



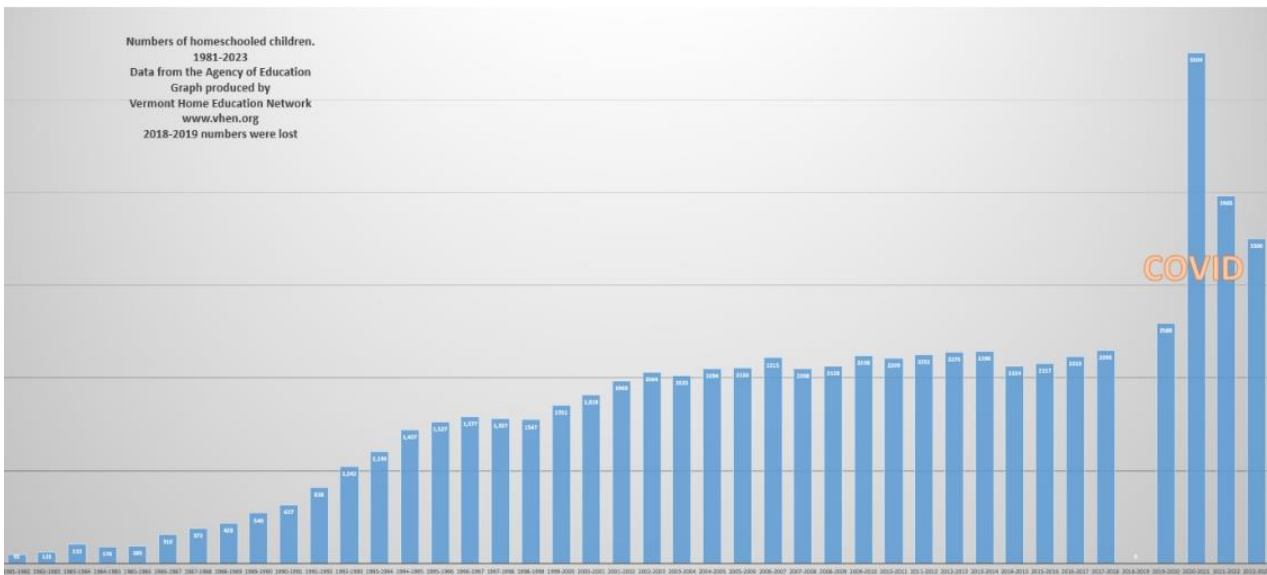
### Vermont Home Education Network

Many voices, One message

[www.vhen.org](http://www.vhen.org)

Vermont Home Education Network tries to maintain a **strong homeschool presence at the Agency of Education and the Legislature**. We have **many voices but one message** as homeschoolers come from all walks of life and have philosophical, religious, and political differences but they can agree on one thing: that is the **primacy of the family in the life of a child which makes advocacy for homeschooling powerful**.

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Vermont homeschooling has grown over the years

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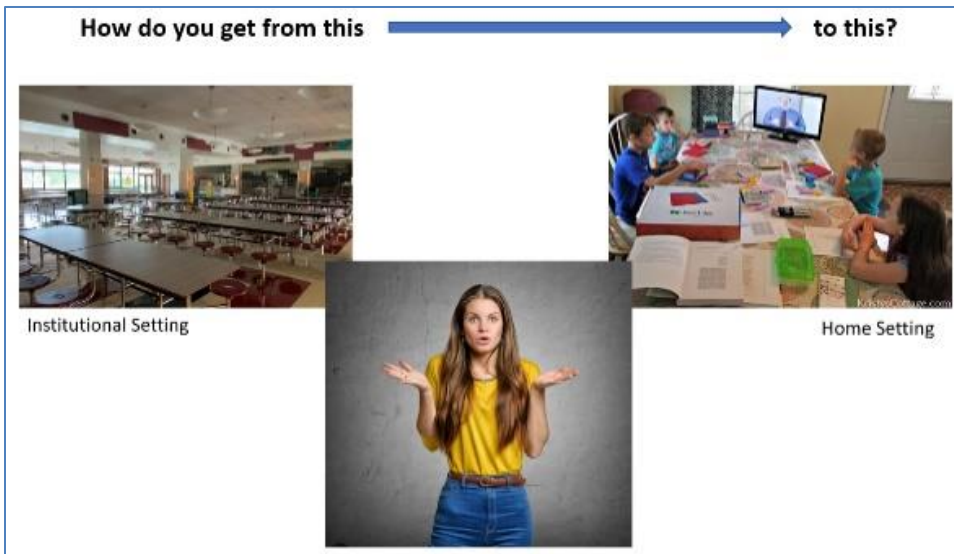
For me, my journey began in 1977, when standing outside the girl's bathroom and I said to myself, if I ever have children they will not be going to a school where marijuana smoke comes rolling out of the bathroom. Five years later, when my first child was born, ***I saw homeschooling as an organic and natural lifestyle of preparing my children for adulthood.*** Back in the day when homeschooling was a new thing, parents **did it on purpose**, like me. What I have seen in recent years is that parents are **being forced to make this choice** and that is not fair.

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From my point of view, there are two general types of education - an ***institutional setting and a home setting and the difference is in the number of students around the table.*** The more students you add the less individualized you can be and the more institutional you become.

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Parents looking at homeschooling for the first do not know where to start. This is a big step to take. You have been living in **one lifestyle and you either want to or are being forced to change that lifestyle** for the sake of your children. ***You probably feel like Frodo in Lord of the Rings. He had the one ring and was willing to take it to Mt Mordor but he did not know the way.***

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**Homeschooling**

**Parent directed – child led education in the home**

**Utilizes many methods**

**Is supported by case law**

Over the years, I have told the following information to so many homeschoolers in an effort to give them confidence in what is commonly called homeschooling, spelled as one word. I define **homeschooling as parent directed - child led education that takes place in the home.** It uses many methods from unschooling, which is very informal, to unit studies, to bookwork and schedules which is very formal. And I always relate a little bit of case law. For full disclosure here, **I am not a lawyer but I am very familiar with the case law surrounding homeschooling freedoms.** And there exists a balance between the **state's interest and the parent's rights in the education of a child.** This is a fact on the ground that I have to work with when advocating for homeschooling freedoms.

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## 1891 – SHEIBLEY v. SCHOOL-DIST.

<https://vhen.org/court-decusions>

In this case the father wanted his daughter to be taught grammar and not rhetoric. A fight ensued, the daughter was expelled, and a case was filed in court which then sided the parent.

### Supreme Court of Nebraska – 1891

Sheibley v. School Dist. No. 1 of Dixon County et al, 31 Neb. 552, 48 NW 393 (1891):

**The right of the parent .... to determine what studies his child shall pursue is paramount to that of .... trustees or teachers.**

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## 1893 – COMMONWEALTH v. ROBERTS

<https://vhen.org/court-decusions>

A parent sent the child to a school that was not approved by the school committee where the child was indeed instructed in the required branches of learning and the parent could prove it. The court sided with the parent.

### Massachusetts Supreme Judicial Court – 1893

Commonwealth v. Roberts, 159 Mass. 372, 34 NE 374

The great object of [the compulsory attendance] provisions of the statutes has been that all children be educated, **not that they be educated in any particular way.**

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## 1925 – PIERCE v. SOCIETY

<https://vhen.org/court-decisions>

The case was brought by a religious school and a military academy when Oregon passed a law that said parents had to send their children to a public school only. The court sided with the schools and parents.

### United States Supreme Court - 1925

PIERCE v. SOCIETY, 268 U.S. 510

We think it entirely plain that the Act of 1922 unreasonably interferes with the **liberty of parents and guardians to direct the upbringing and education of children under their control.**

...

The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. **The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.**

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#### State of Vermont v. DeLaBruere

Found within this decision is an insight into the balance of rights/interests between the state, parents and children.

#### In re T.M. – “the Maple case”

This case was in the news and the state claimed truancy and the mom said her child was properly enrolled in home study.

#### State of Vermont v. DeLaBruere

<https://vhen.org/state-court-decisions>

This case is not about a home study program or homeschooling. It is about sending kids to a private school that has not applied to the state to become an independent school in Vermont. **Found within this decision is an insight into the balance of rights/interests between the state, parents and children.** In this case, the court determined that the school needed to register with the state.

#### In re T.M. – “the Maple case”

<https://vhen.org/state-court-decisions>

Family court had **determined TM to be truant** and not enrolled anywhere. The mother claimed that her son **was properly enrolled in a home-study program** and therefore could not have been truant. The mother appealed the family court decision to the VT Supreme Court. **This case was a spectacle.** The home study law was under attack. The mom was arrested because she was hiding her son from DCF, and words were just flying back and forth. The court sided with the mom, she was correct, her son was indeed enrolled in home study and the Agency of Ed did not understand the law it was administering.

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I try to encourage parents to think like this: ***You are not seeking state approval; nor are you asking for state permission. You are telling the state that your child will be homeschooled and that you will be acting in the place of the School board, Superintendent, principal, teacher, and janitor all rolled into one. There is no one above you and you have case law on your side.***

Is this hard? Yes.

Is this serious? Yes.

Is this doable? ABSOLUTELY

**You take care of your child from dinner to breakfast and all day on Saturday and Sunday. What is so different about breakfast to dinner Monday through Friday?** You taught them to talk, eat, dress, say please. Is reading really all the different? I suggest to you that it is not. It is just societal conditioning that we think we can't teach them the three Rs because you need a college degree to do that. It simply is not true.

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### **16 V.S.A. § 1121. Attendance by children of school age required**

A person having the control of a child between the ages of six and 16 years shall cause the child to attend a public school, an approved or recognized independent school, an approved education program, or a **home study program** for the full number of days for which that school is held

Note: Public schools, independent schools, and home study programs are all part of compulsory attendance.

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### **16 V.S.A. § 906. Course of study**

(a) In public schools, approved and recognized independent schools, and in home study programs, learning experiences shall be provided for students in the minimum course of study.

(b) For purposes of this title, the minimum course of study means learning experiences adapted to a student's age and ability ...

Note: Public schools, independent schools, and home study programs must comply with 906.

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**Subject areas are:**

- (1) basic communication skills, including reading, writing, and the use of numbers;
- (2) citizenship, history, and government in Vermont and the United States;
- (3) physical education and comprehensive health education, including the effects of tobacco, alcoholic drinks, and drugs on the human system and on society;
- (4) English, American, and other literature;
- (5) the natural sciences; and
- (6) the fine arts.

Note: There are 6 basic areas to the minimum course of study that public schools, independent schools, and home study programs must provide.

- The public schools have a boat load of laws, rules, and school board policies to comply with.
- The approved independents also have other laws, rules and school board policies to comply with but not to the extent of the public schools.
- Because recognized schools have the least amount of laws, rules, and school board policies to comply with. They are closer to what the 1987 home study law requires of parents.
- Home study programs have no other laws defining what they are to provide other than 906.

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So other than a public school or an approved independent school what are your options?

**Approved and Recognized Independent schools**

- In Vermont law, there is no definition for a private school. Only independent schools.
- In Vermont law, there is no definition or mention of religious schools.
- All "private schools" and "religious schools" in Vermont are either an approved or recognized independent school.
- Only approved independent schools can receive tuition payment. Recognized schools cannot.

**Option #1- Recognized independent schools.** In Vermont law there is no such thing as a private school, nor does Vermont law make a distinction between religious schools and non-religious schools. These independent schools are either approved or recognized. Only approved schools can receive state tuition payments if your child lives in a tuitioning town. **I bring this up because parents can come together to create a recognized school and teach the kids themselves and the law describes the process for creating one. This is not homeschooling because it takes place in an intuitional setting.**

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**(16 V.S.A. § 11. Classifications and definitions**

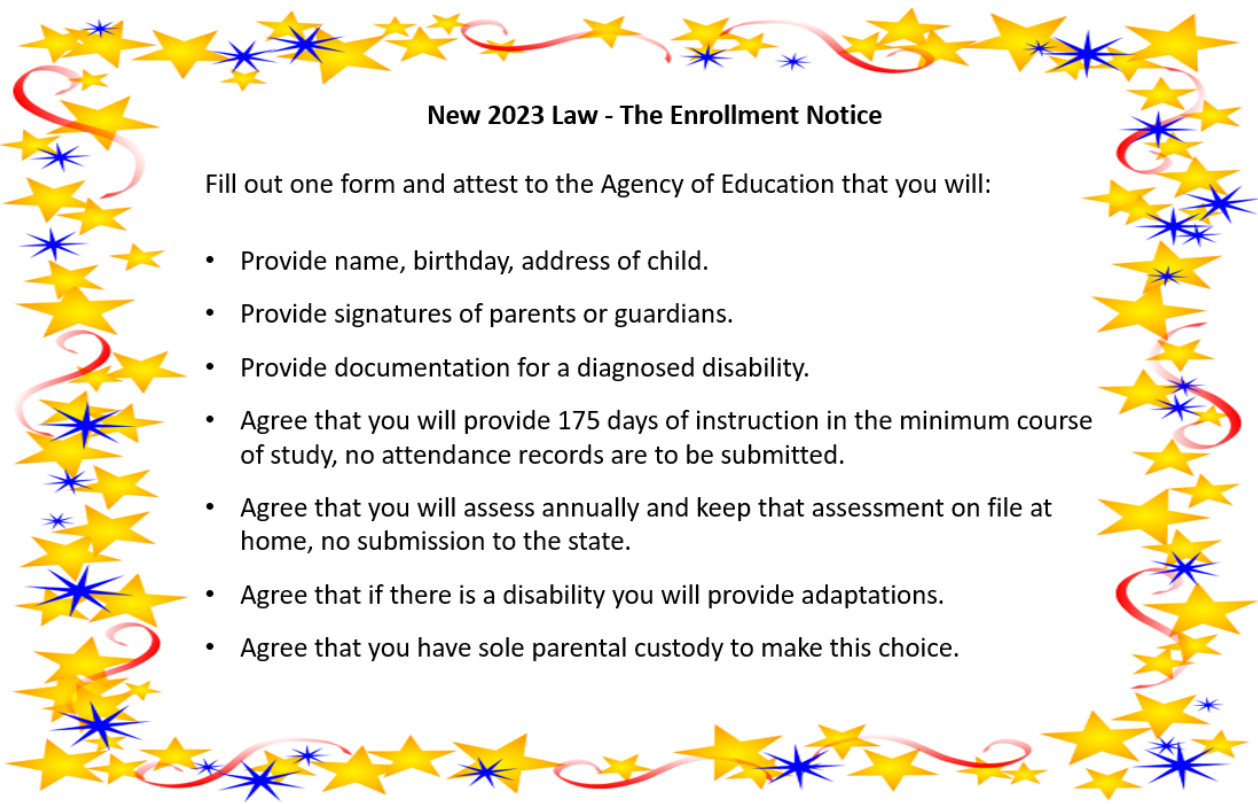
(21) “Home study program” means an educational program offered through home study that provides a minimum course of study and that is offered to not more than:

(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.

**Definition of home study** – it is a home study program containing the children of one family or your children plus the children from one other family or your children and one child from two other families. And you can hire a tutor to provide that education. That is as close to a homeschooling pod as you can legally get.

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**New 2023 Law - The Enrollment Notice**

Fill out one form and attest to the Agency of Education that you will:

- Provide name, birthday, address of child.
- Provide signatures of parents or guardians.
- Provide documentation for a diagnosed disability.
- Agree that you will provide 175 days of instruction in the minimum course of study, no attendance records are to be submitted.
- Agree that you will assess annually and keep that assessment on file at home, no submission to the state.
- Agree that if there is a disability you will provide adaptations.
- Agree that you have sole parental custody to make this choice.



**Option #2 – Home study program**, commonly known as homeschooling. The new enrollment process will require one piece of paper be filled out that states the following:

**Option #3 – Enrichment programs** for homeschooling families. These are often offerings by other entities such as libraries or museums and are a one day or afternoon a week offering. Parents come together to create **homeschooling coops** where one day a week parents share the teaching. These are not 5 days a week. If it is 5 days a week it should be registered with the state as a recognized independent school as it is not homeschooling.

**Option #4 – Financial support.** There is none. A bill was introduced this past legislative session that is to allow a tax credit for children enrolled in home study programs. As a homeschooling advocate, I will support idea so families can keep some of their own money. However, and even though I support school choice and vouchers generally, currently I will not support vouchers for home study programs. I am watching what the legislature is trying to do to approved independent schools. The regulations they are trying to place on them that will change what they are and they will no longer be truly independent. Home study i.e. homeschooling must remain free from state decrees concerning the course of study. It all depends on how it gets written into law.

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#### How to connect VHEN and homeschooling in Vermont

- Join Vermont Home Education Network's email list - <https://vhen.org/email-list>
- You may contact me directly at: [mountainfoldvt@gmail.com](mailto:mountainfoldvt@gmail.com) or 802.472.5491
- Go onto Facebook and look for Vermont homeschooling FB pages and groups
- VHEN's website is going to get an overhaul this summer due to the change in the law. It is the oldest site in Vermont for homeschooling and is a repository of information both historical, current, and future.
- Join me in Zoom calls. I will be holding these calls at least quarterly if not monthly if families would like to ask questions or just talk with other homeschoolers. This is not meant to replace local support groups. The next couple of calls will be about the new law.
- You can find this presentation and slides at: <https://vhen.org/presentations>

To wrap up, have some general advice for those looking into homeschooling and which I regularly tell new homeschooling parents.

1. Children learn faster when they want to learn something so include the child in choosing what they need to learn.
2. Fill your home with learning opportunities and let the child live in that kind of environment. All of life is a great classroom.
3. Do NOT replicate what is done in institutional school settings. You will set yourself up for failure if you do. You do not have to teach each subject that is not how homeschooling is done.

4. When coming from an institutional setting and depending on your child's experience with it, a period of "dechooling" may be necessary for your child to decompress. This is a real topic in the homeschooling community. Google it.
5. Expect a primary child to spend about 3 hours a day and a secondary child about 5 hours a day in their studies.
6. If you have trouble getting your child to do their chores or your child has general issues with obedience, as children tend to do, they will do the same thing in homeschooling. Expect it and find creative ways to deal with it.
7. Be wary of those who wish to co-opt your parental right by co-opting what homeschooling is, which is parent directed child led education done in the home.
8. Parents please remember, you still must be careful in who you leave your kids with even in homeschooling.

Lastly, and this is my opinion, I do not really care for the phrase "raising children". I would much prefer "raising people" or "raising adults". I didn't want my kids to grow up to be children. I wanted them to be fully functional human beings. My kids still tell me today that they appreciated that I treated them like human beings, small though they were, with brains not yet fully developed. I respected them for who they were and would become. Yes, I communicated on the parent/child level when I needed too but I also communicated with them on a personal level. They have the same rights as I do and dreams of their own. They just cannot exercise or express them yet. It was my job as a parent to get them to that place where they could take over their own lives. I can think of no better foundation upon which to build your homeschooling experience.

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**Thank you.**  
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**Here is a link to the language in the new law:**

<https://static1.squarespace.com/static/58ac41aa2e69cfa96ffa654a/t/646d2f699280d61ecfc4529d/1684877161637/This+is+NOT+an+official+version+of+the+bill2.pdf>