

# Home Instruction Statutes and Information

**Prepared by: Pamela Ford-Taylor, Maine DOE Home Instruction Consultant**

**Date: July 8, 2019**

**Update: March 3, 2022**

# Home Instruction Statutes and Information Menu

- Attendance Statute
- Home Instruction Statute
- Home Instruction Notice Process
- Superintendent / SAU / School Administrative Unit Role
- Superintendent / SAU Implementation
- Parent Form Submission
- SAU Home Instruction Portal Instructions
- Rosters/Reports
- Frequently Asked Questions
- Contact Information

## Attendance – Purpose 20-A M.R.S. §5001-A(7)

Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our society and our nation.

Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry. Public schools should ensure the rights of access for all school-age persons to an appropriate educational opportunity and, when necessary, should develop alternatives to regular school curricula for those children and youth at risk of becoming dropouts and those who may have left school.

# Attendance - Responsibility

## **Parent: §5001-A(5)**

Adult responsibility. An adult having a person of compulsory school age under that adult's control shall cause the person to attend school as provided in this section.

## **Administration: §5003**

1. School board's responsibility. School boards shall administer this chapter.
2. Rules. School boards shall adopt rules to carry out this chapter and shall file a copy with the commissioner.\*
3. Commissioner's responsibility. The commissioner shall guide school boards in adopting these rules.

\*see also [§5021. Standards for participation in public schools by students enrolled in equivalent instruction programs](#)

# Attendance - Age 20-A M.R.S. §5001-A(1, 1-A)

Persons 6 years of age or older and under 17 years shall attend a public day school during the time it is in regular session.

\*Note: Please be advised that in June of 2019, Governor Mills signed LD 151 into law, **officially lowering the compulsory school attendance age from age 7 to age 6.**

A person 5 years of age or older and under 6 years of age who is enrolled in and who has not withdrawn from a public day school is required to attend that school during the time it is in session.

Although not required, parents may enroll a student or file home instruction paperwork as early as age four. If a child turns 6 sometime during the school year, parents must file a Notice within 10 days of the student's sixth birthday. If a child has turned 6 during the summer, when school is not in session, parents must file a Notice of Intent to Provide Home Instruction by September 1.

# Attendance – Age Eligibility 20-A M.R.S. §5201

1. Eligibility to enroll; school year. A person meeting the minimum age requirements of subsection 2 or section 7001, subsection 1-B, paragraph B, and who has not reached 20 years of age before the start of the school year may enroll as a full-time or, with the consent of the school board, as a part-time student, in the public elementary and secondary schools where the student resides as defined in section 5202. The school year, for the purpose of this subsection, is defined as starting on July 1st and ending on the following June 30th.
2. Minimum ages. The following are minimum ages necessary for student enrollment in a school administrative unit.
  - A. A person who will be at least 5 years old on October 15th of the school year may enroll in school.
  - B. A person who will be at least 4 years of age on October 15th of the school year may enroll in a public preschool program prior to kindergarten if it is offered.

# Attendance – Residence Eligibility 20-A M.R.S. §5202

1. Definitions. For the purposes of this chapter, "parent" means the parent or guardian with legal custody.
2. General rule. A person is eligible to attend schools in the school administrative unit where the person's parent resides, where the person resides upon reaching the age of 18 years or upon becoming an emancipated minor. A federal installation shall be considered part of the school administrative unit in which it is located.

# Attendance – Alternatives 20-A M.R.S. §5001-A(3)

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

# Home Instruction Statute – First Time Home Instruction

## 20-A M.R.S. §5001-A(3)(A)(4)

- (a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:
- (i) The name, signature and address of the student's parent or guardian;
  - (ii) The name and age of the student;
  - (iii) The date the home instruction program will begin;
  - (iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and
  - (v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

# Home Instruction Statute – Subsequent Year

## 20-A M.R.S. §5001-A(3)(A)(4)

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

- (i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;
- (ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;
- (iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;
- (iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or
- (v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

# Home Instruction Statute – FERPA 20-A M.R.S. §5001-A(3)(A)(4)

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

# The Home Instruction Notice Process

- Administered by the school administrative unit, guided by the Department of Education
- Provides for parent submission through multiple pathways (portal entry, single paper form, letter) \*NOTE\*:parents may not be required to use a specific form; they may choose to use other forms or letters containing the required information.
- Easier to comply – provides a quicker filing process for parents, and quicker reporting for SAUs.
- Provides record security – provides a secure way to store and access home instruction records.
- Aligns DOE and SAU information and role coordination.
- Provides efficient and streamlined enhanced home instruction rostering/reporting.
- Acknowledgment – provides assurance of compliance to parents and alerts the DOE and SAU when a Notice is filed.

# Superintendent/SAU/School Board Role

The Home Instruction Statute is very specific, and relates to 2 other Superintendent/SAU/School Board responsibilities:

## **§5051-A. Truancy**

Applies if either First Time Home Instruction or Subsequent Year requirements are not met.

## **MDOE Rule Chapter 125.5.09(B). Roster of Resident, Tuition, and Transfer Students**

B) The superintendent of each school administrative unit shall maintain a roster of all students eligible to attend school within the unit who are receiving equivalent instruction in an approved or non-approved private school, or in an approved equivalent instruction program.

# Superintendent/SAU Implementation

- Per §5024 Develop a written local school unit policy and keep on file;
- Disseminate information to home instruction parents about policy and process and provide technical assistance regarding policy and reporting requirements;
- Collect paper home instruction forms as directed to the local SAU, check them for compliance, and communicate noncompliance;
- Submit collected compliant paper forms into the Home Instruction Portal, thereby maintaining the required roster; ensure FERPA regulations are met, and maintain the security of the Portal;
- Follow up with district parents for whom a home instruction Notice is expected, and follow appropriate truancy proceedings for noncompliance;
- Maintain the paper records in files according to local retention schedules.

# Parent Form Submission

## What is the school year?

The Department defines the school year to be July 1 through June 30, for public and private schools, and home instruction. Parents with students in the first year of home instruction will provide a Notice (with assurance) “within 10 calendar days of the beginning of home instruction,” which will be valid through June 30 of the current school year. Subsequent year home instruction parents will be required to provide a Notice and indicate “intent to continue providing home instruction” by September 1 for the school year beginning the July 1 following their first year. With that Notice, subsequent year home instruction parents will enclose or upload the “annual assessment of the student’s academic progress” from the prior year.

Parents indicate whether the student is a first year or subsequent year student on the portal or paper form. Assessment information is required and requested [only] for those who indicate “Subsequent Year,” along with the statement of intent to continue home instruction. “Date Home Instruction Will Begin” and “First Year Assurance” are required only for those who indicate “First Year.”

# Parent Form Submission

## **Is a parent required to use the MDOE form when submitting manually?**

No. Any other method must include all required items.

## **When is the annual Notice due for the school year?**

September 1, or within 10 days of start for first-time home instruction.

## **What if all the information is not supplied?**

Please use the required item list to check submissions. If the parent does not supply the information the SAU home instruction point of contact should follow up to obtain the required information.

## **HOME INSTRUCTION REQUIRED ITEMS LIST**

Parents may provide Notice by using the Home Instruction Portal, or by writing a letter or using the MDOE form or a different form. The Notice must include the following information:

- Applicable School Year
- Parent/Guardian First Name, Last Name
- Physical Address, City, Zip Code
- Mailing Address (if different), City, Zip Code
- Child's First Name, Last Name
- Child's Date of Birth or age defined in years
- Indicate First or Subsequent Year of Home Instruction
- Date Home Instruction Will Begin (if First Year)
- Assurance (if First Year)
- Prior Year Assessment (if Subsequent Year)
- Statement of Intent to Continue Providing Home Instruction (if Subsequent Year)
- Signature
- Date of Signature
- A valid email address if the parent would like an acknowledgment

# Parent Paper Form Submission



## Notice of Intent to Provide Home Instruction

*First Year and Subsequent Year(s) of Home Instruction*

This form may alternatively be completed via the **online home instruction portal** (includes acknowledgment): <https://neo.maine.gov/doe/neo/HomeInstruction/HomeSchools/Schools/Index>

*Note: All required (\*) sections must be completed. Prior to completion please ensure that photocopies of any prior year required student assessments are ready to mail with this form, or electronic copies are available for upload via the Home Instruction Portal.*

**SCHOOL YEAR:** I intend to provide home instruction to my child(ren) during the 20\_\_\_\_ / 20\_\_\_\_ School Year.\* (A school year starts on July 1 and ends on June 30)

**PARENT/GUARDIAN:** Parent First Name\*: \_\_\_\_\_ Parent Last Name\*: \_\_\_\_\_

Email\*: \_\_\_\_\_

\*Email provided by the parent will be used for MDOE and resident SAU purposes only, including acknowledgment, notices and reminders. If not provided, acknowledgment of receipt will **not** be sent.

Physical Address\*: \_\_\_\_\_ Mail to: (if different)\*: \_\_\_\_\_

City\*: \_\_\_\_\_ Zip Code\*: \_\_\_\_\_

**CHILD(REN):** *Note: Pursuant to 20-A M.R.S. §5001-A(1) compulsory education begins on a child's sixth (6<sup>th</sup>) birthday.*

Child's First Name*	Child's Last Name*	Child's Date of Birth or Age Expressed in Years*	First or Subsequent Year of Home Instruction* <i>Note: choose First for age=5</i>	(First Year Only) Date Home Instruction Will Begin*	(Annually for Subsequent Year Only) Prior Year Assessment* Please Choose Type of Assessment Submitted and Attach Copy <i>See 20-A M.R.S. § 5001-A (3)(A)(4)(b)</i>
			___ First ___ Subsequent		Test: ___ Standardized Achievement Test ___ SAU Developed Review: ___ Maine Certif Teacher ___ Local Support Grp ___ Advisory Brd
			___ First ___ Subsequent		Test: ___ Standardized Achievement Test ___ SAU Developed Review: ___ Maine Certif Teacher ___ Local Support Grp ___ Advisory Brd
			___ First ___ Subsequent		Test: ___ Standardized Achievement Test ___ SAU Developed Review: ___ Maine Certif Teacher ___ Local Support Grp ___ Advisory Brd
			___ First ___ Subsequent		Test: ___ Standardized Achievement Test ___ SAU Developed Review: ___ Maine Certif Teacher ___ Local Support Grp ___ Advisory Brd

Please continue on a second form for 5 or more children.

Please check the appropriate box(es) below signifying your intention to provide home instruction to your child(ren) in accordance with 20-A M.R.S. § 5001-A (3)(A)(4). If you have listed children in both First and Subsequent Years, please check both.

**FIRST YEAR HOME INSTRUCTION PARENT ASSURANCE** : The home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers. The home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in 20-A M.R.S. § 5001-A(3)(A)(4)(b).

**SUBSEQUENT YEAR HOME INSTRUCTION PARENT STATEMENT:** I intend to continue providing home instruction and enclose the prior year annual assessment of the student's academic progress as outlined in 20-A M.R.S. 5001-A(3)(A)(4)(b).

Sincerely,

--	--

PARENT/GUARDIAN SIGNATURE \*

TODAY'S DATE\*

Return completed and signed form to the Superintendent of Schools office for your resident school administrative unit.

updated April 16, 2021



# SAU Home Instruction Portal Instructions – Workflow

## **For paper forms received in person or via USPS or email:**

1. Use the required items list to carefully check the Notice and accompanying documentation for completeness. Follow up with parents regarding noncompliant items. Inform them that an acknowledgment is sent if a valid email address is provided.
2. Note date received, and provide parent with a copy if requested. (The parent can print/save the form for themselves during the submission process when using the Home Instruction Portal, but not after.)
3. Check the Home Instruction Students Listing for duplicate records (see login instructions on next page. If the student has already been entered into the system for the same annual Notice year, note such and file the paperwork.
4. Scan the Notice and any required Assessments (separately) to be ready for uploading during the Portal input process.

# SAU Home Instruction Portal Instructions – Workflow

**\*IMPORTANT!** Superintendents or home instruction designees entering the information into the Home Instruction Portal on behalf of the parent or for digitizing a paper record

- must have an electronic scan of the paper Notice which has been appropriately completed and signed by the parent/guardian, and a separate electronic scan of all required assessments, and
- be logged into NEO as themselves in order to use the Home Instruction Portal. The public portal is to be used only by parents submitting a Notice for their own child(ren).

Superintendents wishing to designate additional staff access to the Home Instruction Portal may complete, sign, and submit the NEO Access Request Form found at the bottom of the Helpdesk page:

<https://www.maine.gov/doe/data-reporting/collection/helpdesk>

# SAU Home Instruction Portal Instructions - Workflow

5. In the Student Data section of NEO, click on Home Instruction. You must be logged in with appropriate credentials in order to enter a new form on behalf of a parent or to digitize a manual record.

## Notice of Intent to Provide Home Instruction

First Year and Subsequent Year(s) of Home Instruction

Please contact [Pamela.Ford-Taylor@maine.gov](mailto:Pamela.Ford-Taylor@maine.gov) with any questions

**Note:** All required (\*) sections must be completed. Prior to completing this form please ensure that an electronic copy of required student assessments is available for the upload process (partial forms not accepted and the system does not have the ability to retrieve or edit submitted form information).

School Year: \*

Parent/Guardian: Parent/Guardian Physical Address will determine resident school district, which will automatically receive the required copy of this Notice of Intent to Provide Home Instruction.

First Name: \*  Last Name: \*

First Name:  Last Name:

Email Address:

Click If you don't have an Email Address ( If this box is checked, acknowledgment of receipt will not be sent. Any additional correspondence will be sent to Mailing Address. Email Address provided by the parent will be used for Maine Department of Education and resident School Administrative Unit purposes only, including acknowledgement, notices and reminders. )

Physical Address: \*  City: \*  Zip Code: \*

Click If Mailing Address is same as Physical Address

Mailing Address: \*  City: \*  Zip Code: \*

Add Child

Child's First Name *	<input type="text" value="Child's First Name"/>
Child's Last Name *	<input type="text" value="Child's Last Name"/>
Date of Birth *	<input type="text" value="mm/dd/yyyy"/>
Home Instruction Status *	<input type="text" value="-- Select School Status --"/>
Date Home Instruction Will Begin (First Year Only)	<input type="text" value="mm/dd/yyyy"/>
Prior Year Assessment Type	<input type="text" value="-- Select Assessment Type --"/>
Upload Prior Year Assessment (Subsequent Year Only)	<input type="button" value="Choose File"/> No file chosen
Delete	<input type="button" value="Delete Child"/>

Please check the appropriate box(es) signifying your intention to provide home instruction to your child(ren) in accordance with 20-A M.R.S. § 5001-A (3)(A)(4). If you have listed children in both First and Subsequent Years, please check both:

**FIRST YEAR HOME INSTRUCTION PARENT ASSURANCE:** The home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers. The home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in 20-A M.R.S. § 5001-A (3)(A)(4)(b).

**SUBSEQUENT YEAR HOME INSTRUCTION PARENT STATEMENT:** I intend to continue providing home instruction and enclose the prior year annual assessment of the student's academic progress as outlined in 20-A M.R.S. 5001-A(3)(A)(4)(b).

Name: \*  Date: 06-25-2019 Submitted By:

# SAU Home Instruction Portal Instructions - Workflow

6. Complete the parent/guardian information and then add each child's information as appropriate. Upload any required prior year assessments for each child separately.
7. Upload the signed Notice document.
8. Be sure all required fields are completed.
9. Submit the Form. An acknowledgement will be sent to parents who have provided a valid email address, and notification / acknowledgment will be sent to the Superintendent.

# Home Instruction Portal Rosters / Reports

## Home Instruction Students Listing

School Year:

District:

Home Instruction Status:

Show  entries

Search:

Child's Last Name	Child's First Name	Parent Full Name	District	Submitted Date	School Year	Current Status	Navigation
Aladin	Jasmine	Agrabah, Sultan		06/24/2019	2019-2020	Home Instruction Notice Submitted	<a href="#">View</a>
Bh							<a href="#">View</a>
Blu							<a href="#">View</a>
Ch							<a href="#">View</a>
Ch							<a href="#">View</a>
D							<a href="#">View</a>
D							<a href="#">View</a>
Da							<a href="#">View</a>
De							<a href="#">View</a>
Dfc							<a href="#">View</a>

Showing 1 to 10 of 56 entries

Previous       Next

# Home Instruction - Frequently Asked Questions

**Q. May I require home instruction parents to use the recommended or any other form?**

A. No

**Q. Can a home instruction parent provide age, defined in years, instead of date of birth?**

A. Yes

**Q. Can a home instruction parent provide a PO Box only and not a physical address?**

A. No

**Q. Who gets notified when a parent submits home instruction information via the Home Instruction Portal?**

A. The parent (if a valid email address is provided) and Superintendent receive acknowledgments.

**Q. Is the information relayed securely?**

A. Yes

**Q. What happens if a required assessment that is submitted does not comply with one of the approved methods?**

A. The submission is noncompliant.

# Home Instruction - Frequently Asked Questions

**Q. Can the parent retrieve or edit their submitted forms?**

A. No

**Q. When should the SAU contact the Department?**

A. When an error is found or change is required in current Portal information – e.g. input error requires edit, or a duplicate record or form entered in error requires deletion.

**Q. When should the SAU *not* contact the Department?**

A. When a form is incomplete; all attempts have been made to contact the parent to complete the information, and the parent is now truant. The SAU should start truancy proceedings.

**Q. How does the SAU record it in the Home Instruction Portal when a current year student stops or re-starts home instruction?**

A. The home instruction point of contact at the SAU should contact the Department to update the Home Instruction Portal to reflect any home instruction entrance and exit, according to how they are reported currently in student information system entry/exit coding. The process for reporting home instruction in the student information system has not changed.

## More Information

Pamela Ford-Taylor, M.S., School Enrollment Specialist  
Maine Department of Education  
23 State House Station, Augusta, ME 04333-0023  
207-624-6617      [Pamela.Ford-Taylor@maine.gov](mailto:Pamela.Ford-Taylor@maine.gov)

***Home Instruction, Parents, and Public/Private Schools, [subscribe to receive Maine DOE News.](#)***