

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R109-97

Effective December 10, 1997

EXPLANATION – Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§ 1-6, NRS 385.080 and 392.070.

Section 1. NAC 392.011 is hereby amended to read as follows:

392.011 As used in NAC 392.011 to 392.075, inclusive, unless the context otherwise requires:

1. “Approved correspondence program” means a program provided by:

(a) A member of a national or regional accrediting association which is recognized by the United States Secretary of Education and accredited for elementary or secondary education;

(b) A public school in Nevada offering correspondence study at the elementary or secondary level, or both; or

(c) A private correspondence school which is licensed by the state board of education pursuant to the provisions of chapter 394 of NRS.

2. “Consultation” means:

(a) Participation by the consultant in the preparation of the educational plan for the child;

(b) Participation by the consultant in the development or review of the subjects to be taught;

and

(c) Consultation with the parent about any learning problems which may occur.

3. [“Educational progress” means the achievement by a particular child of academic skills that fall within an average range when compared to:

- (a) Other children in the child’s age group;
- (b) Other children in the child’s grade level; or
- (c) The child’s predicted ability as measured by a standardized test or any other method of evaluation which is appropriate for the child.] “Parent” includes the parent and legal guardian of a child.

Sec. 2. NAC 392.015 is hereby amended to read as follows:

392.015 A child must be excused from compulsory attendance at public school when written evidence is provided to the board of trustees of the county school district that the child will receive equivalent instruction and be instructed by any one of the following:

1. By a teacher, other than the parent, who possesses a teaching license issued by the superintendent of public instruction for the grade [level] to be taught.
2. By the parent, when the parent qualifies for *or possesses* a teaching license *from any state or territory of the United States* for the grade [level] to be taught.
3. By the parent, in consultation with a person who:
 - (a) Possesses a teaching license issued by the superintendent of public instruction for the grade [level] to be taught; or
 - (b) Has provided instruction in the home [at the age level to be taught] *in any state or territory of the United States* for at least 3 years.
4. By the parent , when the child is enrolled in an approved correspondence program.
5. *By the parent, when the parent has received a waiver under NAC 392.075.*

Sec. 3. NAC 392.025 is hereby amended to read as follows:

392.025 1. The request to have a child excused from compulsory attendance at public school on the ground that the child will be given equivalent instruction outside the school must include:

(a) A statement about the person who will teach the child and where the instruction will take place;

(b) A statement of the educational plan that includes:

(1) The proposed educational goals for the child; *and*

(2) [The methods of teaching; and

(3)] The instructional materials to be used;

(c) A calendar of the proposed days of teaching, including at least 180 days of instruction of appropriate length;

(d) [A schedule of a typical week of instruction, showing the subjects to be taught and the time to be allotted to each subject;

(e)] Evidence that:

(1) The teacher, when he is other than the parent, has a license to teach issued by the superintendent of public instruction for the grade [level] to be taught;

(2) The parent qualifies for *or possesses* a license to teach *from any state or territory of the United States* for the grade [level] to be taught;

(3) The consultant has:

(I) A license to teach issued by the superintendent of public instruction for the grade [level] to be taught; or

(II) Provided instruction in the home [at the age level to be taught] *in any state or territory of the United States* for at least 3 years;

(4) The child is enrolled in an approved correspondence program; or

(5) The parent has received a waiver under NAC 392.075; [and

(f) Proof]

(e) *Upon initial application, proof* of the identity of the child, consisting of his birth certificate or some other document sufficient to establish his identity [. A person who is subject to the requirement of this paragraph complies with that requirement by allowing the board of trustees of the school district or its authorized representative to examine the original or a copy of the birth certificate or other document described in this paragraph.] ; and

(f) *A statement signed by the parent which declares that:*

(1) *The educational plan will be followed; and*

(2) *The parent assumes full responsibility to provide equivalent instruction to the child.*

2. For the purposes of subsection 1 of NAC 392.015:

(a) For grades 9 to 12, inclusive, the teacher must have a license to teach secondary education with an endorsement in at least one of the following:

(1) English.

(2) Language arts.

(3) Mathematics.

(4) Social studies.

(5) Any of the physical or natural sciences.

(b) For grades 1 to 8, inclusive, the teacher must have a license to teach elementary education.

Sec. 4. NAC 392.065 is hereby amended to read as follows:

392.065 [1. A] *Upon receipt by a school district of written evidence that a child will receive equivalent instruction, the child must be excused from compulsory attendance for the remainder of the school year.* A grant of an excuse from compulsory attendance at public school is effective for 1 school year. [A renewal of the grant of an excuse is conditioned upon compliance with NAC 392.011 to 392.075, inclusive.] The board of trustees of the school district shall grant an excuse from compulsory attendance at public school for every school year for which the parent demonstrates compliance with NAC 392.011 to [392.075, inclusive.

2. Except as otherwise provided in this section, proof of the educational progress of a pupil who is excused from compulsory attendance at public school must be submitted to the school district. Pupils in grades 2 to 8, inclusive, must be required to complete the appropriate level of the Comprehensive Test of Basic Skills, Fourth Edition. The test must be administered by the district or a person authorized to administer the test on behalf of the district.

3. If a child is a pupil with a disability and the tests required by this section are not appropriate for the child, an alternative test or other method of evaluation which is appropriate for the child must be used.

4. Any examination given pursuant to this section must be administered in the manner generally prescribed for examinations of the kind. The board of trustees of the district shall select or approve the administrator of the examination and the location where the examination is to be given, giving consideration to the recommendations of its staff and a representative of parents whose children are excused from attendance pursuant to the provisions of NAC 392.011 to 392.075, inclusive.

5. A pupil who is enrolled in an approved correspondence program is excused from the requirement of being tested by the district pursuant to subsection 2. Educational progress for a

pupil who is enrolled in an approved correspondence program must be determined by considering his grades, test results or transcripts.

6. Educational progress for a pupil in grade 9, 10, 11 or 12 who is not enrolled in an approved correspondence program must be determined by considering samples of his work from the subjects required in the secondary school course of study, standardized tests or other measures agreed to by the parent and the board of trustees of the county school district.

7. As used in this section, “pupil with a disability” means any person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.] *392.035, inclusive.*

Sec. 5. NAC 392.075 is hereby amended to read as follows:

392.075 The board of trustees of a county school district must waive the requirement for a consultant, set forth in subsection 3 of NAC 392.015, after 1 year . **[when it has been demonstrated that the child has made reasonable educational progress in his educational plan.]**

The waiver will apply if other children in the family are excused at a later date from compulsory attendance of public school.

Sec. 6. NAC 392.067, 392.069 and 392.071 are hereby repealed.

TEXT OF REPEALED SECTIONS

392.067 Submission by parent of planned remedial measures and other information regarding certain pupils.

1. If, after at least 9 months of education during which a pupil in grades 2 to 8, inclusive, is excused from compulsory attendance at public school, the pupil has a score on the “Total Mathematics,” “Total Reading” or “Total Language” portion of the Comprehensive Test of Basic Skills, Fourth Edition, which is at or below the third stanine, a parent shall provide to the board of trustees of the school district information describing the remedial measures which the parent plans to pursue. The information regarding the planned remedial measures must accompany the next request to have the child excused from compulsory attendance which is submitted to the board of trustees.

2. In addition to the remedial information submitted pursuant to subsection 1, the parent may submit to the board of trustees of the school district information regarding the prior performance of the pupil which demonstrates educational progress. The parent may also submit the results of:

- (a) Any test which assesses the child’s abilities or identifies any learning difficulties; and
- (b) Any other applicable evaluation of the pupil,

and any associated recommendations for remediation.

392.069 Preparation of revised remedial measures and submission by parent of other information regarding certain pupils.

1. If, after at least 9 months of incorporating the remedial measures provided pursuant to NAC 392.067, the pupil's score on the "Total Mathematics," "Total Reading" or "Total Language" portion of the Comprehensive Test of Basic Skills, Fourth Edition, remains at or below the third stanine and the score has improved less than 5 percentile points, the board of trustees of the school district may require the parent to obtain assistance from a consultant in preparing revised remedial measures. The consultant must possess a teaching license issued by the superintendent of public instruction for the grade level to be taught. If no such consultant is available, upon the request of the parent, the staff of the school district may assist the parent in preparing the revised remedial measures.

2. In addition to the revised remedial measures submitted pursuant to subsection 1, the parent may submit to the board of trustees of the school district the results of:

- (a) Any test which assesses the child's abilities or identifies any learning difficulties; and
 - (b) Any other applicable evaluation of the pupil,
- and any associated recommendations for remediation.

392.071 Continuation of assistance by consultant.

1. The board of trustees of the school district may require a parent who, pursuant to NAC 392.069, obtained assistance from a consultant in preparing revised remedial measures to continue to obtain the assistance of a consultant after any school year in which the pupil's score on the "Total Mathematics," "Total Reading" or "Total Language" portion of the Comprehensive

Test of Basic Skills, Fourth Edition, is at or below the third stanine and the pupil has improved less than 5 percentile points.

2. If a parent is required pursuant to this section to obtain the assistance of a consultant, the board of trustees shall waive the requirement after every school year in which the pupil demonstrates educational progress.