

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

Authority: NRS 385.080 and 392.070.

EXEMPTION FROM COMPULSORY ATTENDANCE REGULATIONS

Note 1: While believed to be correct, this is only an interim document reflecting the proposed changes to NAC 392 as amended and passed on 12/14/02 by the Nevada State Board of Education. If errors are found, please notify Frank Schnorbus, President of the Northern Nevada Home School Advisory Council (FandR@semp.net or 775-267-4576).

Note 2: Final wording / section designations to be provided by LCB (Legislative Counsel Bureau).

Note 3: New section numbers to be provided by LCB for these two sections on this page.

NAC 392 Identification of the child.

1. Each 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 must provide:

- (a) The full name of the child;
- (b) The name of the parent(s); and
- (c) The address where the child resides.

2. The initial notification of intent to provide equivalent instruction outside the public schools shall include proof of the identity of the child, consisting of the child's birth certificate or some other document sufficient to establish his identity.

3. No child enrolled in the public school shall be removed by a parent from public school premises pursuant to an excuse from compulsory attendance on the grounds that the parent is providing equivalent instruction outside the public school without proof of the parent's identity.

NAC 392 School district to provide certain information to parents:

1. The Nevada Department of Education shall develop standard Notification of Intent forms, which shall not require any information or assurances other than those required by law.

2. School districts shall make available to parent(s) the following items provided by the Department of Education in a timely manner:

- (a) Written notification of PSAT/NMSQT exam registration and test dates;
- (b) Millennium Scholarship Program information; and
- (c) The Nevada Department of Education Notification of Intent forms.

3. Informational documents included in a district home school packet shall not require/request initials or signature.

4. Upon receipt of the evidence of equivalent instruction defined in NAC 392.025, the school district shall provide a written acknowledgement that clearly states that the parents have provided the notice required by law and that the child is excused from attendance at the public school for the duration of the school year or until the Board of Trustees for the county votes to deny the child's exemption from compulsory attendance, whichever comes first. This written acknowledgement shall serve as proof of compliance with Nevada's compulsory attendance law.

NAC 392.011 Definitions.

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.
4. "Proposed educational goals" means a description of the anticipated kind of instruction, by subject, for that school year.

NAC 392.015 Persons qualified to teach equivalent instruction.

A child shall 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. A teacher who possesses a teaching license issued by the superintendent of public instruction for the grade to be taught;
2. A parent who assumes full responsibility for the education of the child, who may use other person(s) to assist in meeting equivalent instruction as defined in NAC 392.035 and who:
 - (a) Qualifies for or possesses a license to teach from any state or territory of the United States; or
 - (b) Has provided instruction in any state or territory of the United States for at least one year; or
3. A parent who assumes full responsibility for the education of the child, in consultation with an experienced educator (uncompensated or compensated) as defined in NAC 392.025(3);
4. A parent who has enrolled the child in an approved correspondence program as defined in NAC 392.011(1).

NAC 392.025 Written evidence of equivalent instruction.

1. A notification of intent to provide equivalent instruction by a licensed teacher must consist of:

- (a) The identifying information required by NAC 392 Identification of the child;
- (b) A calendar of the proposed days of teaching, including the equivalent of at least 180 days of instruction, as defined in NAC 387.286(2); and

- (c) Evidence that:
 - (1) The teacher, for grades 9 to 12, inclusive, has a license to teach secondary education with an endorsement in at least one of the following:
 - (i) English.
 - (ii) Language arts.
 - (iii) Mathematics.
 - (iv) Social studies.
 - (v) Any of the physical or natural sciences
 - (2) For grades 1 to 8, inclusive, the teacher must have a license to teach elementary education.
- 2. A notification of intent to provide equivalent instruction primarily by a parent must consist of:
 - (a) The identifying information required by NAC 392 Identification of the child;
 - (b) A statement of the educational plan that includes:
 - (1) The proposed educational goals for the child as defined in NAC 392.011(4); or
 - (2) The instructional materials to be used; and
 - (c) A statement signed by the parent that declares that:
 - (1) The parent assumes full responsibility to provide equivalent instruction of the kind and amount defined in NAC 392.035; and
 - (2) The educational plan will be followed.
- 3. A notification of intent to provide equivalent instruction by a parent in consultation with an experienced educator pursuant to 392.011(2), must consist of:
 - (a) The identifying information required by NAC 392 Identification of the child;
 - (b) A statement of the educational plan that includes:
 - (1) The proposed educational goals for the child as defined in NAC 392.011(4); or
 - (2) The instructional materials to be used; and
 - (c) Evidence that:
 - (1) The consultant has a license to teach in any state or territory of the United States; or
 - (2) The consultant has provided instruction in the home in any state or territory of the United States for at least 3 years; and
 - (d) A statement signed by the parent which declares that
 - (1) The parent assumes full responsibility to provide equivalent instruction of the kind and amount defined in NAC 392.035; and
 - (2) The educational plan will be followed.
- 4. A notification of intent to provide equivalent instruction by a parent using an approved correspondence program must consist of:
 - (a) The identifying information required by NAC 392 Identification of the child;
 - (b) Evidence that the child is enrolled in an approved correspondence program; and
 - (c) A statement signed by the parent that declares that the correspondence program will be followed.

NAC 392.035 Kind and amount of equivalent instruction defined.

1. The kind of instruction to be given a child excused from compulsory attendance must include instruction in the following:

(a) Core academics:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science; and
- (4) Social Studies, including history, geography, economics and government.

(b) And to the extent practicable:

- (1) The arts;
- (2) Computer education and technology;
- (3) Health; and
- (4) Physical education.

2. The kind of instruction need not comply with the standards of content and performance established for public schools. All subject areas do not need to be taught each year and may be taught, as appropriate, for the age/skill of the child as determined by the parent.

3. The amount of instruction to be given a child outside the public schools is the equivalent of 180 days of instruction.

NAC 392.055 School district not required to provide or compensate teacher.

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.

NAC 392.065 Duration of exemption

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.