

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to qualifications to provide*
 3 *home instruction.*

4 [H 1340]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-254.1. Declaration of policy; requirements for home instruction of children.

9 A. When the requirements of this section have been satisfied, instruction of children by their parents
 10 is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any
 11 parent of any child who will have reached the fifth birthday on or before September 30 of any school
 12 year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of
 13 school attendance if he (i) holds a ~~baccalaureate degree in any subject from an accredited institution of~~
 14 ~~higher education~~ *high school diploma*; or (ii) is a teacher of qualifications prescribed by the Board of
 15 Education; or (iii) has enrolled the child or children in a correspondence course approved by the
 16 Superintendent of Public Instruction; or (iv) provides a program of study or curriculum which, in the
 17 judgment of the division superintendent, includes the standards of learning objectives adopted by the
 18 Board of Education for language arts and mathematics and provides evidence that the parent is able to
 19 provide an adequate education for the child.

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

30 C. The parent who elects to provide home instruction shall provide the division superintendent by
 31 August 1 following the school year in which the child has received home instruction with either (i)
 32 evidence that the child has attained a composite score in or above the fourth stanine on a battery of
 33 achievement tests which have been approved by the Board of Education for use in the public schools or
 34 (ii) an evaluation or assessment which, in the judgment of the division superintendent, indicates that the
 35 child is achieving an adequate level of educational growth and progress.

36 In the event that evidence of progress as required in this subsection is not provided by the parent, the
 37 home instruction program for that child may be placed on probation for one year. Parents shall file with
 38 the division superintendent evidence of their ability to provide an adequate education for their child in
 39 compliance with subsection A and a remediation plan for the probationary year which indicates their
 40 program is designed to address any educational deficiency. Upon acceptance of such evidence and plan
 41 by the division superintendent, the home instruction may continue for one probationary year. If the
 42 remediation plan and evidence are not accepted or the required evidence of progress is not provided by
 43 August 1 following the probationary year, home instruction shall cease and the parent shall make other
 44 arrangements for the education of the child which comply with § 22.1-254. The requirements of
 45 subsection C shall not apply to children who are under the age of six as of September 30 of the school
 46 year.

47 D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from
 48 school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of
 49 § 22.1-254.

50 E. Any party aggrieved by a decision of the division superintendent may appeal his decision within
 51 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list
 52 maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of
 53 children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing
 54 officer in a manner consistent with his findings.

55 F. School boards shall implement a plan to notify students receiving home instruction pursuant to
 56 this section and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic

57 Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy
58 students to take these examinations.