

NO. 9828
DEPT. NO. 2

FILED

18 1982
GRACE W. FILL
CLERK OF DIST. COURT

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

DAVID and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

vs.

PETITION FOR WRIT OF MANDAMUS

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

Respondent.

COMES NOW, Petitioners DAVID AND PATRICIA WALLACE, by and through
their attorneys, SALA, McAULIFFE, WHITE & LONG, and petition this
Honorable Court as follows:

I.

Petitioners are the parents and guardians of the minor children
JASON WALLACE and MICHELLE WALLACE, and reside in the City of
Winnemucca, County of Humboldt, State of Nevada.

II.

That the Humboldt County School District is a political subdivision
of the State of Nevada.

III.

Petitioners minor children are between the ages of seven and
seventeen years old.

IV.

Petitioners presented to Respondent Humboldt County School District
written evidence that the minor children were receiving at home, an
equivalent education to the kind and amount approved by the State Board

1 of Education as provided by NRS 392.070.

2 V.

3 That Respondent, acting arbitrarily and capriciously, in direct
4 violation of NRS 392.070, at a meeting held September 14, 1982, directed
5 that Petitioners' minor children be enrolled in the schools at the
6 Humboldt County School District.

7 VI.

8 Petitioners' request for reconsideration of Respondent's decision,
9 was acted upon in a second meeting held on September 28, 1982, and was
10 again disapproved by Respondent.

11 VII.

12 Respondent based its decision on its concern that the minor
13 children would not receive "equivalent instruction of the kind and
14 amount approved by the State Board of Education". Specifically,
15 Respondent felt there was a need for trained and certified teachers or
16 tutors, and based thereon, entered its order that the children be
17 enrolled in the Humboldt County School District Schools.

18 VIII.

19 Pursuant to their meeting of September 28, 1982, ROBERT J. SCOTT,
20 Superintendent, threatened immediate action by the Humboldt County
21 School District in the event the children were not enrolled in school,
22 Petitioners are informed and believe this includes prosecution of
23 Petitioners pursuant to NRS 392.180 and taking the minor children into
24 custody as truants, pursuant to NRS 392.160.

25 IX.

26 That Respondents have acted arbitrarily and capriciously and
27 without substantial justification for their decision in denying
28 Petitioners the right to educate their minor children at home.

29 X.

30 That the curriculum submitted by Petitioners was previously
31 considered in another case and was found to be satisfactory and was
32 accepted by Respondent for education of other minor children of school

1 age in the community, thereby allowing other minor children to be
2 educated in their home and not in the schools of the Humboldt County
3 School District.

4 XI.

5 That Petitioners had complied with the terms of NRS 392.070 and the
6 Respondents actions have denied Petitioners the equal protection of the
7 laws in that others similarly situated, using the same curriculum, have
8 obtained approval.

9 XII.

10 That Petitioners have been denied the rights provided by the first
11 amendment of the United States Constitution by the unwarranted action of
12 Respondent in that they chose to provide a curriculum based on the basic
13 tenets of Christianity, both morally and spiritually, and have provided
14 proof of an adequate curriculum of the kind and amount approved by the
15 State Board of Education which does not interfere with or conflict with
16 the basic philosophies and religious beliefs of Petitioners herein.

17 XIII.

18 That Respondents' arbitrary and capricious decision denied
19 Petitioners their right to freedom of religion pursuant to the terms of
20 the First Amendment of the United States Constitution by denying
21 Petitioners the right to free exercise of their religious beliefs in the
22 rearing, raising, and education of their minor children.

23 XIV.

24 That all actions by Respondent have been taken without
25 justification and constitute an abuse of its discretion.

26 XV.

27 That Petitioners are without an adequate, plain and speedy remedy
28 at law.

29 WHEREFORE, Petitioners pray that there be issued against said
30 Respondent, a Writ of Mandamus, returnable within some brief period,
31 compelling Respondent herein to vacate its prior decision ordering
32 *Petitioners minor children to attend the schools of the Humboldt County*

1 School District and further prevent Respondent from filing a criminal
2 complaint or declaring the minor children of Petitioners as truants.

3 DATED this 5 day of October, 1982.

4
5 SALA, McAULIFFE, WHITE & LONG

6 BY: William E. Bernard
7 WILLIAM E. BERNARD, ESQ.
8 One East Liberty Street, #404
9 Reno, Nevada 89501
10 Attorney for Plaintiffs

11 STATE OF NEVADA,)
12) ss:
13 COUNTY OF WASHOE.)

14 DAVID and PATRICIA WALLACE, being first duly sworn, depose and say:

15 That they are the Petitioners in the above entitled action; that
16 they have read the foregoing Petition for Writ of Mandamus and know the
17 contents thereof, and that the same is true of their own knowledge
18 except for those matters therein stated on information and belief, and
19 as for those matters, they believe it to be true.

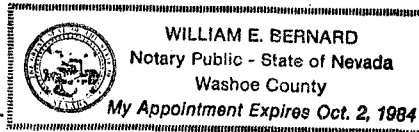
20 David T. Wallace
21 DAVID WALLACE

22 Patricia A. Wallace
23 PATRICIA WALLACE

24 SUBSCRIBED AND SWORN TO before me

25 this 18 day of October, 1982.

26 William E. Bernard
27 Notary Public



1 NO. 9828
2 DEPT. NO. 2

FILED

1982
Grace W. Bell
CLERK OF DISTRICT COURT

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6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF HUMBOLDT

8 DAVID and PATRICIA WALLACE,
9 Parents of JASON WALLACE and
MICHELLE WALLACE,

10 Petitioners,

11 vs.

MOTION FOR
TEMPORARY RESTRAINING ORDER

12 HUMBOLDT COUNTY SCHOOL DISTRICT,
13 a Political Subdivision of the
State of Nevada,

14 Respondent.
15 _____/

16 COMES NOW, Plaintiffs above named, by and through their attorney,
17 SALA, McAULIFFE, WHITE & LONG and move this Honorable Court for an Order
18 temporarily restraining Respondents herein from taking any actions to
19 file a criminal complaint or declare Petitioners minor children as
20 truants. This Motion is based upon the Points and Authorities and
21 Affidavits attached hereto, together with the pleadings on file herein.

22 DATED this 18 day of October, 1982.

23
24 SALA, McAULIFFE, WHITE & LONG

25 BY: William E. Bernard
26 WILLIAM E. BERNARD, ESQ.
27 One East Liberty Street, #404
Reno, Nevada 89501
Attorney for Plaintiffs

POINTS AND AUTHORITIES IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

IRREPARABLE HARM MAY BE ACCORDED PETITIONERS AND THEIR MINOR
CHILDREN IN THE EVENT RESPONDENTS ARE NOT RESTRAINED.

NRCP Rule 65 (b) provides that:

"A temporary restraining order may be granted without written or oral notice to the adverse party or his attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the Court in writing the efforts, if any, which have been made to give the notice and reason supporting his claim that notice should not be required."

The petition on file herein shows that Petitioners are the parents of two minor children of school age residing in Winnemucca, Nevada. It is their desire to educate their minor children in accordance with their religious convictions and beliefs under the curriculum provided by the American Christian Academy. These curriculums are equivalent to, if not better than the curriculum currently maintained by the Humboldt County School District. This curriculum has already been accepted in other similar situations and Respondents have not shown any indication that the curriculum is lacking in any manner.

On September 29, 1982, Humboldt County School District, through Robert J. Scott, Superintendent, denied Petitioners their right to educate their children at home and further intimated that legal action in the form of declaring the children truants and filing of criminal complaints against Petitioners would be taken by the School District in the event the minor children were not immediately enrolled in the Public Schools. A copy of the letter is attached hereto as Exhibit "A". NRS 392.070 states:

"Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the School Board of Trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board of Education." (Emphasis added)

1 Written evidence of the equivalent curriculum was provided to the
2 School Board. The curriculum is basically self-taught by the student
3 under the supervision of the parent. Samples of the curriculum were
4 presented to the school board. The school board apparently denied the
5 request based on lack of certification of Petitioners. This is not
6 contemplated, and cannot be inferred in the statute.

7 The Respondents activity is clearly arbitrary and capricious. Upon
8 finding the curriculum adequate in a separate case, the board cannot
9 turn around now and say the curriculum is inadequate.

10 Petitioners concern that their children be taught basic Christian
11 values and morality as well as certain spiritual and moral lessons falls
12 within the purview of the First Amendment of the United States
13 Constitution wherein it states:

14 "Congress shall make no laws respecting an establishment
15 of religion, or prohibiting the free exercise thereof;... "
(Emphasis added)


16 This is clearly a prohibition of the free exercise of religion in
17 that according to Petitioners religious convictions, it is their desire
18 to educate their children in a manner, and with a curriculum consistent
19 with their religious beliefs.

20 In considering whether a temporary restraining order should issue,
21 the Court must find that there exists a possibility of immediate and
22 irreparable injury, loss, or damage. In this case, the Humboldt County
23 School District has indicated in Exhibit "A" their intent to take legal
24 action against Petitioners and their minor children. This legal action
25 could include the filing of a criminal complaint against Petitioners
26 pursuant to NRS 392.180 and further seek to take minor children into
27 custody as truants and deliver the children to the school officers
28 pursuant to NRS 392.160. As shown by the letter, the threat of these
29 actions are immediate. Therefore the Court should enter its Temporary
30 Restraining Order and set this matter for hearing at its earliest
31 convenience to decide whether or not preliminary injunction should issue
32 /////

1 pending the ultimate resolution of the Petition for Writ of Mandamus.

2 RESPECTFULLY SUBMITTED this 18 day of October, 1982.

3
4 SALA, MCAULIFFE, WHITE & LONG

5 BY: William E. Bernard 
6 WILLIAM E. BERNARD, ESQ.
7 One East Liberty Street, #404
8 Reno, Nevada 89501
9 Attorney for Plaintiffs
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Humboldt County School District

ADMINISTRATIVE OFFICE
TELEPHONE (702) 623-1167
POST OFFICE BOX 1070
WINNEMUCCA, NEVADA 89415

September 29, 1982

Mr. and Mrs. Dave Wallace
4035 Walther Court
Winnemucca, Nevada 89445

Dear Mr. and Mrs. Wallace:

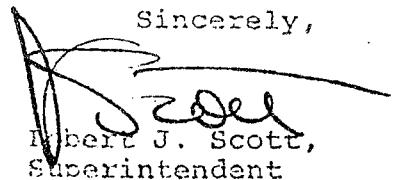
In a repeat of the action taken at the last School Board meeting, your written request to keep your children at home for their education has, again, been disapproved by the Board at the regular meeting held on September 28, 1982.

The denial was primarily based on the Board's concern for an "equivalent instruction of the kind and amount approved by the State Board of Education". I did not ascertain the Board's concern about the material to be used, however, there was considerable discussion regarding the need for a trained and certified teacher or tutor to use the materials.

Again, I do understand your concern, however I must now very strongly urge you to enroll your children in school this week if immediate action by the district is to be avoided. In the event that an appeal to the proper legal authority is to be exercised on your part, we will still expect your children to attend school pending the outcome.

Please feel free to contact this office if I may provide any assistance or further information in this matter.

Sincerely,



Robert J. Scott,
Superintendent

RJS/it

cc: William Macdonald
District Attorney

Robert Cavakis
Juvenile Probation Officer

Enc.

EXHIBIT "A"

1 NO.

2 DEPT. NO.

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IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF HUMBOLDT

8

DAVID and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,

10

Petitioners,

11

vs.

AFFIDAVIT OF PATRICIA WALLACE

12

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

13

14

Respondent.

15

16

STATE OF NEVADA,)
) ss:
17 COUNTY OF WASHOE.)

18

I, PATRICIA WALLACE, being first duly sworn, depose and say that:

19

1. I am the Co-Petitioner in the above entitled action.

20

2. That it is my desire to educate my children at home using the

21

curriculum of the American Christian Academy.

22

3. This is based upon my religious conviction and belief that

23

children should be educated in accordance with Christian principals and
24 morals.

25

4. The curriculum by American Christian Academy teaches scriptural

26

principals and the basic tenets of Christian morality.

27

5. I know of my own personal knowledge that this identical

28

curriculum has been accepted by the Humboldt County School District for
29 use by another family in this community.

30

6. The curriculum is based on a self teaching concept wherein the

31

pupils work through different workbooks that are accompanied by study

32

aids. The parents act merely as supervisors and not educators.

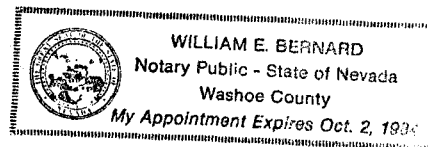
7. I am informed and believe that the Humboldt County School District is presently making preparations to file a criminal complaint and seek to take custody of the children for the purposes of placing them in schools.

FURTHER AFFLIANT SAITH NAUGHT.

Patricia A. Wallace
PATRICIA WALLACE

SUBSCRIBED AND SWORN to before me this
18 day of October, 1982.

William E. Benson
Notary Public



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NO.

DEPT. NO.

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

vs.

AFFIDAVIT OF DAVID WALLACE

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

Respondent.

STATE OF NEVADA,)
) ss:
COUNTY OF WASHOE.)

I, DAVID WALLACE, being first duly sworn, depose and say that:

1. I am the Co-Petitioner in the above entitled action.

2. That it is my desire to educate my children at home using the
curriculum of the American Christian Academy.

3. This is based upon my religious conviction and belief that
children should be educated in accordance with Christian principals and
morals.

4. The curriculum by American Christian Academy teaches scriptural
principals and the basic tenets of Christian morality.

5. I know of my own personal knowledge that this identical
curriculum has been accepted by the Humboldt County School District for
use by another family in this community.

6. The curriculum is based on a self teaching concept wherein the
pupils work through different workbooks that are accompanied by study
aids. The parents act merely as supervisors and not educators.

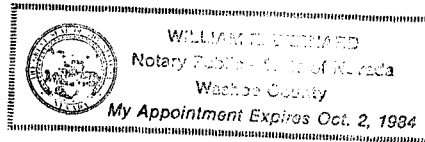
7. I am informed and believe that the Humboldt County School District is presently making preparations to file a criminal complaint and seek to take custody of the children for the purposes of placing them in schools.

FURTHER AFFLIANT SAITH NAUGHT.

DAVID WALLACE

SUBSCRIBED AND SWORN to before me this
18 day of October, 1982.

William E. Benson
Notary Public



No. 9828
Dept. 2

FILED

DAVID M. BELL
CLERK OF DIST. COURT
BY *James Ball*

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT.

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DAVID and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,
Petitioners,

vs.

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of
State of Nevada,
Respondent.

POINTS AND AUTHORITIES
IN OPPOSITION TO MOTION FOR
TEMPORARY RESTRAINING ORDER

1. Duty to enforce compulsory attendance law. Respondent Humboldt County School District seeks solely to perform its duty to enforce the compulsory school attendance act, which requires every person having control or charge of any child between 7 and 17 years to send such child to a public school except as otherwise provided by law. NRS 392.040

2. Applicable exceptions. An exception is provided if satisfactory written evidence is presented to the Board of Trustees of the school district that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board of Education. NRS 392.070.

3. Petitioners application for excused attendance. Petitioner presented oral evidence to the Board of Trustees on September 14, 1982. The Board was not satisfied that the proposed instruction was equivalent. On recommendation of the District Attorney, Petitioner re-submitted their application supplying written evidence as required by law on September 28, 1982. The board had no objection to the materials but felt that a qualified person to act as instructor or tutor was required. The application and written evidence presented by Petitioner are annexed hereto as Exhibit "A".

1 4. Petitioner's Grounds. Petitioners specify three chief grounds
2 in bringing this action.

3 (1) The School District accepted the identical curriculum in
4 another case and therefore the denial in Petitioners' case was arbitrary and
5 capricious.

6 (2) The curriculum proposed as equivalent requires no
7 qualified person as teacher, it being a self teaching method; there is no
8 requirement by law for a qualified teacher or tutor and therefore the
9 Respondent improperly denied the application of Petitioners.

10 (3) The right of religious expression is unconstitutionally
11 violated by NRS 392.070.

12 4.1 Acceptance of Identical Curriculum. It is correct that
13 Humboldt County School District did accept the same American Christian
14 Academy curriculum materials in another case on a one-year-only basis for the
15 current school year. However, two key elements in the other case are not
16 present in this case, namely:

17 a. Qualified instructor--In the other case one parent is a
18 very well qualified teacher holding a lifetime certificate from the State of
19 Texas as a high school teacher with majors in History and English. There is
20 no claim by Petitioners that either parent is qualified as an instructor.

21 b. Special problem--One of the children in said family has
22 had problems which the family has been working toward solving, said child
23 having been sent to a private school last year and improvements having been
24 noted. The Board of School Trustees agreed with the parents that home study
25 could materially assist this child during the current school year. Having
26 reached that conclusion the Board further agreed with the parents that
27 permitting all the children of the family to be instructed at home this year
28 would be advisable.

29 Discussion. As Justice White stated in his concurring opinion
30 in Wisconsin v. Yoder, a state has a legitimate interest not only in seeking
31 to develop the latent talents of its children but also in seeking to prepare
32 them for the life style that they may later choose, or at least to provide

1 them with an option other than the life they have led in the past. 406
2 US 205, 32 LEd 2d 15, 39 (1972).

3 There is no substitute for an educated teacher who is capable
4 of answering questions and guiding inquiring minds unto the new and
5 uncontemplated directions to which any well-prepared material should
6 inevitably lead. State v. Riddle, 285 SE2d 359, 366 (WVa 1981).

7 4.2 Need for qualified instructor. Petitioners state that it
8 is not contemplated in the statute and cannot be inferred therein that the
9 equivalent home instruction be given by a qualified person.

10 Discussion. As stated in Section 4.1, courts have recognized
11 that there is no substitute for a qualified teacher. Additionally the
12 teacher can spot physical, mental or behavioral problems that a parent is not
13 trained to see or may overlook because he or she is "too close" to the
14 problem. Such problems often can be taken care of completely or at least
15 mitigated to a great extent if promptly identified.

16 If the Legislature in enacting NRS 392.070 had said
17 "equivalent educational materials" instead of "equivalent instruction" then
18 Respondent would have little choice but to agree with Petitioners' position.

19 However, such is not the case; the Legislature said
20 "equivalent instruction". Obviously the Legislature contemplated that more
21 than just teaching materials were needed in order to satisfy the Board that
22 the child is receiving "equivalent instruction" at home.

23 In a federal case from Michigan, the court expressly approved
24 the State's interest in insuring the minimum competence of those entrusted to
25 teach as justification for requiring certification of teachers. The
26 distinction in treatment by the state between parents whose children are
27 taught by state certified teachers, whether in a public or private
28 educational institution or at home, and those parents who seek to educate
29 their children at home without certified teachers, directly relates to the
30 difficulty that the state would surely face in examining and supervising, at
31 considerable expense, a host of facilities and individuals, widely scattered,
32 who might undertake to instruct their children at home without certification;

1 as compared with the less difficult expensive mechanism of requiring
2 certification as a standard for competency. This clearly satisfies the
3 state's burden of acting rationally and reasonably. *Hanson v. Cushman*, 490
4 FSupp 109, 115 (D Mich 1980).

5 The term "equivalent" was discussed by an intermediate court
6 in New Jersey in an illuminating discussion of home instruction. The court
7 defined it as "equal in worth or value, force, power, effect, import and the
8 like" when it looked at the teaching qualifications of the mother who had 2
9 years college, had taught a total of 2 years in three different schools some
10 20 years earlier; the court noted that there had been many advances in
11 education in those 20 years. It noted also that there was a disadvantage to
12 the children in not being able to associate with other children since
13 generally they must learn to get along with the outside world as adults. The
14 court there specifically found that the the materials being used were
15 adequate, but the court found that the children were not receiving an
16 "equivalent" education. *Knox v O'Brien*, 72 A2d 389, 391 (NJ 1950).

17 4.3 Prohibition of the free exercise of religion.

18 Petitioners claim that NRS 392.070 as applied in this case is a prohibition
19 of the free exercise of religion in that according to Petitioners' religious
20 convictions, it is their desire to educate their children in a manner and
21 with a curriculum consistent with their religious beliefs.

22 Discussion. There are many cases discussing this point.
23 Generally the State cannot interfere with what you want to think and what
24 religious beliefs you want to hold, but your conduct of what you think on the
25 other hand may be regulated for the protection of society.

26 The state may not wholly deny right to preach or disseminate
27 religious views. State may by general and non-discriminatory legislature
28 regulate the times, the places, and the manner of soliciting upon its street
29 and of holding meetings thereon; and may in other respects safeguard the
30 peace, good order and comfort of the community, without unconstitutionally
31 invading the liberties protected by the 14th Amendment. Freedom to believe
32

1 is absolute; freedom to act in the nature of things cannot be. *Cantwell v*
2 *Connecticut*, 310 US 296, 84 LEd 1213, 1218 (1940)

3 The US Supreme Court recognized the power of a state to impose
4 reasonable regulations for the control and duration of basic education of its
5 citizens. *Wisconsin v Yoder*, 406 US 205, 32 LEd 2d 15 (1972).

6 A personal philosophical choice by parents rather than a
7 religious choice, does not rise to the level of 1st Amendment claim of
8 religious expression. 406 US 205, 215, 32 LEd 2d 25.

9 Providing public school ranks at the very apex of the function
10 of a State. But the State's interest in universal education is not totally
11 free from a balancing process when it infringes on fundamental rights and
12 interests such as free exercise of religion and the traditional interest of
13 parents.

14 Those who nurture and direct a child's destiny have the right
15 coupled with the high duty to recognize and prepare him for additional
16 obligations." *Pierce v Society of Sisters*, 268 US 510, 535, 69 LEd 1070,
17 1078 (1925). [A case in which the US Supreme Court invalidated an initiative
18 petition which was passed by the Oregon voters in effect closing all private
19 and parochial schools.]

20 The very concept of ordered liberty precludes allowing every
21 person to make his own standards on matters of conduct in which society as a
22 whole has important interest.

23 The parental claims must be rooted in religious belief before
24 they can receive these 1st Amendment protections. A way of life, no matter
25 how virtuous and admirable, may not be interposed as a barrier to reasonable
26 state regulation if it is based on purely secular considerations.

27 Sincerely held religious convictions are never a defense to
28 total non-compliance with the compulsory school attendance law. *State v*
29 *Riddle*, 285 SE2d 359, 365 (WVa 1981).

30 In a very current and quite similar case, an Alabama
31 intermediate court dealt with the same issues. Parents failed to show that a
32 secular education would endanger children's religious views or salvation.

1 [Parents taught children using Catholic home study materials, Mother not
2 certified tutor, no parochial school available, parents said secular
3 education would expose children to non-religious educational influences and
4 they believed they would commit mortal sin in the religious salvation of
5 children endangered.] The Alabama court ruled:

6 (1) The State has power to impose reasonable regulations for
7 control of basic education.

8 (2) The Alabama compulsory school attendance law as applied
9 to the parents not violate freedom of religion.

10 (3) The family's liberty, privacy and family integrity not
11 violated.

12 (4) State's interest in compulsory education is both
13 legitimate and compelling after balance the facts of case. *Jernigan v State*,
14 412 SO 2d 1242, 1247 (Ala 1982).

15 Thus it is clear that a religious rule, regulation or tenet, a
16 belief taught by the church, one which must be adhered to by its members
17 is required before the parents can claim a 1st Amendment protection. The
18 affidavits of the Petitioners clearly state that the action is based upon
19 "religious conviction and belief that children should be educated in
20 accordance with Christian principals and morals." Nothing before the Court
21 at this time would suggest that this is more than a personal, philosophical
22 choice to give their children religious instruction along with their general
23 instruction, which, while certainly very laudable, is not a Constitutionally
24 protected right and thus is not a sufficient reason for striking down the
25 Respondent's action in not excusing attendance.

26 5. Impropriety of Temporary Restraining Order. It appears that
27 this case does not reach the level of a Constitutionally protected right
28 which must take precedence over the State's interest in compulsory attendance
29 in approved instructional programs.

30 The children have not been in school yet this school year. Any
31 further delay in their returning to the public schools or to a licensed
32 private school will merely further disrupt their education for this year.

1 The Respondent submits that unless, based on the record before the
2 Court and as a result of the hearing on the Temporary Restraining Order, it
3 appears likely or probable that Petitioners will prevail, it would be a
4 serious disservice to the children to enter a restraining order which would
5 continue to keep them out of school until the case is concluded.

6 6. Conclusion. Petitioner respectfully submits that:

7 6.1 The fact of the acceptance of the identical curriculum
8 materials in another case this year is not governing in this case due to the
9 fact that the two cases are so substantially dissimilar.

10 6.2 The Respondent is clearly acting reasonably and
11 rationally in requiring more than satisfactory instructional materials in
12 determining if a home study course would give children equivalent
13 instruction.

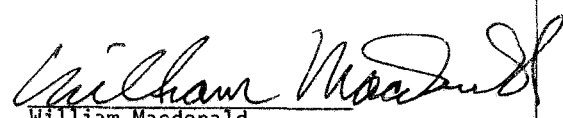
14 6.3 This apparently not being a case in which a religious
15 rule, regulation or tenet, a belief taught by the church, one which must be
16 adhered to by its members is involved, the parents cannot claim a 1st
17 Amendment protection. This appears to be merely a personal, philosophical
18 choice to give their children religious instruction along with their general
19 instruction, which as stated above, while certainly very laudable, is not a
20 Constitutionally protected right and thus is not a sufficient reason for
21 striking down the Respondent's action in not excusing attendance.

22 6.4 There not appearing to be a very great likelihood that
23 the ultimate result of the Petitioners' action would be successful, to enter
24 a temporary restraining order which would further keep the children out of
25 school would merely be putting off the inevitable and would not be in the
26 best interest of the education of the children involved.

27 WHEREFORE, Respondent prays that the Motion for Temporary
28 Restraining Order be denied in order that the children may be returned to
29 school.

30 Dated: October 18, 1982.

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William Macdonald
Humboldt County District Attorney
Humboldt County Court House
Winnemucca, Nevada 89445
(702) 623-5081

Attorney for Respondent

P 226 343 503
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

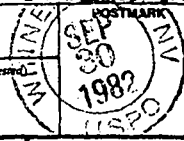
SENT TO	
Mr. & Mrs. Dave Wallace	
STREET AND NO.	
4035 Walther Court	
P.O. STATE AND ZIP CODE	
Winnemucca, NV 89445	
POSTAGE	\$.20
CERTIFIED FEE	.75
SPECIAL DELIVERY	
RESTRICTED DELIVERY	
SHOW TO WHOM AND DATE DELIVERED	.60
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	
TOTAL POSTAGE AND FEES	1.55
POSTMARK OR DATE	
Sept. 29, 1982	

PS Form 3800, Apr. 1976

d 4. address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
<input checked="" type="checkbox"/> Show to whom and date delivered	60
<input type="checkbox"/> Show to whom, date, and address of delivery ..	
2. <input type="checkbox"/> RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$.60	
3. ARTICLE ADDRESSED TO:	
Mr. and Mrs. Dave Wallace 4035 Walther Court Winnemucca, NV 89445	
4. TYPE OF SERVICE:	ARTICLE NUMBER
<input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED	226 343 503
<input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL	
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
Patricia A. Wallace	
DATE OF DELIVERY	
5. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	
7A. EMPLOYEE'S INITIALS	

RT. OK 100

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



Shirley Hills County School District

ADMINISTRATIVE OFFICE
SHERIDAN, WYOMING 82801
PHONE (307) 325-1111
FAX (307) 325-1112

Mr. and Mrs. Dave Wallace
4035 Walther Court
Winnemucca, Nevada 89445

Dear Mr. and Mrs. Wallace:

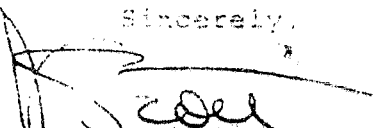
In a repeat of the action taken at the last School Board meeting, your written request to keep your children at home for their education has, again, been disapproved by the Board at the regular meeting held on September 28, 1982.

The denial was primarily based on the Board's concern for an "equivalent instruction of the kind and amount approved by the State Board of Education". I did not ascertain the Board's concern about the material to be used, however, there was considerable discussion regarding the need for a trained and certified teacher or tutor to use the materials.

Again, I do understand your concern, however I must now very strongly urge you to enroll your children in school this week if immediate action by the district is to be avoided. In the event that an appeal to the proper legal authority is to be exercised on your part, we will still expect your children to attend school pending the outcome.

Please feel free to contact this office if I may provide any assistance or further information in this matter.

Sincerely,


Robert J. Scott,
Superintendent

WJS/lr

cc: All the Nevada
District Attorney

Robert J. Scott

Jason Wallace - 12-7-73
Michelle Wallace - 12-19-70

SENT TO		M/M Dave Wallace	
STREET AND NO.		4035 Walther Court	
P.O. STATE AND ZIP CODE		Winnemucca, NV 89445	
POSTAGE		\$.20	
CERTIFIED FEE		.75	
SPECIAL DELIVERY		.60	
SHOW TO WHOM AND DATE DELIVERED		.60	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		.60	
RETURN RECEIPT SERVICE		.60	
CONSULT POSTMASTER FOR FEES		.60	
TOTAL POSTAGE AND FEES		\$ 1.55	
POSTMARK OR DATE			

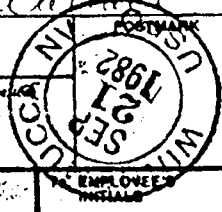
PS Form 3800, Apr. 1976

RECEIPT FOR CERTIFIED MAIL
P 226 343 502
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

<p>• SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.</p>	
<p>(CONSULT POSTMASTER FOR FEES)</p>	
<p>1. The following service is requested (check one).</p> <p><input checked="" type="checkbox"/> Show to whom and date delivered 60¢</p> <p><input type="checkbox"/> Show to whom, date, and address of delivery</p>	
<p>2. <input type="checkbox"/> RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)</p>	
<p>TOTAL \$.60</p>	
<p>3. ARTICLE ADDRESSED TO: Mr. and Mrs. Dave Wallace 4035 Walther Court Winnemucca, NV 89445</p>	
<p>4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL</p>	<p>ARTICLE NUMBER P226343502</p>
<p>(Always obtain signature of addressee or agent)</p>	
<p>I have received the article described above.</p> <p>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent</p> <p><i>Patricia A. Wallace</i></p>	
<p>5. DATE OF DELIVERY</p>	
<p>6. ADDRESSEE'S ADDRESS (Only if requested)</p>	
<p>7. UNABLE TO DELIVER BECAUSE:</p>	

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



Humboldt County School District

ADMINISTRATIVE OFFICE
TELEPHONE (702) 623-4467
POST OFFICE BOX 1070
WINNEMUCCA, NEVADA 89445

September 20, 1982

Mr. and Mrs. Dave Wallace
4031 Walther Court
Winnemucca, Nevada 89445

Dear Mr. and Mrs. Wallace:

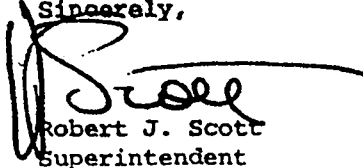
This letter is being written to remind you that you must enroll your children in school. This is, of course, a result of the School Board's action taken at the meeting held on September 14, 1982.

As of this morning, September 20, 1982 neither of your children has been enrolled. This must be accomplished this week or further action will be taken by the School District.

I understand your concern in this matter, however, until a court of competent jurisdiction directs otherwise, your children must attend school in compliance with Nevada Revised Statutes.

Please feel free to contact me if I may provide any further information in this matter.

Sincerely,



Robert J. Scott
Superintendent

RJS:rg

cc: William Macdonald
District Attorney

Robert Cavakis
Juvenile Probation Officer

September 15, 1982

Dear Mr. Scott and Humbolt County School Board,

We are writing this letter to comply with statute 392.070 which states that We are required to offer "satisfactory written evidence... that the child is recieving at home or in some other school equivalent instruction..."

We are asking you to reconsider your decision of September 14, 1982. We are enclosing information about the school in which our children are enrolled in hopes of showing you that the cirriculum is equivilant.

We felt at our meeting of September 14, you based your decision upon the fact that I have no teaching credentials. We don't feel that that is a relevant basis because it is not listed in the statute. You yourselves admitted it was not neccessary for people who live to far from any school to have credentials in order to teach at home. We don't feel we should be discriminated against simply because we live within the community.

We realize that you are concerned with providing our children with a proper well-rounded education and we appreciate that fact. We too are concerned with their education and we feel you were hasty in saying that our instructing them at home was not adequate. Afterall children on ranches manage in society after being taught at home don't they? And they don't have all the facilities at their disposal that we have around the community.

We have no quarrel with the quality of education in Nevada schools. Our reasons for keeping our children at home relate to their self-esteem and ability to cope with the society in which we live. We feel

that God and the Bible provide a solid foundation for a life of moral, patriotic and unselfish love of their fellow man.

We feel the graded system that exists in the schools system is geared to mark some children as failures. The graded system places the child under competition with other children, and if they are unable to compete, they are marked as a failure. That does little to help develop self-esteem. In this system a child is not marked a failure. Instead they advance at their own pace, fully understanding one concept before advancing to the next.

If a child is ill, they will miss an entire day of school in the conventional system. In this program, they start where they previously finished without missing one principle. There have also been instances with my children, Where they have been too ill to go to school, but not exactly bedridden. They were fairly well recovered by afternoon. In these instances they can still receive daily education without infecting others.

We also realize the importance of physical education. The children will have the benefit of the city pool at least four days a week throughout the school year and rollerskating on Saturday. They are also involved with other activities such as baseball, gymnastics and they have also expressed an interest in tennis. We want them to know the importance of good physical exercise without feeling the need to excel in sports to be accepted. At these times they will be getting the social interaction that you are concerned about.

We are also concerned about the downgrading of moral standards society has accepted in recent years. There are some things that happen in school that the faculty is unaware of, or have no control

over. Can you keep my children safe from hearing bad language, witnessing bad behavior, or from attack by rebellious or unruly students? Can you protect them from ridicule for their christian ideals and way of life? We realize they will have to face these situations one day, but we would like them to have a firm foundation of beliefs and understanding to stand on so as to better deal with them. It can be confusing to children to learn one standard at home and observe other standards happening at school.

The Bible tells us to obey the laws of our governing body. We are doing that by submitting this written evidence according to the statute. We have spoken to an attorney in this matter and were assured this was the necessary action to take. We just wish to give our children the basics in education, mixed with the character building and christian oriented concepts the Bible has to offer.

We are willing to comply with such terms as submitting quarterly reports of progress and SAT tests at the end of the year. We just ask for permission to proceed what we have started this year. We ask you again to reconsider your decision based on statute 392.070.

Sincerely,

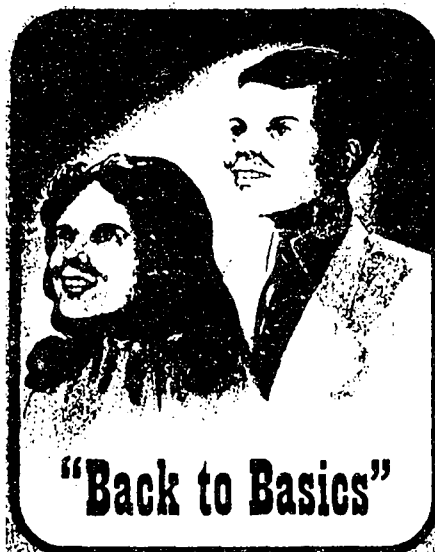
Mr. & Mrs. D.L. Wallace

Mr. and Mrs. D.L. Wallace

SCOPE & SEQUENCE

REVISED JANUARY 1982

Self-Pace Curriculum



BASIC EDUCATION

Administrative Office

**WALTER L. HENDERSON
Principal
Lewisville, Texas 75067
(214) 462-0187**

School Supplies Office:

**P. O. Box 893
Lewisville, Texas 75067
Customer Service Phone
(214) 462-0187**

USING THE SCOPE & SEQUENCE

This is the Scope and Sequence for the curriculum published by REFORM Publications, Inc. This curriculum is designed to find the level where the child is capable of performing; permit him to learn at his own speed; and provide for the development of the self-image by training in self-motivation, creativity, and individual initiative for achievement.

The curriculum is built upon a Scope and Sequence that consists of major topics generally covered in most state and local school systems. This curriculum (grades one through twelve) incorporates basic skills, learning principles, and academic concepts. Each subject level is divided into twelve easily achievable units called Self-Pacs. Each Self-Pac contains about three weeks of material.

The Scope and Sequence summarizes what is taught in each Self-Pac and can be a valuable tool for your classroom. For example, after you have given a child the diagnostic test in Math, you may find that he needs to take some Self-Pacs on each of two or three different grade levels. These are his "learning gaps." By looking in the Scope and Sequence, you may find that these Self-Pacs cover basically the same material. Rather than needing to complete all of the "gap" Self-Pacs, he may be able to do the one or two and learn the procedure necessary to successfully complete the others as determined by a rediagnosis of the tests failed in the first testing. This may be especially helpful for upper level students who are working several grade levels below their chronological placement.

The curriculum level with its unique principles, concepts, and vocabulary words is prescribed by diagnostic testing. It provides learning through self-instruction, continuous progress, graded vocabulary, and motivating activities. Most Self-Pacs contain learning objectives, word studies, directions, examples, illustrations, and learning activities. The word studies include new words that are used in the context, learning activities, and test items. The evaluation procedure includes frequent self-evaluations, a unit self test, and a final unit test.

There are twelve Self-Pacs per grade level in each subject:

Grade 1	1	2	3	4	5	6	7	8	9	10	11	12
Grade 2	13	14	15	16	17	18	19	20	21	22	23	24
Grade 3	25	26	27	28	29	30	31	32	33	34	35	36
Grade 4	37	38	39	40	41	42	43	44	45	46	47	48
Grade 5	49	50	51	52	53	54	55	56	57	58	59	60
Grade 6	61	62	63	64	65	66	67	68	69	70	71	72
Grade 7	73	74	75	76	77	78	79	80	81	82	83	84
Grade 8	85	86	87	88	89	90	91	92	93	94	95	96
Grade 9	97	98	99	100	101	102	103	104	105	106	107	108
Grade 10	109	110	111	112	113	114	115	116	117	118	119	120
Grade 11	121	122	123	124	125	126	127	128	129	130	131	132
Grade 12	133	134	135	136	137	138	139	140	141	142	143	144

MATHEMATICS

MATHEMATICS 1 - 12

A course for the beginner which will teach the numbers in symbol and name from zero to one hundred, and counting from zero to one hundred. The student is started in addition and subtraction; is introduced to the number line; is taught the measurements of time, temperature, and liquids; and is introduced to the basic geometric shapes.

- 1 The first lesson in arithmetic: writing the number symbols 1 (one) through 5 (five), and a drill on counting.
- 2 Learning to write number symbols 6 (six) through 9 (nine), and 0 (zero); *practice in counting using all the numbers learned*; and counting with pennies and nickels.
- 3 Learning to add, both horizontally and vertically, with the numbers 1 through 9.
- 4 Learning to subtract with the numbers 1 through 9, both horizontally and vertically.
- 5 Learning the names of the numbers one through nine, including zero; addition and subtraction review; and learning to add and subtract zero.
- 6 Learning the number ten, group of ten, dimes, and counting and ordering numbers from 0 through 50.
- 7 Learning to add sums from 10 to eighteen, subtract differences from zero to nine, and match number symbols and names.
- 8 Reviewing addition and subtraction of ones and tens, and learning the number line.
- 9 Counting to 100; identifying numbers which come before, after, or between others; and identifying numbers as being the same as, greater than, or less than others.
- 10 Learning the measurements of time (hours and calendars), temperature (thermometers), and liquids (cups, pints, quarts), and comparing lengths.
- 11 Learning the basic geometric shapes: the square, circle, rectangle, triangle, and open and closed shapes.
- 12 Learning about sets: sets that do match and do not match, numbers of objects in a set, and greater and lesser sets.

MATHEMATICS 13 - 24

A course which reviews the number system and counting; and then introduces the student to counting by twos, fives, and tens. The student is taught to identify odd and even numbers, to carry and borrow, to count very large numbers, to tell time, and to recognize the geometric shapes.

- 13 Review of counting by ones; learning to count by twos, fives, and tens; combining tens and ones in addition and subtraction; and using pennies, nickels, and dimes.
- 14 Review of addition, adding three numbers, *adding money*, and *telling time*.
- 15 Review of subtraction, number lines, subtracting combinations of tens and ones, *subtracting money*, and *telling time*.
- 16 Learning number sentences, matching number symbols and names, and *telling time*.
- 17 Learning about hundreds, rounding numbers, even and odd numbers, two and three digit numbers, and quarters.
- 18 Counting large numbers, ordering numbers, and addition and subtraction drills.
- 19 Addition practice, carrying tens, and writing number sentences.
- 20 Subtraction practice, borrowing, and writing number sentences.
- 21 Addition and subtraction reviews, with carrying and borrowing.
- 22 Measuring time (days, weeks, months, years) and temperature (by degrees), liquid measure; and using a ruler.
- 23 Learning about points, lines, and shapes (open and closed) in basic geometry.
- 24 A look at sets: equal, greater, and lesser; sums; and groups of 100, 10, and 1.

MATHEMATICS 25 - 36

A course of study which expands the basic addition and subtraction skills. The student is introduced to two- and three-digit addition and subtraction, and multiplication. The student's knowledge of measurements and geometry is also expanded.

- 25 Addition review and how to add two-digit and one-digit numbers, two-digit and two-digit numbers, and three-digit plus two- and three-digit numbers.
- 26 Subtraction review and subtraction of two-digit minus one- and two-digit numbers, and three-digit minus two- and three-digit numbers.
- 27 Comparing numbers, skip counting and adding three one- or two-digit numbers.
- 28 Number places (thousands, hundreds, tens, and ones), rounding to the nearest ten and hundred, and reading and writing numbers as words.
- 29 Addition problems with carrying from ten's to hundred's place.
- 30 Subtraction problems with borrowing from hundred's to ten's place.
- 31 Learning to multiply one- and two-digit numbers times one-digit numbers and zero.
- 32 Multiplication of two- and three-digit numbers with carrying.
- 33 Learning about fractions, words and symbols, and equal parts of a whole.
- 34 Measurements: time, temperature, length, liquids, and weight.
- 35 Geometry: points, planes, curves, lines, triangles, quadrilaterals, polygons, and circles.
- 36 A study of sets: definition; drawing sets; counting members of sets; and adding, subtracting, and multiplying sets.

RECOMMENDED RESOURCE BOOK:

Math Handbook 25-72

MATHEMATICS 37 - 48

Review of basic addition and subtraction facts; learning basic multiplication facts from 0-12; multiplication by one-digit multipliers with carrying; solving word problems; learning some basic concepts of sets, number patterns, measurement, geometry, Roman numerals, and money.

- 37 Basic addition facts; addition chart and number line; and addition of two,

- three, and four-digit addends with carrying.
- 38 Basic subtraction facts; subtraction chart and number line; family of facts; and subtracting two, three, and four-digit numbers with borrowing.
- 39 Basic multiplication facts of 0, 1, and 2; place value and expanded numbers; and rounding numbers and estimating answers.
- 40 Basic multiplication facts of 3 and 4 and using multiplication to solve word problems.
- 41 Basic multiplication facts of 5, column addition, review of basic multiplication facts, and solving word problems.
- 42 Basic multiplication facts of 6 and 7, review of addition and subtraction, and solving word problems.
- 43 Basic multiplication facts of 8 and 9 and multiplying a three-digit number by a one-digit multiplier (no carrying).
- 44 Basic multiplication facts chart, labeling math problems, multiplication by 10, and multiplication with carrying.
- 45 Basic multiplication facts of 11 and 12; multiplication with carrying; multiplication speed drills; number patterns, forward and backward; and solving word problems.
- 46 Basic measurement concepts of time, calendar, thermometer, length, weight, liquids, and maps and graphs.
- 47 Basic geometric concepts of point, line, plane, line segment, ray, angle, open and closed curves, radius and diameter of a circle, naming polygons, and perimeter and area of polygons.
- 48 Using sets to add, subtract, multiply and divide; recognizing and evaluating Roman numerals; and adding, subtracting, and multiplying amounts of money using dollar notation.

MATHEMATICS 49 - 60

Teaches division facts for 1 through 12; introduction to fractions $1/2$ through $1/10$ and finding a fraction of a number; multiplication review and three and four digit multipliers; mental arithmetic practice; long division (single

digit divisors) with remainders and checking; measurements; addition, subtraction, multiplication, and division using dollar notation.

- 49 Addition of 2 digit numbers with carrying, addition of 3 digit numbers with carrying, subtraction of 2 digit numbers with borrowing, subtraction of 3 digit numbers with borrowing, basic multiplication facts through 10, checking addition with carrying, checking subtraction with carrying, division by 1 and 2, and checking division by multiplication.
- 50 Addition of 3 digit numbers with checking; addition of 4 digit numbers with checking; subtraction of 3 digit numbers with checking; subtraction of 4 digit numbers with checking; basic multiplication facts; division by 1, 2, and 3 with checking; division by 2 with remainders; and multiplication by 2 digits with carrying.
- 51 Addition of 4 digit numbers with checking; subtraction of 4 digit numbers with checking; multiplication by 2 digit numbers; division by 1, 2, 3, and 4 with checking; and division by 2 and 3 with remainders
- 52 Basic addition facts timed test; addition of 4 digits with checking; basic subtraction facts timed test; subtraction of 4 digits with checking; basic multiplication facts timed test; multiplication by 2 digits; division by 1, 2, 3, 4, and 5 with checking; and division by 2, 3, and 4 with remainders.
- 53 Addition of 3 digits with "carrying" and checking; subtraction of 3 digits with "borrowing" and checking; multiplication by 2 and 3 digits; division by 1, 2, 3, 4, 5, and 6 with checking; and division by 2, 3, 4, and 5 with remainders.
- 54 Addition of 3 digits with carrying and checking; subtraction of 3 digits with borrowing and checking; multiplication by 3 digits; division by 1, 2, 3, 4, 5, 6, and 7 with checking; and division by 2, 3, 4, 5, and 6 with remainders.
- 55 Addition of 3 and 4 digits with carrying and checking; subtraction of 3 and 4 digits with borrowing and checking; multiplication by 2 and 3 digits; division by 1, 2, 3, 4, 5, 6, 7,

and 8 with checking; and division by 2, 3, 4, 5, 6, and 7 with remainders.

- 56 Addition with carrying; subtraction of 3 and 4 digits with borrowing and checking; multiplication by 2, 3, and 4 digits; division by 1, 2, 3, 4, 5, 6, 7, 8, and 9 with checking; and division by 1, 2, 3, 4, 5, 6, 7, and 8 with remainders.
- 57 Basic addition facts timed test; basic subtraction facts timed test; basic multiplication facts timed test; multiplication by 4 digits; division by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 with checking; and division by 2, 3, 4, 5, 6, 7, 8, and 9 with remainders; Roman numerals.
- 58 Addition of 4 digits; subtraction of 4 digits; multiplication by 4 digits; division by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 with checking; and division by 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 with remainders.
- 59 Addition of 4 digits; subtraction of 4 digits; multiplication of 4 digits; division by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 with checking; division by 12 with remainders; greater than; less than; and metric units of measurement in volume, length, and weight.
- 60 Money and English system of measurement in length, weight, and volume.

MATHEMATICS 61 - 72

Teaches addition, subtraction, multiplication, and division of fractions and mixed numbers; introduction to decimals; addition, subtraction, multiplication, and division of decimals; review of basic math concepts.

- 61 Division by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 with checking; multiplication by 3 and 4 digits with checking; subtraction of 4 digits; subtraction of 4 digits with borrowing; addition of 4 digits; addition of 4 digits with carrying; introduction to fractions and terminology; addition of simple fractions with checking; and reducing answers to lowest terms.
- 62 Addition of whole numbers and fractions, subtraction, multiplication,

- division with divisors up to 99, addition of unlike fractions with checking, subtraction of like fractions with checking, and reduction of answers to lowest terms.
- 63 Addition of whole numbers and fractions, subtraction of whole numbers and fractions, multiplication, division with divisors up to 999, checking multiplication, subtraction of unlike fractions with checking, and multiplication of fractions.
- 64 Addition of whole numbers and fractions, subtraction of whole numbers and fractions, multiplication of whole numbers and fractions, division, whole numbers times fractions, and division of fractions with checking.
- 65 Addition of whole numbers and fractions, subtraction of whole numbers and fractions, multiplication of whole numbers and fractions with checking, division of whole numbers and fractions, improper fractions, introduction to mixed numbers, and addition of mixed numbers with borrowing.
- 66 Addition of whole numbers, fractions, and mixed numbers; subtraction of whole numbers, fractions, and mixed numbers; multiplication of whole numbers; division of whole numbers and fractions; multiplication of mixed numbers with checking; and division of mixed numbers with checking.
- 67 Review of fractions, addition, subtraction, multiplication, division, introduction to decimals and their terminology, repeating, terminating, and addition of decimals with checking.
- 68 Review of fractions, review of addition, review of subtraction, review of multiplication, review of division, review of addition of decimals, review of subtraction of decimals, timed multiplication test, timed division test, multiplication of decimals, and Roman numerals.
- 69 Review of addition, subtraction, multiplication, and division of mixed numbers; review of addition and subtraction of decimals; multiplication of decimals; Roman numerals through one thousand; and learning to look for things to do.
- 70 Review of addition of decimals, review of subtraction of decimals, review of multiplication of decimals, review of addition of fractions, review of subtraction of fractions, review of multiplication of fractions, review of division of fractions, and division of decimals.
- 71 Review of addition of decimals; review of subtraction of decimals; review of multiplication of decimals; review of division of decimals; review of addition of mixed numbers; review of subtraction of mixed numbers; review of multiplication of mixed numbers; review of division of mixed numbers; and metric system of measurement of length, weight, and volume.
- 72 Review of addition of decimals, fractions, and mixed numbers; review of subtraction of decimals, fractions, and mixed numbers; review of multiplication of decimals, fractions, and mixed numbers; review of division of decimals, fractions, and mixed numbers; money; and English system of measurement of length, weight, and volume.

MATHEMATICS 73 - 84

Teaches use of percent; review of basic functions with whole numbers, fractions, mixed numbers, and decimals; arithmetic in business and at home; measurements in English and metric system; basic geometric concepts; finding area and volume; introduction to equations.

- 73 Reading and writing of whole numbers; reading and writing of mixed numbers; reading and writing of addition and subtraction of common fractions; reading and writing of Roman numerals; fundamental operations with integers; fundamental operations with fractions; and proper use of vocabulary including minuend, subtrahend, sum, quotient, numerator, denominator, etc.

- 74 Use of common multiplication and division of fractions, decimal fractions, mixed numbers, and whole numbers; decimals in hundredths; and basic written problems.
- 75 Percentages including fractions to express ratio, percent to tenths, ratio of percent, finding percent of number, percents of increase or decrease, and changing percent to decimal; and basic written problems.
- 76 Graphs including averaging, means, modes, medians, and probability; horizontal bar graphs; vertical bar graphs; broken line graphs; and circle graphs (no construction, only reading).
- 77 Percent and business math (buying and selling); arithmetic in business including profit and loss, commission, discount, successive discounts, bills and receipts, and invoices with discounts; and basic written problems.
- 78 Business methods at home (being financially free), keeping cash accounts, keeping household accounts, budgets, insurance (fire), and gas and electric meters.
- 79 Banks (a helping hand or a stumbling block), earnings and savings, checking accounts, interest formula (years and months), promissory notes, and various ways of spending money.
- 80 Basic units of length, volume, weight, and temperature in the English system and basic units of length, volume, weight, and temperature in the metric system.
- 81 Basic geometry, recognizing figures, angles, measuring angles with a protractor, copying angles with a protractor, and vocabulary.
- 82 Angles, triangles, and circles; bisection of angles; construction of triangles given the length of the three sides; construction of triangles given two sides and the included angle; construction of triangles given one side and two angles; labeling sides of triangles using letters a, b, and c; and finding perimeters of polygons including triangles, squares, rectangles, and pentagons.
- 83 Geometric figures; circles; proper vocabulary of circles including diameter,

radius, chord, arc, and tangent; circumferences and diameters of circles; finding areas of rectangles and squares; finding areas of triangles; finding areas of circles; and finding volume of rectangular solids.

- 84 Introduction to equations, finding missing addends and factors in equation form, use of letter rather than "?" when finding missing numbers in equation form, and basic written problems.

MATHEMATICS 85 - 96

Learning to use formulas, solving equations, using equations to solve problems, finding volume and surface area of solid figures, Pythagorean Theorem, business math concepts (interest, investment, taxes, and insurance), metric system, adding positive and negative numbers.

- 85 Review; formulas for perimeter, circumference, area of a rectangle, area of a triangle, area of a circle, volume of rectangular solids, and temperature, (centigrade and Fahrenheit); make equations; rate, time, distance, and average; and preparation and use of tables and graphs.
- 86 Equations, solving equations by addition, solving equations by subtraction, solving equations by division, solving equations by multiplication, solving equations requiring two or more steps, and solving equations containing fractions.
- 87 Problem solving, using equations in problem solving, using formulas as equations and making new formulas of the old, and solving percentage problems by means of equations.
- 88 Solid figures; finding volume of prisms, cylinders, pyramids, cones, and spheres; and finding surface area of prisms, cylinders, and spheres.
- 89 Identifying proper and improper fractions and mixed numbers, calculating prime factors, simplifying and comparing fractions, multiplying fractions and decimals, dividing fractions and decimals, and identifying decimals to millionths.

- 90 Triangles, studying similar triangles, proper vocabulary of similar triangles, using similar triangles to measure height and distances, right triangles, using right triangles to find distance, and rules of Pythagoras including finding square root and finding hypotenuse or leg of a right triangle.
- 91 Interest, bank discounts, savings, simple interest on savings, compound interest on savings, financial freedom.
- 92 Investment mortgages, building and loan mortgages, stocks and bonds, and eternal investments.
- 93 Taxes, federal income taxes, federal F.I.C.A. taxes, property taxes, sales tax, and finding tax rates.
- 94 Insurance, fire insurance, life insurance, and automobile insurance.
- 95 Metric system of length, weight, and volume.
- 96 Positive and negative numbers, opposite directions, graphs with $- + -$ numbers, adding positive to a negative, adding a negative to a positive, adding a positive to a larger negative, adding a positive to a smaller negative, and subtraction.

MATHEMATICS 97 - 108 ALGEBRA I

A basic introduction to algebraic concepts: equations, monomials, polynomials, factoring polynomials, algebraic fractions, simultaneous equations, sets and inequalities, using exponents, roots, and powers; equations with radical terms; problems with averages, percent, and interest; problems with ratio and proportion; review of all previous basic math concepts; includes comprehensive review unit and final exam.

- 97 Definitions of algebra; signs of operation; algebraic expressions; exponents, radical signs, powers and roots; order of operations for combining terms; adding, subtracting, multiplying and dividing positive and negative numbers; and stating numerical relationships in algebraic terms.

- 98 Solving and proving algebraic equations with one unknown, axioms for solving algebraic equations, transposing terms in algebraic equations, cancelling terms in algebraic equations, simplifying equations by multiplying or dividing, equations with parentheses, and stating word problems as algebraic equations and solving.
- 99 Review of monomials: addition, subtraction, multiplication, and division; operations with polynomials; writing polynomials in proper order; adding polynomials; subtracting polynomials; multiplying polynomials; dividing polynomials; and review of basic math and algebra skills.
- 100 Using parentheses, brackets, and braces in algebra; multiplying polynomials horizontally; recognizing the difference of two squares; recognizing a perfect square trinomial; and factoring a perfect square trinomial; and factoring polynomials.
- 101 Algebraic fractions, reducing and simplifying, multiplying and dividing, adding and subtracting, simplifying complex fractions, substituting numerical values and simplifying, solving fractional equations, translating word problems into algebraic equations and solving, and review of math and algebra skills.
- 102 Solving simple simultaneous equations by addition and substitution, solving simple simultaneous equations by subtraction and substitution, learning about algebraic graphs, graphing linear equations, recognition of inconsistent and dependent equations; forming simultaneous equations from word problems and solving, and review of basic math and shortcuts for multiplying and dividing.
- 103 Recognizing sets and subsets; stating the union and intersection of sets; using Venn diagrams; recognizing, solving, and graphing equations with one unknown; solving and graphing compound inequalities; solving and graphing inequalities with two unknowns; and review of basic math.
- 104 Multiplying and dividing terms with exponents, using terms with a zero.

- exponent, changing terms with negative exponents to terms with positive exponents, finding roots and powers of terms, using fractional exponents, simplifying radical terms, finding square roots, using the Pythagorean Theorem, and review of basic math.
- 105 Solving equations with radical terms, solving incomplete quadratic equations, solving complete quadratic equations by factoring, solving complete quadratic equations by completing the square, solving complete quadratic equations by using quadratic formula, stating word problems as quadratic equations and solving, and review of basic math.
- 106 Translating word problems with averages, percent, and interest to algebraic equations, solving the equations, and checking the answer; translating problems with area and volume to algebraic equations, solving the equations, and checking the answer; translating problems with numbers and quantities to algebraic equations, solving the equations, and checking the answer; and review of basic algebraic skills.
- 107 Solving problems with ratio and proportion, evaluating formulas, relationship between terms in formulas, stating and solving problems about work, stating and solving problems about money, and stating and solving problems about mixtures.
- 108 Review of concepts taught in Algebra Self-Pacs 97-107 and comprehensive final test.

MATHEMATICS 109 - 120 GEOMETRY*

A basic course in geometry, analyzing the geometric shapes, covering axioms and theorems, and learning to compute areas and volumes.

***Prerequisite:** Algebra I

- 109 A review of sets; and an introduction to reasoning, number systems, and axioms for real numbers.

- 110 An introduction to defined and undefined terms, and point, line, plane, and distance relationships with axioms and theorems.
- 111 A study of angles with axioms, theorems, and applications.
- 112 A study of triangles with axioms, theorems, and applications.
- 113 A study of perpendiculars, parallels, and transversals with axioms, theorems, and applications.
- 114 A study of right triangles, the hypotenuse, theorems, application, and review.
- 115 A study of polygons and quadrilaterals, and the areas of polygons.
- 116 A study of proportionality, similar polygons, and similar triangles.
- 117 A study of similar right triangles, the Pythagorean Theorem, and basic trigonometry.
- 118 A study of circles, arcs, and angle measurements in circles.
- 119 A study of polyhedrons, and the areas and volumes of cones, cylinders, and spheres.
- 120 An exercise in constructing the geometric shapes.

RECOMMENDED RESOURCE BOOK:

Math Handbook 109-120

MATHEMATICS 121 - 132 ALGEBRA II*

An advanced study in algebra including parabolas, hyperbolas, permutations, logarithms, matrices, operations with radicals, fractions, and solving equations.

***Prerequisite:** Algebra I and Geometry.

- 121 A review of set theory and an introduction to real number axioms and applications.
- 122 Arithmetic and geometric sequences and series, and sentences with one variable.
- 123 A study of linear equations and graphs--solving by linear combinations and substitutions.

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| <p>124 A study of multiplying polynomials and factoring--factoring monomials, squares, groups, and open sentences.</p> <p>125 A study of fractions and operations, fractions and equations, and rational numbers as decimals.</p> <p>126 A study of first and second degree functions.</p> <p>127 A study of radicals and operating with radicals and a study of complex numbers.</p> <p>128 A study of quadratic equations, quadratic solutions, and polynomial functions.</p> | <p>129 A study of quadratic relations, conic sections (parabolas and hyperbolas), and quadratic systems.</p> <p>130 A study of exponential functions and logarithms and antilogarithms.</p> <p>131 A study of permutations, combinations, binomial expansions, and probability.</p> <p>132 A study of matrices and their properties, determinants of equations, and systems of equations.</p> |
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RECOMMENDED RESOURCE BOOK:

Math Handbook 97-108 & 121-132

ENGLISH

ENGLISH 1 - 12

An introduction to the alphabet, learning to read and write letters, making words and sentences, comparing similar words, learning to find words that rhyme. Through the Self-Pronouncing Alphabet, the student begins to use written language skills.

- 1 An introduction to the twenty-six letters of the alphabet and learning to read instructions.
- 2 Combining the letters of the alphabet, reviewing the alphabet, practicing the writing of lower case letters of the alphabet.
- 3 Learning to associate a picture with a word, and learning to write the word that matches the picture.
- 4 Rhyming words with common endings: -at, -ate, -an, -and, -ad, -aid, -ay, -ag, -all, -ail, -ap, -ar, -et, -eal, -ear, -inn, -it, -ight, -ook, -ore, and -ut.
- 5 Printing upper and lower case letters neatly, and reading and printing sentences.
- 6 Comparing words that begin alike or end alike.
- 7 Learning about blends: beginning blends, ending blends, and other blends.
- 8 Learning to properly use upper case letters in sentences.
- 9 Recognizing and writing capital letters, and learning to make sentences.
- 10 Learning to read words without SPA notation, reading and writing sentences, and identifying questions.
- 11 Reading and writing more words and sentences, and learning to answer questions.
- 12 Reviewing all that has been learned in the first eleven Self-Pacs.

ENGLISH 13 - 24

In this course, the student is taught cursive writing and is trained in reading comprehension. Emphasis is placed on making letters and writing original sentences. The names of colors and numbers are also introduced.

- 13 Learning the numbers from one to twelve; learning the names of many colors; reading rhyming words and words with the same blend.
- 14 Learning to read and write forty sets of homonyms.
- 15 Studying synonyms and antonyms, reading facts, learning proper word order and reading a story.
- 16 Choosing, printing, and spelling answers to questions; learning from sentences and paragraphs.
- 17 Reading and answering questions about a story and relating the elements of a story in the right order.
- 18 Reading and writing the alphabet in manuscript and cursive.
- 19 Writing manuscript and cursive lower case letters, and forming words with cursive letters.
- 20 Writing manuscript and cursive upper case letters; writing proper names and titles.
- 21 Reading and writing words, sentences, and paragraphs in cursive form; learning about paragraph structure.
- 22 Learning basic rules for writing original sentences and paragraphs; practice in cursive writing.
- 23 Learning to make compound words; learning to proofread; learning to write a letter.
- 24 Studying homonyms, synonyms, antonyms; reading, correcting, and writing letters and paragraphs.

REQUIRED RESOURCE BOOK:

Thorndike-Barnhart Dictionary (Beginner's)

ENGLISH 25 - 36

This course teaches the student to identify and apply basic elements of English grammar and sentence structure. The literary element of theme is also introduced with the reading of some of Aesop's fables and Charlotte's Web. Practical application of language skills in using resource materials is also included in the course.

- 25 A study of word order in sentences, words that are names, alphabetizing, capitalizing, end marks, abbreviations, and the final "e."
- 26 An introduction to nouns: identification, noun determiners (a, an, the), basic noun endings and plurals, the names of the days of the week and months of the year. Use of a dictionary or telephone book is also introduced.
- 27 An introduction to verbs: identification, their use in sentences, verb positions, and identification of verbs that are homonyms.
- 28 A study of sentence structure: subjects and predicates, noun-verb-noun patterns, word order in sentences, and ending punctuation.
- 29 An introduction to words with more than one meaning (homographs) and to adjectives: positions, sensory adjectives, use in sentences, and the NVAJ pattern.
- 30 An introduction to verb describers (adverbs): identification, adverb positions, their use in sentences, NV(AV) pattern, and contractions.
- 31 An application of the elements of sentence structure learned so far including the introduction of connectors to make compound sentences, and the diphthongs.
- 32 A practical application of language skills using resource materials including the dictionary, a telephone directory, the table of contents in a book, and an encyclopedia; giving directions; keeping a file; and reading a chart.
- 33 A study of writing sentences and paragraphs, and finding word uses by their positions.
- 34 A review of nouns, verbs, adjectives, adverbs, sentence skills, and the writing of sentences, letters, and paragraphs.
- *35 A study of the literary elements of a theme: determining the themes of fables, poems, and the book, *Charlotte's Web*, which is read in its entirety.

- *36 A study of words: synonyms, antonyms, palindromes, words in poetry, hidden words, and word sounds.

REQUIRED RESOURCE BOOKS:

*Literature

Charlotte's Web (35),
A Child's Garden of Verses (35, 36)

Resource

Thorndike-Barnhart Dictionary (Beginner's)

ENGLISH 37 - 48

A study of the parts of speech and their uses (nouns, verbs, pronouns, determiners, etc.), the use of reference materials (dictionaries, encyclopedias, the card catalogue, almanacs, and atlases), and the characteristics of various kinds of folklore from different countries.

- 37 A study of nouns: identification, plurals, endings, common and proper, describers; and a study of synonyms and antonyms.
- *38 A study of pronouns: positions (first and second positions), proper usage, possessives.
- 39 A study of verbs: sentence use, phrases, tense, and endings.
- *40 A study of the kinds of verbs: action, linking, and helping; the verb be; verb suffixes, and contractions.
- 41 Instruction in the use of the library: dictionaries, encyclopedias, the card catalogue, the almanac, the atlas, and tables of contents.
- *42 A study of modifiers: determiners, prepositions (of, with, at, in, to, for, by, from, on), negatives, prefixes, several consonant blends, and the writing of conversation.
- 43 A study of sentence structure: the NVN, NV(AV), and NVPP patterns, expanding sentences, revising over-worked words, writing questions, and punctuating.
- *44 A study of writing: selecting a topic, writing paragraphs and letters, writing an autobiography, and proofreading.

- 45 A study of creative writing: fables, parables, similes, idioms, personification, imagery. Using imagination to accomplish things, including the planning of a play.
- *46 A review of all previously learned grammar.
- 47 An enrichment study: German, African, Scandinavian, Israeli, and American Indian folk tales.
- *48 An enrichment exercise: writing a creative story or poem, rhyming, using imagination to create an effect or character.

REQUIRED RESOURCE BOOKS:

*Literature

The Sugar Creek Gang and the Swamp Robber (38), *The Little Green Frog* (40), *The Sugar Creek Gang and the Killer Bear* (42), *A Reward for Jerry* (44), *The Tanglewood's Secret* (46), *The Mystery of the Smudged Postmark* (48)

Resource

Thorndike-Barnhart Dictionary (Beginner's), *Plain English Handbook*, *English Handbook 37-72*

ENGLISH 49 - 60

This course is designed to review the student's previous study of English grammar and punctuation; expand his knowledge of the different kinds of English composition including letters, anecdotes, newspaper articles, advertisements, and biographies; and increase his language skills in the areas of linguistics, literature, and use of the library.

- 49 A review of nouns: emphasizing the noun positions: subject, direct address, subject complement, object of preposition, and direct object.
- *50 A study of pronouns: person, number, gender, and case (nominative, objective, possessive).
- 51 A study of verbs: endings, tenses (present, past, and future), principle parts, action and linking, and transitive and intransitive.
- *52 A study of adjectives and adverbs: positions, comparisons, and characteristics, and a special section on word studies.

- 53 A study of sentence and paragraph structure: sentence patterns, subject-verb agreement, identifying sentences and fragments.
- *54 A study of sentence mechanics: capitalization, punctuation (commas, periods, question marks, hyphens, colons, quotation marks, and apostrophes).
- 55 A study of composition: types of letters, anecdotes, the difference between fact and opinion, newspapers, and advertisements.
- *56 A study of the library: its purpose, rules, and organization.
- 57 A study of descriptive language: idioms, adages, riddles, poetry, tall tales, and biography.
- *58 A review of grammar and punctuation.
- *59 An enrichment book: a study of the nature and styles of biographies, reading *Young Man In A Hurry*, and writing an autobiography.
- *60 An enrichment book: a study of linguistics including dialect, idiolect, dialect areas, acronyms, and the changing English language.

REQUIRED RESOURCE BOOKS:

*Literature

Heidi (50), *Star of Light* (52), *The Exiled Prince* (54), *Night Preacher* (56), *The Fugitive King* (58), *Young Man In A Hurry* (59), *Treasures of the Snow* (60)

Resource

Thorndike-Barnhart Dictionary (Beginner's), *Roget's Pocket Thesaurus*, *Plain English Handbook*, *English Handbook 37-72*

ENGLISH 61 - 72

This course specializes in the application of grammatical principles already learned. The student is taught about the kinds of sentences (declarative, interrogative, imperative, exclamatory), and is introduced to the methods of giving interviews, answering the telephone, researching and writing reports. The student is also introduced to early forms of literature (myths, fables, etc.) and the short story.

- 61 A study of nouns: noun suffixes, noun positions, collective nouns, possessive nouns, noun modifiers, and abbreviations.
- *62 A study of personal, reflexive, and indefinite pronouns and their antecedents.
- 63 A study of verbs: verb suffixes, verb positions, auxiliaries, tenses, negatives, and correct usage.
- *64 A study of adjectives and adverbs, and prepositional phrases used as adjectives and adverbs.
- 65 A study of sentence structure: subject and verb agreement, word order, phrases and clauses, and simple, compound, and complex sentences.
- *66 An exercise in application: the business letter, paragraph organization, paragraph expansion, denotation, connotation, and ambiguity.
- 67 A study in using language: identifying the types of sentences, giving interviews, making introductions, answering the phone, and giving directions.
- *68 A study of written and oral reports: investigation, research, composition, and delivery.
- 69 A literature study: early forms (myths, legends, etc.), comedy (burlesque, parody), and drama.
- *70 A review: nouns, pronouns, verbs, modifiers, sentences, writing, literature, and word studies.
- 71 An enrichment study of the short story: plot, setting, characterization, theme, conflict, and examples from the Bible.
- *72 A discussion of linguistics: language families, the development of English from Old to Middle to Modern English, word derivations.

REQUIRED RESOURCE BOOKS:

*Literature

Little Pilgrim's Progress (62), *The Martyr of the Catacombs* (64), *The Beggars' Bible* (66), *Kids from Proverbsville* (68), *The Bible Smuggler* (70), *Alexi's Secret Mission* (72)

Resource

Thorndike-Barnhart Dictionary (Intermediate), *Roget's Pocket Thesaurus*, *Plain English Handbook*, *742 Heartwarming Poems*, *English Handbook 37-72, Pilot Series, Book I* (69 & 72)

ENGLISH 73 - 84

This course concentrates on composition, with grammar study designed to aid the student in writing better sentences. Emphasis is placed on sentence structure, sentence mechanics, and tools to aid the student in research. The student will write a research paper and will also do a little creative writing.

- 73 A study of nouns, verbs, pronouns: abstract and concrete nouns, appositives, compound and series nouns, compound and series verbs, and demonstrative, interrogative, and determiner pronouns.
- *74 A study of adjectives and adverbs and their uses: DAN constructions, adverbials, prepositional phrases as adjectives and adverbs.
- 75 A word study: connectors, intensifiers, introductory words, expletives, portmanteaus, palindromes, and etymologies.
- *76 A study of sentence structure: basic sentence patterns NVN, NVAJ, NV(AV), NVNN, word order and inverted word order.
- 77 A study of sentence mechanics: capitalization and punctuation--ending and internal.
- *78 A study in analysis: discerning between facts, opinions, and hypotheses; looking for context, and analyzing paragraphs.
- 79 A literature study: comedy, epitaphs and slogans, stereotypes, folklore, and short stories.
- *80 A study of parliamentary procedure and reference materials.
- 81 A composition exercise: choosing a topic, researching, outlining, and writing a research paper.
- *82 A review of grammar and language skills.

- 83 An enrichment book on creative writing: using imagination, using the senses in description, choosing specific words, and studying myths and legends.
- *84 An enrichment study in linguistics: the development of English in America.

REQUIRED RESOURCE BOOKS:

*Literature

George Mueller (74), D. L. Moody (76), *Through Gates of Splendor* (78), *God's Smuggler* (80), *By Searching* (82), *The Swiss Family Robinson* (84)

Resource

Thorndike-Barnhart Dictionary (Intermediate), *Roget's Pocket Thesaurus*, *Plain English Handbook*, 742 *Heart-Warming Poems*, *English Handbook 73-96*, *Pilot Series, Book 1* (79 & 83)

ENGLISH 85 - 96

This course concentrates on grammar in more detail, but also includes sections on expository and creative writing. Emphasis is placed upon the study of prefixes.

- 85 A study of nouns: position, plurals, possessives, kinds of nouns; adverbials: position and form, comparisons, intensifiers; and proper adjectives.
- *86 A study of verbs: identification, principal parts, tenses, progressive and emphatic forms, transitive and intransitive, and the active and passive voices.
- 87 A study of pronouns and the Dewey decimal system.
- *88 A study of connectors and their uses, correct word usage, antonyms, and prefixes.
- 89 A study of sentence structure: subjects and predicates, subject-verb agreement, sentence patterns, direct objects, indirect objects, and object complements, dual-function words, and quotations.
- *90 A study of sentence structure: phrases and clauses, proper sentences, and sentence pattern expansion.
- 91 A study of analysis: nature of statements, sources of authority, paragraph structure, and paragraph content.

- *92 A study of mechanics: capitalization and punctuation.
- 93 A study of biographies and autobiographies and how to write them.
- *94 A thorough review of the material learned thus far in the course.
- *95 An enrichment study of figurative language: symbolism, poetry, and allegories.
- *96 An enrichment study in creative writing: description, plot construction, symbolism, and poetry.

REQUIRED RESOURCE BOOKS:

*Literature

Hudson Taylor, *God's Venturer* (86), *Little One: Maid of Israel* (88), *When Science Fails* (90), *Abraham Lincoln* (92), *Ann of Ava* (94), *The Pilgrim's Progress* (95), *In His Steps* (96)

Resource

Adventures in Appreciation, *Adventures in English Literature*, *Adventures in American Literature*, *Thorndike-Barnhart Dictionary (Intermediate)*, *Roget's Pocket Thesaurus*, *Plain English Handbook*, 742 *Heart-Warming Poems*, *English Handbook 73-96*.

ENGLISH I 97 - 108

This course begins the unique high school program of composition and literature. Rather than having one course on English Literature, one course on American Literature, and another on grammar, Basic Education has spliced a total program into each course of approximately six books of grammar and six books of literature.

The material covered in this course includes a grammar and sentence structure review, and an introduction to literature: literal and figurative language; fiction including the short story, the epic, and finally, the novel.

- 97 A study of nouns and verbs: subjects, predicates, tense, and voice.
- *98 A study of pronouns: personal, relative, indefinite, and interrogative.
- 99 A study of verbals: participles, infinitives, and gerunds.
- *100 A study of modifiers: adjectives, adverbs, intensifiers, and prepositional phrases.

- 101 A study of sentences: phrases, clauses, misplaced modifiers, and subject-verb agreement.
- *102 A study of literature: literal and figurative language (similies, metaphors, personification, and hyperboles), didactic stories (parables and allegories), irony, short stories, epics, and allusions (legends, myths, fables).
- 103 A study of sentence patterns: sentence structure, functions, and revision.
- *104 A word study: paraphrasing, connotation and denotation, specific words, and the thesaurus.
- 105 A study of fiction and satire: realism, idealism, irony, parable.
- *106 A study of analysis: organizing a sentence and paragraph (topic sentence, supporting sentences, clincher sentences), and types of paragraphs.
- 107 A grammar and literature review.
- *108 The novel: a study of the elements of a novel through the reading of *Robinson Crusoe*.

REQUIRED RESOURCE BOOKS:

*Literature

Up From Slavery (98), *Michael Faraday* (100), *The Pilgrim's Progress* (102), *The Hiding Place* (104), *Did Man Just Happen?* (106), *Robinson Crusoe* (108)

Resource

Thorndike-Barnhart Dictionary (Advanced), *Roget's Pocket Thesaurus*, *Plain English Handbook*, *English Handbook 97-144*

ENGLISH II 109 - 120

A continuing study of grammar and literature--short story, essay, poetry, drama, biography and autobiography, and the novel. Also included is a study of speech.

- 109 A study of nouns: functions, plurals, modifiers, and possessives; verbs: tenses, helping verbs, voices, verbs connected with *or* and *and*, and verbs identified with *never*.
- 110 A study of the short story: a Christian perspective, figures of speech, selections from texts, and a composition.

- 111 A study of pronouns: personal, demonstrative, relative, and pronoun antecedents, modifiers, adjective and adverb functions, prepositional phrases as adverbs and adjectives, and verbals.
- 112 A study of essays and sketches: paragraph content, paragraph function, paragraph structure, style, selections from texts, and a composition.
- 113 A study of sentence mechanics: capitalization and punctuation.
- 114 A study of poetry: communicating Christian experience, Biblical poetry, text selections, poetic devices, a study of poets, and a composition.
- 115 A study of sentence structure: phrases and clauses, subject-verb agreement, basic sentence patterns, and context exercises.
- 116 A study of drama: drama in the church, directing the plays *Pilgrim's Progress* and *What Could Have Happened On Noah's Ark*, and special activities.
- 117 A study of sentence revision: redundancy, intonation, parallelism, adjuncts, double negatives, and prefixes and suffixes.
- 118 A study of biography and autobiography: success by God's standards, narration, the biographer's research, selections from text, and a personal autobiography.
- 119 A study of speech: A history, kinds of speeches, and rhetorical principles.
- 120 A study of the novel: Christianity and social problems, Biblical guidelines in reading literature, Christian fiction, characteristics of a novel, and *Silas Marner*.

REQUIRED RESOURCE BOOKS:

Reference

Adventures in English Literature, *Adventures in Appreciation*, *Thorndike-Barnhart Dictionary (Advanced)*, *Roget's Pocket Thesaurus*, *Plain English Handbook*, *English Handbook 97-144*

ENGLISH III 121 - 132

A continuing study in grammar and literature including poetry, Renaissance literature, the Reformation, Shakespeare, Seventeenth-century literature, and the Great Awakening in America.

- 121 A study of nouns: collective, proper, common, abstract, and concrete; verbs: tense, voice, and mood; pronouns: personal, indefinite, relative, interrogative, and demonstrative; and antecedents.
- 122 A study of poetry: characteristics and qualities of poetry, figures of speech, Biblical poetry, and writing a psalm.
- 123 A study of modifiers: verbals, adjectives, adverbs, prepositional phrases as adjectives and adverbs, and adjective and adverb clauses.
- 124 The Renaissance and Literature: The Bible vs. reason, humanism; the Renaissance and art, the Renaissance and music; and a composition.
- 125 A study of sentence revision: subject-predicate agreement, sentence correction, sentence expansion, variety, appropriate language, and synonyms and antonyms.
- 126 The Reformation: Bible translation; selections from texts; readings from Calvin, Knox, and Zwingli.
- 127 A study of sentence revision: parallelism, misplaced modifiers, redundancy, clauses, and word usage.
- 128 William Shakespeare: Shakespeare and the Bible, notable quotes, types of plays, excerpts from *The Merchant of Venice* and *Henry VIII*, and a short history of England.
- 129 A study of reference material: dictionaries, biographical reference books, yearbooks, *Reader's Guide*.
- 130 Seventeenth Century Literature: excerpts from the major poets (Donne, Herbert, Marvell, etc.), excerpts from John Milton's *Paradise Lost*, contemporary preachers (John Bunyan, Richard Baxter), and contemporary hymns.
- 131 A study of speech: preparation of a speech, methods of speaking, speech assignment.
- 132 The Great Awakening: Reformation ideals in America, readings from Ten-

nant, Brainerd, Whitefield, Jonathan Edwards, etc., and the Revolutionary era writers, Franklin, Henry, Paine, and Washington.

REQUIRED RESOURCE BOOKS:

Reference

Thorndike-Barnhart Dictionary (Advanced), *Roget's Pocket Thesaurus*, *A Treasury of Evangelical Writings*, *Adventures in American Literature*, *Plain English Handbook*, *English Handbook 97-144*

ENGLISH IV 133 - 144

A continuing study in grammar including speech, grammatical sentence structure, and revision, and in literature including the Eighteenth century, the American Renaissance, the English Victorian Age, American tragedy, developments of the novel and short story, and Twentieth Century Realism.

- 133 A grammar study including a close examination of the basic parts of speech and the use of verbals and clauses.
- 134 A Christian view of literature: the 18th century in England, biographical sketches, the Romantic Age, missionary movements of the 18th century, the Wesley brothers and hymnology.
- 135 A study of modifiers and structure words: negatives, intensifiers, and connectors; phrases, and clauses.
- 136 American writers, 1800 to 1866; the flowering of New England (Romantic movement: Emerson, Thoreau, Longfellow, Whittier, Holmes, Melville, Emily Dickenson); Nathaniel Hawthorne, the spokesman for puritanism; *The Celestial City*; a contemporary 19th century evangelical writer, Roswell D. Hitchcock; a 19th century hymn by Whittier.
- 137 A study of sentence structure: identification of phrases, clauses, and sentences; noun-verb agreement, and basic sentence patterns.

- 138 The Bible and science: the Victorian Age; novelists (Dickens, Thackeray, Eliot, Meredith, Hardy, and Trollope) and poets (Tennyson, the Brownings, Swinburne, Arnold Hopkins); the Pre-Raphaelite painters; hymns of the Christian writers Spurgeon and McChesney; biographical sketches of J. C. Ryle and Charles H. Spurgeon.
- 139 A study of sentence structure: parallelism, misplaced modifiers, redundancy, conciseness, and word studies.
- 140 God's sovereignty in government; the dilemma of the Civil War; the American tragedy and literature; writings of Lincoln and Lee; Lincoln and the Bible; Civil War poets; writers of the Great West, Harte and Twain; American painting; writings of Moody and Talmage; revival music of Sankey.
- 141 A study of reference materials and punctuation.

- 142 Great themes in the Bible and literature; a critical analysis of C. S. Lewis, his theology and his writings; twentieth-century English literature; Lew Wallace and readings from *Ben Hur*.
- 143 A study of the purpose, preparation, and delivery of a speech.
- 144 Learning to discern error, realism in fiction and poetry; Darwin versus the Bible; realism and naturalism; the American novel; modern poetry and painting; the modern short story; modern Christian writings (I. M. Haldeman and J. Gresham Machen).

REQUIRED RESOURCE BOOKS:

Reference

A Treasury of Evangelical Writings, Adventures in American Literature, Adventures in English Literature, Thorndike-Barnhart Dictionary (Advanced), Roget's Pocket Thesaurus, Ben Hur, Plain English Handbook, English Handbook 97-144

SOCIAL STUDIES

SOCIAL STUDIES 1 - 12

This course teaches the student the proper relationships he must have to God, his parents, and those around him. The topics include God's power, rules and obedience, creation, the world, work and tithing, and freedom. **Tapes are required.**

- *1 God made all things--a lesson in appreciation.
- *2 God's hand in everything, obedience to God and to parents.
- *3 A study of rules and obedience.
- 4 A study of early Bible stories, and pleasing God at home, school, and church.
- 5 A study of the seven days of creation.
- 6 A study of simple geography: God's world, my country, maps.
- 7 A study of transportation, states and capitals, living in towns and in the country.
- 8 A study of peoples of other lands.
- 9 A study of work, setting goals, and handling money rightly.
- 10 A study of tithing: giving God His portion.
- 11 A study of freedom, obedience to authority, and keeping freedom.
- 12 A study of American Heroes: Washington, Lincoln, MacArthur, the Pilgrims.

*Tapes not currently available.

SOCIAL STUDIES 13 - 24

This course explains many different aspects of life that influence each individual: family, church, school, communities, rules, government, citizenship, transportation, communication, business, and change. **Tapes are required.**

- 13 A study of the family as the basic societal unit: members, responsibilities, and authority.
- 14 A study of the church in the community: responsibilities and authority.
- 15 The school's responsibility and authority in the community.
- 16 The meaning and characteristics of a community.
- 17 A study of maps and how they are used.

- 18 A study of rules and authority in the community.
- 19 A study of government in the community.
- 20 A study of citizenship in the church, home, school, and community.
- 21 A study of types of transportation: walking, biking, horseback riding, trains, cars, buses, streetcars, and trucks.
- 22 A study of methods of communication: mail, telephone, telegraph, radio, television, and film.
- 23 A study of kinds of businesses and how they work.
- 24 A study of changes that have affected communities from pioneer days to the present.

SOCIAL STUDIES 25 - 36

A study of various topics in social studies including geography, natural resources, energy, cities, American history, and government. **Tapes are recommended.**

- 25 A study of the seven days of creation.
- 26 A study in physical geography: maps, scales, directions, globes, longitude and latitude.
- 27 A study in natural resources, and the ways people use the earth.
- 28 A study of farms: kinds of farms, protecting natural resources, and living on a farm.
- 29 A study of energy: energy sources and their uses.
- 30 A study of cities and how they depend on farms.
- 31 A study of a city: the growth and development of Philadelphia.
- 32 A study of immigration to America: Vikings, Spanish, French, English, Negroes, Dutch, and Jews.
- 33 A study of America's colonial history.
- 34 A study of work: how people worked in colonial times, in the nineteenth century, and in modern times.
- 35 A study of American government on the federal, state, and local levels.
- 36 A study of American freedom: terms and ideals that have special meaning to Americans.

SOCIAL STUDIES 37 - 48

This course is a study of world history and geography. Beginning with creation and early Bible stories, the student is introduced to the Ancient Middle East, Greece, Rome, Church history, the Age of Exploration, types of government, and economics. Books 38 through 40 may serve as a remedial geography course for those in high grades who need a background in geography.

Tapes are recommended.

- 37 A study of creation, the fall, and the physical and spiritual needs of all mankind.
- 38 A study of geography: the globe, the earth, and the waters.
- 39 A study of geography: the making and reading of maps, and an explanation of the time zones.
- 40 A study of geography: seasons, weather, climate and climate regions.
- 41 An introduction to history--the importance of history, principles of history, and a definition of history; a study of the nation of Israel.
- 42 A study of the Ancient Middle East: Egypt, Babylon, and Persia.
- 43 A study of Greece: its history, culture, religion, and contributions to the world.
- 44 A study of Rome: its geography, history, and culture.
- 45 A study of church history: the life of Jesus, the apostles, the early church fathers, and the Reformation.
- 46 A study of the Age of Exploration: trade routes, explorers, and settlements in the new world.
- 47 A study of government: the meaning of government, government's authority, and different types of governments.
- 48 A study of economics: goods, services, demand, supply, profit, and the free enterprise system versus socialism and communism.

REQUIRED RESOURCE BOOKS:

Grosset World Atlas

SOCIAL STUDIES 49 - 60

This course is a study in American geography, history, and government. The student carefully studies the map of the United States, the time zones, the States, the regions. The student is introduced to the history of the Constitution, the westward movement, the Civil War, and American economics. **Tapes are recommended.**

- 49 A study of geography: the shape, borders, time zones, and topography of the United States.
- 50 A study of America's involvement in wars: Spanish-American War, World War I, and World War II.
- 51 A study of revolutionary America: European colonization, the thirteen colonies, the Great Awakening, and the War for Independence.
- 52 A study of geography: the Central states, North Central and South Central.
- 53 A study of the westward movement in America and the Civil War.
- 54 A study of geography: the West, Southwest, Northwest, Hawaii, and Alaska.
- 55 A study of American history after the Civil War.
- 56 A study of Canada and Mexico, America's neighbors: their history, geography, and culture.
- 57 A study of religion in America.
- 58 A study of the Biblical, English, colonial, and documentary foundations of government.
- 59 An introduction to economics: definition, principles, and money and banking.
- 60 A study in economics: types of businesses and production.

SOCIAL STUDIES 61 - 72

A study of world history tracing the history of the peoples of the Middle East, Europe, Russia, Asia, Africa, and South America. **Tapes are recommended.**

- 61 A study of Israel: geography, history, politics, and economy.
- 62 A study of the Islamic countries of the Middle East: Egypt, Saudi Arabia, Iran, and Turkey.

- 63 A study of Greece: ancient and medieval history and geography.
- 64 The Reformation (German, Swiss, and English reformers), and economics (capitalism, socialism, communism).
- 65 A study of Great Britain, France, Spain, and Germany: their histories, economies, and governments.
- 66 A study of Twentieth Century Europe: World Wars I and II and the Cold War.
- 67 A study of Russia: its geography, history, religion, economy, and government.
- 68 An introduction to Asia: Pakistan, India, Bangladesh, Nepal, Ceylon, and Southeast Asia.
- 69 An introduction to the Far East and Pacific States: China, Korea, Japan, and Australia.
- 70 A study of Africa: the continent, North Africa, and East Africa.
- 71 A continued study of Africa: South, Central, and West Africa.
- 72 An introduction to South America: Brazil and Argentina.

REQUIRED RESOURCE BOOKS:

Grosset World Atlas

SOCIAL STUDIES 73 - 84

This course is a study of American government and state history. The first six books give a thorough background to the foundations of government, the *Constitution*, the branches of government, state and local government, citizenship and foreign relations. The second six books are state history, the content of which depends on local state requirements.

- 73 The institution of government: a definition, Biblical foundations, historical foundations, and a philosophy of government.
- 74 A thorough and detailed reading of the *Constitution*.
- 75 A study of the three branches of government: legislative, executive, and judicial.
- 76 A study of local governments on the state, county, and city levels.
- 77 A study of citizenship: its meaning, privileges, and responsibilities.

- 78 A study of America's foreign affairs: diplomacy, the U.N., and communism.
- 79 STATE HISTORY
- 80 STATE HISTORY
- 81 STATE HISTORY
- 82 STATE HISTORY
- 83 STATE HISTORY
- 84 STATE HISTORY

(State History courses are available in some states. Call to determine availability of a course in your state.)

REQUIRED RESOURCE BOOKS:

Grosset World Atlas

SOCIAL STUDIES 85 - 96

A study of American history from the times of the explorers to the twentieth century.

- 85 A study of the exploration and settlement of the New World by Spain, Portugal, Holland, and France.
- 86 A study of English settlements in America: the Pilgrims and the Puritans.
- 87 A study of the events leading up to the American War for Independence.
- 88 A study of the formation of American government: the Republic and the *Constitution*.
- 89 A study of westward movement in early America.
- 90 A study of the events preceding and following the Civil War.
- 91 A study of the settlement of the Great Plains: the role of railroads and homesteaders.
- 92 A study of the American West: its geography and history.
- 93 A study of the industrialization of America's Northeast.
- 94 A study of the spread of industrialism in America: inventions and mass production.
- 95 A study of America's involvement in wars: Spanish-American War, World War I, and World War II.
- 96 A study of Twentieth Century conflicts and the fight against Communism: China, Korea, Cuba, Vietnam, SEATO, NATO, and the U.N.

REQUIRED RESOURCE BOOKS:

Quest Of A Hemisphere, Grosset World Atlas

Recommended: *Naked Communist, You Can Trust A Communist (To Be A Communist)*

SOCIAL STUDIES 97 - 108

A study of world history from creation through modern times, with special emphasis on missionary movements and Biblical history.

- 97 A study of creation and the earliest recorded history of Mesopotamia and Egypt.
- 98 A study of the Old Testament nations of Israel, Persia, the Hittites, Phoenicia, and the Philistines.
- 99 A study of Ancient Greece, Alexander the Great, and the Roman Republic.
- 100 A study of the Roman empire in New Testament times.
- 101 A study of the early middle ages: barbarian invasions, Byzantium, Islam, India, and China.
- 102 A study of the later middle ages: feudalism, the rise of towns and nation-states, and the Crusades.
- 103 A study of the Renaissance and the Reformation: Luther, Calvin, Michelangelo, and Leonardo da Vinci.
- 104 A study of the discovery and exploration of the New World.
- 105 A study of the age of autocracy and revolution: the English, French, and American revolutions, and Europe in the Napoleonic era.
- 106 A study of the history of Europe between 1850 and 1950.
- 107 A study of the post World War II period, an era of unrest and achievement.
- 108 A study of the emerging nations and Christian missions--Carey, Taylor, Judson, and Livingstone.

REQUIRED RESOURCE BOOKS:

Grosset World Atlas, The Law, The Federalist Papers

SOCIAL STUDIES 109 - 120

A study of American history starting with the discovery of the New World and ending with a hard look at the United Nations. This course is designed to give the student an appreciation for the Christian elements in America's past.

- 109 A study of the discovery and exploration of America including the trans-Siberian migration, the Vikings, Columbus, and other European explorers.
- 110 A study of America's Colonial Era from 1600 to 1763.
- 111 A study of the War for Independence: its religious background, philosophical background, and political background. Time period: 1763 to 1783.
- 112 A study of America's emergence as a nation: the *Articles of Confederation*, *The Constitution*, and the *Federalist* and Jeffersonian eras. Time period: 1783 to 1815.
- 113 A study of the rise of sectionalism: the Jacksonian era and the prelude to civil war. Time period: 1816 to 1860.
- 114 A study of the Civil War and Reconstruction from 1860 to 1877.
- 115 A study of the westward movement beyond the Mississippi to the Great Plains, Texas, and the California gold fields.
- 116 A study of the growth of industrialism: its background, products, and benefits.
- 117 A study of immigration, urban problems, rural unrest, and social reform from 1865 to 1900.
- 118 A study of liberalism in religion, territorial expansion, and progressivism at the turn of the century. Time period: 1890 to 1914.
- 119 A study of two world wars: World War I, the interwar period, Fascism, and World War II. Time period: 1914 to 1945.
- 120 A study of America's foreign and domestic relations after World War II: the U.N., the Cold War, civil rights, space exploration, and Watergate.

REQUIRED RESOURCE BOOKS:

Grosset World Atlas, The Law, The Federalist Papers

SOCIAL STUDIES 121 - 132

A study of American government beginning with a thorough examination of the foundations of government in the Bible, Ancient Greece, Rome, Europe, and the American Colonies. The student

is acquainted with the workings of his government and the principles upon which the government is founded.

- 121 A study of ancient governments and their foundations: Biblical governments, Greek government, and the Roman government.
- 122 A study of the European basis of government: the Magna Carta, the Reformation, and the Enlightenment philosophies.
- 123 A study of the Colonial basis of government: separation of church and state, the *Declaration of Independence*.
- 124 A study of Federalism: the *Articles of Confederation*, the *Constitution*, and the birth of the Republic.
- 125 A study of Congress, the legislative branch of government: its structure, its powers, its organization, and the legislative process.
- 126 A study of the executive branch of government: the Presidency and Vice-Presidency, the Cabinet, and independent agencies.
- 127 A study of the judicial branch of government: law and the judicial system, the Supreme Court, and judicial review.
- 128 A study of the Constitutional amendments: how an amendment is made, and a look at the passed amendments.
- 129 A study of state and local governments: a look at the scope and powers of state, county, and municipal governments.
- 130 A study of citizenship: its meaning, rights, and responsibilities.
- 131 A study of political parties: their nature, activities, history, and role in government.
- 132 A study of the United States in the world community: foreign policy and the United Nations.

REQUIRED RESOURCE BOOKS:

Grosset World Atlas, The Federalist Papers

SOCIAL STUDIES 133 - 144

ECONOMICS

A basic study of economics: classical philosophers and church fathers, modern socialism, with appreciation of Biblical principles.

- 133 An introduction to economics, describing its relationship to other academic disciplines: prominent economic systems, economic thought of the Bible, classical philosophers, the church fathers, medieval philosophers, and the Reformers.
- 134 A study of the free market economy during the Middle Ages: intellectual backgrounds and contributions of classical economists, with an evaluation from the standpoint of Biblical principles.
- 135 A study of the functions of the economic system: price theory, free market contrasted with nonfree market, elements in economic decisions, and price mechanism.
- 136 A study from the producer's point of view in the market: aspects of cost theory, profit maximization, and how Biblical doctrines form a price theory.
- 137 A study of money and types of money: main features of banking systems, quantity theory of money, Keynesian theory, problems of money, and solutions.
- 138 God's career for your life: principles of stewardship; efficient, systematic saving and spending; and Biblical principles of handling credit.
- 139 A study of macroeconomics: discuss and refute views of J. M. Keynes, freedom and planning, Gross National Product and interest, and role of private wealth in society.
- 140 A study of the Industrial Revolution: significant events of American economic history, and business history.
- 141 A study of Biblical perspectives on employer-employee relations: interdependence of management and labor, management, theory of labor, and history and contribution of labor unions.

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| 142 | A study of international trade and finance: division of labor and the law of comparative advantage in relation to international trade, foreign exchange and balance of payments, and the gold flow problem. | 144 | A study of volume, categories, and purposes of government spending: evaluation proposals for government spending, Biblical principles, legal principles and economic terminology of taxation, various types of taxation, and the relation of government borrowing to inflation. |
| 143 | A study of socialism: principles, types, and evaluation, | | |

Recommended: *Economics In One Easy Lesson*

SCIENCE

SCIENCE 1 - 12

A study of the sciences on the first grade level--the days of creation, plants, animals, weather seasons, the earth, the sky, our bodies, and our senses. **Tapes are required.**

- 1 A study of the seven days of creation.
- 2 A study of the care of the body and the teeth.
- 3 A study of good health: growing, proper foods, rest and exercise.
- 4 A study of plants: seeds, roots, stems, leaves, vegetables, fruits, grasses, and trees.
- 5 A study of animals: bees, fish, frogs, etc.
- 6 A study of animals: snakes, birds, and dogs.
- 7 A study of ears and hearing.
- 8 A lesson on eyes and seeing.
- 9 A lesson about the earth: including its shape, rotation, soil, water.
- 10 A study of air, wind, and breathing.
- 11 A study of the seasons and weather.
- 12 A lesson on the sky, sun, moon, and stars.

RESOURCE MATERIALS REQUIRED:

Science Tapes 1-6, Teacher's Guide (1-6)

SCIENCE 13 - 24

A study of the various sciences on the second level. Topics include health, foods, protection, the body, plants, force, motion, the earth--geography, seasons, and the sun, stars, and moon. **Tapes are recommended.**

- 13 A study of the characteristics of living and nonliving things as created by God.
- 14 A study of the body: the mouth, stomach, blood, heart, lungs, bones, muscles, skin, and hair.
- 15 A study of protection: shelter, clothing, protection by God and our parents.
- 16 A study of the basic food groups.
- 17 A lesson about plants: flowers, seeds, fruit, and trees.
- 18 Another lesson about plants: mushrooms, mosses, and grasses.

- 19 A lesson about force: pushes and pulls, wheels, seesaws, and big and little forces.
- 20 A lesson about motion: moving and stopping, hard and soft forces, etc.
- 21 A lesson about the earth: land and water, mountains and hills, plains, oceans, lakes and rivers.
- 22 A study of weather and the seasons.
- 23 A study of the sun and stars.
- 24 A study of the moon: craters, how the moon shines, going to the moon.

SCIENCE 25 - 36

A study of scientists and science including the senses, units of measure, animals and their needs, gravity, heat, matter, geology, and outer space. The first book is an introduction to the three main types of scientists: life scientists, earth scientists, and physical scientists. **Tapes are recommended.**

- 25 A lesson about the three fields of science: life, earth, and physical; and the scientists in each field.
- 26 A lesson about breathing: the nose and mouth, larynx, lung tubes, lungs, oxygen, and diaphragm, etc.
- 27 The five senses: sight, hearing, smell, taste, and touch.
- 28 A study of different animal homes and habitats: water, land, cold and warm area.
- 29 A study of animal needs.
- 30 An introduction to the units of measure: length, weight, and time.
- 31 A study of gravity and other forces: friction, centrifugal force, air pressure, mass and distance, and weight.
- 32 A lesson about heat: molecular movement, temperature and temperature scales, heat transfer, and sources of heat.
- 33 A lesson about matter: definition, atoms, molecules, states of matter, and metals.
- 34 A study of the earth's geology: the crust, mantle, outer shell, inner shell, kinds of rocks and minerals, and soil.
- 35 A study of surface changes on the earth: the Genesis Flood, volcanoes, earthquakes, landslides, avalanches, glaciers, and tidal waves.

- 36 A lesson about outer space: stars, constellations, galaxies, planets, the moon, comets, asteroids, meteors, and space travel.

SCIENCE 37 - 48

This course increases the student's knowledge of biology and physical science through a more detailed study of such topics as health, plants, light, sound, the earth, and space. **Tapes are recommended.**

- 37 A study of living things and their characteristics.
- 38 A study of health and hygiene: the teeth, throat, eyes, nose, ears.
- 39 A study of blood: plasma, cells, functions of the blood, lymph, how the body makes blood, blood diseases, and the heart.
- 40 A study of the digestive system: salivary glands, stomach, duodenum, liver and pancreas, intestines, appendix, kidneys and bladder.
- 41 A study of the atom: microscopes, description of the atom, elements, mixtures, compounds; and the cell (parts, plant and animal, and one-celled protists).
- 42 An examination of plant habitats: water plants, land plants, cold and warm area plants.
- 43 A study of the needs of plants: oxygen, carbon dioxide, water, light, food, warmth; and parts of plants (flowers, leaves, stems, and roots).
- 44 A lesson about light: origin of light, speed of light, reflection, lenses, colors, and prisms.
- 45 A lesson about sound: sound waves, the vocal cord, the ear, pitch, loudness, quality, speed, and echoes.
- 46 A lesson about the earth: structure, rocks and minerals, fossils and fuels, latitude and longitude.
- 47 A separate lesson about rocks and minerals.
- 48 Outer space: the solar system, the sun, solar wind, and the planets Mercury, Venus, and Mars.

SCIENCE 49 - 60

This course expands the student's knowledge of biology, physical science, chemistry, and geology. New topics include microscopic plants and animals, animals without backbones, magnetism, simple machines, states and properties of matter, and geological theories. **Tapes are recommended.**

- 49 A study of the creation, men's theories of creation, and the order of creation.
- 50 A study of bones and muscles.
- 51 Microscopic plants and animals: protozoa, fungi, viruses, bacteria.
- 52 A lesson about animals without backbones: types of body structure, symmetry, invertebrate body systems, protozoa, sponges, and coelentrates.
- 53 Another lesson about spineless animals: worms, echinoderms, mollusks, and arthropods.
- 54 A study of magnetism: definition, poles, attraction, repulsion, magnetic fields, magnetic induction, and compasses.
- 55 Simple machines: inclined plane, lever, pulley, wheel and axle, wedge and screw.
- 56 The states of matter: atoms, molecules, elements, solids, liquids, and gases.
- 57 The properties of matter: mass and weight, volume, density, temperature and heat, pressure, metals, nonmetals, and crystals.
- 58 A study of geology: the Great Flood (Genesis), the geologist, the uniform theory, the catastrophe theory.
- 59 A study of measurements: length, time, mass, area, volume, and speed.
- 60 The solar system: the sun, the planets, asteroids, comets, and meteors.

SCIENCE 61 - 72

This course compares the facts of creation with fallacies of the many theories of evolution. Topics include theories of life, study of the skin, animals with backbones, energy, electricity, laws of motion, archaeology, and the atmosphere. **Tapes are recommended.**

- 61 The theories of life: Lamarck, Darwin, Mendel, Johannsen, DeVries, Weismann, Pasteur, abiogenesis, and

- panspermia (all theories shown to be invalid).
- 62 A study of the skin: its layers, nerve endings, capillaries, hair and nails, growths on the skin, and glands.
 - 63 A study of growth of living things: photosynthesis, metabolism, carbohydrates, proteins, fats, enzymes, and vitamins.
 - 64 A study of animals with the backbones: symmetry, segmentation, division, the various body systems, and classes of vertebrates.
 - 65 Another study of animals with backbones: birds and mammals.
 - 66 A study of energy: definition, forms, and kinds.
 - 67 A lesson about static and current electricity.
 - 68 The laws of motion: terms, law of gravitation, mass and distance, inertia, acceleration, action and reaction.
 - 69 A study of archaeology: definition, value of archaeology, ways of digging, archaeology and Bible study, and the Dead Sea scrolls.
 - 70 A study of conservation: wasting natural resources, conserving the natural resources of soil, water, vegetation, animal life, minerals, and fuels.
 - 71 A study of the atmosphere: air, humidity, smog, air pressure, atmospheric layers, and weather.
 - 72 A study of the order of the universe: history of astronomy, tools of astronomy, light year, solar system, constellations, and galaxies.

SCIENCE 73 - 84

This course is a study of the field of life science, including biology, zoology, and ecology. This is the student's first opportunity to view the life system as a whole, and thoroughly refutes the theory of evolution.

- 73 An introduction to the scientific method, the characteristics of living things, the microscope, and cell theory.
- 74 An introduction to the manner in which all living things are classified.

- 75 A study of protists and plants: characteristics and types of protists (virus, bacteria, and amoeba), characteristics and kinds of plants.
- 76 A study of invertebrates: sponges, coelenterates, flatworms, rotifers, mollusks, starfish, arthropods, and insects.
- 77 A study of chordates and simple vertebrates: agnatha, chondrichthyes, osteichthyes, amphibia, and reptilia.
- 78 A study of the characteristics of selected orders of birds and mammals.
- 79 A study of photosynthesis and the continuity of life: biogenesis, cell division, and the materials, processes and results of photosynthesis.
- 80 A study of genetics: chromosomes, the genetic code (DNA-RNA system), Mendelian principles, and applied genetics.
- 81 A study of the structure and behavior of man.
- 82 A study of diseases: early theories, germ theory, kinds of diseases, and man's defenses against disease.
- 83 A study of ecology: the interrelationship of living things, balance of nature, land biomes, and marine biomes.
- 84 A lesson in conservation: history and goals of conservation, types of pollution, and the energy crisis.

SCIENCE 85 - 96

A study in the field of earth science. Topics include the lithosphere, hydrosphere, atmosphere, meteorology, seismology, topography, mineralogy, and ecology. Included in earth science is a Scriptural view of the earth's past, present, and future condition.

- 85 An introduction to the field of earth science, the earth in space, the earth's sun and moon, gravitation, energy, and eclipses.
- 86 A study of the lithosphere: rock structures, layers, types, land masses and shelves, and forces.
- 87 A study of the hydrosphere: oceans, lakes, moving water, ice, and the water cycle.

- 88 A study of the atmosphere: layers, values, oxygen cycle, nitrogen cycle, temperature, humidity, and pressure.
- 89 A study of meteorology: temperature, wind, moisture, pressure, air masses, forecasting, climates, and climatic changes.
- 90 A study of seismology: faults, scope, earthquakes, volcanoes, tsunamis.
- 91 A study of topography and mapping: surface features, heights, depressions, flat areas, unique locales, and surveys.
- 92 A study of mineralogy: minerals, rocks, crystals, ores and metals, fuels, and mining processes.
- 93 A study of the planet earth: seasons, the moon with its tides and lunar cycle, natural materials available for food, energy, construction, or pleasure.
- 94 A study of ecology: environmental problems in air, water, and land; remedies; recommendations.
- 95 An examination of the Scriptural view of the world: Creation, the Flood, the Present and the Future of the world.
- 96 A study of the origin of the universe: the Bible account, man's erroneous theories, and the limits of science.

SCIENCE 97 - 108*

Physical Science

A study of physical science. Using a Christian resource book on physical science, the student will learn of atomic structure, chemistry, and physics.

*Student must be able to work Algebra before attempting this course.

- 97 An introduction to the world of physical science: the limitations of science, the Bible, and scientific method and measurement.
- 98 A study of matter and chemistry: composition and states of matter, mixtures, solutions, colloids, kinetic-molecular theory, and gas laws.
- 99 Matter and atomic structure: ionic, covalent, and metallic bonding; acids, bases, and pH; formulas, equations, and reactions; the Periodic Chart.

- 100 A further study of descriptive chemistry: active metals, chemistry of carbon and silicon, oxides of carbon and silicon, and metallurgy.
- 101 A further study of descriptive chemistry: nitrogen and phosphorus, sulphur, the halogens, and the rare gases.
- 102 Water and its elements: properties and chemistry of water, oxygen and hydrogen, pollution and chemistry.
- 103 Mechanics, machines, and motion: simple machines, gravitation, Newton's laws of motion.
- 104 A study of heat: temperature, expansion, heat flow, thermodynamics, conservation, entropy, and heat and evolution.
- 105 Electricity and magnetism: static electricity, current electricity, and magnetism.
- 106 Wave theory: visible light, electromagnetic spectrum, wave motion, standing waves, and interference.
- 107 Another study of waves: the origination, propagation, speed, detection of sound, and musical instruments and acoustics.
- 108 A study of twentieth-century science: natural and artificial radioactivity, and space exploration.

REQUIRED RESOURCE BOOKS:

Physical Science for Christian Schools. Emmett L. Williams, and George Mulfinger, Jr.

SCIENCE 109 - 120

Biology

A study of biology. This course utilizes the work of the Creation Research Society and expands upon it in the correlating book. This course may be taken along with Algebra I, if necessary.

- 109 An introduction to the history of biological science and the scientific method.
- 110 An introduction to the chemistry of biology: inorganic chemistry, organic chemistry, and biochemistry.

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| <p>111 A study of cell structures and genetics: the cell, biogenesis, heredity, and embryology.</p> <p>112 A study of classification: its history, systems, and problems.</p> <p>113 A study of the protista: algae, molds, fungi, viruses, bacteria, and protozoa.</p> <p>114 A study of plants: lower plants (mosses, etc.), higher plants (ferns, seed plants, flowering plants), photosynthesis, and plant organs.</p> <p>115 A study of invertebrates: coelenterata, platyhelminthes, mollusca, annelida, echinodermata, and arthropoda.</p> <p>116 A study of the vertebrates: agnatha, chondrichthyes, osteichthyes, amphibia, reptilia, aves, and mammalia.</p> <p>117 A study of the human body systems: the integumentary, skeletal, muscular, and nervous systems.</p> <p>118 A continuance of the study of the human body systems: circulatory, respiratory, digestive, excretory, and reproductive systems.</p> <p>119 A study of the facts of creation and a critical examination of the theory of evolution.</p> <p>120 A study of ecology and conservation: environment, habitats, community, natural cycles, environmental problems, and solutions.</p> | <p>122 An examination of atomic structure: arrangement of electrons, and periodic law.</p> <p>123 A study of bonding and chemical composition: bonds (ionic, covalent), composition (writing formulas, percentage composition, and empirical formula).</p> <p>124 A study of chemical equations and the gas laws: kinetic-molecular theory, standard temperature and pressure, Charles' Law, Boyle's Law.</p> <p>125 A study of gases, liquids, solids, and solutions: molecular composition of gases, Avogadro's principle, gas volume problems, solution process.</p> <p>126 A study of acids, bases, and salts: ionization, hydration, conduction, titration.</p> <p>127 The chemistry of carbon: carbon dioxide, carbon monoxide, and hydrocarbons (halogenations, alcohols, ethers, aldehydes, ketones, esters, etc.).</p> <p>128 Chemical kinetics and equilibrium: the energy of reaction, reaction rates, reaction mechanism, and chemical equilibrium.</p> <p>129 A study of oxidation-reduction, and the alkali metals: lithium, sodium, potassium, rubidium, cesium, francium.</p> <p>130 A study of metals and metalloids--Group II metals, transition metals (iron, copper, zinc), aluminum; and metalloids (boron, silicon, arsenic, etc.).</p> <p>131 A study of nitrogen and sulphur and their compounds.</p> <p>132 The halogens and radioactivity: fluorine, chlorine, bromine, iodine, and natural and artificial radioactivity.</p> |
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REQUIRED RESOURCE BOOKS:

Biology: A Search for Order in Complexity. John N. Moore, and Harold Schultz Slusher.

SCIENCE 121 - 132

Chemistry*

A study of chemistry. Through the use of a standard chemistry resource book, the student is given a solid introduction to chemistry. The corresponding books view the material from a Christian perspective and provide the student with the necessary study helps.

*Prerequisite: Biology, Physical Science, & Algebra I.

- 121 An introduction to chemistry: the scope of science, matter and energy, measurement and composition of matter.

REQUIRED RESOURCE BOOKS:

Modern Chemistry. H. Clark Metcalfe, John E. Williams, and Joseph F. Castka.

SCIENCE 133 - 144

Physics*

*Prerequisite: Algebra I, Geometry

A study of modern physics. Through the aid of an established resource book and corresponding books, the student is taught the principles of physics.

- 133 An introduction to the terminology of physics, scientific method and notation.
- 134 An introduction to problem solving and measurement: diagrams, equations, trigonometry, vector analysis, and measurements.
- 135 The properties of matter: heat and energy, phases of matter, electric current, electrochemistry, and super conductivity.
- 136 A study of kinematics: velocity and speed, acceleration, circular motion, harmonic motion, and falling bodies and projectiles.
- 137 A study in dynamics: inertia, Newton's laws of motion, rotational motion, and conservation of momentum.
- 138 A continued study in dynamics: universal gravitation, equilibrium, energy, power, work and efficiency, kinetic and potential energy, and relativity.

- 139 Wave motion and sound: pulse, periodic and standing waves, properties of sound waves.
- 140 Light and optics: properties of light, wave nature, electromagnetic radiation, color, radar, and Doppler effect.
- 141 A study of electrostatics and circuits: electrical charge, conduction, induction, Coulomb's law, electric field, electric potential, conservation of charge, and capacitance.
- 142 Magnetism: magnetic fields and poles, electromagnetism, Faraday's laws, and the earth's magnetism.
- 143 A study of electrical applications: Ohm's law, circuit theory, meters, generators and motors, transformer and induction coils, inductance, capacitance, power, impedance, and AC circuits.
- 144 A study of atomic physics: nucleus, nuclear reactions, fission, fusion, cosmic rays, and particles.

REQUIRED RESOURCE BOOKS:

Physics: A Basic Science. Frank L. Verwiebe, Gordon E. Van Hooft, and Bryant W. Saxon.

TAPES

The academic tapes are designed for use with science, social studies, and spelling. They are designed to facilitate greater learning for students who need assistance in reading. These tapes have proven to be effective for their intended purpose.

SPELLING TAPES

Spelling tapes are available for levels two through nine. The tapes per level are listed below:

Second Level (ten tapes) 13-20
Third Level (eight tapes) 25-32
Fourth Level (eight tapes) 37-44
Fifth Level (eight tapes) 49-56

Sixth Level (eight tapes) 61-68
Seventh Level (six tapes) 73-78
Eighth Level (six tapes) 85-90
Ninth Level (six tapes) 97-102

SPANISH TAPES

These tapes correlate with the language elective, Spanish 97-108. There are a total of 26 tapes in this set. The tapes may be ordered as a set or individually, and are required for completion of the course.

FRENCH TAPES

These tapes correlate with our elective language course, French 97-108. There are twelve tapes in this series, with every Self-Pac having its own tape. There are no test tapes for this particular course. The tapes may be ordered as a set or individually and are required for completion of the course.

SCIENCE TAPES

These tapes correspond to the material in Science 1-72. Tapes are beneficial but are not required except for tapes 1-6, which are required.

PHONICS TAPES

Required for Phonics 1-12 (S.P.A. reading program).

SOCIAL STUDIES TAPES

Social Studies tapes are available for Second Edition 1-72. 13-24 will require either the tapes or a very close assistance from the supervisor. Tapes 1-12 are required. (NOTE: Tapes 1, 2, and 3 are not currently available.)

TAPE ACCESSORIES

Tape Albums are available for protection of your cassette purchase.

ELECTIVES

CURRICULUM LISTING BY SUBJECT

BIBLE, CHRISTIAN EDUCATION

New Testament Survey (1)
Old Testament Survey (1)
New Testament Church History (1)
Life of Christ (1)
Christian Growth (1/2)
Introduction to Missions (1/2)
Soul Winning Kit (no credit)

LANGUAGE

Greek (1)
Spanish (1)
French (1)

BUSINESS

General Business (1)
Business Math (1)
Accounting (1) (Prerequisite: Business Math)
Basic Typing (1)
Shorthand (1)

ART

Beginning Art
Basic Art (1)

GENERAL

Physical Education - Girls (1/2)
Physical Education - Boys (1/2)
Auto Mechanics (1/2)

LANGUAGE ARTS

Spelling
Literature I (1/2)
Literature II (1/2)

SOCIAL STUDIES

Collectivism (1/2) (Prerequisite: American
& World History)
Constitution (1/4) (Prerequisite: American
History)

NOTE: Number within parentheses indicates units of credit.

No. 9828
Dept. 2

FILED

OCT 15 1987
GRACE W. BELL
CLERK OF DIST. COURT

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

DAVID and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,
Petitioners,

vs

AFFIDAVIT OF ROBERT J. SCOTT

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,
Respondent.

STATE OF NEVADA)
: ss
COUNTY OF HUMBOLDT)

ROBERT J. SCOTT, being first duly sworn upon his oath, depose and
says that:

1. He is the Superintendent of Schools of Humboldt County, Nevada
and as such is the chief administrative officer of the Humboldt County
School District, the Respondent herein.

2. Humboldt County School District has accepted the materials in
the curriculum of the American Christian Academy as equivalent instruction of
the kind and amount approved by the State Board of Education for a
one-year-only period in a specific circumstance where said curriculum is
taught by a qualified teacher or tutor and where special circumstances
surrounding a child made it in the best interest of the child involved that
she be instructed at home during the current school year.

3. The Board of School Trustees, having agreed with the parents
as set forth in paragraph 2, further agreed with the parents that permitting
all the children of the family to be instructed at home this year would be
advisable.

4. It is his belief and opinion as a professional educator of many years standing that while the materials in a curriculum may of themselves be satisfactory, they cannot stand alone; they require a qualified teacher or tutor.

5. It is his further belief and opinion that a self teaching concept wherein pupils work through different work books accompanied by study aids with non-qualified persons acting as supervisors is not an acceptable substitute for an education provided by public school or by a private school licensed by the State of Nevada.

6. He is informed and believes that the American Christian Academy is not licensed by the State of Nevada as a private school either with or without a qualified teacher or tutor, and that it has made no attempt to become so licensed.

7. Jason Wallace and Michelle Wallace are required to attend school by NRS 392.040. They have been out of school since the commencement of the fall semester, 1982. It is his belief and opinion that any further delay in their returning to public school or to a licensed private school or to an approved program of equivalent instruction will be unduly disruptive and harmful to their education

8. Pursuant to NRS 62.040 (1) (b) (1), being subject to compulsory school attendance and being habitually truant from school, said children are therefore children in need of supervision.

9. Further your affiant saith not.

Robert J. Scott

SUBSCRIBED AND SWORN to before me on October 18, 1982.

William Wood
NOTARY PUBLIC

1 No. 9828

2 Dept. 2

FILED

1982
GRACE W. TELL
CLERK OF DIST. COURT
BY

3
4
5 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6
7 IN AND FOR THE COUNTY OF HUMBOLDT.

8 -oOo-

9 DAVID and PATRICIA WALLACE,
10 parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

11 vs

ANSWER TO PETITION FOR
WRIT OF MANDAMUS

12 HUMBOLDT COUNTY SCHOOL DISTRICT,
13 a Political Subdivision of the
State of Nevada,

14 Respondent.

15 COMES NOW, Respondent Humboldt County School District by and
16 through its counsel William Macdonald, the duly elected, qualified and acting
17 District Attorney of Humboldt County, Nevada and as and for an answer to the
18 Petition of Petitioners admits, denies and alleges as follows, to-wit:

19 1. Admits Paragraphs 1, 2, 3 and 6.

20 2. Denies Paragraphs 9, 11, 12, 13, 14 and 15.

21 3. Admits that part of Paragraph 4 wherein it is alleged that
22 Petitioners presented to Respondent written evidence, but denies that said
23 evidence was sufficient and satisfactory to satisfy the Respondent that the
24 minor children of the Petitioners were receiving at home equivalent instruc-
25 tion of the kind and amount approved by the State Board of Education as
26 required by NRS 392.070 before public school attendance shall be excused.

27 4. Admits that part of Paragraph 5 wherein it is alleged that
28 Respondent directed that Petitioners' minor children be enrolled in the
29 schools of Respondent, but denies that Respondent acted arbitrarily or
30 capriciously.
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32

1 5. Admits Paragraph 7, but affirmatively alleges that the Board
2 of School Trustees additionally considered the loss of social development
3 which usually occurs in a school setting, whether public or private.

4 6. Admits that part of Paragraph 8 wherein it is alleged that
5 Superintendent Robert J. Scott advised that immediate action would be taken
6 in the event the children were not enrolled in school, but affirmatively
7 alleges that the action contemplated was pursuant to the Juvenile Act,
8 specifically NRS 62.040 (1) (b) (1).

9 7. Admits that part of Paragraph 10 wherein it is alleged that
10 the materials in the curriculum submitted by Petitioners were previously
11 considered in another case and were found to be satisfactory and were accept-
12 ed by Respondent for education of other minor children to be educated in
13 their home and not in the schools of the Humboldt County School District but
14 affirmatively alleges that the said case and the matter of the Petitioners
15 are totally dissimilar in all other respects. The approval in such other case
16 was for the current school year only and was based in major part upon the
17 fact that one of the parents is a very well qualified teacher holding a
18 lifetime certificate from the State of Texas as a high school teacher with
19 majors in History and English and upon the fact that one of the children in
20 said family has had problems which the family has been working toward solv-
21 ing, said child having been sent to a private school last year and improve-
22 ments having been noted. The Board of School Trustees agreed with the
23 parents that home study could materially assist this child during the current
24 school year and that would outweigh a year's loss of the social development
25 that occurs from attendance in a school setting, whether public or private.
26 Having reached that conclusion the Board further agreed with the parents that
27 permitting all the children of the family to be instructed at home this year
28 would be advisable.

29 FIRST AFFIRMATIVE DEFENSE

30 For a First Affirmative Defense, Respondent states that
31 Petitioner's Petition fails to state a claim against Respondent upon which
32 relief may be granted.

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WHEREFORE, Respondent prays that the Petition of Petitioners be dismissed, that the temporary restraining order heretofore issued herein be dissolved, that no Writ of Mandamus be issued, or, if issued, that the same be dissolved.

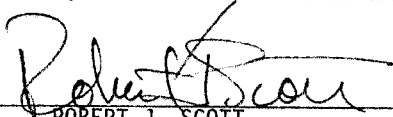
William MacDonald
 WILLIAM MACDONALD
 Humboldt County District Attorney
 Humboldt County Court House
 Winnemucca, Nevada 89445
 (702) 623-5081
 Attorney for Respondent

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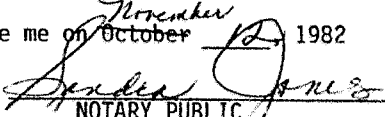
STATE OF NEVADA)
 : ss
COUNTY OF HUMBOLDT)

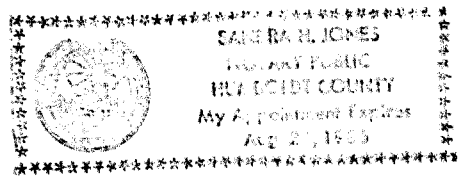
ROBERT J. SCOTT, being first duly sworn upon his oath, deposes and says:

That he is the duly appointed qualified and acting superintendent of schools of Humboldt County, Nevada and as such is the chief administrative officer of the Humboldt County School District, the Respondent herein, that he has read the foregoing Answer and knows the contents thereof; that the same is true of his own knowledge except for those matters therein stated on information and belief and as to those matters, he believes it to be true.


ROBERT J. SCOTT

SUBSCRIBED AND SWORN to before me on ^{November} October 12, 1982


NOTARY PUBLIC



1 Case No. 9828

2 Dept. No. 2

FILED

NOV 17 1982

GRACE W. BELL
CLERK OF DIST. COURT

6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF HUMBOLDT

8 DAVID WALLACE and PATRICIA WALLACE,
9 parents of JASON WALLACE and
MICHELLE WALLACE,

10 Petitioners,

11 vs.

TRIAL STATEMENT OF PETITIONERS

12 HUMBOLDT COUNTY SCHOOL DISTRICT,
13 a Political Subdivision of the
State of Nevada,

14 Respondent.
15 _____/

16 Submitted herewith is Petitioners' Trial Statement:

17 I.

18 CONCISE STATEMENT OF CLAIMED FACTS

19 The Petition in this matter seeks a Writ of Mandamus issued
20 against HUMBOLDT COUNTY SCHOOL DISTRICT (hereinafter referred to as SCHOOL
21 DISTRICT) to compel it to vacate its prior decision ordering Petitioners'
22 minor children to attend the schools of the HUMBOLDT COUNTY SCHOOL
23 DISTRICT.

24 Petitioners originally in September presented oral evidence to
25 the Board of Trustees of the SCHOOL DISTRICT regarding the curriculum they
26 proposed to teach their children at home. At that time the SCHOOL
27 DISTRICT denied their request. Their request was re-submitted, this time
28 in writing, on September 28, 1982. The SCHOOL DISTRICT again denied their
29 request principally on the grounds that while the curriculum being used
30 was equivalent instruction of the kind and amount approved by the State
31 Board of Education, they felt that it was necessary that a qualified

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1 person act as an instructor or tutor. In particular the school board
2 required that a certified teacher or tutor teach the curriculum.

3 In a prior case, the school board was confronted with the
4 identical curriculum and approved its use. In that instance, Reverend and
5 Mrs. Charles Grisham sought to have their children taught at home using
6 the same materials. The only difference in the situations is that
7 Reverend Grisham holds a teaching certificate from the state of Texas.
8 The Grisham family has been using this material since the approval was
9 obtained. The evidence will show that the materials are self-explanatory
10 and self-teaching in nature and require only supervision and not
11 instruction of the children.

12 The curriculum the children will be studying, in addition to
13 teaching the subject skills necessary, is based upon Christian
14 pre-suppositions and morales. These pre-suppositions and morales are
15 religious beliefs held by Petitioners which Petitioners desire to teach to
16 their children. It is their belief that the public school system teaches
17 principals that directly contradict their religious beliefs and further
18 expose their children to certain peer pressures that conflict with their
19 religious beliefs.

20 II.

21 STATEMENT OF ADMITTED FACTS

22 It is admitted that Petitioners are the parents of JASON WALLACE
23 and MICHELLE WALLACE who are currently of school age and are not enrolled
24 in the public school system of HUMBOLDT COUNTY. It is further admitted
25 that HUMBOLDT COUNTY SCHOOL DISTRICT has accepted the materials and the
26 curriculum of the American Christian Academy as equivalent instruction of
27 the kind and amount approved by the State Board of Education.

28 III.

29 STATEMENT OF ISSUES OF LAW

30 A. Whether Mandamus is a proper remedy in this situation.

31 The evidence will show that Petitioners have complied with the
32 terms of NRS 392.070 in presenting written evidence to the school board

1 regarding the curriculum their children are receiving at home. The school
2 board has failed to withdraw its demand that children be enrolled in
3 public school. There are no other administrative remedies to exhaust.

4 NRS 34.020 provides that:

5 "2. The writ shall be granted in all cases when
6 an inferior tribunal, board or officer, exercising
7 judicial functions, has exceeded the jurisdiction of
8 such tribunal, board or officer and there is no
9 appeal, nor, in the judgment of the court, any plain,
10 speedy and adequate remedy."

11 Mandamus is the proper remedy for the purpose of enforcing
12 performance of legal duties of a public nature.

13 "The law must not only authorize the act sought
14 to be enforced, but must require it to be done, and
15 the remedy cannot be invoked with respect to acts
16 which are permissive merely, much less with respect to
17 acts which the law does not authorize, or which it
18 forbids." (52 AmJur2d., Mandamus, §73, at page 396)

19 In this case we are dealing with an ministerial act in that upon
20 finding that the children are receiving, at home, equivalent instruction
21 of the kind and amount approved by the State Board of Education, the
22 statute says the children "shall be excused". This act is not
23 discretionary. The School Board has no choice but to excuse attendance
24 from public schools when the provisions of the statute are complied with.

25 Even if it were to determine this were a discretionary act,
26 which it is not, the discretion is not without bounds:

27 "The discretion must be exercised under the law,
28 and not contrary thereto; it must not be arbitrary,
29 vague, or fanciful but legal, regular, and sound
30 discretion which must be governed by rule and
31 exercised under established principals of law.

32 * * *

"An official may not act arbitrarily and
unwarrantably or in disregard of evidence clearly and
unmistakably pointing to a contrary result, and yet
deny the right to resort to mandamus to compel proper
action on his part." (52 AmJur2d, Mandamus, §79, at
page 401-402)

B. Does NRS 392.070 allows considerations of competing
philosophies of education?

1 As shown by the pleadings on file, the basic issue of this case
2 is whether or not Petitioners are entitled, as a matter of right, to
3 educate their children at home. The only restriction placed on that right
4 by NRS 392.070 is whether or not the children receive "equivalent
5 instruction of the kind and amount approved by the State Board of
6 Education".

7 Obviously an identical situation is not contemplated nor
8 required by this statute. The issue is not a balancing test of advantages
9 versus disadvantages of the home school situation. The only issue the
10 court need consider is whether the instruction received at home is of the
11 kind and amount approved by the State Board of Education. That issue has
12 been previously decided by the School Board in its acceptance of the
13 curriculum for another family.

14 In denying Petitioners' application the School Board stated it
15 was not concerned with the curriculum per se, but rather the fact that
16 neither Petitioner is a certified teacher. Therefore the only issue this
17 Court need decide is whether the curriculum is in fact designed and
18 capable of being self-taught by the student. The Court need not concern
19 itself with educational philosophies. It only need focus in on the single
20 issue of the ability of this curriculum to be self-taught.

21 C. Has the School Board's action violated the free exercise
22 clause of the First Amendment of the United States Constitution?

23 Petitioners seek to educate their children at home for several
24 reasons. One of the most important reasons being to establish a firm
25 Christian foundation of beliefs and understanding without subjecting the
26 children to what they consider competing values provided in the public
27 school system.

28 The Free Exercise Clause embraces two concepts, the freedom to
29 believe and the freedom to act. The first is an absolute right which
30 cannot be infringed upon, however the second is subject to regulation for
31 the protection of society. The power to regulate must be so exercised as
32 not, in obtaining a permissible end, to unduly infringe upon the protected

1 freedom. Cantwell v. Connecticut, 310 U.S. 296, 84 L.Ed. 1213, 60 Sup.
2 Ct. 900 (1940).

3 In exercising the right of regulation of certain religious
4 activities, any regulation must be done in the least restrictive manner.

5 "In contrast to the requirements of secular
6 purpose and secular effect, both of which emerge
7 primarily in the establishment clause context, the
8 requirement that any inroad on religious atonomy be
9 the least restrictive means of achieving a compelling
10 end was developed and has its primary significance in
11 the context of free exercise.

12 "A series of supreme court decisions in the late
13 1930's and early 1940's laid the doctrinal foundations
14 for a demand that government pursue the least drastic
15 means to a compelling secular end, . . ." (American
16 Constitutional Law, Lawrence H. Tribe, at page 846
17 through 847)

18 The issue before this Court is whether the School Board's
19 decision violates Petitioners' right of exercise of their religion, and
20 whether the regulations set down by the School Board are reasonable and
21 pursue the least drastic means available.

22 IV.

23 NAMES AND ADDRESSES OF ALL WITNESSES EXCEPT IMPEACHING WITNESSES

- 24 1. William R. Randall, Ph.D., P. O. Box 893, Louisville,
25 Texas.
26 2. PATRICIA WALLACE, Winnemucca, Nevada.
27 3. DAVID WALLACE, Winnemucca, Nevada.
28 4. Reverend Charles Grisham, Winnemucca, Nevada.
29 5. Julie Grisham, Winnemucca, Nevada.
30 6. Robert Scott, Winnemucca, Nevada.

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V.

CERTIFICATION BY COUNSEL

The undersigned counsel for Petitioners certifies that he is ready for trial.

DATED this 16 day of November, 1982.


SALA, MCAULIFFE, WHITE & LONG

By William E. Bernard
WILLIAM E. BERNARD, Esq.
Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SALA, McAULIFFE, WHITE & LONG, and that on November 16, 1982 I deposited for mailing at Reno, Nevada, a true copy of the attached TRIAL STATEMENT OF PETITIONERS addressed to the law offices of:

WILLIAM MacDONALD
District Attorney
Humboldt County
Humboldt County Court House
Winnemucca, Nevada 89445



No. 9828

Dept. 2

FILED

NOV 17 1982
GRACE W. BELL
CLERK OF DIST. COURT
BY _____

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

-o0o-

DAVID and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,
Petitioners,

vs

TRIAL STATEMENT

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,
Respondent.

BY

RESPONDENT

1. Undisputed Facts	P 2
2. Claimed Facts	P 2
3. Issues of Law	
3.1 Equal protection	P 3
3.2 Equivalency & qualified instructor	P 4
3.3 Free exercise of religion	P 7
4. Witnesses	P 9
5. Discovery	P 10
6. Conclusion	P 10
Appendix. Authorities cited	P 11

1 1. Undisputed Facts

2 1.1 Petitioners are the parents of school aged children who reside with
3 them in Winnemucca, Humboldt County, Nevada.

4 1.2 Respondent is a political subdivision of the State of Nevada.

5 1.3 Said children are required to attend public school by NRS 392.040.

6 1.4 Petitioners made written application pursuant to NRS 392.070 to
7 have said children excused from public school upon the claim that they were
8 receiving at home an equivalent education of the kind and amount approved by
9 the State Board of Education provided by a "self taught" curriculum using
10 materials provided by American Christian Academy without a qualified teacher
11 or tutor.

12 1.5 Respondent denied the application upon the basis that Petitioner's
13 written evidence was not sufficient to show to Respondent that by the home
14 study the children were receiving at home equivalent instruction of the kind
15 and amount approved by the State Board of Education.

16 1.6 The Respondent by law would be required to take appropriate action
17 to enforce attendance at its schools if said children are not excused pursu-
18 ant to NRS 392.070.

19 1.7 The same materials have been found by Respondent to be satisfactory
20 to be used for home study in another case this current school year.

21 2. Claimed Facts.

22 2.1 The written evidence presented to the Respondent, all of which is
23 contained in Exhibit A of the Respondent's Points and Authorities in Oppo-
24 sition to Motion for Temporary Restraining Order on file herein, is not
25 sufficient to show that the minor children were receiving at home equivalent
26 instruction of the kind and amount approved by the State Board of Education.

27 2.2 An equivalent instruction in addition to the American Christian
28 Academy materials requires a qualified instructor, a school (public or
29 private) setting to provide among other things the interaction with other
30 students and teachers and a great variety of supplemental resource materials.

31 2.3 The other case in which the study materials were approved for home
32 study was based upon two factors in addition to the materials--a qualified

1 teacher and a special problem encountered by a child which might be dealt
2 with more effectively by home study with younger siblings also being taught
3 at home.

4 3. Issues of Law. Petitioners specify three chief grounds in bringing this
5 action.

6 3.1 Equal Protection. It is correct that Respondent did accept the
7 same American Christian Academy curriculum materials in another case on a
8 one-year-only basis for the current school year. However, two key elements
9 in the other case are not present in this case, namely:

10 a. Qualified instructor--In the other case one parent is a very
11 well qualified teacher holding a lifetime certificate from the State of Texas
12 as a high school teacher with majors in History and English. The written
13 evidence presented to the Respondent by Petitioners contained no claim that
14 either parent is qualified as an instructor.

15 b. Special problem--One of the children in the other family has
16 had problems which the family has been working toward solving, said child
17 having been sent to a private school last year and improvements having been
18 noted. The Board of School Trustees agreed with the parents that home study
19 could materially assist this child during the current school year. Having
20 reached that conclusion the Board further agreed with the parents that
21 permitting all the children of the family to be instructed at home this year
22 could be beneficial.

23 Discussion. As Justice White stated in his concurring opinion in
24 Wisconsin v. Yoder, a state has a legitimate interest not only in seeking to
25 develop the latent talents of its children but also in seeking to prepare
26 them for the life style that they may later choose, or at least to provide
27 them with an option other than the life they have led in the past. 406 US
28 205, 32 LEd 2d 15, 39 (1972).

29 There is no substitute for an educated teacher who is capable of
30 answering questions and guiding inquiring minds unto the new and untem-
31 plated directions to which any well-prepared material should inevitably lead.
32 State v. Riddle, 285 SE2d 359, 366 (WVa 1981).

1 3.2 Equivalency and Need for qualified instructor. Petitioners state
2 that it is not contemplated in the statute and cannot be inferred therein
3 that the equivalent home instruction be given by a qualified person.

4 Discussion. As stated in Section 3.1, courts have recognized that
5 there is no substitute for a qualified teacher. Additionally the teacher can
6 spot physical, mental or behavioral problems that a parent is not trained to
7 see or may overlook because he or she is "too close" to the problem. Such
8 problems often can be taken care of completely or at least mitigated to a
9 great extent if promptly identified. A teacher structures, regulates, sets
10 standards, judges, admonishes, reprimands, accuses, refuses requests, checks,
11 demonstrates, clarifies procedure, informs in contexts not requested by the
12 student, acts as a resource person on student request, stimulates by offering
13 alternatives to student, clarifies ideas, interprets, evaluates, supports by
14 praise, reinforces positively, is solicitous, encourages. A self-teaching
15 set of materials by themselves must be extremely exceptionally well prepared
16 to provide an equivalent instruction without that qualified teacher.

17 If the Legislature in enacting NRS 392.070 had said "equivalent
18 educational materials" instead of "equivalent instruction" then Respondent
19 might have little choice but to agree with Petitioners' position.

20 However, such is not the case; the Legislature said "equivalent
21 instruction". Obviously the Legislature contemplated that more than just
22 teaching materials were needed in order to satisfy the Board that the child
23 is receiving "equivalent instruction" at home.

24 There is an extensive Annotation discussing private schools and
25 compulsory school attendance in which home instruction is widely discussed.
26 65 ALR3d 1222, 1232 et seq, 1246 et seq, 1250 et seq (1975)

27 In a federal case from Michigan, the court expressly approved the
28 State's interest in insuring the minimum competence of those entrusted to
29 teach as justification for requiring certification of teachers. The dis-
30 tinction in treatment by the state between parents whose children are taught
31 by state certified teachers, whether in a public or private educational
32 institution or at home, and those parents who seek to educate their children

1 at home without certified teachers, directly relates to the difficulty that
2 the state would surely face in examining and supervising, at considerable
3 expense, a host of facilities and individuals, widely scattered, who might
4 undertake to instruct their children at home without certification; as
5 compared with the less difficult expensive mechanism of requiring certifica-
6 tion as a standard for competency. This clearly satisfies the state's burden
7 of acting rationally and reasonably. *Hanson v. Cushman*, 490 FSupp 109, 115
8 (D Mich 1980).

9 The term "equivalent" was discussed by an intermediate court in New
10 Jersey in an interesting discussion of home instruction. The court defined
11 it as "equal in worth or value, force, power, effect, import and the like"
12 when it looked at the teaching qualifications of the mother who had 2 years
13 college, had taught a total of 2 years in three different schools some 20
14 years earlier; the court noted that there had been many advances in education
15 in those 20 years. It noted also that there was a disadvantage to the
16 children in not being able to associate with other children since generally
17 they must learn to get along with the outside world as adults. The court
18 there specifically found that the the materials being used were adequate, but
19 the court found that the children were not receiving an "equivalent" educa-
20 tion. *Knox v O'Brien*, 72 A2d 389, 391 (NJ 1950). However, this social
21 requirement [but not the definition of "equivalent" itself] was expressly
22 overruled in another New Jersey intermediate court case when the court said
23 that when the New Jersey legislature used the words "equivalent instruction
24 elsewhere than at school" it obviously contemplated that a child could be
25 educated alone if the education was equivalent to the public schools and
26 cited the success of child prodigy and child performer cases in which the
27 child is educated by a tutor with excellent results. *State v Massa*, 231 A2d
28 252 (NJ 1967).

29 Discussion. If the contribution which group education makes to the
30 instruction program ceases to exist, it makes more important the remaining
31 two fundamentals--good materials and a qualified teacher in the home study
32

1 situation to assist the student--so that the student's education is truly
2 equivalent.

3 In a non-instruction case, the court stated that the tests of
4 "equivalency" are identity of function and substantial identity of way of
5 performing that function. Copeman Laboratories Co v Norge Division, 72 FSupp
6 734, 740 (DC Mich 1947). While admittedly this is a patent law definition,
7 Respondent submits that this definition fits the term in a far broader
8 context, including instruction.

9 Recognition of the fact that education in a school setting furnish-
10 es desirable and even essential training for citizenship, apart from that
11 gained by the study of books was given in State v Hoyt, 146 Atl 170 (NH
12 1929). The court stated that the object of our school laws is not only to
13 protect the state from the consequences of ignorance, but also to guard
14 against the dangers of "incompetent citizenship". 146 Atl 171. The state is
15 entitled to establish a system whereby it can be known, by reasonable means,
16 that the required teaching is being done. 146 Atl 172.

17 Discussion. Unlike Nevada, in New Hampshire there was no statutory
18 recognition of home study as a basis for excused school attendance. Again,
19 however, the case points out the fact that with the loss of the school
20 setting, there is a loss of a significant part of the education, thus impos-
21 ing greater burdens upon the remaining factors--materials and teacher.

22 California has provided two exemptions--one for private school and
23 one for tutoring--instead of including private school and home study in the
24 same sentence as has Nevada. In the case of In Re Shinn, 16 CalRptr 165
25 (1961) the court stated that home education, regardless of its worth, is not
26 the legal equivalent of attendance in school in the absence of instruction by
27 qualified private tutors. 16 CalRptr 173. In that case there was an express
28 finding that the correspondence school course lacked courses on California
29 civics and history and thus did not comply with the statutory curriculum
30 requirements. The court however did not appear to base its finding solely
31 upon that ground but equally on the lack of a qualified instructor.

1 Discussion: We of course have no statutory requirement spelling
2 out the manner in which home instruction is imparted. Our Legislature did
3 use the words "equivalent instruction" and the Respondent submits that the
4 fact of whether or not there is a qualified teacher must be considered in
5 determining whether the home study program meets the equivalent instruction
6 mandate.

7 California has even ruled that its requirement for certification of
8 home teachers but not of private school teachers is not ~~an~~ unconstitutional
9 deprivation of the parents' right to determine how and where their children
10 would be educated and further that such requirement is not unreasonable or
11 arbitrary. People v Turner, 263 P2d 685, 688 (Cal 1953)

12 3.3 Prohibition of the free exercise of religion. Petitioners claim
13 that NRS 392.070 as applied in this case is a prohibition of the free exer-
14 cise of religion in that according to Petitioners' religious convictions, it
15 is their desire to educate their children in a manner and with a curriculum
16 consistent with their religious beliefs.

17 Discussion. There are many cases discussing this point. Generally
18 the State cannot interfere with what you want to think and what religious
19 beliefs you want to hold, but your conduct of what you think on the other
20 hand may be regulated for the protection of society.

21 The state may not wholly deny right to preach or disseminate reli-
22 gious views. State may by general and non-discriminatory legislature regu-
23 late the times, the places, and the manner of soliciting upon its street and
24 of holding meetings thereon; and may in other respects safeguard the peace,
25 good order and comfort of the community, without unconstitutionally invading
26 the liberties protected by the 14th Amendment. Freedom to believe is abso-
27 lute; freedom to act in the nature of things cannot be. Cantwell v
28 Connecticut, 310 US 296, 84 LEd 1213, 1218 (1940)

29 The US Supreme Court recognized the power of a state to impose
30 reasonable regulations for the control and duration of basic education of its
31 citizens. Wisconsin v Yoder, 406 US 205, 32 LEd 2d 15 (1972).

1 A personal philosophical choice by parents rather than a religious
2 choice, does not rise to the level of 1st Amendment claim of religious
3 expression. 406 US 205, 215, 32 LEd 2d 25.

4 Providing public school ranks at the very apex of the function of a
5 State. But the State's interest in universal education is not totally free
6 from a balancing process when it infringes on fundamental rights and inter-
7 ests such as free exercise of religion and the traditional interest of
8 parents.

9 Those who nurture and direct a child's destiny have the right
10 coupled with the high duty to recognize and prepare him for additional
11 obligations." Pierce v Society of Sisters, 268 US 510, 535, 69 LEd 1070,
12 1078 (1925). [A case in which the US Supreme Court invalidated an initiative
13 petition which was passed by the Oregon voters in effect closing all private
14 and parochial schools.]

15 The very concept of ordered liberty precludes allowing every person
16 to make his own standards on matters of conduct in which society as a whole
17 has important interest.

18 The parental claims must be rooted in religious belief before they
19 can receive these 1st Amendment protections. A way of life, no matter how
20 virtuous and admirable, may not be interposed as a barrier to reasonable
21 state regulation if it is based on purely secular considerations.

22 Sincerely held religious convictions are never a defense to total
23 non-compliance with the compulsory school attendance law. State v Riddle,
24 285 SE2d 359, 365 (WVa 1981).

25 In a very current and quite similar case, an Alabama intermediate
26 court dealt with the same issues. Parents failed to show that a secular
27 education would endanger children's religious views or salvation. [Parents
28 taught children using Catholic home study materials, Mother not certified
29 tutor, no parochial school available, parents said secular education would
30 expose children to non-religious educational influences and they believed
31 they would commit mortal sin in the religious salvation of children endan-
32 gered.] The Alabama court ruled:

1 (1) The State has power to impose reasonable regulations for
2 control of basic education.

3 (2) The Alabama compulsory school attendance law as applied to the
4 parents not violate freedom of religion.

5 (3) Family's liberty, privacy and family integrity not violated.

6 (4) State's interest in compulsory education is both legitimate
7 and compelling after balance the facts of case. Jernigan v State, 412 SO 2d
8 1242, 1247 (Ala 1982).

9 Thus it is clear that a religious rule, regulation or tenet, a
10 belief taught by the church, one which must be adhered to by its members is
11 required before the parents can claim a 1st Amendment protection. The
12 affidavits of the Petitioners clearly state that the action is based upon
13 "religious conviction and belief that children should be educated in accor-
14 dance with Christian principals and morals." Nothing before the Court at
15 this time would suggest that this is more than a personal, philosophical
16 choice to give their children religious instruction along with their general
17 instruction, which, while certainly very laudable, is not a Constitutionally
18 protected right and thus is not a sufficient reason for striking down the
19 Respondent's action in not excusing attendance.

20 It appears that this case does not reach the level of a Constitu-
21 tionally protected right which must take precedence over the State's interest
22 in compulsory attendance in approved instructional programs.

23 4. Witnesses. Respondent intends, at the time of the preparation of this
24 Trial Statement, to call the following witnesses:

25 4.1 Robert J. Scott
26 Superintendent
27 Humboldt County School District
28 Box 1070
29 East Reinhart and Mizpah Streets
30 Winnemucca, Nevada 89445

31 4.2 Marvin Picolo
32 Nevada State School Boards Association
1100 Kietzke Lane
Reno, Nevada 89502

4.3 _____
University of Nevada-Reno
Reno, Nevada 89507

1 5. Discovery. Formal discovery was not had nor completed in this matter.

2 6. Conclusion. Petitioner respectfully submits that:

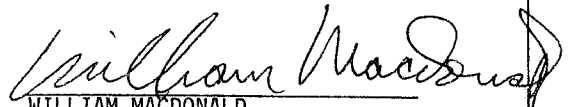
3 6.1 The fact of the acceptance of the identical curriculum materials in
4 another case this year is not governing in this case due to the fact that the
5 two cases are so substantially dissimilar.

6 6.2 The Respondent is clearly acting reasonably and rationally in
7 requiring more than satisfactory instructional materials in determining if a
8 home study course would give children equivalent instruction.

9 6.3 This apparently not being a case in which a religious rule, regu-
10 lation or tenet, a belief taught by the church, one which must be adhered to
11 by its members is involved, the parents cannot claim a 1st Amendment pro-
12 tection. This appears to be merely a personal, philosophical choice to give
13 their children religious instruction along with their general instruction,
14 which as stated above, while certainly very laudable, is not a Constitution-
15 ally protected right and thus is not a sufficient reason for striking down
16 the Respondent's action in not excusing attendance.

17 6.4 Satisfactory written evidence that the children were receiving at
18 home an equivalent education of the kind and amount approved by the State
19 Board of Education was not presented to Respondent and therefore Respondent's
20 actions were proper.

21 DATED: November 17, 1982

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23 

24 WILLIAM MACDONALD
25 Humboldt County District Attorney
Humboldt County Court House
Winnemucca, Nevada 89445

26 (702) 623-5081

27 Attorney for Respondent
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1	<u>Appendix. Authorities cited by Respondent.</u>	<u>Page</u>
2	Annotation	65 ALR3d 1222 4
3	Cantwell v. Connecticut	310 US 296, 84 LEd 1213 (1940) 7
4	Copeman Lab v. Norge	72 FSupp 734 (DC Mich 1947) 6
5	Hanson v. Cushman	490 FSupp 109 (D Mich 1980) 5
6	In Re Shinn	16 CalRptr 165 (Cal 1961) 6
7	Jernigan v. State	412 SO 2d 1242 (Ala 1982) 9
8	Knox v. O'Brian	72 A2d 389 (NJ 1950) (overruled in part) 5
9	People v. Turner	263 P2d 685 (Cal 1953) 7
10	Pierce v. Society of Sisters	268 US 510, 69 LEd 1070 (1925) 3
11	State v. Hoyt	146 At1 170 (NH 1929) 6
12	State v. Massa	231 A2d 252 (NJ 1967) 5
13	State v. Riddle	285 SE2d 359 (WVa 1981) 3, 8
14	Wisconsin v. Yoder	406 US 205, 32 LEd 2d 15 (1972) 3, 7, 8
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1 Case No. 9828
2 Dept. No. 2

FILED
DEC 7 1982
Grace W. Bell
GRACE W. BELL
CLERK OF DIST. COURT

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7 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF HUMBOLDT
9 HONORABLE RICHARD J. LEGARZA, DISTRICT JUDGE

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12 DAVID AND PATRICIA WALLACE,)
13 Petitioners,)
14 -vs-) JUDGE'S DECISION
15 HUMBOLDT COUNTY SCHOOL DISTRICT,)
16 Respondents.)
17)

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21 TRANSCRIPT OF PROCEEDINGS
22 November 24, 1982
23 Winnemucca, Nevada
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A P P E A R A N C E S

For the Petitioners: WILLIAM E. BERNARD
Attorney at Law
One East Liberty
Reno, Nevada

For the Respondents: WILLIAM C. JEANNEY
Deputy District Attorney
Humboldt County Courthouse
Winnemucca, Nevada

Reported by: BARBARA JOHNSON, RPR
Official Reporter

Transcribed by: CHERIE D. HORINE

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1 WINNEMUCCA, NEVADA, WEDNESDAY, NOVEMBER 24, 1982, 11:30 A.M.

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3
4 THE COURT: Gentlemen, perhaps it will surprise you,
5 but I'm going to rule now. I'll indicate to you that I've worked
6 on this case several hours, as well as my assistant has worked
7 on this case several hours, both long before we started this trial
8 as well as during the period of time that this trial has gone on,
9 both reading the law as set out by the respective trial briefs
10 as well as doing our own independent research as well as listening
11 to two and a half days of testimony.

12 First of all, I believe that it is clear and I find as
13 a matter of fact in this particular case that the First Amendment
14 argument, the freedom of exercise of religion does not apply in
15 this case.

16 I think it is clear that Mrs. Wallace has testified that
17 was an independent decision that they made. It had nothing to
18 do necessarily with any of their particular religious beliefs or
19 anything they needed to do in order to participate in their
20 religious beliefs.

21 Further, Reverend Grisham, whom I assumed was their
22 pastor, I think it was stated in that testimony that he would
23 assist them, indicated that he would help them, that he would be
24 willing to assist them after they had made the independent decision
25 they had made to proceed with this particular method of instruction
26 of their children. I don't think we have reached the magnitude
27 of the First Amendment in this case.

28 What the petitioners asked this Court to do is to
29 mandate the school district to order the school district to
30 require -- to require the school district -- the law is clear that

1 the writ may be issued by the District Court, the District Judge
2 to compel the performance of an act which the law especially
3 enjoins as a duty resulting from the office of trust or station.

4 Mandamus is something that a court requires an
5 individual, individuals, a body, to do because it is something
6 they have to do, something that they are required to do by law
7 and that by not doing that they have abused their discretion or
8 perhaps they have acted in an area where they have no discretion
9 whatsoever.

10 392.070 contemplates home instruction. There is
11 absolutely no doubt about it. The word home is there. It talks
12 about the equivalent instruction of the kind and amount approved
13 by the State Board of Education.

14 One of the things that we know and is the law in the
15 state of Nevada is that in order to teach you must be a certified
16 teacher, to teach at the secondary level, you must be certified
17 as a secondary level teacher, you must be certified as a secondary
18 teacher.

19 I agree with you, Mr. Bernard, it isn't an easy or willy
20 nilly case and it is a serious case and I take it that way.

21 However, I feel that the evidence that's been presented
22 here and, more specifically, my review of Exhibit No. 1 in the
23 work that the mother specifically has done would indicate to me
24 that I have some real concerns about her ability to supervise at
25 this particular level.

26 Secondly, and more important to me, it is obvious from
27 the testimony of the expert, the gentleman who made this system,
28 who developed this system, that a line has to be drawn somewhere,
29 that if we're talking about Level 97, who are we going to have,
30 what are the qualifications to teach, and he uses the word teacher,

1 and his definition of teacher is something that's a little broader
2 than certainly a certified teacher, but a line has to be drawn
3 somewhere by someone.

4 I believe that NRS 392.070 gives the school board the
5 power to draw that line and the school board has drawn that line
6 on home study with this system with certification. I appreciate
7 the fact that they have drawn that line in one instance on
8 certification outside of the state of Nevada, but nevertheless,
9 certification.

10 What they have done or what I feel they have done, they
11 have said that we have no particular problem with your materials
12 as have their experts said we have no problem necessarily with
13 your materials. We have some problems with how you present them.
14 We have some problems where you present them and we have some
15 problems with the one aspect of how they are presented, but the
16 school board has drawn the line and I think it is a reasonable
17 line and a line that I don't think I'm allowed as a matter of law
18 on a writ of mandamus to interject my judgement, state to them
19 that I mandate you to do this.

20 I believe from the testimony that there is an inherent
21 danger in the utilization of these materials. There are no
22 controls. There is no diagnostic testing, if you will, of the
23 parent or parents who are administering this method. There is
24 a danger as to what kind of help a student or students can get
25 at what particular level, and the school board has seen fit to
26 draw the line at presentation of these materials by a certified
27 teacher, a qualified individual, a teacher, a person who can
28 teach, and I don't think that's as a matter of law as a writ of
29 mandamus that I'm allowed -- certainly not required, and I do not
30 believe that I'm allowed, nor should I on the basis of what I've

1 heard in the courtroom, interject my judgement over theirs.

2 I think they have exercised their discretion that's
3 allowed to them under the statute, under NRS 392.070, and they
4 have reasonably exercised that discretion by saying no.

5 I don't think that I can mandate them to do otherwise.

6 So, the writ of mandamus is denied, the temporary
7 restraining order is dissolved. And while we're on the record,
8 Mr. Bernard, I'll not sign a stay.

9 So, if it's going up, you will not have to present a
10 request for a stay to me to petition the Supreme Court for a stay
11 in front of them. I'll not sign the stay.

12 If need be, the record is here. You may represent to
13 them that I've already indicated to you that I'll not sign the
14 stay. And the import of that order means that these children be
15 in school Monday unless, of course, you can get a stay.

16 So, the TRO is dissolved and the writ is denied, and
17 unless anyone has anything further, we're in recess.

18 MR. JEANNEY: Thank you, Your Honor.

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1 STATE OF NEVADA,)
2 COUNTY OF HUMBOLOLT.) ss.
3

4 I, BARBARA JOHNSON, Official Reporter of the Sixth
5 Judicial District Court of the State of Nevada, in and for the
6 County of Humboldt, DO HEREBY CERTIFY:

7 That I was present in Department No. 2 of the above-
8 entitled Court on November 24, 1982, and took stenotype notes of
9 the Judge's Decision in the matter of DAVID AND PATRICIA WALLACE,
10 Petitioners, vs. HUMBOLOLT COUNTY SCHOOL DISTRICT, Respondents,
11 Case No. 9828, and thereafter transcribed them into typewriting,
12 as herein appears;

13 That the foregoing transcript, consisting of pages 1
14 through 7, is a full, true and correct transcription of my steno-
15 type notes of said hearing.

16 DATED: At Winnemucca, Nevada, this 3rd day of December,
17 1982.

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BARBARA JOHNSON, RPR
Official Reporter

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1 Case No. 9828

2 Dept. No. 2

FILED

DEC 16 1982
GRACE W. BELL
CLERK OF DIST. COURT

BY

6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF HUMBOLDT

8 HONORABLE RICHARD J. LEGARZA, DISTRICT JUDGE

9 -000-

11 DAVID AND PATRICIA WALLACE,

12 Petitioners,

13 -vs-

14 HUMBOLDT COUNTY SCHOOL DISTRICT,

15 Respondents.

FINDINGS OF FACT
CONCLUSIONS OF LAW

17 The above-entitled cause came on for hearing on November 22, 1982,
18 the Honorable Richard J. Legarza, District Judge, presiding, without a jury.
19 The Petitioners, David and Patricia Wallace, appeared personally and with
20 their attorney, William E. Bernard, Esquire; and the Defendant, Humboldt
21 County School District, appeared personally with its attorney, William C.
22 Jeanney, Esquire.

23 The matter was before the Court on the Petition of Plaintiff, David
24 and Patricia Wallace, for the issuance of a Writ of Mandamus, filed October
25 18, 1982. The Plaintiff's Petition was opposed by the Defendant and its
26 attorney.

27 Evidence, both oral and documentary, was introduced on behalf of
28 both parties, and the Plaintiff and Defendant closed their respective cases
29 on November 24, 1982. The Court ruled from the bench with respect to all the
30 issues. The Court, having considered the evidence, reviewed the arguments,
31 and being fully advised, makes the following Findings of Fact and Conclusions
32 of Law:

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1. The Petitioners, David and Patricia Wallace, are the parents
of the minor children Jason Wallace and Michelle Wallace.

3. Petitioners presented oral evidence to the Board of Trustees of the School District regarding the curriculum they proposed to teach their children at home. At that time the School District denied their request. Their request was re-submitted, in written form, and was denied on September 28, 1982.

5. That by Statute, NRS 392.070, children may be exempted from mandatory attendance in the public school system only when written evidence is presented to the Board of Trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board of Education.

From the foregoing Findings of Fact the Court makes the following
Conclusions of Law.

2. The Petitioners decision to teach their children at home was founded upon independent personal conviction as opposed to complying to religious mandate from their faith. As such, their constitutional right to freedom of exercise of religion was not intruded upon by the Humboldt County School District.

4. That the School Board's rejection of the Petitioner's request

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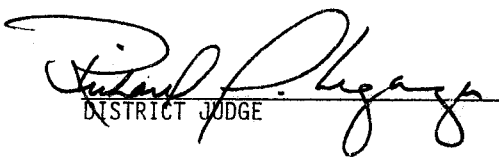
was a reasonable exercise of discretion.

Let the judgment be entered accordingly.

NOW THEREFORE, IT HEREBY IS ORDERED, ADJUDGED, AND DECREED as follows:

- 1. The Writ of Mandamus is denied.
- 2. The Temporary Restraining Order is dissolved.
- 3. A request for a stay by the Petitioner will not be allowed.

DATED: Dec 16, 1982


DISTRICT JUDGE

FILED

Case No. 9828

Dept. No. 2

JAN 5 - 1983
Susan E. Harner
SUSAN E. HARNER
CLERK OF DIST. COURT
BY _____

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID WALLACE and PATRICIA WALLACE,
parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

vs.

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

MOTION TO SUPPLEMENT
FINDINGS OF FACT

Respondent.

COME NOW Petitioners, by and through their attorneys, SALA,
McAULIFFE, WHITE & LONG, and move this Honorable Court to supplement its'
Findings of Fact, entered on December 16, 1982. This Motion is based on the
Points and Authorities attached hereto, together with the pleadings on file
herein.

DATED this 3 day of January, 1983.

SALA, McAULIFFE, WHITE & LONG

By *William E. Bernard*
WILLIAM E. BERNARD, Esq.
Attorneys for Petitioners
One East Liberty Street, Suite 404
Post Office Box 2481
Reno, Nevada 89505

1 POINTS AND AUTHORITIES IN SUPPORT
2 OF MOTION TO SUPPLEMENT FINDINGS OF FACT

3 The Findings of Fact entered by this Court appear to have left out
4 certain facts implied in the oral Decision, facts which were undisputed at
5 the time of trial, and facts which should be specifically found by the Court.
6 NRCP Rule 52(b) provides that:

7 "Upon motion of a party made not later than 10 days
8 after service of written notice of entry of judgment the
9 court may amend its findings or make additional findings
and may amend the judgment accordingly."

10 Attached hereto as Exhibit "A" are the proposed supplemental findings of
11 fact.

12 Respectfully submitted this 3 day of January, 1983.

13 SALA, McAULIFFE, WHITE & LONG

14
15 By William E. Bernard
16 WILLIAM E. BERNARD, Esq.
17 Attorneys for Petitioners
18 One East Liberty Street, Suite 404
19 Post Office Box 2481
20 Reno, Nevada 89505

21 CERTIFICATE OF SERVICE

22 Pursuant to NRCP 5(b) I certify that I am an employee of SALA,
23 McAULIFFE, WHITE & LONG and that on this date I deposited for mailing at
24 Reno, Nevada, a true copy of the within document addressed to:

25 William C. Jeanney, Esq.
26 District Attorney's Office
27 Humboldt County
28 Humboldt County, Court House
29 Winnemucca, Nevada 89445

30 DATED this 4th day of January, 1983.

31 Joan M. Groves
32 Joan M. Groves

1 Case No. 9828

2 Dept. No. 2

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6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF HUMBOLDT

8
9 DAVID WALLACE and PATRICIA WALLACE,
10 parents of JASON WALLACE and
MICHELLE WALLACE,

SUPPLEMENTAL FINDINGS
OF FACT

11 Petitioners,

12 vs.

13 HUMBOLDT COUNTY SCHOOL DISTRICT,
14 a Political Subdivision of the
State of Nevada,

15 Respondent.
16 _____/

17
18 The Court herein hereby supplements its Findings of Fact entered on
19 December 16, 1982, as follows:

20 1. The Petitioners complied with the requirement in NRS 392.070
21 that written evidence be presented.

22 2. Petitioners were not advised by Respondent of a right to
23 representation by counsel or the right to present witnesses in support
24 of their position before the Respondent School District.

25 3. In the hearing held before Respondent, Petitioners were asked
26 their reasons for seeking to educate their children at home.

27 4. Respondent considered the precedent that might be set by
28 approval of Petitioners' request.

29 5. Respondent has accepted the materials presented by Petitioners
30 as being equivalent instruction of the kind and amount approved by the
31 State Board of Education for a one year period where one of the parents
32 has a secondary education certificate from the State of Texas.

1 6. Respondent's reason for denying Petitioners' request was that
2 while there was no concern about the materials being used, they felt it
3 necessary that the materials be used under the direction of a certified
4 teacher.

5 7. The only explanation given Petitioners by Respondent for its
6 decision was a letter written by Superintendent Robert Scott.

7 8. The materials themselves are not objectionable and will provide
8 an equivalent instruction of the kind and amount approved by the State
9 Board of Education, if properly utilized.

10 9. The School Board's only concern was that the materials had to
11 be administered by a certified teacher.

12 10. The School Board is vested with some discretion in applying
13 the provisions of NRS 392.070 and as a matter of law Respondent has not
14 acted unreasonably in construing NRS 392.070 to require the presence of
15 a trained, certified teacher.

16 11. Petitioners' request was based on a desire to found their
17 children in a Christian background and not expose them to competing
18 moral standards adverse to their Christian beliefs as well as expose
19 them to ridicule for their Christian ideals and ways of life.
20 Petitioners also were concerned about their daughter's education in that
21 she tested at a fifth grade ability level, however she was due to enter
22 the sixth grade. Petitioners were also concerned about their daughter
23 entering middle school at a sixth grade level and the peer group
24 pressures she would confront.

25 12. Dr. Ron Johnson, one of the developers of the Accelerated
26 Christian Education curriculum testified that, in his expert opinion,
27 Petitioners could adequately supervise their children through Level 97,
28 which is a ninth grade curriculum, at which time additional training is
29 recommended by the Accelerated Christian Education developers.

30 13. Dr. Ron Johnson, an expert in Christian education, testified
31 that the course of study approved by the State Board of Education for
32 the State of Nevada contained the concept of secular humanism,

1 especially in the area of social studies, which philosophy directly
2 contradicts Christian theistic belief in an absolute God and his
3 absolute laws of morality.

4 DATED this _____ day of _____, 198__.

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DISTRICT JUDGE

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FILED

No. 9828

JAN 25 1983

Dept. 2

SUSAN E. HARRER
CLERK OF DIST. COURT
BY *Margaret Crawford*
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

DAVID WALLACE and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

v.

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

Respondent.

POINTS AND AUTHORITIES
IN OPPOSITION TO
MOTION TO SUPPLEMENT
FINDINGS OF FACT

The above entitled cause came before this Court for hearing on November 22, 1982. On November 24, 1982 the court entered its decision from the bench denying the Petitioner's request for a Writ of Mandamus.

On December 16, 1982, the Respondent filed with the Court Clerk, Findings of Fact, Conclusions of Law, signed by the Honorable Richard J. Legarza, presiding District Judge.

On January 3, 1983, the Petitioner filed a Motion to Supplement Findings of Fact.

I

THE PETITIONER'S MOTION TO SUPPLEMENT FINDINGS OF FACT MUST FAIL AS NOT TIMELY MADE.

The Petitioner attempts to supplement the Findings of Fact in this case by using NRCP 52 (b). This rule provides in pertinent part that:

"Upon Motion of a party made not later than 10 days after service of written notice of Entry of Judgment the court may amend its findings or make additional findings and may amend the judgment accordingly."

As NRCP 52 (b) points out, to be timely such a motion must be made within 10 days of "service of written notice of entry of judgment". An

1 "entry of judgment" as used in this text is defined by NRCp 58 (b) and the
2 case law flowing from it. Rule 58 (b) provides in pertinent part:

3 "Except as provided in subdivision (a) hereof, and
4 subdivision (b) (1) of Rule 55, all judgments shall be
signed by the judge and filed with the clerk."

5 In a line of cases dealing with this area the Nevada Supreme Court
6 has determined that the decision by a court is the "judgment", a judicial
7 act; and the entry by the clerk is a ministerial act evidencing such judicial
8 action. California State Tel. Co. v. Patterson, 1 Nev. 150; Coleman v. Moore
9 & McIntosh, 49 Nev. 139; Paradise Palms Community Association v. Paradise
10 Homes, 93 Nev. 488.

11 The Respondent respectfully argues then that the decision handed
12 down on November 24, 1982 was a "judgment" in contemplation of Rule 58.
13 Subsequently, Respondent's document entitled "Findings of Fact, Conclusions
14 of Law", signed by the District Court Judge and filed by the Clerk of
15 District Court on December 16, 1982, acts as "Entry of Judgment" as defined
16 by the above cited lines of cases. This document specifically enunciates the
17 findings of fact made by the District Court, the conclusions of law and
18 orders that:

19 "Let the judgment be entered accordingly.

20 NOW THEREFORE, IT HEREBY IS ORDERED, ADJUDGED AND DECREED as
21 follows:

- 22 1. The Writ of Mandamus is denied.
- 23 2. The Temporary Restraining Order is dissolved.
- 24 3. A request for a stay by the Petitioner will not be allowed."

25 As the attached Affidavit of Maxine Armstrong, Exhibit 1 attached,
26 illustrates, the above document was sent to the Petitioners through their
27 attorney, William E. Bernard, Esq., on December 16, 1982. The Respondent
28 argues that such registered mailing acts as "Service of written notice of
29 entry of judgment" as required by Rule 52 (b). The Respondent would further
30 argue that such "Notice" requirement is not an artificially structured
31 pleading requirement but is instead, a form of due process in which a party
32 is to be given acknowledgement or information of when the right to initiate
delineated appellate procedures begins to run. The Kansas Supreme Court in

1 Thomas v. Evans, 438 P.2d 64, 200 Kan. 584, more eloquently explained the
2 rationale of "Notice":

3 "The words "actual notice" do not always mean in law
4 what in metaphysical strictness they import, but more
5 often mean knowledge of facts and circumstances sufficiently
6 pertinent to enable reasonably cautious and prudent persons
7 to investigate and ascertain ultimate facts."

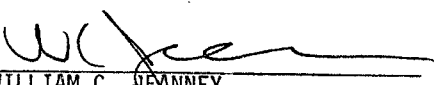
8 The Iowa Supreme Court in Woodruff & Son v. Rhoton, 101 NW 2d 720,
9 defined the notice requirement as:

10 When a statute requires that one party give the other
11 notice in order to establish rights and obligations, the
12 notice must state the facts required by law; and in deter-
13 mining what facts must be stated the legislative intent
14 must be ascertained from all the terms of the statute,
15 related statutes, common sense, and sound reasoning."

16 It would appear to the Respondent that it was the intent of the
17 legislature in enacting the notice requirement of Rule 52 (b) that the moving
18 party be given adequate knowledge of the court's judgment in order for the
19 party to effectively decide whether additional findings or an amendment of
20 findings is necessary. The Respondent's Finding of Fact and Conclusions of
21 Law filed on December 16, 1982, provides adequate notice as it specifically
22 delineates the court's findings of fact, law and appropriate order.
23 Accordingly, the Petitioner had 10 days from such service to respond. The
24 Motion to Supplement Findings of Fact is dated January 3, 1983, 8 days past
25 the limit. As such, the Motion must fail by order of law.

26 Conclusively, Rule 52 (b) by which the Petitioner attempts to
27 operate demands that such action be within 10 days of "service of written
28 notice of entry of judgment". The Findings of Fact, Conclusions of Law filed
29 and mailed by the Respondent on December 16, 1982, act as written notice of
30 entry of Judgment. The Petitioner's January 3, 1983 response is not within
31 10 days. The Respondent respectfully argues that such motion be denied as
32 not timely filed.

VIRGINIA R. SHANE
District Attorney

By 
WILLIAM C. SHANNEY
Deputy District Attorney

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MAXINE J. ARMSTRONG, being first duly sworn, deposes and says:

2. That as such, on the 16th day of December, 1982, she duly filed Sixth Judicial District Court Clerk the signed original of the of Fact, Conclusions of Law in the matter of DAVID AND PATRICIA . HUMBOLDT COUNTY SCHOOL DISTRICT and on that same day sent one copy certified mail, return receipt requested to William E. Esq., P.O. Box 2481, Reno, Nevada 89505.

SUBSCRIBED AND SWORN to before me this 25th day of January, 1983.

BARRERA MENTABERRY
NOTARY PUBLIC
Humboldt Co. Nevada
My Appointment Expires
June 11, 1985

FILED

Case No. 9828

Dept. No. 2

FEB -1 1983
Susan E. Harter
SUSAN E. HARRER
CLERK OF DIST. COURT
BY _____

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID WALLACE and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

vs.

RESPONSE TO POINTS AND
AUTHORITIES IN OPPOSITION
TO MOTION TO SUPPLEMENT
FINDINGS OF FACT

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

Respondent.

COMES NOW Petitioners, by and through their attorneys SALA,
MCAULIFFE, WHITE & LONG, and responds to the Points and Authorities in
Opposition to Motion to Supplement Findings of Fact filed by Respondent
herein. This Response is based upon the Points and Authorities attached
hereto together with the pleadings on file herein.

DATED this 30 day of January, 1983.

SALA, MCAULIFFE, WHITE & LONG

By *William E. Bernard*
WILLIAM E. BERNARD, Esq.
Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

1 RESPONSE TO POINTS AND AUTHORITIES IN OPPOSITION TO
2 MOTION TO SUPPLEMENT FINDINGS OF FACT

3 I.

4 RESPONDENT'S OPPOSITION IS NOT TIMELY

5 On January 4, 1983, the Motion to Supplement Findings of Fact
6 was mailed to Respondent as shown by the Certificate of Service thereon.
7 Pursuant to District Court Rule 13(3) and NRCP Rule 6(e), Respondent had
8 thirteen (13) days from the date of mailing in which to file their
9 Response. Therefore, the last day to respond was January 17, 1983. Their
10 Opposition was filed January 25, 1983 and therefore is not timely and
11 should not be considered by the Court. Further, DCR Rule 13(3) states:

12 "Failure of the opposing party to serve and file
13 his written opposition may be construed as an
14 admission that the motion is meritorious and a consent
15 to granting the same."

16 Therefore the Motion to Supplement Findings of Fact should be
17 granted.

18 II.

19 NRCP RULE 52(b) EXPRESSLY PROVIDES
20 "WRITTEN NOTICE OF ENTRY OF JUDGMENT"

21 Rule 52(b) states:

22 "Upon motion of a party not later than 10 days
23 after service of written notice of entry of judgment
24 the court may amend its findings or make additional
25 findings and may amend the judgment accordingly."
26 (Emphasis added)

27 Respondent's argument attempts to re-write the rule by making
28 unnecessary the express provision of service of written Notice of Entry of
29 Judgment. NRAP Rule 4(a) contains the identical language regarding filing
30 the Notice of Appeal. It states in part:

31 "In a civil case in which an appeal is permitted
32 by law in a district court to the supreme court the
33 notice of appeal required by Rule 3 shall be filed
34 with the clerk of the district court within thirty
35 (30) days of the date of service of written notice of
36 entry of the judgment or order appealed from."
37 (Emphasis added)

1 In a line of cases dating back to 1927 the Nevada Supreme Court
2 strictly construed this rule and its predecessor rules. In Kondas v.
3 Washoe County Bank, 50 Nev. 181 (1927) the Court dealt with the same issue
4 with the rule then in effect. It stated:

5 "It is further contended that the appeal from the
6 order made on the motion for a new trial should be
7 dismissed for the reason that the notice of intention
8 to move for a new trial was not served and filed
9 within the time prescribed by law. Chapter 86, Stats.
10 1921, provides that a party intending to move for a
11 new trial where an adverse decision has been rendered
12 against him by a court must, within ten days after
13 written notice of such decision, serve and file his
14 notice of intention, etc.

15 "We have pointed out above that the written
16 notice of the decision of the court was served upon
17 the plaintiff on April 29, 1925 and that plaintiff's
18 motion of intention to move for a new trial was filed
19 and served on May 8, 1925-within ten days thereafter.
20 But it is said by the defendant that, while this is
21 true, plaintiff had waived such written notice by
22 procuring of the order of April 27 directing the
23 defendant to prepare findings of fact.

24 * * *

25 "Under the Nevada law, plaintiff had ten days
26 from the service of written notice of the rendition of
27 the judgment in which to file and serve notice of his
28 intention to move for a new trial. Of course he had
29 actual notice thereof because he was in court when it
30 was rendered, but when the statute provides for
31 written notice, as is in this case, such notice must
32 be given unless waived. Maurin v. Carnes, 80 Minn.
524, 83 N.W. 415. Surely no court will say that such
a statutory requirement can be deemed waived unless an
intention to do so is clearly and unequivocally
manifested." (At pages 187 through 188) (Emphases
added).

33 In D'Errico v. D'Errico, 51 Nev. 76 (1928) the same issue was
34 considered. The Court stated:

35 "The legislature of this state in 1921 (Stats.
36 1921, c. 86), as the result of the holding of a
37 majority of this court in Studebaker Co. v. Witcher,
38 44 Nev. 442-465, 195 P. 334, to the effect that actual
39 notice of a decision, and not written notice, was all
40 that was necessary to start the time to run in which a
41 notice of motion for a new trial must be served,
42 enacted that a notice of a motion for a new trial
43 might be given after written notice of a decision."
44 (At Page 79-80)

45 After citing Kondas v. Washoe County Bank, (supra), the Court

1 stated:

2 This expression on the part of the court shows a
3 clear intention to require a strict compliance with
4 the requirement of the statute unless a party shows a
5 clear intention to waive it." (At Page 80)

6 More recently in Reid v. Scheffler, 95 Nev. 265 (1979), the
7 Court considering the same issue stated:

8 "Respondents filed a motion to dismiss the appeal
9 on the grounds that it was not timely filed. However,
10 because notice of entry of judgment was not filed with
11 the clerk of the district court, and is not included
12 in the record on appeal, we are unable to determine
13 when the time within which to appeal commenced to run.
14 Accordingly we deny their motion." (At page 266)

15 Justice Gunderson concurring wrote a separate opinion citing
16 D'Errico v. D'Errico, (supra) stating:

17 "With all due respect, however, I do not agree
18 that respondent's motion to dismiss should be denied
19 'because notice of entry of judgment was not filed
20 with the clerk of the district court, and is not
21 included in the record on appeal.' This suggests that
22 the record is inadequate to decide the issue raised,
23 which is whether informal 'notice of entry of
24 judgment', by letter is legally sufficient. In my
25 view, formal notice is required." (At page 266-267)

26 The language utilized in NRAP Rule 4(a) is identical to the
27 language in NRCP 52(b) and should be construed identically. It is clear
28 from the line of cases that even informal notice by a letter is not
29 sufficient. The rule requires formal written Notice of Entry of Judgment
30 and nothing less. Therefore, Respondent's Opposition is without merit.

31 Since Respondent has not objected to any of the Findings of Fact
32 proposed, the Court should enter the Order supplementing the Findings of
Fact as requested.

RESPECTFULLY SUBMITTED this 31 day of January, 1983.

SALA, McAULIFFE, WHITE & LONG

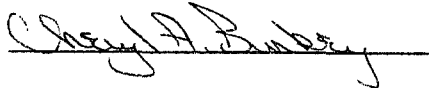
By William E. Bernard
WILLIAM E. BERNARD, Esq.
Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SALA, McAULIFFE, WHITE & LONG, and that on January 31, 1983 I deposited for mailing at Reno, Nevada, a true copy of the attached RESPONSE TO POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO SUPPLEMENT FINDINGS OF FACT addressed to the law offices of:

WILLIAM C. JEANNEY
Deputy District Attorney
Humboldt County
Humboldt County Court House
Winnemucca, Nevada 89445



FILED

9828
No. 9282

FEB 17 1983

SUSAN E. HARRER
CLERK OF DISTRICT COURT
BY *Suzanne MacGregor*

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

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DAVID WALLACE and PATRICIA WALLACE,
Parents of JASON WALLACE and
MICHELLE WALLACE,

Petitioners,

vs.

HUMBOLDT COUNTY SCHOOL DISTRICT,
a Political Subdivision of the
State of Nevada,

SUPPLEMENTARY POINTS
AND AUTHORITIES IN
OPPOSITION TO
MOTION TO SUPPLEMENT
FINDINGS OF FACT

I

THE COURT HAS THE DISCRETION TO HEAR UNTIMELY
OPPOSITION UNDER DISTRICT COURT RULE 13.

The Petitioner argues that the Respondent's
Opposition was not timely filed and as such cannot be heard by
the Court. The Petitioner cites as authority District Court
Rule 13(3). However, a proper reading of DCR 13(3) in
conjunction with DCR 2 and DCR 5 would indicate that the Court
has the discretionary power to hear such opposition.

District Court Rule 2 provides for the definitions
of words and terms in the rules. Subsection 6 of DCR 2
states:

"Shall is mandatory and may is permissive".

District Court Rule 5 goes on to state that:

"These rules shall be liberally construed to
secure the proper and efficient administration of
the business and affairs of the court and to promote
and facilitate the administration of justice by the
court."

In reading DCR 13(3) then it can be seen that a failure to file written opposition within the 10 day time limit may be construed as an admission that the motion is meritorious and consent to granting the same. As DCR 2(6) illustrates, the use of the word "may" in DCR 13(3) is permissive, thus giving the Court the discretion to determine whether or not such an untimely filing is an admission. In deciding this question DCR 5 points out to the court that these rules should be "liberally construed" and their purpose is to "promote and facilitate the administration of justice". Accordingly, the Respondent argues that an 8 day delay in filing is not so prejudicial nor time consuming as to fall outside of the discretionary power of the court. It is the stated purpose of such rules to promote the administration of justice, not stifle it.

Therefore, the court may hear the Opposition to the Motion to Supplement Findings of Fact.

II

IT IS THE SUBSTANCE OF NRCP 52(b) THAT MUST PREVAIL
OVER THE FORM.

The Petitioner argues that the words "service of written notice of entry of judgment" contained within NRCP 52(b) are to be literally construed to mean a form entitled "written notice of entry of judgment". The Respondent argues that such a reading of NRCP 52(b) is artificial and ignores the intent of such rule.

The Petitioner attempts to gain credence in his position by citing caselaw allegedly supporting his argument that "written notice of entry of judgment" is to be literally read to mean a form entitled "written notice of entry of judgment". However, a closer reading of the Petitioner's cited cases points out that they are not on point and fail in

1 analogy.

2 In Kondas v. Washoe County Bank, 50 Nev. 181 (1921),
3 cited by the Petitioner, it must be noted that the issue the
4 court was addressing was whether there had been waiver of the
5 written notice requirement. The court uses the term "written
6 notice" but in no way ever is "written notice" defined by this
7 court in the manner as the Petitioner would have us construe
8 "written notice of entry of judgment". More importantly, in
9 D'Errico v. D'Errico, 51 Nev. 76 (1928) the issue is whether
10 unsigned proposed findings are equivalent to written notice.
11 In finding they were not the court kindly pointed out that as
12 those proposed findings were unsigned then no notice had
13 occurred. The Court also cited two cases which held that a
14 copy of the findings of the court and judgment as entered,
15 served upon the adverse party do constitute sufficient notice.
16 Kelleher v. Creciat, 26 P. 619; Waddingham v. Tubbs, 30 P.
17 527.

18 And finally, in Reid v. Scheffler, 95 Nev. 265, the
19 notice being considered by that court in the concurring
20 opinion of Justice Gunderson was an informal letter. This
21 certainly does not rise to the level of the facts in the
22 present case.


23 Accordingly, the Respondent argues that the
24 Petitioner is attempting to restrict NRCP 52(b) to its literal
25 sense ignoring the intent and substance of such rule. NRCP
26 52(b) is intended to give the adverse party adequate knowledge
27 of the court's judgment in order for that party to make
28 effective decisions. In these facts such knowledge was given
29 to the Petitioner, formally written, filed and served on
30 December 16, 1982 as Findings of Fact, Conclusions of Law.

31 Therefore, the Petitioners January 3, 1983 response
32 is not within the time limits set out by NRCP 52 (b).

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Respectfully submitted this 14th day of February,
1983.

VIRGINIA R. SHANE
Humboldt Co. District Attorney

By 
WILLIAM C. JEANNEY
Deputy District Attorney
Attorney for Respondent

FILED

MAR 8 1983

No. 9828

Dept. No. 2

CLERK OF DISTRICT COURT
BY Theresa Mastrorillo
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

DAVID AND PATRICIA WALLACE,
Petitioners,

vs.

RESPONDENT'S REQUEST FOR
SUBMISSION OF MOTION

HUMBOLDT COUNTY SCHOOL DISTRICT,
Respondents.

COMES NOW, Respondent, by and through its counsel,
VIRGINIA R. SHANE, Humboldt County District Attorney, and does
respectfully request for submission of motion in the
above-entitled matter. This request is based upon the Points
and Authorities attached hereto, together with the pleadings
on file herein.

DATED this 8th day of March, 1983.

VIRGINIA R. SHANE
Humboldt Co. District Attorney

By W.C. Jeanney
WILLIAM C. JEANNEY
Deputy District Attorney

1 Case No. 9828

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1 (1) Petitioners' Motion was not timely filed as mandated
2 by NRCP Rule 52(b) and should not be considered.

3 NRCP Rule 58 provides in subdivision (b) that judgments
4 in cases not involving a jury shall be signed by the Judge and
5 filed with the Clerk. NRCP 58(c) further provides that the fil-
6 ing with the Clerk of a Judgment signed by the Judge constitutes
7 entry of such Judgment.

8 The pleadings and records on file in this case indicate
9 that Findings of Fact and Conclusions of Law containing the Judg-
10 ment of the Court was signed by the Judge and filed with the Clerk
11 on December 16, 1982. This procedure complies with the procedure
12 of NRCP Rule 58 and constitutes entry of Judgment in this case.

13 NRCP Rule 5 provides the procedure for service of docu-
14 ments subsequent to the original complaint. Rule 5(b) specific-
15 ally provides that when service is required upon a party repre-
16 sented by an attorney, the service shall be made upon the attor-
17 ney and service shall be made by mailing it to him at his last
18 known address. The Rule further provides that service by mail
19 is complete upon mailing and proof of service may be made by cer-
20 tificate or affidavit of an attorney or his employee.

21 Respondent's Points and Authorities in Opposition to
22 Motion and the affidavit of the District Attorney's employee con-
23 tained therein indicate that NRCP Rule 5 was complied with and
24 that service upon Petitioners' attorney was effected. It would
25 then appear that it was incumbent upon Petitioners' attorney to
26 comply with NRCP Rule 52(b) which provides that a motion to amend
27 or make additional findings must be made not later than 10 days
28 after service of written notice of entry of Judgment. In this
29 case service of the written notice of entry of Judgment was com-
30 pleted upon the mailing of the conformed copy to Petitioners'

1 attorney on December 16, 1982. In computing the time period
2 allowed by these rules, NRCP Rule 6(a) provides when the period
3 allowed is less than 7 days, intermediate Saturdays, Sundays and
4 non-judicial days shall be excluded in the computation period,
5 therefore, if the period of time is longer than 7 days the Satur-
6 days, Sundays and non-judicial days are included in the computa-
7 tion of time. Additionally, under NRCP Rule 6(e), whenever a
8 party is required to do some act or take some proceedings within
9 a prescribed period after the service of a notice and the notice
10 or paper is served by mail, three days shall be added to the pres-
11 cribed period.


12 The time period that then must be considered to deter-
13 mine if this Motion is timely or not is derived from NRCP 52(b)
14 and NRCP 6(e). Computation would be figured on a period of 10
15 days plus 3 days from service of written notice of entry of Judg-
16 ment and Saturdays, Sundays and non-judicial time are included in
17 the computation. A period of 13 days from December 16, 1982 was
18 the date of December 29, 1982 which was a Wednesday. That date,
19 December 29, 1982, is the date by which the Motion to Supplement
20 the Findings of Fact should have been filed. NRCP 6(b) allows
21 for the enlargement of the period of time under certain circum-
22 stances except that the time for extending the period under Rule
23 52(b) may only be extended as allowed by the particular rule.
24 Rule 52(b) has no provision for enlarging the time period, there-
25 fore there can be no enlargement in this case.

26 The Supreme Court of this state has expressly stated a
27 preference for hearing matters on the merits rather than dismis-
28 sing on technical grounds. Culinary Workers v. Haugen, 76 Nev.
29 424, 429 (1960). In the absence of compliance with the jurisdic-
30 tional requirement for filing within the time limited by the

1 rules, there is no jurisdiction for a competent court to hear a
2 Motion. Id. Citing Rogers v. Thatcher, 70 Nev. 98 (1953). Hence,
3 absent jurisdiction no preference, whether stated or not, can be
4 exercised because there is no authority of the Court.

5 The conclusion of this Court is that it has no jurisdic-
6 tion to hear the Motion because it was not timely filed as re-
7 quired by the rules. This Court is then without authority to sup-
8 plement the Findings of Fact because the Motion is not timely be-
9 fore this Court.

10 DATED: May 20, 1983

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13 JUDGE RICHARD J. LEGARZA
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CERTIFICATE OF SERVICE

I, ROSA MARIA SANCHEZ, hereby certify that I am an employee of the Honorable Richard J. Legarza, and that on May 20, 1983 I deposited for mailing at Winnemucca, Nevada, a true copy of the foregoing Ruling addressed to:

William E. Bernard, Esq.
One East Liberty Street
Suite 404
P. O. Box 2481
Reno, NV 89505

and hand delivered a copy to the Office of the Humboldt County District Attorney, William Jeanney, Deputy District Attorney, Court House, Winnemucca, Nevada.


ROSA MARIA SANCHEZ

FILED

Case No. 9828

JUN 3 1983

Dept. No. 2

SUSAN E. HARRER
CLERK OF DIST. COURT

BY Imp. Maisterson
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

NOTICE OF APPEAL

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

NOTICE IS HEREBY GIVEN that Petitioners DAVID and PATRICIA WALLACE, parents of JASON WALLACE and MICHELLE WALLACE, hereby appeal to the Supreme Court of Nevada from the Final Judgment entered in this action on the 16th day of December, 1982.

DATED this 25 day of May, 1983.

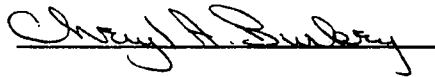
SALA, McAULIFFE, WHITE & LONG

By William E. Bernard
WILLIAM E. BERNARD, Esq.
Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SALA, McAULIFFE, WHITE & LONG, and that on May 25, 1983 I deposited for mailing at Reno, Nevada, a true copy of the attached NOTICE OF APPEAL addressed to the law offices of:

WILLIAM C. JEANNEY
Deputy District Attorney
Humboldt County
Humboldt County Court House
Winnemucca, Nevada 89445



FILED

Case No. 9828

JUN 1 1983

Dept. No. 2

SUSAN E. HARRER

CLERK OF DIST. COURT

BY

Margaret Crawford
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

DAVID AND PATRICIA WALLACE,

Petitioners,

v.

MOTION TO DISMISS APPEAL

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

COMES NOW, the Respondent above-named, by and
through his attorney, WILLIAM C. JEANNEY, Deputy District
Attorney of Humboldt County, and moves this Honorable Court to
Dismiss Appeal.

This Motion is made and based upon the Points and
Authorities submitted herewith and the entire record of this
action to date.

DATED this 1st day of June, 1983.

VIRGINIA R. SHANE
District Attorney


By

W.C. Jeanney
WILLIAM C. JEANNEY
Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89445

Attorney For Respondent

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PLEASE TAKE NOTICE that on the 27th day of June, 1983, at the hour assigned by the above-entitled court, the Respondent will bring on for hearing his Motion to Dismiss Appeal.


WILLIAM C. JEANNEY
Deputy District Attorney

FACTS

On December 16, 1982, the Respondent filed with the Court Clerk, Findings of Fact, Conclusions of Law, signed by the Honorable Richard J. Legarza, presiding District Judge.

On May 26, 1983, the Petitioner filed Notice of Appeal in the above-entitled case.

I

THE PETITIONER'S NOTICE OF APPEAL MUST BE DISMISSED
AS IT WAS NOT TIMELY MADE.

1 Nevada provides by specific statutory enactment
2 strict time limits for the filing of appellate proceedings. A
3 party seeking appeal must file a notice of appeal within 30
4 days of the date of service of written Notice of Entry of
5 Judgment to be timely made. Rule 4a of the Nevada Rules of
6 Appellate Procedure defines, in pertinent part, that:

7 "(a) Appeals in Civil Cases. In a civil case in
8 which an appeal is permitted by law from a district
9 court to the Supreme Court the notice of appeal
10 required by Rule 3 shall be filed with the clerk of
11 the district court within thirty (30) days of the
12 date of service of written notice of the entry of
13 judgment or order appealed from. If a timely notice
14 of appeal is filed by a party, any other party may
15 file and serve a notice of appeal within fourteen
16 (14) days of the date of which the first notice of
17 appeal was served, or within the time otherwise
18 prescribed by this subdivision, whichever period
19 last expires."

20 The procedural requirements for beginning the
21 appellate process are somewhat mechanical. Thirty days must
22 be computed beginning from the date of service of written
23 notice of entry of judgment. The computation of time for such
24 filing is provided for in Nevada Rules of Appellate Procedure
25 26a.

26 "(a) Computation of Time. In computing any period
27 of time prescribed by these rules, by an order of
28 court, or by any applicable statute, the day of the
29 act, event, or default from which the designated
30 period of time begins to run shall not be included.
31 The last day of the period shall be included, unless
32 it is a Saturday, Sunday or a nonjudicial day, in
33 which event the period extends until the end of the
34 next day which is not a Saturday, Sunday or a
35 nonjudicial day. When the period of time prescribed
36 or allowed is less than seven (7) days, intermediate
37 Saturdays, Sundays and nonjudicial days shall be
38 excluded in the computation."

39 The Nevada Supreme Court has displayed their
40 attitude towards timeliness in the filing of notice of appeal.
41 In Schulze v. Roop, 74 Nev. 22, the Respondent moved for a
42 dismissal of appeal as notice was not served until 32 days
43 after the filing of notice of entry of judgment. The Supreme
44 Court dismissed the appeal as untimely, the notice being two

1 days late, including Sundays in computing time under NRS
2 1.130.

3 In turning to the present case, the facts clearly
4 indicate that the Petitioner is well beyond the 30 day limit
5 provided for in NRAP 4a. On December 16, 1982, Findings of
6 Fact and Conclusions of Law containing the Judgment of the
7 Court were filed with the Clerk. (Exhibit 1 attached). On
8 the same day the above documents were served on the Petitioner
9 via certified mail pursuant to NRCP 5. (Exhibit 2 attached).
10 The Petitioner then had 30 days excluding December 16 and all
11 non-judicial days in which to reply. Accordingly, the Notice
12 of Appeal must have been filed by January 25, 1983. The
13 Petitioner's Notice of Appeal is dated as May 26, 1983. The
14 30 days have clearly run.

15 The Petitioner may attempt to argue that the January
16 5, 1983 filing of Motion to Supplement Findings of Fact acted
17 to terminate the running of the time for filing a notice of
18 appeal pursuant to NRAP 4a. NRAP 4a provides that:

19 "The running of the time for filing a notice of
20 appeal is terminated as to all parties by a timely
21 motion filed in the district court by any party
22 pursuant to the Nevada Rules of Civil Procedure
23 hereafter enumerated in this sentence, and the full
24 time for appeal fixed by this subdivision commences
25 to run and is to be computed from the date of
26 service of written notice of entry of any of the
27 following orders made upon a timely motion under
28 such rules: (1) granting or denying a motion for
29 judgment under Rule 50(b); (2) granting or denying a
30 motion under Rule 52(b) to amend or make additional
31 findings of fact, whether or not an alteration of
32 the judgment would be required if the motion is
33 granted; (3) granting or denying a motion under Rule
34 59 to alter or amend the judgment; (4) granting or
35 denying a motion for a new trial under Rule 59. A
36 judgment or order is entered within the meaning of
37 this subdivision when it is signed by the judge or
38 by the clerk, as the case may be, and filed with the
39 clerk."

40 However, a careful reading of this section of NRAP
41 4a points out that for the termination of the running of time
42 for filing a notice of appeal there must be a timely filing of

1 any of the enumerated motions. The Petitioner in this case
2 made a motion to supplement findings of fact pursuant to NRCP
3 52b. As NRCP 52b points out, to be timely such a motion has
4 to be made within 10 days of service of written notice of
5 entry of judgment. The facts in this case indicate that on
6 December 16, 1982, the trial court judge signed and filed the
7 Findings of Fact and Conclusions of Law containing the
8 Judgment of the Court. Service of this document was effected
9 immediately upon the Petitioner by certified mail. The
10 Petitioner then had 10 days pursuant to NRCP 52b in which to
11 make a motion to supplement. As service was effected by mail
12 3 additional days are given to respond by NRCP 6e.
13 Accordingly, the Petitioner had 13 days, or until December 29,
14 1982 to file his supplement. On January 3, 1983 the
15 Petitioner filed his motion, some 5 days overdue. Thus, the
16 motion being untimely filed, it fails to terminate the running
17 of time for filing notice of appeal. The date for filing a
18 timely notice of appeal remained January 25, 1983.

19 Conclusively, NRAP 4a demands that Notice of Appeal
20 be filed 30 days after written service of entry of judgment.
21 The rule also provides for a termination of the running of the
22 30 day period if a timely motion pursuant to NRCP 50b, 52B or
23 59 is filed. In these facts on December 16, 1982, the trial
24 court's Findings of Fact and Conclusions of Law containing the
25 court's judgment was filed. The Petitioner then filed his
26 motion to supplement on January 3, 1983, failing to meet the
27 10 day filing deadline of NRCP 52b and failing to terminate
28 the 30 day time period for filing notice of appeal.
29 Accordingly, on January 29, 1983 the deadline for filing
30 notice of appeal passed. The Petitioner's May 26, 1983 filing
31 of notice of appeal is clearly untimely and thus, must be
32 dismissed.

1 Respectfully submitted this 1st day of June, 1983.

2 VIRGINIA R. SHANE
3 District Attorney

4 By William C. Jeanney
5 WILLIAM C. JEANNEY
6 Deputy District Attorney
7 Attorney for Respondent

8 CERTIFICATE OF SERVICE

9 I hereby certify that I am an employee of the office
10 of the Humboldt County District Attorney and that on this 1st
11 day of June, 1983 I mailed a true copy of the attached MOTION
12 TO DISMISS APPEAL addressed to the law office of:

13 Sala, McAuliffe, White & Long
14 William E. Bernard, Esq.
15 One East Liberty Street, Suite 404
16 P.O. Box 2481
17 Reno, NV 89501

18 Leif M. Norcutt
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FILED

Case No. 9828

JUN 3 1983

Dept. No. 2

SUSAN E. HARRER
CLERK OF DIST. COURT

BY

Margaret Casper Ford
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

DESIGNATION OF RECORD ON APPEAL

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

Petitioners hereby designate the complete record for appeal,
together with the transcript of the trial and all exhibits used at trial.

DATED this 2 day of June, 1983.

SALA, McAULIFFE, WHITE & LONG

By

William E. Bernard
WILLIAM E. BERNARD, Esq.

Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

FILED

Case No. 9828

Dept. No. 2

JUN 8 1983

SUSAN E. HARRER

CLERK OF DIST. COURT

BY

[Signature]
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

ESTIMATE OR WAIVER OF COST
OF TRANSCRIPT

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

ESTIMATE

My estimate of the cost of the above referred to transcript is

\$ 1400.00.

DATED this 3RD day of June, 1983.

By

[Signature]
COURT REPORTER, Dept. No. 2

By

[Signature]
COURT REPORTER, Dept. No. 2

WAIVER

I hereby consent to waiver of cost of the above-referred to transcript.

DATED this ____ day of June, 1983.

By

COURT REPORTER, Dept. No. 2

By

COURT REPORTER, Dept. No. 2

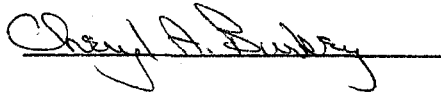
Number of copies requested - One

Portion of transcript required - all untranscribed portions.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SALA, McAULIFFE, WHITE & LONG, and that on June 13, 1983 I deposited for mailing at Reno, Nevada, a true copy of the attached WITHDRAWAL OF NOTICE OF APPEAL addressed to the law offices of:

WILLIAM C. JEANNEY
Deputy District Attorney
Humboldt County
Humboldt County Court House
Winnemucca, Nevada 89445



FILED

Case No. 9828

Dept. No. 2

JUN 15 1983

Susan E. Harter
SUSAN E. HARTER
CLERK OF DISTRICT COURT

BY _____

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

WITHDRAWAL OF NOTICE OF APPEAL

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

NOTICE IS HEREBY GIVEN that Petitioners DAVID and PATRICIA WALLACE, parents of JASON WALLACE and MICHELLE WALLACE, hereby withdraw their Notice of Appeal to the Supreme Court of the State of Nevada, which was filed on June 3, 1983 in the above-entitled matter.

DATED this 13 day of June, 1983.

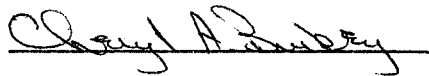
SALA, MCAULIFFE, WHITE & LONG

By *William E. Bernard*
WILLIAM E. BERNARD, Esq.
Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SALA, McAULIFFE, WHITE & LONG, and that on June 2, 1983 I deposited for mailing at Reno, Nevada, a true copy of the attached DESIGNATION OF RECORD ON APPEAL addressed to the law offices of:

WILLIAM C. JEANNEY
Deputy District Attorney
Humboldt County
Humboldt County Court House
Winnemucca, Nevada 89445



Case No. 9828

Dept. No. 2

FILED

JUN 27 1983

SUSAN E. HARRER
CLERK OF DIST. COURT
BY *Maya...*
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

STIPULATION FOR WITHDRAWAL OF
NOTICE OF APPEAL

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

Petitioners herein, by and through their attorney WILLIAM E. BERNARD, Esq. of SALA, MCAULIFFE, WHITE & LONG, and Respondent herein, by and through its attorney WILLIAM JEANNEY, Esq., hereby stipulate that the Notice of Appeal previously filed, be withdrawn.

DATED this 24 day of June, 1983.

SALA, MCAULIFFE, WHITE & LONG

By *W. Jeanney*
WILLIAM JEANNEY, Esq.
Attorney for Respondent
Humboldt County Court House
Winnemucca, Nevada 89445

By *William E. Bernard*
WILLIAM E. BERNARD, Esq.
Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

Case No. 9828

Dept. No. 2

CLERK
CLERK OF DIST. COURT
BY *Margaret Crawford*
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

ORDER FOR WITHDRAWAL OF
NOTICE OF APPEAL

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

This matter having come regularly before the Court pursuant to
the Stipulation of the parties hereto, and good cause appearing therefor;

IT IS HEREBY ORDERED that the Notice of Appeal previously filed,
be withdrawn.

DATED this 27th day of June, 1983.

Richard P. Hays
DISTRICT JUDGE

FILED

Case No. 9828

SEP 2 1983

Dept No. 2

SUSAN E. HARRER

CLERK OF DIST. COURT

BY

Margaret Crawford
Deputy

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

STIPULATION FOR RELEASE OF
EXHIBITS

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

It is hereby stipulated by and between WILLIAM E. BERNARD, Esq.,
attorney for Petitioners herein, and WILLIAM C. JEANNEY, attorney for
Respondent herein, that all exhibits be released by the Clerk of this
Court and returned to the parties lawfully entitled to the possession of
those exhibits.

DATED this 2 day of September, 1983.

SALA, McAULIFFE, WHITE & LONG

DISTRICT ATTORNEY'S OFFICE

By

William E. Bernard
WILLIAM E. BERNARD, Esq.

Attorney for Petitioners
One East Liberty St., Suite 404
Reno, Nevada 89501

By

William C. Jeanney
WILLIAM C. JEANNEY, Esq.

Attorneys for Respondents
Humboldt County Courthouse
Winnemucca, Nevada 89445

FILED

Case No. 9828

Dept No. 2

SEP 6 1983

SUSAN E. HADDER

CLERK OF DIST. COURT

BY

Barbara J. [unclear]
[unclear]

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

DAVID AND PATRICIA WALLACE,

Petitioners,

vs.

ORDER FOR RELEASE OF
EXHIBITS

HUMBOLDT COUNTY SCHOOL DISTRICT,

Respondents.

This matter having come regularly before the Court pursuant to stipulation by the parties,

IT IS HEREBY ORDERED that the exhibits on file with the Clerk of this Court, be released to the party lawfully entitled to the possession of the exhibits.

DATED this 6th day of September, 1983.

Richard P. [unclear]
DISTRICT JUDGE

received by Patricia A. Wallace
Sept 8, 1983