



STAFFORD COUNTY PUBLIC SCHOOLS

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LISA FOEMAN BOATWRIGHT, ESQ.
Division Counsel

Office of Division Counsel

Thank you for your recent request regarding home. The enclosed packet contains:

- Notice of Intent to Provide Home Instruction
- Stafford County School Board Policy 2110 and Regulation 2110-R, Home Instruction
- Va. Code Section 22.1-254.1 Declaration of policy; requirements for home instruction of children

If you intend to provide home instruction to your child(ren) for the current school year, please complete the form entitled Notice of Intent to Provide Home Instruction, indicate the option under which you wish to be recognized, and provide the requested material along with a list of subjects to be studied for the coming school year for each child.

Please note as prescribed in Section 22.1-254.1 of the Code of Virginia:

- you are required to provide evidence of educational achievement by August 1st
AND
- all Notice of Intent Forms should be submitted no later than August 15th.

If you have any further questions please feel free to call this office.

Very truly yours,

Lisa Foeman Boatwright
Designee of the Superintendent

/caw

Enclosures

REMINDERS/CHECK LIST FOR SUBMISSION:

- ✓ Did you attach the supporting documentation (i.e. - copy of diploma, proof of enrollment in an on-line program, or a statement, etc.)?
- ✓ Is the curriculum attached (list of classes)?
- ✓ Submit only **ONE** copy of your home school documents each school year (see letterhead for address/fax or you may email to homeinstruction@staffordschools.net).
- ✓ Home school paperwork is submitted on a YEARLY basis – if continuing in home instruction – submit proof of progress by August 1st and the Notice of Intent with supporting documents by August 15th **each year**.
- ✓ **IMPORTANT! Please notify this office if for any reason you choose to discontinue home instruction.**

NOTICE OF INTENT TO PROVIDE HOME INSTRUCTION
(A new form is required each year no later than August 15)

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____.

<u>Name (s) of Child (ren)</u>	<u>Date of Birth</u>	<u>Grade Levels</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 a copy of the documentation that shows this **AND** a list of the subjects to be studied.)

_____ **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 list of the subjects to be studied.)

_____ **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 and a list of subjects to be studied for the coming school year if the child is enrolled in a correspondence course or distance learning program. If you choose to provide a program of study or curriculum in some other manner as specified in the Code, a list of the subjects to be studied for the coming school year must be submitted 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).** (Attach a list of the subjects to be studied.)

****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, limited to a list of subjects to be studied during the coming school year, 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.

Print or type name and address:

Sign: _____
Parent or Guardian

Date: _____

EMAIL: _____

Phone #: _____

Please return to: Stafford County Public Schools
Office of Division Counsel
31 Stafford Avenue
Stafford, Virginia 22554

HOME INSTRUCTION**PURPOSE: To identify the legal requirements for home instruction**

Any parent/guardian 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 the parent/guardian:

- Holds a high school diploma; or
- Is a teacher of qualifications prescribed by the Board of Education; or
- Provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or
- Provides evidence that the parent/guardian is able to provide an adequate education for the child.

Any parent/guardian who elects to provide home instruction shall annually notify the superintendent/designee no later than August 15 of the intention to instruct the child and provide a description of the curriculum, limited to a list of subjects to be followed for the coming year, and evidence of having met one of the criteria for providing home instruction. Any parent/guardian who moves into the division or begins home instruction after the school year has begun shall notify the superintendent/designee of the intention to provide home instruction as soon as practicable and shall comply with the requirements of VA Code §22.1-254.1 within 30 days of such notice.

Evidence of Progress

The parent/guardian is required to provide to the superintendent by August 1, following the school year in which the child has received home instruction, evidence of the child's progress in one of the following ways:

- Evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test or an equivalent score on the ACT, SAT, or PSAT test; or
- An evaluation or assessment which the superintendent/ designee determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: an evaluation letter from a person licensed to teach in any state, or a person with a Master's degree or higher in an academic discipline having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or, a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

Consequence of Parent Not Providing Evidence of Progress

In the event that evidence of progress is not provided by the parent/guardian, the home instruction program for that child may be placed on probation for one year. The parent/guardian shall file with the superintendent/designee evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates the program is designed to address any educational deficiency. 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/guardian shall make other arrangements for the education of the child which comply with the state compulsory attendance law.

HOME INSTRUCTION**Exemptions**

Nothing in this policy shall prohibit a child and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to VA Code §22.1-254(B)(1) or having the child taught by a tutor or teacher of qualifications prescribed by the Virginia Board of Education and approved by the division superintendent.

Appeals

Any party aggrieved by a decision of the superintendent/designee as to the preceding matters may appeal the decision within thirty (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 of Virginia 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 the findings.

Enrollment of Home Instructed Child in Courses and Programs Offered by the Division

The parent/guardian of the child receiving home instruction may enroll the child in courses and programs offered by the school division, provided the child satisfies the legal requirements for school enrollment, satisfies the enrollment criteria of the course or program, and space is available. The parent/guardian of the home instructed child is to notify in writing, not less than 30 days prior to the start of any course, the principal of the school in which enrollment is sought of the intent to enroll the child. The parent/guardian shall provide to the principal a copy of the letter wherein the requirements have been satisfied to receive home instruction.

For all grade levels, a maximum of two courses may be taken in the division schools per academic year by the home instructed child, and grades shall be assigned for all course work undertaken. Participation in interscholastic sports or activities shall not be permitted. At the high school level, coursework shall be taken on a credit only basis. A maximum of two credits shall be awarded in any single academic year to a home instructed student taking courses in a division school. The division does not award a home instruction diploma or certificate.

Transportation of the child to and from the school shall be the responsibility of the parent/guardian. An enrolled child shall be required to comply with all rules and regulations of the school and division, including the Code of Student Conduct.

Adopted: 06/24/08

Amended by School Board: 8/28/12

Readopted: 12/12/13

Amended by School Board: 05/22/18

Legal Refs.:

Code of Virginia, 1950, as amended, §§22.1-254; 22.1-254.1

VSBA Cross Ref.: JEG, LBD

HOME INSTRUCTION

PURPOSE: To provide guidance for the implementation of Policy 2110 - Home Instruction

Placement or Awarding of Credit for Children Returning to School from Home Instruction

A child returning to a division school from home instruction shall be placed or awarded credit based on the following:

- For enrollment in grades K—8, the child shall be placed at the appropriate grade level as determined by the school administrators. The child may be required to take examinations in order to determine the appropriate grade level.
- For enrollment or credit in grades 9—12, a child shall be required to take examinations in each course for which they wish to receive credit. In order for credit to be awarded, the child shall take and pass a final examination which was required of students enrolled in the same course offered at the division high school. Credit shall not be granted unless the child has been home instructed the entire school year. A maximum of 11 credits earned by home instruction can be applied toward the requirements for a division diploma. A grade of pass (P) shall be granted for credits earned by home instruction and any such credits shall not be included in determining the grade point average of a student.

Annual Report on Home Instruction

The superintendent/designee shall notify the Superintendent of Public Instruction of the number of children in the division receiving home instruction each year.

Availability of Certain Tests

The parent/guardian and the child receiving home instruction shall be notified of the availability of Advanced Placement (AP) tests, Preliminary Scholastic Aptitude Test (PSAT), National Merit Scholarship Qualifying Test (NMSQT), and Pre-ACT examinations and the availability of financial assistance to low-income and needy students to take these examinations. Such notification shall be provided to the parent/guardian and child by the division when approval for home instruction has been granted.

Adopted: 06/24/08

Reviewed: 06/10/13

Readopted: 12/12/13

Amended by School Board: 05/22/18

Legal References: Code of Virginia, 1950, as amended, §§ 22.1-254.1

VSBA Cross Ref.: LBD

§ 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; (ii) is a teacher of qualifications prescribed by the Board; (iii) provides the child with a program of study or curriculum, which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he 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, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. 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 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 an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment that the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress or (b) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

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 that indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child that comply with § 22.1-254. The requirements of this subsection 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 make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section. School boards shall adopt written policies that specify the date by which such students shall register to participate in such examinations. School boards shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

G. No division superintendent or local school board shall disclose to the Department or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of the number of students in the school division receiving home instruction as required by subsection B.

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; 2008, cc. 364, 553; 2012, cc. 547, 587; 2015, cc. 567, 590, 592; 2016, c. 640; 2017, cc. 302, 334; 2018, c. 516; 2022, c. 355.