

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R009-03

July 15, 2003

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

AUTHORITY: §§1-15, NRS 385.080 and 392.070.

Section 1. Chapter 392 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. 1. *The Department of Education shall develop a standard form for the notification of intent to exempt a child from compulsory attendance. The form must not require any information or assurances that are not otherwise required pursuant to statute or regulation.*

2. The board of trustees of each school district shall make the form available in a timely manner to parents upon request.

Sec. 3. 1. *The board of trustees of a school district in which a child resides shall exempt the child from compulsory attendance at a public school if the parent of the child files with the board of trustees a notification of intent to exempt the child from compulsory attendance that complies with section 4 of this regulation and section 5, 6 or 7 of this regulation, as applicable.*

2. Upon receipt of a notification of intent that is complete and complies with the requirements of subsection 1, the board of trustees of the school district shall provide to the parent who filed the notification a written acknowledgement which clearly indicates that the parent has provided the notification required by law and that the child is exempt from

compulsory attendance at the public school he is otherwise required to attend for the duration of the school year or until the board of trustees determines that the child's exemption is no longer valid, whichever occurs first. The written acknowledgement shall be deemed proof of compliance with Nevada's compulsory attendance laws.

Sec. 4. 1. *Each notification of intent to exempt a child from compulsory attendance must include:*

- (a) The full name of the child;*
- (b) The name of the parent of the child;*
- (c) The address where the child resides;*
- (d) Evidence that the child will receive equivalent instruction as prescribed by NAC*

392.035 from a:

(1) Teacher who satisfies the requirements of subsection 2 or 3 of section 5 of this regulation, as applicable;

(2) Parent who satisfies the requirements of subsection 2 of section 6 of this regulation;

(3) Parent in consultation with an experienced educator who satisfies the requirements of section 7 of this regulation; or

(4) Parent through an approved correspondence program; and

(e) The information contained in section 5, 6 or 7 of this regulation, as applicable.

2. *Upon initial application, the notification of intent must be accompanied by proof of the identity of the child, consisting of the child's birth certificate or some other document sufficient to establish the child's identity.*

Sec. 5. *In addition to the requirements of section 4 of this regulation, if a child will receive equivalent instruction from a licensed teacher, the notification of intent to exempt the child from compulsory attendance must include:*

1. A calendar of the proposed days on which the child will receive instruction from the licensed teacher, as calculated pursuant to subsection 2 of NAC 387.286, which must include the equivalent of at least 180 days of instruction;

2. For grades 1 to 8, inclusive, evidence that the teacher holds a valid license to teach elementary education issued by the Superintendent of Public Instruction; and

3. For grades 9 to 12, inclusive, evidence that the teacher holds a valid license to teach secondary education issued by the Superintendent of Public Instruction with an endorsement in at least one of the following:

(a) English.

(b) Language arts.

(c) Mathematics.

(d) Social studies.

(e) A physical or natural science.

Sec. 6. *In addition to the requirements of section 4 of this regulation, if a child will receive equivalent instruction primarily from a parent, the notification of intent to exempt the child from compulsory attendance must include:*

1. A statement of the educational plan for the child that includes the proposed educational goals for the child or the instructional materials to be used;

2. Evidence that the parent:

(a) Qualifies for or holds a license to teach from any state or territory of the United States;

or

(b) Has provided instruction in any state or territory of the United States for at least 1 year;

and

3. A statement signed by the parent declaring that:

(a) The parent assumes full responsibility for providing the equivalent instruction required by NAC 392.035; and

(b) The educational plan for the child will be followed.

Sec. 7. *In addition to the requirements of section 4 of this regulation, if a child will receive equivalent instruction from a parent in consultation with an experienced educator, the notification of intent to exempt the child from compulsory attendance must include:*

1. A statement of the educational plan for the child that includes the proposed educational goals for the child or the instructional materials to be used;

2. Evidence that the consultant:

(a) Holds a license to teach in any state or territory of the United States; or

(b) Has provided instruction in the home in any state or territory of the United States for at least 3 years; and

3. A statement signed by the parent declaring that:

(a) The parent assumes full responsibility for providing the equivalent instruction required by NAC 392.035; and

(b) The educational plan for the child will be followed.

Sec. 8. *In addition to the requirements of section 4 of this regulation, if a child will be exempt from compulsory attendance and receive equivalent instruction from a parent through*

an approved correspondence program, the notification of intent to exempt the child from compulsory attendance must include:

- 1. Evidence that the child is enrolled in an approved correspondence program; and*
- 2. A statement signed by the parent declaring that the correspondence program will be followed.*

Sec. 9. 1. *The board of trustees of each school district shall make available in a timely manner to each parent of a child who is exempt from compulsory attendance pursuant to NAC 392.011 to 392.065, inclusive, and sections 2 to 10, inclusive, of this regulation:*

(a) Written notice of the registration dates and examination dates for the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test; and

(b) Information regarding the millennium scholarship program set forth in NRS 396.911 to 396.938, inclusive.

2. Any information or documents provided to a parent of a child who is exempt from compulsory attendance must not require or request the signature or initials of the parent.

Sec. 10. *A child who is enrolled in a public school may not be removed from the premises of the public school during school hours by a parent on the assertion that the parent provides equivalent instruction for the child outside the public school unless the parent provides proof of his identity.*

Sec. 11. NAC 392.011 is hereby amended to read as follows:

392.011 As used in NAC 392.011 to ~~392.075,~~ **392.065**, inclusive, *and sections 2 to 10, inclusive, of this regulation*, 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, that will be provided for 1 school year.*

Sec. 12. NAC 392.035 is hereby amended to read as follows:

392.035 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.~~

~~—2. 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.] :~~

(a) *The core academic subjects of:*

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

(2) *Mathematics;*

(3) Science; and

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

(b) To the extent practicable:

(1) The arts;

(2) Computer education and technology;

(3) Health; and

(4) Physical education.

2. The subject areas listed in subsection 1 may be taught as the parent determines is appropriate for the age and level of skill of his child. The parent is not required to ensure that each subject area is taught each year that the child is exempt from compulsory attendance.

3. The instruction required by subsection 1 does not need to comply with the standards of content and performance adopted by the State Board of Education pursuant to NRS 389.520.

4. The minimum amount of instruction that a child who is exempt from compulsory attendance must receive in 1 school year is the equivalent of 180 days of instruction.

Sec. 13. NAC 392.055 is hereby amended to read as follows:

392.055 A school district is not required to provide or compensate a teacher , *parent or experienced educator* who possesses a teaching license issued by the Superintendent of Public Instruction ~~[for the purposes of subsection 1 of NAC 392.015.]~~ *and who provides instruction to or consults with the instruction of a child who is exempt from compulsory attendance pursuant to NAC 392.011 to 392.065, inclusive, and sections 2 to 10, inclusive, of this regulation.*

Sec. 14. NAC 392.065 is hereby amended to read as follows:

392.065 ~~[Upon receipt by a school district of written evidence that a child will receive equivalent instruction, the child must be excused from compulsory attendance for the remainder of the school year.]~~ A grant of an ~~[excuse]~~ *exemption* from compulsory attendance at public school is effective for 1 school year. The board of trustees of the school district shall grant an ~~[excuse]~~ *exemption* from compulsory attendance at public school for every school year for which the parent demonstrates compliance with NAC 392.011 to ~~[392.035, inclusive.]~~ *392.065, inclusive, and sections 2 to 10, inclusive, of this regulation.*

Sec. 15. NAC 392.015, 392.025 and 392.075 are hereby repealed.

TEXT OF REPEALED SECTIONS

392.015 Persons qualified to teach equivalent instruction.

A child must 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 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 parent, when the parent:
 - (a) Qualifies for or possesses a teaching license 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.

3. By the parent, in consultation with a person who:

(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 parent, when the child is enrolled in an approved correspondence program.

5. By the parent, when the parent has received a waiver under NAC 392.075.

392.025 Contents of request for exemption; requirements for teachers 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.

392.075 Waiver of requirement for consultant.

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.