MARYLAND STATE DEPARTMENT OF EDUCATION
EQUITY AND EXCELLENCE

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Maryland State Department of Education
Division of Student, Family, and School Support

FREQUENTLY ASKED QUESTIONS REGARDING HOME INSTRUCTION IN MARYLAND

1. Does Maryland law permit a student of mandatory school age to participate in a home instruction program instead of attending a public or nonpublic school?

Yes. The compulsory attendance law is found in Education Article, §7-301, Annotated Code of Maryland. It states that each child who resides in Maryland and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year. The law includes several exceptions, however, two of which apply to home instruction. First, a child is exempt from the law if he or she "is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age." Maryland recognizes home instruction as a means for children to receive regular, thorough instruction. Second, a child is exempt from the law if he or she "has completed" a home instruction program as determined by the parent or guardian and verified by the local school system or supervising entity.

You can access the compulsory attendance law online at the following link:

http://www.lexisnexis.com/hottopics/mdcode/

2. At what age does supervision of home instruction begin and end?

As long as a child would otherwise be subject to the compulsory attendance law, his or her home instruction program must be reviewed by the local school system or supervising entity. In other words, home instruction is generally supervised from age 5 until age 18. Local school systems and supervising entities are not required to review the home instruction program of a child who turns 5 years old after September 1 of the school year in which the parent or guardian seeks to begin a home instruction program. Just as early admission to kindergarten is a decision for the local superintendent, so is the decision to review the home instruction program of an underage child (i.e. to determine that the child is receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school). It should be noted that, upon application of a child for admission to a public school from a home instruction program, the local superintendent determines by an evaluation the placement of the child, regardless of the grade the child seeks to enter and the age at which the program began. Once a child turns 18 years old, there is no longer a legal requirement for his or her home instruction program to be reviewed, although review may

continue if the child wants to finish the home instruction program and the local school system or supervising entity agrees.

[COMAR 13A.08.01.02B(2) & COMAR 13A.10.01.04]

3. Are there regulations that govern home instruction in Maryland?

Yes. The home instruction regulations are found in the Code of Maryland Regulations (COMAR) 13A.10.01. The purpose of these regulations 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.

You can access the home instruction regulations online at the following link:

http://www.dsd.state.md.us/COMAR/ComarHome.html

4. May a local school system establish additional requirements for home instruction?

No. A local school system may not impose additional requirements for home instruction programs other than those in the home instruction regulations.

[COMAR 13A.10.01.01F]

5. What must a parent or guardian do before beginning home instruction?

A parent or guardian who chooses to provide a home instruction program for his or her child must sign a statement on a form prescribed by the Maryland State Department of Education, indicating consent to home instruction requirements. The home instruction regulations specify that the form must be submitted to the local superintendent or designee at least 15 calendar days prior to beginning home instruction. A parent can be held responsible for unexcused absences when a child has been withdrawn from public school but the notice of consent has not been filed and instruction has not been initiated. The parent or guardian should contact his or her local school system for a copy of the applicable form and COMAR 13A.10.01 (the home instruction regulations). Content on the form that is not prescribed by the Maryland State Department of Education will be marked as "optional."

Once a home instruction program has begun, the parent or guardian must annually verify its continuation with the local school system or nonpublic school or institution that is supervising the program. In addition, the parent or guardian must notify the local school system or supervising entity if any change in status occurs during the school year.

[COMAR 13A.10.01.01B & COMAR 13A.10.01.05C & D]

6. **Do I have to notify my school system and comply with the home instruction regulation if my child is taking classes on-line from an accredited program that awards diplomas?**

   If the on-line school is not a Maryland public school or approved Maryland private (non-public) school, the student must be included as a home schooled student. Every resident in Maryland with school-aged children must comply with the Maryland compulsory attendance law. (Education Article, §7-301, Annotated Code of Maryland). Students are required to attend a Maryland public school, approved Maryland private (non-public) school, or be home schooled pursuant to the home schooling regulations.

7. **Does the local school system or the Maryland State Department of Education provide a required curriculum to use for home instruction?**

   No. A parent or guardian who chooses to provide a home instruction program for his or her child is responsible for selecting the curriculum and/or instructional materials to be used. The home instruction regulation outlines certain aspects of the program that must be present, but also reserves for the parent or guardian a certain amount of flexibility to create a program that meets the needs of the child. The home instruction program is not required to be aligned with Maryland's College- and Career-Ready Standards.

8. **Are any subject areas mandatory to a home instruction program?**

   Yes. The home instruction program shall include instruction in English, mathematics, science, social studies, art, music, health, and physical education. Given that these subjects are to provide regular, thorough instruction in the studies usually taught in the public schools to children of the same age, they need not be offered more frequently than would be expected in the public schools.

   [COMAR 13A.10.01.01C(1)(b)]

9. **What types of instruction may a home instruction program include?**

   As the provider of a home instruction program, the parent or guardian may choose to teach his or her child inside or outside of the home, and may also arrange for individualized instruction to be delivered by another person inside or outside of the home. Either way, the parent or guardian remains ultimately responsible for compliance with the home instruction regulations. The parent or guardian may utilize traditional curriculum, textbooks, unit studies, online courses, and other instructional materials or delivery methods chosen by the parent or guardian that do not conflict with COMAR.

   Some families may seek to utilize a co-op arrangement, in which a group of parents and guardians come together to provide instruction to all of their children in certain subjects or on certain days, either by dividing teaching duties among them or by collectively hiring a tutor. While this may be used to supplement a home instruction program, a co-op cannot provide regular daily instruction to an organized group of students who are not in the same family because this may constitute an unapproved nonpublic "school." In that event, the Nonpublic

Approval Branch of the Maryland State Department of Education may take action against the operator(s) of the co-op under COMAR 13A.09.09.

[COMAR 13A.09.09.02B(12)]

10. Does a home instruction program have to follow the regular school year?

Not exactly. The home instruction regulation only requires that the home instruction program take place on a regular basis during the school year and be of sufficient duration to implement the instruction program. Some families mirror the regular school year but adjust the weekly schedule of their home instruction program to accommodate certain religious holidays or the work schedule of the parent or guardian. Other families choose to provide home instruction year-round and, as a result, take more frequent but shorter vacations during the year. Therefore, the parent or guardian should coordinate with the local home instruction coordinator, who is often a 10-month employee, so that both parties are aware of when required reviews of the home instruction program will occur.

[COMAR 13A.10.01.01C(1)(c)]

11. Must home instruction be supervised in Maryland?

Yes. A parent or guardian who chooses to provide a home instruction program for his or her child must submit to portfolio reviews by the local school system or be supervised by one of the following entities: 1) a nonpublic school that holds a Certificate of Approval from the Maryland State Department of Education; 2) a church-exempt nonpublic school; or 3) an institution (education ministry) offering an educational program operated by a bona fide church organization. You can access a list of nonpublic entities registered to supervise home instruction at the following link:

http://nonpublicschoolsdb.marylandpublicschools.org/nonpublic/home_instruction/DisplayLocationsByCounty.asp

[COMAR 13A.10.01.01E & COMAR 13A.10.01.05]

12. What must a nonpublic school or institution do before supervising home instruction?

Before beginning to supervise home instruction, the head of the legal authority of a nonpublic school or the chief officer of a bona fide church organization that elects to supervise home instruction must contact the Maryland State Department of Education for registration procedures. Registration procedures include the completion of an official registration form that can be obtained by calling the Nonpublic School Approval Branch of the Maryland State Department of Education at (410) 767-0407.

[COMAR 13A.10.01.05]

13. What may a reviewer from the local school system ask to see in a portfolio of materials?

The reviewer may ask to see materials that demonstrate the parent or guardian is providing regular, thorough instruction during the school year in the required subject areas. Some items that the parent or guardian may provide include instructional materials, reading materials, and examples of the child's writing, worksheets, workbooks, creative materials, and tests. This is not an exhaustive list, though, and thus the parent or guardian may provide other materials that he or she finds relevant, so long as they are sufficient to demonstrate regular, thorough instruction.

Portfolio reviews occur at the end of each semester. No more than three reviews can occur during a school year. Although the parent or guardian must agree to permit a representative of the local school system to review the portfolio and discuss the instructional program, the local school system can only conduct its reviews at a time and place mutually agreeable to both parties.

[COMAR 13A.10.01.01D & E]

14. What do I do if the local school system deems my home instruction program deficient?

If a local superintendent determines on the review of a home instruction program or inspection of the portfolio that a child is not receiving a regular, thorough instruction in conformity with the home instruction regulations, the local superintendent or designee shall notify the parent or guardian in writing of any deficiencies in the program. Within 30 calendar days of receipt of the written notification, the parent or guardian must provide evidence that the deficiency has been or is being corrected. If sufficient evidence is not provided, the child shall be promptly enrolled in a public or nonpublic school.

[COMAR 13A.10.01.03]

15. Can a tutor or someone other than the parent or guardian be hired to teach a child who is engaged in a home instruction program?

Yes. Home instruction is not limited to a parent or guardian teaching his or her child at home. As the provider of a home instruction program, the parent or guardian is ultimately responsible for complying with the home instruction regulations, but he or she may design a program that utilizes a variety of instructors and locations of instruction for his or her child. While the home instruction regulations refer to "child" in the singular, other adults may also provide regular daily instruction to siblings in the same family.

When children from multiple families are involved, however, instruction from another adult should be supplemental to the home instruction program as described above. If an organized group of students who are not in the same family is being instructed on a regular daily basis by someone other than their parent or guardian, then the educational program may constitute

an unapproved nonpublic "school." As such, the operator(s) of the educational program would have to comply with the requirements of COMAR 13A.09.09 and should contact the Nonpublic Approval Branch of the Maryland State Department of Education.

[COMAR 13A.09.09.02B(12)]

16. Must the parent, guardian, or other instructor be a certified teacher?

No. The home instruction regulations do not require the parent, guardian, or other instructor to have teacher certification in order to deliver home instruction.

[COMAR 13A.10.01.01F]

17. May a child receiving home instruction participate in the standardized testing program that is offered by the local school system?

Yes. 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. It is the responsibility of the parent or guardian to contact the public school that the child is eligible to attend to find out the testing schedule and to make arrangements for participation prior to the testing date.

[COMAR 13A.10.01.02]

18. Is a child receiving home instruction entitled to participate in any other aspects of the instructional or extracurricular programs offered by the local school system?

No. The home instruction regulations do not include a provision to allow children receiving home instruction to participate in courses or activities offered by the local school system other than the standardized testing programs.

[COMAR 13A.10.01]

19. May a child receiving home instruction participate in courses and activities that are offered by entities other than the local school system?

Yes. The home instruction regulations expressly authorize enrollment on a part-time or full-time basis in courses offered by accredited or unaccredited colleges. Actual enrollment is subject to acceptance by the college and payment of any required tuition and fees. A parent or guardian who chooses to enroll his or her child in college courses may elect to provide to the local superintendent or designee a copy of a report card or transcript from the college at the conclusion of each semester in lieu of a portfolio of materials for those courses.

With regard to private schools, a child receiving home instruction may also participate in private school courses, provided that the child has been accepted by the private school and arrangements have been made regarding tuition. As long as the student is using those courses for home instruction, they must be registered as home instruction students and follow all

home instruction regulations. As for participation in other private school activities, the Maryland Public Secondary Schools Athletic Association (MPSSAA) has approved Standards of Competition that, if met, allow a child who is participating in a home instruction program to compete as a member of a private school sports team against MPSSAA member schools. Such participation, however, is at the discretion of the private school. You can access the MPSSAA Standards of Competition online at the following link:

http://www.mpssaa.org/assets/1/6/Standards_Of_Competition_Form.pdf

[COMAR 13A.10.01.01C(2) & COMAR 13A.10.01.05B; COMAR 13A.06.03.04]

20. What is the process for a child receiving home instruction to return to a public school?

The parent or guardian must contact the local school system for specific procedures regarding transferring from home instruction to enrollment in a public school. The local superintendent or designee 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.

[COMAR 13A.10.01.04]

21. Does a child receive a Maryland High School Diploma upon completion of his or her home instruction program?

No. A Maryland High School Diploma is a specific kind of high school diploma that can only be issued by public schools, and which can only be issued after a child has met the requirements of COMAR 13A.03.02.09B. This type of diploma is therefore not available to students who complete their secondary education in a home instruction program. If a child transfers from a home instruction program to a public school and meets all graduation requirements, then he or she may receive a Maryland High School Diploma.

Alternatively, if a child is enrolled in a nonpublic or church-exempt school and meets that school's graduation requirements, then the child may receive a diploma issued by that school's legal authority. COMAR 13A.09.09.09E states, however, that the diploma of a nonpublic secondary school may not imply that the requirements for graduation from a Maryland public secondary school have been met. Similarly, there is no provision that prohibits a parent or guardian, or a supervising nonpublic school or institution, from issuing a diploma upon completion of the home instruction program, but it may not imply that it is a Maryland High School Diploma.

Another option is to obtain a Maryland High School Diploma by examination, which requires that a child successfully complete the General Educational Development (GED) test. If a child is 16 years old or over, and is either participating in a home instruction program or has completed such a program, he or she may register for the GED test. If the child has not completed his or her home instruction program, however, and does not achieve passing scores in all subject matters on the GED test, the child must continue to participate in a home

instruction program or enroll in school until he or she reaches the compulsory attendance age. For questions about GED requirements, contact the GED Testing Office of the Maryland Department of Labor, Licensing, and Regulation (DLLR) at (410) 767-0538. You can access more information online at the following link:

http://www.dllr.maryland.gov/gedmd/ged.shtml

[COMAR 13A.03.02.09B & D]

22. Does the Maryland State Department of Education provide information about home instruction support groups?

No. The Maryland State Department of Education does not collect information about home instruction support groups. The Department does, however, maintain the names and addresses of the nonpublic schools and bona fide church organizations that are registered to supervise home instruction in Maryland.

23. To whom should I direct additional questions?

For questions about beginning to provide a home instruction program, portfolio reviews, standardized testing, special education services, and transferring to a public school, contact your local school system directly. You can access a list of local home instruction program coordinators at the following link:

http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/HomeInstruct/HomeSchoolContactList.pdf

For questions about the requirements of the home instruction regulations and other matters of concern that pertain to home instruction, contact the Student Services and Strategic Planning Branch of the Maryland State Department of Education in Baltimore at (410) 767-1407.

For questions about nonpublic entities that are registered to supervise home instruction, contact the Nonpublic School Approval Branch of the Maryland State Department of Education in Baltimore at (410) 767-0407. You can access a list of nonpublic entities registered to supervise home instruction at the following link:

http://nonpublicschoolsdb.marylandpublicschools.org/nonpublic/home_instruction/DisplayLocationsByCounty.asp