

## VERMONT

<b>Compulsory Attendance Ages:</b>	“between the ages of six and sixteen years, unless...the child has completed 10 <sup>th</sup> grade.” Vermont Statutes Annotated Title 16, § 1121.
<b>Required Days of Instruction:</b>	None.
<b>Required Subjects:</b>	“minimum course of study,” includes basic communication skills, including reading, writing, and the use of numbers; citizenship, history, and government in Vermont and the United States; physical education and comprehensive health education including the effects of tobacco, alcoholic drinks, and drugs on the human system and on society; English, American and other literature; the natural sciences; and the fine arts. Tit. 16 V.S.A. § 906.

**Home School Statute:** Vt. Stat. Ann. Tit. 16, § 11(a)(21) and tit. 16, § 166b.

1. A child does not have to attend public school if he is attending “a home study program for the full number of days for which that school is held.” Vt. Stat. Ann. Tit. 16, § 1121.
2. A “home study program” is “an educational program offered through home study which provides a minimum course of study” and which is offered to not more than: a) children residing in that home; and b) children not residing in that home who either are two or fewer in number or who are from one family.” Vt. Stat. Ann. Tit. 16 § 11(a)(21).
3. Vt. Stat. Ann. Tit. 16, § 166b. A home study program must send “a written enrollment notice to the commissioner” for each child. A new notice must be submitted any time after March 1 for each subsequent year. The notice must include:
  - a. The name and age, by year and month, of the child;
  - b. Names, mailing addresses, town of legal residence, and phone numbers of parents or guardians;
  - c. For each child enrolled in the previous year, an assessment of progress;
  - d. For each child not previously enrolled in a Vermont public school or Vermont home study program, “independent professional evidence on whether the child has a disability”;
  - e. Names, addresses, telephone numbers, and signatures of all persons providing ongoing instruction in any required subject other than physical education, health, and fine arts; and
  - f. Signatures of all custodial parents or guardians who are legally authorized to make educational decisions for the student.

In addition, a home study program must submit “a detailed outline or narrative which describes the content to be provided in each subject area of the minimum course of study.” An outline or narrative for a child with a disability must include any special services or adaptations to be made to accommodate any disability. Families who successfully complete two consecutive school years of home study are not required to provide a detailed outline for every child of compulsory attendance age, except that all families must submit a detailed outline for each child who is 12 years old at the time the enrollment is filed. “Successful completion” means that:

- a. The program has not been disallowed by order of a hearing officer,
  - b. The enrolled student made age and ability-appropriate progress in all subject areas of the minimum course of study; and
  - c. The home study program has otherwise complied with the requirements of the home study law.
4. “After the filing of the enrollment notice or at a hearing, if the home study program is unable to comply with any specific requirements due to *deep religious conviction* shared by an organized group, the commissioner may waive such requirements if he or she determines that the educational purposes of this section are being or will be substantially met.” Vt. Stat. Ann. Tit. 16, § 166b(j)
  5. The commissioner will send back an acknowledgment of compliance, or ask for missing information, which is due in 14 business days, or order a hearing by an independent hearing officer if needed.
  6. The commissioner’s acknowledgment must state that the child may be enrolled immediately or may be enrolled 45 days after the enrollment notice was received. During such 45-day period, the commissioner may order a hearing, and if he does, the child shall not be enrolled until after an order has been issued by the hearing officer.
  7. The commissioner may order a hearing after a child is enrolled if he has “information that reasonably could be expected to justify an order of termination.” Vt. Stat. Ann. 16 § 166b(f). A hearing must occur within 30 days of the date that notice of a hearing is given or sent, be conducted by an impartial hearing officer and, if requested, be conducted at a location near the home study program. Vt. Stat. Ann. 16 § 166b(g)
  8. In the case of *In Re T.M.*, 756 A.2d 793 (Vt., 2000), the Vermont Supreme Court held that after a family submits an enrollment notice, only an order from the commissioner ordering a hearing can prevent it from becoming effective. Absent such an order, an enrollment that is filed becomes effective automatically, and the family is not subject to a child in need of services petition, since the commissioner has no power to “approve” the home school program.

**Teacher Qualifications:** None.

**Assessment:** Parents have several options. Vt. Stat. Ann. Tit. 16, § 166b(d). “Each home study program shall assess annually the progress of each of its students” by one of the following methods:

- a. A report in a form designated by the commissioner, by a Vermont certified teacher; *or*
- b. “A report prepared by the parents, the student’s instructor, or a teacher advisory service report from a publisher of a commercial curriculum together with a portfolio of the student’s work that includes work samples to demonstrate progress in each subject area in the minimum course of study” (not including physical education, health, or fine arts for children over 12); *or*
- e. The complete results of a standardized achievement test approved by the commissioner, administered in a manner approved by the testing company, and scored in accordance with the law.