

## LCB File No. R138-05

### PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

(This proposed regulation was previously adopted as T016-05)

#### EXEMPTION FROM COMPULSORY ATTENDANCE

**NAC 392.011 Definitions. (NRS 385.080, 392.070)** As used in NAC 392.011 to 392.065, 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 private correspondence school which is licensed by the state board of education pursuant to the provisions of chapter 394 of NRS.]~~
2. “Parent” means the parent, custodial parent, guardian, or other person in the State of Nevada having control or charge of a child, who has a legal right to direct the education of that child.
3. “Instructional materials” are any items that may be used for instruction, including but not limited to books, library materials, software, or a correspondence program.
4. “Proposed educational goals” is a description of the anticipated kind of instruction, by subject, for one school year.
5. “Initial filing” refers to the notification of intent to homeschool that is served by the parent to the school district in which the child resides when:
  - (a) the child reaches the age specified in NRS 392.040; or
  - (b) the parent has received a written acknowledgment from one Nevada district that the child is being homeschooled, and the child has moved to another district, an “initial filing” must be submitted in the new school district at the beginning of the next school year; or
  - (c) the child has moved from out of state into a Nevada school district, to be submitted within thirty school days of establishing residency; or
  - (d) the parent begins homeschooling the child after discontinuing another education method as defined by NRS 385.007.
6. “Subsequent filing” refers to the notification of intent to homeschool that is filed annually in consecutive years within the same district after an initial filing has been made.

**NAC 392.018 Exemption of child: Duty of board of trustees of school district; written acknowledgement. (NRS 385.080, 392.070)**

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 homeschool” that complies with NAC 392.024 and NAC 392.026, as applicable.
2. Upon receipt of a notification of intent 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 being homeschooled for the duration of the

school year. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory attendance laws.

**NAC 392.022 Notification of intent to exempt child: Development and dissemination of standard form. (NRS 385.080, 392.070)**

1. The Department of Education shall develop a standard form for the notification of intent to 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.

**NAC 392.024 Notification of intent to exempt child: Contents; proof of identity of child. (NRS 385.080, 392.070)**

A. The initial filing and any subsequent filing of a notification of intent to homeschool must include:

1. The full name of the child;
2. The name and address of the parent(s) of the child;
3. The address where the child resides;
4. A contact phone number, if available, for the parent;
5. The birth date of the child;

B. A statement signed by the parent declaring that the parent assumes full responsibility to assure that the child will receive the equivalent instruction required by NAC 392.035 and that all biographical information is true and accurate; and

C. An option for the parent to sign the following statement: "The above-signed expressly prohibited the release of any and all information contained in this document, including directory information as defined in 20 U.S.E. § 123 g (a)(5)(A), without prior written consent by the above-signed. See 20 U.S.C. § 1232g (a) (5) (B) and NRS 392.029."

**NAC 392.026 The Initial Filing of a Notification of Intent (NRS 385.080, 392.070)** In addition to the requirements of NAC 392.024, the initial filing of a notification of intent to homeschool 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; and

2. A statement initialed by the parent that the parent has:

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

(b) A teaching credential from any state or territory of the United States; or

(c) Read and understands NAC 392.011 to 392.065, inclusive.

3. 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, which shall not be photocopied or kept on file by the school district.

4. The name and city of the most recent Nevada public school attended with the previous year, if applicable.

**NAC 392.035 Required instruction: Kind, timing and amount. (NRS 385.080, 392.070)**

1. To constitute equivalent instruction, the kind of instruction to be given a homeschooled child 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 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 child who is homeschooled must receive in 1 school year is the equivalent of 180 days of instruction.

5. The parent(s), at their own discretion, may use a licensed teacher, a Nevada State Board approved or any regionally accredited correspondence program, to assist in the development of the educational plan and/or facilitation of instruction pursuant to 392.024 and 392.026.

#### ***NAC 392.041 Correspondence Program***

***If a previously homeschooled child enrolls in a public or private school, correspondence programs used by homeschooled pupils will be accepted by public schools and private schools if the program satisfies the requirements of NAC 389.680 or NAC 394.080 or NAC 389.445 as applicable.***

#### **NAC 392.048 Provision of information and documents to parents of *homeschooled* children. (NRS 385.080, 392.070)**

1. The board of trustees of each school district shall make available in a timely manner to each parent of a child who is homeschooled pursuant to NAC 392.011 to 392.065, inclusive:

(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 being homeschooled shall not require or request the signature or initials of the parent to ascertain receipt thereof.

3. Any information pertaining to homeschooling distributed by the Department of Education, a board of trustees, a district administration or a public school administration shall not be more restrictive than the statutes and regulations that govern homeschooling.

4. Any policy pertaining to homeschooling or homeschooled children adopted by a board of trustees, a district administration or a public school administration shall not be more restrictive than the statutes and regulations that govern homeschooling pursuant to NRS 386.360 subsection 2.

**NAC 392.055 School district not required to compensate, parent (NRS 385.080, 392.070)** A school district is not required to compensate a parent who possesses a teaching license issued by the Superintendent of Public Instruction and homeschools their child pursuant to NAC 392.011 to 392.065, inclusive of this regulation. )

**NAC 392.065 Duration of exemption. (NRS 385.080, 392.070)** A written acknowledgement that a child is being homeschooled is effective for one school year. The board of trustees of the school district shall 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.