



Nevada Homeschool Network

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March 17, 2021

RE: Opposition to SB194

Dear Senator Denis and members of the Senate Committee on Education;

By way of introduction, Nevada Homeschool Network (NHN) advocates for Nevada families who have chosen to direct the education of their children. We are Nevada's only advocacy group pertaining to homeschooling, established in 2000 and maintaining a major online, statewide presence. In this capacity, we are writing today to oppose SB194 as introduced, specifically Section 6.

Of primary purpose, SB194, Section 6, will modify the required areas of instruction for homeschool students with the addition of civics. While this may seem innocuous, Nevada Homeschool Network contends that:

1. *The state has no obligation or responsibility to determine what is taught to children outside of the public school system, and to do so violates the due process clause of the 14th amendment.*

- In 1923, the Nebraska state court, in *Myer V Nebraska*, declared the Nebraska law prohibiting any language other than english being taught, as unconstitutional. The reasoning - it violated the liberty protected by Due Process Clause of the Fourteenth Amendment. Liberty, the Court explained, means more than freedom from bodily restraint. It also includes the right of a teacher to teach German to a student, and *the right of parents to control the upbringing of their child as they see fit. While the state has a legitimate interest in encouraging the growth of a population that can engage in discussions of civic matters, the means it chose to pursue this objective was excessive.*
- In 1925 the US Supreme Court ruled in *Pierce v. Society of Sisters* that *children are not mere creatures of the state but rather the prodigy of their parents*. This ruling allowed private schools and later homeschools to operate separate from the public school system.
- In the Nevada 2007 homeschool freedom bill parents agreed to the courses that were included in the multi decade framework of a basic K-12 education. These were English language arts, math, science, social studies which is divided into history, geography, economics, and government. Senate Bill 404 was passed unanimously in both the Senate and Assembly.

- During constitutional hearings regarding Education Savings Account (ESA) legislation in 2016, the Nevada Supreme Court concluded that “debates surrounding the adoption of Article 11, show that Section 1 was meant to apply only to public education.” The court also referencing the constitutional convention of 1864, recognized in “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. This freedom is the foundation of homeschool education.
<https://www.edchoice.org/wp-content/uploads/2016/09/Nevada-Supreme-Court-ESA-Ruling.pdf>

SB194 attempts to homogenize all Education options in the state of Nevada. Homeschool parents are standing on their constitutional right as acknowledged in NRS 388D.020(4(c)):

The parent has “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”.

2. Inclusion of Stakeholders.

As with AB19 in the Assembly, this portion of the bill regarding homeschooling did not include any stakeholder discussion. Instead, we are being told, after the inclusion, that this is merely conforming language. The idea of “conforming language” is not referenced or defined anywhere in statute.

3. Historical Context and Precedent of “conforming language”:

It is important to note the historical context in the argument for “conforming language” as a basis to include homeschoolers in SB194.

- SB25 in 2015 made what seemed like an innocuous change to subject language from “English, including reading, composition and writing” to “English language arts”. While this included homeschool law, it did not modify subject matter but merely adjusted terminology. Homeschoolers were not included in this discussion.
- SB249 in 2017, however, was a more direct change to subject matter and included significant change to subjects being removed and added. Homeschoolers were not included in this legislation and were not subject to any changes in scope or inclusion of subject matter.

Any claim that historically homeschooling has been included in subject matter changes is not accurate. Arguably, in 2015 they overreached by including homeschooling. The changes implemented in 2017 were done correctly, regulating requirements for public/private institutions, but leaving homeschooling alone.

Attached please find the Legislative Counsel’s Digest for each of these bills (**Addendum A**) which demonstrates the actual language used in the introduction of each of these bills and the intent of each bill. You will clearly see there is no precedent to include homeschoolers in SB194.

Nevada Homeschool Network maintains that core subjects as currently included in the statute provide a suitable means to promote the intellectual and moral improvement of our children as outlined in the Nevada Constitution.

Nevada Homeschool Network respectfully requests that Section 6 be removed from the bill

Cordially,

A handwritten signature in cursive script that reads "Elissa Wahl". The signature is written in black ink and is positioned to the right of the word "Cordially,".

Elissa Wahl
Nevada Homeschool Network, Chair

Addendum A
Contrast of Legislative Counsel’s Digest – intent of bill

2015 SB25 – Relevant Excerpt

Homeschool included, not consulted, no opposition from homeschool community.

Sections 4, 10, 11-13, 15, 17 and 18 of this bill replace references to the terms “English” and “foreign language” with references to “English language arts” and “foreign or world language” for **consistency with currently accepted terminology.**

2017 SB249 – Relevant Excerpt

Homeschool **NOT** included, no opposition from homeschool community.

Existing law requires a pupil enrolled in a **public high school** to enroll in a certain number of credits in certain subject areas. (NRS 389.018) Section 2 of this bill ***requires a pupil enrolled in a public high school to enroll in one-half unit of credit in economics and limits American government to one-half unit of credit***, but allows a **school district** to authorize a school to offer a combined course in American government and economics for one unit of credit in certain circumstances. Section 7 of this bill makes those provisions effective on July 1, 2022. Existing law requires instruction in financial literacy for pupils enrolled in **high school in each school district and in each charter school that operates as a high school.** (NRS 389.074) Section 3 of this bill ***additionally requires instruction in financial literacy for pupils enrolled in grades 3 to 12***, inclusive. Section 3 requires the Council to Establish Academic Standards for **Public Schools** to include the standards of content and performance for instruction in financial literacy in the standards of content and performance established by the Council. Section 3 also requires that instruction in financial literacy: (1) be age-appropriate; (2) include certain topics; and (3) be provided within a course of study for which the Council has established the relevant standards of content and performance. Section 1 of this bill creates the Account for Instruction in Financial Literacy in the State General Fund and provides that money in the Account generally may be used only for providing the instruction in financial literacy required by section 3