

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 251 (Delegate West)  
Ways and Means

---

Education - Home Instruction Programs - Participation in Clubs and Activities

---

This bill requires, beginning January 1, 2017, a local school system to allow a student participating in a home instruction program to participate in the extracurricular clubs and activities (including interscholastic athletics) of the local school system. The Maryland State Department of Education (MSDE) may adopt regulations to implement requirements of the bill.

The bill takes effect July 1, 2016.

---

Fiscal Summary

**State Effect:** None. MSDE can adopt regulations using existing resources.

**Local Effect:** Local school systems may experience minimal one-time expenditures in FY 2017 to implement the requirements of the bill.

**Small Business Effect:** None.

---

Analysis

**Bill Summary:** A student participating in home instruction who participates in an extracurricular club or activity must:

- participate with the public school to which the student would be assigned if the student were to attend a public high school in the local school system;
- meet the applicable eligibility or tryout criteria for participation as a student who attends the public school; and

- comply with all policies, rules, and regulations of the governing organization of the club or activity.

### **Current Law:**

#### *Home Instruction*

Code of Maryland Regulations (COMAR) 13A.10.01 establishes a procedure to be used by local school systems 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. The home instruction program must:

- include instruction in English, mathematics, science, social studies, art, music, health, and physical education; and
- take place on a regular basis during the school year and be of sufficient duration to implement the instruction program.

Supervision from the local school board includes review of educational materials at the conclusion of each local school system semester. Also, not more than three times during a school year, a local school system representative must be permitted to not only review educational materials but also to discuss the instructional program and observe instruction that is provided. A local school system may not impose requirements for the home instruction of those students under the school system's supervision beyond those specified in COMAR 13A.10.01.

Students may also receive home instruction under the supervision of a State certified nonpublic school or under the supervision of certain schools or organizations operated by a bona fide church organization.

#### *Interscholastic Athletics*

COMAR, as established by the State Superintendent of Schools, governs the athletic program for all high school students in Maryland public secondary schools that are members of the Maryland Public Secondary Schools Athletic Association (MPSSAA). Local school systems may adopt rules governing their athletic programs that are more restrictive than those of MPSSAA; less restrictive rules may not be adopted.

Per COMAR, to be eligible for participation in high school level interscholastic athletics, students must be officially registered and attending the member MPSSAA school they are authorized to attend under regulations of the local school system. They may represent only the school in which they are registered and at which it is anticipated they will complete

their graduation requirements. Each local school system must establish standards of participation which assure that students involved in interscholastic athletics are making satisfactory progress toward graduation.

Failure to comply with regulations constitutes a violation which results in specified penalties against the MPSSAA member school and either the student or the coach or both. Depending upon the severity of the violation, more than one penalty may be imposed against the MPSSAA member school, student, coach, or all of the above.

**Background:** According to MSDE, nearly 27,000 students in Maryland were taught through home instruction during the 2014-2015 school year, ranging from 77 students in Kent County to 4,051 in Prince George's County. **Exhibit 1** shows the number of students receiving home instruction by county.

MPSSAA is governed by a Board of Control and Executive Council that is represented by school superintendents, athletic coordinators, principals, athletic directors, and coaches. In addition, there are many standing and tournament committees that administer the 24 State tournaments as well as many other programs. MPSSAA currently includes nearly 200 public high schools, with more than 113,000 participating student-athletes.

---

**Exhibit 1**  
**Students Receiving Home Instruction**  
**2014-2015 School Year**

<b>County</b>	<b>Students</b>
Allegany	263
Anne Arundel	2,450
Baltimore City	1,150
Baltimore	2,631
Calvert	458
Caroline	200
Carroll	1,202
Cecil	1,094
Charles	1,008
Dorchester	103
Frederick	3,778
Garrett	293
Harford	1,745
Howard	995
Kent	77
Montgomery	2,613
Prince George's	4,051
Queen Anne's	270
St. Mary's	856
Somerset	93
Talbot	113
Washington	927
Wicomico	449
Worcester	156
<b>Total</b>	<b>26,975</b>

Source: Maryland State Department of Education

---

**Local Fiscal Effect:** It is assumed that under the bill, the total number of students participating in extracurricular activities is not expanded; instead an unknown number of public school students will be in effect displaced by the same number of students receiving home instruction. Therefore, the bill is not anticipated to have a substantial effect on the number of personnel who are responsible for supervising these activities or their work hours. Thus, annual expenditures are not increased substantially, though there may be

some one-time additional expenditures to develop policies, procedures, and guidelines for appropriate integration of students receiving home instruction into extracurricular programs. For example, policies and procedures may need to be developed to determine the precise academic standards that students receiving home instruction must meet to participate in public school athletics. Also, the authority of public school employees to maintain discipline and accountability among nonpublic school students may need to be clarified by each local school system.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Maryland Association of Boards of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2016  
min/rhh

---

Analysis by: Scott P. Gates

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510