Supt. Memo 121- Compulsory Attendance Statutes

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VIRGINIA 23216-2120

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 for Accreditation, at (804) 225-2097, or Charles W. Finley, Specialist for Accreditation, at (804) 225-2747.

WCBJr/cwf