

Virginia Homeschool Laws

Who is required to attend school? § 22.1-254 (A), § 22.1-254 (H) (5)

A child who will be five years old on or before September 30, and who has not passed his eighteenth birthday, must attend school.

Exceptions: If a child is not yet six on or before September 30, **and** the parents notify the school board they do not want him to attend school until the following year, because in the parent's opinion he is not mentally, physically, or emotionally prepared for school, the parents may delay the child's attendance for one year. The following year, the parents may register the six-year-old as either a homeschool kindergartner or a homeschool first-grader.

A student who has completed his prescribed course of study (i.e., has graduated) is exempt from compulsory attendance.

What schooling options are available? § 22.1-254 (A), § 22.1-254 (B) (1), § 22.1-254.1

Parents may choose one of the following educational options:

1. Public, private, denominational, or parochial school
2. Instruction by a tutor or teacher
 - A child may be taught in or out of his home by a Virginia-certified teacher (either his parent or another teacher) whose qualifications are approved by the superintendent.
 - The requirements of the homeschool statute do not apply (i.e., curriculum description, or annual testing or evaluation).
3. Home education
 - The instruction of a child by his parent, guardian, or other person having control or charge of the child is an acceptable form of education; compliance with the homeschooling statute is required.
 - An individual homeschool shall not be classified as a private, denominational, or parochial school.
4. Religious exemption
 - A school board shall excuse a child from attendance at school because of *bona fide* religious training or belief.
 - Parents must have sincere religious beliefs and be conscientiously opposed to attendance at school.
 - Bona fide religious beliefs do not include essentially political, sociological, or philosophical views, or a merely personal moral code.
 - The child is exempt from all compulsory attendance requirements, including homeschool requirements.
 - Religious exemption applies only to children who are of compulsory school age (ages 5 to 18).

What requirements must be fulfilled in order to homeschool under the homeschool statute? § 22.1-254.1 (A)

1. A parent (either custodial parent) must notify the division superintendent by August 15 that he has met *one* of the following four options:
 - (i) Holds a high school diploma
 - (ii) Is a teacher of qualifications prescribed by the Board of Education (Virginia-certified teacher)
 - (iii) Provides a program of study or curriculum delivered through a correspondence course, distance-learning program, or in another manner
 - (iv) Provides evidence that he is able to provide an adequate education for the child
 2. For any option chosen above, parents must submit a description of curriculum, limited to a list of subjects to be studied during the coming year.
 3. After each year of homeschooling, parents are required to provide evidence of academic achievement no later than August 1. They may submit either the results of a standardized achievement test, or an evaluation or assessment by which the division superintendent can determine whether the child is making adequate progress.
- § 22.1- 254.1 (C)
- Parents may choose ANY nationally normed standardized achievement test. They must provide evidence the child has attained a composite score in or above the fourth stanine (i.e., 23 percentile or higher.) A composite score is made up of the mathematics and language arts portions of an achievement test. A student is not required to take other sections of the test.
 - Parents may provide an equivalent score on the ACT, SAT, or PSAT test.
 - Alternatively, parents may opt to submit an evaluation or assessment to the division superintendent who will then determine if the child is achieving an adequate level of educational growth and progress. This may include—but is not limited to—an evaluation letter from a person licensed to teach in any state, or from a

person with a master's degree or higher in an academic discipline; or a report card or transcript from a community college, college distance-learning program, or home-education correspondence school.

- The homeschool statute does not require that the test, test administrator, or evaluator be pre-approved.
- If the parent does not provide evidence of progress, home education may be placed on probation for one year. If a parent's homeschool program is on probation, a parent must file a remediation plan with the superintendent and provide evidence of his ability to provide an adequate education. If the plan is not accepted or progress is not made the following year, homeschooling must cease.

Exceptions: Evidence of progress is not required for the following students:

- Students who are not yet six years old on September 30 of the school year;
- Students who are religiously exempt;
- Students who are homeschooled under the certified tutor statute, §22.1-254 (A); or
- Students who have graduated, regardless of age. § 22.1-254 (A)

4. Homeschooling parents must comply with the immunization requirements in the same manner and to the same extent as that of a public school child. § 22.1-271.4 Immunization records are to be maintained by the parents at home.

Exceptions: Immunization exemptions are available for religious and health reasons (see “Virginia Immunization Requirements” in *The Virginia Homeschool Manual*, or at www.heav.org).

When and how do I notify that I plan to homeschool? § 22.1-254.1 (B)

The **local division superintendent** must be notified **by August 15 each year**.

- Parents may file a “Notice of Intent to Provide Home Instruction” form (available in *The Virginia Homeschool Manual*, or from www.heav.org), or send a personal letter that includes evidence of meeting one of the four homeschooling options.
- Parents who move into a school division, or who begin homeschooling after the school year has begun, must notify the superintendent of their intent to homeschool as soon as practical, and then comply with the statute within thirty days of notification.
- A parent may withdraw a child from public or private school to begin homeschooling anytime during the school year. When doing so, it may be prudent to notify the local school before withdrawing the child and after filing the Notice of Intent to Provide Home Instruction; this, however, is not required by law.

What if I disagree with a decision made by the superintendent? § 22.1-254.1(E)

Within thirty days, a parent may notify the division superintendent they want to appeal to an independent hearing officer. The hearing officer will apportion the cost of the hearing according to his findings.

What if I am educating my child at home because of religious beliefs? § 22.1-254.1 (D), § 22.1-254 (B) (1)

Nothing in the homeschool statute shall prohibit a student and his parents from claiming an exemption from school attendance because of *bona fide* religious training or belief.

- Parents choosing religious exemption may need to demonstrate to the local school board—through letter or testimony—that their convictions are genuine and based on religious beliefs, and make them opposed to attendance at school.
- Those under religious exemption are exempt from all requirements of compulsory education and the homeschool statute except immunization requirements.

Please contact HEAV for more information about religious exemption procedures.

*This information should not be construed as legal advice.
HEAV encourages all homeschoolers to seek legal counsel for specific applications of the law.*

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