

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 15-287)

Overview and Legal and Fiscal Impact

The regulations (1) authorize a home schooled child to participate in dual enrollment and (2) allow parents of home schooled children more flexibility in how they provide education to their child.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Home Instruction: General Regulations: COMAR 13A.10.01.01, .03, and .05

Legal Analysis

Background

According to the State Board of Education, the language in COMAR 13A.10.01.01 limits the options available to a parent or guardian who chooses to educate their child by stating that the parent or guardian teach the child themselves and that the instruction take place at their home. The State board intends to change the language to offer a parent or guardian who chooses to educate their child more flexibility in the education of their child.

Summary of Regulations

The regulations authorize a parent or guardian to “provide a home instruction program for his or her child” as opposed to authorizing a parent or guardian to “teach his or her child at home.”

The regulations also allow home instruction programs to include enrollment on a part-time or full-time basis at certain colleges (dual enrollment). If a child participating in a home instruction program enrolls in college classes, the parent or guardian is required to submit a copy of the transcript or report card of the college to the local superintendent in lieu of a portfolio of materials for the courses in which the child is enrolled.

Finally, the regulations remove a reference to “correspondence courses” and clarify that a certain notice of noncompliance must be a written notification.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The board cites § 7-301 of the Education Article as statutory authority for the regulations. Section 7-301 provides that all children between the ages of 5 and 16 must attend a public school unless the child is “otherwise receiving regular thorough instruction during the school year”. Home instruction programs fall into this compulsory attendance exception.

Although not cited by the State board, § 2-205(c) of the Education Article gives the State board general authority to adopt “regulations for the administration of the public schools.” Reading § 7-301 and 2-205(c) together, the State board has statutory authority to adopt regulations for home instruction programs.

With the addition of § 2-205(c) of the Education Article, this authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

The Department of Legislative Services notified the State board regarding adding § 2-205(c) of the Education Article as statutory authority for the regulations.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The department advises that the regulations provide flexibility in instructors and locations of instruction for home schooled students, and that the changes have no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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