

SENATE BILL NO. 221—SENATOR CEGAVSKE

MARCH 21, 2005

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Referred to Committee on Human Resources and Education

SUMMARY—Provides for participation of homeschooled children in certain interscholastic activities and events. (BDR 34-1158)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

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AN ACT relating to education; providing for the participation of homeschooled children in certain interscholastic activities and events; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law allows homeschooled children to participate in interscholastic athletics governed by an interscholastic association in the same manner as pupils of a public school. (NRS 386.420-386.470) The current association formed pursuant to existing law governs only interscholastic athletics for pupils who are of high school age. Existing law also provides for the participation of homeschooled children in certain classes and extracurricular activities, excluding sports, within the school district of the child's residence. (NRS 392.070)

This bill allows homeschooled children to participate in interscholastic activities and events in addition to those that are governed by the association that is currently formed for high school athletics. A homeschooled child must be allowed to participate through the public school that the child is otherwise zoned to attend, and the same rules governing eligibility and participation for public school pupils apply to homeschooled children.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 392.070 is hereby amended to read as follows:  
392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the



\* S B 2 2 1 R 2 \*

1 child resides that the child is receiving at home or in some other  
2 school equivalent instruction of the kind and amount approved by  
3 the State Board.

4 2. The board of trustees of each school district shall provide  
5 programs of special education and related services for  
6 homeschooled children. The programs of special education and  
7 related services required by this section must be made available:

8 (a) Only if a child would otherwise be eligible for participation  
9 in programs of special education and related services pursuant to  
10 NRS 388.440 to 388.520, inclusive;

11 (b) In the same manner that the board of trustees provides, as  
12 required by 20 U.S.C. § 1412, for the participation of pupils with  
13 disabilities who are enrolled in private schools within the school  
14 district voluntarily by their parents or legal guardians; and

15 (c) In accordance with the same requirements set forth in 20  
16 U.S.C. § 1412 which relate to the participation of pupils with  
17 disabilities who are enrolled in private schools within the school  
18 district voluntarily by their parents or legal guardians.

19 3. Except as otherwise provided in subsection 2 for programs  
20 of special education and related services, upon the request of a  
21 parent or legal guardian of a child who is enrolled in a private  
22 school or a parent or legal guardian of a homeschooled child, the  
23 board of trustees of the school district in which the child resides  
24 shall authorize the child to participate in a class that is not available  
25 to the child at the private school or home school or **to** participate in  
26 an extracurricular activity, excluding sports, at a public school  
27 within the school district if:

28 (a) Space for the child in the class or extracurricular activity is  
29 available; and

30 (b) The parent or legal guardian demonstrates to the satisfaction  
31 of the board of trustees that the child is qualified to participate in the  
32 class or extracurricular activity.

33 ➤ If the board of trustees of a school district authorizes a child to  
34 participate in a class or extracurricular activity, excluding sports,  
35 pursuant to this subsection, the board of trustees is not required to  
36 provide transportation for the child to attend the class or activity. A  
37 homeschooled child must be allowed to participate in interscholastic  
38 activities and events **governed by an association** pursuant to NRS  
39 386.420 to 386.470, inclusive **H**, **and interscholastic activities and**  
40 **events, including sports, pursuant to subsection 5.**

41 4. The board of trustees of a school district may revoke its  
42 approval for a pupil to participate in a class or extracurricular  
43 activity at a public school pursuant to subsection 3 if the board of  
44 trustees or the public school determines that the pupil has failed to



1 comply with applicable statutes, or applicable rules and regulations  
2 of the board of trustees. If the board of trustees revokes its approval,  
3 neither the board of trustees nor the public school are liable for any  
4 damages relating to the denial of services to the pupil.

5 5. *In addition to those interscholastic activities and events*  
6 *governed by an association pursuant to NRS 386.420 to 386.470,*  
7 *inclusive, homeschooled children must be allowed to participate in*  
8 *interscholastic activities and events, including sports. A*  
9 *homeschooled child who participates in interscholastic activities*  
10 *and events pursuant to this subsection must participate within the*  
11 *school district of the child's residence through the public school*  
12 *which the child is otherwise zoned to attend. Any rules or*  
13 *regulations that apply to pupils enrolled in public schools who*  
14 *participate in interscholastic activities and events, including*  
15 *sports, apply in the same manner to homeschooled children who*  
16 *participate in interscholastic activities and events, including,*  
17 *without limitation, provisions governing:*

- 18 (a) *Eligibility and qualifications for participation;*
- 19 (b) *Fees for participation;*
- 20 (c) *Insurance;*
- 21 (d) *Transportation;*
- 22 (e) *Requirements of physical examination;*
- 23 (f) *Responsibilities of participants;*
- 24 (g) *Schedules of events;*
- 25 (h) *Safety and welfare of participants;*
- 26 (i) *Eligibility for awards, trophies and medals;*
- 27 (j) *Conduct of behavior and performance of participants; and*
- 28 (k) *Disciplinary procedures.*

29 6. *If a homeschooled child participates in interscholastic*  
30 *activities and events pursuant to subsection 5:*

31 (a) *No challenge may be brought by an association, a school*  
32 *district, a public school or a private school, a parent or guardian*  
33 *of a pupil enrolled in a public school or a private school, a pupil*  
34 *enrolled in a public school or a private school, or any other entity*  
35 *or person claiming that an interscholastic activity or event is*  
36 *invalid because the homeschooled child is allowed to participate.*

37 (b) *Neither the school district or a public school may prescribe*  
38 *any regulations, rules, policies, procedures or requirements*  
39 *governing the eligibility or participation of the homeschooled child*  
40 *that are more restrictive than the provisions governing the*  
41 *eligibility and participation of pupils enrolled in public schools.*

42 7. The programs of special education and related services  
43 required by subsection 2 may be offered at a public school or  
44 another location that is appropriate.



1       ~~16.1~~ 8. The Department may adopt such regulations as are  
2 necessary for the boards of trustees of school districts to provide the  
3 programs of special education and related services required by  
4 subsection 2.

5       ~~17.1~~ 9. As used in this section, “related services” has the  
6 meaning ascribed to it in 20 U.S.C. § 1401(22).

7       **Sec. 2.** This act becomes effective upon passage and approval.

