



Guidelines for Home Instruction in Virginia

Information for Parents
Revised July 1, 2016

Virginia Department of Education
Office of Policy

Note: The Virginia Department of Education is not authorized to provide legal advice or legal opinions to parents, school divisions, or others. The information that follows is provided only as technical assistance or guidelines. Please contact your school division if you have questions about the home instruction process for your child, or an attorney if you need legal assistance. You will find contact links for all school divisions in Virginia on this Department's Web site at http://www.doe.virginia.gov/directories/school_divisions/division_info_by_divisions.shtml.

You will find this handbook on this Department's Web site at http://www.doe.virginia.gov/families/private_home/home_instruction/home-instruction-handbook.pdf.

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Introduction

In Virginia, parents must ensure that a child attends school in compliance with the state **compulsory attendance law** as specified in § [22.1-254](#) of the *Code of Virginia* when the child has reached his 5th birthday on or before September 30 of any school year and has not passed his 18th birthday. Parents who believe that a child is not mentally, physically, or emotionally prepared to attend school may inform the school board that they want to delay school attendance until the following year if the child has not reached his 6th birthday on or before September 30.

The compulsory attendance law permits a child subject to that law to attend a private or public school or receive an education through alternatives to school attendance outlined in state law unless the child is excused from attendance by a local school board, as stated in § [22.1-254](#) of the *Code of Virginia*.

Home instruction or home schooling is one alternative to school attendance. In Virginia “any parent, guardian, legal custodian, or other person having control or charge of a child” (§ [22.1-1](#) of the *Code of Virginia*) may provide home instruction as prescribed by § [22.1-254.1](#) of the *Code of Virginia*.

Section [22.1-262](#) of the *Code of Virginia* requires a school attendance officer to refer to a juvenile and domestic relations court (with the knowledge and approval of the school superintendent) any parent who fails to comply with the compulsory attendance law.

Other Options for Parents

Section [22.1-254](#) of the *Code of Virginia* allows parents to have their children taught by a **tutor** or a teacher who meets the teacher licensure qualifications prescribed by the Board of Education when that individual has been approved as a tutor by the school division superintendent. To meet the qualifications prescribed by the Board of Education, the tutor must have a valid Virginia teaching license in any area and may be a parent who meets the tutor qualifications.

Parents seeking a **religious exemption** must petition the school board and show that, by reason of bona fide religious training or belief, the pupil, together with his parents, is conscientiously opposed to attendance at school. The term bona fide religious training or belief “does not include essentially political, sociological, or philosophical views or a merely personal code.” (§ [22.1-254.B.1](#), *Code of Virginia*)

Parents interested in home instruction, tutoring, or religious exemption should contact their school superintendent’s office for information and assistance. You will find contact links for all of Virginia’s school divisions on the Virginia Department of Education’s Web site by clicking on the following link: [Contact Information for Virginia School Divisions](#).

Home Instruction Qualifications

As prescribed in § [22.1-254.1](#) of the *Code of Virginia*, any parent who elects to home instruct a child in lieu of school attendance must meet certain requirements annually.

A parent may home instruct a child if:

- I. The teaching parent holds a **high school diploma**. (Option I)

The parent must submit to the school superintendent documentation which shows that the parent has earned a high school diploma or a higher credential (e.g., a certificate, an associate's degree, a bachelor's degree, a master's degree, or a doctorate). A high school equivalency certificate (e.g., a GED) would not meet this requirement.

- II. The teaching parent **meets the qualifications for a teacher** prescribed by the Board of Education. (Option II)

To qualify under this option, the parent must hold a teaching license or a letter of eligibility for licensure in Virginia and submit it to the school superintendent.

- III. The teaching parent provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner. (Option III)

If the child is enrolled in a correspondence course or distance learning program, the parent must submit evidence of such enrollment and a list of the subjects to be studied for the coming year to the school division; however, no judgment of the materials is required of the school division superintendent. If the teaching parent provides a program of study or curriculum that is delivered through any other manner, a list of the courses to be studied for the coming year must be submitted to the school division. Submission of these materials is for information purposes only.

For driver education correspondence courses, the Virginia Department of Education approves these programs as specified in § [22.1-205](#), *Code of Virginia*. (See <http://www.dmv.virginia.gov/webdoc/citizen/drivers/homeschoolers.asp> for information about driver education correspondence programs for home schooled students.)

- IV. The teaching parent provides evidence that he or she is able to provide an adequate education for the child. (Option IV)

Evidence of a parent's ability to provide an adequate education is locally determined. Prior to submitting the notice of intent and other required documents, it is recommended that parents contact the local school division to determine what its requirements are for this option.

Parents may continue to use the Standards of Learning (SOL) objectives as a basis for their programs of study under any of the options in § [22.1-254.1.A](#), if they choose to do so. You will find information about the SOL objectives at http://www.doe.virginia.gov/testing/sol/standards_docs/index.shtml.

Considerations for Parents in Selecting a Correspondence Program or Distance Learning Program (Option III)

There are no Virginia statutory or regulatory requirements that govern a parent's selection of a correspondence school or a distance learning program. However, you may want to consider the following when selecting a correspondence course or distance learning program for your home schooled student:

- I. What organization operates the program.
- II. How long the school has been in operation.
- III. Whether the program meets the statutory or regulatory requirements of the state where it is located. Some states require state licensure, certification, approval, or registration. Some states provide no oversight.
- IV. Whether the correspondence school or distance learning program is accredited by recognized accrediting organizations. Although this state does not require accreditation of these courses or schools, accreditation by a recognized organization enhances the courses' or programs' accountability and credibility in the academic community and with the public. While the lack of accreditation does not necessarily indicate that a program is substandard, accredited courses usually must meet rigorous standards. Despite this, some programs choose to operate independently without accreditation.
- V. How long the school maintains student records and whether and how it provides transcripts.
- VI. Whether the program or school's philosophy meets your requirements.
- VII. Whether the curriculum meets your requirements.
- VIII. What the teacher's role is and whether it meets your needs.
- IX. Whether the school's teachers meet the teacher licensure requirements for its state of incorporation or if licensure is a state requirement.
- X. How frequently your child will have contact, if any, with a teacher.
- XI. Whether you or the teacher will monitor and grade the student's work.
- XII. Whether access to a computer is required and how it will be provided.
- XIII. Whether the program offers instant diplomas with substandard or no academic study. In some cases a diploma may be issued for a fee after limited or no study or limited or no testing. These diplomas are highly suspect and may not be accepted by the military, employers, or institutions of higher education.
- XIV. Whether the diploma issued will be accepted by employers, colleges and universities, the military, or others. You may want to speak with a military recruiter or call the admissions office of colleges or universities that you are interested in and ask about the admissions requirements for home schooled students.

If you are interested in transferring your child back into one of Virginia's public schools at some point, you will want to contact your local school division to discuss its transfer policy

and acceptance of transfer credits from these programs prior to making such transfer. (For additional information about the transfer process, see page 10 in this handbook.)

List of Subjects to be Studied during the Coming School Year

Effective July 1, 2012, the *Code of Virginia* reads as follows at § [22.1-254.1.B](#):

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year....

Annual Notice of Intent to Home Instruct

A parent who elects home instruction must notify the school division superintendent no later than August 15 of the intent to do so for the coming school year, provide a list of the subjects to be studied for the coming year, and provide evidence of having met one of the criteria described in § [22.1-254.1.A](#) of the *Code of Virginia* for providing home instruction. (See Home Instruction Qualifications in this handbook at page 5.)

Parents who move into the school division or begin home instruction after the school year has begun must notify the division superintendent of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within 30 days of such notice. (§ [22.1-254.1.B](#), *Code of Virginia*) This means that after providing the school division with a notice of intent, the parents can begin home schooling and they will have 30 days to submit the other required information to the school division.

The notice of intent to provide home instruction may be in the form of a letter **or** other written documentation and must identify the child or children involved. The Department has developed a model form, the *Notice of Intent to Provide Home Instruction*. A copy of this form is included in this handbook. In addition, a copy can also be found on the Department's Web site by clicking on the following: [Sample Notice of Intent Form](#). Parents may use this form to provide notice to the school division. Some school divisions also have model forms and other information on their Web sites. (Click on the following link, [Virginia School Division Web Sites](#), for Virginia's school division Web site locations.)

Evidence of Achievement

To comply with § [22.1-254.1](#) of the *Code of Virginia*, the parent is required to submit, by the following August 1, evidence of the child's academic achievement in one of the following ways:

1. Evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test; or an equivalent score on the ACT, SAT, or PSAT test; or
2. An evaluation or assessment which the school division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including, but not limited to:
 - (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or
 - (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

Students' score reports on the ACT, SAT, or PSAT test may not contain scores expressed in stanines. However, percentile scores are usually reported. A percentile score of 23 or above is equivalent to a score at or above the fourth stanine. Thus, students who obtain a national composite score at or above a percentile score of 23 have met the requirement for academic achievement.

While there are other tests and evaluations that may meet the requirements of this section of the law, this Department does not maintain a list of approved tests and evaluations. The Department of Education encourages parents to consult with school divisions and other resources such as home instruction parent organizations to determine which test or method of evaluation best meets their needs and provides sufficient information. This consultation is for information purposes only because a parent may use any nationally normed standardized achievement test as evidence of academic achievement or an ACT, SAT, or PSAT test.

Please note, however, that any evaluation or assessment provided must be sufficient to allow the division superintendent to determine that the child is achieving an adequate level of educational growth and progress.

If the parent does not provide the required evidence of progress, the superintendent may place the home instruction program on probation for one year. (For the purpose of this provision, "not provided" means either that no information is submitted or the child is not making satisfactory academic progress as determined by the results of testing or the results of an evaluation or assessment). If this happens, the parent will be required to file a remediation plan and evidence of the ability to provide an adequate education for the child. The superintendent must determine whether these submissions are adequate. The superintendent is not required to place the program on probation or accept the remediation

plan. However, if the plan and evidence are not accepted or the required evidence is not provided by August 1 following the probationary year, home instruction shall cease and the parent must make other arrangements that comply with the compulsory attendance law. (§ [22.1-254.1.C](#) of the *Code of Virginia*)

The evaluation requirement does not apply to children under the age of six as of September 30.

Appeals

Any party aggrieved by a decision of the division superintendent may appeal his or her decision to an independent hearing officer within 30 days of the decision by providing a written request for an appeal to the school division superintendent's office. The school division must contact the Supreme Court of Virginia, secure the name of a hearing officer, and notify the parent of the hearing officer's appointment. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings. (§ [22.1-254.1.E](#) of the *Code of Virginia*)

Immunization Requirements

Section [22.1-271.4](#) of the *Code of Virginia* requires that parents of students being taught at home or those excused from attendance under the provisions of § [22.1-254](#) or § [22.1-254.1](#) of the *Code* comply with the immunization requirements of § [32.1-46](#) of the *Code* in the same manner and to the same extent as if the child were enrolled in and attending school. School superintendents are not required to collect this information with the *Notice of Intent to Provide Home Instruction* but may do so at their discretion. Parents are required to provide the information upon request unless the parents submit an affidavit stating that immunization conflicts with their religious beliefs or the parents provide a doctor's statement indicating that one or more of the required immunizations is detrimental to the child's health. This statement must include the specific nature of the medical condition or circumstances that contraindicates immunization.

Part-Time Enrollment in Public Schools

Section [22.1-253.13:2.N](#) of the *Code of Virginia* allows school boards to permit part-time attendance of children receiving home instruction under the provisions of § [22.1-254.1](#) of the *Code of Virginia*. Home instructed part-time students may be allowed to enroll in classes in English, mathematics, science, history, social science, foreign language, career and technical education, health education, physical education, or fine arts. School divisions may count these students in Average Daily Membership (ADM) as long as the total number of part-time children enrolled does not exceed the number provided under the law (up to 0.5 of a student). School boards may permit students receiving home instruction to enroll in any other courses, but school divisions would not count these students in ADM. Parents are advised to check with local school divisions regarding this issue.

Children who are being tutored under the provisions of § [22.1-254](#) of the *Code of Virginia* or have received a religious exemption under those provisions are not eligible to enroll in a public school on a part-time basis.

While participation in certain interscholastic activities such as varsity sports is governed by policies of the [Virginia High School League](#) (VHSL), other extracurricular activities may be governed by school board policies. Please check with your local school division concerning its policies.

Transfer Provisions

This handbook has been revised to include relevant information from the Board of Education's [Regulations Establishing Standards for Accrediting Public Schools in Virginia](#) (SOA). These provisions impact any home schooled student who wishes to transfer back to a public school and wants to receive credit for courses taken while home schooled.

Section [22.1-253.13:4](#) of the *Code of Virginia* (Standard 4 of the Standards of Quality) requires local school boards to make provisions for students who transfer between secondary schools and from nonpublic schools or from home instruction as outlined in the SOA. The SOA provides:

Students transferring in grades K-8 from Virginia public schools or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education [VCPE] shall be given recognition for all grade-level work completed. The academic record of students transferring from all other schools shall be evaluated to determine appropriate grade placement in accordance with policies adopted by the local school board. ([8VAC20-131-60.A](#))

A secondary school shall accept credits toward graduation received from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the [VCPE]. ([8VAC20-131-60.D](#))

Information about the VCPE and its members can be found at <http://www.vcpe.org/>.

There is nothing in the regulations that prohibits public schools from accepting standard units of credit toward graduation awarded to students who transfer from other schools when the courses for which the student received credit generally match the description of or can be substituted for courses for which the receiving school gives standard credit, and the school from which the child transfers certifies that the courses for which credit is given meet the requirements of [8VAC20-131-110](#) (140 clock hours of instruction).

The SOA ([8VAC20-131-60.C](#)) also states: "Virginia public schools shall accept standard and verified units of credit from other Virginia public schools, Virginia's virtual learning program, Virtual Virginia...."

Parents who wish to transfer students from home instruction to a public school should contact the local school division for information about the transfer process. All school divisions should have policies regarding this process.

Summer School or Off-Site Instruction

Parents who have elected to home school their children (and have met the requirements of [§ 22.1-254.1](#)) are not subject to the SOA requirements for off-site instruction. However, some parents want to provide instruction in the home or off-site to students enrolled in public schools only during the school division's summer break or at other times for additional credits during the regular school year. This method of instruction is not considered home instruction and the parent does not have to meet the *Code* requirements for home instruction. However, as noted below, there are some restrictions on this practice.

With reference to off-site instruction, the SOA states:

Students may enroll in, and receive a standard and verified unit of credit for supervised correspondence courses with prior approval of the principal. Standard units of credit shall be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local school board. Verified units of credit may be earned when the student has passed the SOL test associated with the correspondence course completed. ([8VAC20-131-180.B](#))

In addition, the SOA ([8VAC20-131-180.C](#)) encourages schools “to pursue alternative means to deliver instruction to accommodate student needs through emerging technologies and other similar means.” For purposes of summer school or other off-site instruction, a parent who wishes to provide off-site instruction in the home, through emerging technologies and other similar means, should contact the school division for approval to do so to ensure that the student will receive the appropriate credit. This is not considered home instruction and the parent does not have to meet the *Code* requirements for home instruction.

Public school students who wish to take correspondence courses or participate in distance learning programs for school credit should discuss the public school's approval process with a school guidance counselor or the principal to ensure that the student receives the appropriate credit. These students are not considered to be home schooled and must meet the requirements of the SOA ([8VAC20-131-180](#)).

High School Graduation

State law requires school boards to award diplomas to students who have earned the units of credit prescribed by the Board of Education and meet such other requirements as may be prescribed by the school board and approved by the Board of Education. Typically, school boards do not award diplomas to students who are not enrolled in public schools under their supervision. Therefore, students taught at home may not receive diplomas unless those students are enrolled in a correspondence program or other program that awards a diploma

or other exiting credential. Some home instruction parent organizations and some correspondence schools offer graduation ceremonies, diplomas, and graduation rings. Parents and home-schooled students may want to check with those types of organizations about these matters.

Neither the Department nor public school divisions maintain any academic records, such as transcripts or diploma status, for students who have been home schooled. Thus, the Department cannot verify a home schooled student's high school graduation status for military recruiters, colleges, universities, technical schools, employers, or any other entity. With the parent's permission or the student's permission if the student has reached the age of 18, organizations or individuals may contact the relevant local school division for information as to whether the student completed the home instruction process.

Advanced Placement Tests and Preliminary Scholastic Aptitude Tests

Section [22.1-254.1.F](#) currently requires school boards to implement a plan to notify students who are home schooled and their parents about the availability of Advanced Placement (AP) and the Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students taking these examinations. School boards shall implement a plan to make AP and PSAT examinations available to students receiving home instruction. Parents may contact their local school divisions for additional information about these examinations.

New Legislative Changes

During the 2015 General Assembly session, several bills which impact home instruction were passed. [SB 1383](#) amended § [22.1-254.1](#) of the *Code of Virginia* to prohibit a division superintendent or local school board from disclosing to the Department of Education or any other person or entity outside of the local school division information provided by a student or parent for the purpose of notifying the superintendent that the student would be receiving home instruction or claiming a religious exemption from school attendance. That section of the *Code* was amended again by [SB 780](#) in 2016 to permit a division superintendent or local school board to disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. SB 1383 was effective July 1, 2015. SB 780 was effective July 1, 2016.

During the 2015 General Assembly session, [HB 1307](#) and [SB 1293](#) were passed by the House and Senate and signed by the Governor. These bills provided that neither the Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or receiving home instruction pursuant to § [22.1-254.1](#) of the *Code*, or his parent, to provide the student's federal social security number. Both HB 1307 and SB 1293 were effective August 1, 2015.

ADDITIONAL RESOURCES

The following organizations can assist parents with information regarding home instruction:

HOME EDUCATORS ASSOCIATION OF VIRGINIA

2100 W. Laburnum Ave.
Suite 108-A
Richmond, Virginia 23227
(804) 278-9200
(804) 278-9202 (Fax)
e-mail: info@heav.org
<http://www.heav.org/>

THE ORGANIZATION OF VIRGINIA HOMESCHOOLERS

Post Office Box 5131
Charlottesville, Virginia 22905
(866) 513-6173
e-mail: info@vahomeschoolers.org
www.VaHomeschoolers.org

ADDITIONAL ASSISTANCE

For general questions regarding home instruction, please contact the Department's Policy Office at 804-225-2092 or by e-mail at Policy@doe.virginia.gov

This Department does not maintain any information about testing for students who are homeschooled. For questions regarding **testing**, please contact your school superintendent's office, or its home instruction designee within your school division. You will find contact links for Virginia's school divisions by clicking on the following Department Web site link: [List of School Divisions in Virginia](#).

Questions regarding **special education** should be addressed to the Department's Division of Special Education and Student Services, at (804) 371-7420 or 1-800-422-2083 or you may call your school division's special education director. You will find a list of the special education directors for public school divisions in Virginia by clicking on the following link on the Department's Web site: [Listing of Special Education Directors in Virginia School Divisions](#).

Please contact the Department by telephone at 804-225-3300 or by e-mail at Instruction@doe.virginia.gov if you have general questions about **driver education** for home schooled students.

School boards in Planning District Eight (PD 8) are required to make a minimum 90-minute parent/student driver education component, included as part of the in-classroom portion of the driver education curriculum, available to all students and their parents or guardians who are in compliance with the [compulsory school attendance law](#). (§ [22.1-205.A](#) of the *Code of Virginia*)

PD 8 is composed of the counties of Arlington, Fairfax, Loudoun, and Prince William; the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and the towns of Dumfries, Herndon, Leesburg, Purcellville, and Vienna. If you live in this planning district and want more information about this requirement, please contact your local school division. You will find contact information for these school divisions on this Department's Web site at http://www.doe.virginia.gov/directories/school_divisions/division_info_by_divisions.shtml.

For information regarding the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, also known as the SOA or Standards for Accreditation, please click on the following link:
<http://www.doe.virginia.gov/boe/accreditation/index.shtml>.

The Department's mailing address is:

Virginia Department of Education

P.O. Box 2120

Richmond, VA 23218-2120

The **Department's Web site** is located at: <http://www.doe.virginia.gov>

Information about home instruction is found on the Department's Web site by clicking:
http://www.doe.virginia.gov/students_parents/private_home/index.shtml.

NOTICE OF INTENT TO PROVIDE HOME INSTRUCTION

DO NOT SUBMIT THIS FORM TO THE VIRGINIA DEPARTMENT OF EDUCATION.
PLEASE FORWARD THIS COMPLETED FORM TO YOUR LOCAL SCHOOL DIVISION.

Contact information for Virginia public school divisions can be found at the following address:

[List of School Divisions in Virginia.](#)

I am providing notice of my intention to provide home instruction for the child(ren) listed below as provided by [§ 22.1-254.1](#) of the *Code of Virginia*, in lieu of having them attend school for the school year 20____ - 20_____.

Name(s) of Child(ren)	Date of Birth	Grade Level
_____	_____	_____
_____	_____	_____
_____	_____	_____

I wish to be recognized as eligible to provide home instruction by selecting the option indicated below. (Check one below.)

- I have a high school diploma or a higher credential.**
(Attach a copy of the documentation that shows this.)
- I have the qualifications prescribed by the Board of Education for a teacher.**
(Attach a copy of a teaching license or a statement to this effect from the Virginia Department of Education.)
- I have provided a program of study or curriculum which is to be delivered through a correspondence course or a distance learning program or in some other manner.**
(Attach a notice of acceptance or other evidence of enrollment showing the name and address of the school and a list of subjects to be studied for the coming school year if the child is enrolled in a correspondence course or distance learning program. If you choose to provide a program of study or curriculum in some other manner as specified in the *Code*, a list of the subjects to be studied for the coming school year must be submitted to the school division.)
- I have attached to this notice a statement which describes why I am able to provide an adequate education for my child(ren).**
(Please contact your local school division to determine what its requirements are.)

As prescribed in [§ 22.1-254.1](#) of the *Code of Virginia*, I have included or will provide the school division with a description of the curriculum, limited to a list of subjects to be studied during the coming school year, and evidence of having met one of the above criteria along with this Notice by August 15 of each year. If I begin home instruction after the school year has started, I will submit this Notice as soon as practicable and comply with the other requirements within 30 days of this Notice to the school division.

I understand that by August 1 following this school year, I must provide evidence of educational achievement as prescribed in [§ 22.1-254.1](#) of the *Code of Virginia*, which defines the requirements for home instruction.

I hereby certify that I am the parent or guardian of the child(ren) listed above.

Parent/Guardian Signature _____ Date _____

Name and Address _____
(Please print or type.) _____

