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HOUSE BILL NO. 2304

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to parents who provide home instruction; options for providing evidence of progress.

Patron—Earley

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:****§ 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)~~; (iii) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school; or (iv) ~~any other evaluation or assessment that the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress.~~

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.

INTRODUCED

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59 F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship
60 Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction
61 pursuant to this section. School boards shall adopt written policies that specify the date by which such
62 students shall register to participate in such examinations. School boards shall notify such students and their
63 parents of such registration deadline and the availability of financial assistance to low-income and needy
64 students to take such examinations.

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