



Nevada Homeschool Network

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P.O. Box 1212, Carson City, Nevada 89702

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Dear Nevada Homeschoolers,

It seems that we need to explain over and over again why protecting the rights of parents who choose to self-fund the education of their children is SO important.

Homeschooling in Nevada has suffered a torturous history. In 1947 Nevada was the first state in the country to codify a law to allow "instruction" in the home. During the next 60 years, until 2007, Nevada homeschoolers sought relief from over-reaching regulations placed on them by local districts and the State Board of Education. By 20 Nevada had made progress, but by standing still instead of relaxing archaic stereotypes of homeschooling Nevada had become one of the most restrictive homeschool states in the country. The 2007 legislature passed our current "homeschool freedom" bill, and we are grateful that legislatures since then have seen fit to guard that freedom, including the 2015 legislature when Nevada Homeschool Network requested, and received, an amendment to the ESA bill to exclude us from the ESA program. We have one of the best homeschool laws (we think THE best) in the country, and being excluded from the ESA program keeps it that way.

A homeschooled child in Nevada is defined IN LAW. Homeschooling is where a parent chooses to exercise his/her parental right and Constitutional freedom to accept full responsibility for the education of his/her child, including self-funding of the homeschool. Our homeschool law has worked extremely well; there are safeguards in the law against educational neglect, processes to allow a homeschooled child to participate in classes or activities at a local public school without having to enroll the child, a process to allow the homeschooled child to be treated the same as a private school child for the purposes of Federal funding for special needs, protections against discrimination because the child is or was homeschooled, and several other protections and privileges. These laws were carefully crafted for the HOMESCHOOLED child.

There are several types of facial tissue: Scotties, Kleenex, Puffs, AngelSoft, etc. Each is made to different specifications by different corporations that use different processes. There are several types of "home based" education: Independent Study, Distance Education, Homeschooling, Virtual Charter Schools, the new ESA program with the parent as a "Participating Entity", and even Kindergarten at home. Each is ruled by its own set of laws and regulations. You can call all facial tissue, well, uh, Kleenex. And you can call all education at home, well, uh, Homeschooling. Those who do this are either uninformed, or have an agenda. For some the agenda is to cripple homeschoolers by "including" them in a government program. For others the homeschool law that once was the taste of pure American freedom has become an obstacle between them and literally thousands of dollars from the government.

During the 2015 session Nevada Homeschool Network worked closely with Senator Scott Hammond to protect homeschool freedom by excluding homeschooling from the ESA program. Many parents who currently homeschool will probably WANT to use the

ESA, and Nevada Homeschool Network understands this! The way for parents to do this is to stop homeschooling and choose to join the ESA program with the laws and regulations that govern the ESA. This is the BEST of both worlds; homeschoolers who want to be LEFT ALONE remain with the existing, outstanding, homeschool laws that Nevada has, and parents who want the ESA money and don't mind the ESA laws and regulations can do so! Yes, it may "look" like homeschooling to the uninformed, just like virtual charter school students currently "look" like homeschoolers to the uninformed. But it's not.

Nevada Homeschool Network testified IN FAVOR of SB302, the ESA law, during session AFTER Homeschoolers had been protected. A lot of thought went into crafting a law that is truly the most enlightened, the most dramatic education law in our country in over a century. The parental right to direct the education of the parent's child has just been made transparent; no longer must the parent beg the government school system for anything. No longer is the parent faced with financial bankruptcy when seeking any other-than-government schools, programs, or supplies. This power to control parents, and all society, has been taken away from the government school system. But understandably, when money goes from state funds into the hands of parents there must be an accounting, and the ESA laws and regulations will address those concerns. Parents who choose to homeschool their child, not taking the ESA funds, will continue to enjoy the freedom they've had for several years now.

Many parents are ANGRY that in order to transfer from a private school or from homeschooling into the ESA program that they must first enroll their child in a public school for 100 days. Those who were there at the legislature, who have experience in dealing with the "sausage making" of a legislative session, know why the 100 days was put in place. But it's another matter when trying to explain it to someone who is anxious to get that ESA money in their hands... To simply say, "The bill was DEAD without the 100 days" simply doesn't work. When told the "reasons" for the 100 days (this bill is primarily to help those truly stuck in public schools and only secondarily for those already in private or homeschooling, or this 100 days is taken from the Arizona ESA program, or the state budget couldn't absorb the fiscal impact, etc.) their eyes glaze over while their hand is stuck out (and their other hand is clenched in a fist.)

Even the State Treasurer's Office, that reportedly didn't even read the bill until after the bill was signed into law, has been reluctant to follow the intent of the Legislature and has been seeking a way to circumvent the 100 day requirement. Under the guise of "we want to make this available to as many children as possible" (a very laudable statement), the STO has decided in proposed regulations to say that the phrase "participate in a class" is the same as "enroll in a class." Now, we at NHN are NOT attorneys, but even we can read through the law in the dozens of places where "participate" is used instead of "enroll" because the very intent of the law is that the child NOT be enrolled. If the STO is successful in this shaded interpretation of the word "participate", will this affect Nevada homeschoolers (those who are NOT part of the ESA)? Nevada Homeschool Network thinks so. Public schools already ILLEGALLY require homeschool parents to "enroll" to take a class, when the law clearly says the child only "participates." To date NHN is not aware of anyone who has taken the public schools to task (to court) to stop this illegal practice. A state agency such as the STO intermixing the two terms is sure to make it impossible for a true homeschooler to "participate" in a class, because all schools will simply say there is no difference in the terms "participate" and "enroll," as exemplified by our own State Treasurer's Office regulations. Again, we at NHN would like to point out that during session none of these very vocal opponents of the 100 day rule, including the STO, were there to testify.

Is there a way to legally "fix" the 100 day restriction? Yes, in the next session the legislature can simply remove it. A private school parent would then simply apply for the ESA, and (assuming the private school is a participating entity) the parent (and school) would come under the ESA laws and regulations. A homeschool parent would stop homeschooling and, after receiving the ESA grant, would become an ESA Grant Parent coming under the ESA laws and regulations.

One interesting point to mention is that private schools, much more than homeschooling, are being impacted by this new law. We're not talking about the parents of children currently in private school who (like some homeschool parents) want immediate access to the ESA program. We're talking about the schools themselves. What effect does this infusion of money (through the hands of parents) do to schools that choose to become a "Participating Entity" in the ESA program, or to schools that choose not to participate? If you are the principal of a non-participating school, what do you think will happen this coming year when the school down the street chooses to participate? Yet it seems interesting that, judging by which dog is barking, you'd think only homeschoolers who want to get the ESA money are being impacted.

Nevada has truly rocked the educational establishment by passing the ESA law. This is a huge victory for children. This is a huge victory for American freedom. This is a huge victory for parental rights. This also protects homeschoolers in Nevada. Nevada Homeschool Network supports this law for those reasons. Calls for Nevada homeschoolers to accept state funding through the ESA program are misguided, and dangerous.

-Frank Schnorbus
Nevada Homeschool Network, Chairman