

TO: Roger D. Breed, Ed.D.
Commissioner of Education

FROM: Russ Inbody, Administrator
Finance & Organizational Services

SUBJECT: 2011/12 Exempt (Home) Schools Annual Report

BOARD REPORT ITEM

Attached is a copy of the 2011/12 “Report on Participants in Nebraska Exempt Schools.” This report is also available to view and/or download (as an Adobe Acrobat file) on the Exempt School Program website at:

<http://www.education.ne.gov/FOS/OrgServices/ExemptSchools/Index.html>

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NEBRASKA
DEPARTMENT OF
EDUCATION

A REPORT ON PARTICIPANTS IN NEBRASKA EXEMPT SCHOOLS 2011/12 School Year

Nebraska Department of Education
Exempt School Program Office
January 2012

TABLE OF CONTENTS

	Page
INTRODUCTION	
Background.....	1
Descriptors/Definitions.....	2
General Information.....	2
DATA REVIEWED	
Students, Family Units, and Attendance Centers.....	3
Students and Family Units by County.....	3
Exempt School Students Compared to Total Census.....	4
Students by Age.....	5
New and Renewal Filings for Exempt Status.....	5
Discontinuing Enrollment at the Exempt School.....	6
APPENDICES	
Appendix A - Exempt Students, Family Units, Attendance Centers, and Counties of Residence, School Year 2011/12, As of January 1, 2012.....	A - 1
Appendix B - Historical Summary of Exempt Students, Family Units, Attendance Centers, and Counties of Residence, School Years 1985/86 through 2011/12.....	B - 1
Appendix C - Number of Students and Families by County, School Year 2011/12, As of January 1, 2012.....	C - 1
Appendix D - Percentage of Exempt School Participants to Total Census Count, School Years 1985/86 – 2011/12.....	D - 1
Appendix E - New and Renewal Filings for Exempt Status, 2011/12 School Year, As of January 1, 2012.....	E - 1

INTRODUCTION

Background

On April 10, 1984, legislation was enacted that allowed parents to provide educational opportunities for their children outside of approved or accredited public or non-public schools (State Statute Section 79-1601). Parents, through a parent representative, were allowed to file for exempt status based on sincerely held religious beliefs. The Nebraska Department of Education (NDE) was given the responsibility for establishing rules and regulations governing procedures and standards for parents filing for an exemption. Rule 13 was developed in response to the statutory directive and became effective on August 22, 1984, and subsequently revised twice, with a current effective date of May 3, 2010.

In March 1999, a revision was made to the original State Statute. This revision gave parents or legal guardians the option to exempt their schools because the requirements for approval and accreditation required by law: 1) violate sincerely held religious beliefs, or 2) interfere with the decisions of the parents or legal guardians in directing their child's education. The Department then implemented a new rule (in addition to Rule 13) entitled Rule 12: "Regulations and Procedures for Exempting Schools for Which Parents Elect Not To Meet Legal Requirements for State Approval and Accreditation for Other Than Religious Reasons," with an effective date of August 4, 1999, and subsequently revised twice, with a current effective date of May 3, 2010.

Families that choose to be exempt from approval and accreditation requirements or "home school," file under either Rule 12 (interferes with the decisions of the parents or legal guardians in directing their child's education) or Rule 13 (violates sincerely held religious beliefs) on an annual basis. These rules describe the procedure and forms that are to be used in the filing process for those seeking exempt status. It was from the forms submitted by those filing for exempt status for the 2011/12 school year that the data in this report was compiled.

Descriptors/Definitions

For the purpose of consistency, data collected by January of each school year is presented in this report. The following descriptors and their definitions are used in this report.

Exempt status defines those parents who file to exempt themselves from approval and accreditation regulations, and receive official notification from the Commissioner of Education acknowledging their election to do so.

Exempt schools is the term used in Nebraska for “home schools.”

Exempt students refers to the children attending exempt schools.

A **family unit** is a single family comprised of legal parent(s) or guardian(s) and child(*ren*).

A **single family attendance center** refers to a site occupied by students belonging to one family having received exempt status.

A **multi family attendance center** refers to a site occupied by a group of children from two or more families having received exempt status.

General Information

Rules 12 and 13, the forms parents complete to file for exempt status, a listing of frequently asked questions about exempt schools, and other related information can be accessed from the Exempt School Program website at

<http://www.education.ne.gov/FOS/OrgServices/ExemptSchools/Index.html>

DATA REVIEWED

Students, Family Units, and Attendance Centers

Appendix A contains statistics for the 2011/12 school year regarding students, family units, attendance centers, and counties of residence. A historical summary for school years 1985/86 through 2011/12 can be found in Appendix B.

From 2010/11 to 2011/12 there was a 4.1 percent increase in the number of exempt school students from 6,540 to 6,809. Of the total 6,809 students, 92.1 percent attend a single family attendance center and 7.9 percent attend a multi family attendance center. There was a 4.7 percent increase in the number of family units from 3,144 in 2010/11 to 3,293 in 2011/12.

Of the total 3,293 families filing for exempt status, 923 (or 28 percent) filed under Rule 12 and 2,370 (or 72 percent) filed under Rule 13. See Appendix A for additional information.

Students and Family Units by County

For the 2011/12 school year, exempt students resided in all but two of the ninety-three Nebraska counties. The counties with no exempt students were Hooker and McPherson.

The 10 counties with the greatest number of exempt students in 2011/12 were as follows:

1) Douglas	1,594
2) Lancaster	990
3) Sarpy	784
4) Cass	178
5) Lincoln	177
6) Buffalo	151
7) Platte	142
8) Seward	134
9) Scotts Bluff	128
10) Washington	122

Douglas, Lancaster, and Sarpy Counties accounted for 49 percent of the State's total number of exempt children.

Appendix C lists statistical information on families and students, by county, for the 2011/12 school year. The information includes families and children who are in single family and multi family attendance centers, and are exempt under Rule 12 or Rule 13.

Exempt School Students Compared to Total Census

Effective July 16, 2004, the compulsory school attendance age (Section 79-201, R.R.S.) is as follows:

- Prior to July 1, 2005, a child is of mandatory attendance age if the child (i) has reached 7 years of age, (ii) did not reach 16 years of age prior to July 16, 2004, and (iii) has not reached 18 years of age; and
- On and after July 1, 2005, a child is of mandatory attendance age if the child (i) will reach 6 years of age prior to January 1 of the then-current school year, (ii) did not reach 16 years of age prior to July 16, 2004, and (iii) has not reached 18 years of age.

Prior to the July 16, 2004 change in law, compulsory school attendance law was age 7 up to age 16.

Appendix D shows the percentage of exempt school students to the total census count for school years 1985/86 through 2011/12. For school years 1985/86 through 2003/04, the total of exempt students each year was divided by the total census count within age 7 through age 15 range to derive a percentage figure; for school year 2004/05, the total of exempt students was divided by the total census count within age 7 through age 16 range to derive a percentage figure; and for school years 2005/06 through 2011/12, the total of exempt students was divided by the total census count within age 6 through age 17 range to derive a percentage figure. The percent of students attending exempt schools compared to the total census count of Nebraska children for 2011/12 was 2.25 percent.

Students by Age

The numbers of exempt students, by age, are listed below. 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, and has not reached 18 years of age.

Age	Number of Exempt Students
5	177
6	588
7	657
8	636
9	637
10	602
11	621
12	595
13	596
14	492
15	431
16	415
17	362
Total	6,809

New and Renewal Filings for Exempt Status

The data in Appendix E shows that of the 3,293 family units filing for exempt status, 611 (or 19 percent) were filing for the first year in 2011/12, and 2,682 (or 81 percent) were renewing their exempt status from the previous school year.

See Appendix E for additional data.

Discontinuing Enrollment at the Exempt School

For a child who is of mandatory attendance age, attendance at the exempt school may be discontinued in the following two cases:

- If the 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, the parents or guardians shall file a "Parent or Guardian Form to Discontinue Enrollment at Exempt School" (Form C) with the Commissioner of Education (Section 010.01 of Rule 12 and Rule 13).
- If the child is below age 18 and has completed the program of instruction offered by the exempt school, the parents or guardians shall sign a separate "Parent or Guardian Form to Report Completion of Program" (Form D) with the Commissioner of Education (Section 010.02 of Rule 12 and Rule 13).

Listed below are the numbers of students whose enrollment was discontinued under one of the above-listed scenarios during the 2011/12 school year:

Reason For Discontinuing Enrollment at the Exempt School	Number of Students Impacted
The child has reached the age of 16 and is below age 18 and the parents or guardians discontinued the enrollment of the child (Form C).	5
The child is below age 18 and has completed the program of instruction offered by the exempt school (Form D).	40

Appendix A

Exempt Students, Family Units, Attendance Centers, and Counties of Residence School Year 2011/12 As of January 1, 2012

Students			
Rule 12	1,560	Single Family	6,273
Rule 13	5,249	Multi Family	536
TOTAL STUDENTS	6,809	TOTAL STUDENTS	6,809

Family Units	
Rule 12	923
Rule 13	2,370
TOTAL FAMILY UNITS	3,293

Attendance Centers	
Rule 12 Single Family	895
Rule 13 Single Family	2,123
Rule 12 Multi Family	5
Rule 13 Multi Family	23
TOTAL ATTENDANCE CENTERS	3,046

Counties Containing Exempt Children	91
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Appendix B

Historical Summary of Exempt Students, Family Units, Attendance Centers, and Counties of Residence School Years 1985/86 through 2011/12

School Year	Number of Students			Family Units	School Attendance Centers			Counties Containing Exempt Students
	Single Family	Multi Family	Total		Single Family	Multi Family	Total	
1985/86	492	447	939	518	262	20	282	N/A
1986/87	830	546	1,376	753	517	26	543	66
1987/88	977	660	1,637	873	509	33	542	70
1988/89	1,155	553	1,708	946	618	29	647	76
1989/90	1,341	566	1,907	1,106	755	53	808	80
1990/91	1,559	588	2,147	1,221	876	30	906	81
1991/92	2,030	574	2,604	1,443	1,122	28	1,150	83
1992/93	2,296	635	2,931	1,623	1,264	32	1,296	87
1993/94	2,633	690	3,323	1,819	1,436	29	1,465	88
1994/95	3,061	762	3,823	2,110	1,679	38	1,717	86
1995/96	3,340	797	4,137	2,220	1,770	33	1,803	90
1996/97	3,682	725	4,407	2,394	1,988	33	2,021	89
1997/98	4,045	716	4,761	2,603	2,200	36	2,236	92
1998/99	4,135	675	4,810	2,666	2,274	38	2,312	90
1999/00	4,125	581	4,706	2,591	2,252	39	2,291	91
2000/01	4,071	588	4,659	2,507	2,180	35	2,215	89
2001/02	4,427	573	5,000	2,628	2,310	39	2,349	90
2002/03	4,524	562	5,086	2,690	2,366	36	2,402	90
2003/04	4,448	481	4,929	2,634	2,348	32	2,380	87
2004/05	4,499	477	4,976	2,642	2,363	33	2,396	87
2005/06	5,134	482	5,616	2,852	2,587	29	2,616	89
2006/07	5,415	541	5,956	2,921	2,635	32	2,667	89
2007/08	5,536	526	6,062	2,955	2,681	35	2,716	90
2008/09	5,659	475	6,134	2,957	2,704	31	2,735	90
2009/10	5,823	472	6,295	3,024	2,769	28	2,797	91
2010/11	5,994	546	6,540	3,144	2,863	31	2,894	90
2011/12	6,273	536	6,809	3,293	3,018	28	3,046	91

NOTE: Statistics reflect data collected by January of each school year. All statistics reported before the 1999/00 school year were Rule 13 exemption only. The first year for Rule 12 exemption was 1999/00.

Appendix C

Number Of Students And Families By County School Year 2011/12 As of January 1, 2012

County	Students					Family Units				
	Rule 12	Rule 13	Multi	Single	Total	Rule 12	Rule 13	Multi	Single	Total
Adams	4	111	0	115	115	4	50	0	54	54
Antelope	4	14	0	18	18	2	6	0	8	8
Arthur	0	1	0	1	1	0	1	0	1	1
Banner	0	7	0	7	7	0	1	0	1	1
Blaine	1	2	0	3	3	1	1	0	2	2
Boone	6	4	0	10	10	3	2	0	5	5
Box Butte	20	27	0	47	47	10	16	0	26	26
Boyd	8	6	0	14	14	3	3	0	6	6
Brown	11	13	0	24	24	8	8	0	16	16
Buffalo	38	113	0	151	151	20	50	0	70	70
Burt	15	30	0	45	45	7	12	0	19	19
Butler	6	35	0	41	41	5	12	0	17	17
Cass	34	144	23	155	178	16	65	12	69	81
Cedar	5	11	0	16	16	3	7	0	10	10
Chase	2	9	1	10	11	2	5	1	6	7
Cherry	9	29	2	36	38	5	18	2	21	23
Cheyenne	15	24	0	39	39	12	12	0	24	24
Clay	7	23	0	30	30	5	12	0	17	17
Colfax	2	17	0	19	19	2	8	0	10	10
Cuming	1	17	0	18	18	1	6	0	7	7
Custer	5	64	2	67	69	3	28	1	30	31
Dakota	20	30	0	50	50	10	11	0	21	21
Dawes	24	40	0	64	64	16	19	0	35	35
Dawson	4	53	8	49	57	2	24	6	20	26
Deuel	5	11	0	16	16	2	5	0	7	7
Dixon	5	17	0	22	22	3	8	0	11	11
Dodge	26	71	10	87	97	11	33	6	38	44
Douglas	463	1,131	145	1,449	1,594	268	498	73	693	766
Dundy	2	11	0	13	13	2	4	0	6	6
Fillmore	3	11	0	14	14	1	3	0	4	4
Franklin	1	11	0	12	12	1	5	0	6	6
Frontier	1	23	0	24	24	1	9	0	10	10
Furnas	1	18	0	19	19	1	8	0	9	9
Gage	19	42	2	59	61	10	22	1	31	32
Garden	1	1	0	2	2	1	1	0	2	2
Garfield	2	10	0	12	12	1	5	0	6	6
Gosper	0	2	0	2	2	0	2	0	2	2
Grant	0	2	0	2	2	0	1	0	1	1
Greeley	0	17	9	8	17	0	9	6	3	9
Hall	28	80	3	105	108	20	37	2	55	57
Hamilton	4	55	0	59	59	2	26	0	28	28
Harlan	2	38	0	40	40	1	12	0	13	13
Hayes	1	1	0	2	2	1	1	0	2	2
Hitchcock	4	19	5	18	23	2	8	2	8	10
Holt	11	37	0	48	48	6	20	0	26	26
Hooker	0	0	0	0	0	0	0	0	0	0
Howard	4	4	0	8	8	3	3	0	6	6
Jefferson	6	8	3	11	14	4	4	3	5	8

Appendix C (continued)

**Number Of Students And Families By County
School Year 2011/12
As of January 1, 2012**

County	Students					Family Units				
	Rule 12	Rule 13	Multi	Single	Total	Rule 12	Rule 13	Multi	Single	Total
Johnson	2	27	0	29	29	1	11	0	12	12
Kearney	0	11	0	11	11	0	5	0	5	5
Keith	3	25	18	10	28	3	14	10	7	17
Keya Paha	0	10	0	10	10	0	4	0	4	4
Kimball	3	13	0	16	16	3	6	0	9	9
Knox	7	19	0	26	26	4	8	0	12	12
Lancaster	198	792	11	979	990	121	360	5	476	481
Lincoln	25	152	27	150	177	15	71	13	73	86
Logan	1	10	3	8	11	1	3	1	3	4
Loup	3	2	0	5	5	2	1	0	3	3
Madison	19	94	9	104	113	13	40	8	45	53
McPherson	0	0	0	0	0	0	0	0	0	0
Merrick	16	37	0	53	53	9	17	0	26	26
Morrill	11	13	0	24	24	7	7	0	14	14
Nance	6	6	0	12	12	3	4	0	7	7
Nemaha	7	24	0	31	31	3	12	0	15	15
Nuckolls	1	23	0	24	24	1	9	0	10	10
Otoe	13	70	0	83	83	9	27	0	36	36
Pawnee	1	2	0	3	3	1	2	0	3	3
Perkins	17	44	58	3	61	10	24	32	2	34
Phelps	8	19	0	27	27	5	9	0	14	14
Pierce	2	24	0	26	26	1	10	0	11	11
Platte	6	136	96	46	142	5	55	37	23	60
Polk	3	23	0	26	26	2	12	0	14	14
Red Willow	5	43	23	25	48	4	24	13	15	28
Richardson	13	20	0	33	33	8	7	0	15	15
Rock	1	8	0	9	9	1	4	0	5	5
Saline	8	21	0	29	29	4	11	0	15	15
Sarpy	219	565	45	739	784	126	258	25	359	384
Saunders	12	64	4	72	76	8	23	1	30	31
Scotts Bluff	38	90	0	128	128	28	48	0	76	76
Seward	20	114	17	117	134	10	56	8	58	66
Sheridan	17	27	0	44	44	10	13	0	23	23
Sherman	0	11	0	11	11	0	5	0	5	5
Sioux	1	10	0	11	11	1	3	0	4	4
Stanton	6	25	5	26	31	2	12	3	11	14
Thayer	0	20	0	20	20	0	7	0	7	7
Thomas	3	2	0	5	5	1	1	0	2	2
Thurston	0	1	0	1	1	0	1	0	1	1
Valley	3	10	2	11	13	2	6	1	7	8
Washington	21	101	3	119	122	9	42	2	49	51
Wayne	2	21	2	21	23	1	7	1	7	8
Webster	1	34	0	35	35	1	10	0	11	11
Wheeler	0	6	0	6	6	0	1	0	1	1
York	8	36	0	44	44	7	19	0	26	26
STATEWIDE TOTALS	1,560	5,249	536	6,273	6,809	923	2,370	275	3,018	3,293

Appendix D

Percentage Of Exempt School Participants To Total Census Count School Years 1985/86 – 2011/12

School Year	Total Census Count	Exempt Student Count	Percent Of Exempt Students In Total Census Count
1985/86	214,998 ¹	939	.44
1986/87	214,732 ¹	1,376	.64
1987/88	215,678 ¹	1,637	.76
1988/89	217,104 ¹	1,638	.75
1989/90	222,448 ¹	1,907	.86
1990/91	227,895 ¹	2,147	.94
1991/92	232,550 ²	2,604	1.12
1992/93	231,193 ²	2,931	1.27
1993/94	231,470 ²	3,323	1.44
1994/95	234,010 ²	3,823	1.63
1995/96	235,193 ³	4,137	1.76
1996/97	223,799 ³	4,407	1.97
1997/98	237,918 ³	4,761	2.00
1998/99	235,055 ³	4,810	2.05
1999/00	233,670 ⁴	4,706	2.01
2000/01	233,014 ⁵	4,659	2.00
2001/02	230,140 ⁵	5,000	2.17
2002/03	227,935 ⁵	5,086	2.23
2003/04	229,095 ⁵	4,929	2.15
2004/05	253,919 ⁶	4,976	1.96
2005/06	302,191 ⁷	5,616	1.86
2006/07	299,990 ⁷	5,956	1.99
2007/08	298,928 ⁷	6,062	2.03
2008/09	298,039 ⁷	6,134	2.06
2009/10	300,079 ⁷	6,295	2.10
2010/11	300,344 ⁷	6,540	2.18
2011/12	302,007	6,809	2.25

¹Statistics And Facts About Nebraska Schools, Nebraska Department of Education, 1985, 1986, 1987, 1988, 1989, and 1990; Ages 7 through 15.

²School District Census Info. Tab Six, Nebraska Department of Education, 1991/92, 1992/93, 1993/94, and 1994/95; Ages 7 through 15.

³Statistics And Facts About Nebraska Schools, Nebraska Department of Education, 1995/96, 1996/97, 1997/98, and 1998/99; Ages 7 through 15.

⁴County Superintendent School District Census Report, 1999; Ages 7 through 15.

⁵School District/System Census Report, 2000, 2001, 2002, and 2003; Ages 7 through 15.

⁶School District/System Census Report, 2004; Ages 7 through 16.

⁷School District/System Census Report, 2005, 2006, 2007, 2008, 2009, 2010, and 2011; Ages 6 through 17.

Appendix E

New and Renewal Filings for Exempt Status 2011/12 School Year As of January 1, 2012

Family Units	Rule 12	Rule 13	Statewide Totals
New			
# Of Family Units	258	353	611
% Of Total Family Units	28%	15%	19%
Renewal			
# Of Family Units	665	2,017	2,682
% Of Total Family Units	72%	85%	81%
TOTAL FAMILY UNITS	923	2,370	3,293

Students	Rule 12	Rule 13	Statewide Totals
New			
# Of Students	336	557	893
% Of Total Students	22%	11%	13%
Renewal			
# Of Students	1,224	4,692	5,916
% Of Total Students	78%	89%	87%
TOTAL STUDENTS	1,560	5,249	6,809