

NEVADA HOMESCHOOL LAW - OVERVIEW

By Barbara Dragon

Nevada Homeschool statutes, [NRS 388D.010-070](#)

Links to other pertinent statutes included below.

Nevada homeschool advocacy organization: [Nevada Homeschool Network \(NHN\)](#)

References: [NHN Memo to Parents, Public-Private School Administrators & State Officials](#) and [NHN's Frequently Asked Questions](#)

Parent Requirements:

"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 388D.010](#)). Further, the Liberty interest of the parent in the care, custody, and management of the child is a fundamental right ([NRS 126.036](#)). Nevada parents, no matter their background, experience, or level of education have the right and responsibility to direct the education of their child as they see fit via homeschooling. [NHN Frequently Asked Questions – Section 4, Question E](#)

I am often asked if a parent can have someone else "homeschool" their child. The answer is no. [NRS 385.007 #3](#) and [NRS 392.070 #1b](#) define homeschooling, and when combined say: "Homeschooled child means a child, who receives instruction at home... when a parent of the child chooses to provide education to the child..." Under the law, the parent assumes full responsibility, including the financial burden, to provide education to their child by signing the Notice of Intent to Homeschool.

Stick with me here... but does that mean that the parent must do all the teaching? Again, the answer is no.

Providing the education means the parent may do their own teaching, use others (such as a tutor, relative, etc.), have the child take classes (such as at a homeschool co-op, a private or public school, a civic or community group, a private organization, etc.), use a private correspondence or online course, and/or do whatever else the parent deems necessary. Here's the important point - ***the parent, not another person, organization, or school, is the one who has direct managerial control of the child's education and is responsible for promoting the child "grade to grade" and graduating the child from their high school homeschool program.*** The parent is responsible for directing and maintaining all documentation of the child's educational experience such as report cards, portfolios, and/or transcripts. [NHN Frequently Asked Questions – Section 2, Question C](#)

So, the homeschool parent may use others to teach and/or assist in educating the child but must remain in control of the overall structure of the education as well as assuming the financial cost of the education. Government funding of the child's education changes the "control structure" of the education and thus is legally not homeschooling in Nevada (this is discussed further under "Government funded 'School Choice' options are not homeschooling" below).

Paperwork Requirements:

The parent choosing to homeschool their child must submit a **one-time** Notification of Intent to Homeschool to the Superintendent of the School District in which the child resides when:

- the child turns age 7 if never enrolled in a NV Public School, or

- is withdrawn from a NV Private School and is 7 years or older – within 10 days, or
- is withdrawn from a NV Public School (all grades K-12, age 7 does not apply) – within 10 days, or
- when establishing residency in this State for children 7 and older – within 30 days.

See [NHN's Memo, Pages 3-4](#). The parent may use either the [State's NOI to Homeschool form](#), another form such as [the NOI produced by NHN](#), or their own form/letter that meets the intent of NRS 388D.010-070.

Information that needs to be included in an NOI to Homeschool (one form per child required) is:

- The name of parents
- Physical address, mailing address (if different)
- The child's name, age, & gender
- A signed statement by one parent that says: *I hereby assure that I have control or charge of the above referenced child and that I have the legal right to direct the education of this child. I assume full responsibility for the education of the child while the child is being homeschooled.*
- And an optional privacy statement: *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. See 20 U.S.C. § 1232g(a)(5)(B) and NRS 388D.020(f).*
- A one-year educational plan which is appropriate for the age and level of skill of the child as determined by the parent.

The only other time a new NOI to Homeschool is filed is if the child/family moves anywhere in Nevada (including within the same school district), moves out of state and then moves back to Nevada, or if the child enrolls in a different education option (public/private school) for a time and then returns to homeschooling. A parent may decide to homeschool at any time during the child's academic career. It is important to understand that by choosing to file a NOI to Homeschool the parent assumes full responsibility, including financial, for the education of the child.

NOTE: A parent choosing another "home-based" government program is not homeschooling under Nevada statute. An "online charter school" is a public school option where the parent "enrolls" the child in the school but the child remains in the home for instruction via a computer, this is not "homeschooling" and an NOI to Homeschool is NOT filed. Another form of "home-based" education is through a public school district's "Distance Education" program, but again, this is not parent-directed homeschooling. Both these education options are discussed at the end of this article.

The NOI to Homeschool is NOT an application rather the parent is simply notifying the Superintendent of the School District that their child is exempt from compulsory attendance because the parent(s) will be providing education to the child. Further, the law gives the parent full discretion to determine the appropriate level of instruction given to the child based on the age/skill level of the child as determined by the parent. In other words, the homeschool parent not the state establishes the standards of academic training appropriate for their child to become a productive member of society and no longer dependent on the parent.

For more info on how and where to file the Nevada NOI to Homeschool see the [NHN Notice of Intent](#) page.

Age Requirements:

Nevada law ([NRS 392.040](#)) requires children between the ages of 7 and 18 (unless graduated) to be enrolled in a public school (which would include a public charter school) or be excused from compulsory attendance by enrollment in a Nevada private school or filing a Notification of Intent to Homeschool ([NRS 392.070](#)).

Traditionally, in a school based model age 5 = Kindergarten, age 6 = First Grade, age 7 = Second Grade and so on.

However, when homeschooling the parent determines when the child is ready to begin formal academic education as well as the academic structure.

Of course, parents may begin to educate their child prior to age 7 but no notification to the state is required. Or the parent may choose to delay formal academic training until the child is ready. But you do need notify the school district of your intent to homeschool when the child turns 7 and file the appropriate “education plan” based on the age and skill level of the child as determined by YOU, the parent.

Oversight Requirements:

In 2007 the [Homeschool Freedom bill, SB 404](#) was unanimously passed by the Nevada Legislature and signed into law by the governor on June 14, 2007. Under the new law, homeschooling was removed from oversight of the Nevada State Board of Education and the Nevada Department of Education and all language requiring equivalent instruction in kind and amount to the public school removed. As such, there are no state requirements on the kind or amount of instruction the child receives beyond basic instruction in required subjects listed below.

Instead, the homeschool parent takes full legal and financial responsibility to direct the education of the child by determining his/her academic needs, purchasing and/or hiring suitable materials/instruction in order for the child to receive an education. In other words, the homeschool parent does not delegate the control or direction of the child’s education to others. And under, [NRS 388D.050](#), if an accusation of “education neglect” is charged against a parent, a Nevada court intervenes and reviews the parent’s current education plan for the child. In this manner, the child is protected.

Subject Requirements:

Under [NRS 388D.050](#) 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 language arts, 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.*** Further, the parent is **not** required to teach every subject every year and of course additional subjects may be covered. [NHN Frequently Asked Questions – Section 4, Question A](#)

This freedom allows the parent to decide the best academic structure for their child and when it is appropriate to provide the instruction. Parents with gifted children and/or special needs children find this especially beneficial when evaluating the academic progress of each of their children and meeting their needs independently of some “standard” being foisted on public school children. Under the Nevada homeschool law, children are free to progress academically at the rate suitable for their age and skill level as determined by the parent, not the state.

However, be warned, a parent considering enrollment of their homeschooled child in a public high school after the beginning of the 9th grade should be aware there may be some issues transferring “credits earned” in a non-accredited high school course. Although the law allows the public high school to consider a variety of means in evaluating “non-accredited” high school courses, most public schools refuse to do so and require a student enrolling in public high school after the start of 9th grade to “makeup the credits” by retaking the courses at the public high school. For a more thorough discussion regarding this process refer to NHN’s [Frequently Asked Questions – Section 6, Question A](#).

Time Requirements:

There are no “days or hours per day” required for a homeschool child. Homeschooled children are exempt from the number of days a child is required to attend public school, again a man-made artificial number and not

reflective of a one on one teaching/learning environment. Homeschooled children are also exempt from “minutes per day of instruction” required of public school students. **It is recognized that in a tutorial education program such as homeschooling a student can generally accomplish more in a shorter period of time than in a group setting.**

By law, the public school year runs from July 1 to June 30. Most homeschool parents use a traditional academic schedule as a starting point and then tailor the amount of instructional time as needed for each child. Some children may need more time to master a skill, others less. That is what makes homeschooling unique and such a success. You may follow a traditional nine month calendar or follow your own year round schedule within that twelve month period. [NHN Frequently Asked Questions – Section 4, Question B](#)

Assessment Requirements:

No standardized tests are required of homeschool students in Nevada. A parent is free to choose the method of evaluation, if any, is appropriate to determine their child’s academic needs, advancement to the next grade and/or final completion of the homeschool school program.

Because the parent assumes full responsibility for the education of the child, including the financial burden, the parent is best suited to determine the academic needs of the child, not the state. Public school students are tested as a method of “accountability” to the taxpayer who funds public schools. Additionally, many homeschooled children are at different grade (skill) levels for different subjects, thereby limiting the usefulness of standardized tests. [NHN Frequently Asked Questions – Section 4, Question F](#)

Some parents do choose to periodically administer standardized tests or some other form of evaluation to determine the academic progress of their child and use in future planning. This is perfectly acceptable. However, Tina Hollenbeck puts standardized tests into perspective on the Wisconsin legal page: “The purpose of standardized tests is to compare one child to another, and almost every test uses public school students as the ‘norm.’ In reality, there is no need to compare one child against any other – and the ranking and sorting inherent in institutional school is rather inhumane when it comes right down to it – because each child is a unique individual. And comparing a homeschool student to a public school ‘norm’ is like compare apples to and grenades. What schooled kids are tested on doesn’t even do them justice... and it certainly doesn’t even do them justice... and it certainly ought not be our measure; instead, we can watch for a child’s growth and development compared to his *own* past ability, and because we are the child’s parents – living with him every day – we don’t need a test to tell us what he knows and is able to do.”

Graduation Requirements:

Nevada law **does not** specify graduation requirements for homeschool students. A parent filing a NOI to Homeschool is the legal administrator (principal/teacher) of their homeschool, the same as public and private school principals, charged with determining each child’s graduation requirements without regard to what local public schools mandate. Of course, a wise parent will engage in the necessary research to determine an appropriate course of study in order to successfully move on to college, trade school, military service, or proceed directly into a career. A parent may legally and without apology customize a high school program for each child based on their child’s goals and ambitions. [NHN Frequently Asked Questions – Section 4, Question G](#)

A word about high school transcripts and diplomas:

- It is important to understand that a homeschooled child will **not** receive a public school high school diploma. A diploma is a certificate that says the student has completed a certain course of study. Homeschooled children have completed a course of study in compliance with [NRS 388D.050](#), and are

therefore eligible to receive a diploma from the parents or from an institution employed by the parents such as a private correspondence or online high school.

- Homeschool parents may choose to review their local school district's "graduation requirements" for current public school high schools, a Nevada private high school, or an online private high school, or devise their own requirements based on the minimal courses required under NRS 388D.050 suitable for the needs of their child to become a productive member of society.
- Parent-generated diplomas and transcripts are *legally binding and wholly acceptable*. Further, it is not necessary, nor advisable, for a homeschool child to take the GED as proof of completion of high school.
- A student may choose to pursue a college degree, vocational training, and/or move directly into the workforce after completing his/her homeschool program. And many homeschool students begin taking "dual-credit" courses at local community colleges or preparing for vocational training during the high school years.
- After completion of a child's homeschool high school program, the parent issues the diploma. However, "officials" later in life may question the diploma as not "real." Here is the answer to such statements:
 - *In NV, under the "homeschool option" (NRS 392.070 subsection 2) the parent is the director of the child's education. Period. The parent assumes full responsibility for the child's education. As such the parent advances the student, issues a diploma and any required paperwork just the same as a Nevada private school (NRS 392.070 subsection 1).*
 - *To not recognize a diploma issued to a homeschool student by the parent in Nevada would be a form of discrimination against the student. [NRS 388D.040](#)*
- For more information on producing the homeschool child's high school transcript and diploma, visit NHN's [Guide to Homeschooling through High School](#).

Vaccination Requirements:

No vaccinations are required of homeschooled students. However, if a homeschool child participates in a public school class, extra-curricular activity and/or sports; vaccination requirements do apply but there is an "opt-out" provision in the law for those who choose not to vaccinate.

OTHER:

Special Education & Gifted Student Services from the Public School System:

In cases of special education, Nevada law ([NRS392.070 #2](#)) equates a homeschooled child to a private school child for purposes of Nevada and Federal special education laws and regulations. Under these laws, a homeschooled child is not entitled to any or all of the services that would be provided by a FAPE (Free Appropriate Public Education) of the local public school. Some districts do supplement the Federal special education funding so that private and homeschooled children do receive all necessary services, but they are not required to. Some school districts send out forms to see if you want to receive services from them. You are not required to answer or submit those forms. The public school districts are not responsible for, nor will they, test a non-enrolled child for Gifted abilities. However, our homeschooled (or private schooled) children can be evaluated outside of the public school, at the parent's expense. See [NHN Frequently Asked Questions – Section 4, Questions A, B, & C](#).

Public/Private School Part-time Participation:

Homeschool students may participate part-time in brick and mortar private school and public/charter school classes, extra-curricular activities (on a "space availability" basis) and/or sports (subject to team try-outs). Participation by homeschooled children in public school class/activities was added to the law in 1997 and

participation in NIAA sports was added in 2003 with no harmful effect on the NV homeschool laws. Families choosing **not** to participate in public school classes, activities, and/or sports ARE NOT negatively impacted by those who do – different strokes for different folks.

However, “when in Rome do as the Romans do” definitely applies to those homeschool students who choose to participate in public school programs. Local public schools are reimbursed by the State (taxpayer funding) for up to three classes per semester when a homeschool student participates. So a parent of a homeschool child requesting to “participate” must supply documentation congruous to information supplied by parents “enrolling” their child in NV public school. Lastly, homeschool students are prohibited from participating part-time in a virtual (online) charter school or local public school “distance education” programs. See [NHN’s Memo, Page 6-10](#).

It is also important to note there is a legal distinction between “enrolling” full-time in a public school and “participating” part-time in a public school class, activity, or sport. Public schools insist on “enrolling” a homeschool child in order for them to take a class. To protect the integrity of the homeschool law NHN urges parents to follow the procedures for submitting a Notice of Intent to Participate in Programs and Activities (NOIPPA) and not allow the school to attempt to “enroll” the homeschool child in the school.

For current information and necessary forms regarding participation in public school see Nevada Homeschool Network’s [Frequently Asked Questions – Section 5, Question D & E](#).

Government funded “School Choice” options are not homeschooling:

- **Distance Education Programs:** [NRS 388.850 #3](#) and [NRS 386.580 #4](#) specifically exclude a homeschooled child from a distance education program that is sponsored by the local Nevada school district or a Nevada charter school as defined in [NRS 388.829](#). A homeschooler may use a Distance Education program offered by any other entity, in state or out of state because the distance education courses in NRS 388 that homeschoolers are excluded from apply only to Nevada’s System of Public Instruction.
- **Virtual (online) Public Schools:** These schools are governed by Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) other than NRS 392.070 and 388D.010-.070 which are specific to homeschoolers. Charter and public schools operate under other Nevada laws and regulations and have requirements dictated by local, state and federal governing bodies. [NHN: Public School at Home vs. Homeschooling](#) also gives an in-depth explanation.

In “virtual charter schools” (computer based) the child receives their education in your home under your supervision but the curriculum content and the amount of time attending school is controlled by the government school system and is called “public school at home.” Most virtual charter schools operate under the authority of the Nevada Charter School Authority, while a few may operate with a charter from the local public school district. With a virtual charter school, you must use the curriculum that is provided and cannot choose a curriculum that may better suit your child’s needs or learning style.

Many parents using virtual charter schools have found that with the amount of “required school work” (sometimes called “busy work”) it is harder to follow your child’s bent or delve more deeply into subjects of interest. You may supplement charter school curriculum with religious instruction, but students will not receive credit for additional faith-based courses. Oversight from a certified teacher is

required. Online Charter Schools must follow Nevada educational standards and annual standardized testing is required.

- **Other Home-based Education Options:** Several government-funded and controlled [“education options”](#) have been or are being proposed for consideration by the Nevada Legislature. One such program is the [Nevada Education Savings Account \(NV-ESA\)](#) passed in 2015 but has yet to be funded by the Nevada Legislature and as of now is non-operational. Many call these programs “homeschooling” because the education often takes place in the child’s home and there appears to be more “freedom” for the parent to make educational decisions for the child but ultimately the government retains control and the program is subject to changes via legislation and regulation.

While government funded home-based education programs may "look" the same as homeschooling they are legally different. A child enrolled in an online charter school at home or utilizing an ESA to fund the child’s education is considered either a Public School Student or an ESA Opt-in Child. These are government funded education options available to the parent to choose from but with differing "control" structures than homeschooling.

An online charter school is a government controlled public school (funded by the taxpayer) that is done in the home. The parent enrolls the child in an online charter school and serves as a non-paid teacher's aide. However it is the charter school, not the parent, who provides the curriculum, determines grade advancement, and issues the diploma to the child. In essence, the child is doing "public school at home." Although the parent has more options available to them under the NV-ESA than using an online charter school in that they can purchase “approved” curriculum/materials and may do some of the teaching, because the government provides at least partial funding of the education the government maintains “accountability” measures controlling the education a child receives and thus is not homeschooling.

As stated earlier in this article, the parent filing a NOI to Homeschool takes full responsibility, including the financial burden, to provide an education to the child and is not accountable to the public school system for the education of the child. In other words, the homeschool parent **fully** directs/controls the education of the child, not the government. The parent has direct managerial control and not only provides the education but advances the child to the next grade level when the child is ready and issues the diploma when the child completes their K-12 education.

For a more in depth discussion on these two types of education options please see [Frequently Asked Questions – Section 5, Question G](#) and read [Homeschooling vs. Public School at Home](#).

Dual-Credit Education at NV Community Colleges:

The general age of acceptance, recommended by the NV Board of Regents, for a student to begin taking courses at a NV community college is 14. However, if the parent can prove the child is academically ready for college level courses... the child could almost be any age. But generally we see homeschool students taking courses at the community college (dual-credit towards their high school diploma and an AA (2 year) or BA/BS degree (4 year) beginning in 9th grade). For more information visit NHN’s [“Homeschooling through High School - Staying the Course”](#) page.

NV Millennium Scholarship for Homeschooled Students:

A homeschooled student is eligible to apply for the Nevada Millennium Scholarship. The NV-MS is for high school graduates to use to pay tuition expenses at local community colleges, state colleges, and universities in this state. The NV-MS may not be used in conjunction with dual-credits being earned at a community college

before the homeschooled child has graduated. For more information on applying for the NV-MS see [Frequently Asked Questions – Section 4, Question I.](#)

Conclusion:

[Nevada's homeschool legal history](#) is long and embattled. We had one of the first homeschool laws adopted in the country in 1947, regulated to death by the NV-SBOE in 1983 (amended many times over the next 20 years through the tireless work of homeschool parents), and finally rewritten after sixty years in 2007 – allowing parents to assume full responsibility for the education of their children as writers of the NV Constitution envisioned. Proof positive of this came to light in a [2016 Nevada Supreme Court ruling on the NV-ESA program](#). The court found that delegates to Nevada State Constitutional Convention of 1864 discussed the education of Nevada children in depth, “*And although the debates surrounding the enactment of Article 11 reveal that the delegates discussed the establishment of a system of public education and its funding, they also noted **the importance of parental freedom over the education of their children, rejected the notion of making public school attendance compulsory, and acknowledged the need to vest the Legislature with discretion over education into the future***” (Page 19) [Emphasis added]. That is a reaffirming find for Nevada homeschool parents. Parents need to familiarize themselves with our history in order remain ever-vigilant in its defense. Knowing where we came from and how we got to where we are will ensure homeschool freedom for generations to come.

***Barbara Dragon** homeschooled her three children, Kindergarten-12th grade from 1990-2008. From the very beginning she was active in local, regional, and state homeschool organizations working to amend the Nevada homeschool regulations and later co-authored the [Nevada Homeschool Freedom Bill, SB 404](#) that unanimously passed the NV Legislature in 2007 and freed NV homeschool parents from oppressive and over-restrictive government regulation. Barb also lobbied to pass the bi-partisan [NV Fundamental Parental Rights Bill, SB 314](#) in 2013. She has served as a Non-paid Lobbyist at the NV State Legislature since 2003 and NHN Officer (Treasurer) from 2007-2015 when she “retired” and was honored with the title “NHN Officer Emerita.” Barb has written [numerous articles](#) on homeschool freedom in Nevada, [NHN blog posts](#), as well as letters on behalf of NHN to members of the NV State Legislature in defense of homeschooling and parental rights and currently advises NHN Officers as they advocate for homeschool freedom in Nevada.*