

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entry:** ISB-RA  
**Responsible Office:** Chief Academic Officer

## Home Instruction

### I. PURPOSE

To establish procedures to implement Maryland laws on home instruction, which set forth oversight requirements for local public school systems

### II. BACKGROUND

Except as otherwise provided under Maryland law, a person who has legal custody or care and control of a child who is 5 years old or older and under 18 shall see that the child attends school or receives regular, thorough instruction, during the school year in the studies usually taught in the public schools to children of the same age.

The Montgomery County Public Schools (MCPS) superintendent of schools or designee is required to determine if a student participating in a home instruction program in Montgomery County is receiving, at a minimum, regular, thorough instruction during the school year in the studies usually taught in the public schools to students of the same age.

### III. PROCEDURES

#### A. Information for Parents/Guardians

The MCPS Office of the Chief Academic Officer provides informational materials to any parent/guardian who is interested in providing home instruction for their child(ren). Such materials include contact information for MCPS Home Instruction supervisor/designee, relevant Maryland laws and regulations, as well as forms required by MCPS.

#### B. Required Notification and Consent Agreement

1. At least 15 days before beginning a home instruction program, the parent/guardian must submit MCPS Form 270-34, *Home Instruction Notification (confidential)*, to the MCPS Home Instruction

supervisor/designee. The parent/guardian must agree to permit MCPS to supervise and review the instruction provided, as set forth in sections III.D below, or the parent/guardian verifies that supervision and review is being provided by a nonpublic school or institution registered with the Maryland State Department of Education (MSDE), as described in section III.C below.

2. Each year thereafter, the parent/guardian must verify in writing the continuation of home instruction with MCPS, unless the child is under the supervision of a nonpublic school or institution registered with MSDE to provide such supervision. MCPS Home Instruction supervisor/designee will mail MCPS Form 270-36, *Annual Notification to Continue Home Instruction*, to all parents/guardians whose home instruction program is supervised by MCPS.
3. The parent/guardian must notify, in writing, the MCPS Home Instruction supervisor/designee or the designee of the registered supervising school or institution if a change occurs in the status of a child's home instruction program during the school year.
4. The parent/guardian must agree to the terms under which a student must be enrolled in a public school or nonpublic school, as set forth in section III.E below.
5. MCPS also shall notify the parent/guardian of the following:
  - a) The student's right to elect to participate in regularly scheduled standardized testing programs that are administered in MCPS.
  - b) Other frequently requested information, as described in section III.G below.

**C. Home Instruction under Supervision of a Registered Nonpublic School or Institution**

Parents/guardians may provide a home instruction program for their child under the supervision of a nonpublic school or institution registered with MSDE to provide such supervision that meets the requirements of COMAR §13A.10.01.05.

1. The parent/guardian must still submit MCPS Form 270-34 to MCPS at least 15 days before beginning the home instruction program, as required above. A child under the supervision of a registered nonpublic school or institution, as described above, is not subject to the requirements in section III.D.

below.

2. The registered, supervising nonpublic school or institution must –
  - a) verify with MCPS the identification of students whose home instruction is continuing under their supervision;
  - b) notify MCPS of the identification of students newly added to its supervision; and
  - c) provide MCPS with the identification of students no longer under its supervision, or if a change occurs in the status of a student whose home instruction was under its supervision during the school year.

D. Portfolio Review for Children under the Supervision of MCPS

1. The parent/guardian of a child receiving home instruction under the supervision of MCPS shall agree to permit the superintendent of schools' designee to review a portfolio of educational materials, and discuss the instruction program, in order to ensure that the child is receiving regular, thorough instruction, in accordance with Maryland law.
  - a) The parent/guardian will maintain a portfolio of materials that demonstrates that regular, thorough instruction is being provided.
  - b) The review and/or discussion is to take place at a time and place mutually agreeable to the superintendent of schools' designee and the parent/guardian.
  - c) There will be a maximum of three such reviews during a school year.
2. To be considered in compliance, the portfolio must demonstrate that the parent/guardian is providing regular, thorough instruction in English, mathematics, science, social studies, art, music, health, and physical education throughout the school year by the inclusion of dated relevant materials such as instructional materials, reading materials, and examples of the student's writings, worksheets, workbooks, creative materials, and assessments in each subject area.
3. The parent/guardian may elect to provide to MCPS a copy of a report card or transcript from an accredited or unaccredited college at the conclusion of each semester in lieu of a portfolio of materials for the courses in which the child is enrolled.

4. A report of the home instruction program review is completed on MCPS Form 270-35, *Review of Home Instruction Program*, by the superintendent of schools' designee and submitted to the MCPS Home Instruction supervisor/designee at the conclusion of each review, indicating whether or not the student is receiving, at a minimum, regular, thorough instruction during the school year using relevant materials in the studies usually taught in the public schools to students of the same age.
5. If the MCPS Home Instruction supervisor/designee determines on the inspection of the portfolio review and discussion with the parent/guardian that the child is not receiving a regular, thorough instruction program in conformity with Maryland law, the MCPS Home Instruction supervisor/designee shall notify the parent/guardian in writing of any deficiencies in the program.
6. Within 30 days of receipt of written notification of any deficiencies, the parent/guardian shall provide evidence to MCPS Home Instruction supervisor/designee that the deficiency has been or is being corrected.
7. Once students in a home instruction program reach the age of 18, there is no longer a requirement for their home instruction program to be reviewed pursuant to this regulation.

E. Discontinuation of Home Instruction

1. As Determined by the Parent/Guardian

A parent/guardian may decide to discontinue home instruction at any time during a school year by notifying, in writing, the MCPS Home Instruction supervisor/designee. The student must promptly be enrolled in an approved public or nonpublic school as defined in COMAR 13A.09.09.02B (4-9).

2. As Determined by MCPS

If the MCPS Home Instruction supervisor/designee determines that there is not a satisfactory plan to correct a deficiency or if a deficiency is not corrected, or if the parent/guardian does not permit the superintendent of schools' designee to conduct the required reviews, the child shall be enrolled promptly by the parent/guardian in an approved public school or a nonpublic school as defined in COMAR 13A.09.09.02B (4-9).

## 3. Placement in MCPS

The school principal/designee, with assistance from MCPS Home Instruction supervisor/designee, if requested, will determine the appropriate grade placement for the new enrollee.

- a) If the placement is in Grades 9 through 12, the school principal/designee determines the number of credits to be granted, if any, toward graduation.
- b) Administration of relevant assessments and interviews with the student may be used to make the appropriate placement determination and credits, if appropriate, and as determined by the school principal/designee.

## F. Voluntary Participation in Standardized Testing

1. A parent/guardian indicating on MCPS Form 270-34, *Home Instruction Notification (confidential)*, that their child will participate in standardized testing, will be provided a listing of countywide test dates. The parent/guardian should then contact the school principal/designee for specific test site information.
2. Test scores will be returned directly to the parent/guardian from staff in the Office of Shared Accountability, with a copy to the MCPS student file.

## G. Diplomas, Extracurricular Activities, MCPS Curricula, and Evaluations for Special Education Services

1. A student who transfers from a home instruction program, enrolls in MCPS, and meets all the MCPS graduation requirements may receive a Maryland High School Diploma. MCPS high school graduation requirements are found in MCPS Regulation ISB-RA, *High School Graduation Requirements*.
2. A student receiving home instruction may not participate in MCPS high school athletics or extracurricular activities. The Maryland Public Secondary Schools Athletic Association provides limited exceptions for students receiving home instruction to participate in the athletic program of a nonpublic school, subject to the discretion of the nonpublic schools.
3. MCPS curricula and other MCPS instructional materials will not be

distributed for use in home instruction programs.

4. A parent/guardian of a student receiving home instruction has the right to request MCPS to evaluate the student to determine eligibility for special education services as part of the “Child Find” process under the federal Individuals with Disabilities Education Act.

#### H. Record Keeping

MCPS Home Instruction supervisor/designee will maintain the student files of students participating in home instruction, including, but not limited to, the following materials:

1. MCPS Form 270-34, *Home Instruction Notification (confidential)*
2. Standardized MCPS or state test scores as available/appropriate
3. MCPS Form 270-35, *Review of Home Instruction Program*, for those students whose program is supervised by MCPS
4. MCPS Form 270-36, *Annual Notification to Continue Home Instruction (confidential)*, if applicable
5. All correspondence and other relevant documents

**Related Sources:** Annotated Code of Maryland, Education Article, §7-301; Code of Maryland Regulations (COMAR) §13A.10.01.01 et seq; §13A.09.09.02B (4-9)

**Regulation History:** New Regulation, February, 1986; revised December 14, 1987; revised July 1, 1995; revised June 29, 2005; revised June 29, 2017; revised September 5, 2019.