



The Certified Tutor Provision Demystified

The Code of Virginia states that one of the options for meeting the compulsory attendance law is for the child to be taught by a qualified and approved tutor. To qualify, the parent must hold a Virginia teaching certificate, which must be current, and renewed as needed. To renew a certificate, contact the VA Dept of Education in Richmond, the teacher certification office, and ask how to renew.

In the 1993 HSLDA case, *Prince William Co. School Board v. Charles Berlin*, a Prince William County Circuit Court judge ruled that homeschool parents can use the tutor provision to teach their own children. Up to then, the state Department of Education held that the approved tutor provision didn't apply to a parent teaching their own child. Following the favorable ruling in PWC Circuit Court, Will Shaw of VHEA brought a copy to state superintendent William Bosher, who, in July 1994, then distributed the decision to all school divisions as a state Superintendent's Memo.

The Code reads:

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance;

exemptions from article.

A. 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, send such child to a public school or to a private, denominational or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent or provide for home instruction of such child as described in § 22.1-254.1. [This means a Virginia state certified teacher who is approved as a tutor by the local superintendent. The tutor can be a parent or a person retained by the parent.]

The tutor provision calls for the parent to be state certified and approved by the division superintendent. VHEA suggests parents advise the local superintendent that they are teaching pursuant to the approved tutor provision of 22.1-254, quoting it and including the current teaching certificate, and see if it is accepted.

Under the tutor provision, parents are not required to provide any end of year test or assessment to the local division. Under the tutor provision, the parent is the sole decider on curricula, assessments, etc., and unless told otherwise, would not have to "report" at the beginning of the school year again.

Using the tutor provision does not exempt children from state vaccination law. Virginia only offers religious or medical exemptions to vaccinations. Every child in the state is otherwise subject to the vaccination law.

Parents who have a teaching certificate can also use qualifying criteria ii (commonly called "Option 2") of the Home Instruction statute. This would require filing an annual Notice of Intent and providing evidence of progress each year.

Note about partial-enrollment of children under the tutor provision: 22.1-253.13.1, H (the partial enrollment section) does not include reimbursement for part-time students who homeschool under either the approved tutor or religious exemption provisions. Therefore, it is unlikely that any school division in Virginia that allows partial enrollment would accept a student whose parents filed under one of those options.



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VHEA will be accepting Box Tops for Education later this fall, so save your Box Tops and read VHEA Updates and the next VHEA Newsletter for details.

Products bearing the Box Top coupons include General Mills cereals, Pillsbury, Betty Crocker, Green Giant, Totinos, Old El Paso and other food brands.

A HUGE Felt THANK YOU to Our Conference Volunteers!

As this issue of the VHEA Newsletter goes to press, we are exactly three weeks away from our “*Not Back to School*” Conference & Curriculum Fair 2004. By the time you read this, the conference will be another part of VHEA's history. We will have stories of just how successful it was in the next issue of the VHEA Newsletter. In the meantime, we would like to thank the following individuals:

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