

NATIONAL CENTER FOR LIFE AND LIBERTY
HOMESCHOOL CENTER
Vermont

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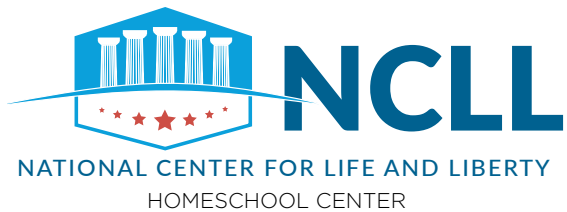
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The National Center for Life and Liberty is a nonprofit legal ministry dedicated to protecting and defending the Bible-based values upon which our nation was founded. Homeschool Center—an outreach of the NCLL—was created to be a legal help and resource to homeschool families. Protecting. Equipping. Serving. HC is a fresh approach to homeschooling legal help. For more information and to join, visit <http://homeschool.ncll.org/>. Legal challenges and questions will come—let the NCLL be there to help you when they do.

The following is an explanation of homeschool law for Vermont along with references to additional and more exhaustive resources.





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Dear Homeschool Family,

More and more parents across the country and around the world are exercising the choice to educate their children at home. At the National Center for Life and Liberty, we are committed to defending the fundamental rights of parents to direct and control the upbringing of their children, which includes protecting and defending their right to homeschool. We are also committed to providing our members with help and encouragement so they can homeschool legally and with excellence. When families join the Homeschool Center at the National Center for Life and Liberty, they can rest assured that we will be there if and when they have legal questions about their homeschooling. Our members have access to summaries of homeschool state laws as well as an attorney to assist them with all legal compliance questions. We also provide the following services:

- Guidance on pursuing sports or extracurricular activities with the public school
- Guidance on seeking special needs services from the public school
- Pro bono legal representation in litigation if we determine the issue will advance homeschool liberty
- Assistance in college, trade school, and financial application eligibility questions
- Assistance with social security benefit eligibility for homeschoolers
- Advising in social service issues that are related to homeschool issues

The ministry of the NCLL's Homeschool Center is exactly that—a ministry. We are here to serve you and defend your right to raise and educate your children. In keeping with this mission, the NCLL does everything possible to keep costs low so that we can serve homeschoolers all across the country. Also, while other organizations require an “application” process and require you to follow narrowly defined rules, the NCLL Homeschool Center invites you only to complete a simple “registration” process in order to join. We do not want to control your homeschooling efforts; we are here to provide you with information, encouragement, and support as you diligently homeschool your children.

We are called of God and committed to serving you and your family! Please let us know how we can be of assistance to you.

Thank you for the privilege,

Attorney David C. Gibbs III
President and General Counsel
National Center for Life and Liberty

VERMONT HOMESCHOOL LEGAL REQUIREMENTS

Vermont residents have the right to homeschool their children. The state, however, does place certain requirements that you, as a parent or guardian, need to follow. One option is available.

THE ONLY OPTION IS:

- **Option 1:** Establishing a home study program

OPTION 1

Establishing a home study program

A “home study program” is one that consists of children residing in the home. In addition, the home study program may also include up to an 2 additional children who do not reside in the home but who are from one family.

COMPULSORY ATTENDANCE

Compulsory attendance applies to a child between the age of six and sixteen unless the child has completed 10th grade or is otherwise exempt.

SOURCES OF LAW

Vermont Statutes Annotated Title 16, §11(a)(21) and §166b (home study program); 16 V.S.A. §1121 (compulsory attendance) 16 V.S.A. §906 (subjects)

TEACHER QUALIFICATIONS

Teacher certification is not required by law.

REPORTING/REGISTRATION

If the child is in public or private school, NCLL recommends sending a written letter of withdrawal to the child’s current school prior to withdrawal.

Send a written notice of enrollment to the secretary any time after March 1 for the following year. Enrollments in home study programs expire on July 1.

The notice should contain: (1) the child’s name and age and month and year of birth; (2) the names, mailing addresses, towns of legal residence, and telephone numbers of the parents or guardians of the child; (3) for each child enrolled during the preceding year, any legally required assessment of progress (see testing/assessment section below); (4) 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 (a comprehensive evaluation to establish eligibilities for special education is not required but may be ordered by a hearing officer after a hearing under this section); (5) for each child being enrolled for the current year, a detailed outline or narrative that describes the content to be provided in each subject area of the minimum course of study, including any special services or adaptations to be made to accommodate any disability (methods and materials to be used may be included but are not required); (6) the names, addresses, telephone numbers, and signatures of the persons who will provide the ongoing instruction in the subject areas; and (7) the signatures of all custodial parents or guardians who are legally authorized to make educational decisions for the student.

Within fourteen business days of receiving an enrollment notice, the secretary or designee will send the home study program a written acknowledgment that notice is complete or that further information is needed. The parent has fourteen days to provide missing information. The acknowledgment from the secretary will also state whether the child(ren) may be enrolled in the home study program immediately or whether a hearing will be required prior to enrollment, which the secretary may require if he or she has significant doubt about whether a home study program can or will provide the minimum course of study. In this event, children may not be enrolled in the home study program until an order to that effect has been issued by the hearing officer.

Notify the secretary within seven days of the day that any student ceases to be enrolled in the home study program.

A memorandum dated July 23, 2012 clarified, the process of enrollment as follows: "Please note that enrollment notices are prospective, and enrollment in home study does not occur immediately upon the submission of an enrollment notice. The Department is directed by law to send an acknowledgment letter to the home study program within 14 business days following the Department's receipt of an enrollment notice. For most families, a child's enrollment in home study becomes effective no sooner than upon receipt of such an acknowledgment letter from the Department. Enrollment can be delayed, however, if an enrollment notice is lacking information required under the home study statute, or if there are other issues concerning the proposed home study program. It is important to keep this in mind if you are removing your child from school once the school year is in progress, as children who fail to attend school while a home study notice of enrollment is pending may be deemed to be legally truant."

A home study program that has successfully completed the last two years of home study with any enrolled child, provided those two years fall within the most recent five years, is not required to submit an annual detailed outline or narrative describing the content of the minimum course of study.

RECORD KEEPING

Keep records as required for reporting and assessment purposes.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

The minimum course of study means learning experiences adapted to a student's age and ability in the fields of basic communication skills, including reading, writing, and the use of numbers; citizenship, history, and government of Vermont and the US; physical education and comprehensive health education, including the effects of tobacco, alcohol, and drugs on the human system and on society; English, American, and other literature; the natural sciences; and the fine arts.

Attend school for the full number of days the home study program is held (no number is specified).

REQUIRED TESTING/ASSESSMENTS

A progress assessment is required annually in each of the required subject areas by one or more of the following methods: (1) a report in a form designated by the secretary, by a teacher licensed in Vermont; (2) 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; (3) the complete results of a standardized achievement test approved by the commissioner, administered in a manner approved by the testing company.

WHEN LEGAL CHALLENGES PRESENT THEMSELVES:

- 1** Calmly learn and follow your state's laws. State summaries are available at our website, and we are always available to answer your questions.
- 2** As you teach your children at home, know that you're a "walking advertisement" for homeschooling. Our relatives, neighbors, and others we encounter are watching. It's a good idea to watch your outside activities during school hours. Try to share some homeschool highlights with your relatives so they might be won over. Also, avoid disciplining your child in public, because understanding of what is appropriate varies.
- 3** Leaving children at home alone is always risky—especially if you frequently leave older children home alone with younger children. Is there an appropriate age when it is fine to leave them alone? Consider calling your local social services agency to ask its opinion.

IF YOU RECEIVE A PHONE CALL:

- 1** If a homeschooler receives a phone call from someone representing himself as a school or social services authority, never give information over the phone! Make it your goal to get information from the caller. Ask what has prompted this call, the caller's name, telephone number, title, and the agency he represents. Give yourself time to calm down and consider the request. Tell the caller that you will either get back to him or that your attorney will get back to him. Above everything, keep calm, as this initial call can set the tone for the entire encounter.
- 2** If the caller wishes to arrange a meeting and you agree to meet, allow yourself plenty of calendar time between the day of the call and the day of a future meeting. You will want to decide on a strategy and/or consult an attorney. If you agree to meet, arrange to meet in the official's office and definitely not in your home.

IF YOU RECEIVE A LETTER IN THE MAIL

- 1** Read the letter slowly and carefully. Make sure that you know what is being asked of you, and take the time to discern who is asking. If the request is clear and unambiguous (such as asking for a copy of a birth certificate) and the law clearly specifies that it is required, it may be best to comply. Before supplying any information, either by mail or in person, verify the authenticity of the person and the agency making the request as well as the necessity of the information.
- 2** If the request is at all questionable, take time to study the issue and consult your attorney. If it means time, write or call the sender to say that you'll need more time.
- 3** Remember, if you mail anything or bring anything to an official's office, keep copies of what you mailed or brought for your files. If you decide to mail any items, mail them return-receipt requested. This documentation from the Post Office means you will receive proof that the letter you sent was signed for and received.
- 4** An electronic or e-mail notification is not sufficient legal notice of a legal challenge. Do not reply to an electronic notification of a legal challenge without seeking legal advice.

IF YOU RECEIVE A VISITOR AT THE DOOR

- 1** First, you are entitled to know the reason for any visit. The visitor may tell you he does not have to tell you the reason, or he may tell you that he needs to come inside of your home to talk to you. ***Neither claim is true!*** Government officials are required to tell you the specific allegations that led to their visit.

- 2** Be polite and ask for a business card or an ID badge. If the visitor wants to enter your home, ask if he has a search warrant. Without a warrant, he has no legal authority to enter your home. Getting a warrant is not an easy task for a government official. The official will have to demonstrate to a judge that he has “probable cause” to believe that either (1) a crime has been committed or that (2) some other compelling reason exists for the agency to enter your home to investigate. A warrant requires much more than an anonymous tip or mere suspicion. Remember—no warrant, no entry.
- 3** Be calm! If you have a local lawyer or are a member of the Homeschool Center, call your attorney on the phone while the visitor is still at your door. Then, hand the phone over to the visitor and have your attorney do the talking for you.
- 4** Be respectful to the visitor, but also respect yourself and your family. If the visitor insists on seeing your children, bring the children outside the door. Allowing an official inside gives him too great of an opportunity to go on a “fishing expedition.” The visitor may request immediate answers to one or more questions, but tell him that you will speak to him only after you have consulted with your legal counsel.
- 5** The visitor may threaten to obtain a warrant. Don’t be frightened by this. Of course you will fully cooperate if he returns and shows you the warrant, but chances are that he is merely trying to frighten you. Don’t be frightened, but seek legal counsel immediately.

MEMBERSHIP BENEFITS

As a member of the Homeschool Center, you have access to our professional, experienced, caring homeschool attorneys who . . .

- Can address any ongoing or current legal compliance questions or concerns
- Are available in the event that you have a homeschooling legal emergency
- Will litigate your case on a pro bono (no cost to you) basis if we determine that the issues involved will advance the liberty of homeschooling in America

Membership in the Homeschool Center provides access to the following:

- Free legal advice if you or your family member has been subject to religious discrimination at work
- Pro bono litigation in cases that advance church, Christian education, religious liberty, or sanctity of life issues
- Legal guidance after a car accident, where one of our attorneys will explain how to protect your rights after the accident and will refer you, if needed, to one our trusted attorney affiliates

JOIN TODAY!

We want to be here for you! We receive hundreds of homeschool calls every year, and the numbers keep rising. So, if you haven't already, please consider joining today. At just **\$35 for the first year**, you really can't afford **NOT** to be a member!

Go to <http://homeschool.ncll.org/membership> to become a member.

