

**NEVADA STATE BOARD OF EDUCATION  
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**Notice of Workshop to Solicit Comments on Proposed Regulation**

The Nevada State Board of Education/Nevada State Board for Occupational Education is proposing regulation language pertaining to **Chapter 392** of the Nevada Administrative Code. The Workshop has been scheduled for **10:40 a.m. on Saturday, October 19, 2002**, at the **Department of Education, Board Room, 1820 East Sahara, Las Vegas, Nevada (also by simultaneous video conference at the Department of Education, Board Room 101, 700 East Fifth Street, Carson City, Nevada)**. The purpose of the workshop is to solicit comments from interested persons on the following general topic:

**Proposed regulation language – NAC 392, Students Exempt from Compulsory Attendance; Requirements to Receive Exemption to Home School a Student and "Equivalent Instruction" for Home School Students.** NAC 392 is being recommended for possible revision to regulation language to address the statutory requirement in NRS 392.070, regarding "equivalent instruction" related to academic content and performance standards.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone, LaDonna Byrd at 775-687-9225 or in writing to the Department of Education, 700 East Fifth Street, Carson City, 89701-5096. A reasonable fee for copying may be charged.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendents' Offices, the 17 county main public libraries, at the Nevada State Library and Archives, and at the meeting location.

9/25/02

**NEVADA STATE BOARD OF EDUCATION/  
STATE BOARD FOR OCCUPATIONAL EDUCATION**

**Explanation:** Matter in *italics* is new; matter that is struckthrough (~~omitted material~~) is material to be omitted.

**Proposed NAC 392 Changes Regarding**

**EXEMPTION FROM COMPULSORY ATTENDANCE REGULATIONS**

**NAC 392.011 Definitions.** (NRS 385.080, 392.070) 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 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. "Parent" means the parent or legal guardian of a child.

(Added to NAC by Bd. of Education, eff. 12-10-92; A by R109-97, 12-10-97; R038-99, 11-3-99; R018-02, 5-29-2002)

**NAC 392.015 Persons qualified to teach equivalent instruction.** (NRS 385.080, 392.070) 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 to be taught.

2. By the parent, when the parent:

(a) Qualifies for or possesses a teaching license from any state or territory of the United States for the grade to be taught; or

(b) Has provided instruction in the home in any state or territory of the United States for at least 3 years.

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 to be taught; or

(b) Has provided instruction in the home 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.

(Added to NAC by Bd. of Education, eff. 7-2-84; A 12-10-92; R109-97, 12-10-97; R038-99, 11-3-99)

**NAC 392.025** Contents of ~~request for exemption~~ *written evidence*; requirements for teachers of equivalent instruction in elementary and secondary education, *notification of intent forms*. (NRS 385.080, 392.070)

1. ~~The request~~ *Notification of intent* 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)~~ *consist of*:

- (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 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)~~ (c) 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 to be taught;
  - (2) The parent:
    - (I) Qualifies for or possesses a license to teach from any state or territory of the United States for the grade to be taught; or
    - (II) Has provided instruction in the home in any state or territory of the United States for at least 3 years;
  - (3) The consultant has:
    - (I) A license to teach issued by the superintendent of public instruction for the grade to be taught; or
    - (II) Provided instruction in the home 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;
- ~~(e)~~ (d) Upon initial application, proof of the identity of the child, consisting of his birth certificate or some other document sufficient to establish his identity; and
- ~~(f)~~ (e) 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 *of the kind and amount as defined in NAC 392.035 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.

3. *Notification of intent forms, waiver of compulsory attendance notice from local districts, additional information from districts.*

- (a) *Local school districts shall only provide the Nevada Department of Education Notification of Intent to Provide Home Instruction forms. Local school districts shall accept the state form or other written evidence provided by the parent as notification of intent to provide home instruction.*
- (b) *Upon receipt of written evidence, local school boards shall send a written waiver from compulsory attendance within 7 days of the board's action. No other evidence shall be required by the local district to obtain the waiver.*

*(c) Informational documents included in a district home school packet shall not require/request initials or signature.*

(Added to NAC by Bd. of Education, eff. 7-2-84; A 3-10-89; 9-19-90; 12-10-92; R109-97, 12-10-97; R038-99, 11-3-99)

**NAC 392.035** ~~Required courses and period of instruction.~~ *Kind and amount of equivalent instruction defined. (NRS 385.080, 392.070)*

1. ~~To constitute equivalent instruction,~~ *The kind of instruction to be given a child outside the public schools must include instruction in the following courses: of study:*

- |                           |                                       |
|---------------------------|---------------------------------------|
| 1) English/Language Arts; | 5) The Arts;                          |
| 2) Mathematics;           | 6) Computer Education and Technology; |
| 3) Science;               | 7) Health;                            |
| 4) Social Studies;        | 8) Physical Education                 |

*The above courses of study need not comply with the standards of content and performance established for public schools. ~~prescribed by the state board of education pursuant to NRS 385.110.~~*

2. ~~The minimum period~~ *amount of instruction to be given a child outside the public schools is the equivalent of 180 days of instruction. ~~which must be provided to the child on each day of instruction is the appropriate period specified in NAC 387.131.~~*

(Added to NAC by Bd. of Education, eff. 7-2-84; A 6-23-86)

**NAC 392.055** *School district not required to provide or compensate teacher, school district will notify parent(s) of registration/test dates. (NRS 385.080, 392.070)*

1. A school district is not required to provide or compensate a teacher who possesses a teaching license issued by the superintendent of public instruction for the purposes of subsection 1 of NAC 392.015.
2. A school district shall provide written notification of PSAT/NMSQT exam registration and test dates in a timely manner to the parent(s) as well as Millennium Scholarship Program information.

(Added to NAC by Bd. of Education, eff. 7-2-84; A 12-10-92)

**NAC 392.065** *Duration of exemption. (NRS 385.080, 392.070) 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. 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 392.035, inclusive.*

(Added to NAC by Bd. of Education, eff. 7-2-84; A 3-10-89; 9-15-89; 9-19-90; 12-10-92; 10-8-93, eff. 9-1-94; 11-17-95; R109-97, 12-10-97)

**NAC 392.075** *Waiver of requirement for consultant. (NRS 385.080, 392.070) 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. The waiver will apply if other children in the family are excused at a later date from compulsory attendance of public school.*

(Added to NAC by Bd. of Education, eff. 7-2-84; A by R109-97, 12-10-97)