

COMAR Home Instruction Regulation 2016

Title 13A STATE BOARD OF EDUCATION

Subtitle 10 HOME INSTRUCTION

Chapter 01 General Regulations

Authority: Education Article, §§2-205 and 7-301, Annotated Code of Maryland

13A.10.01.01

.01 Home Instruction Program.

A. Purpose. The purpose of this regulation is to establish a procedure to be used by the superintendent of each local school system to determine if a child participating in a home instruction program is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.

B. Written Agreement.

(1) A parent or guardian who chooses to provide a home instruction program for his or her child shall initially sign a statement on a form prescribed by the State Department of Education which:

(a) Indicates consent to the requirements set forth in §§C, D, and E of this regulation; and

(b) Shall be submitted to the local superintendent at least 15 days before the beginning of a home instruction program.

(2) Annual Verification. Annually thereafter, before the beginning of the school year, a parent or guardian shall verify the continuation of home schooling for his or her child with the local school superintendent or with the supervising nonpublic school or institution described in Regulation .05 of this chapter.

(3) Change in Status. A parent or guardian shall notify the local school superintendent or the supervising nonpublic school or institution described in Regulation .05 of this chapter if a change occurs in the home school status of a child during the school year.

C. Instruction Program.

(1) The home instruction program shall:

(a) Provide regular, thorough instruction in the studies usually taught in the public schools to children of the same age;

(b) Include instruction in English, mathematics, science, social studies, art, music, health, and physical education; and

(c) Take place on a regular basis during the school year and be of sufficient duration to implement the instruction program.

(2) The home instruction program may include enrollment on a part-time or full-time basis in courses offered by accredited or unaccredited colleges.

D. Educational Materials.

(1) A parent or guardian who chooses to provide a home instruction program for his or her child shall maintain a portfolio of materials which:

(a) Demonstrates the parent or guardian is providing regular, thorough instruction during the school year in the areas specified in §C(1);

(b) Includes relevant materials, such as instructional materials, reading materials, and examples of the child's writings, worksheets, workbooks, creative materials, and tests; and

(c) Shall be reviewed by the local superintendent or the superintendent's designee at the conclusion of each semester of the local school system at such times as are mutually agreeable to the local superintendent or designee and the parent or guardian.

(2) A parent or guardian who chooses to enroll his or her child under §C(2) of this regulation may elect to provide to the local superintendent or the superintendent's designee a copy of a report card or transcript from the accredited or unaccredited college at the conclusion of each semester of the accredited or unaccredited college in lieu of a portfolio of materials for the courses in which the child is enrolled under §C(2) of this regulation.

E. A parent or guardian shall agree to permit a representative of a local school system to review the portfolio of educational materials, discuss the instructional program, and observe instruction provided that all of the following requirements are met:

(1) The review is at a time and place mutually agreeable to the representative of the local school system and the parent or guardian;

(2) The purpose of the review is to ensure that the child is receiving regular, thorough instruction as set forth in §C; and

(3) There are not more than three reviews during a school year.

F. Additional Requirements. A local school system may not impose additional requirements for home instruction programs other than those in these regulations.

13A.10.01.02

.02 Voluntary Participation in Standardized Testing.

Upon request of a parent or guardian, a child receiving home instruction may participate in the regularly scheduled standardized testing programs that are administered in the public school the child is eligible to attend.

13A.10.01.03

.03 Noncompliance with Requirements.

A. Failure to Consent. If a parent or guardian does not agree to the requirements of Regulation .01B, C, D, and E of this chapter, a child shall be enrolled promptly in a public school or nonpublic school as defined in COMAR 13A.09.09.02B.

B. Deficiencies in the Program. If a local superintendent determines on the review of the home instruction program or inspection of the portfolio that a child is not receiving a regular, thorough instruction program in conformity with Regulation .01C and D, the local superintendent shall notify the parent or guardian in writing of any deficiencies in the program. The following apply:

(1) Within 30 days of receipt of written notification of any deficiencies, the parent or guardian shall provide evidence to the local superintendent that the deficiency has been or is being corrected.

(2) If a local superintendent determines there is not a satisfactory plan to correct a deficiency or if a deficiency is not corrected, a child shall be enrolled promptly in a public school or a nonpublic school as defined in COMAR 13A.09.09.02B.

13A.10.01.04

.04 Placement in Public School.

Upon application of a child for admission to a public school from a home instruction program, the local superintendent shall determine by an evaluation the placement of the child and any credits to be awarded toward high school graduation. The evaluation may include administration of standardized tests and examinations and interviews with the child.

13A.10.01.05

.05 Home Instruction Under Supervision of Nonpublic School or Institution.

A. A parent or guardian may provide a home instruction program for his or her child without compliance with the requirements of this regulation, other than the requirements of Regulations .01B(1)(b) and .04 of this chapter, if that program offers regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age and is under the supervision of a:

(1) School or institution offering an educational program operated by a bona fide church organization, and the supervision includes at a minimum all of the following components:

- (a) Preenrollment conferences with parents or guardians,
- (b) Textbooks, lesson materials, and other instructional materials or equipment designed to be used independently by the pupil at a site other than a school,
- (c) Annual visits by supervisory personnel to the site where the pupil is receiving instruction, and
- (d) Conferences with parents or guardians at appropriate intervals during the period of enrollment; or

(2) Nonpublic school with a certificate of approval from the State Board of Education, and the supervision includes at a minimum all of the following components:

- (a) Textbooks, lesson materials, and other instructional materials or equipment designed to be used independently by the pupil at a site other than a school; and
- (b) Assignment of a school-based teacher to assist the home teacher in implementing the home instruction program and to assist the pupil by issuing progress reports, marking papers, and grading tests.

B. The home instruction program may include enrollment on a part-time or full-time basis in courses offered by accredited or unaccredited colleges.

C. Annual Verification. The supervising nonpublic school or institution described in §A of this regulation annually shall:

- (1) Verify with the local school superintendent the identification of home schooled students whose instruction is continuing under its supervision;
- (2) Notify the local school superintendent of the identification of home schooled students whose instruction is newly added to its supervision; and
- (3) Provide the local school superintendent with the identification of home schooled students whose instruction is no longer under its supervision.

D. Change in Status. The supervising nonpublic school or institution described in §A of this regulation shall notify the local school superintendent if a change occurs in the status of a home schooled student whose instruction was under its supervision during the school year.

13A.10.01.9999

Administrative History

Effective date: July 1, 1984 (11:12 Md. R. 1064)

Regulations .01—.04 repealed effective July 27, 1987 (14:15 Md. R. 1661)

Regulations .01—.05 adopted effective July 27, 1987 (14:15 Md. R. 1661)

Regulation .01 amended effective June 20, 2016 (43:12 Md. R. 668)

Regulation .01B amended effective July 21, 2003 (30:14 Md. R. 937)

Regulation .03 amended effective June 20, 2016 (43:12 Md. R. 668)

Regulation .03A amended effective July 21, 2003 (30:14 Md. R. 937)

Regulation .05 amended effective January 15, 1989 (15:27 Md. R. 3137); December 23, 1991 (18:25 Md. R. 2758); July 21, 2003 (30:14 Md. R. 937); June 20, 2016 (43:12 Md. R. 668)