

## HOME INSTRUCTION (HOME SCHOOLING)

This policy provides requisites for parents, or legal guardians, who elect to meet state compulsory attendance requirements outlined under [§22.1-254.1 of the Code of Virginia](#) by providing instruction, also defined as home schooling, for school age children. Instruction of children by their parent, or legal guardian, has been declared an acceptable alternative form of education in the Commonwealth of Virginia.

### A. Parent Obligations and Notification.

1. Any parent, or legal guardian, of a 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:

- a. holds a high school diploma;
- b. is a teacher of qualifications prescribed by the Board of Education;
- c. 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
- d. provides evidence that the parent is able to provide an adequate education for the child.

2. Any parent who elects to provide home instruction in lieu of school attendance must annually notify the Division Superintendent no later than August 15 of their 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.

3. Any parent, or legal guardian, of any school-age child who does not meet the notification requirements by August 15 of any school year will be subject to other provisions of the state compulsory attendance law. Parents, or legal guardians, who move into the school division or begin home instruction after the school year has begun must notify the school division as soon as practicable and comply with the provisions of the law 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.

### B. Immunizations.

1. Any parent, legal 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 VA. Code [§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 superintendent, the parent shall submit to the superintendent documentary proof of immunization in compliance with VA. Code [§32.1-46](#).

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2. No proof of immunization shall be required of any child upon submission of:
  - a. 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
  - b. a written certification from a licensed physician, physician's assistant, nurse practitioner, or local health department 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.

C. Evidence of Progress.

1. A Parent/Guardian who elects to provide home instruction to a child who is over the age of six as of September 30 of the school year shall provide the Division Superintendent by August 1 following the school year in which the child received home instruction with either:

- a. 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
- b. an evaluation or assessment which the Division Superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to:
  - (i) 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.
  - (ii) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

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2. If the parent does not provide such evidence of progress, the home instruction program for that child may be placed on probation for one year. Parents must file with the Division Superintendent evidence of their ability to provide an adequate education 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.

D. Testing and Admissions.

1. Loudoun County Public Schools shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction. LCPS shall notify students receiving home instruction and their parents of the registration information and deadlines to participate in these examinations and the availability of financial assistance to low-income and needy students to take such examinations. Any fees charged to home instructed students that meet Loudoun County residency requirements will be no more than those charged to regularly enrolled Loudoun County Public School students. Per Policy 4020, students who qualify shall be eligible to have fees waived.

2. Home Instructed students that apply for and are accepted into the Academies of Loudoun must enroll as full-time students in Loudoun County Public Schools.

E. JROTC Membership for Homeschooled Students and Extra-Curricular Activities.

1. Pursuant to 10 U.S. Code § 2031(g)(1), every Junior Reserve Officers' Training Corps (JROTC) Unit in LCPS shall permit membership in the unit to home instructed students, residing in Loudoun County, and who are otherwise qualified for membership but are not enrolled in LCPS. Home instructed students may apply for the JROTC program at their zoned school. Acceptance into the program will be subject to the same criteria and membership limits as student applicants that are enrolled in LCPS. Home instructed students who are members in LCPS' JROTC units must comply with behavioral, disciplinary, attendance and other rules applicable to all students. If a student fails to comply, the school may withhold credit and/or terminate the student's participation in addition to taking any disciplinary action that would be taken against a full-time student for similar conduct.

2. Except as provided in this Policy, no student on home instruction, except those enrolled on a part-time basis in accordance with Regulation 8115, will be permitted to participate in instructional or co-curricular activities.

3. Except as provided in Policy, no student on home instruction will be allowed to participate in extra-curricular activities, per Regulation 8115.

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F. Special Education. Upon verification of the notice of intent to provide home instruction, LCPS will inform the parents, or legal guardians, that if they have reason to suspect that their child may have a disability, then they may refer their child for evaluation for special education services by contacting the principal or designee of the child's LCPS school of residence.

G. Diploma Status. No student on home instruction will be granted a diploma from Loudoun County Public Schools or be permitted to participate in graduation ceremonies.

H. Appeal. Any party aggrieved by a decision of the division superintendent may appeal their decision 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 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 their findings.

[Former Policy 8-11]

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Leg Refs: Code of Virginia §§[22.1-254](#), [22.1-254.1](#), [22.1-271.4](#), [32.1-46](#); [10 U.S. Code § 2031\(g\)\(1\)](#)

Cross Refs: [Policy 8125](#), Admission Requirements; [Regulation 8115](#), Individuals Who May Be Admitted Free; [Policy 4020](#), Student Fees and Charges; [Guidelines for Home Instruction in Virginia - 2018](#); [Policy 5330](#), Special Education Student Eligibility and Transfer Procedures