



# Home Instruction in Virginia

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Information for Parents  
2007-2008

## Introduction

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In Virginia, parents must ensure that a child attends school in compliance with the state **compulsory attendance law** as specified in [§ 22.1-254](#) of the *Code of Virginia* when the child has reached his 5<sup>th</sup> birthday on or before September 30 of any school year and has not passed his 18<sup>th</sup> birthday. Parents who believe that a child is not mentally, physically, or emotionally prepared to attend school may inform the school board that they want to delay school attendance until the following year if the child has not reached his 6<sup>th</sup> birthday on or before September 30.

The compulsory attendance law permits a child subject to that law to attend a private or public school or receive an education through one of the other alternatives to school attendance outlined in state law unless the child falls within an exception, as designated by state law. Home instruction or home schooling is one alternative to school attendance. 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.

Section [22.1-262](#) of the *Code* requires a school attendance officer to refer to a juvenile and domestic relations court (with the knowledge and approval of the school superintendent) any parent who fails to comply with the compulsory attendance law.

## Other Options for Parents

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Section [22.1-254](#) 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. To meet the qualifications prescribed by the Board of Education, the tutor must have a valid Virginia teaching license in any area and may be a parent who meets the tutor qualifications.

Parents seeking a **religious exemption** must petition the school board and show that, by reason of bona fide religious training or belief, the pupil, together with his parents, 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 home instruction, tutoring, or religious exemption should contact their school superintendent’s office for information and assistance. You will find contact information for the superintendents of each of Virginia’s school divisions on this Department’s Web site by clicking on the following link: [Contact Information for Virginia School Divisions](#).

## Home Instruction Qualifications

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As prescribed in [§ 22.1-254.1](#) of the *Code*, any parent who elects to home instruct a child in lieu of school attendance must meet certain requirements annually.

A parent may home instruct a child if:

I. The teaching parent holds a **high school diploma**. (Option I)

The parent must submit to the school superintendent documentation which shows that 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) would not meet this requirement. The parent also is required to provide to the school division a description of the curriculum to be followed unless the parent has also chosen the correspondence school option. However, the 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. (Option II)

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 superintendent. The parent is required to provide to the school division a description of the curriculum to be followed unless the parent has also chosen the correspondence school option. However, the superintendent is not required to evaluate or judge the curriculum. Submission of the latter materials is for information purposes only.

III. The teaching parent enrolls the child or children in a **correspondence course** approved by the Superintendent of Public Instruction. (Option III)

The parent must submit evidence of enrollment; however, no judgment of the materials is required of the superintendent. When a parent selects this option, the parent is not required to submit a description of the curriculum, but must provide evidence of enrollment and a list of the courses in which the child is enrolled.

The Virginia Department of Education (VDOE) periodically publishes a list of schools offering approved academic courses satisfying the requirements of this option. (You can click on the following link to the Department's Web site, [Correspondence Courses Approved by the State of Virginia](#), for a copy of this list.) Requests for approval of courses offered by schools not on the list should be submitted to the Division of Policy and Communications at the VDOE.

Information about driver education programs for home schooled students can be found on the Virginia Department of Motor Vehicles Web site by clicking on the

following link, [Commonwealth of Virginia Department of Motor Vehicles](#). You will also find a [link](#) for a list of approved driver education correspondence courses on the DOE Web site.

- IV. The teaching parent “provides a **program of study or curriculum**, which, in the judgment of the division superintendent, includes the Standards of Learning objectives adopted by the Board of Education for language arts [English] and mathematics, or provides evidence that the parent is able to provide an adequate education for the child.” ([§ 22.1-254.1.A](#)) (Option IV)

Parents may satisfy this option by meeting either of its provisions. In reviewing a program of study or curriculum as referenced here, the school superintendent must use judgment to determine whether or not the program of study includes the required Standards of Learning objectives. To assess a parent’s ability to provide an adequate education, the 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 shows a broad overview of what the parent plans to teach the child during the school year.

### **Description of the Curriculum**

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The Code of Virginia reads as follows at [§ 22.1-254.1.B](#):

Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a **description of the curriculum** to be followed for the coming year....

How this is satisfied is a matter of local discretion and would be case-specific dependent upon what curriculum the parent chooses. Generally, the superintendent is not required to evaluate or judge the curriculum except to the extent that he ensures the parent has submitted a description of a curriculum as specified above. Submission of these materials is for information purposes only except as required in Option IV noted above where the school superintendent must determine whether the curriculum or program of study includes the required SOL objectives. Please keep in mind that the results of the evaluation of academic progress may be judged based on the curriculum description submitted by the parent.

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.

PLEASE REMEMBER THAT THE FOLLOWING SCENARIOS ARE JUST EXAMPLES AND PARENTS ARE NOT REQUIRED TO USE EITHER OF THESE FORMATS. WHILE SOME PARENTS MAY WANT TO PROVIDE THE LEVEL OF DETAIL FOUND IN THE SECOND EXAMPLE, OTHER PARENTS MAY NOT. IN ADDITION, PARENTS MAY USE OTHER FORMATS TO SATISFY THIS REQUIREMENT. FURTHERMORE, SCHOOL DIVISIONS MAY ALSO HAVE OTHER EXAMPLES THAT CAN BE PROVIDED TO PARENTS. PARENTS WHO HAVE QUESTIONS REGARDING THIS ISSUE SHOULD CONTACT THE LOCAL SCHOOL DIVISION.

To assist school divisions, the Department is providing the following examples that satisfy the requirement for a **description of the curriculum**:

1. U.S. History: 1877 to the Present - This course will provide the student with an understanding of the history of the United States from the end of Reconstruction to the present. The student will learn about the major political, economic, and social events impacting this country during this time period and examine the political, economic, and social challenges its citizens faced.
2. U.S. History: 1877 to the Present
  - I. This course will provide the student with an understanding of the history of the United States from the end of Reconstruction to the present.
  - II. The student will learn about the major political, economic, and social events impacting this country during this time period and examine the political, economic, and social challenges its citizens faced.
    - i. The student will review and understand events and life in this country.
    - ii. The student will review and understand maps of this country.
    - iii. The student will use maps, pictures, and tables to learn about this country's physical features.
    - iv. The student will learn about this country's natural resources, transportation, and industrial development.
  - III. The student will review and understand how life changed after the Civil War.
  - IV. The student will review and understand how the United States became involved in military conflicts with other countries during this period and the challenges the country faced during and after these wars.
  - V. The student will review and understand other issues that impacted this country during this time period.

The Standards of Learning (SOL) for Virginia Public Schools describe the expectations for student learning and achievement in grades K-12 in English, mathematics, science, history/social science, technology, the fine arts, foreign language, health and physical education, and driver education. While parents may use descriptive language and requirements from the Virginia [SOL](#), they are not required to do so except in part one of Option IV noted above where the parents must include SOL objectives for language arts (English) and mathematics. In addition, parents may provide sample tests or other work or a

list of resources or textbooks if they wish to submit them to the school division, but they are not required to do so.

## **Annual Notice of Intent to Home Instruct**

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A parent who elects home instruction must notify the school division superintendent no later than August 15 of the intent to do so for the coming school year, provide a description of the curriculum to be followed for the coming year (unless the parent is using a correspondence course from an approved school as provided for in Option III), and provide evidence of having met one of the criteria described in [§ 22.1-254.1.A](#) for providing home instruction. (See [Home Instruction Qualifications](#) in this handbook.) Parents who move into the school division or begin home instruction after the school year has begun must notify the superintendent of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within 30 days of such notice. ([§ 22.1-254.1.B](#)) This means that after providing the school division with a notice of intent, such parents can begin home schooling and they will have 30 days to submit the other required information to the school division.

The notice may be in the form of a letter **or** other written document and must identify the child or children involved. The VDOE has developed a form, the *Notice of Intent to Provide Home Instruction*. A copy of this form is included in this handbook. In addition, a copy can also be found on the Department's Web site by clicking on the following: [Sample Notice of Intent Form](#). Parents may use this form to provide notice to the school division. Some school divisions also have model forms and other information on their Web sites. (Click on the following link on the department's Web site, [Virginia School Division Websites](#), for Virginia's school division Web site locations.)

## **Evidence of Achievement**

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To comply with [§ 22.1-254.1.C](#) of the *Code*, the parent is required to submit, by August 1 immediately following the school year in which the child received home instruction, 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 division superintendent determines to indicate 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, this Department does not maintain a list of approved tests and evaluations. The Department of Education encourages parents to consult with school divisions and other resources such as home instruction parent 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 division

superintendent to determine that the child is achieving an adequate level of educational growth and progress.

If the parent does not provide the required evidence of progress, the superintendent may place the home instruction program on probation for one year. (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 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 superintendent must determine whether these submissions are adequate. The 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.

Additional Information on Academic Progress - School divisions and parents may use various methods to determine whether a home schooled student has made academic progress during a school year. Here are two suggestions for consideration:

1. Review a report written by a qualified reviewer who can determine whether a child has made adequate academic progress during the school year. This person would be someone who has at least one year of teaching experience in public or private elementary, middle, or secondary schools, or who is licensed to teach or eligible for a teacher's license in any state, or who has a graduate degree in education. (Instruction experience as a teaching or instructional assistant in a public or private elementary, middle, or secondary school would not satisfy the work experience requirement.) The reviewer would include the following in a narrative report to be given to the local school superintendent: a description of the student's progress in each of his courses and information on academic areas that need improvement. In addition, the reviewer would have to include sufficient examples of the student's work so that the local school superintendent could determine that academic progress has been made during the last school year. The reviewer could not be a parent of the student.

2. Review a report card from a correspondence school approved by the Virginia Superintendent of Public Instruction, from an online course provided by a state education agency, from online or other part-time instruction provided by a local school division, or from a community college or a four-year college or university.

## Appeals

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Any party aggrieved by a decision of the division superintendent may appeal his or her decision 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](#))

## Immunization Requirements

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Section [22.1-271.4](#) of the Va. Code requires that parents of 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 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 beliefs or the parents provide a doctor's statement indicating that one or more of the required immunizations is detrimental to the child's health. This statement must include the specific nature of the medical condition or circumstances that contraindicates immunization.

## Part-Time Enrollment in Public Schools

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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 (up to 0.5 of a 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.

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.

## Transfer Provisions

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This handbook has been revised to include information from the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), revised by the Virginia Board of Education and effective September 7, 2006. The relevant changes are incorporated in this section. See also [8 VAC 20-131-60](#) (page 15) of the SOA and [guidelines to the SOA](#) approved by the Board in October of 2006.

These changes will impact any home schooled student who wishes to transfer back to a public school and wants to receive credit for courses taken while home schooled.

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 revised 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.  
([8 VAC 20-131-60](#))

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. ([8 VAC 20-131-110.A](#)) 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 [8 VAC 20-131-60](#) (140 clock hours of instruction).

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/>

## Summer School or Off-Site Instruction

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Some parents want to provide instruction in the home to students enrolled in public schools only during the school division's summer break or at other times for additional credits during the regular school year. For purposes of summer school or off-site instruction, a parent who wishes to provide off-site instruction in the home through correspondence courses should contact the student's principal for approval to do so to ensure that the student will receive the appropriate credit. This method of instruction is not considered home instruction and the parent does not have to meet the *Code* requirements for home instruction. With reference to off-site instruction, "[s]tudents may enroll in, and receive a standard and verified unit of credit for supervised correspondence courses with prior approval of the principal. Standard units of credit shall be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local school board. Verified units of credit may be earned when the student has passed the SOL test associated with the correspondence course completed." (*Regulations Establishing Standards for Accrediting Public Schools in Virginia*, also known as the SOA or standards for accreditation, at [8 VAC 20-131-180.B](#)) Correspondence courses meeting the requirements of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction* ([8 VAC 20-60-10.B](#) et seq.) are not automatically acceptable for this purpose since there is no review of the content of these courses by the VDOE. (Click on the following link on the Department's Web site for more information: [Correspondence Courses Approved for Home Instruction in Virginia](#).)

In addition, the SOA at [8 VAC 20-131-180.C](#) encourages schools "to pursue alternative means to deliver instruction to accommodate student needs through emerging technologies and other similar means." For purposes of summer school or other off-site instruction, a parent who wishes to provide off-site instruction in the home, through emerging technologies and other similar means, should contact the school division for approval to do so to ensure that the student will receive the appropriate credit. This is not considered home instruction and the parent does not have to meet the *Code* requirements for home instruction. However, other requirements must be met. "Standard units of credit shall be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia teaching license and approved by the local school board. Verified units of credit may be earned when the student has successfully completed the requirements and passed the SOL test associated with the course." ([8 VAC 20-131-180.C](#))

Parents who have elected to home school their children (and have met the requirements of [§ 22.1-254.1](#) ) are not subject to the SOA requirements for off-site instruction.

## **High School Graduation**

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State law requires school boards to award diplomas to students who have earned the units of credit prescribed by the Board of Education and meet such other requirements as may be prescribed by the school board and approved by the Board of Education. Typically, school boards do not award diplomas to students who are not enrolled in public schools under their supervision. Therefore, students taught at home may not receive diplomas unless those students are enrolled in a correspondence program or other program that includes awarding a diploma or other exiting credential. Some home instruction parent organizations and some correspondence schools offer graduation ceremonies, diplomas, and graduation rings. Parents and home-schooled students may want to check with those types of organizations about these matters.

Neither the VDOE nor the Commonwealth maintains any academic records, such as transcripts or diploma status, for students who have been home schooled. Thus, the VDOE cannot verify a home schooled student's high school graduation status for military recruiters, colleges, universities, technical schools, employers, or any other entity.

## **Advanced Placements Tests and Preliminary Scholastic Aptitude Tests**

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Section [22.1-254.1.F](#) currently requires school boards to implement a plan to notify students who are home schooled and their parents about the availability of Advanced Placement (AP) and the Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students taking these examinations. That requirement was passed by the General Assembly in 2005. The 2006 General Assembly amended the law to require school boards to implement a plan to make AP and PSAT examinations available to students receiving home instruction. Parents may contact their local school divisions for additional information about AP or PSAT examinations.

## **ADDITIONAL RESOURCES**

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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.org](mailto:info@heav.org)

<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)

## **ADDITIONAL ASSISTANCE**

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

For questions regarding **testing**, please contact your school superintendent's office, or its home instruction designee, within your school division. You will find directory information for Virginia's school divisions by clicking the following Department Web site link: [List of School Divisions in Virginia](#).

Questions regarding **special education** should be addressed to the VDOE 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 by clicking on the following link on the Department's Web site: [Listing of Special Education Directors in Virginia School Divisions](#).

Please contact the VDOE by telephone at 804-225-3300 or by e-mail at [Instruction@doe.virginia.gov](mailto:Instruction@doe.virginia.gov) if you have questions about **driver education** for home schooled students.

For information about **2006 legislation impacting home instruction**, please click on the following link: [2006 Superintendent's Memo Regarding Home Instruction](#). This is the most recent guidance and it supersedes all others.

The Department's mailing address is:

**Virginia Department of Education**

**P.O. Box 2120**

**Richmond, VA 23218-2120**

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

Information about home instruction is found on the VDOE Web site by clicking: [Information regarding Home Instruction in Virginia](#).

# NOTICE OF INTENT TO PROVIDE HOME INSTRUCTION

(PLEASE FORWARD THIS FORM TO YOUR SCHOOL DIVISION.)

I am providing notice of my intention to provide home instruction for the child(ren) listed below as provided by [§ 22.1-254.1](#) of the *Code of Virginia*, in lieu of having them attend school for the school year 20\_\_\_\_\_ - \_\_\_\_\_.

Name(s) of Child(ren)	Date of Birth	Grade Level
_____	_____	_____
_____	_____	_____
_____	_____	_____

I wish to be recognized as eligible to provide home instruction by selecting the option indicated below. (Check one below.)

- I have a high school diploma or a higher credential.**  
(Attach copy of documentation that shows this.)
- I have the qualifications prescribed by the Board of Education for a teacher.**  
(Attach copy of teaching certificate or statement to this effect from the Virginia Department of Education.)
- I have enrolled the child(ren) in a correspondence course approved by the Superintendent of Public Instruction.**  
(Attach notice of acceptance or other evidence of enrollment showing name and address of school and the courses in which each child is enrolled.)
- I have attached to this notice a program of study or curriculum for the coming year which includes the state Standards of Learning objectives for language arts and mathematics for each child or I have attached a statement which describes why I am able to provide an adequate education for my child(ren).**

As prescribed in [§ 22.1-254.1](#) of the *Code of Virginia*, I have included or will provide the school division with a description of the curriculum (except for Option III which requires a list of the courses in which the child is enrolled) and evidence of having met one of the above criteria along with this Notice by August 15 of each year. If I begin home instruction after the school year has started, I will submit this Notice as soon as practicable and comply with the other requirements within 30 days of this Notice to the school division.

I understand that by August 1 of next year, I must provide evidence of educational achievement as prescribed in [§ 22.1-254.1](#) of the *Code of Virginia*, which defines the requirements for home instruction.

I hereby certify that I am the parent or guardian of the child(ren) listed above.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Address  
(Please print or  
type.)

**Compulsory Attendance and Home Instruction Related Statutes  
(Excerpted from the *Code of Virginia*, 1950, as amended)**

**§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.**

A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge 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 shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § [22.1-254.1](#).

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § [22.1-253.13:1](#) and in § [22.1-254.01](#). The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan pursuant to subsection D, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate,

any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or
2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

D. Local school boards may allow the requirements of subsection A of this section to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

- a. Career guidance counseling;
- b. Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such GED preparatory program or approved alternative education program to such principal or his designee;
- c. Counseling on the economic impact of failing to complete high school; and
- d. Procedures for reenrollment to comply with the requirements of subsection A of this section.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

E. A school board may, in accordance with the procedures set forth in Article 3 (§ [22.1-276.01](#) et seq.) of Chapter 14 of this title and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of

an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § [16.1-260](#); (iii) suspended pursuant to § [22.1-277.05](#); or (iv) expelled from school attendance pursuant to § [22.1-277.06](#) or § [22.1-277.07](#) or subsection B of § [22.1-277](#), require the child to attend an alternative education program as provided in § [22.1-209.1:2](#) or § [22.1-277.2:1](#).

F. Whenever a court orders any pupil into an alternative education program, including a program of general educational development, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ [22.1-277.04](#), [22.1-277.05](#), [22.1-277.06](#), [22.1-277.07](#), and [22.1-277.2](#). As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

G. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

H. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § [22.1-271.2](#);
3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and C of this section.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

(Code 1950, § 22-275.1; 1952, c. 279; 1959, Ex. Sess., c. 72; 1968, c. 178; 1974, c. 199; 1976, cc. 681, 713; 1978, c. 518; 1980, c. 559; 1984, c. 436; 1989, c. 515; 1990, c. 797; 1991, c. 295; 1993, c. 903; 1996, cc. 163, 916, 964; 1997, c. 828; 1999, cc. 488, 552; 2000, c. 184; 2001, cc. 688, 820; 2003, c. 119; 2004, c. 251; 2006, c. 335.)

### **§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**

A. When the requirements of this section have been 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 (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) has enrolled the child or children in a correspondence course approved by the Superintendent of Public Instruction; or (iv) provides a program of study or curriculum which, in the judgment of the division superintendent, includes the standards of learning objectives adopted by the Board of Education for language arts and mathematics or provides evidence that the parent is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum to be followed for the coming year and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent 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 on any nationally normed standardized achievement test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress.

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 division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A 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 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 which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his 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.

E. Any party aggrieved by a decision of the division superintendent may appeal his 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 his findings.

F. School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction.

(1984, c. 436; 1986, c. 215; 1991, c. 306; 1992, c. 131; 1993, c. 992; 1994, c. 854; 1998, c. 435; 1999, cc. 488, 552; 2005, c. 377; 2006, cc. 562, 567, 911, 932.)

### **§ 22.1-254.2. Testing for general educational development; eligibility; guidelines.**

A. The Board of Education shall establish a program of testing for general educational development (GED) through which persons may earn a high school equivalency certificate or a diploma as provided in subsection F of § [22.1-253.13:4](#). The following persons may participate in the testing program:

1. Persons who are at least 18 years of age and not enrolled in public school or not otherwise meeting the school attendance requirements set forth in § 22.1-254;
2. Persons 16 years of age or older who have been instructed by their parents in their home pursuant to § [22.1-254.1](#) and who have completed such home school instruction;
3. Persons who have been excused from school attendance pursuant to subsections B and C of § 22.1-254;

4. Persons for whom an individual student alternative education plan has been granted pursuant to subsection D of § 22.1-254;
5. Persons 16 through 18 years of age who are housed in adult correctional facilities and who are actively pursuing a GED certificate but who are not enrolled in an individual student alternative education plan pursuant to subsection D of § 22.1-254;
6. Persons 16 years of age or older who have been expelled from school pursuant to §§ [22.1-277.06](#) through [22.1-277.08](#); and
7. Persons required by court order to participate in the testing program.

Under no circumstances shall persons under the age of 16 be eligible for the testing program.

B. From such funds as may be appropriated for this purpose, local school boards shall implement programs of preparation and testing for general educational development consistent with guidelines to be developed by the Board of Education. Such guidelines shall include a provision that allows preparatory and testing programs to be offered jointly by two or more school boards.

(1989, c. 225; 1997, c. 458; 1999, cc. 488, 552; 2003, c. 688; 2004, cc. 251, 939, 955; 2006, c. 335.)

#### **§ 22.1-263. Violation constitutes misdemeanor.**

Any person violating the provisions of either § [22.1-254](#), except for clause (ii) of subsection A, §§ [22.1-255](#), [22.1-258](#), [22.1-267](#), or the parental responsibility provisions relating to compulsory school attendance included in § [22.1-279.3](#), shall be guilty of a Class 3 misdemeanor. Upon a finding that a person knowingly and willfully violated any provision of § [22.1-254](#), except for clause (ii) of subsection A, or any provision of §§ [22.1-255](#), [22.1-258](#), or § [22.1-267](#) and that such person has been convicted previously of a violation of any provision of § [22.1-254](#), except for clause (ii) of subsection A, or any provision of §§ [22.1-255](#), [22.1-258](#) or § [22.1-267](#), such person shall be guilty of a Class 2 misdemeanor.

(Code 1950, § 22-275.5; 1959, Ex. Sess., c. 72; 1976, c. 283; 1980, c. 559; 1990, c. 797; 1991, c. 295; 1996, cc. 891, 964; 1999, cc. 488, 526, 552; 2004, c. 573.)

#### **§ 22.1-271.4. Health requirements for home-instructed, exempted, and excused children.**

In addition to compliance with the requirements of subsection B, C, or H of § [22.1-254](#) or § [22.1-254.1](#), 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 § [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 division superintendent, the parent shall 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 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.

(1993, c. 659; 1999, cc. 488, 552.)

**§ 32.1-46. Immunization of patients against certain diseases.**

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).
2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of diphtheria toxoid.
3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday. A booster dose of Tdap vaccine shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of tetanus toxoid.
4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade if at least five years have passed since the last dose of pertussis vaccine.
5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.
6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.
7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.
8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.

9. All susceptible children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.

10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.

11. Two to four doses, dependent on age at first dose, of properly spaced pneumococcal 7-valent conjugate (PVC) vaccine for children less than two years of age.

12. (Effective October 1, 2008) Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician or registered nurse or may present the child to the appropriate local health department, which shall administer the vaccines required by the State Board of Health Regulations for the Immunization of School Children without charge.

B. A physician, registered nurse or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board;

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, or a licensed nurse practitioner, that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child; or

3. (Effective October 1, 2008) Because the human papillomavirus is not communicable in a school setting, a parent or guardian, at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive the human papillomavirus vaccine, after having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization

Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

F. The State Board of Health shall review this section annually and make recommendations for revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health Care.

(Code 1950, § 32-57.1; 1968, c. 592; 1972, c. 558; 1979, c. 711; 1980, c. 410; 1989, c. 382; 1991, c. 133; 1992, cc. 127, 166; 1994, c. 62; 1995, cc. 729, 742; 1996, cc. 67, 533; 1999, cc. 632, 676, 738; 2000, c. 476; 2004, c. 855; 2005, cc. 643, 684; 2006, cc. 364, 396, 716; 2007, cc. 858, 922.)

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