

SENATE BILL NO. 404—SENATOR WASHINGTON

MARCH 19, 2007

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Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing homeschooled children. (BDR 34-738)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to education; revising provisions governing homeschooled children; requiring the board of trustees of each school district to post certain information concerning examinations on its Internet website and ensure that homeschooled children have notice of the website; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, compulsory attendance in public school is required of  
2 children between the ages of 7 and 17 years. (NRS 392.040) Compulsory  
3 attendance is excused if satisfactory written evidence is presented to the board of  
4 trustees of the school district in which the child resides that the child is receiving at  
5 home or in some other school equivalent instruction of the kind and amount  
6 approved by the State Board of Education. (NRS 392.070) **Sections 5 and 7** of this  
7 bill excuse compulsory attendance if a child is enrolled in a private school or if a  
8 notice of intent to homeschool the child is filed with the superintendent of schools  
9 of the school district in which the child resides. **Sections 2 and 7** of this bill  
10 authorize the board of trustees of a school district or the governing body of a  
11 charter school, as applicable, to require a birth certificate or other documentation to  
12 prove the identity of the homeschooled child who wishes to participate in certain  
13 activities and classes offered by the public schools in this State and requires such  
14 proof under certain circumstances.

15 **Section 5** of this bill sets forth requirements concerning a notice of intent to  
16 homeschool and establishes certain rights for a child that is being homeschooled  
17 and the parents of that child. **Section 5.5** of this bill sets forth requirements  
18 concerning notice of intent of a homeschooled child to participate in programs and  
19 activities, which must be filed before a homeschooled child may participate in  
20 certain classes, activities and programs in a public school or through a school  
21 district, or through the Nevada Interscholastic Activities Association.

22 Under existing law, the State Board of Education is required to prescribe the  
23 courses of study required for promotion to high school. (NRS 392.033) **Section 6** of



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24 this bill prescribes the information that must be provided by a homeschooled child  
25 who wishes to enroll in a public high school to demonstrate competency in those  
26 courses of study or successful completion of those courses.

27 **Section 4** of this bill requires the board of trustees of each school district to  
28 maintain on its Internet website pertinent information concerning the examinations  
29 available to children in the school district. **Section 5** of this bill requires each  
30 school district to ensure that homeschooled children who reside in the school  
31 district have adequate notice of the availability of the website.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 386.430 is hereby amended to read as follows:  
2 386.430 1. The Nevada Interscholastic Activities Association  
3 shall adopt rules and regulations in the manner provided for state  
4 agencies by chapter 233B of NRS, as may be necessary to carry out  
5 the provisions of NRS 386.420 to 386.470, inclusive. The  
6 regulations must include provisions governing the eligibility and  
7 participation of homeschooled children in interscholastic activities  
8 and events. *In addition to the regulations governing eligibility, a*  
9 *homeschooled child who wishes to participate must have on file*  
10 *with the school district in which he resides a current notice of*  
11 *intent of a homeschooled child to participate in programs and*  
12 *activities pursuant to section 5.5 of this act.*

13 2. If the Nevada Interscholastic Activities Association intends  
14 to adopt, repeal or amend a policy, rule or regulation concerning or  
15 affecting homeschooled children, the Association shall consult with  
16 the Northern Nevada Homeschool Advisory Council and the  
17 Southern Nevada Homeschool Advisory Council, or their successor  
18 organizations, to provide those Councils with a reasonable  
19 opportunity to submit data, opinions or arguments, orally or in  
20 writing, concerning the proposal or change. The Association shall  
21 consider all written and oral submissions respecting the proposal or  
22 change before taking final action.

23 **Sec. 1.5.** NRS 386.462 is hereby amended to read as follows:  
24 386.462 1. A homeschooled child must be allowed to  
25 participate in interscholastic activities and events in accordance with  
26 the regulations adopted by the Nevada Interscholastic Activities  
27 Association pursuant to NRS 386.430 ~~if~~ *if a notice of intent of a*  
28 *homeschooled child to participate in programs and activities is*  
29 *filed for the child with the school district in which the child resides*  
30 *for the current school year pursuant to section 5.5 of this act.*

31 2. The provisions of NRS 386.420 to 386.470, inclusive, and  
32 the regulations adopted pursuant thereto that apply to pupils enrolled  
33 in public schools who participate in interscholastic activities and  
34 events apply in the same manner to homeschooled children who



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1 participate in interscholastic activities and events, including, without  
2 limitation, provisions governing:

- 3 (a) Eligibility and qualifications for participation;
- 4 (b) Fees for participation;
- 5 (c) Insurance;
- 6 (d) Transportation;
- 7 (e) Requirements of physical examination;
- 8 (f) Responsibilities of participants;
- 9 (g) Schedules of events;
- 10 (h) Safety and welfare of participants;
- 11 (i) Eligibility for awards, trophies and medals;
- 12 (j) Conduct of behavior and performance of participants; and
- 13 (k) Disciplinary procedures.

14 **Sec. 2.** NRS 386.580 is hereby amended to read as follows:

15 386.580 1. An application for enrollment in a charter school  
16 may be submitted to the governing body of the charter school by the  
17 parent or legal guardian of any child who resides in this State.  
18 Except as otherwise provided in this subsection and subsection 2, a  
19 charter school shall enroll pupils who are eligible for enrollment in  
20 the order in which the applications are received. If the board of  
21 trustees of the school district in which the charter school is located  
22 has established zones of attendance pursuant to NRS 388.040, the  
23 charter school shall, if practicable, ensure that the racial composition  
24 of pupils enrolled in the charter school does not differ by more than  
25 10 percent from the racial composition of pupils who attend public  
26 schools in the zone in which the charter school is located. If a  
27 charter school is sponsored by the board of trustees of a school  
28 district located in a county whose population is 100,000 or more,  
29 except for a program of distance education provided by the charter  
30 school, the charter school shall enroll pupils who are eligible for  
31 enrollment who reside in the school district in which the charter  
32 school is located before enrolling pupils who reside outside the  
33 school district. Except as otherwise provided in subsection 2, if  
34 more pupils who are eligible for enrollment apply for enrollment in  
35 the charter school than the number of spaces which are available,  
36 the charter school shall determine which applicants to enroll  
37 pursuant to this subsection on the basis of a lottery system.

38 2. Before a charter school enrolls pupils who are eligible for  
39 enrollment, a charter school that is dedicated to providing  
40 educational programs and opportunities to pupils who are at risk  
41 may enroll a child who:

- 42 (a) Is a sibling of a pupil who is currently enrolled in the charter  
43 school; or
- 44 (b) Resides within the school district and within 2 miles of the  
45 charter school if the charter school is located in an area that the



1 sponsor of the charter school determines includes a high percentage  
2 of children who are at risk. If space is available after the charter  
3 school enrolls pupils pursuant to this paragraph, the charter school  
4 may enroll children who reside outside the school district but within  
5 2 miles of the charter school if the charter school is located within  
6 an area that the sponsor determines includes a high percentage of  
7 children who are at risk.

8 ➤ If more pupils described in this subsection who are eligible apply  
9 for enrollment than the number of spaces available, the charter  
10 school shall determine which applicants to enroll pursuant to this  
11 subsection on the basis of a lottery system.

12 3. Except as otherwise provided in subsection 7, a charter  
13 school shall not accept applications for enrollment in the charter  
14 school or otherwise discriminate based on the:

- 15 (a) Race;
- 16 (b) Gender;
- 17 (c) Religion;
- 18 (d) Ethnicity; or
- 19 (e) Disability,

20 ➤ of a pupil.

21 4. If the governing body of a charter school determines that the  
22 charter school is unable to provide an appropriate special education  
23 program and related services for a particular disability of a pupil  
24 who is enrolled in the charter school, the governing body may  
25 request that the board of trustees of the school district of the county  
26 in which the pupil resides transfer that pupil to an appropriate  
27 school.

28 5. Except as otherwise provided in this subsection, upon the  
29 request of a parent or legal guardian of a child who is enrolled in a  
30 public school of a school district or a private school, or a parent or  
31 legal guardian of a homeschooled child, the governing body of the  
32 charter school shall authorize the child to participate in a class that  
33 is not otherwise available to the child at his school or home school  
34 or participate in an extracurricular activity at the charter school if:

35 (a) Space for the child in the class or extracurricular activity is  
36 available; ~~and~~

37 (b) The parent or legal guardian demonstrates to the satisfaction  
38 of the governing body that the child is qualified to participate in the  
39 class or extracurricular activity ~~and~~; *and*

40 (c) *The child is a homeschooled child, a notice of intent of a*  
41 *homeschooled child to participate in programs and activities is*  
42 *filed for the child with the school district in which the child resides*  
43 *for the current school year pursuant to section 5.5 of this act.*

44 ➤ If the governing body of a charter school authorizes a child to  
45 participate in a class or extracurricular activity pursuant to this



1 subsection, the governing body is not required to provide  
2 transportation for the child to attend the class or activity. A charter  
3 school shall not authorize such a child to participate in a class or  
4 activity through a program of distance education provided by the  
5 charter school pursuant to NRS 388.820 to 388.874, inclusive.

6 6. The governing body of a charter school may revoke its  
7 approval for a child to participate in a class or extracurricular  
8 activity at a charter school pursuant to subsection 5 if the governing  
9 body determines that the child has failed to comply with applicable  
10 statutes, or applicable rules and regulations. If the governing body  
11 so revokes its approval, neither the governing body nor the charter  
12 school is liable for any damages relating to the denial of services to  
13 the child.

14 7. *The governing body of a charter school may, before*  
15 *authorizing a homeschooled child to participate in a class or*  
16 *extracurricular activity pursuant to subsection 5, require proof of*  
17 *the identity of the child, including, without limitation, the birth*  
18 *certificate of the child or other documentation sufficient to*  
19 *establish the identity of the child.*

20 8. This section does not preclude the formation of a charter  
21 school that is dedicated to provide educational services exclusively  
22 to pupils:

23 (a) With disabilities;

24 (b) Who pose such severe disciplinary problems that they  
25 warrant a specific educational program, including, without  
26 limitation, a charter school specifically designed to serve a single  
27 gender that emphasizes personal responsibility and rehabilitation; or

28 (c) Who are at risk.

29 ➔ If more eligible pupils apply for enrollment in such a charter  
30 school than the number of spaces which are available, the charter  
31 school shall determine which applicants to enroll pursuant to this  
32 subsection on the basis of a lottery system.

33 **Sec. 3.** NRS 388.850 is hereby amended to read as follows:

34 388.850 1. A pupil may enroll in a program of distance  
35 education only if the pupil satisfies the requirements of any other  
36 applicable statute and the pupil:

37 (a) Is participating in a program for pupils at risk of dropping  
38 out of high school pursuant to NRS 388.537;

39 (b) Is participating in a program of independent study pursuant  
40 to NRS 389.155;

41 (c) Is enrolled in a public school that does not offer certain  
42 advanced or specialized courses that the pupil desires to attend;

43 (d) Has a physical or mental condition that would otherwise  
44 require an excuse from compulsory attendance pursuant to  
45 NRS 392.050;



1 (e) Would otherwise be excused from compulsory attendance  
2 pursuant to NRS 392.080;

3 (f) Is otherwise prohibited from attending public school pursuant  
4 to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467  
5 or 392.4675;

6 (g) Is otherwise permitted to enroll in a program of distance  
7 education provided by the board of trustees of a school district if the  
8 board of trustees determines that the circumstances warrant  
9 enrollment for the pupil; or

10 (h) Is otherwise permitted to enroll in a program of distance  
11 education provided by the governing body of a charter school if the  
12 governing body of the charter school determines that the  
13 circumstances warrant enrollment for the pupil.

14 2. In addition to the eligibility for enrollment set forth in  
15 subsection 1, a pupil must satisfy the qualifications and conditions  
16 for enrollment in a program of distance education adopted by the  
17 State Board pursuant to NRS 388.874.

18 3. A child who is exempt from compulsory attendance and  
19 ~~receiving equivalent instruction authorized by the State Board~~  
20 ~~pursuant to subsection 1 of NRS 392.070~~ *is enrolled in a private*  
21 *school pursuant to chapter 394 of NRS or is being homeschooled*  
22 is not eligible to enroll in or otherwise attend a program of distance  
23 education, regardless of whether he is otherwise eligible for  
24 enrollment pursuant to subsection 1.

25 4. If a pupil who is prohibited from attending public school  
26 pursuant to NRS 392.264 enrolls in a program of distance education,  
27 the enrollment and attendance of that pupil must comply with all  
28 requirements of NRS 62F.100 to 62F.140, inclusive, and 392.251 to  
29 392.271, inclusive.

30 5. If a pupil is eligible for enrollment in a program of distance  
31 education pursuant to paragraph (c) of subsection 1, he may enroll  
32 in the program of distance education only to take those advanced or  
33 specialized courses that are not offered at the public school he  
34 otherwise attends.

35 **Sec. 4.** Chapter 389 of NRS is hereby amended by adding  
36 thereto a new section to read as follows:

37 *The board of trustees of each school district shall maintain on*  
38 *its Internet website, and shall post in a timely manner, all*  
39 *pertinent information concerning the examinations available to*  
40 *children who reside in the school district, including, without*  
41 *limitation, the dates and times of, and contact information*  
42 *concerning, such examinations. The examinations posted must*  
43 *include, without limitation:*

44 *1. The high school proficiency examination administered*  
45 *pursuant to NRS 389.015; and*



1       2. All college entrance examinations offered in this State,  
2 including, without limitation, the Scholastic Aptitude Test, the  
3 American College Test, the Preliminary Scholastic Aptitude Test  
4 and the National Merit Scholarship Qualifying Test.

5       **Sec. 4.5.** Chapter 392 of NRS is hereby amended by adding  
6 thereto the provisions set forth as sections 5 and 5.5 of this act.

7       **Sec. 5. 1.** *If the parent of a child who is subject to*  
8 *compulsory attendance wishes to homeschool the child, the parent*  
9 *must file with the superintendent of schools of the school district*  
10 *in which the child resides a written notice of intent to homeschool*  
11 *the child. The Department shall develop a standard form for the*  
12 *notice of intent to homeschool. The form must not require any*  
13 *information or assurances that are not otherwise required by this*  
14 *section or other specific statute. The board of trustees of each*  
15 *school district shall, in a timely manner, make only the form*  
16 *developed by the Department available to parents who wish to*  
17 *homeschool their child.*

18       2. *The notice of intent to homeschool must be filed before*  
19 *beginning to homeschool the child or:*

20       (a) *Not later than 10 days after the child has been formally*  
21 *withdrawn from enrollment in public school; or*

22       (b) *Not later than 30 days after establishing residency in this*  
23 *State.*

24       3. *The purpose of the notice of intent to homeschool is to*  
25 *inform the school district in which the child resides that the child*  
26 *is exempt from the requirement of compulsory attendance.*

27       4. *If the name or address of the parent or child as indicated*  
28 *on a notice of intent to homeschool changes, the parent must, not*  
29 *later than 30 days after the change, file a new notice of intent to*  
30 *homeschool with the superintendent of schools of the school*  
31 *district in which the child resides.*

32       5. *A notice of intent to homeschool must include only the*  
33 *following:*

34       (a) *The full name, age and gender of the child;*

35       (b) *The name and address of each parent filing the notice of*  
36 *intent to homeschool;*

37       (c) *A statement signed and dated by each such parent*  
38 *declaring that the parent has control or charge of the child and*  
39 *the legal right to direct the education of the child, and assumes*  
40 *full responsibility for the education of the child while the child is*  
41 *being homeschooled;*

42       (d) *An educational plan for the child that is prepared pursuant*  
43 *to subsection 12;*

44       (e) *If applicable, the name of the public school in this State*  
45 *which the child most recently attended; and*



1 (f) *An optional statement that the parent may sign which*  
2 *provides:*

3  
4 *I expressly prohibit the release of any information*  
5 *contained in this document, including, without limitation,*  
6 *directory information as defined in 20 U.S.C. §*  
7 *1232g(a)(5)(A), without my prior written consent.*  
8

9 *6. Each superintendent of schools of a school district shall*  
10 *accept notice of intent to homeschool that is filed with him*  
11 *pursuant to this section and meets the requirements of subsection*  
12 *5, and shall not require or request any additional information or*  
13 *assurances from the parent who filed the notice.*

14 *7. The school district shall provide to a parent who files a*  
15 *notice a written acknowledgment which clearly indicates that the*  
16 *parent has provided notification required by law and that the child*  
17 *is being homeschooled. The written acknowledgment shall be*  
18 *deemed proof of compliance with Nevada's compulsory school*  
19 *attendance law. The school district shall retain a copy of the*  
20 *written acknowledgment for not less than 15 years. The written*  
21 *acknowledgment may be retained in electronic format.*

22 *8. The superintendent of schools of a school district shall*  
23 *process a written request for a copy of the records of the school*  
24 *district, or any information contained therein, relating to a child*  
25 *who is being or has been homeschooled not later than 5 days after*  
26 *receiving the request. The superintendent of schools may only*  
27 *release such records or information:*

28 *(a) To a person or entity specified by the parent of the child, or*  
29 *by the child if he is at least 18 years of age, upon suitable proof of*  
30 *identity of the parent or child; or*

31 *(b) If required by specific statute.*

32 *9. If a child who is or was homeschooled seeks admittance or*  
33 *entrance to any school in this State, the school may use only*  
34 *commonly used practices in determining the academic ability,*  
35 *placement or eligibility of the child. A homeschooled child seeking*  
36 *admittance to public high school must comply with NRS 392.033.*

37 *10. A school or organization shall not discriminate in any*  
38 *manner against a child who is or was homeschooled.*

39 *11. Each school district shall allow homeschooled children to*  
40 *participate in the high school proficiency examination*  
41 *administered pursuant to NRS 389.015 and all college entrance*  
42 *examinations offered in this State, including, without limitation,*  
43 *the Scholastic Aptitude Test, the American College Test, the*  
44 *Preliminary Scholastic Aptitude Test and the National Merit*  
45 *Scholarship Qualifying Test. Each school district shall ensure that*





1 *the homeschooled children who reside in the school district have*  
2 *adequate notice of the availability of information concerning such*  
3 *examinations on the Internet website of the school district*  
4 *maintained pursuant to section 4 of this act.*

5 *12. The parent of a child who is being homeschooled shall*  
6 *prepare an educational plan of instruction for the child in the*  
7 *subject areas of English, including reading, composition and*  
8 *writing, mathematics, science and social studies, including history,*  
9 *geography, economics and government, as appropriate for the age*  
10 *and level of skill of the child as determined by the parent. The*  
11 *educational plan must be included in the notice of intent to*  
12 *homeschool filed pursuant to this section. If the educational plan*  
13 *contains the requirements of this section, the educational plan*  
14 *must not be used in any manner as a basis for denial of a notice of*  
15 *intent to homeschool that is otherwise complete. The parent must*  
16 *be prepared to present the educational plan of instruction and*  
17 *proof of the identity of the child to a court of law if required by the*  
18 *court. This subsection does not require a parent to ensure that*  
19 *each subject area is taught each year that the child is*  
20 *homeschooled.*

21 *13. No regulation or policy of the State Board, any school*  
22 *district or any other governmental entity may infringe upon the*  
23 *right of a parent to educate his child based on religious preference*  
24 *unless it is:*

25 *(a) Essential to further a compelling governmental interest;*  
26 *and*

27 *(b) The least restrictive means of furthering that compelling*  
28 *governmental interest.*

29 *14. As used in this section, "parent" means the parent,*  
30 *custodial parent, legal guardian or other person in this State who*  
31 *has control or charge of a child and the legal right to direct the*  
32 *education of the child.*

33 **Sec. 5.5.** *1. The Department shall develop a standard form*  
34 *for the notice of intent of a homeschooled child to participate in*  
35 *programs and activities. The board of trustees of each school*  
36 *district shall, in a timely manner, make only the form developed by*  
37 *the Department available to parents of homeschooled children.*

38 *2. The notice developed pursuant to subsection 1 must*  
39 *include the information required in the notice of intent to*  
40 *homeschool pursuant to section 5 of this act, excluding the*  
41 *educational plan for the homeschooled child.*

42 *3. If a homeschooled child wishes to participate in classes,*  
43 *activities, programs, sports or interscholastic activities and events*  
44 *at a public school or through a school district, or through the*  
45 *Nevada Interscholastic Activities Association, the parent of the*



1 *child must file a current notice of intent to participate with the*  
2 *school district in which the child resides.*

3 **Sec. 6.** NRS 392.033 is hereby amended to read as follows:

4 392.033 1. The State Board shall adopt regulations which  
5 prescribe the courses of study required for promotion to high school,  
6 which may include the credits to be earned.

7 2. The board of trustees of a school district shall not promote a  
8 pupil to high school if the pupil does not complete the course of  
9 study or credits required for promotion. The board of trustees of the  
10 school district in which the pupil is enrolled may provide programs  
11 to complete the courses of study required for promotion to high  
12 school.

13 3. The board of trustees of each school district shall adopt a  
14 procedure for evaluating the course of study or credits completed by  
15 a pupil who transfers to a junior high or middle school from a junior  
16 high or middle school in this State or from a school outside of this  
17 State.

18 *4. A homeschooled child who enrolls in a public high school*  
19 *shall, upon initial enrollment:*

20 *(a) Provide documentation sufficient to prove that the child*  
21 *has successfully completed the courses of study required for*  
22 *promotion to high school through an accredited program of*  
23 *homeschool study recognized by the board of trustees of the school*  
24 *district;*

25 *(b) Demonstrate proficiency in the courses of study required*  
26 *for promotion to high school through an examination prescribed*  
27 *by the board of trustees of the school district; or*

28 *(c) Provide other proof satisfactory to the board of trustees of*  
29 *the school district demonstrating competency in the courses of*  
30 *study required for promotion to high school.*

31 **Sec. 7.** NRS 392.070 is hereby amended to read as follows:

32 392.070 1. Attendance *of a child* required by the provisions  
33 of NRS 392.040 must be excused when ~~[satisfactory written~~  
34 ~~evidence is presented to the board of trustees of the school district in~~  
35 ~~which the child resides that the child is receiving at home or in some~~  
36 ~~other school equivalent instruction of the kind and amount approved~~  
37 ~~by the State Board.] :~~

38 *(a) The child is enrolled in a private school pursuant to*  
39 *chapter 394 of NRS; or*

40 *(b) A parent of the child chooses to provide education to the*  
41 *child and files a notice of intent to homeschool the child with the*  
42 *superintendent of schools of the school district in which the child*  
43 *resides in accordance with section 5 of this act.*

44 2. The board of trustees of each school district shall provide  
45 programs of special education and related services for



1 homeschooled children. The programs of special education and  
2 related services required by this section must be made available:

3 (a) Only if a child would otherwise be eligible for participation  
4 in programs of special education and related services pursuant to  
5 NRS 388.440 to 388.520, inclusive;

6 (b) In the same manner that the board of trustees provides, as  
7 required by 20 U.S.C. § 1412, for the participation of pupils with  
8 disabilities who are enrolled in private schools within the school  
9 district voluntarily by their parents or legal guardians; and

10 (c) In accordance with the same requirements set forth in 20  
11 U.S.C. § 1412 which relate to the participation of pupils with  
12 disabilities who are enrolled in private schools within the school  
13 district voluntarily by their parents or legal guardians.

14 3. Except as otherwise provided in subsection 2 for programs  
15 of special education and related services, upon the request of a  
16 parent or legal guardian of a child who is enrolled in a private  
17 school or a parent or legal guardian of a homeschooled child, the  
18 board of trustees of the school district in which the child resides  
19 shall authorize the child to participate in ~~[a class that is not available~~  
20 ~~to the child at the private school or home school or to participate in~~  
21 ~~an extracurricular activity.]~~ *any classes and extracurricular*  
22 *activities*, excluding sports, at a public school within the school  
23 district if:

24 (a) Space for the child in the class or extracurricular activity is  
25 available; ~~and~~

26 (b) The parent or legal guardian demonstrates to the satisfaction  
27 of the board of trustees that the child is qualified to participate in the  
28 class or extracurricular activity ~~};~~ *and*

29 (c) *The child is a homeschooled child, a notice of intent of a*  
30 *homeschooled child to participate in programs and activities is*  
31 *filed for the child with the school district for the current school*  
32 *year pursuant to section 5.5 of this act.*

33 ➤ If the board of trustees of a school district authorizes a child to  
34 participate in a class or extracurricular activity, excluding sports,  
35 pursuant to this subsection, the board of trustees is not required to  
36 provide transportation for the child to attend the class or activity. A  
37 homeschooled child must be allowed to participate in interscholastic  
38 activities and events governed by ~~[an association]~~ *the Nevada*  
39 *Interscholastic Activities Association* pursuant to NRS 386.420 to  
40 386.470, inclusive, and interscholastic activities and events,  
41 including sports, pursuant to subsection 5.

42 4. The board of trustees of a school district may revoke its  
43 approval for a pupil to participate in a class or extracurricular  
44 activity at a public school pursuant to subsection 3 if the board of  
45 trustees or the public school determines that the pupil has failed to



1 comply with applicable statutes, or applicable rules and regulations  
2 of the board of trustees. If the board of trustees revokes its approval,  
3 neither the board of trustees nor the public school is liable for any  
4 damages relating to the denial of services to the pupil.

5 5. In addition to those interscholastic activities and events  
6 governed by ~~[an association]~~ *the Nevada Interscholastic Activities*  
7 *Association* pursuant to NRS 386.420 to 386.470, inclusive, *a*  
8 homeschooled ~~[children]~~ *child* must be allowed to participate in  
9 interscholastic activities and events, including sports ~~[ ]~~, *if a notice*  
10 *of intent of a homeschooled child to participate in programs and*  
11 *activities is filed for the child with the school district for the*  
12 *current school year pursuant to section 5.5 of this act.* A  
13 homeschooled child who participates in interscholastic activities and  
14 events at a public school pursuant to this subsection must participate  
15 within the school district of the child's residence through the public  
16 school which the child is otherwise zoned to attend. Any rules or  
17 regulations that apply to pupils enrolled in public schools who  
18 participate in interscholastic activities and events, including sports,  
19 apply in the same manner to homeschooled children who participate  
20 in interscholastic activities and events, including, without limitation,  
21 provisions governing:

- 22 (a) Eligibility and qualifications for participation;
- 23 (b) Fees for participation;
- 24 (c) Insurance;
- 25 (d) Transportation;
- 26 (e) Requirements of physical examination;
- 27 (f) Responsibilities of participants;
- 28 (g) Schedules of events;
- 29 (h) Safety and welfare of participants;
- 30 (i) Eligibility for awards, trophies and medals;
- 31 (j) Conduct of behavior and performance of participants; and
- 32 (k) Disciplinary procedures.

33 6. If a homeschooled child participates in interscholastic  
34 activities and events pursuant to subsection 5:

35 (a) No challenge may be brought by ~~[an association,]~~ *the*  
36 *Association*, a school district, a public school or a private school, a  
37 parent or guardian of a pupil enrolled in a public school or a private  
38 school, a pupil enrolled in a public school or a private school, or any  
39 other entity or person claiming that an interscholastic activity or  
40 event is invalid because the homeschooled child is allowed to  
41 participate.

42 (b) Neither the school district nor a public school may prescribe  
43 any regulations, rules, policies, procedures or requirements  
44 governing the eligibility or participation of the homeschooled child



1 that are more restrictive than the provisions governing the eligibility  
2 and participation of pupils enrolled in public schools.

3 7. The programs of special education and related services  
4 required by subsection 2 may be offered at a public school or  
5 another location that is appropriate.

6 8. *The board of trustees of a school district:*

7 (a) *May, before providing programs of special education and*  
8 *related services to a homeschooled child pursuant to subsection 2,*  
9 *require proof of the identity of the child, including, without*  
10 *limitation, the birth certificate of the child or other documentation*  
11 *sufficient to establish the identity of the child.*

12 (b) *May, before authorizing a homeschooled child to*  
13 *participate in a class or extracurricular activity, excluding sports,*  
14 *pursuant to subsection 3, require proof of the identity of the child,*  
15 *including, without limitation, the birth certificate of the child or*  
16 *other documentation sufficient to establish the identity of the*  
17 *child.*

18 (c) *Shall, before allowing a homeschooled child to participate*  
19 *in interscholastic activities and events governed by the Nevada*  
20 *Interscholastic Activities Association pursuant to NRS 386.420 to*  
21 *386.470, inclusive, and interscholastic activities and events*  
22 *pursuant to subsection 5, require proof of the identity of the child,*  
23 *including, without limitation, the birth certificate of the child or*  
24 *other documentation sufficient to establish the identity of the*  
25 *child.*

26 9. The Department ~~may~~ shall adopt such regulations as are  
27 necessary for the boards of trustees of school districts to provide the  
28 programs of special education and related services required by  
29 subsection 2.

30 ~~9.] 10.~~ As used in this section, "related services" has the  
31 meaning ascribed to it in 20 U.S.C. § ~~H401(22);] 1401.~~

32 **Sec. 8.** NRS 392.466 is hereby amended to read as follows:

33 392.466 1. Except as otherwise provided in this section, any  
34 pupil who commits a battery which results in the bodily injury of an  
35 employee of the school or who sells or distributes any controlled  
36 substance while on the premises of any public school, at an activity  
37 sponsored by a public school or on any school bus must, for the first  
38 occurrence, be suspended or expelled from that school, although he  
39 may be placed in another kind of school, for at least a period equal  
40 to one semester for that school. For a second occurrence, the pupil  
41 must be permanently expelled from that school and:

42 (a) ~~[Receive equivalent instruction authorized by the State~~  
43 ~~Board pursuant to subsection 1 of NRS 392.070;] Enroll in a~~  
44 *private school pursuant to chapter 394 of NRS or be*  
45 *homeschooled; or*



1 (b) Enroll in a program of independent study provided pursuant  
2 to paragraph (b) of subsection 3 of NRS 389.155 or a program of  
3 distance education provided pursuant to NRS 388.820 to 388.874,  
4 inclusive, if he qualifies for enrollment and is accepted for  
5 enrollment in accordance with the applicable requirements.

6 2. Except as otherwise provided in this section, any pupil who  
7 is found in possession of a firearm or a dangerous weapon while on  
8 the premises of any public school, at an activity sponsored by a  
9 public school or on any school bus must, for the first occurrence, be  
10 expelled from the school for a period of not less than 1 year,  
11 although he may be placed in another kind of school for a period not  
12 to exceed the period of the expulsion. For a second occurrence, the  
13 pupil must be permanently expelled from the school and:

14 (a) ~~Receive equivalent instruction authorized by the State~~  
15 ~~Board pursuant to subsection 1 of NRS 392.070;~~ *Enroll in a*  
16 *private school pursuant to chapter 394 of NRS or be*  
17 *homeschooled;* or

18 (b) Enroll in a program of independent study provided pursuant  
19 to paragraph (b) of subsection 3 of NRS 389.155 or a program of  
20 distance education provided pursuant to NRS 388.820 to 388.874,  
21 inclusive, if he qualifies for enrollment and is accepted for  
22 enrollment in accordance with the applicable requirements.

23 ➤ The superintendent of schools of a school district may, for good  
24 cause shown in a particular case in that school district, allow a  
25 modification to the expulsion requirement of this subsection if such  
26 modification is set forth in writing.

27 3. Except as otherwise provided in this section, if a pupil is  
28 deemed a habitual disciplinary problem pursuant to NRS 392.4655,  
29 the pupil must be suspended or expelled from the school for a period  
30 equal to at least one semester for that school. For the period of his  
31 suspension or expulsion, the pupil must:

32 (a) ~~Receive equivalent instruction authorized by the State~~  
33 ~~Board pursuant to subsection 1 of NRS 392.070;~~ *Enroll in a*  
34 *private school pursuant to chapter 394 of NRS or be*  
35 *homeschooled;* or

36 (b) Enroll in a program of independent study provided pursuant  
37 to paragraph (b) of subsection 3 of NRS 389.155 or a program of  
38 distance education provided pursuant to NRS 388.820 to 388.874,  
39 inclusive, if he qualifies for enrollment and is accepted for  
40 enrollment in accordance with the applicable requirements.

41 4. This section does not prohibit a pupil from having in his  
42 possession a knife or firearm with the approval of the principal of  
43 the school. A principal may grant such approval only in accordance  
44 with the policies or regulations adopted by the board of trustees of  
45 the school district.



1 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has  
2 been found to have possessed a firearm in violation of subsection 2,  
3 may be suspended from school or permanently expelled from school  
4 pursuant to this section only after the board of trustees of the school  
5 district has reviewed the circumstances and approved this action in  
6 accordance with the procedural policy adopted by the board for such  
7 issues.

8 6. A pupil who is participating in a program of special  
9 education pursuant to NRS 388.520, other than a pupil who is gifted  
10 and talented, may, in accordance with the procedural policy adopted  
11 by the board of trustees of the school district for such matters, be:

12 (a) Suspended from school pursuant to this section for not more  
13 than 10 days. Such a suspension may be imposed pursuant to this  
14 paragraph for each occurrence of conduct proscribed by  
15 subsection 1.

16 (b) Suspended from school for more than 10 days or  
17 permanently expelled from school pursuant to this section only after  
18 the board of trustees of the school district has reviewed the  
19 circumstances and determined that the action is in compliance with  
20 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400  
21 et seq.

22 7. As used in this section:

23 (a) "Battery" has the meaning ascribed to it in paragraph (a) of  
24 subsection 1 of NRS 200.481.

25 (b) "Dangerous weapon" includes, without limitation, a  
26 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk  
27 or dagger, a nunchaku, switchblade knife or trefoil, as defined in  
28 NRS 202.350, a butterfly knife or any other knife described in NRS  
29 202.350, or any other object which is used, or threatened to be used,  
30 in such a manner and under such circumstances as to pose a threat  
31 of, or cause, bodily injury to a person.

32 (c) "Firearm" includes, without limitation, any pistol, revolver,  
33 shotgun, explosive substance or device, and any other item included  
34 within the definition of a "firearm" in 18 U.S.C. § 921, as that  
35 section existed on July 1, 1995.

36 8. The provisions of this section do not prohibit a pupil who is  
37 suspended or expelled from enrolling in a charter school that is  
38 designed exclusively for the enrollment of pupils with disciplinary  
39 problems if he is accepted for enrollment by the charter school  
40 pursuant to NRS 386.580. Upon request, the governing body of a  
41 charter school must be provided with access to the records of the  
42 pupil relating to his suspension or expulsion in accordance with  
43 applicable federal and state law before the governing body makes a  
44 decision concerning the enrollment of the pupil.



1     **Sec. 9.** The regulations adopted by the State Board of  
2 Education which are codified as NAC 392.011 to 392.065,  
3 inclusive, are hereby declared void. In preparing the supplements to  
4 the Nevada Administrative Code on or after July 1, 2007, the  
5 Legislative Counsel shall remove those regulations.

6     **Sec. 10.** This act becomes effective on July 1, 2007.

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