

NEVADA

Victory for Homeschool Freedom Bill

After a tremendous effort of the Nevada Homeschool Network (NHN), especially NHN Chairman Frank Schnorbus and Parent-At-Large Barbara Dragon, the state's Homeschool Freedom Bill (Senate Bill 404) has been signed into law. Nevada homeschoolers will now enjoy one of the best laws in the country.

Joining in the effort during key periods over the past four months were NHN President Elissa Wahl, Home Educators of Faith Vice Chairwoman Irene Rushing, NHN County Representative Carl Lucas, NHN Parent-At-Large Tina Goodman, Eagle Home School Co-op Teacher Kelley Radow, and former Assemblywoman Sharron Angle (also a former homeschooling parent). Home School Legal Defense Association Senior Counsel Christopher Klicka helped with the amendment drafting process, as well as with e-letters to Nevada homeschoolers. And without the help of the many homeschooling parents throughout Nevada—in the form of emails, phone calls, and appearances at committee hearings—this bill would never have become law.

Incredibly, S.B. 404 passed in just one legislative session. Many times, this type of bill, which eliminates over 50% of the current homeschool regulation, takes several sessions to actually pass. However, due to the expert guidance of NHN, the bill passed the Senate unanimously, then passed the Assembly, and was signed by the governor!

S.B. 404 simplifies homeschooling in the Silver State in several ways:

- S.B. 404 eliminates oversight of homeschooling by the local or state public school system. It establishes that parents need only send a one-time (instead of annual) notice of intent to homeschool to the local school district when the child begins to homeschool. No longer do parents need to show the child's birth certificate.
- It requires the school district to accept a notice of intent that contains the name, age, and gender of child; name and address of parent; and a short educational plan, as appropriate for the age and skill level of the child at the time of filing for the first year of homeschooling.
- Parents can sign an optional privacy statement on the notice of intent form if they wish to prevent their notification from being released to anyone.
- The bill eliminates the requirement that homeschoolers provide “equivalent instruction to public schools.” The law recognizes parents’ rights to direct the education of their child and their full responsibility to determine how the child is being educated. The law does list certain subjects that must be taught, but only as appropriate for the child's age and skill level as determined by the parent.
- The school district must give the parent a “written acknowledgement” that

serves as a “Proof of Compliance” with Nevada’s compulsory school attendance law.

- S.B. 404 requires that the school district notify homeschoolers of testing opportunities available to them, such as college entrance exams and the National Merit Scholarship Qualifying Test.
- The term “parent” [as used in S.B. 404] is defined to include “parent, custodial parent, legal guardian, or other persons in this state who have control or charge of a child and the legal right to direct the education of the child.”
- The Nevada Department of Education is required to develop a standard form for homeschooled children to complete should they wish to participate in public school programs and activities, including classes, sports, and interscholastic activities.

One of the most amazing aspects of S.B. 404 is that it includes a religious freedom clause! The religious freedom provision states that no regulation or policy of the state board, any school district or any other governmental entity may infringe upon a parent's right to educate his child based upon religious preference unless it is (a) essential to further a compelling governmental interest; and (b) the least restrictive means furthering that compelling interest.

Klicka crafted this language to parallel religious freedom acts which HSLDA has helped to enact in nearly a quarter of the other 49 states. However, this is the first time that religious freedom protection language is being used in a purely educational context. This provision serves as a “backup” of the homeschool law, and any homeschooling family teaching their children according to their religious convictions may invoke this clause any time a school district becomes abusive.

Nevada’s Homeschool Freedom Bill will virtually end the state’s power to create regulations for homeschoolers. Now homeschoolers’ rights will be specifically delineated in the Nevada Code as enacted by the legislature. This makes homeschool rights more permanent.

We thank God for this incredible victory in Nevada.

— *by Christopher J. Klicka*