

U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools



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**U.S. Department of Education
Office of Innovation and Improvement
Office of Non-Public Education**

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VIRGINIA

Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
 - The Board of Education does not accredit private schools. The Virginia Council for Private Education (VCPE), a private umbrella organization of associations whose membership is comprised associations that are approved to accredit private schools. The board recognizes accreditation by VCPE member organizations. *Va. Code §22.1-19.*
 - State law only guarantees that private school course credits will be recognized if they were completed at a state-recognized accredited school. *Va. Code §22.1-19.*
- No requirement for *Registration*.
- *Licensing* is optional.
 - Licensing by the Board of Education is *mandatory* for private schools serving students with disabilities unless otherwise approved or accredited. *Va. Code §22.1-320.*
 - The license of each school that continues to operate as such shall be renewed on or before the anniversary date set by the Department. Every license that has not been renewed in accordance with these provisions shall expire and a new license shall be obtained from the board before such school may continue to operate, for which an original application must be submitted. The application shall be accompanied by such information deemed necessary by the board. *Va. Code §22.1-328.*
 - Licensing for preschools is mandatory unless the school qualifies for an exemption from the state. *Va. Code §63.2-1717.*
- *Approval* is optional.
 - Approval is one option to satisfy the licensing requirement for private schools serving students with disabilities.

Teacher Certification

- Teacher certification is not required by the state; however, an approved accrediting association may set its own requirements for teacher credentials.

Length of School Year/Days

- Virginia's compulsory attendance laws require children to attend school, public, private, denomination or parochial, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools. The length of the school term for public schools is 180 days or 990 hours. *Va. Code §22.1-254.*

Curriculum

- The state does not require a specific curriculum for private schools.

Recordkeeping/Reports

- Every teacher in Virginia must keep an accurate daily record of attendance of children enrolled. The record must be open for inspection and may be admitted into evidence for prosecutions of violations of the compulsory school attendance laws. *Va. Code* §22.1-259.
- Schools must record each student's immunizations on the school immunization record provided by the State Department of Health for the student's permanent record. The record must be kept open for inspection by the State Department of Health and the local health department. Within 30 days of the start of school, private schools must file a report with the local health department stating the number of students admitted with documentary proof of immunization, the number of students admitted with a medical or religious exemption, and the number of students conditionally admitted. *Va. Code* §22.1-271.2.E.

Health and Safety Requirements

- No student may be admitted by a school unless the student submits documentary proof of immunization, an affidavit stating the immunizations conflict with the student's religious tenets, or certification from a physician that the immunization is detrimental to the student's health. Students may be admitted conditionally if their immunizations are incomplete and they submit a schedule for completion within 90 days. The state health commissioner has the authority to exclude children from school who are not immunized in the event of an outbreak, potential epidemic, or epidemic. *Va. Code* §22.1-271.2, §32.1-47.
- The state health commissioner has the authority to inspect dining accommodations of private schools upon presentation of credentials and consent by the owner. *Va. Code* §35.1-1 [includes school cafeterias in the definition of “restaurant”]; 35.1-5 [Gives the commissioner of the Virginia Department of Health the right to inspect].
- Employees of private schools who have reason to suspect that a child is an abused or neglected child must report the matter immediately to the local social services department of the county or city where the child resides or where the alleged abuse occurred. *Va. Code* §63.1-248.3. [*Va. Code* §63.2-1509. (Effective March 31, 2009)].
- It is a criminal offense in Virginia to distribute any controlled substance, imitation controlled substance, or marijuana on the property of a private elementary or secondary school, within 1,000 feet of the school, or on any school bus. *Va. Code* §18.2-255.2A.
- Virginia's criminal code prohibits 1) the willful discharge of a firearm, unless justifiable by law; 2) brandishing a firearm in such a manner as to reasonably induce fear of being shot or injured; and 3) possession of a stun weapon, taser, or weapon other than a firearm, in any private or parochial elementary, middle or high school or within 1,000 feet of the school. *Va. Code* §§18.2-280B; 18.2-282A; 18.2-308.1.
- It is a misdemeanor to possess a beeper or similar portable communications device on the grounds of any private elementary, middle or secondary school. *Va. Code* §18.2-322.1A.

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- The Virginia Alcoholic Beverage Control Board may refuse to grant a liquor license if the location of the applicant would adversely affect the operations of a private or parochial school. *Va. Code* §4.1-222.
- The governing board of a private school must furnish protective eye devices, free or at cost, for students, teachers, and visitors participating in specified vocational or industrial arts shops or laboratories. *Va. Code* §22.1-275.
- All applicants for full-time, part-time, permanent or temporary employment at an accredited private school are required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the FBI for the purpose of obtaining criminal history record information as a condition of employment. This is not a requirement for non-accredited schools. *Va. Code* §22.1-296.3.

Transportation

- Local school districts may enter into agreements with private schools to provide transportation but are not required to do so. *Va. Code* § 22.1-176.1.
- Parochial and private schools may not hire a school bus driver unless the individual meets the qualifications required of public school bus drivers and presents the necessary documentation. *Va. Code* §22.1-180.
- School buses transporting pupils to and from private or parochial schools, may not discharge pupils in a manner that the child must cross a highway with two or more roadways separated by a physical barrier or unpaved area, or a highway with five or more lanes with the center lane a flush median marked for turning traffic only. *Va. Code* §46.2-918.

Textbooks

- “With the approval of the local school board and the publisher, any private school within the school division that so requests may purchase from the local school board's contract with the publisher. Such private school shall be fully responsible for ordering, purchasing, and receiving shipments of books to be provided from the publisher pursuant to this section. The local school board shall be immune from any civil liability as a result of a private school purchasing from the local school board's contract.” *Va. Code* §22.1-241.D.

Testing

- Private school students are not required to participate in state administered tests.

Special Education

- A school division may publicly place a disabled child in a nonsectarian private school approved by the Board of Education or another licensing agency if the school division is unable to provide a free appropriate public education for the child. *Va. Code* §22.1-216.
- The *Individuals with Disabilities Education Act*, 20 U.S.C. §1400 et seq. does not require Virginia to place handicapped children in nonapproved private schools. *Schimmel ex rel. Schimmel v. Spillane*, 819 F.2d 477 (4th Cir. 1987).

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- Facilities housing schools for children with disabilities must be inspected and approved by the board. At least one unannounced inspection of each residential school for children with disabilities must be made annually. *Va. Code §22.1-319 et seq.*
- Private educational institutions that accept state funds may not deny admission, full and equal access, or the enjoyment of any educational or extracurricular program to an otherwise qualified person with a disability. *Va. Code §51.5-42.*

Nursing and Health

- There is no state policy at this time.

Technology

- There is no state policy at this time.

Professional Development

- There is no state policy at this time.

Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

Tax Exemption

- Property owned by nonprofit institutions of learning and used primarily for educational purposes is exempt from state and local taxation. *Va. Const. Art. X, Section 6(4).*
- Fairfax, Arlington, Dinwiddie and Prince George counties are authorized to tax admission charged for attendance at private elementary and secondary school-sponsored events, including events sponsored by school-recognized student organizations. Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are authorized to levy a tax on admissions charged for attendance at any spectator event—however “spectator event” is not defined. *Va. Code §§ 8.1-3817; 58.1-3818.*

Public Aid for Private Education

- **Constitutional provisions:** Under Virginia's constitution, no appropriation may be made to any school not owned or exclusively controlled by the state or a political subdivision; provided, the General Assembly may make appropriations for the elementary and secondary education of Virginia students in nonsectarian private schools. *Va. Const. Art. VIII, Section 10.*
- **Programs for financial assistance for attendance at private schools:** A program does not exist at this time.

Homeschooling

- Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school. *Va. Code §22.1-254.A.*

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- Parents providing home instruction are in compliance with the compulsory attendance law if you have met all of the requirements of the Code of Virginia governing home instruction. *Va. Code* §22.1-254.1.
- Parents may also teach their own children under the “tutor” provision or the “religious exemption” provision of the compulsory attendance law. *Va. Code* §§22.1-254.A, 22.1-254.B.1.
- Parents are permitted to provide home instruction in lieu of school attendance if they meet any one of the following four conditions. The teaching parent: 1) holds a high school diploma or higher credential certificate (a high school equivalency will not satisfy this requirement); 2) meets the qualifications for a teacher prescribed by the board of education; 3) enrolls the child or children in a correspondence course; or 4) provides evidence that parent is able to provide an adequate education for the child. *Va. Code* §22.1-254.1.
- To assess a parent’s ability to provide an adequate education, the school division superintendent should determine whether the information submitted exhibits a mastery of language by the writer; whether it includes plans for instructional activities; and whether it presents a reasonable scope and sequence of content that shows a broad overview of what the parent plans to teach the child during the school year. Effective July 1, 2008, parents are no longer required to use correspondence courses approved by the superintendent of public instruction and local school division superintendents no longer have to review the program of study or curriculum provided to ensure that it contains the Standards of Learning (SOL) for language arts and mathematics. *Va. Code* §22.1-254.1.A.
- The parent also is required to provide the school division with a description of the curriculum to be followed. Curriculum submission is for informational purposes only; the school division superintendent is not required to evaluate or judge the curriculum. *Va. Code* §22.1-254.1.
- A parent who elects to home instruct must: 1) notify the school division superintendent no later than August 15 of the intent to do so for the coming school year; 2) provide a description of the curriculum to be followed for the coming year; and 3) provide evidence of having met one of the criteria to permit home instruction. Parents who move into the school division or begin home instruction after the school year has begun must notify the school division superintendent of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within 30 days of this notice. *Va. Code* §22.1-254.1.B.
- By August 1, the parent is required to submit evidence of the child’s academic achievement in one of the following ways: 1) evidence that the child has attained a composite score in or above the fourth stanine on a battery of achievement tests approved for use in the public schools; or 2) an evaluation or assessment which, in the judgment of the division superintendent, indicates that the child is achieving an adequate level of education growth and progress. *Va. Code* § 22.1-254.1.C.
- The 2008 General Assembly session passed new language in the Code that allows parents additional options as evidence of the child’s academic achievement “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

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an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.” The amended law clarifies that these are acceptable options but maintains the requirement that the division superintendent determine that the child is achieving an adequate level of educational growth and progress. *Va. Code* §22.1-254.1.C.

- Local school boards may permit part-time attendance of homeschooled and private school students. Students may be allowed to enroll in classes in English, mathematics, science, history or social science, foreign language, vocational education, and fine arts. *Va. Code* §22.1-253.13:2.N.
- Participation in certain interscholastic activities such as varsity sports is governed by policies of the Virginia High School League. Other extracurricular activities are governed by policies of the local school board. *Virginia Administrative Code*, 8 VAC 20-131-200.
- It is not required that children being taught at home be allowed to participate in extracurricular or special programs offered by the school division. In the absence of program guidelines for the specific request, local school board policy prevails.

Information resources

- [Virginia Council for Private Education](http://www.vcpe.org/) <http://www.vcpe.org/>
- [Virginia Department of Education: Home Instruction Index](http://www.doe.virginia.gov/VDOE/Parents/index.html#homeinstruction) <http://www.doe.virginia.gov/VDOE/Parents/index.html#homeinstruction>
- [Virginia Department of Education: Home Instruction Frequently Asked Questions](http://www.doe.virginia.gov/VDOE/Parents/home-instruction-faq.pdf) <http://www.doe.virginia.gov/VDOE/Parents/home-instruction-faq.pdf>
- [Virginia Department of Education: Home Instruction in Virginia](http://www.doe.virginia.gov/VDOE/Parents/homeinst.pdf) <http://www.doe.virginia.gov/VDOE/Parents/homeinst.pdf>
- [Virginia Department of Education: Regulations Establishing Standards for Accreditation of Public Schools in Virginia \(8 VAC 20-131-200\)](http://www.doe.virginia.gov/VDOE/Accountability/soafulltxt.pdf) <http://www.doe.virginia.gov/VDOE/Accountability/soafulltxt.pdf>
- Virginia General Assembly: [Code of Virginia Title 22.1: Education](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2201000) <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2201000>
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