

May 12, 2004

Proposed NAC 392 based on the Adopted Regulation R009-03, LCB File No. R009-03.

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

AUTHORITY: §§1-15, NRS *385.007*, 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.

Section 2.

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.
3. *The school district in which the child resides shall accept any notification of intent to homeschool that meets or exceeds the requirements set forth in section 4, and section 5 as applicable.*

Section 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 school district ~~[a notification of intent to exempt the child from compulsory attendance]~~ *written evidence in the form of a "notification of intent to homeschool"* that complies with section 4 of this regulation, and section 5~~[, 6, 7 or 8 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 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 ~~[or until the board of trustees determines that the child's exemption is no longer valid, whichever occurs first.]~~ The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory attendance laws.

Section 4.

- ~~1. [Each notification of intent to exempt a child from compulsory attendance]~~  
*The initial filing and any subsequent filing of a notification of intent to homeschool* must include:

- ~~(a)~~ 1. The full name of the child;
- ~~(b)~~ 2. The name *and address* of the parent(s) of the child;
- ~~(c)~~ 3. ~~[The address where the child resides;]~~ *A contact phone number, if available, for the parent;*
- ~~(d)~~ 4. 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 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~~
- ~~(f)~~ ~~The information contained in section 5, 6, 7 or 8 of this regulation, as applicable.]~~

- 5. *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*
- 6. *An option for the parent to sign the following statement: "The above-signed expressly prohibit the release of any and all information contained in this document, including 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. [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.]~~

~~Section 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.~~~~

~~Section 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.~~

~~Section 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.~~

~~Section 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.]~~

*Section 5. In addition to the requirements of section 4 of this regulation, 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, and sections 2-10, 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 within the previous year, if applicable.*

~~Section 9.~~ *Section 6.*

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]~~ *homeschooled* 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]~~ *being homeschooled* ~~[must]~~ *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.*

~~Section 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.]~~

~~Section 11:~~ *Section 7.* 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 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.]~~

*1. "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.*

*2. "Instructional materials" are any items that may be used for instruction, including but not limited to books, library materials, software, or a correspondence program.*

3. *"Proposed educational goals" is a description of the anticipated kind of instruction, by subject, for one school year.*
4. *"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 educational method as defined by NRS 385.007.*
5. *"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.*

~~Section 12.~~ **Section 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 a ~~[child outside the public schools]~~ *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 ~~[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 child who is ~~[exempt from compulsory attendance]~~ *homeschooled* must receive in 1 school year is the equivalent of 180 days of instruction.

~~Section 13.~~ **Section 9.** 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 and ~~{who provides instruction to or consults with the instruction of a child who is exempt from compulsory attendance}~~ ***homeschools their child*** pursuant to NAC 392.011 to 392.065, inclusive, and sections 2 to 10, inclusive, of this regulation.

~~Section 14.~~ **Section 10** 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, and sections 2 to 10, inclusive, of this regulation.