



Nevada Homeschool Network

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SB 404 passed both the Nevada Assembly and Senate unanimously on June 4th and was signed by Governor Gibbons on June 14, 2007!

Although the bill was amended 4 times from original we are pleased with the outcome. Here is quick overview of the many sweeping positive aspects of the bill. This new law takes effect July 1, 2007.

NEW FREEDOM FOR HOMESCHOOLERS:

-  **NRS 392.040** requires compulsory attendance in public school of all Nevada children between the ages of 7 and 18 (age amended from 17 to 18 this session via SB 312). An exemption from this law is provided in NRS 392.070 for private schools and homeschools and SB 404 amends that law.
-  **Oversight of homeschooling by the local or state public school system eliminated.** The local district will only be “notified” that the child is exempt from NRS 392.040 for the purpose of assuring that education is being provided. *Under the former law and regulations the local school district assumed they had the authority to deny a “notice” of intent because they considered it an “application”. By filing a notice under SB404, not an application, there is no “approval” authority by the district.*
-  **One-time Notice of Intent to Homeschool** to the local school district when the parent begins to homeschool the child. *Under former regulations parents were required to file annually.*
-  **Gives the parent the right to direct the education of the child** and full responsibility to determine what, when, and how the child is being educated. *Eliminates the requirement in the 60 year old law that homeschool parents provide “equivalent instruction offered in the public schools”. This ambiguous term had been used in Nevada to require teacher certification and restrictive district oversight of homeschools.*
-  **Proof of identity of the child no longer required** when submitting a Notice of Intent to Homeschool. *Under the old regulations the parent was required to prove the identity of their child which caused privacy and logistical issues for both parents and school districts.*

- # **Subjects to be provided, as appropriate for the child's age and skill level as determined by the parent though not all courses are required to be taught every year, include;** English (reading, composition and writing), Math, Science, and Social Studies (history, geography, economics, and government).
- # **School district must accept a notice of intent** and may not "deny" a notice that contains the required information. *Codified former regulation.*
- # **School district must give the parent a "written acknowledgement"** that the parent has provided the notification required by law and that the child is being homeschooled. *Codifies former regulation.*
- # **The acknowledgement shall serve as "Proof of Compliance"** with Nevada's compulsory school attendance law and the district must keep a copy of the acknowledgement for at least 15 years.
- # **Request for records must be processed within 5 days** and may only be released to the parent (or the child after he/she turns 18) or the court.
- # **Districts to give adequate notice of testing opportunities** for all high school students and the availability of these tests to homeschool students, such as the high school proficiency exam and college entrance exams (needed to qualify for the Millennium Scholarship) as well as information on the National Merit Scholarship Qualifying Exam, via the internet. *Codifies former homeschool regulation and adds new notice protection for all Nevada high school students.*
- # **Establishes a religious liberty clause** for homeschoolers.
- # **Defines the "parent"** and establishes that the parent is the teacher, without restriction. *No longer is a parent subjugated to teacher certification requirements, using consultants in regulation in the 1980's and 90's (many of whom charge high fees to unsuspecting new homeschoolers), or signifying they had read the law to begin homeschooling.*
- # **Establishes the Nevada court system as the arbitrator of disputes regarding the education being provided to the child.** This includes disputes between the parent who is providing the education and the local school district, or a county or state child welfare department, and two parents in a divorce proceeding. *Under the old law/regulation this determination fell to the public school system. Since homeschooling is tutorial in nature as compared to the "mass education" format of the public schools there was often confusion as to what constituted education.*
- # **Includes an anti-discrimination clause** by "a school or organization" against a child who is or was homeschooled. *Codifies former regulation.*
- # **Establishes how districts may evaluate academics of a homeschooled child** for entrance into a public high school. *Codifies former regulation.*

- ✚ **Department of Education must adopt regulations** regarding special education programs and services to homeschool children if the parents want them. *This reflects requirements of current Federal law and regulations.*

OTHER ASPECTS:

- ✚ **"Notice of Intent to Homeschool"** to be created by the Department of Education as specified in the new law and the districts must make only that form available to the parent. *Codifies former regulation.*
- ✚ **"Notice of Intent to Participate in Programs and Activities"** to be created by the Department of Education as specified in the new law .
 - This is for a homeschooled child who wishes to participate in ANY classes, generally defined as "up to 50% of a school day", or activities, programs, sports or interscholastic activities and events at or through a public school or charter school.
 - This intent to participate must filed with the school district for each year the homeschool child wishes to participate at the public school.
 - The district may request to view proof of identity of the child for participation in classes and/or activities or special education services.
 - The district must view proof of identity when a child wishes to participate in any interscholastic activities and events (such as sports).
- ✚ **A new Notice of Intent to Homeschool must be submitted** if the child is enrolled in some other school and then returns to homeschooling. This came at the request of school districts to ensure continuity of education for the child.

FREEDOMS WE FOUGHT FOR, BUT DIDN'T GET:

- ✚ **Filing Notice of Intent to Homeschool forms electronically.** The new law says "written notice of intent to homeschool".
- ✚ **Education Plan was not in the original version of SB 404 but was added to the bill in Conference Committee.** We are concerned that this may be, or may become, an issue with local districts trying to exert control over people who file a notice to homeschool. Though the legislature did insert language to prevent that from occurring, but we are concerned that future efforts to further define the educational plan could undermine the freedoms established.
- ✚ **The "written acknowledgement" from the school district was not included** in the original bill. Our concern is that whenever the district is required to do something they tend to want something more than your taxes in return. We felt that the Intent form being on file, and our ability to obtain a copy from the District, was sufficient.

IN CONCLUSION:

Time will tell if any aspects of the new law or the goals lost become burdensome enough to re-approach the Legislature in future years. In addition, homeschoolers must remain vigilant to ensure the law is never changed to be more restrictive. Homeschool support groups in every county need to be ready and available to answer the questions of people who are inquiring about homeschooling; the local districts won't be doing that anymore! Nevada Homeschool Network and local support groups will continue working with local districts, the State Department of Education, and the State Board of Education, as homeschoolers take our place at the table as an equal educational option with public and private schools.

**Nevada Homeschool Network
and the Committee to Modernize Nevada's Homeschool Law
thanks everyone for their part in getting this homeschool freedom law passed!**