

Vermont Home Education Network  
Home Study's Religious Exemption  
April 4, 2023

In current home study law, 166b, there is a religious exemption, which the AOE has carried over to H.461, the proposed language for a new home study statute. This is the exemption in current statute:

(j) 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 Secretary may waive such requirements if he or she determines that the educational purposes of this section are being or will be substantially met.

The only changes the AOE made to the above language is:

that this section would be called a "waiver"

removed the words "or at a hearing" since in the new language there is no hearing process

"he or she" has been removed and replaced with "secretary"

These changes are inconsequential and the exemption remains as it has always been since 1987.

Currently, if a family had reasons as to why they could not comply with the requirements found under 166b they could ask that the requirements be waived. Their reasons had to be due to a deep religious conviction shared by an organized group. We could talk all day about why it was worded that way ... but that is the way it is. Only one family, that I know of, has ever gotten a full exemption from all requirements.

Under the proposed language, the requirement is a signed affidavit that the family attests to do certain things. There is no submission of an MCOS or an EOYA to the state. You must do them but keep them on file at home. So .... I am not sure how useful this religious exemption is but that is up to the family to ask about if they feel they need one due to a deep religious conviction shared by an organized group.

The language in current law and subsequently the bill as well, is clear that this religious exemption is related to only this section of the statute in that the Secretary has to determine that the educational purpose of this section was going to be substantially met some other way. This does not govern, strengthen, or weaken any other parental activity or parental rights.

I know that parental rights are a conversation for some in the political and social world right now. As far as 166b and H.461 is concerned ... the parental right remains the same as it has always been for home study – just with a bit less paper work!

As always, spread this email list to those you know and invite them to join so they can get information quickly on H.461 activity. <https://vhen.org/email-list>

Retta Dunlap  
802.472.5491  
mountainfoldvt@gmail.com  
www.vhen.org