



Special Education Advisory Committee

Policy 8080, Home Instruction (Home Schooling)

Recommendations Summary

April 7, 2021

Prepared For:
SEAC Membership
Special Education Community
Loudoun County School Board

Overview: Policy 8080, Home Instruction (Home Schooling)

The Virginia Code provisions for home instruction or home schooling an alternative to public school attendance. In Virginia “any parent, guardian, legal custodian, or other person having control or charge of a child” (§ [22.1-254](#) of the *Code of Virginia*) may provide home instruction as prescribed by § [22.1-254.1](#) of the *Code of Virginia*.

Virginia Department of Education: *Guidelines for Home Instruction in Virginia*, July 1, 2018

Summary of Concerns

Concern 1: Draft Policy 8080, Home Instruction (Home Schooling) does not address LCPS’s regulatory obligations under the Individuals with Disabilities Education Improvement Act (IDEA) and in the *Virginia Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (January 25, 2010).

https://www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf

Recommendations and Concerns

Recommendation 1: Add New Section B.

B. LCPS Obligations.

Upon LCPS receiving of the Notice of Intent for home instruction, LCPS shall inform the parent/guardian of the following rights under the Virginia Individuals with Disabilities Education Improvement Act (IDEA) Regulations, January 25, 2010.

1. Child Find (8 VAC 20-81-50(A); 8 VAC 20-81-150(C)(2)(a))
2. Consultation on Child Find (8 VAC 20-81-150(C)(2)(b))
3. Services Plan (8 VAC 20-81-150(C)(3); 8 VAC 20-81-150(C)(6)(d); 8 VAC 20-81-150(C)(7)(d))
4. Proportionate Set Aside funds (8 VAC 20-81-150(C)(4))
5. Consultation on the design and development of special education and related services for home instructed students (8 VAC 20-81-150(C)(5)-(6))

Home schooled students are considered to be “private school” students as defined in 8 VAC 20-81-150(C)(1)(a).

Concerns:

- Nothing in the draft policy considers LCPS’ IDEA obligations

SEAC Membership Vote

SEAC Membership Vote on Recommendations

Quorum: 10 out of 16 members present

Vote Summary: Passed Unanimously