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TO: Members of the State Board of Education
FROM: Jack R. Smith, Ph.D. 
DATE: September 22, 2015
SUBJECT: COMAR 13A.10.01.01-.05 (AMEND)
Administration of Home Instruction Program
PERMISSION TO PUBLISH

PURPOSE:

To obtain permission to publish COMAR 13A.10.01.01-.05, Administration of Home Instruction Program. (ATTACHMENT I).

BACKGROUND/HISTORICAL PERSPECTIVE:

One of the aims of the Maryland College Readiness and Completion Act of 2013 was to increase access to dual enrollment in college courses. In recent years, home school coordinators have received numerous inquiries about dual enrollment for home school students. Since the Code of Maryland Regulations (COMAR) historically limited home school education to instruction delivered at home from a parent, dual enrollment was only available on a supplemental basis, not as a primary means of instruction. Recognizing that methods of instruction are changing for all students, the Maryland State Department of Education (MSDE) seeks to revise the home instruction regulation to expand options for home school students.

The proposed regulation would expressly authorize dual enrollment in college courses on a part-time or full-time basis.¹ This would eliminate the need for the home school coordinator in a local school system to determine whether college courses are supplemental to other primary instruction received at home. Home school students supervised by a local school system would be required to submit a report card or transcript for college courses to the local superintendent, instead of a portfolio of educational materials for any course of instruction taken at an institute of higher learning.² Home school students supervised by a nonpublic school or institution would need approval from the supervising nonpublic school or institution prior to enrollment.³

Additionally, the phrase “teach his or her children at home” would be changed to “provide a home instruction program for his or her child.”⁴ This change goes beyond the dual enrollment context. It

¹ Proposed COMAR 13A.10.01.01C(2).

² Proposed COMAR 13A.10.01.01D(2)

³ Proposed COMAR 13A.10.01.05B.

⁴ Proposed COMAR 13A.10.01.01B(1).

would give parents and guardians the option to teach their child(ren) directly or to arrange for instruction to be delivered by another person (e.g. family member, neighbor, private tutor) either inside or outside of the home (e.g. online, office space, library). Regardless of method of instruction, the parent or guardian, as the “provider”, would be ultimately responsible for meeting all requirements in COMAR.

EXECUTIVE SUMMARY:

The proposed amendments: (1) eliminate the phrase “to teach his or her child at home” to allow flexibility in both the instructor and location of instruction; (2) allow a home instruction program to include enrollment on part-time or full-time basis in courses offered by accredited or unaccredited colleges with verification by either a report card or transcript submitted to the local superintendent or designee; and (3) allow enrollment on a part-time or full-time basis in courses offered by accredited or unaccredited colleges with the approval of a supervising nonpublic school or institution.

ACTION:

Request permission to publish COMAR 13A.10.01.01-.05, Administration of Home Instruction Program.

JRS: kks:rs

Attachments

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

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

(c) [3] 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 [teach a child at home] *provide a home instruction program for his or her child* shall maintain a portfolio of materials which:

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

(b) [2] Includes relevant materials, such as instructional materials, reading materials, and examples of the child's writing, worksheets, workbooks, creative materials, and tests; *and*

(c) [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.

(2) *A parent or guardian who chooses to enroll his or her child under § C (2) of this regulation shall 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).*

E. A parent or guardian shall agree to permit a representative of a local school system to review the portfolio of education 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, [and] D, *and E [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 *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[(4)(a)].

Nonpublic Regulation (COMAR 13A.09.09.02B):

(12) "School" means an educational program that is provided for an organized group of students, at least two of whom do not have the same parents or legal guardians and at least two of whom are not being instructed on a regular daily basis by the students' parents or legal guardians, that is governed and operated by a legal authority, excluding the federal government or any State, county, or municipal agency or division of these.

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 examination and interviews with the child.

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

A. A parent or guardian may provide *[instruction for a child at home] a home instruction program for his or her child* without compliance with the requirements of this regulation, other than the requirements of Regulations .01(B)(1)(b) and .04 of this chapter, if that *[instruction is offered through correspondence courses] 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 *[using the correspondence courses] 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 with the approval of the supervising nonpublic school or institution described in § A of this regulation.

C. [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.

D. [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.

IMPACT STATEMENTS

Part A

(check one option)

Estimate of Economic Impact

The proposed action has no economic impact.

or

The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

II. Types of Economic Impacts.	Revenue (R+/R-)	Magnitude
	<u>Expenditure (E+/E-)</u>	
A. On issuing agency:	none	
B. On other State agencies:	none	
C. On local governments:	none	
	Benefit (+)	Magnitude
	<u>Cost (-)</u>	
D. On regulated industries or trade groups:	none	
E. On other industries or trade groups:	none	
F. Direct and indirect effects on public:	none	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B
(check one option)

Economic Impact on Small Businesses

X The proposed action has minimal or no economic impact on small businesses.

or

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

X The proposed action has no impact on individuals with disabilities.

or

The proposed action has an impact on individuals with disabilities as follows:

Part C

(For legislative use only; not for publication.)

- A. Fiscal Year in which regulations will become effective: **FY 2016**
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

No

- C. If Ayes, @ state whether general, special (exact name), or federal funds will be used:

N/A

- D. If Ano, @ identify the source(s) of funds necessary for implementation of these regulations:

N/A

- E. If these regulations have no economic impact under Part A, indicate reason briefly:
The regulation change is providing flexibility in instructor and location of instruction that does not require economic impact for home schooled students.

If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Comparison to Federal Standards
(Check one option)

X There is no corresponding federal standard to this proposed regulation.

or

There is a corresponding federal standard to this proposed regulation, but the proposed regulation is not more restrictive or stringent.

or

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

- (2) Benefit to the public health, safety or welfare, or the environment:

- (3) Analysis of additional burden or cost on the regulated person:

- (4) Justification for the need for more restrictive standards: