

SCHOOL CHOICE MATTERS

Virginia Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Virginia

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>NO</p> <p>No policy or policy based on ad hoc agreements</p>	<p>Virginia statute does not appear to require school districts to have mandatory interdistrict open enrollment policies. Statute does provide that, in the discretion of the school board of a school division, a person may be admitted into the public schools of a division and may be charged tuition where the person of school age is a resident of the state but does not reside within the school division.</p> <p>(Virginia Code 22.1-5 Regulations concerning admission of certain persons to schools; tuition charges)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-5 does not address rulemaking.
<p>Transfers Within Districts</p>	<p>NO</p> <p>No policy</p>	<p>Virginia statute does not require school districts to have a mandatory intradistrict open enrollment policy.</p> <p>Virginia statute permits open school enrollment – local school boards <u>may</u> establish and implement policies to provide open enrollment to any student residing within the school division, if the parent so requests.</p> <p>State statute indicates certain conditions and limitation that may be included in local school board policies, such as:</p> <ul style="list-style-type: none"> • Parent transportation requirements; • School preferences indicated in applications; • Limitation on participation in certain athletic activities; • Student preferences in certain circumstances. <p>(Virginia Code 22.1-7.1 Open school enrollment policy)</p>

		<ul style="list-style-type: none"> • Virginia Code 22.1-7.1 does not address rulemaking. <p>Virginia statute does require student transfer to another school within the division where a student is a victim of a crime against the person, as defined in state law, and the crime was committed by another student attending classes in the school, or by any employee of the school board, volunteer, contract worker, or person who regularly performs services in the school. So long as certain requirements are met, the student must be permitted to transfer. Transportation in these circumstances is done in accordance with local school board policies.</p> <p>(Virginia Code 22.1-3.3 Transfer of students under certain circumstances)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-3.3 does not address rulemaking.
Year-round Transfer Window	<p>NO</p> <p>No policy</p>	<p>Virginia does not have a policy that requires an application window that gives families timely opportunity to make open enrollment transfer decisions.</p>
Tuition-Free Public Schools	<p>LIMITED</p> <p>Tuition can be charged</p>	<p>Virginia statute provides that school boards of school divisions have the discretion to admit students into public schools within the division and may, at the discretion of the board, charge tuition for students who are residents of the state but do not reside within the school division.</p> <p>Statute specifies that tuition charges may not exceed the total per capita cost of education for elementary and secondary students.</p> <p>(Virginia Code 22.1-5 Regulations concerning admission of certain persons to schools; tuition charges)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-5 does not address rulemaking.
School Capacity Transparency	<p>NO</p> <p>No transparency policy</p>	<p>Virginia does not require school districts to publicly report capacity by school and grade level.</p>
Transfer Data Transparency	<p>NO</p> <p>No transparency in data reporting</p>	<p>Virginia does not require the state agency to collect and publicly report district-level open enrollment data.</p>

Transparent Appeal Process	NO	There is no process developed in statute for parents to appeal a district’s denial of transfer.
SOURCE CITATIONS		
Statutes Virginia Code 22.1-3.3 Transfer of students under certain circumstances Virginia Code 22.1-5 Regulations concerning admission of certain persons to schools; tuition charges Virginia Code 22.1-7.1 Open school enrollment policy		



Charter Schools in Virginia

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>LIMITED</p> <p>No real authorizer options</p>	<p>Virginia statute provides for the creation of charter schools. (Virginia Code 22.1-212.5, et al. Establishment of Charter Schools)</p> <p>Charter school applications are to be submitted for review by the Board of Education and local school boards. Applications for regional public charter schools must be submitted for review by all relevant school boards.</p> <p>The Board of Education and each local school board must establish procedures for reviewing and ruling upon applications.</p> <p>Local school boards must provide for public notice and a public comment period on charter school applications that are received.</p> <p>Prior to submitting an application to the local school board for review, the public charter school applicant must submit its proposed charter application to the Board of Education, for review, comment, and a determination as to whether the application meets the approval criteria developed by the Board. Charter applications initiated by one or more local school boards do not need to submit them to the Board of Education for review.</p> <p>(Virginia Code 22.1-212.9 Review of public charter school applications)</p>
<p>Charter Appeal Process</p>	<p>NO</p> <p>No appeals process</p>	<p>A public charter school applicant whose application is denied may petition the local school board for reconsideration. This must occur no later than 60 days from the date the application is denied. The reconsideration must be decided within 60 days. Local boards must provide for a public comment period and an applicant may seek technical assistance from the Superintendent of Public Instruction.</p> <p>Upon reconsideration, the decision to grant or deny will be final and not subject to appeal.</p> <p>The decision must be sent to the State Board of Education, but the Board has no authority to grant or deny a public charter school application.</p>

		<p>The only option available to an applicant that has been denied an application on reconsideration is to submit a new application.</p> <p>(Virginia Code 22.1-212.10 Reconsideration and technical assistance; review by Board)</p>
<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>Virginia statute notes that through charter contracts, public charter schools operate free from school division policies and state regulations but are subject to the requirements of the Standards of Quality, including the Standards of Learning and Standards of Accreditation.</p> <p>Further, statute provides that public charter schools are responsible for their own operations, which includes contracts for services and personnel matters.</p> <p>(Virginia Code 22.1-212.6 Establishment and operation of public charter schools; requirements)</p> <p>The charter school statute provides that public charter schools are subject to the following:</p> <ul style="list-style-type: none"> • Civil rights, health and safety requirements applicable to other public schools in the state; • Student assessment and accountability requirements applicable for other public schools; • Management committees are subject to, and must comply with the Virginia Freedom of Information Act; • Public charter schools shall not discriminate as enumerated in the statute; • Public charter schools are prohibited from engaging in sectarian practices in the educational program, admissions or employment policies, or operations. <p>(Virginia Code 22.1-212.6:1 Applicability of other laws, regulations, policies, and procedures)</p>
<p>Equitable Charter Funding</p>	<p>LIMITED</p> <p>Disparities exist</p>	<p>Virginia statute explains that the per pupil funding must be negotiated in the charter agreement and must be commensurate with the average school-based costs of educating the students in the existing schools in the division or divisions, unless the cost of operating the charter school is less than that average school-based cost.</p> <p>(Virginia Code 22.1-212.14 Funding of public charter schools; services provided)</p>
<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>Virginia does not provide facilities funding for charter schools in statute.</p> <p>Virginia statute creates a Public Charter School Fund, which must be used to establish or support public charter schools that stimulate the development of alternative public education programs.</p>

		<p>(Virginia Code 22.1-212.5:1 Public Charter School Fund established)</p> <ul style="list-style-type: none"> • Virginia code 22.1-212.5:1 explains that the State Board of Education will establish criteria for making distributions from the fund to a public charter school. <p>The State Board adopted the Criteria for Making Distributions from the Public Charter School Fund in 2008, which includes criteria for use of the funds and priorities for distribution, how to make requests from the fund, administration of the fund, and certain assurances that entities seeking money must make prior to receiving a disbursement.</p> <p>Virginia statute provides that local school boards may allow a public charter school to use vacant or unused properties or real estate owned by the school board; and in no event shall a public charter school be required to pay rent for space that is deemed available in school division facilities. Note that costs for operation and maintenance of the facilities will be subject to negotiation between the public charter school and school division.</p> <p>(Virginia Code 22.1-212.6 Establishment and operation of public charter schools; requirements)</p> <p>Virginia Code creates the Virginia Small Business Financing Authority - this entity was created to assist small and other eligible businesses in obtaining financing for new business or in the expansion of existing business. As an eligible business under Virginia Statute (“entity that modernizes public school buildings or facilities pursuant to the law”), charter schools would be eligible for financing for facilities,</p> <p>(Virginia Code 2.2-2279, et al. Small Business Financing Authority, Virginia)</p>
<p>Options for High-Performing Charters</p>	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	<p>Virginia policies are silent on opportunities for high-performing charter schools.</p>
<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>No mention of charter school building ordinance/zoning requirements in either the charter school law or the section on public school buildings. Also no linked rules/regulations in the section on the charter facilities fund.</p>

SOURCE CITATIONS

Statutes

[Virginia Code 22.1-212.5, et al. Establishment of Charter Schools](#)

[Virginia Code 2.2-2279, et al. Small Business Financing Authority, Virginia](#)

State Department of Education

[VA Dept of Education, Charter Schools](#)

[VA State Board of Education, Criteria for Making Distributions from the Public Charter School Fund](#)



Private School Choice in Virginia

POLICY	OVERALL RATING	PROGRAM OVERVIEW
<p>Universal Eligibility</p>	<p>LIMITED</p> <p>Eligibility less than 100%</p>	<p>Virginia statute creates the Education Improvement Scholarships Tax Credits Program.</p> <p>(Virginia Code Article 13.3 Education Improvement Scholarships Tax Credits)</p> <p>Virginia statute specifies that funding is available for eligible “students” – students are defined to mean:</p> <ul style="list-style-type: none"> • “a child who is a resident of Virginia and (i) in the current school year has enrolled and attended a public school in the Commonwealth for at least one-half of the year, (ii) for the school year that immediately preceded his receipt of a scholarship foundation scholarship was enrolled and attended a public school in the Commonwealth for at least one-half of the year, (iii) is a prior recipient of a scholarship foundation scholarship, (iv) is eligible to enter kindergarten or eligible to enter first grade, or (v) for the school year that immediately preceded his receipt of a scholarship foundation scholarship was domiciled in a state other than the Commonwealth and did not attend a nonpublic school in the Commonwealth for more than one-half of the school year. "Student" does not include an eligible pre-kindergarten child.” <p>(Virginia Code 58.1-439.25 Definitions)</p> <p>Virginia Code limits scholarship awards from tax-credit funds only to students whose family’s annual household income up to 300% of the current poverty guidelines, eligible students with a disability whose family’s annual household income up to 400% of poverty, or eligible pre-kindergarten children.</p> <p>(Virginia Code 58.1-439.28 Guidelines for scholarship foundations; Virginia Code 58.1-439.25 Definitions)</p> <ul style="list-style-type: none"> • Virginia statutes require the Department of Education to develop guidelines implementing the provisions relating to the tax credits program. <p>The Virginia guidelines for the tax credits program confirm the requirements established in statute.</p> <p>Virginia guidelines also specify that donors “may designate or limit their donations, and scholarship foundations may designate or limit their scholarship awards to a particular group of eligible schools or eligible nonpublic prekindergarten programs where scholarships may be used by eligible children.”</p>

		<p>(VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program (2020))</p>
<p>Comparable Student Funding</p>	<p>LIMITED</p> <p>Funding below 90%</p>	<p>Virginia statute specifies that the aggregate number of scholarships provided to each student for any single school year shall not exceed the lesser of:</p> <ul style="list-style-type: none"> • The actual qualified educational expenses of the student; or • 100% of the per-pupil amount distributed to the local school division in which the student resides, as the state’s share of the standards of quality costs using the composite index of ability to pay as defined in the general appropriation act. <p>(Virginia Code 58.1-439.28 Guidelines for scholarship foundations)</p> <ul style="list-style-type: none"> • Virginia statutes require the Department of Education to develop guidelines implementing the provisions relating to the tax credits program. <p>The Virginia guidelines for the tax credits program confirm these scholarship totals.</p> <p>The Virginia guidelines also note that the aggregate amount of scholarships provided to an eligible student with a disability may exceed 100% of the state’s share, up to lesser of 300% of the state’s share or the actual qualified educational expenses of the student if the eligible student with a disability is attending a school for students with disabilities.</p> <p>(VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program (2020))</p>
<p>Uncapped Student Access</p>	<p>LIMITED</p> <p>Funding or enrollment cap</p>	<p>Virginia statute does not include an enrollment cap.</p> <p>Virginia statute provides that the total amount of tax credits issued each fiscal year may not exceed \$25 million.</p> <p>(Virginia Code 58.1-439.26 Tax credit for donations to certain scholarship foundations)</p> <ul style="list-style-type: none"> • Virginia statutes require the Department of Education to develop guidelines implementing the provisions relating to the tax credits program. <p>The Virginia guidelines for the tax credits program confirm this limitation.</p>

<p>Extended Application Window</p>	<p>YES</p>	<p>The guidelines for the tax credits program specify that scholarship foundations are required to develop application procedures to award scholarships.</p> <p>The Virginia tax credit program guidelines explain that a scholarship foundation may award a scholarship after the school year begins, so long as the scholarship does not exceed the actual qualified education expenses for the remainder of the school year, or the applicable state per-pupil amount for the program year, whichever is less.</p> <p>(VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program (2020))</p>
<p>Student Testing Options</p>	<p>YES</p>	<p>Virginia statute requires eligible schools to compile the results of national norm-referenced achievement tests for each student receiving tax-credit-derived scholarships – parents or legal guardians must be given a copy of these results annually.</p> <p>Schools must also provide the Department of Education with the test results annually.</p> <p>(Virginia Code 58.1-439.28 Guidelines for scholarship foundations)</p> <ul style="list-style-type: none"> • Virginia statutes require the Department of Education to develop guidelines implementing the provisions relating to the tax credits program. <p>The Virginia guidelines for the tax credits program confirm these requirements.</p> <p>(VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program (2020))</p>
<p>School Autonomy</p>	<p>LIMITED</p> <p>Silent language or adverse regulations</p>	<p>Virginia statute is generally silent on private school autonomy.</p> <p>Virginia statute requires schools selected by students to which tax-credit funds will be paid be:</p> <ul style="list-style-type: none"> • In compliance with the state’s and locality’s health and safety laws and codes; • Hold a valid occupancy permit as required by the locality; • Comply with Title VI of the Civil Rights Act of 1964, as amended; • Are for students in grades K-12 and nonpublic schools that comply with accreditation requirements or maintain an assessment system that meets certain requirements. <ul style="list-style-type: none"> ○ Virginia statutes require the Department of Education to develop guidelines implementing the provisions relating to the tax credits program.

		<p>(Virginia Code 58.1-439.28 Guidelines for scholarship foundations)</p> <p>The Virginia guidelines for the tax credits program confirm these requirements.</p> <p>(VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program (2020))</p>
<p>Accessible School Participation</p>	<p>YES</p> <p>No accreditation requirement</p>	<p>Participating private schools for students in grades K-12 must be:</p> <ul style="list-style-type: none"> • Nonpublic schools that comply with nonpublic school accreditation requirements and administered by the Virginia Council for Private Education; or • Nonpublic schools that maintain an assessment system that annually measures scholarship students’ progress in reading and math using a national norm-referenced achievement test. <p>(Virginia Code 58.1-439.28 Guidelines for scholarship foundations)</p> <p>Virginia Code provides for accreditation of private elementary, middle, and high schools in accordance with standards prescribed by the Board.</p> <p>(Virginia Code 22.1-19 Accreditation of elementary, middle, and high schools; nursery schools; recognition of certain organizations; child day center regulation)</p>
<p>ESAs and Parent-Directed Spending</p>		
<p>Freedom to Customize</p>	<p>NO</p> <p>No ESA or microgrant program</p>	<p>In response to the COVID pandemic and learning loss among students, the Governor of Virginia created the K-12 Learning Acceleration Grants initiative. This time-limited grant program ended on May 30, 2024.</p> <p>The VDOE K-12 Learning Acceleration Grant Service Provider Guides notes that qualified expenses included the following:</p> <ul style="list-style-type: none"> • Tutoring – including in-person, virtual, hybrid, as well as one-on-one, small group, or large-group settings; this must occur in core content areas and foreign languages required to meet graduation requirements; tutors must meet certain requirements relating to licensure and employment; • Specialized educational therapy services and supports – this includes speech and language therapy, specialized reading instruction, or other specific services provided by a licensed practitioner; or • Special education assistive technology and equipment (limited to \$750 from the awarded grant) - this includes assistive technology devices and services and augmentative communication devices, and others.

		<p>(VA Dept of Education, K-12 Learning Acceleration Grants; VA Dept of Education, K-12 Learning Acceleration Grant Service Provider Guide)</p>
Freedom to Access	<p>NO</p> <p>No ESA or microgrant program</p>	<p>This funding was available for all students, grades K-12, in the state, no matter the schooling type.</p> <p>(VA Dept of Education, K-12 Learning Acceleration Grants)</p>
Carry-Over Funding	<p>NO</p> <p>No ESA or microgrant program</p>	<p>The Virginia Department of Education notes the following spending deadlines:</p> <ul style="list-style-type: none"> For those families that received \$1,500, the funds must have been spent no later than December 30, 2023. <p>For those families that received \$3,000, a portion of the grant (at least \$1) must have been spent no later than December 1, 2023; the remainder of the grant funds must be spent no later than May 30, 2024.</p> <p>(VA Dept of Education, K-12 Learning Acceleration Grants)</p>
<p>Tax Credits</p>		
Full Tax Credit	<p>LIMITED</p> <p>Credit value below 100%</p>	<p>Virginia statute creates the Education Improvement Scholarships Tax Credits Program.</p> <p>(Virginia Code Article 13.3 Education Improvement Scholarships Tax Credits)</p> <p>Virginia statute specifies that individuals are eligible to earn tax credits in an amount equal to 65% of the value of the monetary or marketable securities donation made by the person to a scholarship foundation.</p> <p>Tax credits are not allowed for donations that are less than \$500. Further, tax credits are issued only for the first \$125,000 in value of donations made by the individual during the taxable year.</p> <p>The total amount of tax credits that may be issued each fiscal year must not exceed \$25 million.</p> <p>(Virginia Code 58.1-439.26 Tax credit for donations to certain scholarship foundations)</p> <ul style="list-style-type: none"> Virginia statutes require the Department of Education to develop guidelines implementing the provisions relating to the tax credits program.

The Virginia guidelines for the tax credits program confirm these requirements.

[\(VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program \(2020\)\)](#)

SOURCE CITATIONS

Statutes

[Virginia Code Article 13.3 Education Improvement Scholarships Tax Credits](#)

[Virginia Code 22.1-19 Accreditation of elementary, middle, and high schools; nursery schools; recognition of certain organizations; child day center regulation](#)

State Department of Education

[VA Dept of Education, Education Improvement Scholarships Tax Credits Program](#)

[VA Dept of Education, Guidelines for the Education Improvement Scholarships Tax Credits Program \(2020\)](#)

[Report to the Chairmen of the House and Senate Finance Committees for FY2023](#)

[VA Dept of Education, K-12 Learning Acceleration Grants](#)

[VA Dept of Education, K-12 Learning Acceleration Grant Service Provider Guide](#)

[VA Dept of Education, K-12 Learning Acceleration Grants, Frequently Asked Questions for Tutors and Assistive Technology/Educational Services Providers](#)

Other Resources

[EdChoice, The ABCs of School Choice: Virginia \(2024 Edition\)](#)



Homeschooling in Virginia

POLICY	RATING	POLICY OVERVIEW
Homeschool without Prior Approval	<p>YES</p> <p>No permission required</p>	<p>Virginia statutes relating to homeschooling do not require families to receive permission from a local school board or administrative body to practice homeschooling.</p>
No Extra Homeschool Notifications	<p>NO</p> <p>Annual notification</p>	<p>Pursuant to Virginia law, parents who choose to homeschool their child(ren) must annually notify the division superintendent by August 15 of their intention to home school.</p> <p>Annual notification must include a description of the curriculum, the list of subjects to be studied during the year, and evidence of having met criteria relating to teaching requirements.</p> <p>(Virginia Code 22.1-254.1 Declaration of policy; requirements for home instruction of children)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-254.1 does not address rulemaking.
No Certification to Homeschool	<p>YES</p> <p>No certification requirement</p>	<p>Virginia statute specifies that parents who choose to provide home instruction in lieu of school attendance must:</p> <ul style="list-style-type: none"> • Hold a high school diploma; • Be a teacher of qualifications prescribed by the Board; • Provide 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 <p>Provide evidence that they can provide an adequate education for the child.</p> <p>(Virginia Code 22.1-254.1 Declaration of policy; requirements for home instruction of children)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-254.1 does not address rulemaking.

<p>Flexible Assessment Options</p>	<p>YES</p> <p>Flexible academic accountability</p>	<p>Parents must provide the division superintendent with:</p> <ul style="list-style-type: none"> • Evidence 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; or • An evaluation or assessment that indicates the child is achieving an adequate level of educational growth and progress, which includes: (1) 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; or (2) A report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school. <p>(Virginia Code 22.1-254.1 Declaration of policy; requirements for home instruction of children)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-254.1 does not address rulemaking.
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SOURCE CITATIONS

<p>Statutes</p> <p>Virginia Code 22.1-254.1 Declaration of policy; requirements for home instruction of children</p>	<p>State Department of Education</p> <p>Virginia Department of Education, Home Instruction</p>
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POLICY ENHANCERS



Part-time Enrollment in Virginia

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>LIMITED</p> <p>By type of student, type of course, or district policy</p>	<p>Virginia school districts are permitted, but not required, to provide nonpublic students and homeschool students access to courses. Virginia statutes relating to the average daily membership of students contemplates nonpublic and homeschool students being enrolled in a public school on a less than full time basis for purposes of calculating ADM.</p> <p>(Virginia Code 22.1-253.13:2 Standard 2. Instructional, administrative, and support personnel)</p>
Nonresident Course Access	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>Virginia statutes relating to the average daily membership of students contemplates nonpublic and homeschool students being enrolled in a public school on a less than full time basis for purposes of calculating ADM. Statute specifies this participation would be in the student’s school division.</p> <p>(Virginia Code 22.1-253.13:2 Standard 2. Instructional, administrative, and support personnel)</p>
Virtual Course Access	<p>YES</p> <p>The state has one or more fully accessible virtual providers</p>	<p>The Virginia Department of Education is required, pursuant to Virginia Code, to establish a statewide electronic classroom – the Virtual Virginia Program. This must be made available to every public high school in the state. This program must serve certain educational purposes, including instruction in subject areas that are not available in all schools.</p> <p>Statute permits the Department to contract with local school boards that have created online courses to make those courses available to other school divisions through the Virtual Virginia Program. Local school boards that make their courses available may charge a per-course or per-student fee to school divisions to defray the cost of developing the course and providing course instruction using teachers.</p>

		<p>(Virginia Code 22.1-212.2 Virtual Virginia)</p> <p>The Virtual Virginia website offers students in K-12 online courses and the student remains affiliated with the enrolling school. Students in K-5 must be enrolled full time; students in grades 6-12 may take individual courses through supplemental enrollments.</p> <p>(Virtual Virginia, Enrollment & Fees for Public School Students)</p> <p>Virtual Virginia also offers enrollment for global students, defined as those not enrolled in a Virginia public school – this includes private school students and homeschooled students.</p> <p>(Virtual Virginia, Enrollment & Fees for Global Students)</p>
<p>Extracurricular Access</p>	<p>NO</p> <p>No requirement to make extra/co-curricular opportunities available to all students</p>	<p>Virginia does not require public schools to provide access to athletics and extra/co-curricular activities to students in nonpublic schools and home schools. Virginia administrative rules make clear that extracurricular activities and eligibility requirements are to be established and approved by the local superintendent and the school board.</p> <p>(8VAC20-131-200 Extracurricular and other school activities; recess)</p>

SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>Virginia Code 22.1-212.2 Virtual Virginia</p> <p>Virginia Code 22.1-212.24 Approval of multidivision online providers; contracts with local school boards</p> <p>Virginia Code 22.1-253.13:2 Standard 2. Instructional, administrative, and support personnel</p>	<p>8VAC20-131-200 Extracurricular and other school activities; recess</p>	<p>VA Dept of Education, Multidivision Online Provider</p> <p>VA Dept of Education, Virtual Learning</p>	<p>Virtual Virginia</p>



Learn Everywhere in Virginia

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	Virginia has not established a Learn Everywhere program.
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in Virginia

POLICY	RATING	POLICY OVERVIEW
Open Enrollment Transit	NO	<p>Virginia statute provides that local school boards may establish and implement policies to provide for open enrollment of students. The policies may include a requirement that the parent or guardian provide transportation for the student attending a school other than his assigned school.</p> <p>(Virginia Code 22.1-7.1 Open school enrollment policy)</p>
Fair Transportation Access	NO	<p>General Obligation Virginia statute explains that school boards may provide for the transportation of students, but nothing is to be construed as requiring such transportation, except transportation is required for students with disabilities attending a special education program.</p> <p>(Virginia Code 22.1-176 Transportation of pupils authorized; when fee may be charged; contributions; regulations of Board of Education)</p> <p>Charter School Students Virginia statute requires the application for public charter schools to include the public charter school’s plan for providing transportation for students. There is no requirement to provide these services on equivalent terms as district students.</p> <p>(Virginia Code 22.1-212.8 Charter application)</p> <p>Nonpublic School Students Virginia statute provides that local school boards have the option to enter into agreements with nonpublic schools within the school division – both for student transportation to and from schools and school field trips – under terms deemed appropriate and responsible by local school boards. This can include arrangements relating to cost-sharing, fees, insurance, and liability.</p> <p>(Virginia Code 22.1-176.1 Agreements to provide transportation for nonpublic school pupils)</p> <ul style="list-style-type: none"> • Virginia Code 22.1-176.1 does not provide for rulemaking.

<p>Vehicle Flexibility</p>	<p>LIMITED</p> <p>Only for student activities, or other restrictive conditions</p>	<p>Virginia Statute provides that the Board may make regulations governing the vehicle options for student transportation.</p> <p>(Virginia Code 22.1-177 Regulations)</p> <p>Virginia Administrative Rules specify that all buses transporting students to and from public school must be national school bus yellow and meet certain specifications.</p> <p>(8VAC20-70-480 Bus identification)</p> <p>Virginia Administrative Rules provides that variations from the specifications issued by the Department of Education may be approved by the Department of Education.</p> <p>Virginia School Bus Specifications, created by the Department of Education, provide vehicle flexibility only for student activities.</p> <p>(Virginia Department of Education, Virginia School Bus Specifications)</p> <p>A 2025 law creates a two-year pilot in which districts smaller than 4,500 students may transport students using 11-to-15 passenger vehicles or may use rideshare services, public transportation, or coordinated carpool services to supplement yellow school bus operations.</p> <p>(House Bill 25-2720)</p>
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SOURCE CITATIONS

<p>Statutes</p>	<p>Administrative Code</p>	<p>State Department of Education</p>
<p>Virginia Code 22.1-7.1 Open school enrollment policy</p> <p>Virginia Code 22.1-176 Transportation of pupils authorized; when fee may be charged; contributions; regulations of Board of Education</p> <p>Virginia Code 22.1-176.1 Agreements to provide transportation for nonpublic school pupils</p>	<p>8VAC20-70-480 Bus identification</p>	<p>Virginia Department of Education, Pupil Transportation</p> <p>Virginia Department of Education, Virginia School Bus Specifications</p> <p>Virginia Department of Education, Private Schools – Pupil Transportation & Non-Public Educational Facilities</p>

Virginia Code 22.1-177 Regulations		
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