

Home Instruction Statutes and Information

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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)

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

[PL 2019, c. 508, §6 (AMD).]

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.

Improving the Home Instruction Notice Process

What has changed?

- Updated paper form – NOTE*: parents may not be required to use this form; they may choose to use other forms or letters containing the required information.
- Homeschool Portal – used for online entry by parents, SAUs, and MDOE; and for SAU rosters.

What has improved?

- Better record security – provides a secure way to store and access home instruction records.
- Less duplication of effort – eliminates the need for parents to file in two places, and for the SAU and DOE to align records.
- Streamlined process – provides an opportunity to align understanding regarding roles and responsibilities, and to provide new efficiencies.
- Homeschool rostering/reporting – will allow for enhanced reporting precision and capabilities.
- Easier to comply – provides a quicker filing process for parents, and quicker reporting for SAUs.
- 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 125.12.02. 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.

*Note: Due to the extraordinary circumstances presented by the COVID-19 pandemic, during the 2020-2021 school year the Maine DOE guidance includes suspension of truancy proceedings if a form has been received but there is a missing item. However, the school administrative unit should continue to follow the SAU home instruction policy on file regarding notifications to the parent about a missing item.

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 directed to the local SAU, check them for compliance, and communicate noncompliance;
- Share responsibility for submission of collected paper forms into the Home Instruction Portal; maintain a 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 begin truancy proceedings for noncompliance*;
- Maintain the paper records in files according to local retention schedules.

*Note: Due to the extraordinary circumstances presented by the COVID-19 pandemic, during the 2020-2021 school year the Maine DOE guidance includes suspension of truancy proceedings if a form has been received but there is a missing item. However, the school administrative unit should continue to follow the SAU home instruction policy on file regarding notifications to the parent about a missing item.

Parent Paper Form Submission

What is the school year?

The Department defines the school year to be July 1 through June 30, for public and private school, 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, and going through the next June 30. With that Notice, subsequent year home instruction parents will enclose the "annual assessment of the student's academic progress" from the prior year.

Why are there no longer two forms?

Parent indication of First or Subsequent Year of Home Instruction serves the same purpose as separation of forms. 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 for those who indicate First Year. If the Notice includes both a Subsequent Year and a First Year student, both assurances should be marked.

Parent Paper 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 student is considered truant*.

*Note: Due to the extraordinary circumstances presented by the COVID-19 pandemic, during the 2020-2021 school year the Maine DOE guidance includes suspension of truancy proceedings if a form has been received but there is a missing item. However, the school administrative unit should continue to follow the SAU home instruction policy on file regarding notifications to the parent about a missing item.

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 (July 1 - June 30)
- 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 Expressed 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](https://neo.maine.gov/doe/neo/HomeInstruction/HomeSchools/Schools/Index) (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 (6th) 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* Note: choose First for age=5	(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 See 20-A M.R.S. § 5001-A (3)(A)(4)(b)
			First Subsequent		Test: <input type="checkbox"/> Standardized Achievement Test <input type="checkbox"/> SAU Developed Review: <input type="checkbox"/> Maine Certif Teacher <input type="checkbox"/> Local Support Grp <input type="checkbox"/> Advisory Brd
			First Subsequent		Test: <input type="checkbox"/> Standardized Achievement Test <input type="checkbox"/> SAU Developed Review: <input type="checkbox"/> Maine Certif Teacher <input type="checkbox"/> Local Support Grp <input type="checkbox"/> Advisory Brd
			First Subsequent		Test: <input type="checkbox"/> Standardized Achievement Test <input type="checkbox"/> SAU Developed Review: <input type="checkbox"/> Maine Certif Teacher <input type="checkbox"/> Local Support Grp <input type="checkbox"/> Advisory Brd
			First Subsequent		Test: <input type="checkbox"/> Standardized Achievement Test <input type="checkbox"/> SAU Developed Review: <input type="checkbox"/> Maine Certif Teacher <input type="checkbox"/> Local Support Grp <input type="checkbox"/> 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*
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Return completed and signed form to: Home Instruction Consultant ~ Maine Department of Education ~ 23 State House Station ~ Augusta, ME ~ 04333-0023

updated October 30, 2020

Home Instruction Portal Instructions – Workflow

Processing 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. If necessary, 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.
5. Follow the home instruction portal entry instructions located at
[https://www.maine.gov/doe/data-reporting/collection/helpdesk/resources/data-reporting-instructions.](https://www.maine.gov/doe/data-reporting/collection/helpdesk/resources/data-reporting-instructions)

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>

More Information

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