**VIRGINIA HOMESCHOOL LAWS**

**FOUR OPTIONS AVAILABLE FOR HOME INSTRUCTION**

1. **OPT-OUT PROVISION**
   - **(all parents)**
   - §22.1-254(H)(S)
   - Applies to any child not six by September 30.
   - Notify school board that you do not wish your child to attend school until the following year.
   - Delay or begin teaching. No testing required if child is not six by September 30.
   - File a Notice of Intent the following year for homeschool kindergarten or 1st grade.

2. **CERTIFIED TUTOR**
   - **(parent or non-parent)**
   - §22.1-254(A)
   - Write letter and include copy of current Virginia certification, teaching license, or letter of eligibility and names of students.
   - Tutor sends letter to local division superintendent for approval.
   - Submit again only after license renewal.

3. **RELIGIOUS EXEMPTION**
   - **(pupil with parent)**
   - §22.1-254(B)(l)
   - "A school board shall excuse from attendance at school any pupil who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school."
   - Reasons cannot include political, sociological, or philosophical views, or personal moral code.
   - Begin teaching. No testing required.

4. **HOMESCHOOL STATUTE**
   - **(parent, legal guardian)**
   - §22.1-254.1
   - Send a "Notice of Intent" form or letter to the division superintendent by August 15 each year.
   - Choose one of the four options listed in the next section under "Homeschool Statute."

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All parents must comply with immunization requirements and maintain records at home according to §22.1-271-4. Exemptions for religious or medical reasons are available.

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*Refer to the “Virginia Law” section at www.heav.org for more details. Membership in Home School Legal Defense (HSLDA) is suggested.*

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Submit Notice of Intent to Provide Home Instruction form or personal letter to the division superintendent by August 15, with evidence of compliance with one of the following four options in §22.1-254.1(A):

- **OPTION I**
  - High School Diploma (either parent)
  - Include copy of diploma or transcript or higher degree with Notice of Intent form.
  - Include a description of curriculum limited to a list of subjects to be studied during the coming year. Description not subject to approval. (§22.1-254.1(B))

- **OPTION II**
  - Certified Tutor (either parent)
  - Include copy of current Virginia teacher certification, Virginia teaching license, or letter of eligibility with Notice of Intent form or letter.
  - Include a description of curriculum limited to a list of subjects to be studied during the coming year. Description not subject to approval. (§22.1-254.1(B))

- **OPTION III**
  - Provide a Program of Study or Curriculum
  - Program or curriculum may be delivered through a correspondence course, distance learning program, or in any other manner.
  - Include proof of correspondence course or distance learning program (receipt, canceled check, letter, etc.).
  - Include a description of curriculum limited to a list of subjects to be studied during the coming year. Description not subject to approval. (§22.1-254.1(B))

- **OPTION IV**
  - Provide Evidence of Ability to Educate
  - Include a letter with a statement describing why you are able to provide an adequate education for your child.
  - The superintendent will determine your ability to educate based on correct grammar, punctuation, and spelling, not philosophy or other reasons.
  - Include a description of curriculum limited to a list of subjects to be studied during the coming year. Description not subject to approval. (§22.1-254.1(B))

By August 1 each year after homeschooling, send a copy of test results or an evaluation letter to the division superintendent.

*DO NOT SUBMIT MORE INFORMATION THAN IS REQUIRED BY LAW.*

When complying with the statute, HEAV encourages parents to use the least intrusive methods of compliance that are acceptable to your superintendent. The flow chart above describes several methods that have satisfied superintendents' requirements.

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VIRGINIA HOMESCHOOL LAWS

TEST OR EVALUATION §22.1-254.1(C)*

Achievement Test

Parents may choose any nationally normed standardized achievement test OR provide an equivalent score on the ACT, SAT, or PSAT.

Parents choose tester and location. Pre-approval is not required.

Only the basic battery is required (composite score for language arts and mathematics).

Student must score in or above the 4th stanine (23rd percentile or higher).

Test costs are parent’s responsibility. Parent can administer some tests.

Scores are sent to the parent to submit to the superintendent.

Evaluation or Assessment

Independent Evaluation including but not limited to the following:

Evaluation letter from a licensed teacher in any state, OR

Evaluation letter from person with master’s degree or higher in an academic discipline, OR

Report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

Parent is responsible to send the evaluation letter or report to the division superintendent.

Division superintendent determines if adequate growth and progress as been made.

Portfolio Evaluation

Parent may submit a portfolio to a qualified evaluator who will review & submit a written letter to the parent.

The portfolio may include samples of the student’s work, photographs, a student interview, or other documentation of educational progress.

OR an evaluator may develop a criterion referenced test based on the student’s work.

Parent is responsible to send the evaluation letter to the division superintendent for review.

Division superintendent determines if adequate growth and progress have been made.

By August 1 each year after homeschooling, send a copy of the test results or an evaluation letter to the division superintendent.

*Assessment requirements do not apply to children who are under the age of six as of September 30 when the school year begins (§22.1-254.1(C))

If evidence of progress is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents must file with the division superintendent evidence of their ability to provide an adequate education and a remediation plan for the probationary year indicating they will be addressing any educational deficiencies. Upon acceptance of the plan, home instruction may continue for one year. If the plan and evidence are not accepted or the evidence or progress is not provided by August 1 following the probationary year, home instruction shall cease. §22.1-254.1(C)