



Home Educators Association of Virginia

Teaching Our Children Today. Building Hope for Tomorrow.

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Dear Superintendent,

HEAV receives thousands of inquiries annually from parents, teachers, public school district representatives, and other education stakeholders across the Commonwealth regarding the application of Virginia's homeschool laws. In this letter, we provide a summary of the most frequently asked questions received during the 2024-2025 school year. Additionally, we include several new tools and resources that we have developed to make processing home instruction documentation quick and easy for your team.

Since 1983, the Home Educators Association of Virginia (HEAV) has served as a leading voice for homeschool families across the Commonwealth. We work closely with the Virginia Department of Education (VDOE), state legislators, and all 131 school districts to provide accurate information on Virginia's homeschool laws and practical support for their implementation. We value the strong, collaborative relationships we share as we work together to clarify the law, address concerns, and resolve challenges.

We hope you and your team find the following helpful as you implement Virginia's home education laws.

2024-2025 Frequently Asked Questions

Public School Policy and Regulations, [§ 22.1-78](#); [Supreme Court of Virginia, *Sosebee v. Franklin County School Board*](#)

Q: Can local public school boards create and adopt policy and regulations for non-public school options?

A: No.

- Virginia Code [§ 22.1-78](#) limits local school boards to adopting regulations for the supervision of public schools only.
- With regard to non-public school options, superintendents and school boards are limited to administering the requirements prescribed by the state legislature; only the General Assembly can add to or take away from the law.

Parental Rights in Education, [§ 1-240.1](#); [§ 22.1-254\(A\)](#)

Q: Must all parents receive approval from a local public school district before choosing or changing educational options?

A: No.

- Virginia Code, [§ 1-240.1](#), acknowledges that parents have "a fundamental right to make decisions concerning the upbringing, education, and care" of their child(ren).

- To comply with Virginia's compulsory attendance law, parents can choose to enroll in public school; enroll in a private, denominational, or parochial school; use a Tutor or Teacher of Qualifications; or provide home instruction.
- Parents can change educational options at any time.

Home Instruction: Withdrawing From Public School, [§ 22.1-254.1\(B\)](#)

Q: Can a local public school district keep a child in school until it has processed a Notice of Intent (NOI) to provide home instruction?

A: No.

- When choosing to provide home instruction mid-year, parents must notify their division superintendent of their intention to provide home instruction. Once the notice has been provided, parents can remove their child from public school and begin home instruction. Following such notice, parents have 30 days to comply with the notification requirements in the home instruction law.
- When a student transitions from public school to home instruction, it is important for the superintendent to ensure home instruction documents are processed immediately and public school systems are updated promptly. Doing so could avoid an unnecessary truancy investigation and undue burden on both the district staff and the family.

Home Instruction: Notice of Intent [§ 22.1-254\(A\)](#); [§ 22.1-254.1\(B\)](#);

Q: Can a local public school district require information that is not prescribed in the law, the use of a particular Notice of Intent form (online or hard copy), or a specific delivery method in order to process a parent's NOI?

A: No.

- Office preferences and requests for information that is not prescribed in the law may be expressed but cannot be required. Preferences should be clearly indicated as such on district forms, websites, and communications to ensure compliance with state law.
- Related, parents may deliver home instruction documents by certified mail and in person.
 - Public school districts must be equipped to receive certified mail at the mailing address published by the Virginia Department of Education (VDOE).
 - Public school districts should not deny parents a signature of receipt for hand-delivered legal documents.

Home Instruction: Evidence of Progress, [§ 22.1-254\(A\)](#); [§ 22.1-254\(A\)\(ii\)\(b\)](#); [§ 22.1-254.1\(C\)](#)

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

A: No.

Evidence of progress is not required when the student:

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

Home Instruction: Privacy Protections, [§ 22.1-254.1\(G\)](#)

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

A: Yes.

- 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 the Virginia Department of Education (VDOE), other public school districts, student information systems and companies, private schools, colleges, trade schools, military recruiters, police academies, and employers without the written consent of an adult student or their parent.
- Please see HEAV's [2025 Homeschool Privacy Concerns letter](#) to superintendents and school board chairs for more information on this important topic.

Home Instruction: Junior Reserve Officers' Training Corps (JROTC), [HR 2500 \(116th\)](#)

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

A: No.

- Federal law requires public high schools that offer Junior Reserve Officers' Training Corps (JROTC) to include qualified homeschool students in their programs.
- The law states: "Each public secondary educational institution that maintains a unit under this section **shall** permit membership in the unit to homeschooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution)" (emphasis added).

Tutor or Teacher of Qualifications, [§ 22.1-254\(A\)](#)

Q: Is the use of a Tutor or Teacher of Qualifications part of the home instruction law?

A: No.

- The Tutor or Teacher of Qualifications law is unrelated to Virginia's home instruction law, [§ 22.1-254.1](#).
- The Tutor or Teacher of Qualifications option is one of the four aforementioned educational options in the law. Parents can educate their children through the use of a Tutor or Teacher of Qualifications.
- The local superintendent—not school personnel—must approve a Tutor or Teacher of Qualifications' operational status under this statute.
- To become a Tutor or Teacher of Qualifications:
 - The tutor or teacher submits a copy of their current Virginia teaching license to their local superintendent stating they are complying with the tutor or teacher of qualifications statute as referenced in [§ 22.1-254\(A\)](#).
 - Upon verifying the tutor or teacher's credential, the superintendent provides an appropriate acknowledgment letter that includes:
 1. a statement recognizing the status of the tutor or teacher of qualifications under [§ 22.1-254\(A\)](#);

2. a statement verifying the teaching license is current and valid; and
 3. the superintendent's signature.
- The law does not require private schools or such tutors or teachers—or the parents who use them—to report to a local public school district.

Religious Exemption, [§ 22.1-254\(B\)\(1\)](#)

Q: Is a Religious Exemption part of the home instruction law?

A: No.

- The religious exemption law is unrelated to Virginia's home instruction law, [§ 22.1-254.1](#).
- Religious exemption is one among several other exemptions in the law that excuse students from compulsory school attendance.
- Only a local school board, on behalf of the state board, may recognize a religious exemption. Superintendents and public school personnel do not have the statutory authority to implement the religious exemption law.
- Virginia's compulsory attendance law prescribes a single mandate for a local school board: To acknowledge a family's bona fide or sincere religious convictions and their vested right to a religious exemption from compulsory attendance.
- Parents send their private religious exemption documentation directly to the school board chair. The school board:
 - Reviews the legal documentation provided by the parent in a closed session;
 - Determines whether it reflects genuine and sincere religious beliefs; and
 - Acknowledges the children are henceforth excused from compulsory attendance in accordance with [§ 22.1-254\(B\)\(1\)](#). The acknowledgment letter is signed by the school board chair and sent directly to the parent to ensure confidentiality.

Resources for School Personnel

HEAV provides several tools and resources designed to assist district staff in processing homeschool documentation with ease and confidence. All HEAV materials are regularly updated to reflect Virginia law, relevant case law, and VDOE guidance. Please find the following and much more on our [Resources for School Personnel webpage](#):

- **(New!) Notice of Intent and Evidence of Progress checklists:** Use our checklists to make processing home instruction documentation quick and easy.
- **Virginia Laws flowchart:** View and print a visual representation of Virginia's homeschool laws.
- **HEAV's Notice of Intent (NOI) to Provide Home Instruction form:** HEAV's form is available for you to use freely as a direct link, printout, or email.
- **2025 VDOE Home Instruction Handbook and Sample Notice of Intent Form:** Easily access the most recent guidance from the VDOE.

- **And more:** Access video tutorials and topical information to learn about Virginia's home education laws, explore FAQs, easily reference applicable statutes and superintendent memos, review recent studies, and more!
- **Phone and email support:** HEAV offers full support to district personnel, Monday–Friday from 10 a.m. to 4 p.m. Please contact me at 804-278-9200 or at support@heav.org anytime I may be of service.

We hope the information, tools, and resources provided will support our mutual goal of helping children and families thrive.

HEAV would like to thank you for 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 in the months ahead.

Respectfully,

A handwritten signature in cursive script that reads "Patricia Beahr".

Patricia Beahr
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