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COALITION FOR RESPONSIBLE HOME EDUCATION SUPPORTS VIRGINIA HOUSE JOINT RESOLUTION 92

Understanding how the religious homeschooling exemption serves homeschooled children in practice is the best way to ensure long-term homeschooling freedom for all Virginians.

Delegate Thomas Rust of Virginia (R, 86th District) has proposed [House Joint Resolution No. 92](#), which would request the Virginia Department of Education to conduct a study on Virginia's religious homeschooling exemption and make recommendations to the legislature.

CRHE is in full support of further research on the effectiveness and impact of current homeschooling law. We maintain that every homeschooled child deserves safeguards to protect his or her interest in obtaining a basic education and reaching adulthood with an open future. We oppose religious homeschool exemptions such as the one currently available in Virginia, which remove homeschool parents from accountability and leave homeschooled children vulnerable to educational neglect and other forms of child maltreatment.

Virginia is the only state in the U.S. that allows parents to claim a religious exemption from compulsory education laws. While parents who homeschool under Virginia's homeschool statute must have their children assessed by standardized test or portfolio review annually, parents who claim religious exemptions are not legally required to educate their children or provide any proof of educational instruction or advancement. [Va. Code Ann. § 22.1-254\(B\)\(1\)](#) excuses from school attendance "any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school." [Click here for our full summary of Virginia's homeschool law.](#)

The current empirical research on the topic, including outcome measures under the religious homeschooling exemption, is woefully incomplete. While supporters of the status quo have used [research](#) conducted by Dr. Brian Ray's National Home Education Research Institute (NHERI) to claim that students homeschooled under religious exemptions score 33 percentage points higher on standardized tests than the national average, we are doubtful of these claims. Dr. Ray's cited paper is twenty years old, does not control for background factors, and uses a sample of 213 students, with only 18 high school students---hardly recent enough or containing enough variety to represent Virginia's [6,429 students currently homeschooled under the religious exemption](#). CRHE's assessment of Ray's research in general is that it does not conform with best practices in the social sciences or utilize standard peer review (for more, see [our page on academic achievement](#) or [our review of one of Ray's more prominent studies](#)). **More research is needed to provide an accurate picture of homeschooling under Virginia's religious exemption. CRHE strongly recommends against basing such important public policy decisions impacting children's futures on one small study with clear methodological flaws and sampling limitations.**

CRHE maintains that it is a desirable and reasonable interpretation of parental rights and responsibilities to legally allow parents the ability to choose an education for their children that conforms to their religious beliefs. **However, any law that also allows parents the ability to deny their children an education due to their religious beliefs is not in the best interests of homeschooled children, faith-based groups, the state of Virginia, or society and should not be permitted or tolerated.**

Concern about the lack of oversight for children homeschooled under the religious exemption clause has also been expressed by the University of Virginia School of Law's Child Advocacy Clinic. In September 2012, they published a report titled, "[7,000 Children and Counting: An Analysis of Religious Exemptions from Compulsory School Attendance in Virginia](#)," noting that Virginia is the only state in the United States that provides this kind of exemption for religious homeschoolers. They found that state and local officials were inconsistent in their application of the exemption and that no recent research had been done on the academic outcomes of religiously-exempt homeschoolers despite considerable growth in the homeschooling population in Virginia over the past two decades.

In July 2013, former homeschooled student Josh Powell made headlines when the Washington Post published an article about him titled "[Student's Home-Schooling Highlights Debate over Va. Religious Exemption Law](#)." Powell was educationally neglected by parents who claimed a religious exemption for him and refused to allow him or any of his siblings attend public school, despite Powell's formal complaint to his local school board that his home education under the religious exemption was substandard and his openly stated view that he personally desired to attend public school. Virginia's current legal standard is that, in families employing the religious exemption, parents and children are both required to be conscientious objectors who oppose school attendance because of their religious convictions. Powell's desire to be educated at a public school was ignored because of the murkiness of the current law.

CRHE views Thomas Rust's resolution as a logical response to the conversation started by coverage of Powell's story. We believe that formal dialogue on the issue is itself not a threat to homeschool freedoms but rather a responsible reaction by lawmakers who recently had the unintended consequence of the homeschooling religious exemption law brought to their attention.

As such, CRHE supports House Joint Resolution 92 as a step in the right direction towards laws that are homeschooling-friendly, respect religious freedom, and also consider the educational and human rights of homeschooled children.

Interested parties may contact Delegate Thomas Rust at 804-698-1086 or DelTRust@house.virginia.gov. Contact information for other Virginia delegates [may be found here](#).

Feel free to contact us at info@responsiblehomeschooling.org.