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## Is an “Education Savings Account” program coming to a state like yours?

During the 2015 Nevada Legislative Session, the Friedman Foundation assisted State Senator Scott Hammond in the writing of SB 302. Senator Hammond had requested a Bill Draft Resolution (BDR) for a government funded alternative education option for parents of public school students. An Education Savings Account (ESA) program is different from a “voucher system” they say, since money from the state general fund is not going directly from the state to a religious private school (Blaine Amendments in many state constitutions prohibit the use of public funding for sectarian purposes). Rather, the money (between \$5,100 to \$5,700 in NV) goes from the state’s general fund into an account in the name of the child, whose parents then choose where to spend the money so that the child receives an education as compelled by state compulsory attendance laws. This supporters say, means that the parent, not the state, is choosing the education modality for the child and the parent is therefore free to choose a private religious school or use religious materials in the education of their child. This new program passed the 2015 NV Legislature along strict party lines (all Republicans in support, all Democrats opposing). What makes Nevada’s ESA unique is that it is “universal”, meaning it is not “means” or “needs” tested and is available to all NV public school students. Two lawsuits were filed in NV District Court in late 2015 against the new ESA program with a decision in at least one of the cases due out in April from the Nevada Supreme Court (Governor Brian Sandoval requested an expedited decision).

The ESA law has muddied the waters for homeschoolers in Nevada! Many are saying that the new ESA program is “a different way of homeschooling”, it is not! Let me explain.

Nevada parents, who choose to use the ESA program, will NOT be “homeschooling” under NV statute. NRS 392.070 and 392.700 allow NV parents, who receive NO MONEY from the state, to educate their children free from government control, although educational abuse and neglect statutes do apply as safeguards. While imitation is the best form of flattery, Nevada Homeschool Network (NHN) became alarmed when Senator Hammond introduced an amended version of his original ESA bill that no one had been able to read prior to the hearing in the NV Senate Education Committee. NHN opposed the bill as introduced due to the Senator’s constant reference to homeschooling in his verbal introduction of the bill. The Senator’s amended version attempted to use the NV homeschool law as the vehicle for this new program. However, Senator Hammond agreed to work with NHN to address homeschooler’s concerns. As a result, NHN offered an amendment to SB 302 that protected the NV homeschool statute and created a new statute to establish the ESA program.

The amendment to SB 302 proposed by NHN actually creates a fourth option for parents to meet the compulsory attendance law, NRS 392.040. In addition to a public school, a private school, or a homeschool, parents of public school students will now be able to apply for a NV-ESA grant and the child will legally be classified as an “Opt-in Child”. These children will receive their education from an “approved” Participating Entity (PE) under the oversight of the NV State Treasurer (NST) and to a lesser extent, the NV Department of Education (NV-DOE).

To qualify for the NV-ESA program, a child must be enrolled full-time in a public school or public charter school for not less than 100 consecutive days just prior to applying for the ESA grant. Current private school and/or homeschool children are not eligible. However, these children may enroll in a public school for 100 days to become eligible but will give up their private or home school status.

Once approved for the ESA, parents may then choose a Participating Entity to provide education to the child. A Nevada private school, a regionally or nationally certified private online school, a NV college or university, a state certified tutor or tutoring agency, or a parent may apply to become a PE. The Nevada State Treasurer is responsible for annually approving all ESA students as well as Participating Entities. The PE provides the education to the child, meets applicable state requirements (including annual testing of the child with any norm-referenced national standardized test), and is paid from the ESA by the parent for their services. A parent who has been approved as a PE may only purchase curriculum and the annual standardized test for the child using the ESA; they may not pay themselves or anyone else for teaching services, nor pay for additional “educational” expenses outside of the child’s academic curriculum.

Whenever state funding is involved in the education of a child there must be accountability to the tax-payer for the use of that money. New state imposed “accountability measures” in both the public school system and public charter schools, over the last several years, is what has spurred the school choice movement. If the NV-ESA program survives current court challenges, Participating Entities will be accountable to the tax-payer for the education of the child. While “accountability” in the current NV-ESA law is quite low, I do not believe it will remain so if control of the NV Legislature shifts in the 2016 election or the public-at-large begins to question how ESA dollars are spent, especially if tax-increases for the public school system continue to rise.

In discussions last year with the Friedman Foundation it became clear that they do not understand the “liberty issue” that homeschool parents have advanced nationwide for the last thirty-five years. Friedman Foundation and many other “think tanks” are apparently willing to see homeschoolers become collateral damage in their quest to acquire the holy grail of school choice. But NHN and NV homeschoolers will remain adamant in defending the homeschool law and protecting themselves from being lumped in with Public School at Home students (virtual charter schools) and now ESA Opt-in children. By law, NV homeschoolers are not accountable to the public school system or state government because they receive no money from the state or federal government. Further, NV homeschool parents take “full responsibility”, including the financial burden, for the education of their child. Homeschoolers will not abdicate the right and responsibility to educate our own children, as we see fit, to the government.

This year I have heard that several state legislatures are or were considering ESA bills. It is my hope that homeschool parents in these states fully understand that state-funded ESA grants have accountability strings attached. Parents who choose to not accept state funding assistance must be vigilant in protecting their state homeschool law! The success of homeschooling is without question. And now imitators seek to capitalize on the hard work of parents who have dedicated their lives to their children via homeschooling.

Perhaps ESA grant programs will be successful in spite of the government controls placed on them and will provide some parents more options in the education of their children. While NHN supports the concept of ESA’s for parents who choose to use them, HOMESCHOOLING without government funding/controls, must remain intact. But when the waters are muddied and people using government funding to educate their children at home insist they are “homeschoolers”, we become concerned. I began homeschooling my children in 1990 at which time I also joined other parents fighting for homeschool freedom in Nevada. As a result, I know all too well how easy it is for elected, appointed, and/or employed government bureaucrats to say that ALL education of children in the state must be regulated by government.

Please, please take the time to educate yourselves on the differences between homeschooling and government-funded education programs. Continued homeschool FREEDOM/LIBERTY is dependent on staying informed and engaged.

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