



Nevada Homeschool Network

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NEVADA HOMESCHOOL NETWORK'S RESPONSE TO *BIT BY BIT*, PATRICK R. GIBBONS (NPRI) May 21, 2010

Anytime anyone advocates for more choice in education Nevada Homeschool Network takes notice.

Patrick R. Gibbons, Education Policy Analyst at Nevada Policy Research Institute (NPRI), has written an excellent paper reviewing the state of virtual education and charter schools in Nevada (1). Nevada Homeschool Network (NHN) has long advocated for relief for charter schools from overbearing regulation (2), and Mr. Gibbons makes some excellent recommendations. Whether through oversight, however, or simply being uninformed on some fine points, Mr. Gibbons has boldly made one recommendation that requires our response. Perhaps thinking that he is doing homeschoolers a favor he states that, "Virtual charter schools should be allowed to serve homeschool students."

Unfortunately Mr. Gibbons did not consult with NHN, even though we have been the only high-profile homeschool organization active in Nevada at the Legislature and State Board of Education (SBoE) since 2002. Some of our officers began their advocacy and lobbying in the 1990s, and several have testified and served SBoE appointed positions on homeschool advisory councils. NHN also commissioned a study through NPRI on the fiscal impact of homeschooling on the public school system (3). As the recognized advocate for homeschooling in Nevada, NHN can support Mr. Gibbons' homeschool recommendation only conditionally.

Nevada homeschoolers have purposefully tried to keep themselves differentiated, both in name and legally, from government run and government controlled institutions. Homeschooling by definition and law is education of the child provided by the parent, not the government. To date homeschool leaders have been content with the wall separating homeschool students and virtual charter school students, and there has even been some consideration to strengthening that wall. The crux of the matter lies in keeping the definition of homeschooling separate from students enrolled in virtual charter schools and in some cases regular charter schools where education takes place both in the home and at the brick and mortar charter school. Legally, homeschools are significantly different from virtual charter schools (4), even though both are done from the home environment. NHN has gone to great lengths to define those differences, see *Educational Choice Options* (5).

However, as Mr. Gibbons asserts, on the surface it does seem discriminatory that homeschoolers should be denied a publicly funded service. Mr. Gibbons correctly notes that HSLDA opposes virtual charter schools; the source that he references even unkindly infers a self-preservation motive for their opposition. The more correct reason for the opposition to virtual charter schools is the camel's-nose-in-the-tent (government's-nose-in-your-home) syndrome, as vividly described by others in position papers and articles (6).

NHN is not immune to these concerns, and believes that Nevada charter school law should be adjusted to more clearly define the distinctions between homeschool students as defined in Nevada law (7), and public school students enrolled in any charter school program. NHN has noted in email missives on several occasions the predatory nature of charter schools, including their willingness to misrepresent themselves to get homeschoolers into their program. Some have claimed that you can "homeschool through their charter school". NHN leaders on countless occasions have had discussions with the parents of charter school students who truly thought they were homeschooling. Some have filed a Notice of Intent to Homeschool in addition to being enrolled in the charter, making the legal status of the child uncertain (8). Many parents become irate when informed they aren't homeschoolers, not at the charter school, but at us for informing them.

Is there precedent in Nevada law making it illegal to use a certain name without authorization, such as "homeschool"? Yes, one law directly states that it is unlawful to *"Use the terms "kindergarten," "elementary," "middle school," "junior high school," "high school" or "secondary" without authorization to do so from the Superintendent in accordance with regulations of the Board"* (9). A law such as this would have been most beneficial in June 2005 when NHN endeavored in testimony to alert the SBoE that charter schools were co-opting the "homeschool" label, clearly misrepresenting who they were. The SBoE saw it as a non-issue, a "fight" if you will, between two groups who similarly want to provide education in the home environment, without really understanding the legal differences. Several months later the Superintendent of Public Instruction intervened and convinced all but a few of the charter schools to stop using the term "homeschooling" in their advertising or on their websites. Thus far there is still no clear law or regulation preventing a recurrence, and as recently as a month ago this author encountered a charter school mom who thought she was a homeschooler.

There is also legal precedent preventing misleading practices. One of the minimum standards that private schools must comply with is, *"Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair."* (10)

In conclusion, NHN opposes blindly allowing a homeschooled child to participate in classes offered by a public virtual charter school unless restraints on the predatory behavior of charter schools, and a clear delineation between homeschool students and charter school students, are codified. Note that participation is not to say that the homeschooled child is "enrolled", but instead "participates", as if he were at a brick and mortar public school, as allowed and defined in current Nevada law (11).

In absence of those restraints NHN believes that the freedoms homeschool parents have fought for and won are endangered and that any small benefit of virtual charter school participation is not worth the cost. Again, NHN would strongly oppose any such changes proposed, without the qualifiers in place.

Nevada Homeschool Network

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(1) *Bit by Bit: Virtual Schools Can Transform Nevada Public Education*

http://www.npri.org/docLib/20100517_NevadaVirtualSchools.pdf

(2) NHN position paper:

http://www.nevahomeschoolnetwork.com/pdfs/Homeschooling_vs_PublicSchool_at_Home_NHN_position.pdf

(3) *Homeschooling in Nevada: The Budgetary Impact*

http://www.npri.org/docLib/20071126_Homeschooling_in_Nevada.pdf

(4) Virtual Charter Schools are also known as Public School at Home (PSAH), Government School at Home (GSAH), and several other variations.

(5) Educational Choice Options in Nevada

<http://www.nevahomeschoolnetwork.com/pdfs/NevadaParentalChoiceOptions.pdf>

(6) For example, *Tragic Irony*, by Jackie Orsi, California Homeschool Network

<http://www.chnow.org/page40.aspx>

(7) NRS 385.007 #3

<http://www.leg.state.nv.us/NRS/NRS-385.html - NRS385Sec007>

(8) The legal status of the child would depend upon whichever was done last, enroll in the charter school, or file the legal Notice of Intent to Homeschool.

(9) NRS 394.351 #4

<http://www.leg.state.nv.us/NRS/NRS-394.html - NRS394Sec351>

Also see NRS 394.625 #1

<http://www.leg.state.nv.us/NRS/NRS-394.html - NRS394Sec625>

(10) NRS 394.241 #1(i)

<http://www.leg.state.nv.us/NRS/NRS-394.html - NRS394Sec241>

(11) For example see NRS 386.580 #5

<http://www.leg.state.nv.us/NRS/NRS-386.html - NRS386Sec580>

and NRS 392.070 #3

<http://www.leg.state.nv.us/NRS/NRS-392.html - NRS392Sec070>