



Superintendent's Memo #001-26

COMMONWEALTH of VIRGINIA
DEPARTMENT OF EDUCATION

DATE: January 5, 2026

TO: Division Superintendents

FROM: Emily Anne Gullickson, M.Ed. J.D., Superintendent of Public Instruction

SUBJECT: HB 2598 Students in local school division who receive home instruction; division's legal obligation.

During the 2025 General Assembly session, [HB 2598](#) (Chapter 291) was enacted requiring that the Superintendent of Public Instruction shall include in a Superintendent's memo an explanation of each division superintendent's obligations set forth in subsection G of § 22.1-254.1 of the Code of Virginia.

[Subsection G of § 22.1-254.1](#) provides that:

G. 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. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of the number of students in the school division receiving home instruction as required by subsection B.

School divisions report the number of students whose parents have notified the division superintendent by August 15 each year of their intention to provide home instruction. Such data and statistics may be found [here](#). For additional information on home instruction requirements please visit the department's [Home Instruction](#) website for links to the updated 2025 [Home Instruction Handbook](#), compulsory attendance statutes and a Sample Notice of Intent to Provide Home Instruction form. The Department encourages all school divisions to review privacy policies to ensure they are consistent with both state and federal law. Section [22.1-254.1.G](#) of the *Code of Virginia* prohibits school divisions from disclosing to the Virginia Department of Education or any other person or entity outside of the local school division information from a parent or student regarding election to provide home instruction or regarding a claim of a religious exemption without the parent's written consent. Moreover, as prescribed in § [22.1-254.1.G](#) of the *Code of Virginia*, neither the Virginia Department of Education nor any local school board shall require any student enrolled in a public elementary or secondary school or

receiving home instruction pursuant to § [22.1-254.1](#), or his parent, to provide the student's federal social security number. The amendments to the Handbook should better assist divisions with homeschool notice filings ahead of the 2026-2027 school year.

For questions regarding home instruction, please contact Melissa K. Velazquez, Assistant Superintendent of Government Relations, at (804) 804-750-8724 or melissa.velazquez@doe.virginia.gov.