

LCB File No. T049-99

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

(Effective June 4, 1999)

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

AUTHORITY: NRS 385.080, 392.070.

**EXEMPTION FROM COMPULSORY ATTENDANCE
(HOME SCHOOLING REGULATIONS)**

Chapter 392 is hereby amended 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 recognized by the United States Secretary of Education and 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” includes the parent or legal guardian of a child.

SECTION 3. NAC 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 qualified for or possesses a teaching license from any state or territory of the United States for the grade to be taught *or has provided instruction in the home in any state or territory of the United State for at least 3 years.*

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

(a) Possesses a teaching license issues 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.

IMPACT STATEMENT

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 NAC 392, Exemption from Compulsory Attendance

The following statement is submitted for adopted new language to Nevada Administrative Code (NAC 392) Exemption from Compulsory Attendance:

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 one-hundred fifty individuals and educational organizations. One workshop was held April 15, 1999. There were no comments from the public. No written comments from the public were received.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred fifty individuals and educational organizations. Two public hearings were conducted on April 16, 1999, and May 22, 1999, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. No written comments were received.

2. The Number of Persons Who:

- a) **Attended Each Hearing:** Workshop: 25 First Hearing: 16 Second Hearing: 10
b) **Testified at Each Hearing;** Workshop: 0 First Hearing: 0 Second Hearing: 0 and,
c) **Submitted Written Statements:** Workshop: 0 First Hearing: 0 Second Hearing: 0

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the 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.

Comment was solicited through the workshop notice of March 15, 1999, and public hearing notices of March 15, 1999, and April 19, 1999.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (702) 687-9225, or by writing to the 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 temporary regulation was adopted by the Nevada State Board of Education at the public hearing on May 22, 1999, without change to the proposed language.

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

There is no economic effect on the school districts. There is no estimated economic effect on the public.

- 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 government 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 government 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 or involve a new fee.