



## **Compulsory Attendance Law As Applied to Home Instruction Students**

### **1. Age 18 and older**

Effective July 1, 2017, the compulsory attendance age in Maryland is 18 years old. Md. Code Ann., Educ., §7-301. As a result, once a child has reached the age of 18, he or she is no longer required by law to be enrolled in school. This completes a transition that began on July 1, 2015, when the compulsory attendance age first increased from 16 years old to 17 years old.

### **2. Under the age of 18**

A child under the age of 18 must either be enrolled in school or meet one of the exceptions to the compulsory attendance law. There are two exceptions that relate to home school students.

#### **a. Participating in a Home Instruction Program**

A child who is participating in a home instruction program is not required to enroll in school so long as he or she “is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.” Md. Code Ann., Educ. §7-301(a)(3). Until the child reaches the age of 18, his or her home instruction program must be reviewed by a supervising entity, which may be a local school system or a nonpublic school or institution, consistent with COMAR 13A.10.01—.05.

Once the child turns 18 years old, there is no longer a legal requirement for his or her home instruction program to be reviewed. Of course, the law does not preclude a supervising entity from reviewing the work of a child who is 18 years or older, if the child wants to finish the home instruction program and the supervising entity agrees.

#### **b. Has Completed a Home Instruction Program**

A child who “has completed” a home instruction program is not required to enroll in school, even if he or she is under the age of 18. Md. Code Ann., Educ. §7-301(a)(4). For purposes of the compulsory attendance law, to complete a home instruction program means to complete coursework in the studies usually taught in the public schools to children of the compulsory attendance age. This exception allows for early withdrawal (prior to age 18), but requires completion of coursework that is equivalent to what would usually be delivered to a student who is 18 years of age.

Once the child has completed his or her coursework, the local school system must either:

- i. If the child is under the supervision of the local school system, conduct a final portfolio review to verify that the coursework aligns with completion (if under the age of 18, there should be evidence of a high school level program that would not be deemed deficient if the child were 18 years old); or
- ii. If the child is under the supervision of a nonpublic school or institution, communicate with the supervising entity to verify that the child is no longer under its supervision due to completion (as opposed to a failure to pay fees or some other reason).

Verification that a child has completed a home instruction program is not an evaluation of the child's mastery of content and does not indicate college and career readiness; rather, it is a means to confirm that the child is exempt from the compulsory attendance law. If the local school system cannot verify that a child meets one of the exceptions to the compulsory attendance law, then the child must be promptly enrolled in school.

### **3. No one under the age of 16 may register for the GED in Maryland**

If a child is under the age of 16, he or she is not eligible to register for the General Educational Development (GED) test because GED® Testing Service policy and Maryland law do not allow for anyone under the age of 16 to sit for the test. Md. Code Ann., Lab. & Empl. §11-808. This requirement is independent of any changes to the compulsory attendance law.

If a child is over the age of 16, and is either participating in a home instruction program or has completed one as described above, he or she may register for the GED test. If the child has not completed his or her home instruction program, however, and does not achieve passing scores in all subject matters on the GED test, the child must continue to participate in a home instruction program or enroll in school until he or she reaches the age of 18.