

Homeschool Freedom In Nevada:

Answers to Good Questions

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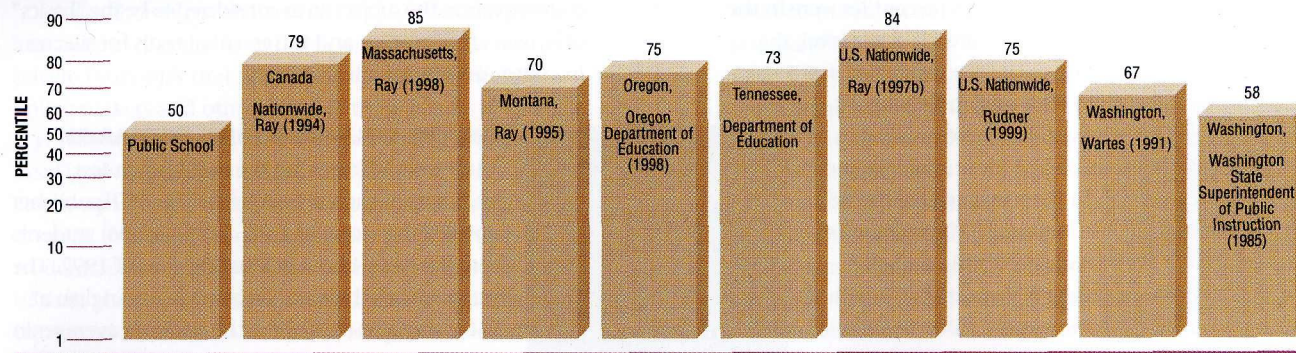
- *What do the new Nevada Homeschool laws do?*

NRS 392.070 and 392.700 recognize homeschooling as a separate educational option from public and private schools. It authorizes parents to provide education, allowing the public school system to focus on the children they have the privilege of educating.¹

- *How well do Nevada's homeschooled children do?*

Before annual testing of all homeschooled students was discontinued in 1997, Washoe County reported "...homeschooled students scored higher than their public school counterparts in first through seventh grade...". Since that time many NV homeschooled students have graduated from major colleges and/or universities and are successful members of society. These results are consistent with current national figures.²

HOME SCHOOL AND PUBLIC SCHOOL ACADEMIC ACHIEVEMENT (GRADES K-12, AVERAGE SCORES)



- *Does regulation of homeschools have an effect on the academic outcomes of homeschooled children?*

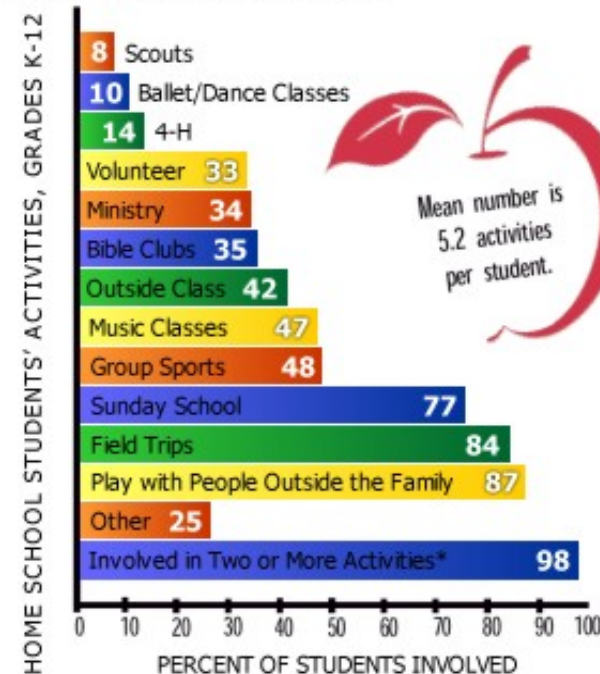
More government involvement does not seem to add to homeschooling's excellent results. Children homeschooled in states with either no regulation or minimal regulation scored the same as those in states with high regulation: both groups scored 36 percentile points above the national average of 50.³



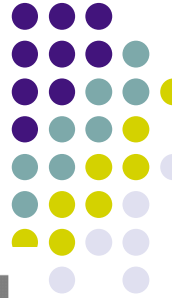
- *Are homeschooled children “social isolates”?*

Many studies, including those published in peer reviewed journals, have addressed the concern that homeschooled children might be socially impacted. The conclusions resoundingly show that this is not the case, including one study that showed that 98% of K-12 homeschooled children are actively involved in 2 or more outside activities.⁴

FIG 2: HOME SCHOOLERS' ACTIVITIES AND COMMUNITY INVOLVEMENT



Footnote: (Ray, 1997) *Participation in two or more of the 12 activities does not include "other activities." See Table 8 in study.



- *Don't public schools need to keep tabs on all children in the district so they can know that there isn't child abuse occurring?*

In Nevada 81% of all child abuse reports come from non-school related sources.⁵ Nationally it's 83.9%. Nationally, 89% of all children go to public school, while approximately 2% are homeschooled.⁶ Private and home schooled students do not become "invisible" from CPS by not attending public school.

Source	Substant.	Unsub.	Unknown	Total	Annual %
Medical Pers.	364	626	27	1,017	7.6%
Soc. Svc. Pers.	228	767	30	1,025	7.6%
Law Enf. Pers.	746	1,526	42	2,314	17.2%
M.H. Personnel	48	306	3	357	2.7%
School Personnel	316	2,229	17	2,562	19.0%
Friend/Neighbor	155	1,304	62	1,521	11.3%
Victim	6	27	2	35	0.3%
Alleged Perp.	0	0	0	0	0.0%
Parent/Caretaker	91	873	19	983	7.3%
Other Relative	162	798	32	992	7.4%
Child Care Provider	25	195	3	223	1.7%
Subst. Care Provider	3	5	1	9	0.1%
Clergy	2	8	0	10	0.1%
Coroner/Med. Ex.	0	0	0	0	0.0%
Anonymous	37	427	12	476	3.5%
Juv. Probation	24	84	3	111	0.8%
Other	668	1,137	30	1,835	13.6%
TOTAL	2,875	10,312	283	13,470	

Table 10. Cases Reported by Reporting Source: 2001

- *Without oversight, what happens if a child IS educationally neglected when homeschooling in Nevada?*

We must first recognize that oversight of the child belongs primarily to the parent(s), secondarily to others in society. However, if there is reason to believe that a child is neglected there are three legal avenues: Truancy laws in NRS 392, Educational Neglect laws in NRS 432B, and newly provided court review provisions in NRS 392.700 subsection 12.



- *Is it true that some homeschoolers either favor or don't mind tight public school control over homeschools?*

Yes, but prior to passage of SB404 the safeguards against educational neglect in homeschooling were not well established in law as is now the case. Yet, some still mistakenly fear that a few parents might shirk their homeschooling responsibilities, thereby causing future legal or regulatory shutdown of homeschools. Others want governmental approval for work the child has done in order to obtain a state recognized graduation diploma, and therefore want total governmental control of homeschools. And a few seek financial gain by providing services to parents based on burdensome law or regulation; the higher the burden the greater the profit.

For the first group, new provisions written into the current law serve to mitigate abuse of homeschool privileges. For the second group, recently formed public charter schools that allow education in the home may be a better choice for those parents. And for the third, the Legislature has seen fit to remedy a flaw in old regulations that fostered the existence of these predators upon new homeschool parents.

The vast majority of homeschoolers, however, tailor the education to the needs of the individual child and find that unresponsive and unyielding requirements are actually detrimental to the child's needs. Control can only be justified when there has been massive abuse, a condition which is not happening in today's homeschools.

FOOTNOTES:

- 1 Utah Senator Mark Madsen on the new (2005) homeschool law he wrote:
"Because the law was vague, it led to inconsistent and varying interpretations between school districts, and even between people within school districts," he continued. "We just wanted to clarify it in favor of the parents, and let the school districts focus on educating the children they have the privilege of educating."
- 2 Ray, Brian D. *2005-2006 Worldwide Guide to Homeschooling*, pgs 52 - 56.
Ray, Brian D. *Homeschooling on the Threshold*, pg 9.
- 3 *The Home School Court Report*, Vol XXIII, Number 2 - March/April 2007, pg 9.
- 4 <http://www.youcanhomeschool.org/starthere/questions.asp#CAN>
Ray, Brian D. *2005-2006 Worldwide Guide to Homeschooling*, pg 59.
- 5 State of Nevada, Division of Child & Family Services *Child Abuse & Neglect Statistics 2002*, pg 18.
A Coordinated Response to Child Abuse and Neglect: The Foundation for Practice U.S. Department of Health and Human Services, pg 62
- 6 Ray, Brian D. *Strengths of Their Own: Academic Achievement, Family Characteristics, & Longitudinal Traits*, pg 2.
NCES (National Center for Education Statistics) *Homeschooling in the United States: 2003 Statistical Analysis Report* (published February 2006), pg 1.

***Nevada Revised Statutes: Homeschooling**

NRS 392.040 Attendance required for child between 7 and 18 years of age; minimum age required for kindergarten and first grade; waiver from attendance available for child 6 years of age; developmental screening test required to determine placement of certain children.

1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

NRS 392.070 Attendance excused for children in private school or homeschool; participation of private school children and homeschooled children in classes and extracurricular activities.

1. Attendance of a child required by the provisions of [NRS 392.040](#) must be excused when:
 - (a) The child is enrolled in a private school pursuant to [chapter 394](#) of NRS; or
 - (b) A parent of the child chooses to provide education to the child and files a [notice of intent to homeschool](#) the child with the superintendent of schools of the school district in which the child resides in accordance with [NRS 392.700](#).
2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:
 - (a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to [NRS 388.440](#) to [388.520](#), inclusive;
 - (b) In the same manner that the board of trustees provides, as required by [20 U.S.C. § 1412](#), for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and
 - (c) In accordance with the same requirements set forth in [20 U.S.C. § 1412](#) which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.
3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in any classes and extracurricular activities, excluding sports, at a public school within the school district if:
 - (a) Space for the child in the class or extracurricular activity is available;
 - (b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity; and
 - (c) If the child is a homeschooled child, a [notice of intent of a homeschooled child to participate](#) in programs and activities is filed for the child with the school district for the current school year pursuant to [NRS 392.705](#).

➡ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by the [Nevada Interscholastic Activities Association](#) pursuant to [NRS 386.420](#) to [386.470](#), inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.
4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.
5. In addition to those interscholastic activities and events governed by the [Nevada Interscholastic Activities Association](#) pursuant to [NRS 386.420](#) to [386.470](#), inclusive, a homeschooled child must be allowed to participate in interscholastic activities and events, including sports, if a [notice of intent of a homeschooled child to participate](#) in programs and activities is filed for the child with the school district for the current school year pursuant to [NRS 392.705](#). A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence

through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
 - (b) Fees for participation;
 - (c) Insurance;
 - (d) Transportation;
 - (e) Requirements of physical examination;
 - (f) Responsibilities of participants;
 - (g) Schedules of events;
 - (h) Safety and welfare of participants;
 - (i) Eligibility for awards, trophies and medals;
 - (j) Conduct of behavior and performance of participants; and
 - (k) Disciplinary procedures.
6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:
- (a) No challenge may be brought by the Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.
 - (b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.
7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.
8. The board of trustees of a school district:
- (a) May, before providing programs of special education and related services to a homeschooled child pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.
 - (b) May, before authorizing a homeschooled child to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.
 - (c) Shall, before allowing a homeschooled child to participate in interscholastic activities and events governed by the [Nevada Interscholastic Activities Association](#) pursuant to [NRS 386.420](#) to [386.470](#), inclusive, and interscholastic activities and events pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.
9. The Department shall adopt such [regulations](#) as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.
10. As used in this section, “related services” has the meaning ascribed to it in [20 U.S.C. § 1401](#).

[NRS 392.700](#) Notice of intent to homeschool; release of child’s records; participation in examinations; educational plan; discrimination prohibited.

1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written [notice of intent to homeschool](#) the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.
2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:
 - (a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or
 - (b) Not later than 30 days after establishing residency in this State.
3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.
5. A notice of intent to homeschool must include only the following:
 - (a) The full name, age and gender of the child;
 - (b) The name and address of each parent filing the notice of intent to homeschool;
 - (c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;
 - (d) An educational plan for the child that is prepared pursuant to subsection 12;
 - (e) If applicable, the name of the public school in this State which the child most recently attended; and
 - (f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in [20 U.S.C. § 1232g\(a\)\(5\)\(A\)](#), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with him pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.
7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.
8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:
 - (a) To a person or entity specified by the parent of the child, or by the child if he is at least 18 years of age, upon suitable proof of identity of the parent or child; or
 - (b) If required by specific statute.
9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. A homeschooled child seeking admittance to public high school must comply with [NRS 392.033](#).
10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.
11. Each school district shall allow homeschooled children to participate in the [high school proficiency examination](#) administered pursuant to [NRS 389.015](#) and all college entrance examinations offered in this State, including, without limitation, the [Scholastic Aptitude Test](#), the [American College Test](#), the [Preliminary Scholastic Aptitude Test](#) and the [National Merit Scholarship Qualifying Test](#). Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to [NRS 389.004](#).
12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.
13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his child based on religious preference unless it is:
 - (a) Essential to further a compelling governmental interest; and
 - (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, “parent” means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

NRS 392.705 Form for participation in programs and activities at public school or through Nevada Interscholastic Activities Association.

1. The Department shall develop a standard form for the notice of intent of a homeschooled child to participate in programs and activities. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents of homeschooled children.
2. The notice developed pursuant to subsection 1 must include the information required in the notice of intent to homeschool pursuant to [NRS 392.700](#), excluding the educational plan for the homeschooled child.
3. If a homeschooled child wishes to participate in classes, activities, programs, sports or interscholastic activities and events at a public school or through a school district, or through the [Nevada Interscholastic Activities Association](#), the parent of the child must file a current [notice of intent to participate](#) with the school district in which the child resides.

NRS 385.007 Definitions.

3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to [NRS 392.070](#).