Ordinance 2025/26-44

Section 8-42.4. Evidence of progress required; failure to provide evidence of progress grounds for placement on probation. — A. A parent 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 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 a nationally normed standardized achievement test or an equivalent score on the ACT, SAT or PSAT test or

(ii) an evaluation or assessment ~~which~~ that the superintendent 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 an institution of higher education, ~~community college or college,~~ college distance learning program or home-education correspondence school.

B. 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 and a remediation plan for the probationary year which 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 which comply with Virginia Code §22.1-254 (1950), as amended. (Adopted: May 12, 2005; Ordinance Number 04/05-22; Effective: July 1, 2005; Revised June 9, 2016; Ordinance Number 15/16-88; Effective Date: July 1, 2016)

Legal Authority - Virginia Code §§ 22.1-1, 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-2952.2; 10 U.S.C. § 2031.