

Protecting Learning Pods

A 50-State Guide to Regulations Threatening the Latest Education Innovation

By [Jonathan Butcher](#), senior fellow at the Goldwater Institute and senior policy analyst in the Heritage Foundation's Center for Education Policy.

Introduction

During the COVID-19 pandemic, parents around the country formed “learning pods” to continue their child’s education while traditional, charter, or private schools were closed. As of this writing, traditional schools in some of the nation’s largest districts remain closed to in-person instruction, which means pods will be part of K-12 policy discussions for the foreseeable future.¹

The ongoing media attention given to pods, along with district reports of declining enrollment at the beginning of the school year, cannot help but attract policymakers’ attention. As such, officials in some states and even localities have begun to issue new regulations for pod operations or release statements reminding pod participants that certain education or at-home-daycare-related rules may apply to parent-led learning pods. Additional rules may also apply to conventional child care centers that choose to offer instruction or enroll school-aged children. Some of these statements waive certain requirements for operating child care services, though even these notices still include limitations on pod formation, such as adult-student ratio restrictions.

This report includes a list of such announcements by state or local officials and offers information on new or existing education or child care-related rules being used to limit or jeopardize the creation or growth of learning pods.

News about pods, microschools, and the accompanying state or local bureaucratic activity is changing regularly. In assembling the material below, the author uses the definitions for microschools and pods that describe these two education options using descriptors commonly found in the work of school choice advocates, news media, and state agencies. These definitions are meant as a guide for those working to protect a parent’s rights to choose how and where their children learn and for policymakers as they propose or develop policies that confirm microschools and pods as legitimate learning options for families of K-12 students.

¹See Education Week, “School Districts’ Reopening Plans: A Snapshot,” Last Updated September 23, 2020, <https://www.edweek.org/ew/section/multimedia/school-districts-reopening-plans-a-snapshot.html>.

For this report, “learning pods” refers to small groups of students assembled by parents and meeting either in a parent’s home or at another location such as a school building or community center to continue a student’s K-12 experience using district e-learning platforms or a separate curriculum chosen by the participating families (when a public school is hosting a pod, school officials sometimes call it a “learning hub”²). Some families are using public school virtual materials while others are using content chosen independently from a school. This distinction is noted in the state analyses below as necessary to distinguish between the activities cited in regulatory guidance.

Likewise, this review finds that state and local officials in most cases are not reviewing pods if an assigned school is closed and parents are educating their child at home using the district e-learning platform during the closure. Here again, though, exceptions are noted in the state listings below.

“Microschool” refers to private organizations that offer teachers or classroom facilitators for hire to small groups of students, again, meeting either in a home setting or in a community center. In some microschools, a parent of a participating student can serve as a facilitator.³ The distinguishing feature of microschools is that parents pay tuition or a fee to participate, which for the purposes of state law, means these students are now private school students. With pods, sometimes these parents are homeschooling, while others are temporarily teaching children at home with or without the aid of a teacher or tutor. To define the terms in this report, no microschool is facilitating the instruction in the settings that the author calls “learning pods.”

Acton Academies, based in Austin, Texas, and Prenda, in Arizona, are examples of microschools, but as Prenda microschool founder Kelly Smith said in an interview for this report, microschools are often “variations on a theme” from each other.⁴ For example, while Acton students are private school students, Prenda students satisfy state compulsory attendance requirements through education savings account enrollment or are enrolled in district or charter schools that collaborate with Prenda.

During the pandemic, some parents have chosen to use learning pods as defined above for the short term, until schools open, or indefinitely. Proposed rules would impact not only parents who are trying to operate pods out of a home but also parents who need to form pods to continue their child’s education in a privately-operated setting or community center so that they can return to work. If rules or regulations limit the size of pods or otherwise slow pod growth, this has educational as well as economic implications for families, communities, and businesses.

As explained by National School Choice Week, parents, policymakers, and research and advocacy organizations should consider a state’s existing homeschool and private school laws as

²Anya Kamenetz, “‘Learning Hubs’ Offer Free Child Care and Learning—But Only for a Lucky Few,” NPR, September 1, 2020, <https://www.npr.org/2020/09/01/906663624/-learning-hubs-offer-free-child-care-and-learning-but-only-for-the-lucky-few>.

³See Prenda, “How to Start a Microschool,” <https://prendaschool.com/how-to-start-a-microschool>.

⁴See Acton Academy, “About,” <https://www.actonelementaryaudition.org/about>; see also Prenda, at <https://prendaschool.com>. Zoom interview with Kelly Smith, October 21, 2020.

parents form pods.⁵ Generally, state policymakers are likely to consider a single family educating their children at home each year as homeschoolers. These policymakers may also consider multiple families educating several children in a group as a private school or an at-home daycare (the problems stemming from this latter designation are described below).

Regulations

Regulations found in the state analysis below include:

- Treating multi-family learning pods like at-home daycare operations, such as requiring participating families to obtain a license;
- Limiting the size of a learning pod;
- Zoning laws;
- If agencies are not requiring families to obtain a license, families may be required to register. While homeschooling families are often required to file an affidavit of intent to homeschool, with learning pods, some of the regulations included in the notices and official statements are day-care related.

The overlap between learning pods and in-home daycare requirements—as opposed to homeschool—is significant because daycare rules are more stringent, and numerous, than homeschool rules. Writing for the Heritage Foundation earlier this year, Carrie Lucas and Charlotte Whelan explain: “While regulations are onerous for both center and family-care providers,” centers that are part of a larger network “have more support to help with compliance. Smaller centers, or those with fewer resources, both financial and administrative, are more likely to have difficulty complying with regulations.”⁶

Rachel Greszler, a Heritage Research Fellow in Economics, Budgets, and Entitlements, says, “State-based government regulations are a huge driver for the cost of early childhood care and education. For instance, 44 states require a license for home-based day care—typically *even if this day care consists of watching the children of a few friends*” (emphasis in the original).⁷

While Lucas and Whelan explain that fewer rules apply to in-home daycares than center-provided care, “in practice, many of the regulations imposed on childcare centers and family-care providers go far beyond ensuring safety and well-being; they are prescriptive and limiting for facilities.”⁸

⁵National School Choice Week, “State Policies for Pods,” available at <https://schoolchoiceweek.com/learning-pods/#sectionstaterules>.

⁶Carrie Lucas and Charlotte Whelan, “America Needs Better Daycare Options,” Heritage Foundation Backgrounder No. 3526, September 10, 2020, <https://www.heritage.org/sites/default/files/2020-09/BG3526.pdf>.

⁷Rachel Greszler, “Better Options for Better Preschool: Creating the Conditions for Family Care and Private Providers,” in *The Not-So-Great Society*, eds. Lindsey M. Burke, Ph.D. and Jonathan Butcher (Washington, DC: The Heritage Foundation, 2019), 165-171.

⁸Ibid.

A litany of research supports the contention that additional regulations result in fewer individuals starting new child care centers or existing centers having to close and thereby limiting the supply. Learning pods are a new phenomenon, but parents and advocates should be concerned that if burdensome at-home daycare regulations are applied to pods, these rules would have the same stifling affect.

Policy Recommendations

To protect learning pods and allow parents to create quality options for their children in a setting where parents can limit health risks by having their children meet with others in small groups, here are five policy recommendations:

- State officials should not impose new pupil-staff ratios specific to learning pods. Waivers to existing child care requirements should be made permanent for pod families;
- State officials should allow multi-family learning pods to operate as multi-family homeschool arrangements;
- If there are deadlines by which homeschool families must register to educate their children at home, state lawmakers should waive such deadlines when public schools are only offering virtual or hybrid instruction;
- State lawmakers should not allow agencies such as the department of education or department of health to conduct at-home visits of families participating in learning pods;
- And policymakers should not apply at-home daycare regulations such as pupil-staff ratios, zoning requirements, emergency plan requirements, or similar rules to learning pods.

In general, policymakers should consider proposals that align pod arrangements with existing homeschool and private school laws so that pod families do not bear heavier regulatory burdens compared to families already exercising their right to choose how and where their children learn.

The states with the most concerning regulations or statements made by public officials during the pandemic on learning pods are:

- | | |
|----------------------------------|--------------------------------|
| • Florida (district regulations) | • Oregon |
| • Illinois | • Pennsylvania |
| • Maine | • South Carolina |
| • New York | • Texas (district regulations) |
| • North Carolina | • Washington state |

A state-by-state review of regulatory activity and relevant homeschool and private school laws follows.

States

Red indicates states with regulation alerts

[Alabama](#)

[Alaska](#)

[Arizona](#)

[Arkansas](#)

[California](#)

[Colorado](#)

[Connecticut](#)

[District of Columbia](#)

[Delaware](#)

[Florida](#)

[Georgia](#)

[Hawaii](#)

[Idaho](#)

[Illinois](#)

[Indiana](#)

[Iowa](#)

[Kansas](#)

[Kentucky](#)

[Louisiana](#)

[Maine](#)

[Maryland](#)

[Massachusetts](#)

[Michigan](#)

[Minnesota](#)

[Mississippi](#)

[Missouri](#)

[Montana](#)

[Nebraska](#)

[Nevada](#)

[New Hampshire](#)

[New Jersey](#)

[New Mexico](#)

[New York](#)

[North Carolina](#)

[North Dakota](#)

[Ohio](#)

[Oklahoma](#)

[Oregon](#)

[Pennsylvania](#)

[Rhode Island](#)

[South Carolina](#)

[South Dakota](#)

[Tennessee](#)

[Texas](#)

[Utah](#)

[Vermont](#)

[Virginia](#)

[Washington](#)

[West Virginia](#)

[Wisconsin](#)

[Wyoming](#)

Alabama

Existing Laws/Regulations: In Alabama, homeschools are not required to register with the state.⁹

New Regulatory Activity and Recommendations: No additional regulations at this time.

Alaska

Existing Laws/Regulations: Existing laws do not interfere with pod creation.

New Regulatory Activity and Recommendations: As part of Alaska Smart Start 2020, the state's Department of Health and Social Services released a document explaining what a pod is and how to form one but did not issue new rules.¹⁰

The agency says, "If you decide to share learning time with another family or families, make sure they also consistently follow safe health practices and keep the cohort of children small and stable. Wear masks where possible and place children six feet apart. Encourage frequent hand washing – especially immediately upon entering the class area and before leaving, and before and after meals or snacks. When the weather is good, consider having classes outside, but always strive to maintain six feet of distance between students and encourage mask use. If children are inside, select a location that is well-ventilated with windows open, weather permitting." More information from the agency can be found on the DHSS Insights Blog.¹¹

No additional regulations at this time.

Arizona

Existing Laws/Regulations: Homeschooling families must file an affidavit of intent to homeschool with their district.¹² Families and students using education savings accounts can use their accounts to pay for microschool services or buy textbooks and equipment under the state's existing education savings account law such as curricular materials and textbooks to participate in a learning pod (students cannot be enrolled full-time at a public school and also use an education savings account).

⁹Alabama Department of Education, "Office of LEA Support: FAQs: Non-Public Schools," available at <https://www.alsde.edu/ofc/osp/Pages/faqs-all.aspx>.

¹⁰Alaska Department of Health and Social Services, "DHSS Insights Blog: What Are Learning Pods or Cohorts, and Are They Safe," August 22, 2020, <http://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/blog/20200822.aspx>.

¹¹Ibid.

¹²See, for example, Maricopa County Office of the Superintendent, "Affidavit of Intent to Homeschool," <https://static1.squarespace.com/static/55314ad4e4b04c1bc645ad3e/t/5ea1d6dc7200416a64bd7128/1587664604480/6.Homeschool.Affidavit.4-23-20.pdf>.

New Regulatory Activity and Recommendations: Arizona Gov. Doug Ducey has waived certain regulations for child care facilities (not for families), including schools offering care, including pupil-staff ratios.¹³

Arkansas

Existing Laws/Regulations: Homeschooling families must file a Notice of Intent to Home School (NOI) by August 15 or must wait 14 calendar days before beginning homeschooling.¹⁴

New Regulatory Activity and Recommendations: No additional regulations at this time.

California

Existing Laws/Regulations: California law treats homeschool and private school families largely the same.¹⁵ Homeschooling families must file an affidavit of intent.

New Regulatory Activity and Recommendations: No additional regulations at this time.

Colorado | Regulation Alert

Existing Laws/Regulations: In Colorado, the relevant activity has centered around child care services, not schools (see below). Homeschool families must complete an affidavit of intent to homeschool.¹⁶

New Regulatory Activity and Recommendations: On September 10, Gov. Jared Polis issued an executive order that slightly expanded the pupil-staff ratios allowed at licensed child care centers to aid those forming pods. The expansion was modest, however:

“State child care licensing law generally requires licensing for anyone regularly caring for or supervising more than four (4) unrelated children. To allow for more school-age children to be served in licensed child care, I encourage the Colorado Department of Human Services (CDHS) to grant waivers...to allow licensed family child care homes to care for one (1) additional school-age child, and to allow child care centers and school-age child care centers to care for two (2) additional school-age children. I also encourage CDHS to grant waivers...to allow licensed family child care homes of all license types to exclude their own school-age children from counting toward the maximum number of children allowed by their license type.”¹⁷

¹³Office of Arizona Gov. Douglas A. Ducey, Executive Order 2020-39, https://azgovernor.gov/sites/default/files/executive_order_2020-39.pdf.

¹⁴Arkansas Division of Elementary & Secondary Education, “Notice of Intent to Home School,” <http://dese.ade.arkansas.gov/divisions/learning-services/home-school/notice-of-intent>.

¹⁵California Department of Education, “Schooling at Home,” <https://www.cde.ca.gov/sp/ps/homeschool.asp>.

¹⁶Colorado Department of Education, “Home School in Colorado,” <https://www.cde.state.co.us/choice/homeschool>.

¹⁷Office of Colorado Gov. Jared Polis, Executive Order D 2020 188, September 10, 2020, <https://drive.google.com/file/d/1909lapz9bN7o3EOwCEXVIEPbYgp4n0U4/view>.

Critical for families hosting pods, the waiver also suspended the need to obtain a license for those providing less than 24-hour care for no more than eight children aged 10 or older or six children aged nine or younger. The licensing waiver is helpful to families forming pods in their home, though the order still includes pupil-staff ratios that would limit the size of a learning pod.

Connecticut | Regulation Alert

Existing Laws/Regulations: Connecticut families are “suggested” to complete an “Intent to Homeschool.”¹⁸

New Regulatory Activity and Recommendations: The Connecticut Department of Education issued a memo on July 27, 2020, that says families can form pods, according to a department spokesperson, but the memo also says “families continue to have a legal obligation to engage in public school education unless the children are receiving equivalent instruction elsewhere (such as through home-schooling or in non-public schools).”¹⁹ This guidance specifically pertains to families using district e-learning platforms.

Notably, at least one private group that is helping with the formation of several pods (similar to the activities of a microschool) is conducting home visits “for health and safety compliance,” but the memo from the department on learning pods does not include specific health and safety rules.²⁰

Policymakers should not require at-home visits for families assembled in learning pods and should make such information clear to state families.

Delaware

Existing Laws/Regulations: Delaware homeschool laws include rules for single-family and multi-family homeschools.²¹ As with many of the states listed above, registration is required with the state department of education, but the provision recognizing multi-family homeschool arrangements is conducive to potential learning pod families.

New Regulatory Activity and Recommendations: No additional regulations at this time, likely due to the state’s homeschool law allowing multi-family homeschool arrangements.

¹⁸Connecticut Department of Education, “Homeschooling in Connecticut,” <https://portal.ct.gov/SDE/Homeschooling/Homeschooling-in-Connecticut>.

¹⁹Connecticut Department of Education, “Addendum 1: Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together: Temporarily Opting into Voluntary Remote Learning Due to COVID-19,” July 27, 2020, <https://portal.ct.gov/-/media/SDE/COVID-19/Addendum-1-Temporarily-Opting-into-Voluntary-Remote-Learning-Due-to-COVID-19-Memo-previously-sent.pdf>; Steve Jensen, “Teachers, Parents, Hoping to Find Educational Support Safely in Learning Pods,” CT News Junkie, August 24, 2020, https://www.ctnewsjunkie.com/archives/entry/20200824_teachers_parents_hoping_to_find_educational_support_safely_in/.

²⁰Ibid.

²¹Delaware Department of Education, “Welcome to Delaware Nonpublic Schools!” available at <https://www.doe.k12.de.us/Page/3070>.

District of Columbia

Existing Laws/Regulations: A notification of intent to homeschool is required for homeschooling families.²²

New Regulatory Activity and Recommendations: No additional regulations at this time.

Florida | Regulation Alert

Existing Laws/Regulations: Homeschool families must notify their assigned school district superintendent.²³

New Regulatory Activity and Recommendations: In Broward County, the nation's sixth-largest school district, officials released a statement saying licenses are required for pod families: "Programs that provide care and supervision to elementary school aged children must be licensed as child care unless they are registered as a private school with the Florida Department of Education or qualify for an exemption with our office. If you are looking at a Learning Pod for your child, we recommend that you ask if they are registered as a private school, hold a child care license, or have an exemption letter from Child Care Licensing and Enforcement. If they do not have any of these, they may be operating illegally."²⁴ The document then advises families to register as homeschoolers.

Broward County and the City of Orlando are creating learning pods in community centers and with organizations such as the United Way, but pod enrollment is limited.²⁵

Georgia

Existing Laws/Regulations: Homeschool families must submit a declaration of intent to homeschool.²⁶

²²Washington, D.C. Office of the State Superintendent of Education, "Homeschooling in the District of Columbia," available at <https://osse.dc.gov/service/homeschooling-district-columbia>.

²³Florida Department of Education, "Home Education: Requirements," <http://www.fldoe.org/schools/school-choice/other-school-choice-options/home-edu/requirements.stml>.

²⁴National Center for Education Statistics, 2019 Digest of Education Statistics, Table 215.30: Enrollment, Poverty, and Federal Funds for the 120 Largest School Districts, by Enrollment Size in 2017: 2016-17 and Fiscal Year 2019," https://nces.ed.gov/programs/digest/d19/tables/dt19_215.30.asp?current=yes; Broward County Government, "Child Care Licensing and Enforcement," <https://www.broward.org/Consumer/ChildcareLicensingEnforcement/Pages/Default.aspx>.

²⁵Hannah Natanson, "Love or Hate Them, Pandemic Learning Pods Are Here to Stay—and Could Disrupt American Education," *Washington Post*, September 2, 2020, https://www.washingtonpost.com/local/education/love-or-hate-them-pandemic-learning-pods-are-here-to-stay--and-could-disrupt-american-education/2020/09/02/3d359f8c-dd6f-11ea-8051-d5f887d73381_story.html; United Way of Broward County, "Learning Pod Funding," <https://www.unitedwaybroward.org/learning-pod>; City of Orlando, "City of Orlando Launches 'Learning Pods' at Neighborhood Centers," Press Release, August 7, 2020, [https://www.orlando.gov/News/Press-Releases/2020-Press-Releases/The-City-of-Orlando-Launches-Small-Group-\"Learning-Pods\"-at-Neighborhood-Centers-to-Support-Families-and-Children-During-Virtual-Learning](https://www.orlando.gov/News/Press-Releases/2020-Press-Releases/The-City-of-Orlando-Launches-Small-Group-\).

²⁶Georgia Department of Education, "Home Schools," <https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Pages/Home-Schools.aspx>.

New Regulatory Activity and Recommendations: No additional guidance was found.

Hawaii

Existing Laws/Regulations: Homeschooling families must submit a notice of intent to homeschool.²⁷

New Regulatory Activity and Recommendations: No additional guidance was found.

Idaho

Existing Laws/Regulations: No registration is required for homeschool families, though parents should contact their child's public school about unenrollment.²⁸

New Regulatory Activity and Recommendations: No additional guidance was found.

Recently, researchers and advocates have cited the state's "Advanced Opportunities" program, which provides students with \$4,125 in taxpayer spending to take additional courses, pay for college entrance tests or AP exams, or participate in workforce training programs. While this option is distinct from a learning pod, it does allow students in grades 7-12 to customize their learning experience.²⁹

Illinois | Regulation Alert

Existing Laws/Regulations: Illinois homeschool families are not required to register to homeschool.³⁰

New Regulatory Activity and Recommendations: The Illinois Department of Children & Family Services issued a memo on August 17 encouraging pod families to get a child care license: "By definition, under the Child Care Act, a day care home includes 'family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day.' 225 ILCS 10/2.18. The limitation of 3 children in the home includes one's own children. DCFS encourages anyone who plans to provide care covered by the Child Care Act to become licensed through the Department." Additionally, "DCFS strongly encourages learning pods/groups to follow the important health and safety guidance outlined in the document."³¹

²⁷Hawaii Department of Education, "Homeschooling,"

<http://www.hawaiipublicschools.org/ParentsAndStudents/EnrollingInSchool/Choosinaschool/Pages/Homeschooling-FAQs.aspx>.

²⁸Idaho Department of Education, "Home School," <https://www.sde.idaho.gov/school-choice/home-school/>.

²⁹Idaho Department of Education, "Advanced Opportunities," <https://www.sde.idaho.gov/student-engagement/advanced-ops/index.html>.

³⁰Illinois State Board of Education, "Illinois Homeschooling: Requirements," <https://www.isbe.net/Pages/Homeschool.aspx>.

³¹Illinois Department of Children and Family Services, "Restore Illinois Licensed Day Care Guidance & License Exempt School-Age Guidance," August 17, 2020, https://www2.illinois.gov/dcf/brighterfutures/healthy/Documents/Day_Care_Guidance.pdf.

The list of licensing requirements is long and includes:

- A medical examination, including TB, DPT, and MMR
- Proof of high school diploma, GED, or other degree from an accredited university or vocational school
- Affidavit that they are current with any child support owed
- Proof of at least 15 hours of required pre-service training on specific topics
- Illinois Gateways Registry membership
- Proof of liability insurance (group day care homes only)
- Proof of six hours of college coursework in early childhood or child development (group day care homes only).

State policymakers should not treat pod families like at-home daycare centers but rather consider these families to be homeschooling families.

Indiana

Existing Laws/Regulations: Homeschool families do not need to register in Indiana, though the state department of education encourages families to notify their child's assigned school district.³²

New Regulatory Activity and Recommendations: No additional guidance was found. Note that the report from Lucas and Whelan cited above finds that Indiana has especially strict childcare regulations.

Iowa

Existing Laws/Regulations: Homeschool families may or may not have to register with the state or district depending on the type of homeschooling they choose.³³ Iowa homeschool families can hire a teacher or tutor to help with homeschool instruction.

New Regulatory Activity and Recommendations: No additional guidance was found.

Kansas | Regulation Alert

Existing Laws/Regulations: Kansas homeschool families are treated the same as families with students attending private schools. Families must register with the State Board of Education.³⁴

³²Indiana Department of Education, "Homeschool Help Sheet," available at <https://www.doe.in.gov/school-improvement/home-school/homeschool-help-sheet>.

³³Homeschool Iowa, "Which Forms Do I File with the School?" available at <https://homeschooliowa.org/forms-to-file-with-school/>. See also Iowa Department of Education, "Home Schooling (Private Instruction)," available at <https://educateiowa.gov/pk-12/options-educational-choice/competent-private-instruction-home-schooling>.

³⁴Kansas State Department of Education, "Fact Sheet: Homeschooling in Kansas," <https://www.ksde.org/Portals/0/ECSETS/FactSheets/FactSheet-HomeSchool.pdf>.

New Regulatory Activity and Recommendations: Kansas was another state where, like Florida, at least one district was addressing the creation of learning pods, particularly pods meeting in private businesses such as dance studios. The city of Shawnee is considering new requirements on these businesses to comply with codes involving child care, including:

- Drop-off and pick-up zones;
- Review by the city and fire marshal;
- Business license with the city;
- Potential licensing requirements with the state.³⁵

Meetings will be held in October to confirm the changes. Again, these new requirements will not apply to individual residences.

Policymakers should not apply these requirements to individual homes. For private businesses, as long as assigned schools are closed, state and local officials should not apply new regulations to businesses hosting pods. Policymakers should use this opportunity to review existing health and safety regulations (fire codes, background check requirements, etc.) and apply only the rules necessary for student and teacher safety, removing the regulations that would interfere with pod formation.

Kentucky

Existing Laws/Regulations: Kentucky homeschool parents must notify the superintendent of their child's assigned school of their intent.³⁶

New Regulatory Activity and Recommendations: Kentucky's Cabinet for Health and Family Services waived some day care center regulations in August 2020, such as class size limits.³⁷ The agency increased the size of a child care center class from 10 to 15 students. The agency spokesperson says that by waiving the guidelines, officials want "those considering opening a small center [including in-home centers], possibly to help with remote learning for school-age children, to operate legally." The agency is also offering a \$2,500 stipend to cover licensing costs for new in-home centers.

³⁵Leslie Aguilar and Zoe Brown, "Shawnee Considers Laws for 'Learning Pods,'" KCTV News, October 4, 2020, https://www.kctv5.com/school_authority/shawnee-considers-laws-for-learning-pods/article_266cacc8-06b9-11eb-bcae-ffb5ef414bcb.html.

³⁶Kentucky Department of Education, "Homeschool Information," January 2017, p. 3, <https://education.ky.gov/federal/fed/Documents/Kentucky%20Homeschool%20Information%20Packet.pdf>.

³⁷Deborah Yetter, "Kentucky Announces Revised Rules for Struggling Child Care Centers, to Increase Class Size," Courier-Journal, August 31, 2020, <https://www.courier-journal.com/story/news/education/2020/08/31/revised-rules-struggling-child-care-centers-allow-larger-classes/5656634002/>; Kentucky Cabinet for Health and Family Services, Division of Child Care: Kentucky Child Care Reopening Guidelines, <https://chfs.ky.gov/agencies/dccbs/dcc/Pages/default.aspx>.

The agency spokesperson says existing guidelines, the new waivers, and the stipend do not apply to learning pod families, as long as participating families do not pay each other or operate as a business.

So while the waivers and stipend are welcome changes for child care centers or those seeking to create a new in-home child care operation, this regulatory move blurs the definition of a learning pod, treating a learning pod more like an at-home daycare than a group homeschool setting. Again, the regulations for operating an in-home daycare are more stringent than for homeschooling, so by classifying learning pods as at-home daycares instead of group homeschool settings, the litany of daycare regulations will likely apply. Kentucky's stipend could help families with forming a learning pod, but the spending is simply assisting families with the process of complying with state regulations for daycare centers while assigned schools are closed instead of removing regulations.

Louisiana

Existing Laws/Regulations: Louisiana homeschool families must register annually with the state board of education.³⁸

New Regulatory Activity and Recommendations: No additional guidance was found.

Maine | Regulation Alert

Existing Laws/Regulations: Parents must "provide a written notice of intent to provide home instruction" to their child's assigned school district.³⁹

New Regulatory Activity and Recommendations: Maine has issued strict requirements for learning pods. In a memo to learning pod providers on September 3, 2020, the Office of Child and Family services said, "Families who elect to provide home instruction completely themselves or through private arrangements with another adult—without involvement in their local school administrative unit (SAU)—need to formally submit a notice of intent to provide home instruction to the local superintendent and the Maine Department of Education (DOE)."⁴⁰

Thus learning pod families must register as homeschoolers, and while homeschool instruction "does not require child care licensure from DHHS," a "Learning Pod organized by parents and/or guardians may be subject to licensure by the Department of Health and Human Services (DHHS), regardless of whether a certified teacher, parent, or other adult is leading the Learning Pod or similar arrangement."

³⁸U.S. Department of Education, "Louisiana State Regulations: State Regulation of Private and Home Schools," November 15, 2012, <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/louisiana.html>.

³⁹Maine Department of Education, "Home Instruction Requirements, Forms & Laws," <https://www.maine.gov/doe/schools/schoolops/homeinstruction/requirements>.

⁴⁰Maine Office of Child and Family Services, "Memorandum to Learning Pod Providers," September 3, 2020, https://www1.maine.gov/dhhs/ocfs/documents/covid-19/Guidance%20for%20Learning%20Pods%2009032020_FINAL.pdf.

Families may be subject to licensure if “instruction and supervision are compensated”; the “Learning Pod or similar arrangement consists of more than 3 (three) students in addition to any children living in the home”; and “As noted above, students remain formally enrolled in the local school.”⁴¹

The agency provides more details and says a child care license is required if:

- Children are “engaged in remote learning which is connected to a local school”;
- Children’s learning is “being led and evaluated by a local school”;
- Children’s attendance is “being tracked by a local school”;
- “The space provided is intended for when children are not in school and their parent(s)/guardian(s) is/are working”;
- More than three children who do not live in the home are in attendance; and
- “Compensation is being provided for the care/supervision of the children in attendance.”⁴²

The requirements for procuring a temporary child care license are relatively light, though the process does include a home inspection by the fire marshal and a Child Care Licensing Specialist (CCLS), along with background checks.⁴³ However even these steps could be delayed by state officials during the pandemic.

Maryland

Existing Laws/Regulations: Maryland homeschool families must register and notify local school systems annually of their intent to homeschool.⁴⁴

New Regulatory Activity and Recommendations: No additional guidance was found.

Massachusetts | Regulation Alert

Existing Laws/Regulations: Homeschool families in Massachusetts must register annually with their local school district.⁴⁵

New Regulatory Activity and Recommendations: Massachusetts Gov. Charles Baker issued a memo on pods in August with both restrictions for some and waivers for other pod or pod-like

⁴¹Ibid.

⁴²Ibid.

⁴³Maine Department of Health and Human Services, “Issuance of an Emergency Temporary Child Care License,” March 20, 2020, <https://www.maine.gov/dhhs/ocfs/documents/covid-19/Emergency%20Temporary%20Child%20Care%20Licensing%20Process%2003202020.pdf>.

⁴⁴Maryland State Department of Education, “Frequently Asked Questions Regarding Home Instruction in Maryland,” <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/HomeInstruct/HomeInstructionFAQ.pdf>.

⁴⁵U.S. Department of Education, “Massachusetts State Regulations,” November 16, 2016, <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/massachusetts.html>.

operations. For example, existing child care providers can expand their hours of operation to allow students to complete school work at their location.⁴⁶

Further, “remote learning enrichment programs” are defined as a “program or facility operated on a regular or drop-in basis which provides supervised group care” for children aged 14 years or below. A facility can only provide this option during the hours of a school day. These programs must still adhere to the “minimum operating standards” of child care centers such as background checks, facilities checks, and health and safety standards—reasonable precautions for center-based care. After school programs applauded the move because it gave them more flexibility to provide learning pod services.⁴⁷

The memo also defines “remote learning parent cooperatives,” which are “an organized plan among a group of families in which children who are enrolled in school are supervised by one of their parents or guardians during the hours of a school day while attending remote learning instruction.”

These learning pods using a district e-learning platform can operate without a license, but the memo outlines limitations, including:

- The pod cannot have more than 5 families;
- A parent of one of the children must be present at all times even if a teacher or tutor is hired for the pod; and
- Parents cannot pay each other for the use of a home, materials, food or any other expense.

Individuals participating in any “arrangement” that does not meet these criteria will be required to obtain a license.

Michigan | Regulation Alert

Existing Laws/Regulations: Michigan homeschool families do not have to register to homeschool.⁴⁸

New Regulatory Activity and Recommendations: The Michigan Department of Licensing and Instruction released a memo in August defining the activities and rules that apply to stand-alone/private centers, centers operated on school property or by a school, child care homes, license-exempt providers, and potential new licensed providers.⁴⁹

⁴⁶Office of Massachusetts Gov. Charles Baker, Executive Order: COVID-19 Order No. 49, August 28, 2020, <https://www.mass.gov/doc/august-28-2020-supporting-parents-with-children-in-remote-learning/download>.

⁴⁷Stephanie Ebbert, “State to Allow Remote Learning Pods, Kids’ Programs Outside Schools,” *Boston Globe*, August 28, 2020, <https://www.bostonglobe.com/2020/08/28/metro/state-allow-remote-learning-pods-kids-programs-outside-schools/>.

⁴⁸Michigan Department of Education, “Home Schooling in Michigan,” https://www.michigan.gov/documents/home_schools_122555_7.pdf.

⁴⁹Michigan Department of Licensing and Instruction, “After-School Care/School-Age Child Care During School Hours for Distance Learning: Frequently Asked Questions,” https://www.michigan.gov/documents/lara/FAQ_School_Age_8-20-20-CCLD_700490_7.pdf.

A dizzying array of rules pertain to centers in these different categories, including rules that apply to the use of rooms in after-school centers in a “non-school building,”; for a preschool center to obtain another license to operate as a pod during the school day; adult-staff ratios that still apply to centers operating in a public school building, to name a few rules.

This document makes a clear distinction between homeschool families and public school families using a pod outside the home with a reminder to report homeschool students being instructed by someone in a child care center: “The child care center can enroll children during the school day if the parent indicates he or she is home schooling the child. There is minimal regulation of home schooling by the Michigan Department of Education. If a parent states a child is home schooled, the child is not considered truant from school. The child care center must not be providing the child’s school instruction; home schooling must be done by a parent in the child’s home. When becoming aware of a situation such as this, staff may report it to the local Intermediate School District/Educational Service District/Area.”

Minnesota

Existing Laws/Regulations: Minnesota homeschool families must register with their local school district.⁵⁰

New Regulatory Activity and Recommendations: No additional guidance was found.

Mississippi

Existing Laws/Regulations: Mississippi families intending to homeschool must register with a local “School Attendance Officer.”⁵¹

New Regulatory Activity and Recommendations: No additional guidance was found.

Missouri

Existing Laws/Regulations: Missouri homeschool families may register, but according to the U.S. Department of Education, registration is not required for families in all school districts.⁵²

New Regulatory Activity and Recommendations: No additional guidance was found. A list of businesses or organizations that have started pods in Missouri is available from the Show-Me Institute.⁵³

⁵⁰Minnesota Department of Education, “Minnesota Home School Questions and Answers,” https://education.mn.gov/mdeprod/idcplg?ldcService=GET_FILE&dDocName=MDE087270&RevisionSelectionMethod=latestRelease&Rendition=primary.

⁵¹Mississippi Department of Education, “Home School,” <https://www.mdek12.org/OCSA/HS>.

⁵²U.S. Department of Education, “Missouri State Regulations,” <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/missouri.html>.

⁵³Susan Pendergrass, “Fall 2020 Education Resources for Missouri Parents,” September 25, 2020, <https://showmeinstitute.org/blog/school-choice/fall-2020-educational-resources-for-missouri-parents>.

Montana

Existing Laws/Regulations: Homeschooling families in Montana must register with their county superintendent annually.⁵⁴

New Regulatory Activity and Recommendations: No additional guidance was found.

Nebraska

Existing Laws/Regulations: Homeschooling families in Nebraska must register (file for “exempt status”) in order to homeschool.⁵⁵

New Regulatory Activity and Recommendations: No additional guidance was found.

Nevada

Existing Laws/Regulations: Nevada homeschooling parents must file a notice of intent to homeschool with their assigned school district.

New Regulatory Activity and Recommendations: No additional guidance was found.

New Hampshire | **Regulation Alert**

Existing Laws/Regulations: New Hampshire homeschool families must register with their child’s assigned school district.⁵⁶

New Regulatory Activity and Recommendations: In September, the Granite State Home Educators interviewed the state commissioner of education who said that learning pods are allowed under state law and it is “consistent with existing home ed law for families to have family members, friends, or someone else supervise children in the parent’s absence.”⁵⁷ Recordings of the interviews are available on the Granite State Home Educators’ web site.⁵⁸

⁵⁴ Montana Department of Education, “Homeschooling,” <http://opi.mt.gov/Families-Students/School-Topics/Just-for-Families>.

⁵⁵ Nebraska Department of Education, “Exempt (Home) School Frequently Asked Questions, 2020/2021 School Year,” https://cdn.education.ne.gov/wp-content/uploads/2020/05/ESP_FAQ.pdf.

⁵⁶ New Hampshire Department of Education, “Home Education Rules and Regulations,” <https://www.education.nh.gov/education-pathways/home-education/home-education-rules-and-regulations>.

⁵⁷ Granite State Home Educators, “Two Interviews with Commissioner Edelblut About Homeschool Pods,” September 12, 2020, <https://granitestatehomeeducators.org/two-interviews-with-commissioner-edelblut-about-homeschool-pods/>.

⁵⁸ Ibid.

New Jersey | Regulation Alert

Existing Laws/Regulations: Homeschool registration is only required for students meeting certain criteria, such as receiving a homeschool education in high school.⁵⁹

New Regulatory Activity and Recommendations: No additional state guidance was found, though Senate President Pro Tempore M. Teresa Ruiz (D-29) introduced legislation to create “state-sponsored learning pods” exclusively for school staff and administrators.⁶⁰ The proposal also would require public schools that offer learning pods and have limited space to give priority to low income students and the children of teachers, administrators and staff.

New Mexico

Existing Laws/Regulations: New Mexico homeschool families must notify the New Mexico Department of Education of their intent to homeschool.⁶¹

New Regulatory Activity and Recommendations: No additional guidance was found.

New York | Regulation Alert

Existing Laws/Regulations: New York families do not have to register in order to homeschool.

New Regulatory Activity and Recommendations: According to the state department of education, pod families may be considered private schools and have to register accordingly: “Parents providing home instruction to their children may arrange to have their children instructed in a group situation for particular subjects but not for a majority of the home instruction program. Where groups of parents organize to provide group instruction by a tutor for a majority of the instructional program, they are operating a nonpublic school and are no longer providing home instruction.”⁶²

North Carolina | Regulation Alert

Existing Laws/Regulations: North Carolina homeschool families must register annually.⁶³

New Regulatory Activity and Recommendations: Under existing law, a homeschool arrangement cannot be larger than two families before being considered a private school.⁶⁴ The North Carolina Department of Health and Human Services is requiring that organizations such as the

⁵⁹New Jersey Department of Education, “Frequently Asked Questions: Homeschooling,” https://www.state.nj.us/education/genfo/faq/faq_homeschool.htm.

⁶⁰New Jersey Senate Democrats, “Ruiz Introduces Bills to Ease the Burden of Remote Instruction on Teachers and Parents,” Press Release, <https://www.njsendems.org/ruiz-introduces-bills-to-ease-the-burden-of-remote-instruction-on-teachers-and-parents/>.

⁶¹New Mexico Department of Education, “Home Schooling,” <https://webnew.ped.state.nm.us/bureaus/options-parents-families/home-schools/>.

⁶²New York Department of Education, “Home Instruction Questions and Answers,” <http://www.nysed.gov/nonpublic-schools/home-instruction-questions-and-answers#Individualized>.

⁶³North Carolina Department of Education, “Home School Requirements & Recommendations,” <https://ncadmin.nc.gov/public/home-school-information/home-school-requirements-recommendations>.

⁶⁴Ibid.

YMCA obtain a license to provide child care to school-age children unless they are contracting with a public school.⁶⁵

North Dakota

Existing Laws/Regulations: Homeschooling families in North Dakota must complete a statement of intent to homeschool.⁶⁶

New Regulatory Activity and Recommendations: No additional guidance was found. Note, however, that “licensed family child care” providers are family providers who care for no more than 7 children with up to 3 children under the age of 24 months, along with two additional school-age children. No mention is made in these regulations of providers that also offer educational instruction.⁶⁷

Ohio

Existing Laws/Regulations: Homeschool families in Ohio must register.⁶⁸

New Regulatory Activity and Recommendations: No additional guidance was found.

Oklahoma

Existing Laws/Regulations: Homeschooling parents are not required to register in Oklahoma.⁶⁹

New Regulatory Activity and Recommendations: No additional guidance was found. Private companies have published material to help families forming learning pods.⁷⁰

Oregon | Regulation Alert

Existing Laws/Regulations: Oregon homeschool families must notify their local school district if they intend to homeschool.⁷¹

⁶⁵North Carolina Department of Health and Human Services, Letter to Parents and Families, August 5, 2020, [https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/F/Family%20Letter Child Care and Remote Learning Facilities for Shool-Aged%20Children.pdf?ver=2020-08-06-135739-313](https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/F/Family%20Letter%20Child%20Care%20and%20Remote%20Learning%20Facilities%20for%20Shool-Aged%20Children.pdf?ver=2020-08-06-135739-313).

⁶⁶North Dakota Department of Education, “Home Education Frequently Asked Questions,” <https://www.nd.gov/dpi/parentscommunity/parents/home-education/home-education-frequently-asked-questions>.

⁶⁷North Dakota Department of Human Services, “Early Childhood Services in North Dakota,” <https://www.nd.gov/dhs/services/childcare/info/>.

⁶⁸Ohio Department of Education, “Home Schooling,” <http://education.ohio.gov/Topics/Ohio-Education-Options/Home-Schooling>.

⁶⁹Oklahoma Department of Education, “Home School,” <https://sde.ok.gov/home-school>.

⁷⁰Pod Learning in Oklahoma, available at <https://www.podlearningok.org>; Edupreneur Academy, “Guide for Parents Forming a Community Learning Pod in Oklahoma,” https://3243aa0d-36dc-4619-a384-181a7d3a6297.filesusr.com/ugd/7b2094_ce47cdf051ca42c2b3d70bf0182fa560.pdf.

⁷¹Oregon Department of Education, “Home Schooling Questions and Answers,” <https://www.oregon.gov/ode/learning-options/HomeSchool/Pages/QA.aspx>.

New Regulatory Activity and Recommendations: As recently as September 2020, the Oregon Department of Education discouraged parents from forming learning pods, with the agency's director saying, "Multi-family learning groups may slow the process of returning to school by creating more opportunities for spread among students and families."⁷²

This news release goes on to say, "As families choose to come together either informally or through community organizations, COVID-19 is more likely to spread and could lengthen the time before schools can return to in-person instruction. Even a small group of people can lead to a large number of cases."

In terms of regulations, this release suggests again, as seen in other states, that at-home daycare regulations may be enforced: "If multiple families decide to form a learning group and a parent isn't present, ELD has advised on what constitutes regulated child care to protect the safety of children and families. This includes performing a background check on caregivers, ensuring they are CPR and First Aid trained, along with other protocols such as daily health checks, increasing cleaning, and wearing face coverings."⁷³

The Early Learning Division of Oregon's Department of Education also discourages pod formation involving existing child care providers and points to existing regulations: "Any care arrangement that meets the following criteria must follow the state's COVID-19 safety and health practices and may also be regulated by the ELD:

- Programs serving children from infancy through age 12; and
- Programs serving school-age children that take the place of a parent's care; and
- Programs providing services to more than three children who are not related to the caregiver."⁷⁴

For families, the agency says, "Families who chose to hire a caregiver using an informal care arrangement that brings together children from multiple households on a regular basis should also keep in mind COVID-19 safety and health practices. ELD recommends that families confirm all caregivers have passed a background check for criminal or child abuse history and that caregivers complete safety training such as CPR, First Aid, Safe Sleep for infants, etc."

While the agency does not say it will enforce regulations yet, this reminder to parents and recognition of private center-based learning pods and parent-based pods and existing at-home daycare regulations is similar to the statements that state officials in other areas have issued during the pandemic that link day care regulations and learning pods.

⁷²Oregon Department of Education, "State Urges Families to Prioritize Safety to Enable School Reopening," Press Release, September 4, 2020, <https://content.govdelivery.com/accounts/ORED/bulletins/29dbcb0>.

⁷³Ibid.

⁷⁴Oregon Department of Education, "Oregon Early Learning Division Highlights Child Care Options as Families Navigate COVID-19 and Return to School," August 26, 2020, https://oregonearlylearning.com/oregon-early-learning-division-highlights-child-care-options-as-families-navigate-covid-19-and-return-to-school/?utm_medium=email&utm_source=govdelivery.

Pennsylvania | Regulation Alert

Existing Laws/Regulations: Families that want to homeschool in Pennsylvania must register and have their affidavit of intent to homeschool notarized.⁷⁵

New Regulatory Activity and Recommendations: Parent-led learning pods are considered “non-licensed part-day school-aged child care.”⁷⁶ Families must notify the agency before creating a pod for more than six school-age children, though licensing is not required.

The notification form is available from the Pennsylvania Office of Child Development and Early Learning.⁷⁷ The guidance also says that the “primary purpose of ‘Podding’ is to provide non-instructional educational support. Parent/Guardian oversight is key to a Pod; if a parents are not responsible for oversight and leave the children in the group under the supervision of a non-parent, then this grouping, when serving more than six children, is a non-licensed part-day SACC program.”

This designation is significant because while Pennsylvania officials suspended the 90-day limitation on non-licensed part-day SACC programs, this waiver is only for the learning pods that develop a health and safety plan, emergency plan, adhere to a 12:1 child-staff ratio for children in 4th grade or younger or 15:1 ratio for older children, and “agree to allow DHS to enter and inspect without notice.”

Rhode Island

Existing Laws/Regulations: Rhode Island homeschool families must register with their local school district.⁷⁸

New Regulatory Activity and Recommendations: No additional guidance was found.

South Carolina | Regulation Alert

Existing Laws/Regulations: South Carolina homeschool families must register to homeschool and have three options to consider when doing so, including affiliation with a homeschool association that has been approved by the state.⁷⁹

⁷⁵Pennsylvania Department of Education, “Home Education and Private Tutoring,” <https://www.education.pa.gov/Documents/K-12/Home%20Education%20and%20Private%20Tutoring/Home%20Education%20and%20Private%20Tutoring%20Guide.doc>.

⁷⁶Pennsylvania Office of Child Development and Early Learning, “Non-Licensed Part-Day School Age Child Care Program or Learning Pod Notification of Operation,” August 26, 2020, https://secureservercdn.net/198.71.233.197/69d.231.myftpupload.com/wp-content/uploads/2020/08/Non-Licensed_SACC-and-Pod-Final-082620.pdf.

⁷⁷Ibid.

⁷⁸Rhode Island Department of Education, “Home Schooling,” <https://www.ride.ri.gov/StudentsFamilies/EducationPrograms/HomeSchooling.aspx#1722837-do-i-need-to-notify-the-local-district-of-my-intention-to-home-school>.

⁷⁹South Carolina Department of Education, “Home Schooling,” <https://ed.sc.gov/districts-schools/state-accountability/home-schooling/>.

New Regulatory Activity and Recommendations: According to comments from a representative of the South Carolina Department of Social Services reported by local media, “pod operators need a family child care home license because they are considered in-home daycare centers.”⁸⁰

The agency spokesperson said, “If we realize there is a family home operating that does not have the proper paperwork on file whether it’s a registered or licensed home, they will receive a letter, first and foremost, from the department to cease operating because they will be operating without a proper registration or a license,” and, “If the operation continues without the registration or license, an injunction could move forward from the department.”⁸¹

Local media reports that “pod operators can only care for up to six children, including their own. However, local zoning regulations could limit that number further.”⁸²

South Carolina’s Department of Child Care says that to obtain a license to operate as an in-home child care center, operators must attend an orientation; submit a zoning approval form for your county; complete an application to operate; be inspected by the fire marshal; provide a list of all the members of the household; have state and federal fingerprint checks; submit to an in-home inspection; and have proper health and safety certifications such as CPR and First Aid.⁸³

South Dakota

Existing Laws/Regulations: South Dakota homeschool families must complete a “Notification for Public School Exemption Certificate” annually.⁸⁴

New Regulatory Activity and Recommendations: No additional guidance was found.

Tennessee

Existing Laws/Regulations: Tennessee homeschool families have two homeschool options, along with the option to enroll their child in a full-time virtual school. Parents must register to homeschool with either their assigned school district or through a “church-related umbrella school.”⁸⁵

New Regulatory Activity and Recommendations: No additional guidance was found.

⁸⁰Kaitlin Stansell, “‘Pandemic Pod’ Organizers Could Face Penalties if They Operate without SC Childcare License,” WCSC Channel 5, August 25, 2020, <https://www.live5news.com/2020/08/25/pandemic-pod-organizers-could-face-penalties-if-they-operate-without-sc-childcare-license/>.

⁸¹Ibid.

⁸²Ibid.

⁸³South Carolina Child Care, Early Care & Education, “Licensed Child Care Home,” <https://www.scchildcare.org/providers/become-licensed/licensing-requirements/licensed-family-child-care-home.aspx>.

⁸⁴South Dakota Department of Education, “Home Schooling,” <https://doe.sd.gov/oatq/homeschooling.aspx>.

⁸⁵Tennessee Department of Education, “Home Schooling in Tennessee,” <https://www.tn.gov/education/school-options/home-schooling-in-tn.html>.

Texas | Regulation Alert

Existing Laws/Regulations: Texas homeschool families are not required to register.⁸⁶

New Regulatory Activity and Recommendations: While no state guidance was found, the city of Austin issued a memo for learning pod operators that said “anyone hosting a pod [must] have a detailed health and safety plan.”⁸⁷ The city lists recommended protocols including at-home symptom screening, face covering requirements, physical distancing, cleaning and disinfection procedures, and a plan for “meals and snacks,” to name a few.

According to city health regulations (originally set to expire November 12), “no more than 10 individuals may gather together.”⁸⁸

Furthermore, and related to at-home daycare rules, a “family home that provides regular care in their home for compensation for three or fewer children, excluding children who are related to the caretaker, must become a registered child care home with CCR.”

The memo also says that “care arrangements for more than six persons in a residential structure, or at a property other than a residence, may require approval from Development Services.”

Utah

Existing Laws/Regulations: Utah homeschool families must complete an affidavit of intent to homeschool and return it to their local school district.⁸⁹

New Regulatory Activity and Recommendations: No additional guidance was found.

Vermont

Existing Laws/Regulations: Homeschool families in Vermont are not required to register for homeschooling.⁹⁰

New Regulatory Activity and Recommendations: No additional guidance was found.

⁸⁶U.S. Department of Education, “Texas State Regulations,” January 25, 2017, <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/texas.html>.

⁸⁷City of Austin, “Hosting a Learning Pod?” Austin Public Health, http://austintexas.gov/sites/default/files/files/HOSTING%20a%20Learning%20Pod_FINAL.pdf.

⁸⁸Ibid.

⁸⁹Utah Department of Education, “Welcome to Home School,” <https://schools.utah.gov/curr/homeschool>.

⁹⁰State of Vermont Agency of Education, “Home Study,” <https://education.vermont.gov/vermont-schools/school-operations/home-study>.

Virginia | Regulation Alert

Existing Laws/Regulations: Homeschooling families in Virginia must register with their local school district.⁹¹

New Regulatory Activity and Recommendations: In Fairfax County, public school officials issued a notice to district teachers saying they “cannot tutor children for private compensation if the same children are receiving instruction from them in FCPS schools (i.e., the children cannot be in their classes). That’s true for private tutoring or group instruction in any location.”⁹² The district also said pods raise equity concerns and is not allowing district-sponsored pods, saying, “We have received some requests from parents who would like to cluster groups or pods of students together with a specific teacher. From both a logistical perspective, and in the interest of educational equity, FCPS cannot accommodate such requests.”

While the district did not try to prevent parents from independently forming pods, the limitations on teacher activity is restrictive and should not be replicated elsewhere.

Washington | Regulation Alert

Existing Laws/Regulations: Washington homeschooling families must register annually with their local school district using a declaration of intent filed on or before September 15 or “within two weeks of the beginning of any public school quarter, trimester, or semester.”⁹³

New Regulatory Activity and Recommendations: Washington State’s Department of Health released a memo in October saying children in child care “can participate in small groups of children learning and studying together,” though no specifics were provided.⁹⁴

According to local media, parent-led learning pods “wouldn’t qualify as home schooling, since the parents aren’t all staying on site. With the kids being dropped off, it would be considered an unapproved private school until the pod gets state approval.”⁹⁵

West Virginia

Existing Laws/Regulations: West Virginia homeschool families must register with either their local school board or district superintendent.⁹⁶

⁹¹Virginia, “Private Schools & Home Schooling,” http://www.doe.virginia.gov/families/private_home/index.shtml.

⁹²Fairfax County Public Schools, “Message for Parents on Tutoring Pods,” August 7, 2020, <https://www.fcps.edu/blog/message-parents-tutoring-pods>.

⁹³Washington Office of Public Instruction, “Home-Based Instruction,” <https://www.k12.wa.us/student-success/learning-alternatives/home-based-instruction>.

⁹⁴Washington State Department of Children, Youth & Families, “Allowable Child Care for Children in Out-of-Home Placement During COVID-19,” <https://www.dcyf.wa.gov/sites/default/files/pdf/CW-ChildCare-COVIDOverview.pdf>.

⁹⁵Fox 28 Spokane, “Four Spokane Moms Form Learning Pod, Unenroll from Public School,” August 18, 2020, <https://fox28spokane.com/four-spokane-moms-form-learning-pod-unenroll-from-public-school/>.

⁹⁶U.S. Department of Education, “West Virginia Regulations: Private Schools,” June 7, 2013, <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/westvirginia.html>. See also Home School Legal Defense Association, “How to Comply with West Virginia’s Homeschool Law,” <https://hsllda.org/post/how-to-comply-with-west-virginia-s-homeschool-law>.

New Regulatory Activity and Recommendations: No additional guidance was found.

Wisconsin

Existing Laws/Regulations: Homeschool families in Wisconsin must register with their child's assigned school district.⁹⁷

New Regulatory Activity and Recommendations: No additional guidance was found.

Wyoming

Existing Laws/Regulations: Wyoming families must register with their local school board.⁹⁸ Relevant to learning pods, the Wyoming Department of Education specifies that a homeschool with more than one family would be considered a private school.⁹⁹

New Regulatory Activity and Recommendations: No additional guidance was found.

⁹⁷Wisconsin Department of Education, "Wisconsin Laws Relating to Home-Based Private Education Programs," <https://dpi.wi.gov/sites/default/files/imce/sms/pdf/home%20based%20statutes.pdf>.

⁹⁸Wyoming Department of Education, "FAQ Homeschooling," <https://1ddlxtt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wp-content/uploads/2020/08/2020-FAQ-Homeschooling.pdf>.

⁹⁹Wyoming Department of Education, "Home Schools," <https://edu.wyoming.gov/beyond-the-classroom/school-programs/home-schools/>.