

Note to the NH Senate regarding SB268

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Home Educators have very serious concerns with SB268:

1. **No Exemption:** Home educated students (homeschoolers) are NOT EXEMPT from the change. And, any attempt to exempt home educated students would violate the constitutional right to equal protection under the law for all other students.
2. **Rules Nightmare:** CHENH appoints two representatives to the HEAC, both of whom anticipate endless problems in rule-writing because of constitutional problems with this bill.
3. **No Graduation:** Homeschoolers have no clear State recognized mechanism for “graduation” and will bear an exceptional burden to comply with SB 268. In fact, many homeschoolers transition into college, apprenticeships or the workplace when they are between sixteen and eighteen. This has not been a widespread problem under current law because of the small number of students starting college before they turn sixteen.
4. **Subject to Arrest:** With no limits on onerous methods of enforcement under SB268, 16 and 17 year-old home school graduates will be considered truant and potentially subject to arrest, with no official recourse. Will a person’s car be towed during a traffic stop when it is discovered that the driver is 16 or 17 with no proof they have graduated? How will employers avoid culpability for hiring these young people who have legitimately completed their education yet are considered truant?
5. **No room in the classroom:** Highly motivated dual-enrolled students may have to give up their place in upper level elective classes to unwilling, unmotivated 16 and 17 year-olds.
6. **No order in the classroom:** Recently in the state of Maryland, this idea was defeated largely by students who testified to lawmakers that they did not want to be robbed of their opportunity for a decent education by unruly, unwilling students. Older dual-enrolled students want to share the classroom with other motivated students, not with unruly “inmates”.
7. **Taxed Twice:** Home educators pay for school twice, through property taxes and through daily support of the home school. They work extremely hard, forgo a second income and make many other sacrifices to provide educational opportunity for their children. None are excited about paying the additional cost of forcing opportunity on people who don’t want it.

CHENH Position
NH Senate Bill 268 raising age of compulsory attendance

Other facts:

- When California increased the compulsory attendance age, taxpayers were forced to pay for a whole new school system to handle the numerous problems these unruly, unwilling students caused. (February, 2005, publication of the Manhattan Institute's Center for Civic Innovation, "Public High School Graduation and College-Readiness Rates: 1991-2002," by Dr. Jay P. Greene.)
- States which compel attendance only to age 16 have better high school completion rates than states that compel attendance to 17 or 18, on average. (Source: "Dropout Rates in the United States: 2000," pp. 9-10, 40-41; National Center for Education Statistics, U.S. Department of Education, Office of educational Research and Improvement, Doc. No. NCES 2002-114.)
- States which compel attendance only to age 16 also have lower dropout rates than states that compel attendance to 17 or 18, on average. (Source: same as above.)
- According to statistics published by the federal Office of Juvenile Justice and Dropout Prevention, a higher compulsory
- Attendance age is not correlated to a reduction in juvenile crime. (Source: "Juvenile Arrests 1999." Washington, D.C.: Office of Juvenile (Justice and Delinquency Prevention, 2000.)
- A study at Cornell University found that increasing the compulsory attendance age in New York State would not accomplish the intended goals and would require substantial additional funding. (Policy Analysis on the Efficacy of Increasing the Compulsory School Attendance Age October 4, 2002, Professor Rosemary J. Avery, Cornell University)

The Home Education Legal Defense Association has sent out notices to members opposing this bill, anticipating a steep rise in legal battles if SB268 were to become law. The citizens of NH cannot afford the risks associated with passing a bill which was not well thought out, however well intentioned. Please recommend SB268 "Inexpedient to Legislate".