

HOME SCHOOLING INSTRUCTION

I. ELIGIBILITY FOR HOME INSTRUCTION

When the requirements of Virginia Code § 22.1-254.1 are satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he/she:

- i. holds a high school diploma;
- ii. is a teacher of qualifications prescribed by the Board of Education;
- iii. provides the child with a program of study or description of the curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or
- iv. provides evidence that he/she is able to provide an adequate education for the child.

~~A “description of the curriculum” is a broad overview of what the parent plans to teach the child in each course during the coming school year. Parents may use a narrative or an outline format in providing this information. However, the parents do not have to provide daily, weekly, or monthly lesson plans to meet this requirement.~~

Commented [LM1]: This is what the HEAV has explicitly reached out to us about.

For the purposes of this policy, “parent” means the biological or adoptive parent, guardian, or other person having control or charge of a child.

II. NOTIFICATION BY PARENTS

Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the Superintendent/Designee no later than August 15th of ~~his/her~~ their 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 and evidence of having met one of the criteria for providing home instruction. Any parent who moves into the division or begins home instruction after the school year has begun shall notify the Superintendent/Designee of his/her intention to provide home instruction as soon as practicable and shall comply with the requirements of this policy within thirty (30) days of such notice. The Superintendent/ Designee shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

III. EVIDENCE OF PROGRESS

A parent who elects to provide home instruction pursuant to this policy shall provide the Superintendent/Designee by August 1 following the school year in which the child has received home instruction with either:

(i) evidence that the child has attained a composite score in or above the fourth stanine (a percentile score of 23 or above is equivalent to a score at or above the fourth stanine) on any nationally normed standardized achievement test; or

(ii) an evaluation or assessment which the Superintendent/Designee 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.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the Superintendent/Designee evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the Superintendent/Designee, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with Virginia Code § 22.1-254.

IV. IMMUNIZATIONS

Any parent, guardian or other person having control or charge of a child being home instructed, exempted or excused from school attendance shall comply with the immunization requirements provided in Virginia Code § 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Upon request by the Superintendent/Designee, the parent shall submit to the Superintendent/Designee documentary proof of immunization in compliance with Virginia Code § 32.1-46.

No proof of immunization shall be required of any child upon submission of: (i) an affidavit to the Superintendent/Designee stating that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices, or (ii) a written certification from a licensed physician or nurse practitioner that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

V. NOTIFICATION TO PARENTS

Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) and PreACT examinations are available to students receiving home instruction pursuant to Va. Code §22.1-254.1. The superintendent/designee establishes a schedule identifying the dates by which students receiving home instruction must register to participate in such examinations. The superintendent/designee notifies students receiving home instruction and their parents of the registration deadlines and the availability of financial assistance to low-income ~~and needy~~ students to take such examinations.

VI. DISCLOSURE OF INFORMATION

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this policy or subdivision B 1 of Va. Code § 22.1-254. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the division receiving home instruction.

VII. JROTC MEMBERSHIP FOR HOMESCHOOLED STUDENTS

Homeschooled students who reside in the division and who are otherwise eligible for membership in a Junior Reserve Officers' Training Corp (JROTC) unit maintained by a secondary school but for their lack of enrollment in the division are permitted to be members of the unit.

Homeschooled students who are members in the division's JROTC units must comply with behavioral, disciplinary, attendance and other rules applicable to all students, including rules governing the use of the division's computer systems. If a student fails to comply, the school may withhold credit and/or terminate the student's participation in addition to taking any disciplinary action that would be taken against a full-time student for similar conduct.

Adopted: July 1, 1993
Amended: July 24, 1995; April 12, 1999, September 23, 2004; June 28, 2007; August 14, 2008; September 13, 2012; August 13, 2015; October 12, 2017

Legal Refs.: 10 U.S.C. § 2031

Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-2952.2.

Pollard v. Goochland County School Board, No. 3:00CV563 (E.D. Va. Sept. 27, 2001).

Cross Ref.: IIBE, Acceptable Use of Technology

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JFC, Student Conduct
JO, Student Records

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