or principal shall notify the parent, in writing, that such progress has not been achieved. The parent shall have one year from the date of receipt of the written notification to provide remedial instruction to the child. At the end of the one-year probationary period, the child shall be reevaluated in a manner as provided in this section. Continuation in a home education program shall be contingent upon the child demonstrating at the end of the probationary period educational progress commensurate with his *or her* age and ability *based on the results of the portfolio evaluation or a test result required under subparagraphs II (b), (c), or (d)*. The parent of a child who fails to demonstrate such progress at the end of the probationary period shall be notified by the commissioner that the parent is entitled to a hearing as provided in RSA 193-A:7, I and II and that the program will be terminated absent a finding for continuation pursuant to such hearing. Upon a finding that the program should be terminated, the child shall be reported by the commissioner or nonpublic school principal to the appropriate resident district superintendent, who shall, if necessary, take appropriate action to ensure that compulsory attendance requirements are met.

IV. Beginning July 1, 2012, and annually thereafter, each school district superintendent and nonpublic school principal shall furnish to the commissioner of the department of education the results of the educational evaluations performed under subparagraphs II(a)-(d) for every child engaged in a home education program pursuant to this chapter. The results provided shall not contain any personally identifiable information about a child, including but not limited to, a child's name, address, date of birth, gender, social security number, or county of residence.

4 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill changes the definition of home education and the evaluation procedure used to determine the child's educational progress.

2009-2390h

Amendment to HB 379

Proposed by the Majority of the Committee on Judiciary - R

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

2009-2521h