

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 13

**REGULATIONS AND PROCEDURES FOR EXEMPTING SCHOOLS FOR
WHICH PARENTS ELECT NOT TO MEET LEGAL REQUIREMENTS FOR
SCHOOL APPROVAL AND ACCREDITATION**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 13**

**EFFECTIVE DATE
MAY 21, 2016
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509**



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 CHAPTER 13 - EXEMPT SCHOOLS

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001 General Information

001.01 Statutory Authority. Section 79-318(5)(c) of the Revised Statutes of Nebraska (R.R.S.), authorizes the Department to establish rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to procedures prescribed in subsections (2) to (4) of Section 79-1601 R.R.S., not to meet all state accreditation or approval requirements.

001.02 Scope. This Chapter provides rules and regulations governing the procedures for exemption of schools from state approval and accreditation requirements when such schools elect, pursuant to Section 79-1601 R.R.S., not to meet those requirements because they (i) would violate the sincerely held religious beliefs of the parents or legal guardians or (ii) interfere with the decisions of the parents or legal guardians in directing their child's education. This Chapter only applies to such exempt schools and is not applicable to schools which are approved or accredited pursuant to Chapters 14 and 10 of Title 92 of the Nebraska Administrative Code. Schools exempted from the approval and accreditation requirements of Chapters 14 and 10 pursuant to this Chapter shall not be considered either approved or accredited by the Department, nor shall they be entitled to any of the benefits, privileges, or services accorded or provided to approved or accredited schools by the Department.

001.03 Children Below Age Seven - Filing Requirement to the Resident Public School District (delaying entry until age seven). A parent or legal guardian of a child who will reach six years of age prior to January 1 of the then-current school year, but has not reached seven years of age (and wish to delay entry until age seven), must sign an affidavit stating that the parent or legal guardian intends for the child to participate in an Exempt School and intends to file for exempt status with the Commissioner of Education on or before the child's seventh birthday. This affidavit is to be filed by the parent or legal 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.

001.03A Parents or legal guardians of a child who will reach six years of age prior to January 1 of the then-current school year whose child will attend an exempt school must comply fully with the requirements as outlined in this Chapter, and begin educating the child accordingly.

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001.04 Dual (Part-Time) Enrollment. Section 79-2,136 R.R.S. provides that public schools shall allow the part-time enrollment of students who are residents of the school district but attend an exempt (home) school. Each school board shall establish policies and procedures for part-time students and such policies and procedures may include provisions permitting the part-time enrollment of exempt school students who are not residents of the school district. Contact the local public school district regarding their policies and procedures.

001.05 Immunizations. Parents or legal guardians who specify election on Form A for other than religious reasons must comply with immunization requirements of Sections 79-217 through 79-223 R.R.S.. Regulations of the State Department of Health and Human Services promulgated under Section 79-219 R.R.S. dealing with immunizations are found in Title 173, Nebraska Administrative Code, Chapter 3.

002 Definitions. As used in this Chapter:

002.01 Commissioner shall mean the State Commissioner of Education, whose mailing address for purposes of this Chapter is P.O. Box 94987, Lincoln, NE 68509.

002.02 Exempt school shall mean a school which has elected not to meet approval or accreditation requirements and has complied with this Chapter and state law relating to such exemption.

002.03 Initial Year of Operation shall mean a school year that is not immediately preceded by a school year for which the parents or legal guardians filed for exemption under this Chapter.

002.04 Mandatory Attendance Age shall mean a child that (a) will reach six (6) years of age prior to January 1 of the then-current school year, and (b) has not reached eighteen (18) years of age, except as provided in subsection (3) of Section 79-201 R.R.S.. A child that will reach six (6) years of age prior to January 1 of the then-current school year need not be enrolled in a public, private, denominational or parochial day school or a school that has elected under this Chapter not to meet accreditation or approval requirements when the provisions of this Chapter are met.

002.05 Residence shall mean that place in which a person is actually domiciled, which is one's established home and the place to which he/she intends to return when absent therefrom. It is the place where a person is actually living full-time, as opposed to vacationing or visiting.

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002.06 Resident shall mean a person having residence in a place.

002.07 School year shall mean, for the purposes of this Chapter, the period of instruction between July 1 and the following June 30.

003 Statement of Election and Assurances

003.01 Form A: Parent or Legal Guardian Statement of Election and Assurances. To elect under this Chapter not to meet state approval or accreditation standards and to obtain exemption from provisions of compulsory attendance requirements relating to attendance at a state approved or accredited school, each of the parents or legal guardians of the children who will attend the exempt school and who are of mandatory attendance age must complete and sign a separate Form A: Parent or Legal Guardian Statement of Election and Assurances (see Appendix A).

003.01A Single Parent. 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.

003.01A1 If the custody arrangement is changed by a court of law subsequent to the initial filing, a copy of that court order must be provided by the single parent filer.

003.01A2 If the court order specifies joint legal custody, both parents must complete a Form A, unless the court order provides that the custodial parent has sole educational decision-making authority. In that case, a copy of that court order must be provided.

003.01B Legal Guardian(s). If the filer is the legal guardian(s), a copy of the documentation lawfully appointing the filer(s) as legal guardian(s) must be submitted with the completed Form A(s).

003.02 Parent Representative Responsibilities. The parents or legal guardians of the children who attend or will attend the exempt school shall designate an authorized Parent Representative who shall:

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003.02A By July 15 of each year the school will be in operation file (i) a completed Form A described in Section 003.01 from each parent or legal guardian (see Appendix A); and (ii) Form B: Authorized Parent Representative Form (see Appendix B) with the Commissioner. In addition to the documentation above, the Parent Representative will also provide the information specified in Section 004 of this Chapter.

003.02A1 Parents or legal guardians and child(ren) that were not residents of a Nebraska school district as of July 15 of any school year in which they elect to have such child(ren) enroll and attend a school established or to be established under this Chapter, shall cause the parent representative designated under this Section to promptly file Forms A and B after the parents or legal guardians and child(ren) have established a residence in Nebraska. (See Appendices A & B.)

003.02A2 Parents or legal guardians of any child about to be or presently enrolled in an approved or accredited Nebraska school, who, after July 15, elect to have such child enroll and attend a school established or to be established under this Chapter, shall cause the parent representative designated under Section 003.02 to promptly file Forms A and B. (See Appendices A & B.)

003.02B Additional enrollment(s) during the school year: The parent representative shall promptly submit to the Commissioner a Form A from each parent or legal guardian and the documentation specified in Section 004 of this Chapter for additional enrollment(s) during the school year.

003.02C Discontinuation of enrollment during the school year: The parent representative shall promptly inform the Commissioner in writing if any child discontinues enrollment during the school year. See also Section 010.

003.02D Change of parent representative during the school year: The parents or legal guardians shall designate a new parent representative who shall promptly submit a new Form B if the parent representative changes during the school year.

003.02E Address change(s) during the school year: The parent representative shall promptly notify the Commissioner in writing if the address of the parents or legal guardians, parent representative, or exempt school changes during the school year.

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004 Information Summary. The parent representative will submit to the Commissioner the information described in Sections 004.01, 004.02, and 004.03 of this Chapter. For the initial year of operation, this summary will be submitted simultaneously with, but no later than 30 days after, the filings described in Section 003.02 are made. After the initial year of operation, the summary will be submitted annually by July 15. An optional document entitled, "Information Summary for Parent Representative," is designed to assist a parent representative in providing this information, and is available from the Department's Exempt School Program office or website.

004.01 The exempt school period as demonstrated by the Start Date and End Date. The period of operation for the school year will allow sufficient time for the provisions of a minimum instruction of 1,080 hours in secondary schools and 1,032 hours in elementary schools. The hours of instruction may be prorated based upon the remaining balance of the school year.

004.02 A list of the names of all instructional monitors in the exempt school, which shall also include for each their age, and highest level of education completed. If any new monitors are added during the school year, the same information for such persons shall be promptly submitted in writing to the Commissioner. If any monitors leave during the school year, this shall also be promptly submitted in writing to the Commissioner.

004.03 A written description or summary showing the sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health, which shall include a list of classes or courses, the name of the monitor(s) responsible for instructing or monitoring, and the grade levels being included in the exempt school.

005 Letter of Acknowledgment. Upon receipt by the Commissioner of a properly completed Form A signed by all parents or legal guardians, a properly completed Form B signed by the authorized parent representative, and the information required in Section 004, the election to operate an exempt school is effective, and the Commissioner will direct that a letter acknowledging such receipt be sent to the authorized parent representative and reported to the school district where the child resides. For initial year filings, the election is effective upon receipt by the Commissioner of the properly completed Forms A and B, but continued effectiveness is contingent on the receipt of the information required in Section 004.

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- 006 Failure to Provide Information or Meet Requirements. Failure of the parent representative to provide the information required by this Chapter, or failure to meet any of the other requirements of this Chapter, may cause the Department to notify the school district in which the child resides that the school has not met the requirements of this Chapter and therefore shall not be deemed an exempt school for purposes of 79-201 R.R.S., which may subject the parents or legal guardians to prosecution thereunder or under any other statutes relating to mandatory attendance.
- 007 Exempt School Visits. When the Department, in order to verify information submitted pursuant to this Chapter, deems it necessary to visit the exempt school, Department officials or their designees shall contact the parent representative and a time for the visit shall be mutually established. Denial of access for this purpose, so long as pursued in this manner, shall be cause for the Department to determine that the exempt school is not meeting requirements relating to the sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health. Therefore, it shall not be deemed an exempt school and the procedure in Section 006 above will be initiated.
- 008 Student Testing. When the Department, in order to verify information submitted pursuant to this Chapter deems it necessary to have conducted regular achievement testing of students attending the school, Department officials shall contact the parent representative and a test, a time, and a procedure shall be mutually designated and established. Denial of student testing for this purpose, so long as pursued in this manner, shall be cause for the Department to determine that the exempt school is not meeting requirements relating to the sequential program of instruction designed to lead to basic skills in the language arts, mathematics, science, social studies, and health. Therefore, it shall not be deemed an exempt school and the procedure in Section 006 above will be initiated.
- 009 Birth Certificate. Pursuant to Section 43-2007(3) R.R.S. (part of the Missing Children Identification Act), upon enrollment of a student who is receiving his or her education in an exempt school subject to sections 79-1601 to 79-1607, the parent or legal guardian of such student shall provide to the Commissioner of Education either (a) a certified copy of the child's birth certificate or (b) other reliable proof of the child's identity and age accompanied by an affidavit explaining the inability to produce a copy of the birth certificate. Upon failure of the parent or legal guardian to comply, the Commissioner of Education shall notify such parent or legal guardian in writing that unless he or she complies within ten days the matter shall be referred to the local law enforcement agency for investigation. If compliance is not obtained within such ten-day period, the Commissioner shall immediately report such matter.

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010 Withdrawal From the Exempt School. A child of mandatory attendance age may be withdrawn from the exempt school in the following two cases:

010.01 In accordance with Section 79-202(6) R.R.S., a person who has legal or actual charge or control of a child who is at least sixteen years of age but less than eighteen years of age may withdraw such a child before graduation and be exempt from the mandatory attendance requirements by filing with the Commissioner a "Withdrawal of a Child(ren) From the Exempt School" form, attached as Appendix C (Form C), in the presence of and acknowledged by a notary public upon oath or affirmation. Upon receipt of the properly completed Form C, the Commissioner will direct that a letter acknowledging such receipt be sent and reported to the school district where the child resides.

010.02 If the child is below 18 and has completed the program of instruction offered by the exempt school, then each parent or legal guardian shall sign a "Report of Completion of Program" form, attached as Appendix D (Form D). Upon receipt of the properly completed Form D signed by the parents or legal guardians, the Commissioner will direct that a letter acknowledging such receipt be sent to the parents or legal guardians and reported to the school district where the child resides.

010.02A Single Parent. If the filer is a single parent, that parent must complete a Form D 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. 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, a birth certificate that lists only the filing parent as the parent, or a death certificate if one of the parents is deceased.

010.02A1 If the custody arrangement is changed by a court of law subsequent to the initial filing, a copy of that court order must be provided by the single parent filer.

010.02A2 If the court order specifies joint legal custody, both parents must complete a Form D, unless the court order provides that the custodial parent has sole educational decision-making authority. In that case, a copy of that court order must be provided.

010.02B Legal Guardian(s). If the filer is the legal guardian(s), a copy of the documentation lawfully appointing the filer(s) as legal guardian(s) must be submitted with the completed Form D(s).

STATEMENT OF ELECTION AND ASSURANCES
 A separate Form A shall be completed by each parent or legal guardian

Parent or Legal Guardian Information

First Name/Middle Initial		Last Name	
Address			
City		State	Zip Code
Mailing Address (if different from residential address)			
City		State	Zip Code
School District of Residence		County of Residence	
Email Address (optional) _____@_____._____		Phone Number (optional) (_____) _____ - _____	

Select One

1. Initial (First) Year 2. Renewing from Previous School Year

3. Filed in the past, but not during the previous school year (last school year filed: _____)

4. Adding a child to the current school year exempt school roster
(only applies if already filed/received exempt status for another child(ren) for the current school year)

Student(s) attending the exempt school (attach separate page if additional space is needed)

Student's First & Last Name	Age	Date of Birth
1	_____	____/____/____
2	_____	____/____/____
3	_____	____/____/____
4	_____	____/____/____
5	_____	____/____/____
6	_____	____/____/____

Name & Address of the Exempt School

Exempt School Name		
Physical Address (if different from above)		
City	State	Zip Code

Statement of Election (select one)

- The requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education violate my sincerely held religious beliefs.
- The requirements for approval and accreditation required by law and the rules and regulations adopted and promulgated by the State Board of Education interfere with my decisions in directing my child(ren)'s education; and I am aware that under this election exempt schools must comply with the immunizations requirements in Section 79-217 of the Revised Statutes of Nebraska with exception as provided in Sections 79-221 and 79-222.

Designation of Parent Representative (select one)

- I will serve as my own Representative and fulfill the responsibilities of the Parent Representative.
- I will not serve as my own Representative. I hereby designate the following individual as the exempt school Parent Representative:

First Name/Middle Initial	Last Name

As the undersigned parent or legal guardian, I affirm and agree:

The Parent Representative will annually, by July 15, or as otherwise required by 92 NAC 13 (Rule 13) Sections 003.02A1-003.02A2, submit to the Department of Education this Statement (Form A) and information to show that the students are enrolled and attending pursuant to compulsory attendance laws by submitting the exempt school period as demonstrated by the Start Date and End Date; and will promptly notify the Commissioner of any changes in student enrollment and address; and

A program of sequential instruction in the language arts, mathematics, science, social studies, and health is being provided; and

I have satisfied myself that the individual(s) monitoring instruction at this school are qualified to monitor instruction in the basic skills as listed in the paragraph above, and that such individuals have demonstrated an alternative competency to monitor instruction or supervise children; and

I further understand that this school is not Approved or Accredited by the State of Nebraska.

The statements contained in this document are true and accurate and I am the Parent or Legal Guardian listed at the top of this form. I further understand that providing false information or signature could carry criminal penalties under Nebraska Law.

Signed this _____ day of
_____, 20____

Signature of Parent or Legal Guardian

Instructions: A separate copy of this form must be properly completed by each parent or legal guardian of the child(ren) named on this form and provided to the parent representative for filing with the Commissioner of Education (refer to Chapter 13, Section 003.01). A parent filing as a single parent should consult Section 003.01A. Form A is required by Chapter 13, therefore, an altered Form A will not be accepted.

FORM B: Parent Representative Form

AUTHORIZED PARENT REPRESENTATIVE FORM

(also known as the exempt school's principal or administrator)

[The Form B is completed by one person per Exempt School]

Parent Representative Information

First Name/Middle Initial		Last Name	
Address			
City		State	Zip Code
Mailing Address (if different from residential address)			
City		State	Zip Code
Email Address (optional) _____@_____._____		Phone Number (optional) (_____) _____ - _____	

Exempt School Information

Exempt School Name			
Address			
City		State	Zip Code
Mailing Address (if different from residential address)			
City		State	Zip Code
Email Address (optional) _____@_____._____		Phone Number (optional) (_____) _____ - _____	

I do hereby accept such appointment and agree to carry out the duties assigned to me by 79-1601 R.R.S. and Title 92, Nebraska Administrative Code, Chapter 13.

I understand that such duties shall include:

1. Securing and submitting to the Commissioner information specified in Chapter 13 regarding student enrollment and attendance, monitors, and the sequential program of instruction.
2. Making arrangements with the exempt school operators in the event that a school visit and/or testing is requested by the Commissioner.

I affirm that I have attached a Statement of Election and Assurances (Form A) signed by each parent or legal guardian of a child who is of mandatory attendance age enrolled in the school.

The statements contained in this document are true and accurate and I am the designated Parent Representative listed at the top of this form. I further understand that providing false information or signature could carry criminal penalties under Nebraska Law.

Signed this _____ day of

_____, 20_____

Signature of Parent Representative

Instructions: The parent representative sends this properly completed form to the Commissioner of Education by July 15 or as otherwise required by Chapter 13, Sections 003.02A1-003.02A2 with a properly completed Statement of Election and Assurances (Form A) for each parent or legal guardian of a child who is of mandatory attendance age enrolled in the school. See Chapter 13, Section 003.02 for further information. Form B is required by Chapter 13, therefore, an altered Form B will not be accepted.

FORM C: Withdrawal of a Child(ren)

**Withdrawal of a Child(ren) From the Exempt School
(who is at least 16, but less than 18 years of age)**

Completed by a parent or legal guardian (or person with legal or actual charge or control of the child)

Parent or Legal Guardian Information

First Name/Middle Initial		Last Name	
Address			
City		State	Zip Code
Mailing Address (if different from residential address)			
City		State	Zip Code
School District of Residence		County of Residence	
Email Address (optional) _____@_____._____		Phone Number (optional) (_____) _____ - _____	

Student Information

Student's First & Last Name	Age	Date of Birth
_____	_____	____/____/____
_____	_____	____/____/____

Exempt School Name

As the undersigned parent or legal guardian, I affirm and agree:

The child(ren) listed above has reached the age of sixteen, and is below age eighteen and, pursuant to 79-202(6) R.R.S., will withdraw from the above-listed exempt school, effective

_____/_____/_____.
(Month/Day/Year)

Signed this ____ day of _____
_____ Signature of Parent or Legal Guardian

State of Nebraska)
) ss
County of _____

The foregoing statement was signed in my presence by _____,
(Printed Name of Parent or Legal Guardian)
upon oath or affirmation that the statements contained therein were true.

(Seal) _____
Signature of Notary Public

FORM D: Completion of Program

Report of Completion of Program of Instruction
A Form D shall be completed by each parent or legal guardian

Parent or Legal Guardian Information

First Name/Middle Initial		Last Name	
Address			
City		State	Zip Code
Mailing Address (if different from residential address)			
City		State	Zip Code
School District of Residence		County of Residence	
Email Address (optional) _____@_____._____		Phone Number (optional) (_____) _____ - _____	

Student Information

Student's First & Last Name	Age	Date of Birth
_____	_____	____/____/____
_____	_____	____/____/____

Exempt School Name

As the undersigned parent or legal guardian, I affirm and agree:

The child(ren) listed above has not reached the age of eighteen and, pursuant to 79-201 R.R.S., has completed the program of instruction offered at the above-listed exempt school, effective _____/_____/_____.
(Month/Day/Year)

The statements contained in this document are true and accurate and I am the Parent or Legal Guardian listed at the top of this form. I further understand that providing false information or signature could carry criminal penalties under Nebraska Law.

Signed this _____ day of _____, 20_____

Signature of Parent or Legal Guardian

Instructions: File a properly completed Form D with the Commissioner of Education, promptly upon withdrawal from the program. Refer to Chapter 13, Section 010.02.