

10 months ago · Updated

Follow

## VIRGINIA EDUPRENEUR COMPLIANCE OVERVIEW

yes.every.kid.foundation.

### Articles in this section

Business Compliance Guide

Virginia Edupreneur Compliance Overview

While edupreneurs may select from numerous organizational and educational formats and adopt creative labels such as microschool, learning pod, hybrid school, homeschool coop, or numerous others, families are subject to **universal** compulsory school attendance laws that are enforced with civil and criminal penalties. Edupreneurs that wish to satisfy this requirement for families will need to operate as a private school. Edupreneurs that serve children who **otherwise** comply with this obligation (such as via homeschooling) may choose to operate as a private school or other organizational and operational format. Edupreneurs who desire personalized assistance are invited to submit a question to the Edupreneur Support Program ("ESP") at [www.yeslegal.org](http://www.yeslegal.org).

#### Option 1: Private School

The term "private school" is not defined in the Va Code and may include a denominational or parochial school.

**Satisfies compulsory attendance:** Yes, if required days/hours met.

**Required days/hours:** Yes to meet compulsory attendance. 180 teaching days or 990 teaching hours. [Va Code 22.1-254](#) and [Va Code 22.1-98](#).

**Mandated instruction:** No.

**Minimum teacher credential:** No.

**Recordkeeping required:** Yes, must keep a record of attendance ([Va Code 22.1-259](#)) and immunization ([Va Code 22.1-271.2](#)).

**Assessment required:** No, unless a student is a child with a disability who has been placed by a local school division. [8VAC20-81-150](#).

**Accreditation required:** No. However, state law only guarantees the transfer of credits completed at accredited private schools. The Board of Education has authorized the Virginia Council for Private Education to accredit private schools. [Va Code 22.1-19](#).

**BOE Licensing:** Generally no, however, licensing by the Virginia Board of Education is mandatory for [private schools serving students with disabilities](#) unless otherwise approved or accredited. [Va Code 22.1-320](#) and [Va Code 22.1-323](#).

**IDEA applicable:** No, however a child with a disability may be placed in a private school by a local school division. [8VAC20-81-150](#).

**ADA applicable:** Maybe. Any day care, nursery, elementary or secondary private school, or other place of education open to the public without a religious exemption is subject to [Title III of the ADA](#).

**Immunization requirements:** Yes. A student may not attend school unless he or she has been immunized or is exempt. [Va Code 22.1-271.2](#).

**Background checks requirements:** No, unless accredited. [Va Code 22.1-296.3](#).

**Mandatory abuse reporting:** Yes, any (i) teacher or other person employed in a public or private school, kindergarten, or child day program; or (ii) any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children are mandatory abuse reporters. See [Va Code 63.2-1509](#).

**Food safety:** Maybe, if food prepared or served at school. See [Food Safety in Virginia](#).

**Health requirements:** Private schools must furnish protective eye devices, free or at cost, for students, teachers, and visitors participating in specified vocational or industrial arts shops or laboratories. [Va Code 22.1-275](#). The state health commissioner has the authority to inspect dining accommodations of private schools. [Va Code 35.1-1](#) (includes school cafeterias in the definition of "restaurant"), [Va Code 35.1-5](#) (gives VDH the right to inspect).

**Child care requirements:** Exempt unless operating outside school hours.

**Transportation:** Local school districts may provide transport to private school students but are not required to. [Va Code 22.1-176](#). School bus drivers hired by parochial and private schools must meet the qualifications and provide the same documentation required of public school bus drivers. [Va Code 22.1-180](#). School buses may not discharge pupils in a manner that the child must cross a highway with two or more roadways separated by a physical barrier or unpaved area, or a highway with five or more lanes with the center lane a flush median marked for turning traffic only. [Va Code 46.2-918](#).

**FLSA applicable:** Yes, however individual employees may be exempt from minimum wage and overtime pay requirements. See [Reference Guide to the FLSA, Section 213 of the FLSA](#) and [Small Entity Compliance Guide to the FLSA Act's Exemptions](#).

**Incorporation requirement:** No.

**Fire code:** Yes. Virginia has adopted the [Virginia Statewide Fire Prevention Code](#) (SFPC) based on the International Fire Code. Enforcement of the SFPC is at the option of the local governments. Edupreneurs should contact the city/county local fire marshal.

**Building code:** Yes. Virginia has adopted the Virginia [Uniform Statewide Building Code](#) (USBC) based on the International Building Code. Enforcement of the USBC is the responsibility of the local government's building inspections department. Edupreneurs should contact the city/county local building officials.

**Zoning:** Yes. Counties and cities in Virginia adopt zoning regulations. Use as a private school may be identified as a permitted or restricted use. Edupreneurs should check their local county or city zoning ordinances available on the county/city webpage to assess any zoning impact on the proposed use or contact their local zoning office.

**Safety zone:** 1) The willful discharge of a firearm, unless justifiable by law; 2) brandishing a firearm in such a manner as to reasonably induce fear of being shot or injured; and 3) possession of a stun weapon, taser, or weapon other than a firearm, in any private or parochial elementary, middle or high school or within 1,000 feet of the school. [Va Code 18.2-280](#), [Va Code 18.2-282](#), [Va Code 18.2-308.1](#). It is a criminal offense to distribute any controlled substance, imitation controlled substance, or marijuana on the property of a private elementary or secondary school, within 1,000 feet of the school, or on any school bus. [Va Code 18.2-255.2](#).

**Business License requirements:** No at state level but check county or municipal requirements.

**Fiscal stability conditions:** No.

**Part-time/hybrid allowable:** Yes.

**Government funds:** Private educational institutions that accept state funds may not deny admission, full and equal access, or the enjoyment of any educational or extracurricular program to an otherwise qualified person with a disability. [Va Code 51.5-42](#).

#### Option 2: Other

**Satisfies compulsory attendance:** No. Parent is responsible for child's education.

**Required days/hours:** No.

**Mandated subjects:** No.

**Minimum teacher credential:** No, unless parents use the tutor/teacher option. [Va Code 22.1-254](#).

**Recordkeeping required:** No.

**Assessment required:** No.

**Accreditation:** No.

**BOE Licensing:** No.

**IDEA applicable:** No.

**ADA applicable:** Maybe. Any daycare, nursery, elementary or secondary private school, or other place of education open to the public without a religious exemption is subject to [Title III of the ADA](#).

**Immunization requirements:** No.

**Background checks requirements:** No, subject to applicable child care regulations (see below).

**Mandatory abuse reporting:** Yes, any persons 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children are mandatory abuse reporters. See [Va Code 63.2-1509](#).

**Food Safety:** Maybe if food prepared or served at learning environment. See [Food Safety in Virginia](#).

**Health requirements:** No.

**Child care requirements:** Maybe. Although child care and education are separate activities some environments may trigger child care licensing obligations. Specific exemptions are available. See [Va Code 22.1-289.030](#), [Exempt Child Day Programs](#), [Va Code 22.1-289.031](#) and [Religiously Exempt Child Day Centers](#).

**Transportation:** No.

**FLSA applicable:** No, unless gross volume of business is \$500,000 or more. If applicable, individual employees may be exempt from minimum wage and overtime pay requirements. See [Reference Guide to the FLSA, Section 213 of the FLSA](#) and [Small Entity Compliance Guide to the FLSA Act's Exemptions](#).

**Incorporation requirement:** No.

**Fire code:** Yes. Virginia has adopted the [Virginia Statewide Fire Prevention Code](#) (SFPC) based on the International Fire Code. Enforcement of the SFPC is at the option of the local governments. Edupreneurs should contact the city/county local fire marshal.

**Building code:** Yes, however building inspections are generally only required for new buildings or modifications to buildings. Virginia has adopted the Virginia [Uniform Statewide Building Code](#) (USBC) based on the International Building Code. Enforcement of the USBC is the responsibility of the local government's building inspections department. Edupreneurs with questions should contact the city/county local building officials.

**Zoning:** Yes. Counties and cities in Virginia adopt zoning regulations. Use as a private school may be identified as a permitted or restricted use. Edupreneurs should check their local county or city zoning ordinances available on the county/city webpage to assess any zoning impact on the proposed use or contact their local zoning office.

**Safety zone:** No.

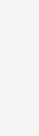
**Business license requirements:** No at state level but check county or municipal requirements.

**Fiscal stability conditions:** No.

**Part-time/hybrid allowable:** Yes.

**Government funds:** Private educational institutions that accept state funds may not deny admission, full and equal access, or the enjoyment of any educational or extracurricular program to an otherwise qualified person with a disability. [Va Code 51.5-42](#).

**Homeschool Laws:** For information about homeschooling: See [Va Code 22.1-254](#), [Va Code 22.1-254.1](#) also [HSLDA Resource for Virginia](#).

 [VA Compliance Overview \(2\).pdf](#)

200 KB · Download

THIS ANALYSIS IS NOT LEGAL ADVICE.

Submit a request for assistance at [www.yeslegal.org](http://www.yeslegal.org)

Copyright 2023-2024, yes.every.kid.foundation. all rights reserved.

Reproduce with permission only.

Was this article helpful?

✓ Yes

× No

1 out of 1 found this helpful

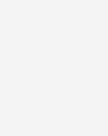
Have more questions? [Submit a request](#)

### Recently viewed articles

[Business Compliance Guide](#)

### Comments / Feedback

0 comments



Write a comment or provide feedback about this article.