

LCB File No. R009-03

**PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION/
STATE BOARD FOR OCCUPATIONAL EDUCATION**

(This proposed regulation was previously adopted as LCB File No. T013-03)

Explanation: Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

Authority: NRS 385.080 and 392.070.

EXEMPTION FROM COMPULSORY ATTENDANCE REGULATIONS

Section 1. Chapter 392 of NAC is hereby amended by adding thereto new sections to read as follows:

NAC 392 Identification of the child.

1. Each notification of intent to have a child excused from compulsory attendance at public school on the ground that the child will be given equivalent instruction must provide:

- (a) The full name of the child;*
- (b) The name of the parent(s); and*
- (c) The address where the child resides.*

2. The initial notification of intent to provide equivalent instruction outside the public schools shall include proof of the identity of the child, consisting of the child's birth certificate or some other document sufficient to establish his identity.

3. No child enrolled in the public school shall be removed by a parent from public school premises pursuant to an excuse from compulsory attendance on the grounds that the parent is providing equivalent instruction outside the public school without proof of the parent's identity.

NAC 392 School district to provide certain information to parents:

1. The Nevada Department of Education shall develop standard Notification of Intent forms, which shall not require any information or assurances other than those required by law.

2. School districts shall make available to parent(s) the following items provided by the Department of Education in a timely manner:

(a) Written notification of PSAT/NMSQT exam registration and test dates;

(b) Millennium Scholarship Program information; and

(c) The Nevada Department of Education Notification of Intent forms.

3. Informational documents included in a district home school packet shall not require/request initials or signature.

4. Upon receipt of the evidence of equivalent instruction defined in NAC 392.025, the school district shall provide a written acknowledgement that clearly states that the parents have provided the notice required by law and that the child is excused from attendance at the public school for the duration of the school year or until the Board of Trustees for the county votes to deny the child's exemption from compulsory attendance, whichever comes first. This written acknowledgement shall serve as proof of compliance with Nevada's compulsory attendance law.

Section 2. NAC 392.011 is hereby amended to read as follows:

NAC 392.011 Definitions. As used in NAC 392.011 to 392.075, inclusive, unless the context otherwise requires:

1. "Approved correspondence program" means a program provided by:

(a) A member of a national or regional accrediting association, which is accredited for elementary or secondary education;

(b) A public school in Nevada offering correspondence study at the elementary or secondary level, or both; or

(c) A private correspondence school, which is licensed by the state board of education pursuant to the provisions of chapter 394 of NRS.

2. "Consultation" means:

(a) Participation by the consultant in the preparation of the educational plan for the child;

(b) Participation by the consultant in the development or review of the subjects to be taught; and

(c) Consultation with the parent about any learning problems which may occur.

3. "Parent" means the parent or legal guardian of a child.

4. "Proposed educational goals" means a description of the anticipated kind of instruction, by subject, for that school year.

Section 3. NAC 392.015 is hereby amended to read as follows:

NAC 392.015 Persons qualified to teach equivalent instruction. A child shall be excused from compulsory attendance at public school when written evidence is provided to the board of trustees of the county school district that the child will receive equivalent instruction and be instructed by any one of the following:

1. ~~[By a]~~ A teacher ~~[, other than the parent,]~~ who possesses a teaching license issued by the superintendent of public instruction for the grade to be taught;
2. ~~[By the]~~ A parent ~~[, when the parent:]~~ *who assumes full responsibility for the education of the child, who may use other person(s) to assist in meeting equivalent instruction as defined in NAC 392.035 and who:*
 - (a) Qualifies for or possesses a ~~[teaching]~~ license *to teach* from any state or territory of the United States ~~[for the grade to be taught];~~ or
 - (b) Has provided instruction ~~[in the home]~~ in any state or territory of the United States for at least ~~[3 years]~~ *one year; or*
3. ~~[By the]~~ A parent ~~[,]~~ *who assumes full responsibility for the education of the child,* in consultation with ~~[a person who:]~~ *an experienced educator (uncompensated or compensated) as defined in NAC 392.025(3);*
 - ~~[(a) Possesses a teaching license issued by the superintendent of public instruction for the grade to be taught; or~~
 - ~~[(b) Has provided instruction in the home in any state or territory of the United States for at least 3 years.]~~
4. ~~[By the]~~ A parent ~~[, when the child is]~~ *who has* enrolled *the child* in an approved correspondence program *as defined in NAC 392.011(1).*
- ~~[5. By the parent, when the parent has received a waiver under NAC 392.075.]~~

Section 4. NAC 392.025 is hereby amended to read as follows:

NAC 392.025 ~~[Contents of request for exemption; requirements for teachers]~~ *Written evidence* of equivalent instruction ~~[in elementary and secondary education].~~

~~[1. The request to have a child excused from compulsory attendance at public school on the ground that the child will be given equivalent instruction outside the school must include:~~

- ~~(a) A statement about the person who will teach the child and where the instruction will take place;~~
 - ~~(b) A statement of the educational plan that includes:
 - ~~(1) The proposed educational goals for the child; and~~
 - ~~(2) The instructional materials to be used;~~~~
 - ~~(c) A calendar of the proposed days of teaching, including at least 180 days of instruction of appropriate length;~~
 - ~~(d) Evidence that:
 - ~~(1) The teacher, when he is other than the parent, has a license to teach issued by the superintendent of public instruction for the grade to be taught;~~
 - ~~(2) The parent:
 - ~~(I) Qualifies for or possesses a license to teach from any state or territory of the United States for the grade to be taught; or~~
 - ~~(II) Has provided instruction in the home in any state or territory of the United States for at least 3 years;~~~~
 - ~~(3) The consultant has:
 - ~~(I) A license to teach issued by the superintendent of public instruction for the grade to be taught; or~~
 - ~~(II) Provided instruction in the home in any state or territory of the United States for at least 3 years;~~~~
 - ~~(4) The child is enrolled in an approved correspondence program; or~~
 - ~~(5) The parent has received a waiver under NAC 392.075;~~~~
 - ~~(e) Upon initial application, proof of the identity of the child, consisting of his birth certificate or some other document sufficient to establish his identity; and~~
 - ~~(f) A statement signed by the parent which declares that:
 - ~~(1) The educational plan will be followed; and~~
 - ~~(2) The parent assumes full responsibility to provide equivalent instruction to the child.~~~~
2. For the purposes of subsection 1 of NAC 392.015:
- ~~(a) For grades 9 to 12, inclusive, the teacher must have a license to teach secondary education with an endorsement in at least one of the following:
 - ~~(1) English.~~~~

- ~~(2) Language arts.~~
- ~~(3) Mathematics.~~
- ~~(4) Social studies.~~
- ~~(5) Any of the physical or natural sciences.~~

~~(b) For grades 1 to 8, inclusive, the teacher must have a license to teach elementary education.]~~

1. A notification of intent to provide equivalent instruction by a licensed teacher must consist of:

- (a) The identifying information required by Section 1, NAC 392 Identification of the child;*
- (b) A calendar of the proposed days of teaching, including the equivalent of at least 180 days of instruction, as defined in NAC 387.286(2); and*

(c) Evidence that:

(1) The teacher, for grades 9 to 12, inclusive, has a license to teach secondary education with an endorsement in at least one of the following:

- (i) English.*
- (ii) Language arts.*
- (iii) Mathematics.*
- (iv) Social studies.*
- (v) Any of the physical or natural sciences*

(2) For grades 1 to 8, inclusive, the teacher must have a license to teach elementary education.

2. A notification of intent to provide equivalent instruction primarily by a parent must consist of:

- (a) The identifying information required by Section 1, NAC 392 Identification of the child;*
- (b) A statement of the educational plan that includes:*

- (1) The proposed educational goals for the child as defined in NAC 392.011(4); or*
- (2) The instructional materials to be used; and*

(c) A statement signed by the parent that declares that:

(1) The parent assumes full responsibility to provide equivalent instruction of the kind and amount defined in NAC 392.035; and

- (2) The educational plan will be followed.*

3. A notification of intent to provide equivalent instruction by a parent in consultation with an experienced educator pursuant to 392.011(2), must consist of:

(a) The identifying information required by Section 1, NAC 392 Identification of the child;

(b) A statement of the educational plan that includes:

(1) The proposed educational goals for the child as defined in NAC 392.011(4); or

(2) The instructional materials to be used; and

(c) Evidence that:

(1) The consultant has a license to teach in any state or territory of the United States; or

(2) The consultant has provided instruction in the home in any state or territory of the United States for at least 3 years; and

(d) A statement signed by the parent which declares that

(1) The parent assumes full responsibility to provide equivalent instruction of the kind and amount defined in NAC 392.035; and

(2) The educational plan will be followed.

4. A notification of intent to provide equivalent instruction by a parent using an approved correspondence program must consist of:

(a) The identifying information required Section 1, NAC 392 Identification of the child;

(b) Evidence that the child is enrolled in an approved correspondence program; and

(c) A statement signed by the parent that declares that the correspondence program will be followed.

Section 5. NAC 392.035 is hereby amended to read as follows:

NAC 392.035 ~~[Required courses and period of instruction]~~ *Kind and amount of equivalent instruction defined.*

1. ~~[To constitute equivalent instruction, the kind of instruction to be given a child outside the public schools must include instruction in the courses of study prescribed by the state board of education pursuant to NRS 385.110:]~~ *The kind of instruction to be given a child excused from compulsory attendance must include instruction in the following:*

(a) Core academics:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social Studies, including history, geography, economics and government.

(b) And to the extent practicable:

(1) The arts;

(2) Computer education and technology;

(3) Health; and

(4) Physical education.

2. The kind of instruction need not comply with the standards of content and performance established for public schools. All subject areas do not need to be taught each year and may be taught, as appropriate, for the age/skill of the child as determined by the parent.

~~*[2.] 3. [The minimum period of instruction which must be provided to the child on each day of instruction is the appropriate period specified in NAC 387.131.]*~~ *The amount of instruction to be given a child outside the public schools is the equivalent of 180 days of instruction.*

Section 6. NAC 392.075 is hereby repealed.

TEXT OF REPEALED SECTION

NAC 392.075 Waiver of requirement for consultant. (NRS 385.080, 392.070) The board of trustees of a county school district must waive the requirement for a consultant, set forth in subsection 3 of NAC 392.015, after 1 year. The waiver will apply if other children in the family are excused at a later date from compulsory attendance of public school.