

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/05/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/13/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

13A 10 01 01, .03 and .05

3. Name of Promulgating Authority

Maryland State Department of Education

4. Name of Regulations Coordinator

Charlene L Necessary

Telephone Number

410-767-0467

Mailing Address

200 W. Baltimore Street

City State Zip Code

Baltimore MD 21201

Email

charlene.necessary@maryland.gov

5. Name of Person to Call About this Document

Dr. Richard D. Scott

Telephone No.

410-767-0288

Email Address

richard.scott@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 1, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Alan J. Dunklow, Assistant Attorney General, (telephone #410-576-6465) on October 1, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Jack R. Smith, Ph.D.

Title

Interim State Superintendent of Schools

Telephone No.

410-767-0467

Date

October 5, 2015

Title 13A
A STATE BOARD OF EDUCATION

Subtitle 10 HOME INSTRUCTION

13A.10.01 General Regulations

Authority: Education Article, §7-301, Annotated Code of Maryland

Notice of Proposed Action

[]

The Maryland State Board of Education proposes to amend Regulations .01, .03 and .05 under COMAR 13A.10.01 General Regulations.

This action was considered at the September 22, 2015 meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to provide flexibility in instructor and locations of instruction for home schooled students.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Richard D. Scott, School Counseling Specialist, Maryland State Department of Education, Division of Student, Family and School Support, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0288(TTY:410-333-6442), or email to richard.scott@maryland.gov, or fax to 410-333-8148. Comments will be accepted through December 14, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 26, 2016, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

N/A

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The changes provide flexibility in instructor and location of instruction for home schooled students and do not have an economic impact.

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

G. Small Business Worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 10 HOME INSTRUCTION

Chapter 01 General Regulations

Authority: Education Article, §7-301, Annotated Code of Maryland

.01 Home Instruction Program.

A. (proposed text unchanged)

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)—(b) (text unchanged)

(2)—(3) (proposed text unchanged)

C. Instruction Program.

(1) The home instruction program shall:

[(1)](a)—[(3)](c) (proposed text unchanged)

(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:*

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

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

[(3)] (c) (proposed text unchanged)

(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) of this regulation.*

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) (proposed text unchanged)

(2) The purpose of the review is to ensure that the child is receiving regular, thorough instruction as set forth in §C; *and*

(3) (proposed text unchanged)

F. (proposed text unchanged)

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

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)] *13A.09.09.02B*.

.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 .01B(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) (proposed text unchanged)

(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) (proposed text unchanged)

(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.

[B.] C. Annual Verification. The supervising nonpublic school or institution described in §A of this regulation annually shall:

(1)—(3) (proposed text unchanged)

[C.] D. (proposed text unchanged)

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

