

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 500 (Delegates Kach and McDonough)  
Ways and Means

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**Public Schools - Extracurricular Activities - Students in Home Instruction Programs**

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This bill authorizes a public school to allow a home-schooled student who is eligible to attend that school to participate in extracurricular school activities, including interscholastic athletics, music or drama programs, student organizations, and other programs sponsored by the school. If there are a limited number of spaces available, the public school must give placement priority to students enrolled in the school over nonenrolled home-schooled students.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Allowing home-schooled students to participate in extracurricular activities will not affect local school expenditures.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The participation of home-schooled students in extracurricular activities and academic courses offered by public schools is not specifically authorized or prohibited in statute or regulations. Upon request from a parent or guardian, a home-schooled student may participate in regularly scheduled standardized testing programs administered in the public school the child is eligible to attend.

The parent or guardian of a school-age child who wishes to home school the child must submit an application to the local superintendent of schools at least 15 days before the beginning of the home instruction program. The application must specify whether the home instruction program will be monitored by the local school system or a qualifying nonpublic school. A home instruction program monitored by the local school system must provide regular, thorough instruction in the studies usually taught in public schools to children of the same age, including English, mathematics, science, social studies, art, music, health, and physical education. In addition, the parent or guardian of a home-schooled student must maintain a portfolio of materials that demonstrates that the student is receiving the required instruction. The portfolio must include samples of the student's work and must be reviewed by a designee of the local school system following each semester.

**Background:** A statistical report from the National Center for Education Statistics (NCES) indicates that approximately 1.5 million students in 2007 were home schooled. This represented 2.9% of the elementary and secondary education students in the United States, and was an increase from 1.1 million students (2.2%) in 2003 and 850,000 students (1.7%) in 1999. In the 2007 survey conducted by NCES, 16% of home-schooled students were enrolled part-time in a local school, with approximately 70% of these students enrolled for less than nine hours per week. More than one-third of the parents of home-schooled students (36%) reported the desire to provide religious or moral instruction as the most important reason for home schooling their child; another 21% reported concerns about the school environment, and 17% reported dissatisfaction with academic instruction.

The Maryland State Department of Education reports that 23,287 students in Maryland were involved in home instruction during 2009-2010 school year, equivalent to less than 3% of the public school enrollment.

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### **Additional Information**

**Prior Introductions:** Similar bills, HB 1249 of 2008 and HB 1088 of 2002, both received hearings in the House Ways and Means Committee, but no further action was taken on either bill.

**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 28, 2011  
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