



Home Educators Association of Virginia

Teaching Our Children Today. Building Hope for Tomorrow.

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Dear Superintendent,

As an introduction, Home Educators Association of Virginia (HEAV) is a state-wide organization that has supported homeschool families since 1983. We work closely with our state legislators, the Virginia Department of Education, district representatives, and homeschool parents to provide accurate information regarding Virginia's homeschool laws, the certified tutor statute, delayed enrollment, and religious exemption.

HEAV values our positive working relationship with the 132 school districts around the Commonwealth. As we receive inquiries from parents seeking to resolve issues in their respective districts, our goal is to amicably work with district representatives and parents to clarify the law, address concerns, and cultivate positive relationships.

To support these efforts, we have [created a web page specifically to help school personnel](#) understand and implement the homeschool law. We invite you and your homeschool designee to visit this resource that includes links to the Virginia Code, FAQs, short informational videos, and up-to-date studies.

In addition, I have included the most frequently addressed topics we receive from districts and parents. By providing this information, we hope to clarify misunderstandings regarding the law as well as assist in eliminating unnecessary emails and lengthy phone calls for your district representatives. I hope this is helpful.

A Parental Choice

- Under the homeschool statute, parents are required to **notify** the superintendent of their intent to homeschool, not seek approval. (Reference: [§22.1-254.1\(B\)](#))
- The superintendent's responsibility is to ensure parents have met the requirements of the homeschool law. (Reference: [§22.1-254.1](#))

Privacy

- The 2020 Virginia Supreme Court in *Sosebee v. Franklin County School Board* concluded school districts cannot require information beyond what is required in the law; only the state legislature can do so. The homeschool statute does not require parents to fill out district forms or provide information beyond a child's name, address, and age as of September 30. (Reference: [§22.1-254](#), [§22.1-254.1](#), [Sosebee v. Franklin County School Board](#))

- School districts cannot disclose information that the parent or student provides to anyone outside the school district without the parent's or adult student's permission. This includes providing information to other school districts, the VDOE (other than the number of homeschoolers), neighbors, employers, military recruiters, colleges, academies, or any other entity. (Reference: [§22.1-254.1\(G\)](#))

Evidence of Progress

- In the following situations, parents are not required to provide evidence of progress:
 - If a child was five years old as of September 30 of the school year, the child is exempt from testing or an evaluation. (Reference: [§22.1-254.1\(C\)](#))
 - Once a student is 18 years old, he or she is no longer under compulsory attendance laws. (Reference: [§22.1-254\(A\)](#))
 - Once a student graduates, he or she is no longer under compulsory attendance laws. (Reference: [§22.1-254\(A\)\(ii\)\(b\)](#))
- The law requires a "composite score" on a nationally normed standardized achievement test. A composite score is the combined math and language arts portions of the test. (Reference: [§22.1-254.1\(C\)](#))

AP, PSAT, and PreACT Tests

- The statute requires school boards to make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to homeschoolers. (Reference: [§22.1-254.1\(F\)](#))
- Additionally, school boards are required to adopt written policies that specify the registration date and notify homeschooling parents of the registration deadline and the availability of financial assistance. (Reference: [§22.1-254.1\(F\)](#))

JROTC

- According to the federal National Defense Authorization Act, public high schools offering JROTC must include qualified homeschool students in their programs. (Reference: [HR 2500 \(116th\): National Defense Authorization Act for Fiscal Year 2020](#))

Virginia Certified Teachers/Tutors

Individuals with a current teaching license may **either** file to be recognized as a certified tutor under the compulsory attendance laws **or** comply with the requirements for home instruction under option (ii). Below is a description of each option.

- **Compulsory Attendance: Virginia Certified Tutor Statute ([§22.1-254\(A\)](#))**
 - The individual may be a parent or non-parent who holds a current Virginia teaching license.
 - He or she submits a copy of their teaching credential to the district superintendent stating they are complying with the Virginia Certified Tutor statute as referenced in [§22.1-254\(A\)](#). Acknowledgment is required by the superintendent.
 - They may teach their own children or can be hired to teach other children.
 - Virginia-certified tutors are not required to submit yearly notifications or assessments for the students they teach.
 - When certification is renewed, it must be resubmitted to the superintendent to retain the individual's tutor status.

- **Requirements for Home Instruction: Virginia Homeschool Statute ([§22.1-254.1\(A\)\(ii\)](#))**
 - A parent or legal guardian who holds a current Virginia teaching license can homeschool under option (ii) of the home instruction statute.
 - They may only teach their own children under the homeschool statute.
 - They must comply with the homeschool law in the same manner as all homeschool parents by providing annual notification, a list of subjects to be taught in the coming year, and yearly evidence of academic progress.

HEAV would like to thank you for sharing this information with your homeschool designee and staff. We appreciate your commitment to the success of all students in your district. We are available to address any questions or concerns by email or phone. We look forward to working with you.

With kind regards,



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