

## **Home Instruction Frequently Asked Questions Effective August 1, 2009**

**Note:** The Department of Education is not authorized to provide legal advice or legal opinions to parents, school divisions, or others. The information below is provided only as technical assistance or guidelines. Please contact an attorney if you need legal assistance.

### **1. 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.

### **2. 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.**

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. However, the school division superintendent is not required to evaluate or judge the curriculum. Submission of the curriculum materials is for information purposes only.

#### **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. 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 submit evidence of such enrollment and a copy of the program of study or curriculum 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 copy of the program of study or curriculum must be submitted to the school division. Submission of these materials is for information purposes only.

See question #4 for additional information about correspondence courses and distance learning.

IV. The teaching parent provides evidence that the parent is able to provide an adequate education for the child. ([§ 22.1-254.1.A](#))

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. Parents must provide a copy of the description of a curriculum to meet this option; however, 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. However, 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/VDOE/Instruction/sol.html>.

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

A parent who elects to home instruct must: 1) notify the school division superintendent no later than August 15 of the intent to do so for the coming school year; 2) provide a description of the curriculum to be followed for the coming year; and 3) provide evidence of having met one of the criteria described in question #2 above for providing home instruction. Parents who move into the school division or begin home instruction after the school year has begun must notify the school 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 this notice. ([§ 22.1-254.1.B](#)) This means that after providing the school division with a notice of intent, these parents can begin home instruction and they will have 30 days from the date notice is provided to the school division to submit the other required information to the school division.

The notice of intent may be in the form of a letter **or** other written document and must identify the child or children involved. You will find a copy of the department's model form, the *Notice of Intent to Provide Home Instruction*, on the department's Web site at <http://www.doe.virginia.gov/VDOE/Parents/sample-notice-of-intent.pdf>. Parents may use this form to provide notice to the school division. Some school divisions also have model forms and other information about home schooling on their Web sites. (See <http://www.doe.virginia.gov/Div/index.html#Schl> for Virginia's school division Web site locations.)

#### **4. How do I select a correspondence school or distance learning program for my home schooled 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) will no longer require correspondence programs to submit materials for approval unless the program offered is a driver education correspondence program as specified in [§ 22.1-205](#). (See <http://www.dmv.virginia.gov/webdoc/citizen/drivers/homeschoolers.asp> for information about driver education correspondence programs for home schooled students.) In addition, the department will no longer maintain a list of approved correspondence programs on its Web site. This change will provide greater flexibility for parents, streamline the course selection process for them, and allow them to use a correspondence school or the distance learning program of their choice.

Although there are no statutory or regulatory requirements that govern a parent's selection of a correspondence school or a distance learning program, 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. (See <http://www.ed.gov/about/bdscomm/list/hiedfuture/reports/recognized-organizations.pdf> for a list of accrediting organizations recognized by the United States Department of Education.)

- V. How long the school maintains student records and whether and how it provides transcripts. The VDOE does not maintain transcripts or diploma information for home schooled students and cannot validate high school graduation for these students.
- 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 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.
- 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, or the military. 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. (See question #13 for additional information about the Virginia school transfer requirements.)

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. These students are not considered to be home schooled and must meet the requirements of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) at [8VAC20-131-180](#).

##### **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 which 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.”

Although not specified in the current law, these provisions are already being used by some parents to meet the requirement for evidence of academic progress. 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, the department does not maintain a list of approved tests and evaluations. The VDOE encourages parents to consult with their school division and other resources such as parent home instruction 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. Please note, however, that the evaluation or assessment referenced must be sufficient to allow the school division superintendent to determine that the child is achieving an adequate level of educational growth and progress.

## **6. 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](#). ([§ 22.1-254.1.C](#))

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 home schooling 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](#))

## **8. 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.

## **9. 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.

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

Tutoring is another option available to parents who want to provide their children's education themselves. Section [22.1-254.A](#) 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. The tutor must have a valid Virginia teaching license in any area and may be a parent who meets the tutor qualifications.

Parents interested in tutoring should contact their school division superintendent's office for information and assistance. The approval for a tutor is handled at the local level.

**11. If I home school my child, can I enroll my child in a public school on a part-time basis?**

Section [22.1-253.13:2.N](#) of the Va. Code allows school boards to permit part-time attendance of children receiving home instruction under the provisions of [§ 22.1-254.1](#) of the Va. Code. Home instructed part-time students may be allowed to enroll in classes in English, mathematics, science, history, social science, foreign language, career and technical (vocational) 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 do not exceed the number provided under the law (0.25 of a student up to a total of 0.5 per 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](#) or have received a religious exemption under those provisions are not eligible to enroll in a public school on a part-time basis.

**12. If my child is enrolled in a public school on a part-time basis, can the child participate in extracurricular activities?**

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

**13. 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 Va. Code (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.A](#) (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...”

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.

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

#### **14. How can I learn more about home schooling in Virginia?**

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

**HOME EDUCATORS ASSOCIATION OF VIRGINIA**

2248 G Dabney Road  
Richmond, Virginia 23230  
(804) 278-9200  
(804) 278-9202 (Fax)  
e-mail: [info@heav.com](mailto:info@heav.com)  
<http://www.heav.org/>

**THE ORGANIZATION OF VIRGINIA HOMESCHOOLERS**

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

For general questions regarding home instruction, please contact the VDOE Policy Office at 804-225-2092 or by email at [Policy@doe.virginia.gov](mailto:Policy@doe.virginia.gov). Additional information

about home instruction is found on the VDOE's Web site at <http://www.pen.k12.va.us/VDOE/Parents/index.html> - [homeinstruction](#).

For questions regarding driver education for students who are home schooled, please contact the department at 804-225-3300 or by e-mail at [Instruction@doe.virginia.gov](mailto:Instruction@doe.virginia.gov).

For questions regarding testing or assessments, please contact your school division superintendent's office, or its home instruction designee within your school division. You will find directory information for Virginia's school divisions on the department's Web site at:

<https://p1pe.doe.virginia.gov/edudirectory/divisionList.do>.

Questions regarding special education should be addressed to the 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 schools in Virginia on the department's Web site at <http://www.pen.k12.va.us/VDOE/Instruction/Sped/leadir.pdf>.

For information about **2008 legislation impacting home instruction**, please click on the following link: [2008 Superintendent's Memo Regarding Home Instruction](#) . This is the most recent guidance and it supersedes all others.

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/VDOE/Accountability/soa.html>.

The department's mailing address is:

**Virginia Department of Education**  
**P.O. Box 2120**  
**Richmond, VA 23218-2120**

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

This document, **Home Instruction - Frequently Asked Questions** is located on the department's Web site at <http://www.doe.virginia.gov/VDOE/Parents/home-instruction-faq.pdf>.