



Guidance on Serving Homeschool, Exempt Students with Disabilities

Parents (or legal guardians) 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 or 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 and accreditation requirements while also complying with the mandatory school attendance law (Section 79-201 R.R.S.).

- [Rule 13](#) is the rule governing the procedures and standards for parents (or legal guardians) filing for an exemption.
- [Frequently Asked Questions \(FAQs\)](#)
- [Resources \(private parent support organizations\)](#)



This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. For comments regarding this document contact ndc.guidance@nebraska.gov

It is the policy of the Nebraska Department of Education not to discriminate on the basis of gender, disability, race, color, religion, marital status, age, national origin or genetic information in its education programs, administration, policies, employment or other agency programs.

The final IDEA 2004 regulations clarify eligible children with disabilities parentally-placed in a non-public school means “children with disabilities placed by their parents in a non-public school, including religious schools, home schools, and schools or facilities, which meet the definition of “elementary school” or “secondary school”. “Elementary school” is defined as a nonprofit institutional day or residential school, including a public elementary school that provides elementary education, as determined by state law. “Secondary school” is defined as a nonprofit institutional day or residential school, including a secondary school that provides secondary education, as determined by state law. Preschool children (ages 3-5) attending preschools that are part of an approved and/or accredited elementary school are also included under IDEA 2004 regulations of eligible children with disabilities parentally placed in nonpublic schools.

This document refers only to eligible children (ages 3-21) with disabilities parentally placed in an approved and/or accredited Rule 13 and Rule 14 Non-public schools, including religious schools; Exempt Home schools -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 non-public schools, or facilities that meet the definition of elementary school or secondary school, and FAPE is not at issue.

The public school district within which the homeschool student resides is responsible for:

- Child Find - Taking an (October 1) child count of eligible: public school, approved and/or accredited non-public school, and exempt home children with disabilities
- Calculation of proportionate share
- Provision of FAPE for Resident children (ages 3-21) with disabilities parentally placed in a non-public school

Parentally-placed children with disabilities attending an approved and/or accredited non-public school or an exempt home school which is located within his/her resident district: Are only entitled to receive the provision of FAPE from his/her resident public school district.

Consultation

Public school districts must at least annually conduct a timely and meaningful consultation meeting with parent representatives and officials of approved and/or accredited non-public schools, including exempt home schools, which are within their district's jurisdiction. The purpose of the consultation meeting is to provide an opportunity for non-public school representatives and parents to participate in meaningful discussions and provide input into the design and development of special education and related services for children with disabilities attending nonpublic schools, including exempt home schools. This consultation meeting should not be confused with Title consultation meetings with non-public schools.

Child Find

The school district must locate, identify, and evaluate all children with disabilities (ages 3-21) who are parentally placed in non-public schools, home schools, including religious, elementary schools, and secondary schools, or approved and/or accredited cooperatives which are within the school district's jurisdiction. The child find process must be designed to 1) ensure the equitable participation of children parentally-placed in a non-public school; 2) result in an accurate count of these children; 3) consist of similar activities as those undertaken for public school children; 4) be conducted in a time period that is comparable to that for children attending the public school; 5) must include out of state children attending a non-public school within the district; and 6) parent election of FAPE or equitable services.

Option Students

For students who were optioned into a district outside of the resident district, if the student will be homeschooled, rather than attend the option district, the option should be canceled by the parent.

Once the parent has canceled the option enrollment under subsections (5) through (8) of section 79-237 and returned to the resident district to home

school, the resident district would be responsible for the Special Education Services to the homeschooled students.

<https://nebraskalegislature.gov/laws/statutes.php?statute=79-237>

In the NDE Exempt (Home) School Frequently Asked Questions (2021-2022) document it states in question #7:

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

You can notify the school if you wish; however, NDE will provide the official notification to your resident public school district. The resident school district will have access to a report showing all families in their district who have filed with NDE regardless of status. If this is mid-year filing (i.e. after most approved/accredited schools begin their fall semester), see Question D29.

If you participate in the Enrollment Option Program (opted to enroll in a school district that you do not reside in), show the option district the acknowledgment letter; NDE notifies only the district of residence. The option should be canceled by the parent.

NDE will provide the official notification to the resident public school district regarding the homeschool application. The resident school district will have access to a report showing all families in their district who have filed with NDE regardless of status.

For more in-depth information, please refer to The Office of Special Education's technical assistance document that can be found here:

<https://cdn.education.ne.gov/wp-content/uploads/2017/09/Non-Public-Services-to-Children-with-Disabilities-Enrolled-by-their-Parents-in-Non-Public-Schools-Aug-2018.pdf>