



## Nevada Homeschool Network

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Mr. Troy R. Justesen  
U.S. Department of Education  
400 Maryland Avenue, SW  
Potomac Center Plaza, Room 5126  
Washington, DC 20202-2641

June 24, 2005

RE: NPRM IDEA Part-B

Dear Mr. Justesen,

Nevada Homeschool Network exists to network Nevada homeschooling groups and individuals, to educate the public on homeschooling, and to advocate for the least restrictive homeschooling environment. We inform and listen to policy makers and administrators who serve in all capacities, and as a 501(c)4 we actively support friendly candidates. We currently speak on behalf of over 600 member families.

We support the NPRM with its explanatory preamble, regarding the rights of parents of private schooled children during the Child Find process, the initial evaluation process, and the reception of services for their children. We ask for one clarification in the regulations, and strongly support two other sections, below.

- In **612(a)(10)(A)(i)** the law says, regarding children enrolled in private schools, that "In General", "provision is made for the participation of those children..." The State's obligation is to ensure provision of services that may be freely accepted or not. For the State to force acceptance of services impinges on the rights of parents to be free from government intrusion and to raise their own children. That said, in **612(a)(10)(A)(ii)(II)** the law says, regarding the child find process of private school children, that it "...shall be designed to ensure the equitable participation..." The assumption is made that some LEAs and SEAs in the past may NOT have allowed equitable participation of children who otherwise desired participation. The design of Child Find is to allow participation, not to force parents to identify their children to the State for the purposes of receiving unwanted State services. Please consider the following change to **300.131(b)(1)**:

Currently: The equitable participation of parentally-placed private school children; and

Requested: The equitable participation of parentally-placed private school children whose parents desire participation for their children; and

- Parental consent language in **614(a)(1)(D)(i)(I)**, **614(a)(1)(D)(i)(II)**, **614(a)(1)(D)(ii)(I)**, and **614(a)(1)(D)(ii)(II)** is designed to protect the parental rights of parents who have delegated the responsibility to educate their own children to the State by placing them in public school. Nevada Homeschool Network strongly agrees with the preamble's statement regarding consent override, that it is only for children who are enrolled in public school, and that for children who are home schooled or placed in a private school by the parents at their own expense, consent override is not authorized. **We therefore fully support the language in 300.300(a)(3).**
- In **614(a)(1)(D)(ii)(III)** the law further clarifies the parental right to refuse consent to the receipt of services when their child is in private school by assuring the LEA that it is not in violation of FAPE requirements and that an IEP meeting is not required. **We also therefore fully support the language in 300.300(b)(3).**

Thank you for your service, and please consider the above change to **300.131(b)(1)**.

Sincerely,



Elissa Wahl, Chair

Kime King-Patraw, Vice Chair

Melody Howard, Secretary

Steve Brown, Treasurer

Frank Schnorbus, Officer

Barbara Dragon, Officer

Carl Lucas, Officer