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## **OLR Bill Analysis**

### **sHB 5468**

#### ***AN ACT CONCERNING THE PROVISION OF EQUIVALENT INSTRUCTION.***

#### **SUMMARY**

This bill creates a regulatory framework for providing “equivalent instruction,” which is education given to a child by his or her parents or guardians (“parents”) in a setting other than a public or nonpublic school (such as homeschooling). It requires (1) certain parents to submit forms indicating how their child is being educated and (2) those parents who indicate that their child is receiving equivalent instruction to show that their child is being educated in one of the ways allowed under the bill (such as by submitting a portfolio or taking the state mastery exam).

The bill’s framework does not apply to parents whose children are currently receiving equivalent instruction (or enrolled in nonpublic school) or withdraw from public school before July 1, 2027, unless they move into a new school district or leave a nonpublic school. The bill’s requirements phase in as follows:

1. starting with the 2027-28 school year, they apply to parents seeking to withdraw their children from public school (and prohibits withdrawal if the results of a Department of Children and Families (DCF) check indicate the parent is ineligible to provide equivalent instruction) and
2. starting with the 2028-29 school year, they apply to parents of children newly eligible for public school, children who move into a district, and children withdrawn from nonpublic school.

The bill also does the following:

1. explicitly allows school boards to permit students receiving equivalent instruction to participate in certain public school

activities and allows these students to be partially counted when calculating a town's education cost sharing (ECS) grant;

2. provides additional funding, tied to ECS, for school boards for fulfilling their responsibilities under the bill;
3. requires the State Department of Education (SDE) to provide guidance for parents and school boards on the provision of equivalent instruction, as well as other specified topics.

Lastly, the bill makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2027, except that provisions on (1) demonstrations of equivalent instruction, SDE guidance, and permitting DCF to release information (§§ 2, 4 & 8) take effect July 1, 2026, and (2) funding and public school activities (§§ 3, 5 & 6) take effect July 1, 2028.

#### **§§ 1, 4 & 8 — EQUIVALENT INSTRUCTION AND DOCUMENTATION REQUIREMENTS**

Under the state's current compulsory school attendance law, parents must either send their children to public school or show they are otherwise receiving instruction equivalent to the one provided in public school (with certain exceptions, such as parents opting to delay school for a five- or six-year-old). So, under current law, "equivalent instruction" refers to any schooling option other than a public school.

The bill modifies this law to specifically require parents to (1) send their child to public or nonpublic school or (2) ensure their child receives "equivalent instruction" in the studies taught in public school. It defines "equivalent instruction" as education provided by a child's parent or guardian in a setting other than a public or nonpublic school and establishes an oversight framework for children receiving equivalent instruction. Under existing law and the bill, regardless of educational setting, children must receive instruction in reading, writing, spelling, English grammar, geography, arithmetic, and United States history and citizenship (including town, state, and federal governments).

The bill establishes and phases in procedures for documenting the

educational setting where children are being educated and requesting DCF records checks when parents withdraw their children from public school for equivalent instruction.

Depending on the circumstances, the bill requires parents to fill out withdrawal forms, intent to educate forms, or continuation of equivalent instruction forms. Once they fill out one of these forms, the child is documented as receiving equivalent instruction. These requirements generally do not apply to children who are currently receiving equivalent instruction (or enrolled in a nonpublic school), unless they move into a new school district or leave a nonpublic school.

***Withdrawal From Public School (§§ 1(e) & 8)***

Starting with the 2027-28 school year, the bill requires parents who withdraw a child from public school to go, in person, to the school district's office and sign a withdrawal form (created by SDE).

***Withdrawals for Nonpublic School.*** If the child is withdrawing to attend a nonpublic school, the parent must show evidence that the child will attend the school (for example, an acceptance letter). The child's withdrawal is complete when the school district receives this evidence.

***Withdrawals for Equivalent Instruction.*** If the child is withdrawing to receive equivalent instruction, the school district must request a check of DCF records, and the withdrawal is not effective until it does so and notifies the parents that the withdrawal is permitted. The bill specifies that this check does not constitute a report of suspected child abuse or neglect.

Within two business days after receiving a withdrawal form from a child's parent, the school board must ask DCF to determine whether the parent is (1) receiving protective services or subject to protective supervision (see BACKGROUND) or (2) on the state child abuse and neglect registry. DCF must do so within five days after receiving a request from a school board and then notify the school board of the results. The bill specifically allows DCF to release information from its records to school boards in order to complete the bill's requirement.

If a school board receives notice from DCF that none of these circumstances apply to the parent, the board must immediately notify the parent that the child's withdrawal is complete. If any of these circumstances do apply to the parent, the school board must notify the parent that the child may not be withdrawn from public school.

***Intent to Educate Form (§ 1(c))***

Starting with the 2028-29 school year, the bill requires certain categories of parents to go, in person, to their school district and sign an "intent to educate" form, which SDE must create. This requirement applies to:

1. parents of children who will turn five before September 1 of the school year;
2. parents who signed, in the previous year, the option form deferring their five- or six-year old from starting school (which is required under current law for parents choosing this option);
3. parents of school-aged children who move into a school district; and
4. parents who withdraw their child from a nonpublic school.

On the intent to educate form, parents must indicate whether their child will (1) enroll in public school, (2) attend a nonpublic school, or (3) receive equivalent instruction. If the child will attend a nonpublic school, the parent must show evidence indicating that the child will do so. Parents who move into a district have 14 days to complete the form.

***Continuation of Equivalent Instruction Form (§ 1(d))***

Under the bill, starting with the 2028-29 school year, the bill (1) creates a "continuation of equivalent instruction form" (continuation form) requirement that applies to parents subject to the bill's withdrawal form and intent to educate form requirements and (2) phases it in based on when these form requirements take effect.

In effect, when a parent submits an intent to educate form or a

withdrawal form indicating their child will receive equivalent instruction, they are then required to complete a continuation form in each subsequent school year (unless the child enrolls in a public or nonpublic school). While the other forms must be submitted in person, the bill allows parents to submit continuation forms to school districts electronically.

***When Forms Are Not Submitted.*** Under the bill, continuation forms are due by September 1 each school year. If a school board does not receive a continuation form from a parent required to submit one, the board must make at least three attempts to contact the parent to tell them they must submit the form. If the board cannot make contact by October 1, the bill requires the school board to notify SDE.

#### **§§ 2 & 4 — DEMONSTRATION OF EQUIVALENT INSTRUCTION**

For the purpose of checking that a child receiving equivalent instruction is being educated, the bill establishes a procedure for demonstrating that a child is receiving equivalent instruction in the studies taught in public schools. This requirement (1) starts in the 2028-29 school year and (2) applies to parents of children who are documented as receiving equivalent instruction for the school year (on an intent to educate or continuation form).

The bill requires these parents to show their child is receiving equivalent instruction by demonstrating the child's academic work, according to the guidance the bill requires SDE to develop. Parents may demonstrate their child's work in the following ways:

1. turning in a portfolio, which may include the curriculum the parent used, the child's completed academic work, results from a nationally normed standardized test, or proof of completing online coursework or enrollment in community college courses;
2. having the child take the statewide mastery exam, administered by a school board or regional educational service center (RESC);  
or
3. getting a high school diploma by taking the GED test.

Under the bill, parents submit this demonstration, sometime between March 1 and June 1, to the school board for the child's town of residence. The bill allows school boards to contract with a RESC, the State Education Resource Center (SERC), or an interdistrict magnet school operator to receive these submissions.

***Record Retention***

The bill also requires parents of a child receiving equivalent instruction to retain the child's education records for at least three years, including the curriculum they used and the academic work the child completed.

**§§ 3, 4 & 6 — FUNDING TO SCHOOL BOARDS**

Starting in FY 29, the bill provides additional funds to school boards, through a new funding mechanism tied to ECS, for the following purposes:

1. administering the bill's documentation requirements (see § 1);
2. fulfilling their responsibility under existing law to annually determine the number of children of compulsory school age residing in their jurisdiction (CGS § 10-249); and
3. reviewing demonstrations of equivalent instruction (which may include paying a RESC, SERC, or interdistrict magnet school operator to do so).

Under the bill, schools receive funding through this new mechanism in addition to the ECS increase they receive for children receiving equivalent instruction who participate in public school activities (see "Participation in Public School Activities" below).

***Calculation***

For each resident child documented as receiving equivalent instruction, the bill effectively gives school boards 10% of the amount they receive in ECS per resident student.

***Resident Student Count.*** Under the bill, each resident child

documented as receiving equivalent instruction is counted as 1/10th of a student in the town's resident student count for ECS purposes. Assuming other ECS factors for a town remain the same, this increases the ECS grant amount a town is entitled to.

(This applies in addition to the requirement that children receiving equivalent instruction who participate in public school activities count as 1/4 of a student (see "Participation in Public School Activities" below). So, some children receiving equivalent instruction may be counted twice for ECS purposes, once as 1/10 of a student and once as 1/4 of a student.)

**Amount per Child Receiving Equivalent Instruction.** Under the bill, this amount is calculated by (1) dividing the ECS grant amount a town is entitled to receive by its resident student count and then (2) multiplying that amount by 10%.

**Grant Amount.** The grant amount schools may receive under the bill equals the amount per child receiving equivalent instruction, multiplied by the number of children documented as receiving equivalent instruction.

### **Disbursement**

By law, ECS grants are paid to municipalities, not to school boards directly. The bill creates a process that pays the grant described above to the municipality but requires the entire amount be sent to the school board.

Starting with FY 29, the comptroller must withhold the amount calculated as described above from each town (presumably, from the town's ECS grant) and transfer the funds to SDE. School boards must apply to SDE to get these funds and include the number of resident students documented as receiving equivalent instruction. SDE must determine when and how school boards must apply and must give school boards the funds after receiving their application. School boards must spend the money for the purposes outlined in the bill and in compliance with guidance SDE must issue under the bill.

The bill requires school boards to carry forward any of these funds they do not spend to the next fiscal year.

#### **§§ 4-7 — PARTICIPATION IN PUBLIC SCHOOL ACTIVITIES**

The bill specifically allows school boards to permit resident children who are receiving equivalent instruction to participate in the following public school activities:

1. up to two public school classes in schools under the school board's jurisdiction, as long as space is available in the class, and
2. extracurricular activities, intramural athletics, and interscholastic athletics.

However, the bill limits participation in interscholastic athletics by students who withdraw from public school for equivalent instruction, prohibiting them from doing so for the remainder of the school year during which they withdrew and the following school year. Children who participate in these public school activities must (1) meet the same vaccination and health assessment requirements applicable to public school students under state law and (2) comply with the school board's student handbook. The bill also requires the guidance SDE develops to cover participation in public school activities as allowed under the bill.

The bill counts each resident child who is receiving equivalent instruction and participating in public school activities as 1/4 of a student in their ECS grant calculation. The students are considered part-time students for school district enrollment purposes, and SDE's statewide public school information system must include the number of children receiving equivalent instruction who are participating in public school activities.

#### **BACKGROUND**

##### ***Protective Services and Orders for Protective Supervision***

By law, protective services are public welfare services provided to the family following a complaint of abuse, neglect, or abandonment with no ruling on the complaint. This means either there has been no court decision on the complaint or court jurisdiction has not been determined.

An order for protective supervision means a court determined that a child was neglected, but DCF or another social agency, at the court's request, is helping to correct the neglect while the child remains in the home (CGS § 17a-93).

***Related Bill***

sSB 6 (File 118), favorably reported by the Committee on Children, requires (1) school boards to notify SDE and DCF when a child is withdrawn from public school and (2) DCF to determine if the child is subject to protective supervision or services.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 26 Nay 20 (03/18/2026)