

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R138-05

Effective October 31, 2005

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

AUTHORITY: §§1-12, NRS 385.080 and 392.070.

A REGULATION relating to homeschooled children; revising provisions governing homeschooling and homeschooled children; revising provisions governing the notification of intent to homeschool; and providing other matters properly relating thereto.

Section 1. Chapter 392 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *A public or private school shall, in accordance with NAC 389.445, 389.680 and 394.080, as applicable, accept any credits earned by a child who was previously homeschooled and who enrolls in the public or private school.*

Sec. 3. 1. *The parent of a homeschooled child shall file an initial notification of intent to homeschool with the school district in which the child resides:*

(a) When the child reaches the age at which attendance at a public school becomes mandatory pursuant to NRS 392.040;

(b) At the beginning of a school year if the homeschooled child has moved from one school district to another school district within this State regardless of whether the parent received a written acknowledgment from the school district in which the child resided during the preceding school year;

(c) If the child has moved to the State of Nevada from another state, not later than 30 school days after moving into this State; or

(d) When the parent of the child discontinues another method of education and begins to homeschool the child.

2. In addition to the requirements of NAC 392.024, an initial notification of intent to homeschool filed pursuant to subsection 1 must include:

(a) 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.

(b) A statement, initialed by the parent, that the parent has:

(1) At least 1 year of experience providing homeschooling in any state or territory of the United States;

(2) A license to teach issued by any state or territory of the United States; or

(3) Read and understands the provisions of NAC 392.011 to 392.065, inclusive, and sections 2 and 3 of this regulation.

(c) Proof of the identity of the child, which may consist of the birth certificate of the child or any other document sufficient to establish the identity of the child. The school district shall not photocopy or keep such proof in its files.

(d) The name of the public school most recently attended by the child in this State within the previous year and the city in which the school is located, if applicable.

3. As used in this section:

(a) "Instructional materials" means any item that may be used for instruction, including, without limitation, books, library materials, software or a correspondence program.

(b) “Proposed educational goals” means a description of the anticipated kind of instruction, by subject, for 1 school year.

Sec. 4. NAC 392.011 is hereby amended to read as follows:

392.011 As used in NAC 392.011 to 392.065, inclusive, *and sections 2 and 3 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.] “Homeschooled child” has the meaning ascribed to it in NRS 385.007.~~
2. “Parent” means the parent ~~[or legal]~~, *custodial parent*, guardian *or other person in the State of Nevada having control or charge* 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.] who has a legal right to direct the education of that child.~~

Sec. 5. NAC 392.018 is hereby amended to read as follows:

392.018 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 school district *written evidence in the form of* a notification of intent to ~~[exempt the child from compulsory attendance]~~ *homeschool* that complies with NAC 392.024 and ~~[NAC 392.026, 392.028, 392.031 or 392.033, as applicable.]~~ *section 3 of this regulation.*

2. Upon receipt of a notification of intent *to homeschool* that is complete and complies with the requirements of subsection 1, the school district shall provide to the parent who filed the notification a written acknowledgment 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]~~ *being homeschooled* 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 acknowledgment shall be deemed proof of compliance with Nevada's compulsory attendance laws.

Sec. 6. NAC 392.022 is hereby amended to read as follows:

392.022 1. The Department of Education shall develop a standard form for the notification of intent to ~~[exempt a child from compulsory attendance.]~~ *homeschool*. 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, in a timely manner, make only the form developed by the Department of Education available to parents.

Sec. 7. NAC 392.024 is hereby amended to read as follows:

392.024 1. ~~[Each notification of intent to exempt a child from compulsory attendance]~~

The initial notification of intent to homeschool and each subsequent notification of intent to homeschool that is filed with the school district must include:

- (a) The full name of the child;
- (b) The name of the parent of the child;
- (c) *A phone number for contacting the parent of the child, if available;*
- (d) *The address of the parent of the child;*
- (e) The address where the child resides;
- ~~[(d)]~~ (f) The birth date of the child;

~~[(e) 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 NAC 392.026, as applicable;~~

~~—— (2) Parent who satisfies the requirements of subsection 2 of NAC 392.028;~~

~~—— (3) Parent in consultation with an experienced educator who satisfies the requirements of NAC 392.031; or~~

~~—— (4) Parent through an approved correspondence program; and~~

~~—— (f) The information contained in NAC 392.026, 392.028, 392.031 or 392.033, as applicable.~~

~~—— 2. Upon initial filing, 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.]~~

(g) A statement signed by the parent declaring that the parent assumes full responsibility to ensure that the child will receive equivalent instruction pursuant to NAC 392.035 and that all information provided by the parent is true and accurate; and

(h) A statement that the parent may sign, which reads:

The above signed expressly prohibits the release of any and all information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without prior written consent by the above signed. See 20 U.S.C. § 1232g(a)(5)(B) and NRS 392.029.

2. A subsequent notification of intent to homeschool must be filed annually with the school district, beginning with the school year immediately following the school year in which the initial notification of intent to homeschool was filed.

Sec. 8. NAC 392.035 is hereby amended to read as follows:

392.035 1. To constitute equivalent instruction, the kind of instruction to be given *to* a *homeschooled* child ~~[outside the public schools]~~ must include instruction in:

(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.~~ *homeschooled.*

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 *homeschooled* child ~~who is exempt from compulsory attendance~~ must receive in 1 school year is the equivalent of 180 days of instruction.

5. The parent of a homeschooled child may, at his own discretion, obtain the assistance of a licensed teacher and may incorporate a correspondence program approved by the State Board of Education or any regionally accredited correspondence program to facilitate the instruction of the homeschooled child.

Sec. 9. NAC 392.048 is hereby amended to read as follows:

392.048 1. The board of trustees of each school district shall make available in a timely manner to each parent of a *homeschooled* child ~~who is exempt from compulsory attendance~~ pursuant to NAC 392.011 to 392.065, inclusive ~~[-]~~, *and sections 2 and 3 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 *homeschooled* child ~~[who is exempt from compulsory attendance]~~ must not require or request the signature or initials of the parent ~~[]~~ *to ascertain receipt thereof.*

3. *The Department of Education, the board of trustees of a local school district, the superintendent of a local school district or an employee of a school district shall not distribute information pertaining to homeschooling that is more restrictive than the information required pursuant to the statutes and regulations that govern homeschooling.*

4. *The board of trustees of a local school district, the superintendent of a local school district or an employee of a school district shall not adopt a policy pertaining to homeschooling or homeschooled children that is more restrictive than the statutes and regulations that govern homeschooling and homeschooled children.*

Sec. 10. 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]~~ *parent* who possesses a teaching license issued by the Superintendent of Public Instruction and who ~~[provides instruction to or consults with the instruction of a child who is exempt from compulsory attendance]~~ *homeschools his child* pursuant to NAC 392.011 to 392.065, inclusive ~~[]~~, *and sections 2 and 3 of this regulation.*

Sec. 11. NAC 392.065 is hereby amended to read as follows:

392.065 A ~~[grant of an exemption from compulsory attendance at public school]~~ *written acknowledgment that a child is being homeschooled* is effective for 1 school year. The board of trustees of the school district shall ~~[grant an exemption from compulsory attendance at public~~

~~school~~ *provide a written acknowledgment that a child is being homeschooled* for every school year for which the parent demonstrates compliance with NAC 392.011 to 392.065, inclusive ~~R~~, *and sections 2 and 3 of this regulation.*

Sec. 12. NAC 392.026, 392.028, 392.031, 392.033 and 392.042 are hereby repealed.

TEXT OF REPEALED SECTIONS

392.026 Notification of intent to exempt child: Instruction from licensed teacher. (NRS 385.080, 392.070) In addition to the requirements of NAC 392.024, 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.

392.028 Notification of intent to exempt child: Instruction primarily from parent.

(NRS 385.080, 392.070) In addition to the requirements of NAC 392.024, 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.

392.031 Notification of intent to exempt child: Instruction from parent in consultation with experienced educator. (NRS 385.080, 392.070) In addition to the requirements of NAC 392.024, 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.

392.033 Notification of intent to exempt child: Instruction from parent through approved correspondence program. (NRS 385.080, 392.070) In addition to the requirements of NAC 392.024, 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.

392.042 Removal of child from public school: Proof of identity of parent. (NRS 385.080, 392.070) 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.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R138-05

The State Board of Education adopted regulations assigned LCB File No. R138-05 which pertain to chapter 389 of the Nevada Administrative Code on October 7, 2005.

Notice date: 8/30/2005
Hearing date: 10/7/2005

Date of adoption by agency: 10/7/2005
Filing date: 10/31/2005

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 150 individuals and educational organizations. A workshop was held on October 7, 2005. There were two comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the proposed revisions for amendments to NAC 392, Pupils Exempt from Compulsory Attendance, were sent to approximately 150 individuals and educational organizations. A public hearing was conducted on October 7, 2005. There were no comments from the public. The State Board of Education adopted amendments to NAC 392.

- 2. The Number of Persons Who:**

a) Attended Each Hearing: Workshop: 8 Hearing: 7
b) Testified at Each Hearing: Workshop: 2 Hearing: 0
c) Submitted Written Statements: Workshop: 0 Hearing: 0

A copy of any written comments may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comments were solicited through the workshop notice of August 30, 2005, and the public hearing notice of August 30, 2005. At the October 7, 2005 Workshop to Solicit Comments there were two public comments to the proposed language. At the October 7, 2005 Public Hearing there were no public comments to the proposed language.

Kimberly King-Patraw, President, Southern Nevada Advisory Council, requested the LCB language be changed as follows: NAC 392 Section 3.2: delete the words: “without limitation”; NAC 392 Section 3.2a: delete the sentence: “The parent of a homeschooled child may obtain the assistance of a licensed teacher to assist in the development of the education plan for the homeschooled child.”; NAC 392.035 Section 8.5: add: “at his own discretion”.

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, stated she was also representing Clark County School District and that both School Districts certainly support removing the words “without limitation”, the Districts have no position on striking the sentence as requested, and strongly support using any regionally accredited correspondence program because it links back to LCB R088-05 that was adopted earlier at this meeting.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Nita Barnes, Secretary to the State Board of Education, Nevada Department of Education, (775) 687-9225, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Nevada State Board of Education/Nevada State Board for Career and Technical Education adopted the regulation language from temporary to permanent at the public hearing held October 7, 2005. The reason for adopting the amendments is to address changes to the Notification of Intent to Home School Form, to substitute “homeschool” for “exemption from compulsory attendance” and to remove the equivalent instructions provided by a teacher, qualified parent, parent in consultation with an educator or parent using an approved correspondence program.

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no anticipated economic effect on the business which it regulates. There are no anticipated adverse effects on students or school districts. The beneficial, immediate and long term effects are unknown at this time. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

- 8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

There are none.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide for a new fee or increase an existing fee.