



Nevada Homeschool Network

PO Box 1212, Carson City, NV 89702

1-888-842-2606

www.nevahomeschoolnetwork.com



MEMORANDUM

June 21, 2007

TO: Homeschool Parents and School District Homeschool Administrators

FROM: Nevada Homeschool Network

SUBJECT: Current Homeschool Responsibilities After SB404

Homeschool law in Nevada has changed significantly with the passage of SB404 during the 2007 legislative session. On July 1, 2007 the new law becomes effective, and the law stipulates that regulations in NAC 392.011 through 392.065 be annulled.

There are several new responsibilities for local school districts, and requirements under the old regulations that no longer apply. The information provided here outlines the responsibilities of school districts at the local level, and provides answers for both parents and school districts. This is an updated version of the June 2006 memo that was drafted by the Homeschool Advisory Councils, and was sent to School District Homeschool Administrators by Dr. Keith Rheault, State Superintendent of Public Instruction.

A separate section is dedicated to each major area, and sample documents are also attached. The electronic version of this memo is available on the NevadaHomeschoolNetwork.com website and includes links to the various references. Since legal enumeration of SB404 has not occurred yet, references will be provided to the applicable SB404 section. SB404 can be found at http://www.leg.state.nv.us/74th/Bills/SB/SB404_EN.pdf.

For those familiar with the aforementioned 2006 memo, the Flow Chart on page 6 has not changed, but there have been many changes on pages 7 through 11 that are referenced by page 6.

2007 HOMESCHOOL INFORMATION

Table of Contents

Page	Description
1	Cover letter from Nevada Homeschool Network
2	Table of Contents
3 - 5	Notification of Intent to Homeschool, Withdrawal from Public School, General Information
6	FLOW CHART for a request by a homeschooled student to participate in classes, sports, extracurricular or interscholastic activities and events
7	#1 Classes
9	#2 Extracurricular Activities K-12 grades (See #3 and #4 for interscholastic activities and events, including sports)
9	#3 Interscholastic Activities and Events K-8 grades, and any Interscholastic Activities and Events for 9-12 grades that are NOT governed by the NIAA (which governs high school sports)
10 - 11	#4 Interscholastic Activities and Events 9-12 grades that are governed by the NIAA (Nevada Interscholastic Activities Association)
12 - 14	Enrolling a Child Who Was Homeschooled Into a Public School
15 - 16	Special Education

Notice of Intent to Homeschool, Withdrawal from Public School, General Info

1. Compulsory attendance of a child in a public school must be excused if the parent chooses to provide education to the child and files a notice of intent to homeschool with the Superintendent of Schools of the school district where the child lives. SB404 no longer requires satisfactory written evidence that the child is receiving equivalent instruction be presented to the board of trustees of a local school district. Rather, requirements for information contained in the notice are now established in law, and the local district must provide a written acknowledgment that indicates notice has been provided.
SB 404 Sec7 (1b), Sec5 (7)
2. The purpose of the notice is to inform the school district that the child is exempt from compulsory attendance. A separate notice of intent to homeschool must be submitted for each homeschooled child.
SB404 Sec5 (1)&(3), Sec7 (1b)
3. A notice of intent to homeschool must be filed by all Nevada homeschool parents for the upcoming 2007-08 school year, even if they filed last year under the old regulations. In consecutive succeeding years the notice of intent does not need to be re-filed unless the name or address of the parent or child changes, in which case a new notice must be filed by the parent within 30 days. The reason that all homeschools must refile this year is that the new notice has fields that were not required under the old regulations. The signed declaration assuming full responsibility for the child's education has also changed.
SB404 Sec5 (1)&(2)&(4)
4. SB404 allows parents to submit any notice of intent to homeschool that meets the prescribed requirements in SB404 Sec 5 (5). The Department is required to develop a standard form which does not require any information or assurances beyond the SB404 requirements of Sec 5 (5). The local district shall make only the Department form available to parents, and shall not require or request any additional information or assurances from the parent who files the notice. The Department form, or any other notice of intent to homeschool that meets the requirements of Sec 5 (5), shall be accepted.
SB404 Sec5 (1)&(6), Sec5.5 (1)
5. The parent must file a notice of intent to homeschool before beginning to homeschool the child, or not later than 10 days after the child has been formally withdrawn from the public school system, or not later than 30 days after establishing residency in Nevada. The parent of any child being homeschooled in Nevada must file a notice of intent to homeschool with the local district.
SB404 Sec5 (2), Sec7 (1)
6. The parent must submit a notice of intent to homeschool by mail or in person to the office of the Superintendent of Schools. There is no requirement for the parent to go to the local district office or to show the child's birth certificate or other form of identity when submitting a notice of intent to homeschool. The parent is signing that he has control or charge of the child, and the legal right to direct the education of the child.
SB404 Sec5 (5c), Sec7 (1)
7. A notice of intent to homeschool must include "an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science

and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent." SB404 does not specify the contents of the educational plan beyond subject listings. Traditionally an educational plan has consisted of either educational goals (a description of the anticipated kind of instruction, by subject) or a list of instructional materials to be used (items used for instruction including, without limitation, books, library materials, software or a correspondence program) for the upcoming school year. The parent is not required to ensure that each subject area is taught each year. The educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool if it includes the above requirements. Since the educational plan is part of the notice of intent to homeschool, it must be submitted even if the notice is being submitted just to show an address change.

SB404 Sec5 (5d)&(12)

8. The district shall provide a written acknowledgment to the parent who files a notice of intent to homeschool. The acknowledgment shall clearly indicate that the parent has provided notification required by law and that the child is being homeschooled. The acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law, and the district shall retain a written or electronic copy of the acknowledgment for not less than 15 years. There is no requirement in SB404 for the local school district to retain the notice of intent to homeschool itself for any specified period of time. A parent does not need to have a written acknowledgment beforehand when withdrawing a child from a public school.

SB404 Sec5 (7), Sec6, Sec5 (2)

9. A written request for a copy of records relating to a homeschooled child, or any information contained therein, must be processed not later than 5 days after receiving the request. Records may only be released to a person or entity if required by a specific statute, or upon suitable proof of identity of the parent (or the child if 18 or over) that is making the request.

SB404 Sec5 (8)

10. The school district shall prohibit the release of any information, including directory information, if the parent has signed the optional statement on the notice of intent to homeschool, unless the parent rescinds the privacy statement at a later date.

SB404 Sec5 (5f)

11. No regulation or policy of the State Board, any school district, or any other governmental entity may infringe upon the right of a parent to educate his child based on religious preference unless it is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

SB404 Sec5 (13)

12. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

SB404 Sec5 (10)

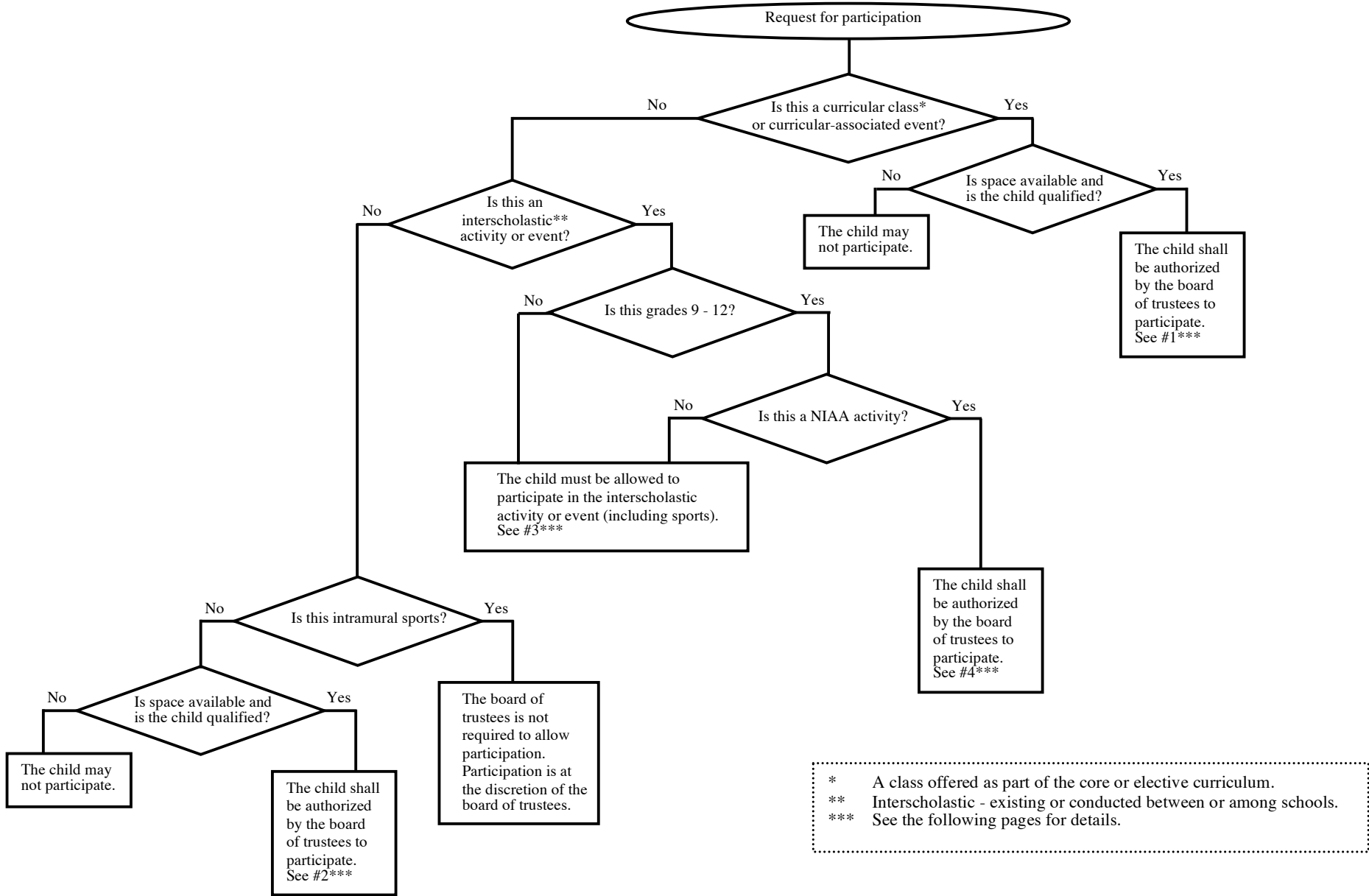
13. A district shall maintain on its internet website all pertinent information concerning exams available to all children within the district, including dates and times and contact information. Exam information posted must include the high school proficiency exam, the SAT, and the PSAT/NMSQT. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the district's internet website. *SB404 Sec4, Sec 5 (11)*

14. Districts shall allow homeschooled children to take the state High School Proficiency Exam. Homeschooled children are eligible for the Millennium Scholarship. Districts shall also allow homeschooled children to take any college entrance exams offered in the State, including the SAT, the ACT and the PSAT/NMSQT Exam. Homeschooled children are eligible for the National Merit Scholarship. Tests shall be administered in the manner intended by the person or entity that created the examination, and irregularities are to be reported in accordance with NRS 389.600 - 389.648. *SB404 Sec5 (11), NRS 396.930(3)*

15. A child who has been expelled from a public school may be allowed to enroll in a public school program pursuant to NRS 392.466 and 392.4675, which includes alternative schools, independent study and distance education. The parent also has the option to homeschool the child or send the child to a private school, but the child's right to a Free Appropriate Public Education (FAPE) does not allow the district to force a parent to homeschool the child.

FLOW CHART

for a request by a homeschooled student to participate in
classes, sports, extracurricular or interscholastic activities and events



* A class offered as part of the core or elective curriculum.
 ** Interscholastic - existing or conducted between or among schools.
 *** See the following pages for details.

Participation in Classes, Extracurricular Activities/Events/Sports, and Interscholastic Activities/Events/Sports

1) Classes

- a) A request to attend public school classes within the district that the child resides must be authorized if there is space available and if the child is qualified to participate. *SB404 Sec7 (3)*
- b) A Notice of Intent of a Homeschooled Child to Participate in Programs and Activities (NOIPPA) must be filed for each year of participation *SB404 Sec2 (5c), Sec5.5 (3)*
- c) The child may participate at any public school within the school district. *NRS 392.070 (3)*
- d) The child may not participate in a Nevada program of distance education governed by NRS 388.820 to 388.874. *SB404 Sec3 (3)*
- e) The child may participate in a distance education program from a private institution or any out-of-state institution.
- f) A "class" is a course which is offered in the school as part of the core or elective curriculum.
- g) Every effort should be made by the school or school district to determine if space is available within the first few days of the semester.
- h) The school is not required to provide transportation for the child to attend the class. *NRS 392.070 (3)*
- i) The parent may be required to show a birth certificate or other documentation sufficient to establish the identity of the child. *SB404 Sec7 (8b)*
- j) Approval for the pupil to participate may be revoked if the Board of Trustees or the public school determines that the pupil has failed to comply with the applicable laws, rules or regulations. *NRS 392.070 (4)*
- k) The child is not restricted to a single class or activity per semester. The Nevada Department of Education will reimburse the district or a charter school for up to a half day's worth of class credits. *SB404 Sec7 (3), NRS 392.070 (3), NRS 387.123, NRS 387.1233(8)*
- l) The child is not enrolled in the school, but fully participates in the class, including all exams and the final exam, and a grade for the class. Should the child enroll in the school in the future, the credits earned are part of the child's academic record.
- m) All credits earned by the child in a public high school, and the cumulative Grade Point Average (GPA) of those grades, must meet the minimum GPA requirement based on the homeschooled student's year of graduation from high school for application to the State of Nevada Millennium Scholarship program.
- n) The school should count these students for apportionment purposes. The calculation of basic support for the district should include these students in accordance with the law. *NRS 387.123, NRS*

387.1233(8).

- o) A charter school shall authorize a homeschooled child to participate in a class that is not otherwise available to the child if space is available and if the child is qualified to participate. The law does not prevent a child from participating in a class that might be otherwise available to the child. The parent may be required to show a birth certificate or other documentation sufficient to establish the identity of the child. The parent must file with the district for the current year a notice of intent of a homeschooled child to participate in programs and activities. The charter school should count these students for apportionment purposes. The calculation of basic support for the district should include these students in accordance with the law. The child is not restricted to charter schools within his district. He may not participate in distance education classes through the charter school.
NRS 386.580(5), SB404 Sec2 (5c)&(7), NRS 387.123, NRS 387.1233(8), AB334 Sec 5

2) Extracurricular Activities K-12 grades

(See #3 and #4 for interscholastic activities and events, including sports)

- a) A request to participate in an extracurricular activity, excluding sports, within the district that the child resides must be authorized if there is space available and if the child is qualified to participate. *NRS 392.070 (3)*
- b) A Notice of Intent of a Homeschooled Child to Participate in Programs and Activities (NOIPPA) must be filed for each year of participation *SB404 Sec2 (5c), Sec5.5 (3)*
- c) The parent may be required to show a birth certificate or other documentation sufficient to establish the identity of the child. *SB404 Sec7 (8b)*
- d) The homeschool child is not restricted to his zoned school to participate in an extracurricular activity (excluding sports).
- e) An extracurricular activity is an activity that is not curricular or curricular-associated. Examples would be school dances, FFA, Chess Club, Spelling Bee, Science Club, etcetera. Curricular-associated activities examples would be class picnics and graduation ceremonies, and would require permission on an individual basis from the principal or district.
- f) The school is not required to provide transportation for the child to attend the activity.
- g) Approval for the pupil to participate may be revoked if the Board of Trustees or the public school determines that the pupil has failed to comply with the applicable laws, rules or regulations.
- h) The child is not restricted to a single class or activity per semester. *SB404 Sec7 (3), NRS 392.070 (3)*

3) Interscholastic Activities and Events K-8 grades, and any Interscholastic Activities and Events for 9-12 grades that are NOT governed by the NIAA (the NIAA governs high school sports)

- a) A homeschooled child must be allowed to participate in interscholastic activities and events, including sports. *NRS 392.070 (5)*
- b) A Notice of Intent of a Homeschooled Child to Participate in Programs and Activities (NOIPPA) must be filed for each year of participation *SB404 Sec2 (5c), Sec7 (5)*
- c) The parent shall be required to show a birth certificate or other documentation sufficient to establish the identity of the child. *SB404 Sec7 (8c)*
- d) The homeschooled child is restricted to his zoned school to participate in interscholastic activities and events, just the same as a public school child. The only exception is an existing transfer rule that applies to the homeschooled child in the same manner as it does for a public school child. *NRS 392.070 (5)*
- e) The homeschooled child may also participate as part of a private school that has interscholastic activities and events, if the private school allows such participation. The requirements for

participation by the homeschool child at the private school are set by the private school, including but not limited to fees, academic accountability, and citizenship. The private school, in turn, must abide by any league or association rules, but neither the district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools. *NRS 392.070 (5)&(6)*

- f) There is no "space available" clause in the law, so for activities and sports that have tryouts where children are "cut", the homeschooled child must be allowed to tryout just the same as any other child. *NRS 392.070 (5)*
- g) The rules and regulations that apply to pupils enrolled in public schools participating in interscholastic activities and events apply in the same manner to homeschooled children. *NRS 392.070 (5)*
- h) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools. *NRS 392.070 (6b)*
- i) The parent is the legal teacher of the homeschool child. Any academic progress or citizenship reports that are required for public school children will be provided solely by the parent-teacher, with no further certification or oversight allowed in accordance with *NRS 392.070 (5)*. The district or school is not authorized to impose or monitor any of the various methods used to educate the child, such as correspondence courses or licensed teacher or the parent teaching using unaccredited curriculums. Periodic signed statements by the parent-teacher are sufficient for purposes of academic and/or citizenship eligibility. *NRS 392.070 (5)&(6)*
- j) Inquiries by homeschool parents or students about participating in an interscholastic activity or event, including sports, are to be addressed in the same manner as inquiries by public school students or their parents. This may entail referring the person to the program director, or athletic director or coach, to obtain practice schedules, tryout dates and times, and any other pertinent information. *NRS 392.070 (6b)*

**4) Interscholastic Activities and Events 9-12 grades that are governed by the NIAA
(Nevada Interscholastic Activities Association)
(NRS 386.420-470, NAC 386.793, NAC 386.802-807)
(NIAA regulations <http://www.leg.state.nv.us/NAC/CHAPTERS.HTML>)**

- a) A homeschooled child must be allowed to participate in interscholastic activities and events, including sports, that are governed by the NIAA. *NRS 392.070 (3), NRS 386.462 (1)*
- b) A Notice of Intent of a Homeschooled Child to Participate in Programs and Activities (NOIPPA) must be filed for each year of participation *SB404 Sec1 (1), Sec1.5 (1), Sec2 (5c)*
- c) The parent shall be required to show a birth certificate or other documentation sufficient to establish the identity of the child. *SB404 Sec7 (8c)*

- d) The homeschool child is bound by the same NIAA regulations that a public school child is regarding which public school team he/she plays for. If a child is in a public school and on a team, and the parent elects to homeschool the child, the child may stay on the team without serving mandatory transfer ineligibility periods, if the child is in good academic standing when he/she withdrew from the public school. If the child was not in good academic standing upon withdrawal, NIAA regulations specify the academic ineligibility periods. *NRS 386.462 (2)*
- e) The homeschooled child may also participate in athletics at a private school with the acceptance of the private school. The private school may also assess a consistent fee for this participation and that fee must be reported to the NIAA. NIAA regulations apply regarding any transfer rules if the child previously participated for another NIAA team. *NAC 386.793 (5)*
- f) There is no "space available" clause in the law, so for activities and sports that have tryouts where children are "cut", the homeschooled child must be allowed to tryout just the same as any other child. *NRS 386.462*
- g) The rules and regulations that apply to pupils enrolled in public schools participating in NIAA activities and events apply in the same manner to homeschooled children. *NRS 386.462 (2)*
- h) A school district, public school or private school may not prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation prescribed by the NIAA pursuant to NRS 386.430. *NRS 386.464*
- i) A parent of a homeschooled child shall be deemed to be the teacher of the homeschooled child for all matters relating to participation by the homeschooled child in a sanctioned sport. The district or school is not authorized to impose or monitor any of the various methods used to educate the child, such as correspondence courses or licensed teacher or the parent teaching using unaccredited curriculums. Periodic signed statements by the parent-teacher are sufficient for purposes of academic and/or citizenship eligibility. *NAC 386.793 (1), NAC 386.810, NRS 386.462, NRS 386.464*
- j) If a homeschool child or the parents notify the school that he/she wishes to participate in a NIAA sanctioned sport, the school shall provide to the parent a statement setting forth the requirements for academic eligibility, all schedules and requirements of the school relating to eligibility for participation, and the name and telephone number of the contact person in the athletic department who monitors academic eligibility. *NAC 386.793 (2), NRS 386.462, NRS 386.464*

Enrolling a Child Who Was Homeschooled Into a Public School

NRS references below are available at <http://www.leg.state.nv.us/NRS/>

NAC references below are available at <http://www.leg.state.nv.us/NAC/CHAPTERS.HTML>

1. Elementary School

- (a) The school may use only commonly used practices to determine the academic ability, placement or eligibility of the child. A school or organization shall not discriminate in any manner against a child who is or was homeschooled. *SB404 Sec 5 (9)&(10)*
- (b) There are no Nevada regulations specifying elementary grade credits for graduation to middle school / Junior High. Consultation with the parent, placement tests if necessary, plus consideration for the age of the child should provide sufficient information to place the child.

2. Middle School / Junior High School (NRS 392.033, NAC 389.445)

- (a) New regulations in NAC 389.445 passed in 2006 are available at <http://www.leg.state.nv.us/Register/2006Register/R015-06I.pdf>
- (b) Nevada law directs the Board of Trustees of each school district to adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this state (which includes public, private, and home schools) or from a school outside this state. Nevada regulations specify that the school district must evaluate the pupil's courses of study and units of credit.
- (c) For a child who completed homeschool coursework that was not a correspondence course, the pupil may apply units of credit toward promotion to high school if he earned the units "In a homeschool program in this State or a homeschool program located out of this State if the courses of study completed by the pupil prior to enrollment are equivalent to the courses offered in the programs of the junior high or middle school in which the pupil is to be enrolled pursuant to NRS 392.033."
- (d) A homeschooled child seeking admittance to public high school must comply with NRS 392.033. (See NRS 392.033 in the following High School section.) *SB404 Sec 5 (9)*
- (e) The school may use only commonly used practices to determine the academic ability, placement or eligibility of the child. A school or organization shall not discriminate in any manner against a child who is or was homeschooled. *SB404 Sec 5 (9)&(10)*
- (f) If a pupil transfers to a junior high or middle school from a homeschool in this State or from a homeschool outside of this State, a school district will accept credits toward promotion to high school for his successful completion of a correspondence course if:
 - (a) The course is provided and credit was issued by a secondary educational institution which is accredited by:
 - 1. Middle States Association of Colleges and Schools
http://www.msche.org/institutions_directory.asp
 - 2. New England Association of Schools and Colleges
<http://www.neasc.org/roster/roster.htm>

3. North Central Association of Colleges and Schools
http://www.ncahlc.org/?option=com_directory
 4. Northwest Association of Accredited Schools
<http://www.boisestate.edu/naas/schools/international.shtml>
 5. Southern Association of Colleges and Schools
<http://www.sacscasi.org/region/schools.html>
 6. Western Association of Schools and Colleges
http://www.acswasc.org/pdf_general/WASC_DirectoryAccreditedSchools.pdf
 7. Commission on International and Trans-Regional Accreditation; and
http://www.citaschools.org/index.php?option=com_civicrm&Itemid=152
- (b) The course is equivalent to a course offered in a regular program in the junior high or middle school.
- (g) The provisions of (f) apply to correspondence courses where the credit is issued by the educational institution, not the parent. In cases where curriculum published by an educational institution was used, but the course was provided by the parent and not the institution, the provisions of (b), (c) and (d) apply.

3. **High School (NRS 392.033, NAC 389.670, 389.674, 389.680, and 389.682)**

- (a) A homeschooled child seeking admittance to public high school must comply with NRS 392.033. *SB404 Sec5 (9)*
NRS 392.033
- (1) The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include the credits to be earned.
 - (2) The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.
 - (3) The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.
- (b) A homeschooled child who enrolls in a public high school shall provide documentation to prove the child has used an accredited program of study recognized by the district, or shall demonstrate proficiency in the courses of study required for promotion to high school through an examination, or shall provide other proof demonstrating competency. *SB404 Sec6 (4)*
- (c) The school may use only commonly used practices to determine the academic ability, placement or eligibility of the child. A school or organization shall not discriminate in any manner against a child who is or was homeschooled. *SB404 Sec5 (9)&(10)*
- (d) A pupil may be granted credit for a specific course of study in a secondary school without having attended the regularly scheduled classes in the course if he demonstrates his competence to meet the objectives of the course through his performance on examinations. *NAC 389.670*

- (e) A school district may, under suitable criteria, allow credit toward graduation from high school for a pupil's experiences outside the high school campus if those experiences are equivalent in kind and amount to the educational experiences being offered in the high school. *NAC 389.674*
- (f) NAC 389.680 below is available at <http://www.leg.state.nv.us/NAC/NAC-389.html#NAC389Sec680>
2. A school district shall, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school for his successful completion of a correspondence course if:
- (a) The course is provided and credit was issued by a secondary educational institution which is accredited by:
1. Middle States Association of Colleges and Schools
http://www.msche.org/institutions_directory.asp
 2. New England Association of Schools and Colleges
<http://www.neasc.org/roster/roster.htm>
 3. North Central Association of Colleges and Schools
http://www.ncahlc.org/?option=com_directory
 4. Northwest Association of Accredited Schools
<http://www.boisestate.edu/naas/schools/international.shtml>
 5. Southern Association of Colleges and Schools
<http://www.sacscasi.org/region/schools.html>
 6. Western Association of Schools and Colleges
http://www.acswasc.org/pdf_general/WASC_DirectoryAccreditedSchools.pdf
 7. Commission on International and Trans-Regional Accreditation; and
http://www.citaschools.org/index.php?option=com_civircrm&Itemid=152
- (b) The course is equivalent to a course offered in a regular program in the school district.
- (g) The provisions of (f) apply to correspondence courses where the credit is issued by the educational institution, not the parent. In cases where curriculum published by an educational institution was used, but the course was provided by the parent and not the institution, the provisions of (b), (d), (e) and (h) apply.
- (h) Requirements for graduation for pupils transferring to Nevada high school. (*NAC 389.682*)
- (1) A pupil who transfers to a Nevada high school from another school, whether located inside or outside this State, shall abide by the requirements for graduation of the receiving school district unless he is in the 12th grade and the requirements of that district would not allow him to graduate by the end of the 12th grade.
 - (2) Each school district shall develop a policy and procedure to make an allowance for a pupil in the latter circumstances so that he may graduate from:
 - a. The receiving school under its requirements or the minimum requirements of the State Board of Education; or
 - b. His school of origin if that school is willing to issue the diploma.

Special Education

Federal law, IDEA 2004, is the governing special education law (public law 108-446), and is available at <http://www.copyright.gov/legislation/pl108-446.pdf>. To be eligible to receive Federal money for all special needs children in the state, Nevada must comply with the provisions of IDEA 2004.

Federal regulations reflecting the 2004 law became available in August 2006. They are available at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-6656.pdf>.

Nevada's law for homeschooled special education students is NRS 392.070, which is available at <http://www.leg.state.nv.us/NRS/NRS-392.html>. SB404 changed language in NRS 392.070 that said, "The Department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services..." to "The Department shall adopt..." Federal regulation §300.129 says "**State responsibility regarding children in private schools. The State must have in effect policies and procedures that ensure that LEAs, and, if applicable, the SEA, meet the private school requirements in §§ 300.130 through 300.148.**" (See page 46766 of the above Federal regulations link.) Nevada law equates homeschooled pupils with private schooled pupils for purposes of special education services.

Nevada's regulations for special education are NAC 388.001-.450. They are available at <http://www.leg.state.nv.us/NAC/NAC-388.html>. The State Board of Education had a public hearing and workshop on May 5, 2007 on modifications to the regulations to conform to the Federal regulations that were released in August 2006. Those proposed changes are not yet available on the internet. New Nevada regulatory language pertaining to homeschooled students states, "Provisions for the participation of such pupils shall be in accordance with 34 C.F.R. §§ 300.130 through 300.144." (See page 46766 of the above Federal regulations link.) Homeschool leaders have officially requested, in compliance with 20 USC 1232d(b), opportunity to participate in the drafting of meaningful regulations that will ensure requirements are met that are specific to Nevada, clarifying the broadly written Federal requirements.

- 1) The US DoE's website at <http://idea.ed.gov/explore/view/p/.root.dynamic.TopicalArea.5>, is very informative, particularly the Topic Briefs link, regarding the responsibilities and obligations of the local district towards private schooled and homeschooled children. Because of its thoroughness, many requirements are not duplicated in this document. Parents and districts should consult that website in the absence of more specific Nevada regulations.
- 2) Nevada law (NRS 392.070 (2)) says each district shall provide programs of special education and related services to homeschooled children in the same manner as it provides them to children enrolled in private schools. This equation of private and homeschooled children for the purposes of Federal IDEA law also means that homeschool representatives in the district are to be consulted whenever the law specifies that private school representatives are to be consulted.
- 3) Throughout the Federal law and Nevada regulations, reference is made to "provide" or the "provision of" services. Since "provide" does not mean "administer", parents are free to avail themselves, or not, of these special education services for their child.

- 4) Some homeschool parents choose not to partake of the special education services provided, while others do.
 - a) For parents who do not want special education services for their child:
 - i) The parent is not required to respond to Child Find surveys, since language in 612(a)(10)(A)(ii)(II) specifies that the child find process is designed to ensure the opportunity for equitable participation, not force equitable participation.
 - ii) If the parent responds to Child Find, he may decide not to consent to an initial evaluation of the child.
 - iii) If the parent allows the child to have an initial evaluation, he may decide not to consent to the provision of services for the child.
 - iv) Override provisions in the event of parental "absence of consent" in Federal law (614(a)(1)(D)(ii)(I) apply only to children placed in public schools.
 - b) For parents who do want special education services for their child:
 - i) The parent may be required to show a birth certificate or other documentation sufficient to establish the identity of the child. *SB404 Sec 7 (8a)*
 - ii) The Federal funding provided for private/homeschooled special needs children can be used only for those children.
 - iii) Unlike children in the public school where a FAPE (Free Appropriate Public Education) allows every child to receive all special education services the child needs, children in private/homeschool do not have such an entitlement. Instead the district, after consulting with representatives of private/home schools, divides the money among the children whose evaluations indicate the greatest need. Some children may not receive any services.
 - iv) The district may supplement the proportionate amount of Federal funds to meet the special education needs of private and homeschooled children. *20 U.S.C. § 1412(a)(10)(A)(i)(IV)*
 - v) The provision of services shall be provided by employees of a public agency, or through a contract with an individual, association, agency, organization, or other entity. The services, including materials and equipment, shall be secular, neutral, and nonideological.
 - vi) Services may be provided to the children on the premises of private, including religious, schools. For homeschooled children, since Nevada law equates homeschools to private schools for the purposes of IDEA, this may include special education services in the home.