



# Home Instruction in Virginia

Information for Parents  
2009-2010

Montgomery County Public Schools  
200 Junkin Street  
Christiansburg, VA 24073  
Phone: 540-381-6116  
Fax: 540-381-7766

# **NOTICE OF INTENT TO PROVIDE HOME INSTRUCTION**

PLEASE FORWARD THIS FORM TO: Montgomery County Public Schools  
Attn: Linda Galloway  
200 Junkin Street  
Christiansburg, VA 24073

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 \_\_\_\_ -20 \_\_\_\_

Name(s) of Child(ren)	Date of Birth	Grade Level	Public School Child Would Attend
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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 higher credential.**  
(Attach copy of diploma or transcript **and** a description of the curriculum to be followed for the coming year.)
- I have the qualifications prescribed by the Board of Education for a teacher.**  
(Attach a copy of a teaching license or a statement to this effect from the Virginia Department of Education **and** a description of the curriculum to be followed for the coming year.)
- I have provided a program of study or curriculum which is to be delivered through a correspondence course or a distance learning program or in some other manner.**  
(Attach a notice of acceptance or other evidence of enrollment showing the name and address of the school, the courses in which each child is enrolled, and a description of a program of study or curriculum you will use for home instruction. If you choose to provide a program of study or curriculum in some other manner as specified in the Code, you must submit a copy of that program of study or curriculum to the school division.)
- I have attached to this notice 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 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 following this school 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  
Name and Address \_\_\_\_\_  
(Please print or type) \_\_\_\_\_  
Date \_\_\_\_\_

## **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 one of the following 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 Montgomery County Schools 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 chosen the correspondence school option. However, the school division administration 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 MCPS Student Services office. The parent is required to provide to the school division a description of the curriculum to be followed unless the parent has chosen the correspondence school option. However, the school division's administration 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. (Option III)

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 administration. 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.

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

## Description of Curriculum

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Describe the proposed core curriculum (Language Arts/ English, Social Studies, Math and Science). Include in the description, the scope and sequence of curriculum, skills to be taught, and the materials to be used. Please indicate whether you are also using Virginia's Standards of Learning.

## 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 5th birthday on or before September 30 of any school year or has not passed his 18th 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 6th birthday on or before September 30.

The compulsory attendance law permits a child subject to that law 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" (§ 22.1-254.1 of the Va. Code) may provide home instruction as prescribed by § 22.1-1 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 violates the compulsory attendance law.

## Other Options for Parents

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In addition to home instruction, parents have other options. 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 administration. 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)

In Montgomery County, parents interested in home instruction, tutoring, or religious exemption should call 540-381-6116 for information and assistance.

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 under Option IV the requirement 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>

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

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In Montgomery County, a parent who elects home instruction must notify MCPS Student Services office **no later than August 15** of the intent to do so for the coming school year. Parents who move into the school district or begin home instruction after the school year has begun must notify Montgomery County Schools of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within thirty days of such notice. The notice may be in the form of a letter or other written document and must identify the child or children involved. MCPS has developed a form, the Notice of Intent to Provide Home Instruction. Parents may use this form to provide notice to the school division. **A copy of the form is included in this handbook.**

### **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 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 nationally normed standardized achievement test; or
2. An evaluation or assessment which the school division administration determines to indicate 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 school division administration 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 administration is not required to place the program on probation or accept the remediation plan. 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 conducted or the results of an independent evaluation or assessment. 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.

The evaluation requirement does not apply to children under the age of six as of September 30 of the school year.

### **Immunization Requirements**

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Section 22.1-271.4 of the 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 administrators 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.

### **Appeals**

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Any party aggrieved by a decision of the school division administration may appeal the decision to an independent hearing officer within thirty days of the decision by providing a written request for an appeal to the school division administration. 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.

### **Part-Time Enrollment in Public Schools**

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According to School Board Policy 7-2.2, private and home-schooled students shall not be permitted to enroll part-time or to participate in academic or extracurricular activities in the Montgomery County Public Schools.

## **Transfer Provisions**

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School boards must make provisions for students who transfer into public schools from home schooling in accordance with the requirements of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 et seq.). The regulations, while speaking generally to procedures for secondary schools, require that students be given credit for work done at other accredited schools. In addition, schools are required to evaluate each student's prior record to determine grade placement, credit earned, and the number of credits needed for graduation. There are no state guidelines governing this process. School divisions should have policies in place to guide this practice. In Montgomery County, this assignment of students is covered in Policy 7-2.4. A copy is included in the appendices.

## **High School Graduation**

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State law requires that school boards 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.

## **Advanced Placement testing and PSAT testing**

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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 Montgomery County Schools for additional information about AP or PSAT examinations.

## **Driver Education**

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If you are an approved home schooler, driver education can be taught at home. The student must currently be enrolled in a home-schooled program. See Department of Motor Vehicle website for further information. <http://www.dmv.state.va.us>

## **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:  
[heav33@aol.com](mailto:heav33@aol.com)  
<http://www.heav.org>

THE ORGANIZATION OF VIRGINIA  
HOMESCHOOLERS Post Office Box 5131  
Charlottesville, Virginia 22905  
(866) 513-6173  
e-mail:  
[vhea@virginia.edu](mailto:vhea@virginia.edu)  
[www.VaHomeschoolers.org](http://www.VaHomeschoolers.org)

## **ADDITIONAL ASSISTANCE**

The laws concerning home instruction for the state of Virginia can be researched through the Code of

Virginia at the following website

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-254.1>

At the Virginia Department of Education, for general questions regarding home instruction, please contact the Policy Office at 804-225-2092 or by email at <mailto:Policy@doe.virginia.gov>.

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 Montgomery County's special education office (382-5114).

The mailing address for the state department of education 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.govNDOE/Parents/index.html>

Information about home instruction may be found on the VDOE Web site at <http://www.doe.virginia.govNDOE/Parents/index.html-homeinstruction>.

**APPENDIX B  
MCPS POLICY 7-2.4 EXCERPT**

**STUDENT SCHOOL AND CLASSROOM ASSIGNMENTS**

**Home-Schooling and Non-Accredited Schools**

The following factors should be considered solely in promoting/assigning or awarding credits to students entering Montgomery County Public Schools from non-accredited schools or from home schooling.

1. All elementary or middle school students entering Montgomery County Public Schools from non-accredited schools, or from home schooling, shall meet the established promotion criteria identified by School Board policy. Use of percentile results of the battery of available standardized tests, locally developed measures of proficiency, or documented performance on approved correspondence measures should be considered. Grades of P (Passing) will be used on the permanent record card to indicate results and placement.
2. A student entering a senior high school in Montgomery County from a non-accredited school, or from home schooling, may earn credits toward graduation appropriate to the student's age and grade level in the following manner.
  - a. Such a student shall provide Montgomery County Schools a list of course objectives and courses taken, along with record(s) of grades accompanied by a statement of grading policy, if available.
  - b. Such a student shall be required to take a comprehensive examination/appropriate assessment instrument in each subject area for which credit is requested. Subject area teachers, appropriate central office representatives, and building level administrators should work cooperatively to select appropriate assessment instruments or develop comprehensive examinations. These examinations shall follow the state Standards of Learning and appropriate locally developed curriculum guides for each subject. In addition, pupils will be given direction in how to prepare for each examination.
  - c. Students requesting credit should complete the required comprehensive examinations prior to beginning the school year, if possible. A schedule of these examinations will be developed for pupils by the building level principal (or designee).
  - d. Demonstration of an acceptable level of competence on the comprehensive examinations will result in credit(s) being awarded for all courses passed. Acceptable levels of competency will be determined by the building principal, based on standards developed in each subject by the school division. No re-examination will be scheduled as a result of failure to demonstrate mastery.
3. Credits toward graduation will be awarded in academic courses in which documentation of passing state approved correspondence courses is available and presented to the school.
4. Credits awarded in accordance with this policy will be recorded as P (Passing) or F (Failing) on the permanent record of the student. Credits awarded for instruction will be so designated on the record by indicating "Home Instruction."
5. Grade level placements will be determined by the number of credits earned in accordance with established Montgomery County School Board policy.
6. Graduation requirements for students earning credits in an alternative manner will be the same as those for all Montgomery County students as stipulated by established School Board policy.
7. The process of promoting, assigning, or awarding credits in instruction in the non-accredited school or in home schooling shall be a cooperative effort of parents, students, and school officials.