



Virginia Homeschool History Timeline

Compiled by Shay Seaborne, Woodbridge, From archival material and interviews with VHEA co-founder Will Shaw

1990

Increased Fairness Regarding Cost of Independent Hearings. Delegate Jim Dillard (R-Fairfax) patroned Will Shaw's bill for HEAV — which stated that, when a homeschool parent appeals to an independent hearing officer, “the costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.” Previously, the law read, “the cost of hearing shall be borne by the party appealing.” While such hearings are not common, expenses for them could run to over \$1,000.

Compulsory Schooling Age in Virginia Raised to 18. Sen. Hunter Andrews' bill raised the compulsory schooling age to 18, which consequently increased the age for homeschooled children.

Homeschoolers' Privacy Protected. Will Shaw, as a HEAV lobbyist, wrote the bill clarifying that local divisions are required to report only the numbers of homeschoolers in their districts to Department of Education instead of the names of parents and children. Previously, the law said that the division superintendent shall notify the superintendent of public instruction of the “persons approved to provide home instruction.” Will successfully worked to change the wording to read, “the number of students,” so it would not be interpreted to direct reporting people rather than numbers.

1993

Reduction in Minimum Test Score Requirements. HEAV's successful bill reduced the minimum required test score from the 40th percentile to the 4th stanine (23rd percentile).

Virginia Home Education Association founded by Will Shaw and Jay Phaup launched VHEA. [For details, see, “The Little-Known History of VHEA,” in the January-February 2004 issue of the VHEA Newsletter.] Will and Jay wanted to “create an organization that welcomes all homeschool sorts, not just conservative Christian sorts, even though we are both conservative Christians.” Their vision for

the new organization included a focus on homeschooling *only*, to avoid the “negative baggage that goes with taking a position on non-homeschool issues.”

Protection of Kindergarten Opt-Out. The Virginia Department of Education wanted to strike the portion of the law that says “...any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school, may delay the child's attendance for one year.”

Will Shaw, now representing the then-fledgling Virginia Home Education Association, worked very closely with HEAV's lobbyist, Mary Douglass Enghauser, in defeating this bill. Will credits Mary with recruiting private education interests to speak against this bill, which made it appear that private schools were the primary opponent.

Defeating Proposed Invasive Medical Information Requirements. Legislation introduced by Delegate Bob Hull (D-Falls Church) would have required homeschoolers to provide the state health department with records of comprehensive medical examinations and vaccines each year. Also, although vaccinations were already required by another section of law, this bill omitted a religious exemption from vaccinations. VHEA's Will Shaw considered comprehensive medical exams overly burdensome and unnecessary, as well as an invasion of privacy. He contacted the patron and expressed serious reservations about the bill, but “got nowhere.” Will learned that the legislation was going to subcommittee the following morning at 7 am, and he felt it very important that homeschool families should not be subjected to these invasive requirements. So, although he firmly believes in saving phone alerts for dire circumstances, in this case he felt it was appropriate to activate a phone alert.

At the time, VHEA was an “organization of organizations,” so its phone tree consisted of numbers for its member organization contacts, rather than for individual

families. So, the message filtered from VHEA to the member organizations, to the members of the member organizations. VHEA informed HEAV, which also activated its phone network. By the time the alert was circulated by phone en masse, it had, Will stated, “been converted more to being opposition to vaccinations, when in fact the biggest heartburn was over the medical exams.”

Will went before the subcommittee chaired by Mitch Van Yahres (D-Charlottesville), focusing his remarks on the fact that “we don't need this” bill, that it was “frighteningly invasive,” and that it required homeschoolers to submit the results of private medical examinations to the health department, “introducing an additional arm of government into our lives.” Caroline Barnes, speaking for HEAV, argued against vaccinations *per se*. After that, Van Yahres recommended amendments that made the bill even worse.

That Saturday, Will spoke with the patron, Del. Hull, with the approach that, if homeschoolers are already subject to the vaccination laws in the state under existing laws generally applicable to parents, we shouldn't be subject to “some special reporting to the health department...that nobody else has to do.” Also, he proposed that homeschoolers should “certainly not be subject to comprehensive medical examinations that are not required of private school families.” After the discussion ended, our VHEA lobbyist headed to the University of Virginia law library, discovering that everything the delegate was saying regarding vaccinations was already in law, and without regard to the kind of education a child was receiving.

Even though the two men had already hashed it out over the phone twice, Will Shaw and Del. Hull met again at 7 am on a Sunday. Will pointed out to the legislator that his bill was requiring of homeschoolers things that weren't required of anyone else. Will suggested that homeschoolers' vaccination records should go to the local superintendent — rather than the state health department — “since that's the person we have to deal with anyway, so why have us report to some nameless faceless state entity, and why report every year

Va History Timeline...continued

when you don't have vaccines every year, since we were required by law to comply anyway?" He also wanted to "leave it up to the superintendent to ask for the vaccination records," rather than requiring us to automatically and repeatedly submit them. Will specifically lobbied for inclusion of medical and religious exemptions from vaccinations and to get rid of the medical exam requirement entirely, as he found it highly offensive, and he wanted to "totally eliminate the health department as a player." Delegate Hull was persuaded to revise his bill accordingly.

The two of men "cranked out" a substitute bill stating that homeschoolers have to comply with the established vaccination laws, but don't have to report the results unless asked by the superintendent. The substitute bill also eliminated the dreadful comprehensive medical examination requirement and eliminated the health department as a proposed player in our lives, while including specific reference to available exemptions from vaccinations.

The following day, as Del. Hull was preparing to go into the full House Education committee with the substitute bill, just minutes before the meeting, Home School Legal Defense Association (HSLDA) attorney Chris Klicka arrived to argue against immunizations *per se*. Delegate Hull's position was to go with the substitute bill that he and Will had worked out — and that he was ready to present — or he would go back to the original highly burdensome version. The HSLDA attorney wanted to argue against the state's power to compel vaccination — which Will Shaw considered a never-win argument, and not even germane.

Will suggested to HEAV's Yvonne Bunn that homeschoolers "can live with" the substitute bill, because there was "no new vaccination requirement, the loathsome parts were all removed, exemptions were specified," and that it was the best that could be managed at the time. Will felt it was "an excellent substitute, opposition to which seconds later in committee would result in reversion to the hideous bill." He noted that if they didn't go with that bill, it

would all be lost. Yvonne agreed completely with Will on the prudence of the substitute and told the HSLDA attorney that HEAV would rather HSLDA did not fight the substitute bill. Chris Klicka refrained from speaking about the bill, Hull introduced the substitute bill, and it was passed into law.

Protection of the Religious Exemption.

When a legislator asked the Department of Education (DoE) how many religious exemptions (REs) there are in the state, the DoE couldn't say. So, the DoE revised its annual request for statistics — including how many homeschoolers were under the Home Instruction statute — that it sends to each school division, to include asking how many children are under the RE. The information they sent to school divisions includes the question, although the law doesn't require that they report these numbers. Will met with the deputy superintendent of public instruction, where he learned of the legislator's RE inquiry, and of a memo suggesting a negative bill directed at the RE was likely in the coming General Assembly session.

When Will learned of the legislator's identity, he made an appointment to meet with the delegate at the legislator's home, since it was off-season, before the General Assembly. The legislator had a lot of reservations about the RE provision, such as that it might be abused, and that some parents under it might not be qualified to teach their children. Will explained the RE and that "homeschoolers are a diverse people," and that our needs are best served by "preserving the status quo, with its multiple avenues for home education." Will also explained "how some people could sincerely be unable to place their homeschooling under the authority — however minimal — of a secular entity." The legislator didn't fully understand, but Will received a commitment from the legislator to not introduce legislation in the approaching General Assembly session pertaining to the RE.

Affirmation of Parents' Right to Tutor Their Own Children. Prince William County told a homeschool family that the approved tutor provision of section 22.1-254 could not be

used for homeschooling one's own children. According to Will Shaw, "Up to that time the typical advice — if you put the question to the Department of Education — was 'No, that's what the home instruction statute is for.'" The family, represented by HSLDA, went to court, and the court found nothing in the law that says parents cannot use the tutor provision regarding their own child, agreeing with the parent. Although the court finding was not binding outside of the one circuit court district, Virginia Home Education Association seized on this decision to make the most of it. VHEA met with the state superintendent of public instruction, William Boshier, and asked him to issue a state superintendent's memo to all local school divisions, disseminating the court's decision and affirming its applicability statewide. Boshier then issued a state superintendent's memo to all divisions, clarifying that a parent can indeed be a lawful tutor for their own children, and that there was a court case that says it's acceptable.

In the next installment of Virginia Homeschool History Timeline:

Homeschoolers' objection to Virginia School Boards Association's proposed revision of a county's policies regarding exemptions and home instruction; a grassroots effort to protect the rights of a homeschooling family that was receiving public assistance; how partial enrollment in public schools became more available, and other interesting events in Virginia's homeschool history.



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