



HEAV Home Instruction Model Policy

Purpose and Authority

This policy directs the requirements and procedures governing home instruction, as mandated by and consistent with U.S. and Virginia Code.

Definition

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

Criteria for Providing Home Instruction

When the requirements of § 22.1-254.1 (home instruction) have been satisfied, instruction of children by their parents is an acceptable 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 if the parent:

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

Annual Notification of Intent to Provide Home Instruction

Any parent who elects to provide home instruction shall:

- A. Annually notify the division superintendent no later than August 15 of their intention to so instruct the child;
- B. Provide a description of the curriculum, limited to a list of subjects to be studied during the coming year; and
- C. Provide evidence of having met one of the criteria for providing home instruction as required by § 22.1-254.1(A).

Exceptions: New Residents and Beginning Mid-Year

Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of their intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of § 22.1-254.1(A) within 30 days of such notice.

Annual Evidence of Progress

In accordance with § 22.1-254.1(C), the parent who elects to provide home instruction shall provide to the division superintendent, by August 1 following the school year in which the child has received home instruction, one of the following:

(i) 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

(ii) an evaluation or assessment that the 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 an institution of higher education, college distance learning program, or home-education correspondence school.

No evidence of progress is required when the student:

(i) is under the age of six as of September 30 of the school year;

(ii) has passed their 18th birthday; or

(iii) has obtained a high school diploma or its equivalent.

In the event that evidence of progress as required in § 22.1-254.1(C) is not provided by the parent, the home instruction program for that child may be placed on probation for one year. If probation is assigned, parents shall:

A. File with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with § 22.1-254.1(A); and

B. Provide a remediation plan for the probationary year that indicates their program is designed to address any educational deficiency.

Upon acceptance of such evidence and plan by the division superintendent, 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 that comply with § 22.1-254.

Right to Appeal

Any party aggrieved by a decision of the division superintendent may appeal the decision within 30 days to an independent hearing officer.

The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with their findings.

Availability and Notification of High School Examinations

School boards shall:

A. Make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section;

B. Adopt written policies that specify the date by which such students shall register to participate in such examinations; and

C. Notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

Participation in Junior Reserve Officers' Training Corps (JROTC)

Pursuant to 10 U.S. Code § 2031(g)(1), home-instructed students who reside in the division who are otherwise eligible (but for their lack of enrollment in the division) for membership in a Junior Reserve Officers' Training Corp (JROTC) unit maintained by a secondary school shall be permitted to be members of the unit.

Requesting Private Immunization Records

No submission of immunization records is required to comply with § 22.1-254.1 (home instruction); however, in accordance with § 22.1-271.4, upon request by the division superintendent, parents of home-instructed, exempted, and excused children must submit to such division superintendent documentary proof of immunization in compliance with § 32.1-46.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the division superintendent 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, licensed advanced practice registered nurse, or local health department 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.

State Privacy Law on Disclosure of Information

In accordance with § 22.1-254.1(G), no division superintendent or local 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 § 22.1-254.1 (home instruction) or subdivision B 1 of § 22.1-254 (religious exemption).

However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent.

Nothing in § 22.1-254.1(G) shall prohibit a division superintendent from notifying the state Superintendent of Public Instruction of the number of students in the school division receiving home instruction as required by § 22.1-254.1(B).

Religious Exemption Option

Nothing in § 22.1-254.1 shall prohibit a pupil and his or her parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

Legal References:

Federal: 10 U.S.C. § 2031

State: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46