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TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: June 22, 2010
SUBJECT: **COMAR 13A.10.01.01**
HOME SCHOOLING

PURPOSE:

To provide an update on the status of home schooling and review national and state trends and issues.

BACKGROUND/HISTORICAL PERSPECTIVE:

Maryland's compulsory attendance law, Education Article Section 7-301, requires each child who is a Maryland resident and is between the ages of 5 and 16 to "attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age."

In 1984, the State Board adopted the Home Instruction Regulation, COMAR 13A.10.01-.05 (Attachment 1), to provide parameters for parents who prefer to teach their children at home. Parents who wish to teach their children at home must submit a home schooling notification form indicating their intention to local superintendent of schools. Home schooling may be provided under the supervision of the local school system. Parents are required to maintain a portfolio of materials which demonstrates regular, thorough instruction and provides examples of relevant materials and the child's work. The portfolio must be reviewed by the local superintendent or his/her designee at the conclusion of each semester.

An alternative to this process is afforded in COMAR 13A.10.01.05. This section allows for instruction through correspondence courses under the supervision of:

- (1) School or institution offering an education program operated by a bonafide church organization, or
- (2) A nonpublic school with a certificate of approval from MSDE.



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EXECUTIVE SUMMARY:

In Maryland, under current regulations, parents who want to instruct their children at home have three options for supervision:

- (1) by their local public school system,
- (2) by a private school certified by the state, or
- (3) by a school or institution offering an educational program operated by bonafide church organization.

Attachment II shows the number of students being home schooled in Maryland over thirteen years. National trends show an increase in the number of students taught at home and pressure on local school districts to allow students to be taught certain subjects through home schooling, while enrolling in selected programs offered through the public school system (Dual Enrollment). Maryland mirrors these national trends, (Attachment III). The most critical statewide issue is the growing number of local school system staff needed to implement the required portfolio review.

ACTION

For information and discussion.

NSG:RS:crt

Attachments (3)

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 teach his or her child at home 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. The home instruction program shall:

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

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

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

D. Educational Materials. A parent or guardian who chooses to teach a child at home shall maintain a portfolio of materials which:

(1) Demonstrates the parent or guardian is providing regular, thorough instruction during the school year in the areas specified in §C(1) and (2);

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

(3) 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.

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;

(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.

ATTACHMENT I

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, and D, above, a child shall be enrolled promptly in a public school or nonpublic school as defined in COMAR 13A.09.09.02B(9).

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 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(4)(a).

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.

A. A parent or guardian may provide instruction for a child at home without compliance with the requirements of this regulation, other than the requirements of Regulations .01B(1)(b) and .04 of this chapter, if that instruction is offered through correspondence courses 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 using the correspondence courses and to assist the pupil by issuing progress reports, marking papers, and grading tests.

B. 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.

C. 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.

**Total Number of Students Taught Through Home Schooling
as Reported by Each Local School System 1996-2009**

Local School System	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
	Allegany	129	154	172	152	180	191	191	188	199	220	233	223
Anne Arundel	1,631	1,800	1,775	1,745	1,940	2,235	1,675	2,100	2,140	1,975	1,826	1,817	1,846
Baltimore City	598	733	783	1,201	983	1,257	1,309	1,506	1,238	1,790	1,661	1,364	1,006
Baltimore County	805	1,707	1,910	2,147	2,343	2,440	2,642	2,686	2,979	2,968	2,914	2,594	2,596
Calvert	347	452	500	501	409	428	449	423	459	554	539	609	442
Caroline	121	149	157	151	155	163	167	114	135	147	166	174	145
Carroll	358	490	827	738	878	984	1,194	1,248	1,329	1,539	1,586	1,291	1,327
Cecil	386	521	446	503	610	663	706	975	1,157	1,145	1,245	1,259	1,397
Charles	351	354	411	529	560	621	722	774	749	809	823	886	1,052
Dorchester	58	57	69	96	90	71	78	93	86	79	86	85	84
Frederick	733	918	1,214	1,159	1,250	1,362	1,476	1,565	1,568	1,691	1,711	1,750	1,841
Garrett	177	199	226	225	209	229	234	248	277	307	291	268	291
Harford	809	943	1,078	1,194	1,251	1,303	1,251	1,351	1,700	1,529	1,593	1,665	1,480
Howard	794	876	954	994	1,039	985	1,113	1,325	1,224	1,447	1,694	1,694	1,006
Kent	18	59	57	64	66	106	79	50	76	80	68	68	67
Montgomery	633	953	1,251	1,384	1,777	1,942	2,252	2,201	2,268	2,461	2,242	2,783	3,010
Prince George's	1,383	1,874	2,295	2,571	2,146	2,409	3,018	3,335	3,904	3,372	3,759	3,500	4,548
Queen Anne's	128	170	173	206	215	235	247	255	257	291	283	292	274
St. Mary's	259	382	445	451	541	588	658	656	673	367	365	360	665
Somerset	52	46	49	45	44	63	67	61	56	57	74	66	62
Talbot	89	106	101	102	96	132	132	150	130	134	117	128	65
Washington	379	394	427	551	194	600	600	688	740	840	518	765	758
Wicomico	218	243	254	287	317	329	329	358	425	418	397	340	369
Worcester	92	85	77	90	90	87	87	71	107	109	86	93	83
Total	10,548	13,665	15,651	17,186	17,383	19,423	20,676	21,205	23,746	24,329	24,277	24,871	24,634

State and National Trends

Maryland Trends and Issues:

24,634 students were enrolled in a home schooling program during the 2008-2009 school year. In 2008-2009 eleven local school systems reported having over 1,000 home schooled students. These local school system can be identified in Attachment II.

The department receives public inquires on a daily basis. The most frequently asked inquiries are:

1. What is the process for home instruction?
2. Is the local school assessable for after school programs or extra curricular activities?
3. Can a local school system provide standardized testing?
4. Is a student eligible for home instruction who has been expelled?

National Trends and Issues:

1. The National Home Education Research Institute reported there were an estimated 2 million children (in grades K to 12) home schooled during 2008-2009 in the United States.
2. Twenty states require testing as an enrollment requirement. Maryland does not require testing. Parents may voluntarily participate in the local standardized testing program of a Maryland public school.
3. Dual enrollment has permitted many states either as a local option or decision.