



Home Educators Association of Virginia

Teaching Our Children Today. Building Hope for Tomorrow.

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Dear Superintendent,

Home Educators Association of Virginia (HEAV) is a statewide organization that has supported and served the homeschool community since 1983. We work closely with our state legislators, the Virginia Department of Education (VDOE), public school personnel, and parents to provide accurate information regarding [Virginia's education laws](#). You will find us listed as a resource in the VDOE Home Instruction Handbook.

HEAV values our positive working relationship with all 131 public school districts. Our goal is to work together amicably to clarify the law, address concerns, and resolve challenges.

To support these efforts, we have developed a webpage, [Information for School Personnel](#), to provide information and help public school personnel implement Virginia's home education laws. This resource includes links to the Virginia Code, FAQs, short informational videos, and up-to-date studies. We invite you to share these resources and this letter with your homeschool designee.

Below, I have included the questions most frequently addressed statewide with school personnel, parents, and teachers during the 2023/2024 school year. We hope this information will help clarify the law and eliminate unnecessary challenges for your district representatives and parents.

District Terminology

Q: Do districts have the authority to **approve** a parent's Notice of Intent to homeschool?

A: No.

- The home instruction law requires parents to **notify** the superintendent of their intent to homeschool and provide evidence of their compliance.
- Upon receipt of a Notice of Intent, the superintendent ensures parents have complied with the home instruction law. Some superintendents provide a letter to acknowledge compliance.
- The law does not require parents to wait for a response from the district to begin home instruction.

Virginia Compulsory Attendance Laws, [§22.1-254](#)

Q: Is the Religious Exemption (RE) statute an option for providing home instruction under [§22.1-254.1](#) in Virginia?

A: No.

- Religious exemption is an **exemption from** compulsory attendance law, [§22.1-254](#).
- In contrast, to **comply with** the compulsory attendance law, parents may educate their child(ren) through home instruction, a Virginia-certified tutor or teacher, private school, or public school.

Promptly Processing a Notice of Intent to Homeschool, [§22.1-254.1\(B\)](#)

Q: Must a parent wait for the district to process their Notice of Intent to begin home instruction mid-year?

A: No.

- The law does not require parents to wait for their district to process their Notice of Intent before beginning home instruction.
- The law states that "Any parent who...begins home instruction after the school year has begun **shall notify the division superintendent of his intention to provide home instruction as soon as practicable** and shall thereafter **comply with the requirements of this section within 30 days of such notice.**" (emphasis added)
- If a student is transitioning from public school to home instruction, it is important for the superintendent to ensure public school systems are updated promptly. Doing so could avoid an unnecessary truancy investigation and undue burden on both the district staff and family.

Privacy, [§22.1-254.1\(G\)](#)

Q: Are there restrictions concerning the information provided in home instruction and religious exemption correspondence?

A: Yes.

- School districts are prohibited from disclosing information provided by parents or students to any person or entity outside of the local school division with narrow exceptions noted below.
- The law states: "No division superintendent or local school board shall disclose to the Department or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of [§22.1-254](#). However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent."
- This prohibition includes but is not limited to, sharing any information with other public school districts, private schools, colleges, trade schools, military recruiters, police academies, and employers without the written consent of an adult student or their parent.

Notice of Intent to Provide Home Instruction, [§22.1.254.1\(B\)](#); [§22.1-254\(A\)](#)

Q: Can a school district require the exclusive use of their Notice of Intent form (paper or electronic) or add other requirements to the law?

A: No.

- The homeschool law does not require parents to use a specific form (paper or online). It also does not prescribe a particular delivery method for homeschool correspondence. Parents may, for example, write a letter to notify their superintendent and send correspondence through certified mail.
- Additionally, requirements beyond a child's name, address, and age as of September 30 of the school year are inconsistent with the law as determined by the Virginia Supreme Court.
- In [Sosebee v. Franklin County School Board](#), the Supreme Court of Virginia concluded school districts cannot add requirements to the law; only the state legislature may do so.
- [HEAV](#) offers a "[Notice of Intent to Provide Home Instruction](#)" form that is consistent with the law, case law, and VDOE guidance. It is available for parents or school districts to use freely as a direct link, printout, or email.

Evidence of Progress, [§22.1-254\(A\)](#); [§22.1-254.1\(C\)](#)

Q: Is evidence of progress always required after a district has received a Notice of Intent?

A: No.

Districts cannot require evidence of progress when the student:

- is under the age of six as of September 30 of the school year;
- no longer lives in the school district;
- has otherwise complied with compulsory school attendance requirements;
- has reached his 18th birthday; or
- has obtained a high school diploma or its equivalent.

AP, PSAT, and PreACT, [§22.1-254.1\(F\)](#)

Q: For AP, PSAT, and PreACT exams, must school districts make available and notify homeschool students and their parents of registration deadlines and the availability of financial assistance to low income students?

A: Yes.

- School boards must make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to homeschoolers.
- The homeschool statute requires school boards to adopt written policies and notify students and parents regarding test registration dates, deadlines, and the availability of financial assistance for homeschool students.

JROTC, [HR 2500 \(116th\): National Defense Authorization Act for Fiscal Year 2020](#)

Q: Is a JROTC program limited to public school students only?

A: No.

- According to the National Defense Authorization Act, public high schools that offer Junior Reserve Officers' Training Corps (JROTC) must include qualified homeschool students in their programs.
- This year, the Virginia General Assembly passed [HB1231](#) affirming this mandate by directing the Department of Education to notify each school board of any federal law or regulation relating to student eligibility to participate in JROTC programs offered by any branch of the Armed Forces of the United States in public schools.

Virginia-Certified Tutor or Teacher vs. Home Instruction Notice of Intent Option (ii)

Q: Is there a difference between the "Virginia-certified tutor or teacher option" in the compulsory attendance law and the "Notice of Intent option (ii)" in the homeschool law?

A: Yes.

Individuals with a current Virginia teaching license may either file to be recognized as a Virginia-certified tutor or teacher under the compulsory attendance law or comply with Notice of Intent option (ii) in the home instruction law.

Compulsory Attendance Law: Virginia-Certified Tutor or Teacher Statute, [§22.1-254\(A\)](#)

- The individual may be a parent or a non-parent who holds a current Virginia teaching license.
- The individual may teach his or her own children or teach other children.
- To be acknowledged as a Virginia-certified tutor or teacher, individuals should submit a copy of their teaching credentials to the superintendent stating they are complying with the Virginia-certified tutor or teacher statute as referenced in [§22.1-254\(A\)](#). The superintendent has the authority to confirm that the teaching license is current.
- If certification is renewed, the individual should submit the renewed certification to the superintendent for verification.
- Virginia-certified tutors or teachers (including parents who use this method of instruction) are not required to submit annual notices of intent, evidence of academic progress, or to provide personal data about the children receiving instruction in compliance with the law under this section of the Virginia Code.

Home Instruction Law: Notice of Intent option (ii), [§22.1-254.1](#)

- Only a parent or legal guardian who holds a current Virginia teaching license can homeschool under option (ii) of the home instruction statute.
- Parents, as defined in [§22.1-213.1](#), may only teach their own child(ren) under option (ii) of the homeschool statute.
- Parents are required to comply with the homeschool law in the same manner as other homeschool parents by providing annual notification, a list of subjects to be taught in the coming year, and evidence of academic progress each year.

Resources:

- Fundamental Parental Rights: [§1-240.1](#)
- Compulsory Attendance Law: [§22.1-254](#)
- Home Instruction Law: [§22.1-254.1](#)
- National Defense Authorization Act for Fiscal Year 2020 (JROTC): [HR 2500 \(116th\)](#)
- Acts of Assembly (JROTC): [HB 1231 \(2024\) General Assembly of Virginia](#)
- Supreme Court of Virginia: [Sosebee v. Franklin County School Board](#)
- VDOE: [2023 Home Instruction Handbook](#)
- HEAV Resource: [Information for School Personnel](#)
- HEAV Resource: [Notice of Intent to Provide Home Instruction Form](#) (free for use)
- HEAV Resource: [Law Flowchart](#)

To support your work in applying Virginia's education laws, I would like to acquaint you with Patricia Beahr, HEAV's Director of Government Relations. Mrs. Beahr specializes in homeschool policy and implementation. She works daily with school board members, superintendents, and homeschool liaisons statewide and is pleased to offer you and your team her full support. She may be reached directly at 804-800-7468 and patricia.beahr@heav.org.

HEAV appreciates your commitment to the Code of Virginia, best operating practices, and your continued dedication to the families you serve. We look forward to working with you.

Warm regards,



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