

## MARYLAND

**Compulsory Attendance Ages:** “5 years old or older and under 18.” Annotated Code of Maryland, Education § 7-301(a). However, “a written request for a 1 year exemption from mandatory attendance by a 5 year old shall be filed with the local superintendent... before the opening of school of the year in which the child becomes 5 years old.” The local school system shall approve the request in writing within 5 days. Code of Maryland Regulations title 13A, § 08.01.02-2(A). As of July 1, 2015, a child who has completed a program of regular, thorough instruction in the studies usually taught in public schools to children of the same age is not subject to compulsory attendance.

**Required Days of Instruction:** 180 days (for public schools only). Md. Code Ann., Educ. § 7-103(a).  
**Required Subjects:** “[R]egular, thorough instruction in the studies usually taught in the public schools to children of the same age,” including “English, math, science, social studies, art, music, health, and physical education.” Md. Regs. Code tit. 13A, § 10.01.01(C)(1). This is presumed to be met by all homeschoolers enrolled in a church umbrella.

**Home School Statute:** Md. Code Ann., Educ. § 7-301(a). Public school attendance is not required for a child who 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 Department of Education has enacted homeschool regulations (Md. Regs. Code tit. 13A, §§ 10.01.01 to .05). According to these regulations, parents may home school under one of four options:

**Option 1: Portfolio Option.** The homeschool must provide regular, thorough instruction in the required subjects (see above list) and meet the following criteria:

1. Such instruction shall be of “sufficient duration to implement the instructional program.”
2. The parents must maintain a portfolio including “relevant materials such as instructional materials, reading materials, and examples of the child’s writings work sheets, workbooks, creative materials, and tests.”
3. The local superintendent may review the portfolio at a mutually agreeable time and place, not more than three times a year (usually it’s once or twice, in practice).
4. As of July, 2019, the regulations require Option 1 families to consent to allow a school official to “observe instruction” (i.e., to observe the child receiving instruction), but we believe this is unconstitutional. If an official asks a parent to bring their child with them to a portfolio review, the parent should contact HSLDA for guidance immediately. The “Notice of Consent” form that HSLDA makes available to members is written so that parents do not consent to “observe instruction” when they sign it.

5. If a local superintendent determines after review of the portfolio that a child “is not receiving a regular, thorough instruction program in conformity” with the regulations, the superintendent shall notify the family of any deficiencies. The family then has 30 days to provide evidence that deficiency is remedied or they will have to cease home schooling.
6. An adverse decision of the superintendent may be appealed to the county school board within 30 days. An adverse decision of the school board may in turn be appealed to the State Board of Education within 30 days. Md. Educ. § 4-205(c)(3).
7. “A local school system may not impose additional requirements for home instruction programs other than those in the regulations.” Md. Regs. Code tit. 13A, § 10.01.01(F).

**Option 2: Church Umbrella Option.** Under this option, the child’s “instruction is offered ... under the supervision of:”

1. A church umbrella, which is an “institution offering an educational program operated by a bona-fide church organization.” To qualify as a “church umbrella,” a church need only:
  - a. Send a letter to the state superintendent declaring it is in compliance with the applicable requirements and is responsible for governing and operating the umbrella (Md. Regs. Code tit. 13A, § 09.09.01(C)); and
  - b. Provide documentation that supports the bona fide church status (either proof from the IRS, or church’s articles of incorporation, or evidence of traditional church practices).
2. The church umbrella must supervise the instruction with:
  - a. Pre-enrollment conferences;
  - b. Textbooks and lesson plan review;
  - c. An annual visit to the “site of instruction;” and
  - d. Periodic conferences with parents (phone conferences will satisfy).

Requirements a, b, and c may be satisfied at one time. Md. Regs. Code tit. 13A, §10.01.05(A)(1)

The program should seek to be added to the Department of Education’s list of “nonpublic entities registered to supervise home instruction.”

The Department of Education refers to church umbrellas as “education ministries.”

**Option 3: Church-Exempt School Umbrella Option.** A school operated by a church that is exempt from state school approval requirements may operate an umbrella program. The requirements for setting up and operating a church-exempt school are not listed in this outline. After securing church-exempt school status, the school should seek to be added to the state’s list of non-public entities registered to supervise home instruction.

The church-exempt school umbrella must supervise the homeschool instruction with:

- a. Pre-enrollment conferences;
- b. Textbooks and lesson plan review;
- c. An annual visit to the “site of instruction;” and
- d. Periodic conferences with parents (phone conferences will satisfy).

Requirements a, b, and c may be satisfied at one time. Md. Regs. Code tit. 13A, §10.01.05(A)(1)

The program should seek to be added to the Department of Education’s list of “nonpublic entities registered to supervise home instruction.”

**Option 4: State Approved School Umbrella Option.** Under this option, the child’s instruction is offered under the supervision of a nonpublic school with a certificate of approval from the State Board of Education and supervision includes textbooks, lesson materials, and other instructional materials or equipment to be used by the pupil and assignment of a school-based teacher to assist the home teacher and to assist the pupil by issuing progress reports, marking papers, and grading tests. Md. Regs. Code tit. 13A, § 10.01.05(B).

The program should seek to be added to the Department of Education’s list of “nonpublic entities registered to supervise home instruction.”

**Filing and Notices:** Parents must file a one-time “Notice of Consent” form prescribed by the State Department of Education at least 15 days before the home instruction program begins (the 15-day requirement is probably unenforceable). Md. Regs. Code tit. 13A, § 10.01.01(B)(1). It does not need to be refiled annually.

Before the beginning of each subsequent school year, parents must “verify” whether home instruction will continue to the superintendent (if operating under Option 1) or to the umbrella (under Option 2 or 3). Md. Regs. Code tit. 13A, § 10.01.01(B)(2). The annual verification can be oral or written. No special form is needed, and no additional information must be supplied.

Parents must notify the county or their supervising entity if the child's home school “status” changes during the school year (i.e., if they stop home schooling or switch from one option to another or their address changes). Md. Regs. Code tit. 13A, § 10.01.01(B)(3).

A supervising entity must annually give the superintendent the names of new, continuing, and non-returning home schooled students whose instruction is (or was) under its supervision. A supervising entity must notify the superintendent if a change occurs during the school year in the status of a home schooled student whose instruction is under its supervision. Md. Regs. Code tit. 13A, § 10.01.05(B)–(C).

**Teacher Qualifications:** None.

**Standardized Tests:** Testing is not mandatory. Md. Regs. Code tit. 13A, § 10.01.02.