

Chapter 392 of NAC

LCB File No. T016-05

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

Filed with the Secretary of State on February 3, 2005

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.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T016-05

The State Board of Education adopted regulations assigned LCB File No. T016-05 which pertain to chapter 392 of the Nevada Administrative Code on October 23, 2004.

Notice date: 9/21/2004
Hearing date: 10/23/2004

Date of adoption by agency: 10/23/2004
Filing date: 2/3/2005

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 200 individuals and educational organizations. One workshop was held on July 9, 2004. There were 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, Exemption from Compulsory Attendance were sent to approximately 200 individuals and educational organizations. The public hearing was conducted on October 23, 2004 to provide the opportunity for comments by affected parties and the public. There was one presenter and five 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: 30 First Hearing: 29 Second Hearing: N/A
b) Testified at Each Hearing: Workshop: 12 First Hearing: 5 Second Hearing: N/A
c) Submitted Written Statements: Workshop: 2 First Hearing: 1 Second Hearing: N/A

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 June 23, 2004 and public hearing notices of September 21, 2004. At the July 9, 2004 Workshop to Solicit Comments, there were public comments to the proposed language revisions. At the October 23, 2004 public hearings there were public comments to the proposed language.

Summary of Comments:

Workshop Comments:

- a) Written comments from Vicki Arnold, Secretary, Charleston Neighborhood Preservation, in opposition to the proposed changes.
- b) Written comments from Ruth Kaplan, Deputy Director, Attorneys' Investigative Consultant, Las Vegas, in opposition to the proposed changes.
- c) Mr. Schnorbus provided the following: 1) Explanation of proposed regulation changes; and 2) "Frequently Asked Questions About Homeschooling in Nevada." The Northern and Southern Home School Advisory Councils met jointly in June 2003, and again in May 2004, to develop the proposed revisions to NAC 392, affecting home schooled students.
- d) Ms. Dragon stated that the intent is to simplify State regulation by making the parents responsible, as well as giving them the freedom to educate their own children. Ms. Dragon felt the changes meet Nevada's requirement that all children are educated, as well as placing Nevada in-line with home schooling requirements of other states.
- e) Carl Lucas, Northern Nevada Home School Advisory Council, in support of the proposed language, noted that these changes have been available to the public on the Internet.
- f) Dr. Craig Kadlub, Director of Government Affairs, Clark County School District, stated the school district's intent to submit proposed amendments prior to Board final approval.
- g) Dr. Dotty Merrill, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, stated that the Washoe County School District has similar concerns with the Clark County School District.
- h) Gina Anderson, President, Nevada Homeschools Inc., was opposed to the proposal removal of the optional education support system of licensed teacher, experienced educator and educational consultant. Ms. Anderson presented a counterproposal to merge the existing options with the new requirements to read and understand NAC 392.
- i) Kimberly King-Patraw noted that the options are available to parents on the Nevada Homeschool Network website as well as the list of correspondence courses being provided by the school districts.
- j) Kent Anderson, Nevada Homeschools Inc., stated that he was in support the counterproposal submitted by Mrs. Anderson and stressed the importance of the options and letting the parents determine how best to educate their children.
- k) Ricci Rodriguez-Elkins, Executive Director, Center for Charter Schools, stated that the consulting component should be removed from regulation.
- l) Lisa Wildhair, Nevada Homeschool Network, Las Vegas, stated that the proposed changes have been available through Nevada Homeschool Network website and that homeschooling families in rural counties have a problem due to the limited number of consultants available to assist them.

Public Hearing Comments:

- a) William F. Arensdorf, Director, Office of Fiscal Accountability, stated that this proposal has been reviewed by both the Southern and Northern Homeschool Advisory Councils.
- b) Frank Schnorbus, President of the Northern Nevada Homeschool Advisory Council, requested that the added language in NAC 392.011 intended to reflect the language that was to have been adopted in a previous public hearing be removed until that issue has been resolved. Mr. Schnorbus requested that in NAC 392.024, #1.b. be remove the wording “and address”.
- c) Elissa Wall, Chair of Nevada Homeschool Network, stated that over 500 family members in Nevada would like to have the least restrictions possible for homeschooling. There have been ongoing habitual problems with consultants throughout the State as there is no consistency in the information given by consultants.
- d) Kimberly King-Patraw, President of the Southern Advisory Council and Vice Chair of Nevada Homeschool Network, stated that Nevada Homeschool Network supports the document.
- e) Dave Cook, private citizen, expressed support for the proposed regulatory changes with amendments by Mr. Schnorbus.
- f) Dr. Dotty Merrill, Washoe County School District, stated that they would propose keeping the language that Mr. Schnorbus is requesting to remove from subsection 1.b., the address of the parents of the child. Dr. Merrill stated that the address is not the address of the child but the address of the parent and believes that it is important to ensure that the student is in the right district. Dr. Merrill requested that the address of the parent remain in the proposal.
- g) A written amendment from Dr. Craig Kadlub, Clark County School District to NAC 392.026.

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 Occupational Education adopted the amended regulation language at the public hearing held October 23, 2004. The reason for adopting the amended language 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 regulation. 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.