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1 **HOUSE BILL NO. 534**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to students who receive home*
5 *instruction; teacher evaluation letter of student academic progress; qualifications of teacher.*

6 Patron—Hamilton

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:**10 **§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**11 A. When the requirements of this section have been satisfied, instruction of children by their parents is an
12 acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of
13 any child who will have reached the fifth birthday on or before September 30 of any school year and who has
14 not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i)
15 holds a high school diploma; (ii) is a teacher of qualifications prescribed by the Board; (iii) provides the child
16 with a program of study or curriculum, which may be delivered through a correspondence course or distance
17 learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate
18 education for the child.19 B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the
20 division superintendent in August of his intention to so instruct the child and provide a description of the
21 curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one
22 of the criteria for providing home instruction as required by subsection A. Parents electing to provide home
23 instruction shall provide such annual notice no later than August 15. Any parent who moves into a school
24 division or begins home instruction after the school year has begun shall notify the division superintendent of
25 his intention to provide home instruction as soon as practicable and shall thereafter comply with the
26 requirements of this section within 30 days of such notice. The division superintendent shall notify the
27 Superintendent of the number of students in the school division receiving home instruction.28 C. The parent who elects to provide home instruction shall provide the division superintendent by August
29 following the school year in which the child has received home instruction with either (i) evidence that the
30 child has attained a composite score in or above the fourth stanine on any nationally normed standardized
31 achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment
32 that the division superintendent determines to indicate that the child is achieving an adequate level of
33 educational growth and progress, including (a) an evaluation letter from a person licensed to teach in any
34 state, or a person with a ~~master's~~ *bachelor's* degree or higher in an academic discipline, having knowledge of
35 the child's academic progress, stating that the child is achieving an adequate level of educational growth and
36 progress or (b) a report card or transcript from an institution of higher education, college distance learning
37 program, or home-education correspondence school.38 In the event that evidence of progress as required in this subsection is not provided by the parent, the
39 home instruction program for that child may be placed on probation for one year. Parents shall file with the
40 division superintendent evidence of their ability to provide an adequate education for their child in
41 compliance with subsection A and a remediation plan for the probationary year that indicates their program is
42 designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division
43 superintendent, the home instruction may continue for one probationary year. If the remediation plan and
44 evidence are not accepted or the required evidence of progress is not provided by August 1 following the
45 probationary year, home instruction shall cease and the parent shall make other arrangements for the
46 education of the child that comply with § 22.1-254. The requirements of this subsection shall not apply to
47 children who are under the age of six as of September 30 of the school year.48 D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school
49 attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.50 E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30
51 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 make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship
56 Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction

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59 pursuant to this section. School boards shall adopt written policies that specify the date by which such
60 students shall register to participate in such examinations. School boards shall notify such students and their
61 parents of such registration deadline and the availability of financial assistance to low-income and needy
62 students to take such examinations.

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