



Exempt (Home) School Frequently Asked Questions (FAQs) (2011/12 School Year)

INCLUDES:

- A. Laws and Rules
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**EXEMPT (HOME) SCHOOL
FREQUENTLY ASKED QUESTIONS
(2011/12 School Year)**

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EXEMPT (HOME) SCHOOL FREQUENTLY ASKED QUESTIONS (2011/12 School Year)

A. LAWS AND RULES

A1. What is the law regarding "home schooling" in Nebraska?

Parents may educate their child at home by electing not to meet State approval or accreditation requirements (Section 79-1601, R.R.S.). In Nebraska, "home schools" are referred to as exempt schools and are considered non-approved and non-accredited schools.

By filing for and receiving exempt status, parents are electing not to have their child attend a school that meets State approval or accreditation requirements while also complying with the compulsory school attendance law (Section 79-201, R.R.S.).

A2. What are Rule 12 and Rule 13?

Rule 12 and Rule 13 are the state regulations governing the procedures and standards for parents filing for an exemption from State approval and accreditation requirements. These rules can be accessed from the Exempt School Program website, under the "Rules & Regulations" link, at www.education.ne.gov/FOS/OrgServices/ExemptSchools/.

A3. What is the difference between Rule 12 and Rule 13?

Rules 12 and 13 are the same with the exception of the reason for the exemption and that Rule 12 exempt schools need to comply with student immunization laws.

Rule 12 affidavits state that the requirements for school approval and accreditation required by law interfere with the decisions of the parents or legal guardians in directing their child's education.

Rule 13 affidavits state that the requirements for school approval and accreditation required by law violate the parents' or legal guardians' sincerely held religious beliefs.

B. COMPULSORY SCHOOL ATTENDANCE AGE

B1. What is the compulsory (mandatory) school attendance age in Nebraska?

The compulsory school attendance law (Section 79-201, R.R.S.) states that a child is of mandatory attendance age if the child will reach 6 years of age prior to January 1 of the then-current school year has not reached 18 years of age (refer to Rule 12 or Rule 13, Section 002.03).

B2. At what age am I required to file for exempt status for my child?

Parents or guardians are required to file for exempt status with the Department of Education for a child who is age 7 up to age 18. **However, if the child will turn 6 before January 1, 2012, in order to avoid violating the compulsory attendance (truancy) law if your child is not enrolled in an approved or accredited school, the parents or guardians must either:**

- Sign an affidavit stating they intend for the child to participate in an Exempt School and intend to file for exempt status with the Commissioner of Education on or before the child's 7th birthday (a.k.a. delaying entry until age 7). This affidavit is to be filed by the parent or guardian with the school district in which the child resides (resident public school district). *Contact the resident public school district to request the affidavit form (NDE does not provide or collect this affidavit form).*
- OR-**
- File for exempt status with the Department of Education. If parents choose this option, they must comply fully with the requirements as outlined in Rule 12 or Rule 13, and begin educating the child(ren) accordingly.

B3. My child is 5 years old. Will I need to file for him/her?

The answer to this question is dependent on the child's date of birth (refer to Rule 12 or Rule 13, Section 011). **If the child will turn 6 before January 1, 2012, in order to avoid violating the compulsory attendance (truancy) law if your child is not enrolled in an approved or accredited school, the parents or guardians must either:**

- Sign an affidavit stating they intend for the child to participate in an Exempt School and intend to file for exempt status with the Commissioner of Education on or before the child's 7th birthday (a.k.a. delaying entry until age 7). This affidavit is to be filed by the parent or guardian with the school district in which the child resides (resident public school district). *Contact the resident public school district to request the affidavit form (NDE does not provide or collect this affidavit form).*
- OR-**
- File for exempt status with the Department of Education. If parents choose this option, they must comply fully with the requirements as outlined in Rule 12 or Rule 13, and begin educating the child(ren) accordingly.

B4. My child is 6 years old. Will I need to file for him/her?

It will depend on whether you are 'homeschooling' the child for the 2011/12 school year or delaying entry until the child turns age 7 (refer to Rule 12 or Rule 13, Section 011).

If the child is age 6 now or will turn age 6 before January 1, 2012, but has not reached 7 years of age, the parents or guardians must either:

- ❑ Sign an affidavit stating they intend for the child to participate in an Exempt School and intend to file for exempt status with the Commissioner of Education on or before the child's 7th birthday (a.k.a. delaying entry until age 7). This affidavit is to be filed by the parent or guardian with the school district in which the child resides (resident public school district). *Contact the resident public school district to request the affidavit form (NDE does not provide or collect this affidavit form).*

-OR-

- ❑ File for exempt status with the Department of Education. If parents choose this option, they must comply fully with the requirements as outlined in Rule 12 or Rule 13, and begin educating the child(ren) accordingly.

In the case of a child who is age 6, and will turn age 7 anytime during the 2011/12 school year, and they opted to delay entry until age 7, the parents or guardians must file for exempt status with the Department of Education at least 30 days prior to the child's 7th birthday. They may, however, file for exemption prior to the beginning of the 2011/12 school year [note - we recommend filing prior to the beginning of the school year]. Exception: If the parents or guardians had filed for this child for the 2010/11 school year, they must renew the exemption by no later than July 15, 2011.

B5. My child is currently age 16. Will I need to file for him/her?

Yes. School attendance is required up to age 18, therefore, the parents or guardians will need to file for exempt status annually until he/she turns age 18. Otherwise, refer to Section 010 of either Rule 12 or Rule 13 for further information about discontinuing enrollment of a child in the exempt school in either of the following two scenarios: (1) if the child has reached age 16 and has not reached age 18, or (2) has not reached age 18 and has completed the program of instruction offered by the exempt (home) school.

B6. My child is currently 17 years old. Do I need to file for him/her?

See answer to Question B5.

B7. My child is currently 18 years old. Do I need to file for him/her?

No, compulsory school law requires attendance up to age 18.

C. GETTING STARTED

C1. How do I get started, what do I do first?

You must file completed exempt school forms with the Nebraska Department of Education 30 days prior to when the exempt school begins (for first year filers) or by no later than July 15, 2011 for families seeking to renew their exemption for the 2011/12 school year (refer to Rule 12 or Rule 13, Section 003.02A). By filing for exempt status, a parent is electing not to meet the requirements for approval and accreditation in the state but remain in compliance with the compulsory school attendance law. The parent is also promising to comply with the state requirements for exempt schools, and that the information provided is true and accurate.

C2. Where do I get the forms to file for an exemption?

The forms and related information can be accessed from the Exempt School Program website at www.education.ne.gov/FOS/OrgServices/ExemptSchools/, under the "Forms (2011/12 School Year)" links; or by contacting staff in the Exempt School Program Office at either 402/471-1894 or 402/471-2795.

C3. Where do I get textbooks, materials and resources and what does it cost?

Contact a bookstore or a local supply house and they may be able to provide you with information on how to obtain these materials. Curriculum costs will vary depending on your choice to purchase an entire program from a private company or create your own curriculum. The parent (school operator) assumes all costs. Curriculum materials, books, guidelines or technical assistance are not available from the Nebraska Department of Education. Approved or accredited schools are under no obligation to provide assistance to exempt schools. If they choose to do so, it is entirely up to the local school board or governing body. Exempt schools are not eligible to participate in the Nebraska Department of Education's Rule 4, Textbook Loan Program.

For information about organizations which may help parents obtain curriculum information and provide support for exempt school families, you can also visit the Exempt School Program website, under the "Resources" link, at www.education.ne.gov/FOS/OrgServices/ExemptSchools/. These are private organizations and are not affiliated with the Department of Education.

C4. How can I find support groups or information on the Internet?

The organizations listed on the "Resources" page of the Exempt School Program website (see link above) have information for the newcomer and those with past experience. These Nebraska organizations may be able to provide you with contacts for support groups in your area. For information on the Internet, try using the key words "home school" or "schooling at home."

C5. Is there a fee?

There is no fee to file for the exemption with the Nebraska Department of Education. The parent assumes all curriculum and associated operational costs.

C6. Is there any funding available for exempt schools?

There is no funding available through the Nebraska Department of Education.

C7. My child will be enrolled in an online “accredited” private school/program. Do I still need to file for exempt status?

Yes, if the student is of compulsory school attendance age. While these out-of-state, online programs may be accredited in their state of origin or by a private accrediting entity, they are not approved or accredited by the Nebraska Department of Education and therefore, parents are required to file for exempt status in accordance with law and Rules 12 & 13. A few examples of these programs are Penn Foster, American School, Ashworth High School, and Keystone High School.

The only exception is if your child is enrolled full-time with the University of Nebraska Independent Study High School (UNL-ISHS). UNL-ISHS is a Nebraska accredited school and filing for exempt status for attendance at this school does not apply.

D. FORMS

D1. When do I need to have my forms in?

For families seeking to renew their exemption for the 2011/12 school year, the completed documents must be filed with the Nebraska Department of Education **by no later than July 15, 2011.**

For first year filers, the completed documents must be filed at least **30 days prior to when you begin your exempt school.**

We will start processing forms for the 2011/12 school year by mid June. For purposes of the rule, the record-keeping year is July 1, 2011 through June 30, 2012 (refer to Rule 12 or Rule 13, Sections 002.04 and 003.02A).

D2. Can I send in my forms by fax or by email?

No, the Forms A and B contain notarized signatures and the birth certificate must be a "certified" copy; therefore, please mail the original forms to the following address:

Exempt School Program Office
Nebraska Department of Education
301 Centennial Mall South, P.O. Box 94987
Lincoln, Nebraska 68509-4987

If you choose to drop off your forms, our office is located on the 6th Floor of the State Office Building, 301 Centennial Mall (14 & M Streets) in Lincoln. Department of Education business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

D3. How do I know I'm "OK" to home school after I mail in my forms?

All families receiving exempt status will receive a letter in the mail signed by the Commissioner of Education "acknowledging" their choice to receive exempt status. You will receive the acknowledgement letter if the paperwork is complete. If your file is incomplete, you will be notified and given the opportunity to provide the missing information within an allotted timeframe.

D4. How soon do I receive my acknowledgement letter back after I send in the forms?

You should allow up to 30 days from the time we receive your paperwork for processing of the forms.

D5. When can I start home schooling?

You may start your exempt school as soon as you receive your acknowledgement letter from the Commissioner of Education.

D6. How often am I required to file for exempt status?

For filings subsequent to the initial filing, you must file completed exempt school forms with the Commissioner of the Nebraska Department of Education by July 15 of each school year (refer to Rule 12 or Rule 13, Section 003.02A).

D7. Do I notify my school district that I'm home schooling?

You can if you'd like, however, this office will provide the official notification to your resident public school district once you receive your exempt status (refer to Rule 12 or Rule 13, Section 005).

D8. What happens if I choose to home school and do not file the appropriate paperwork as prescribed in Rule 12 and Rule 13?

Failure to comply with the filing requirements means no exemption from compulsory attendance laws has been effectuated and could subject the parents or guardians to criminal prosecution under statutes relating to habitual truancy (see Sections 79-201 through 79-210 R.R.S. and Rule 12 and Rule 13, Section 006).

D9. What happens if I remove (withdraw) my child from public or private school before I receive my acknowledgement letter from the Nebraska Department of Education?

See answer in Question D8.

D10. Who completes the Form A's?

Each parent or guardian must complete a separate Form A ("Statement of Objection and Assurances by Parent or Guardian") and have it notarized (refer to Rule 12 or Rule 13, Section 003.01).

If the filer is a single parent, that parent must complete a Form A and provide sole custody verification. A parent claiming to be a single parent is representing that he or she alone is responsible for making the decisions concerning the educational placement of the child(ren). Sole custody verification includes (but is not limited to): an order of a court of law having proper jurisdiction providing that the filing parent has sole custody of the child(ren), a birth certificate that lists only the filing parent as the parent, or a death certificate if one of the parents is deceased.

If the filer is the legal guardian(s), a copy of the documentation lawfully appointing the filer(s) as guardian(s) must be submitted with the completed Form A(s).

If a parent is on military assignment and cannot be contacted and supplied with the Form A, and the other parent has power of attorney for such matters, then that parent would complete and sign both Form A's (one for herself/himself and one on behalf of their spouse) and attach a copy of the power of attorney document.

D11. What happens if the parents have joint legal custody, but the child(ren) lives with the filing parent?

Nebraska law and Rules 12 and 13 require the signature of the parents (plural), unless one parent has sole legal custody or sole educational decision-making authority. If the court order specifies joint legal custody, both parents must complete a Form A, unless the court order specifies that the custodial parent has sole educational decision-making authority. In that case, a copy of that court order must be provided.

D12. What does it mean when the paperwork asks for the “Name of the Exempt School?”

This is the name you choose to call your exempt school. For example, some families use their last name and add the words “Home School” (e.g. Smith Home School).

D13. Who is (or who should I put down as) the Designated Parent Representative?

The parent representative is the person responsible for filing the exempt school paperwork. Typically, this is either the mother or father of the child(ren). The parent representative must complete a Form B ("Affirmation of Appointment as Authorized Parent Representative") and assume the responsibilities it entails (refer to Rule 12 or Rule 13, Section 003.02 and Form B).

D14. Do I need a set of forms for each child I want to home school?

Not if all the children are from the same family. You can include all your children on the same set of forms. If your exempt school includes children from a family other than your own immediate family, please contact Beth at 402/471-2795 for further information.

D15. What is an instructional monitor?

This is the individual(s) designated to do the teaching at the exempt school (refer to Rule 12 or Rule 13, Section 004.02). Report the instructional monitor information in Section 5 and Section 6B of the “Supplementary Sheet for Parent Representative,” for all of the instructional monitors used by the exempt school, including the parent(s) or guardian(s) if they are designated as an instructional monitor. [For multi-family schools, this information is reported in Section 4 and Section 5B of the “Supplementary Sheet for Parent Representative For Multi-Family Schools.”]

D16. What requirements or qualifications must the instructional monitor(s) have to teach my child?

There are no formal educational qualifications. A monitor must be able to offer evidence of competence to provide a program of instruction designed to lead to the basic skills in the language arts, math, science, social studies and health. The evidence is normally provided to the Department of Education by the parent representative when filing for exempt status and supplying the required information concerning instructional monitors (refer to Rule 12 or Rule 13, Section 004.02). By signing the Form A ("Statement of Objection and Assurances by Parent or Guardian"), the parent or guardian is verifying they are satisfied that the individual monitoring is qualified to monitor instruction in the basic skills (refer to Rule 12 or Rule 13, Form A).

D17. Can I teach children other than my own?

Yes, as long as the parents designate you the instructional monitor on their paperwork (refer to Rule 12 or Rule 13, Section 004.02 and Question D16).

D18. What is the school calendar information?

This is the planned hours of instruction for the 2011/12 school year. The minimum hours of instruction are 1032 for elementary grades (K-8) and 1080 hours for secondary grades (9-12). The total instructional hours for the 2011/12 school year must occur during the reporting period of July 1, 2011 through June 30, 2012.

Report the school calendar information in Section 4 of the "Supplementary Sheet for Parent Representative." Use the reverse side of the page to further explain any unique school calendar information, such as partial year enrollment or dual enrollment. [For multi-family schools, this information is reported in Section 3 of the "Supplementary Sheet for Parent Representative For Multi-Family Schools."]

D19. What are the requirements for attendance?

Minimum instruction is 1032 hours for elementary students and 1080 hours for secondary students, per school year (refer to Rule 12 or Rule 13, Section 004.01). Please note that if you file Rule 12 or 13 exemption forms for a child who is 5 now, but will turn 6 prior to January 1, 2012, instead of filing the affidavit with your resident school district (see Questions B1 - B4), the 1032 hour requirement applies even if the grade equivalent is kindergarten.

D20. What do I need to teach?

Your program of instruction must lead to (but is not limited to) the basic skills in language arts, mathematics, science, social studies and health (refer to Rule 12 or Rule 13, Section 004.03). Report the program of instruction (curriculum information) in Section 6A of the "Supplementary Sheet for Parent Representative." [For multi-family schools, this information is reported in Section 5A of the "Supplementary Sheet for Parent Representative For Multi-Family Schools."]

D21. What kind of records do I need to keep?

While recordkeeping and retention are not addressed in Rule 12 or Rule 13, it is advisable that you keep records including, but not limited to, attendance data and a transcript of classes taken with grades received for each child.

If you file under Rule 12, you will need to keep immunization records. For immunization information, refer to Section 79-217 R.R.S., Section 013 of Rule 12, or contact the Department of Health & Human Services (HHS)/Immunization Program Section at 402/471-6423 or visit the HHS website at http://www.dhhs.ne.gov/immunization/school_i.htm.

D22. How do I find out in which school district I reside?

Contact the County Assessor's office in your county of residence. They should be able to tell you in which school district you reside. It is important that you list the correct resident school district when submitting paperwork to the Department of Education to ensure that we notify the correct school district of your exempt status (refer to Rule 12 or Rule 13, Section 005).

D23. What do I do if after I filed my forms for the 2011/12 school year, I decide to add another child to the paperwork?

Contact the Exempt School Program Office for further information and to request the applicable forms.

D24. I am allowing my child to discontinue attending the exempt school once he/she turns age 16. Do I need to notify the Department of Education?

Yes. If a child has reached the age of 16 and is below age 18 and the parents or guardians wish to discontinue the enrollment of the child at an exempt school, the parents or guardians shall each sign a separate Form C ("Parent or Guardian Form to Discontinue Enrollment at Exempt School") and file it with the Commissioner of Education promptly upon withdrawal (refer to Rule 12 or Rule 13, Form C and Section 010.01). Contact the Exempt School Program Office to request copies of the Form C.

D25. My child is not yet age 18, but has completed the program of instruction offered by the exempt school (or has graduated). Do I need to notify the Department of Education?

Yes. If a child is below the age of 18 and has completed the program of instruction offered by the exempt school, the parents or guardians shall each sign a separate Form D ("Parent or Guardian Form to Report Completion of Program") and file it with the Commissioner of Education promptly upon completion (refer to Rule 12 or Rule 13, Form D and Section 010.02). Contact the Exempt School Program Office to request copies of the Form D.

E. BIRTH CERTIFICATE

E1. Do I need to provide my child's birth certificate?

Yes. Section 43-2007 of the Revised Statutes of Nebraska (part of the Missing Children Identification Act) requires that "Upon enrollment of a student who is receiving his or her education in an exempt school subject to 79-1601 to 79-1607, the parent or guardian of such student shall provide to the Commissioner of Education either (a) a certified copy of the student's birth certificate, or (b) other reliable proof of the student's identity and age accompanied by an affidavit (notarized statement) explaining the inability to produce a copy of the birth certificate." Section 43-2007 R.R.S. also provides that failure to comply could cause the matter to be reported to the local law enforcement agency for investigation (refer to Rule 12 or Rule 13, Section 009 and Section 43-2007 R.R.S.).

E2. What does "certified" copy mean?

Nebraska Health & Human Services' (HHS) Regulations states that a "Certified copy shall mean a certificate certified by the Department (HHS) as provided by law." For further information, visit the HHS/Vital Records website at <http://www.hhs.state.ne.us/VitalRecords/> or call 402/471-2871. "Certified" birth certificates will usually have a stamped or raised seal and are issued by a State's Vital Records Office. A Notary Public cannot certify a photocopy of a birth certificate.

Please note that hospital-issued birth documents and photocopies do not comply with the definition of "certified" birth certificate.

E3. Can I submit a photocopy rather than a certified copy?

No. A photocopy does not comply with the statutory requirement. Please note that the certified birth certificate is returned to you once we have verified the document and have made a copy for your file. The certified birth certificate only needs to be submitted once.

E4. How do I obtain a "certified" birth certificate for my child?

For births occurring in Nebraska only, contact HHS (Vital Records) at 402/471-2871 or visit their website at <http://www.hhs.state.ne.us/ced/bicert.htm>. Links to other states' information can be found on the National Center for Health Statistics/Centers for Disease Control and Prevention "Where to Write for Vital Records" website at <http://www.cdc.gov/nchs/w2w.htm>.

E5. Do I provide the birth certificate each school year?

The birth certificate is to be provided the first year upon enrollment in the exempt school. There is no need to re-submit the birth certificate annually with the completed exempt school forms. [The exception would be if the parents filed for exempt status in the past, but have not filed during the past five school years - in this case, the birth certificate would no longer be on file with NDE.]

F. MISCELLANEOUS

F1. Is there a State diploma for exempt school students?

The State of Nebraska does not issue high school diplomas to exempt school students.

If families are educating students of high school age and elect to subsequently enroll them in an approved or accredited private or public school, they will need to refer to the local school board or private school policies on accepting credit for students from non-accredited/non-approved educational programs and graduation requirements.

Often, individuals who have been “home schooled” take the General Educational Development (GED) exam. If sufficient scores are achieved and other qualifying criteria are met, a person can then receive a State of Nebraska High School Diploma issued by the Commissioner of Education. For more information on the GED, please contact the Nebraska Department of Education GED Section at 402/471-4807 or visit their website at <http://www.education.ne.gov/ADED/index.html>.

F2. Can I home school one of my children and send the other(s) to an approved or accredited public or private school?

Yes.

F3. Can a foster child or other ward of the state attend an exempt school?

In the usual situation involving foster children or wards of the state, Health & Human Services (HHS) (the state) is the legal guardian (refer to Section 43-905 R.R.S.). HHS regulations specifically address educational placement of state wards in non-public school settings (see Title 390, Nebraska Administrative Code, Section 11-002.02D available from the HHS website at <http://www.hhs/reg/t390.htm>). These regulations require the Rule 12 or Rule 13 educational placement be requested by a parent whose parental rights are intact and requires that such parent complete the Rule 12 or Rule 13 (Form A - "Statement of Objection and Assurances by Parent or Guardian") exemption election filing. The regulations also state that if parental rights are not intact, the ward will not be able to attend a Rule 12 or Rule 13 exempt school. If you have any questions regarding HHS regulations, contact your HHS case manager.

F4. Do public school districts provide standardized testing for exempt school students?

Local school boards may develop these policies. Such testing is not required of exempt school students. Please check with your resident public school district.

F5. I am going to home school for a while, and then plan on re-entering my child back into an approved or accredited public or private school. How will my child be placed?

Local school boards develop these policies. You will need to check with the appropriate school district on their grade placement and re-entry policies and procedures. See also Section 79-215 R.R.S. and Section 003 of NDE Rule 19 ("School Enrollment"). Rule 19 can be accessed from the Department of Education's website at http://www.education.ne.gov/LEGAL/webrulespdf/Clean19_2010.pdf.

F6. Can my child take some courses at the local public or private school while also being home schooled?

Contact the local public or private school regarding their policies and procedures. By legislation passed in 2006, each public school district is to allow "part time enrollment" of students that reside in the district but attend an exempt (home) school (refer to Rule 12 or Rule 13, Section 012).

F7. I am home schooling my child who is interested in playing high school sports. Where can I find out if this is possible, and obtain more information?

The Nebraska School Activities Association (NSAA) establishes bylaws for interscholastic competitive sports program participation for grades 9-12. For further information or clarification of these bylaws, please contact NSAA directly at 402/489-0386 or visit their website at www.nsaahome.org.

F8. Can an exempt school student participate in local public or private school activities such as music, drama, etc.?

Some high school competitive activities (in addition to athletics) may be covered by the NSAA bylaws referenced above. Otherwise, check with the school for their board policy on this matter.

F9. What do I do when I receive the exempt status acknowledgement letter, but then change my mind and enroll my child into an approved or accredited public or private school rather than home school?

Any change of enrollment must be promptly reported to the Department of Education in writing by mail or by email to beth.bolte@nebraska.gov (refer to Rule 12 or Rule 13, Section 003.02C).

F10. Who do I notify of any address change throughout the school year?

Any change of address must be promptly reported to the Department of Education in writing by mail or by email to beth.bolte@nebraska.gov. Include in your notice the new resident school district (if it changes) so that the Department can notify your new resident school district of your exempt status (refer to Rule 12 or Rule 13, Section 005). Also include your new county of residence (if it changes).

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