

FILING A NOTICE OF INTENT

As required by Chapter 18, Article 8, Section 1, exemption (c), subdivision (2) of the West Virginia Code, a notice of intent to provide home instruction to children of compulsory school age must be sent to your county superintendent or board of education when you initiate home instruction. Compulsory school age begins with the school year in which the sixth birthday is reached prior to the first day of September or upon enrolling in a publicly supported kindergarten program, and continues until the sixteenth birthday. If a child is enrolled in a public school, notice of intent to provide home instruction needs to be given at least two weeks prior to withdrawing your child from public school. The Code specifically states this notice must be filed annually. We suggest that the notice of intent be sent by return receipt mail so you will know it was received by the county.

Under exemption (c), subdivision (2), we are to “outline a plan of instruction for the ensuing school year.” Generally, this is simply curriculum publishers and subjects that will be taught during the coming year. The law does not specify the degree of detailed information to be included. Neither does the law specify what is to be done with such a plan. However, former State Superintendent of Schools, Dr. Henry Marockie, issued the opinion that it is to be sent to the county. A 2009 analysis of the law by Home School Legal Defense Association counsel challenges that interpretation.

Many counties send homeschooling families a form to fill out which says it is a substitute for the Notice of Intent. These forms often request more information than the law requires. Submission of information not specifically required by the language of the Code is at the discretion of the homeschooling family. The exemption from compulsory public school attendance is specified by state law, not by county policy.

Some counties are saying the outline plan of instruction is to include the number of instructional minutes per subject per day and the number of instructional days per year. Though this may be required for those filing under the Section (c)(1), this is not a requirement under Section (c)(2). Some families just write “not applicable” in these sections of the form; others choose to submit a personally written Notice of Intent.

A new item being included on many counties' forms is a requirement that parents specify the type of academic assessment that will be employed at the end of the school term. The Code does not authorize the county to require this information, so again specification is voluntary. Not specifying the assessment method to be used affords more flexibility in making that choice in the spring.

Note. As of June 6, 2003, there are two different options for homeschooling: the “notice” or (c)(2) exemption [formerly called exemption B(b)], and the “request” or (c)(1) exemption [formerly called exemption B(a)].

Submit the notice of intent to your county Superintendent of Schools if you intend to homeschool under the option most families use: the “notice” option. This option requires that you have a high school diploma, or the equivalent.

To homeschool under the less commonly used “request” option, submit a “Request for Home Instruction.” You must be qualified to instruct in subjects required to be taught in public elementary schools. The county board may deny the request if there is good and reasonable justification.

Following are two examples of ways to present your Notice of Intent – one as a personal letter, another as a form.