

Tutor or Teacher of Qualifications – Recognition Request –

Date:

Dear Superintendent _____,

I write to request an acknowledgment letter in recognition of my credential to operate as a tutor or teacher of qualifications in accordance with § 22.1-254(A). Please find attached my current Virginia teaching license.

Please ensure the following information is included in the acknowledgement letter:

1. A statement verifying my teaching license is current and valid
2. A statement recognizing my status as a tutor or teacher of qualifications under § 22.1-254(A)
3. The superintendent's signature to indicate approval, in accordance with the statute.

Sincerely,

Tutor/Teacher Name: _____

Address: _____

Note: This correspondence is not a Notice of Intent to provide home instruction under Virginia Code § 22.1-254.1. The requirements in the home instruction law do not apply to tutors or teachers of qualifications.

For Public School Personnel **Sample Tutor or Teacher of Qualifications Acknowledgement Letter** On Division Letterhead

Date: _____

To Whom It May Concern:

_____ Public Schools acknowledges that (first and last name) is recognized as a tutor or teacher of qualifications in accordance with Virginia Code § 22.1-254(A).

(first and last name):

- Possesses a valid Virginia teaching license that will expire on _____
- May teach their own children and/or those of others in accordance with § 22.1-254(A)

This acknowledgement letter is valid until the current Virginia teaching license expires.

Sincerely,

Superintendent

For more information, please see the accompanying "Tutor or Teacher of Qualifications General Information and Process," provided by Home Educators Association of Virginia (HEAV) or visit heav.org/certified-tutor-option.

Tutor or Teacher of Qualifications – General Information & Process –

[Virginia's compulsory attendance law](#) offers several compliance options to parents. For a visual representation of Virginia's compliance options, please see HEAV's Law Flowchart.

Section A states: "Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, 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, cause such child to attend a public school or a private, denominational, or parochial school **or have such child taught by a tutor or teacher of qualifications prescribed by the Board and approved by the division superintendent**, or provide for home instruction of such child as described in [§22.1-254.1](#)" (emphasis added).

General Process to Become a Tutor or Teacher of Qualifications:

1. The tutor or teacher submits a copy of their current Virginia teaching license to their local superintendent, stating that they are complying with the tutor or teacher of qualifications statute as referenced in § 22.1-254(A).
2. Once the superintendent verifies the current Virginia teaching license, they issue an appropriate acknowledgment letter. At that point, the tutor or teacher may then teach their own children and/or those of others under § 22.1-254(A).
3. When the tutor or teacher's Virginia teaching license is renewed, they must submit their renewed license and obtain a new acknowledgment letter from the superintendent.

Superintendent's Responsibility:

- Once the current Virginia teaching license is acknowledged, the superintendent cannot deny the tutor or teacher of qualifications status.
- The superintendent provides an acknowledgment letter that includes the following:
 1. A statement verifying the teaching license is current and valid
 2. A statement recognizing the status of the tutor or teacher of qualifications under § 22.1-254(A)
 3. The superintendent's signature, indicating approval in accordance with the statute

Note: Parents who wish to use a tutor or teacher of qualifications in accordance with § 22.1-254(A) refer to this acknowledgment letter to ensure they are in compliance with the compulsory attendance law. Therefore, it is important that the superintendent provide an accurate letter that contains the essential information above.

Reporting Requirements:

The law does not require private schools or tutors or teachers of qualifications (or the parents using these compliance options) to report to local public school districts.

Students taught by tutors or teachers of qualifications are educated under § 22.1-254(A). They are not homeschooling under the home instruction statute, § 22.1-254.1. Therefore, the requirements of the home instruction law do not apply.

Resources:

HEAV Resource: [Virginia Education Laws Flowchart](#)

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

Case Law: [Circuit Court: Prince William County v. Charles Berlin](#)

VDOE Resource: [Tutor or Teacher of Qualifications Superintendent's Memo](#)

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VIRGINIA
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SUPTS. MEMO. NO. 121
July 8, 1994

INFORMATIONAL

TO: Division Superintendents

FROM: William C. Bosher, Jr.
Superintendent of Public Instruction

SUBJECT: Compulsory Attendance Statutes

Section 22.1-254 of the Code of Virginia identifies the mechanisms by which parents can satisfy the compulsory attendance requirements. This Section includes a provision which allows a parent to satisfy compulsory attendance requirements by having "...such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent..." as an alternative to attendance at a public or private school. A number of parents around the state have sought approval to teach their own children at home under this provision instead of the provisions of the home instruction statute found in Section 22.1-254.1 of the Code of Virginia.

Historically, the Department's interpretation of the entire compulsory attendance statute has been that the tutor provision was not applicable to parents who wish to teach their own children at home. On November 24, 1993, the Circuit Court of Prince William County, in Prince William County School v. Charles Berlin, Case No. CH-34982, ruled that parents have all four options of the compulsory attendance statute available to them. The Department has reexamined its interpretation in light of this case and, by this Memorandum, is revising its interpretation. Parents who wish to teach their children at home have either the home instruction provisions of Section 22.1-254.1 or the tutor provision in Section 22.1-254 to use with the authorization of the division superintendent.

If you have questions regarding this issue, please do not hesitate to contact Robert L. Stokes, Associate Director of Accreditation, at (804) 225-2097, or Charles W. Finley, Specialist for Accreditation, at (804) 225-2747.

WCBJr/cwf