

Home School Frequently Asked Questions

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Note: This document was adapted from the frequently asked questions developed by the Virginia Department of Education.

I want to home school my child. If I do this, am I in compliance with the compulsory attendance law in Virginia?

Yes, you are in compliance with the compulsory attendance law (§ 22.1-254) if you have met all of the requirements of the Code of Virginia governing home instruction.

How do I begin the process, if I am a parent who wants to home school my child?

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.

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. While it is not required that the school division's Notice of Intent to Provide Home Instruction form be utilized, a downloadable copy is available for your convenience on the school division's website. Parents may use this form to provide notice to the school division.

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.

Who is eligible to provide home schooling in Virginia?

As prescribed in § 22.1-254.1 of the Va. Code, any parent may home instruct a child in lieu of school attendance if certain requirements are met annually. In Virginia "any parent, guardian, legal custodian, or other person having control or charge of a child" (§ 22.1-1 of the Va. Code) may provide home instruction as prescribed by § 22.1-254.1 of the Va. Code.

Effective July 1, 2008, a parent may home instruct a child if:

I. The teaching parent holds a high school diploma or higher credential.

The parent must submit to the school division superintendent documentation that shows 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) will not meet this requirement. The parent also is required to provide the school division with a description of the curriculum to be followed. *As amended, effective July 1, 2012, the Home Instruction statute (§ 22.1-254.1B) specifies that the curriculum description is to be limited to a list of subjects to be studied during the coming year.* Scope and sequence, lesson plans, textbook tables of content and other detailed curriculum information is not required. Submission of the curriculum materials is for information purposes only. The school division superintendent is not required to evaluate or judge the curriculum.

II. The teaching parent meets the qualifications for a teacher prescribed by the Board of Education.

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 division superintendent. The parent is required to provide to the school division a description of the curriculum to be followed. *Effective July 1, 2012, the Home Instruction statute (§ 22.1-254.1B) specifies that the curriculum description is to be limited to a list of subjects to be studied during the year.* However, the school division superintendent is not required to evaluate or judge the curriculum. Submission of the latter materials is for information purposes only.

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.

Pursuant to HB 767 passed during the 2008 General Assembly Session and approved by the Governor, parents are no longer required to use correspondence courses approved by the Superintendent of Public Instruction to meet this option. If the child is enrolled in a correspondence course or distance learning program, the parent must provide evidence of such enrollment and a list of the courses the child is enrolled in. 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. No judgment of the program, courses or curriculum is required of the school division Superintendent. 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 the parent is able to provide an adequate education for the child (§ 22.1-254.1.A).

Evidence of a parent's ability to provide an adequate education is locally determined. "To assess a parent's ability to provide an adequate education, the school division superintendent should determine whether the information submitted exhibits a mastery of language by the writer; whether it includes plans for instructional activities; and whether it presents a reasonable scope and sequence of content that shows a broad overview of what the parent plans to teach the child during the school year." No judgment of the materials is required of the school division superintendent. Submission of these materials is for information purposes only.

HB 767, referenced above, also deleted an option that allowed parents to provide a program of study or curriculum which in the judgment of the division superintendent included the Standards of Learning (SOL) objectives adopted by the Board of Education for language arts and mathematics. Parents may continue to use the SOL objectives as a basis for their program of study or curriculum under any of the options in § 22.1-254.1.A., as of July 1, 2008, local school division superintendents no longer have to review the program of study or curriculum provided to ensure that it contains the SOL for language arts and mathematics. You will find information about the SOL objectives at http://www.doe.virginia.gov/testing/sol/standards_docs/.

How do I select a correspondence school or distance-learning program for my homeschooled student?

Effective July 1, 2008, the Superintendent of Public Instruction is no longer required to approve correspondence courses in Virginia pursuant to § 22.1-254.1 of the Va. Code, as amended during the 2008 General Assembly Session (See HB 767). Therefore, the Virginia Department of Education (VDOE) no longer requires correspondence programs to submit materials for approval unless the program offered is a driver education correspondence program as specified in § 22.1-205. The Virginia Department of Education has provided a list of "Considerations for Parents in Selecting a Correspondence Program or Distance Learning Program" (a list of these considerations can be found in the Guidelines for Home Instruction in Virginia: Information for Parents Manual, page 5).

What must I provide to the school division to show that my child has made academic progress during the school year?

To comply with § 22.1-254.1 of the Va. Code, 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
2. An evaluation or assessment that the school division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress.

During the 2008 General Assembly Session, HB 1183 was passed to clarify what could be used to meet the evaluation or assessment requirement in section two above. New language in the Code allows parents additional options “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.” The amended law clarifies that these are acceptable options but maintains the requirement that the division superintendent determine that the child is achieving an adequate level of educational growth and progress.

Although there are numerous tests and evaluations that may meet the requirements of this section of the law, neither Henrico County Schools nor the Virginia Department of Education, maintains a list of approved tests and evaluations. Parents are encouraged to consult with other resources such as parent home instruction organizations to determine which test or method of evaluation best meets their needs and provides sufficient information.

What happens if I don’t provide the evidence of academic progress?

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 the parent does not provide the required evidence of progress, the school division superintendent may place the home instruction program on probation for one year. 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 school division superintendent is not required to place the program on probation or accept the remediation plan. 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. The evaluation requirement does not apply to children under the age of six as of September 30 of the school year (§ 22.1-254.1.C).

7. Can I appeal the school division superintendent's decision to place my homeschooling program on probation?

Yes. Any party aggrieved by a decision of the school division superintendent may appeal his or her decision regarding the home instruction program 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).

Does a child who is home schooled have to meet the immunization requirements?

Section § 22.1-271.4 of the Va. Code requires that all students being taught at home or those excused from attendance under the provisions of § 22.1-254 or § 22.1-254.1 comply with the immunization requirements of § 32.1-46 in the same manner and to the same extent as if the child were enrolled in and attending school. School division 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 tenets or practices or the parents provide a doctor's statement indicating that one or more of the required immunizations is detrimental to the child's health, and indicating the specific nature of the medical condition or circumstances that contraindicates immunization.

What is required if I want to seek a religious exemption to school attendance for my child?

Local school boards are required to excuse from attendance a pupil who, together with his parents, by reason of bona fide religious training or belief, 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). Parents interested in seeking a religious exemption should contact their school division superintendent's office for information and assistance. The approval for a religious exemption is handled at the local level. Information pertaining to the procedure to follow in filing for religious exemption can be accessed through the school division's home School website (see Procedure for filing for Religious Exemption link).

Can I hire a tutor to teach my child at home in lieu of school attendance?

Yes. Tutoring is another option available to parents who want to provide their children's education themselves. 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.

My child has an IEP for speech and language services, is he entitled to received speech services, as a homeschooled student?

The Individuals with Disabilities Education Act (IDEA) requires that all children with disabilities have access to a free and appropriate public education designed to meet their individual needs in conformity with the child's Individualized Education Program (IEP). Children receiving home instruction are entitled to receive related services provided by the school division for which they are eligible. To seek services, the parent should contact the Exceptional Education department within the local school division.

What process must I follow if I decide to transfer my child back into a public school?

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). Moreover, 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 requirement of 8VAC20-131-110 (140 clock hours of instruction). During the 2009 General Assembly Session, § 22.1-253.13:4 of the Code was amended to provide that “course credits earned for online courses taken in the [Virginia] Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation.” In addition, 8VAC20- 131-60.C of the revised SOA provides “Virginia public schools shall accept standard and verified units of credit from... Virginia’s virtual learning program, Virtual

Virginia....”

How can I learn more about home schooling in Virginia?

For general questions regarding home instruction, please contact the VDOE Policy Office at 804-225-2092 or by email at Policy@doe.virginia.gov. Additional information about home instruction is found on the Virginia Department of Education’s Web site at http://www.doe.virginia.gov/students_parents/private_home/index.shtml.

HOME EDUCATORS ASSOCIATION OF VIRGINIA

2248 G Dabney Road Richmond, Virginia 23230 (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.