

## STUDENTS

## IN GENERAL

§8-11      Home InstructionA.            General

Instruction of children by their parents in their home has been declared an acceptable form of education by the General Assembly of Virginia provided certain requirements of state law are met. If these requirements are met, these children and their parents satisfy the state compulsory school attendance law.

Parents who desire to provide home instruction for their children should be referred to the Assistant Superintendent for Pupil Services for information on the law and procedures to be followed.

B.            Parent Obligations

Any parent who elects to provide home instruction in lieu of school attendance must annually notify the Division Superintendent or his/her designee in August of his/her intention and must provide evidence of having met the requirements of state law and a description of the curriculum to be followed for the coming year. Any parent of any school-age child who does not meet the notification requirements by August 31 of any school year will be subject to other provisions of the state compulsory attendance law.

In addition to compliance with §§22.1-254.1, 22.1-256, or 22.1-257, any parent, guardian, or other person having control or charge of a child being home instructed, exempted, or excused from school attendance must submit to the Division Superintendent or his/her designee documentary proof that the immunization requirements provided in §32.1-46 of the Code of Virginia have been met. No proof of immunization shall be required of any child upon submission of (1) an affidavit to the Division Superintendent that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (2) 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 circumstances that contraindicates immunization.

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By August 1 of each succeeding year of home instruction the parent must provide the Division Superintendent or his/her designee with either:

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 or his/her designee determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to:
  - 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 a community college or college, college distance learning program, or home-education correspondence school.

If the parent does not provide such evidence of progress, the home instruction program for that child will be placed on probation for one year. Parents must file with the Division Superintendent or his/her designee evidence of their ability to provide an adequate education for their child in compliance with the Code of Virginia §22.1-254.1, subsection A, and a remediation plan for the probationary year which indicates that 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 of the Code of Virginia. 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.

C. Testing by Loudoun County Public Schools

Children receiving home instruction in accordance with state law may take the battery of achievement tests approved by the State Board of Education through Loudoun County Public Schools. There will be no charge for this service. Scoring will be done by the scoring service that scores all tests of Loudoun County students.

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Parents who wish to avail themselves of this service should contact the principals of the schools that serve the area of their residence to make arrangements for the testing of their children. These children will take the same test, at the same time and under the same testing conditions as children attending the public schools. Parents or other non-school personnel will not be allowed to be present during testing periods.

Parents who choose to have their children's achievement evaluated by another agency or person should seek approval in advance of the evaluation arrangements, which must be satisfactory to the Division Superintendent or his/her designee. The parents will pay all costs of evaluation by other agencies or persons.

Non-public school students may make arrangements to take the PSAT or Advanced Placement examinations in the Loudoun County Public Schools, where such examinations do not require one to one instructor assessment. Any fees charged to Loudoun County residents will be no more than those charged to regularly enrolled Loudoun County Public School students.

D.      Admission of Home Instruction Students to Loudoun County Public Schools

Students who have received home instruction and seek to enroll in Loudoun County Public Schools will be admitted and placed in accordance with the following provisions:

1. Students will be admitted only at the beginning of the school year unless otherwise approved by the Division Superintendent or his/her designee.
2. All students will be tested by Loudoun County Public Schools to determine their appropriate grade level.
3. Students will be placed in the appropriate grade by the principal of the school they enter.
4. High school credits will be accepted from home instruction only when documentation is provided from:
  - a) a school/program from an accredited organization recognized by Loudoun County Public Schools;
  - b) a school/program recognized by the Virginia Council for Private Education, or

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- c) a review of the official transcript by the principal or designee and director of guidance to determine whether the curriculum is commensurate with equivalent courses in Loudoun County Public Schools.

E.            Participation in Loudoun County Public Schools

No student on home instruction except those enrolled on a part-time basis in accordance with Policy §8-24 will be permitted to participate in any instructional or extracurricular activity of the Loudoun County Public Schools. No student on home instruction will be granted a diploma from Loudoun County Public Schools or be permitted to participate in graduation ceremonies.

F.            Appeal

Any parent wishing to appeal a decision of the Division Superintendent relative to home instruction may request a hearing by an independent hearing officer. This request should be in writing and sent to the Division Superintendent within thirty days of receipt of his/her decision.

The hearing officer will be chosen by the School Board from a list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the parents of disabled children. The procedures for the hearing will follow state procedures for due process hearings.

The costs of the hearing shall be apportioned among the parties in a manner consistent with the hearing officer's findings.

Legal Reference: Code of Virginia §§[22.1-254](#), [22.1-254.1](#), [22.1-256](#), [22.1-271.4](#)

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