

ASSEMBLY BILL NO. 15—COMMITTEE ON EDUCATION

PREFILED JANUARY 7, 1999

(ON BEHALF OF LEGISLATIVE COMMISSION’S STUDY OF
SPECIAL EDUCATION AND STUDENT DISCIPLINE)

Referred to Committee on Education

SUMMARY—Makes various changes regarding truancy and discipline of habitual truants.
(BDR 34-319)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to pupils; making various changes regarding truancy and the discipline of pupils who are habitual truants; expanding the authority of the advisory boards to review school attendance; expanding the circumstances under which probation officers may serve as juvenile court masters; revising the actions that a juvenile court must take against a pupil who is found to be a habitual truant; repealing the requirement that law enforcement agencies issue citations to pupils who are habitual truants; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 385.347 is hereby amended to read as follows:
2 385.347 1. The board of trustees of each school district in this state,
3 in cooperation with associations recognized by the state board as
4 representing licensed personnel in education in the district, shall adopt a
5 program providing for the accountability of the school district to the
6 residents of the district and to the state board for the quality of the schools
7 and the educational achievement of the pupils in the district, including,
8 without limitation, pupils enrolled in charter schools in the school district.
9 2. The board of trustees of each school district shall, on or before
10 March 31 of each year, report to the residents of the district concerning:
11 (a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district. Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils in attendance in that period.

In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, the average class size for each required course of study for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district, and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) ~~{The annual rate}~~ **Records** of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

1 (h) The annual rate of pupils who drop out of school in grades 9 to 12,
2 inclusive, for each such grade, for each school in the district and for the
3 district as a whole.

4 (i) Records of attendance of teachers who provide instruction, for each
5 school in the district and the district as a whole, including, without
6 limitation, each charter school in the district.

7 (j) Efforts made by the school district and by each school in the district,
8 including, without limitation, each charter school in the district, to increase:

9 (1) Communication with the parents of pupils in the district; and

10 (2) The participation of parents in the educational process and
11 activities relating to the school district and each school, including, without
12 limitation, the existence of parent organizations and school advisory
13 committees.

14 (k) Records of incidents involving weapons or violence for each school
15 in the district, including, without limitation, each charter school in the
16 district.

17 (l) Records of incidents involving the use or possession of alcoholic
18 beverages or controlled substances for each school in the district, including,
19 without limitation, each charter school in the district.

20 (m) Records of the suspension and expulsion of pupils required or
21 authorized pursuant to NRS 392.466 and 392.467.

22 (n) The transiency rate of pupils for each school in the district and the
23 district as a whole, including, without limitation, each charter school in the
24 district.

25 (o) Each source of funding for the school district.

26 (p) For each high school in the district, including, without limitation,
27 each charter school in the district, the percentage of pupils who graduated
28 from that high school or charter school in the immediately preceding year
29 and enrolled in remedial courses in reading, writing or mathematics at a
30 university or community college within the University and Community
31 College System of Nevada.

32 (q) The technological facilities and equipment available at each school,
33 including, without limitation, each charter school, and the district's plan to
34 incorporate educational technology at each school.

35 (r) Such other information as is directed by the superintendent of public
36 instruction.

37 3. The superintendent of public instruction shall:

38 (a) Prescribe forms for the reports required pursuant to subsection 2 and
39 provide the forms to the respective school districts.

40 (b) Provide statistical information and technical assistance to the school
41 districts to ensure that the reports provide comparable information with
42 respect to each school in each district and among the districts.

43 (c) Consult with a representative of the:

- 1 (1) Nevada State Education Association;
- 2 (2) Nevada Association of School Boards;
- 3 (3) Nevada Association of School Administrators;
- 4 (4) Nevada Parent Teachers Association;
- 5 (5) Budget division of the department of administration; and
- 6 (6) Legislative counsel bureau,

7 concerning the program and consider any advice or recommendations
8 submitted by the representatives with respect to the program.

9 4. On or before April 15 of each year, the board of trustees of each
10 school district shall submit to ~~{the advisory}~~ *each* board to review school
11 attendance created in the county pursuant to NRS 392.126 the information
12 required in paragraph (g) of subsection 2.

13 **Sec. 2.** Chapter 392 of NRS is hereby amended by adding thereto the
14 provisions set forth as sections 3 and 4 of this act.

15 **Sec. 3. 1.** *If a pupil is a habitual truant, the school in which the*
16 *pupil is enrolled shall take reasonable actions designed, as applicable, to*
17 *encourage, enable or convince the pupil to attend school. If such action*
18 *by the school does not result in a sufficiently improved record of*
19 *attendance by the pupil and, except as otherwise provided in subsection 2,*
20 *the pupil has six or more unapproved absences in 1 school year, the*
21 *school shall submit a written referral of the pupil to the board to review*
22 *school attendance in the county. If more than one board to review school*
23 *attendance has been created in the county, the school shall submit the*
24 *written referral to the board that is designated for that school.*

25 **2.** *Upon the request of a parent or legal guardian of a pupil, a school*
26 *shall submit a written referral of a pupil who has three or more*
27 *unapproved absences in 1 school year to the board to review school*
28 *attendance in the county. If more than one board to review school*
29 *attendance has been created in the county, the school shall submit the*
30 *written referral to the board that is designated for that school.*

31 **3.** *A written referral of a pupil to a board to review school attendance*
32 *must include the dates on which the pupil was truant from school and all*
33 *action taken by the school to assist the pupil to attend school. The board*
34 *to review school attendance may request clarification of any information*
35 *contained in the written referral or any additional information that the*
36 *board considers necessary. The school shall provide written notice of the*
37 *referral to the parents or legal guardian of the pupil. The written notice*
38 *must include, without limitation:*

- 39 (a) *The name and address of the pupil referred;*
- 40 (b) *A written explanation of the reason for the referral;*
- 41 (c) *A summary of the provisions of section 4 of this act; and*
- 42 (d) *The address and telephone number of the board to review school*
43 *attendance.*

1 **Sec. 4. 1.** *Not more than 10 days after the referral of a pupil to a*
2 *board to review school attendance, the board shall, in cooperation with*
3 *the parents or legal guardian of the pupil, set a date, time and place for a*
4 *hearing to identify the factors and problems that have led to the status of*
5 *the pupil as a habitual truant. The pupil and his parents or legal guardian*
6 *shall attend the hearing held by the board. The hearing must be closed to*
7 *the public. The chairman of a board to review school attendance may*
8 *issue subpoenas for a hearing conducted pursuant to this section:*

9 *(a) In accordance with section 10 of this act, to the parent or legal*
10 *guardian of a pupil who has been referred to the board or any other*
11 *person that the board considers necessary to the hearing.*

12 *(b) In accordance with section 11 of this act, to a pupil who has been*
13 *referred to the board.*

14 **2.** *If a pupil and his parents or legal guardian do not attend the*
15 *hearing, the chairman of the board shall sign a petition pursuant to NRS*
16 *62.130 alleging that the pupil is a child in need of supervision.*

17 **3.** *If a board to review school attendance determines that the status of*
18 *a pupil as a habitual truant can be adequately addressed through*
19 *participation by the pupil in programs and services available in the*
20 *community, the board shall order the pupil to participate in such*
21 *programs and services. If the pupil does not agree to participate in such*
22 *programs and services, the chairman of the board shall sign a petition*
23 *pursuant to NRS 62.130 alleging that the pupil is a child in need of*
24 *supervision. If the pupil agrees to participate in such programs and*
25 *services, the board, the pupil and the parents or legal guardian of the*
26 *pupil shall enter into a written agreement that:*

27 *(a) Sets forth the findings of the board;*

28 *(b) Sets forth the terms and conditions of the pupil's participation in*
29 *the programs and services designated by the board;*

30 *(c) Adequately informs the pupil and his parents or legal guardian that*
31 *if the pupil or his parents or legal guardian do not comply with the terms*
32 *of the written agreement, the chairman of the board is legally obligated to*
33 *sign a petition pursuant to NRS 62.130 alleging that the pupil is a child in*
34 *need of supervision;*

35 *(d) Adequately informs the pupil and his parents or legal guardian of*
36 *the actions that a court must take pursuant to NRS 62.224 if the court*
37 *finds that the child is in need of supervision; and*

38 *(e) Contains the signature of the chairman of the board, the pupil and*
39 *the parents or legal guardian of the pupil.*

40 *The parents or legal guardian of the pupil shall, upon the request of the*
41 *board, provide proof satisfactory to the board that the pupil is*
42 *participating in the programs and services set forth in the written*
43 *agreement.*

1 **4. The chairman of a board to review school attendance shall sign a**
2 **petition in accordance with NRS 62.130 alleging that a pupil is a child in**
3 **need of supervision if:**

4 **(a) The pupil and his parents or legal guardian fail to attend a hearing**
5 **set by the board pursuant to subsection 1;**

6 **(b) The board determines that the status of a pupil as a habitual truant**
7 **cannot be adequately addressed by requiring the pupil to participate in**
8 **programs and services available in the community;**

9 **(c) The pupil does not consent to participation in programs and**
10 **services pursuant to subsection 3; or**

11 **(d) The pupil or his parents or legal guardian violates the terms of the**
12 **written agreement entered into pursuant to subsection 3.**

13 **5. If a chairman signs such a petition, the chairman shall:**

14 **(a) Submit to the juvenile court that will hear the case written**
15 **documentation of all efforts made by the board to address the status of the**
16 **pupil as a habitual truant; and**

17 **(b) Make recommendations to the juvenile court regarding the**
18 **appropriate disposition of the case.**

19 **Sec. 5.** NRS 392.126 is hereby amended to read as follows:

20 392.126 1. There is hereby created in each county at least one
21 ~~advisory~~ board to review school attendance. The membership of each
22 such board may consist of:

23 (a) One probation officer in the county who works on cases relating to
24 juveniles, appointed by the judge or judges of the juvenile court of the
25 county;

26 (b) One representative of a law enforcement agency in the county who
27 works on cases relating to juveniles, appointed by the judge or judges of the
28 juvenile court of the county;

29 (c) One representative of the district attorney for the county, appointed
30 by the district attorney;

31 (d) One parent or legal guardian of a pupil who is enrolled in a public
32 school in the county, appointed by the president of the board of trustees of
33 the school district;

34 (e) One member of the board of trustees of the school district, appointed
35 by the president of the board of trustees;

36 (f) One school counselor or school teacher employed by the school
37 district, appointed by an organization or association that represents licensed
38 educational personnel in the school district;

39 (g) One deputy sheriff in the county, appointed by the sheriff of the
40 county; and

41 (h) One representative of the local office of the division of child and
42 family services of the department of human resources, appointed by the
43 executive head of that office.

1 2. *If more than one board to review school attendance is created in a*
2 *county, the board of trustees of the school district in the county shall*
3 *designate the schools within the school district for which each board to*
4 *review school attendance shall carry out the duties prescribed in NRS*
5 *392.128.*

6 3. The members of each such board shall elect a chairman from among
7 their membership.

8 ~~3.~~ 4. Each member of such a board must be appointed for a term of 2
9 years. A vacancy in the membership of the board must be filled in the same
10 manner as the original appointment for the remainder of the unexpired
11 term.

12 ~~4.~~ 5. Each member of such a board serves without compensation,
13 except that, for each day or portion of a day during which a member of the
14 board attends a meeting of the board or is otherwise engaged in the
15 business of the board, he is entitled to receive the per diem allowance and
16 travel expenses provided for state officers and employees generally. The
17 board of trustees of the school district shall pay the per diem allowance and
18 travel expenses from the general fund of the school district.

19 Sec. 6. NRS 392.127 is hereby amended to read as follows:

20 392.127 The board of trustees of each school district shall provide
21 administrative support to ~~the advisory~~ *each* board to review school
22 attendance created ~~for~~ *in* its county pursuant to NRS 392.126.

23 Sec. 7. NRS 392.128 is hereby amended to read as follows:

24 392.128 1. Each ~~advisory~~ board to review school attendance created
25 pursuant to NRS 392.126 shall:

26 (a) Review the records of the ~~rate-of~~ attendance and truancy of pupils
27 submitted to the ~~advisory~~ board to review school attendance by the board
28 of trustees of the school district pursuant to subsection 4 of NRS 385.347;

29 (b) Identify factors that contribute to the ~~rate-of~~ truancy of pupils in the
30 school district;

31 (c) Establish programs to reduce the ~~rate-of~~ truancy of pupils in the
32 school district;

33 (d) At least annually, evaluate the effectiveness of those programs;

34 (e) Establish a procedure for schools and school districts for the
35 reporting of the status of pupils as habitual truants ; and ~~the issuance of~~
36 ~~citations pursuant to NRS 392.142; and~~

37 (f) Inform the parents and legal guardians of the pupils who are enrolled
38 in the schools within the district of the policies and procedures adopted
39 pursuant to the provisions of this section.

40 *If more than one board to review school attendance is created in a county,*
41 *the chairman of each board shall ensure that the members of the boards*
42 *work cooperatively to carry out the duties prescribed in this subsection.*

1 2. ~~{An advisory}~~ A board to review school attendance created in a
2 county pursuant to NRS 392.126 may use money appropriated by the
3 legislature and any other money made available to the ~~{advisory}~~ board for
4 the use of programs to reduce the truancy of pupils in the school district.
5 ~~{The advisory}~~ A board to review school attendance shall, on a quarterly
6 basis, provide to the board of trustees of the school district an accounting of
7 the money used by the ~~{advisory}~~ board to review school attendance to
8 reduce the ~~{rate of}~~ truancy of pupils in the school district.

9 **Sec. 8.** NRS 392.130 is hereby amended to read as follows:

10 392.130 1. Within the meaning of this chapter, a pupil shall be
11 deemed a truant who is absent from school without the written approval of
12 his teacher or the principal of the school, unless the pupil is physically or
13 mentally unable to attend school. The teacher or principal shall give his
14 written approval for a pupil to be absent if an emergency exists or upon the
15 request of a parent or legal guardian of the pupil. Before a pupil may attend
16 or otherwise participate in school activities outside the classroom during
17 regular classroom hours, he must receive the approval of the teacher or
18 principal.

19 2. ~~{Absence}~~ *An unapproved absence* for any part of a *school* day shall
20 be deemed a truancy for the purposes of this section.

21 3. *The board of trustees of each school district shall establish a policy*
22 *that establishes the conditions under which a pupil who has an approved*
23 *absence for part of the school day will not be deemed absent for the full*
24 *school day.*

25 4. If a pupil is physically or mentally unable to attend school, the
26 parent or legal guardian or other person having control or charge of the
27 pupil shall notify the teacher or principal of the school orally or in writing
28 within 3 days after the pupil returns to school.

29 ~~{4.}~~ 5. An absence which has not been approved pursuant to subsection
30 1 or ~~{3}~~ 4 shall be deemed an unapproved absence. In the event of an
31 unapproved absence, the teacher, attendance officer or other school official
32 shall deliver or cause to be delivered a written notice of truancy to the
33 parent, legal guardian or other person having control or charge of the child.
34 The written notice must be delivered to the parent, legal guardian or other
35 person who has control of the child. The written notice must inform the
36 parents or legal guardian of such absences in a form specified by the
37 department.

38 ~~{5.}~~ 6. As used in this section, "physically or mentally unable to attend"
39 does not include a physical or mental condition for which a pupil is excused
40 pursuant to NRS 392.050.

41 **Sec. 9.** Chapter 62 of NRS is hereby amended by adding thereto the
42 provisions set forth as sections 10 and 11 of this act.

1 **Sec. 10. 1.** *The chairman of a board to review school attendance*
2 *created pursuant to NRS 392.126 may issue a subpoena to compel the*
3 *attendance of an adult to be a witness, give testimony and produce books*
4 *and papers, as applicable, at a hearing conducted by the board pursuant*
5 *to section 4 of this act. A subpoena must be signed by the chairman of the*
6 *board or a person designated by the chairman for this purpose. If an*
7 *adult fails to comply with a subpoena, the chairman of the board may*
8 *apply to the court for enforcement of the subpoena. The court may, upon*
9 *receipt of an application for enforcement, compel the attendance of*
10 *witnesses, the giving of testimony and the production of books and papers*
11 *as required by the subpoena.*

12 **2.** *If a witness refuses to attend or testify or produce any books or*
13 *papers required by the subpoena, the chairman of the board to review*
14 *school attendance may report to the court by petition, setting forth:*

15 **(a)** *That due notice has been given of the time and place of attendance*
16 *of the witness or the production of the books and papers;*

17 **(b)** *That the witness has been subpoenaed in accordance with this*
18 *section; and*

19 **(c)** *That the witness has failed and refused to attend or produce the*
20 *books or papers required by subpoena before the chairman of the board*
21 *to review school attendance named in the subpoena, or has refused to*
22 *answer questions propounded to him in the course of the hearing,*
23 *and asking an order of the court compelling the witness to attend and*
24 *testify or produce the books or papers before the chairman.*

25 **3.** *The court, upon petition of the chairman of the board to review*
26 *school attendance, shall enter an order directing the witness to appear*
27 *before the court at a time and place to be fixed by the court in the order,*
28 *the time to be not more than 10 days after the date of the order, and then*
29 *and there show cause why he has not attended or testified or produced the*
30 *books or papers before the chairman of the board to review school*
31 *attendance. A certified copy of the order must be served upon the witness.*
32 *If it appears to the court that the subpoena was regularly issued by the*
33 *chairman of the board to review school attendance, the court shall*
34 *thereupon enter an order that the witness appear before the chairman at*
35 *the time and place fixed in the order and testify or produce the required*
36 *books or papers, and upon failure to obey the order, the witness must be*
37 *dealt with as for contempt of court.*

38 **4.** *An adult subject to the jurisdiction of the court pursuant to this*
39 *section is subject to the provisions of NRS 62.281 and has available to*
40 *him all of the rights, remedies and writs guaranteed by the constitution*
41 *and the laws of this state to a defendant who is charged with having*
42 *committed a criminal offense in this state.*

1 **Sec. 11. 1.** *The chairman of a board to review school attendance*
2 *created pursuant to NRS 392.126 may issue a subpoena to a child who*
3 *has been referred to the board pursuant to section 3 of this act to compel*
4 *the child to attend, give testimony or produce books and papers, as*
5 *applicable, at a hearing conducted pursuant to section 4 of this act. A*
6 *subpoena must be signed by the chairman of the board or a person*
7 *designated by the chairman for this purpose. If a child fails to comply*
8 *with a subpoena, the chairman of the board may apply to the court for*
9 *enforcement of the subpoena. The court may, upon receipt of an*
10 *application for enforcement, compel the child to attend, give testimony*
11 *and produce books and papers as required by the subpoena.*

12 **2.** *If a child refuses to attend or testify or produce any books or*
13 *papers required by the subpoena, the chairman of the board to review*
14 *school attendance may report to the court by petition, setting forth:*

15 *(a) That due notice has been given of the time and place of attendance*
16 *of the child or the production of the books and papers;*

17 *(b) That the child has been subpoenaed in accordance with this*
18 *section; and*

19 *(c) That the child has failed and refused to attend or produce the books*
20 *or papers required by subpoena before the chairman named in the*
21 *subpoena, or has refused to answer questions propounded to him in the*
22 *course of the hearing,*
23 *and asking an order of the court compelling the child to attend and testify*
24 *or produce the books or papers before the chairman.*

25 **3.** *The court, upon petition of the chairman of the board to review*
26 *school attendance, shall enter an order directing the child to appear*
27 *before the court at a time and place to be fixed by the court in the order,*
28 *the time to be not more than 10 days after the date of the order, and then*
29 *and there show cause why he has not attended or testified or produced the*
30 *books or papers before the chairman. A certified copy of the order must*
31 *be served upon the child. If it appears to the court that the subpoena was*
32 *regularly issued by the chairman, the court shall thereupon enter an*
33 *order that the child appear before the chairman at the time and place*
34 *fixed in the order and testify or produce the required books or papers.*
35 *Failure to obey the order shall be deemed to be a delinquent act, and*
36 *proceedings may be brought against the child pursuant to the provisions*
37 *of this chapter.*

38 **Sec. 12.** NRS 62.043 is hereby amended to read as follows:

39 62.043 ~~[The]~~ *Except as otherwise provided in section 10 of this act,*
40 *the* court has such jurisdiction over adults as is incidental to its jurisdiction
41 over children, including jurisdiction over the parents, guardians and
42 custodians of children adjudicated to be delinquent or in need of
43 supervision. An adult subject to the jurisdiction of the court *pursuant to*

1 *this section* is subject to the provisions of NRS 62.281 and has available to
2 him all of the rights, remedies and writs guaranteed by the constitution and
3 the laws of this state to a defendant who is charged with having committed
4 a criminal offense in this state.

5 **Sec. 13.** NRS 62.090 is hereby amended to read as follows:

6 62.090 1. The judge, in his discretion, may appoint any person
7 qualified by previous experience, training and demonstrated interest in the
8 welfare of children as master. The master, upon the order of the judge in
9 proceedings arising under the provisions of this chapter, may swear
10 witnesses and take evidence. No probation officer may act as master unless
11 the proceeding concerns ~~only a minor~~ a:

12 (a) *Minor* traffic offense ~~;~~ ; or

13 (b) *Child who is alleged to be in need of supervision because he is a*
14 *habitual truant.*

15 2. Each master who is first appointed after July 1, 1981, shall attend
16 instruction at the National College of Juvenile and Family Law in Reno,
17 Nevada, in a course designed for the training of new judges of the juvenile
18 courts on the first occasion when such instruction is offered after he is
19 appointed.

20 3. The compensation of a master in juvenile sessions may not be taxed
21 against the parties, but when fixed by the judge must be paid out of
22 appropriations made for the expenses of the district court.

23 4. The judge may direct that the facts in any juvenile court proceeding,
24 from the inception of the matter, be found by the master in the same
25 manner as in the district court. Within 10 days after the evidence before
26 him is closed, the master shall file with the judge all papers relating to the
27 case, written findings of fact and recommendations.

28 5. Notice in writing of the master's findings and recommendations,
29 together with the notice of right of appeal as provided in this section, must
30 be given by the master, or someone designated by him, to the parent,
31 guardian or custodian, if any, of the child, to the child's attorney, to the
32 district attorney, and to any other person concerned. A hearing by the court
33 must be allowed if a person entitled to notice files with the court a request
34 for a hearing and the request is filed within 5 days after the giving of the
35 notice. The findings and recommendations of the master, upon approval by
36 the court evidenced by signature, constitute a decree of the court.

37 **Sec. 14.** NRS 62.130 is hereby amended to read as follows:

38 62.130 1. A petition alleging that a child is delinquent or a petition
39 for revocation may be signed by any person, including the district attorney,
40 who has knowledge of the facts alleged, or is informed of them and
41 believes that they are true.

42 2. A petition alleging that a child is in need of supervision may be
43 signed only by:

1 (a) A representative of a public or private agency licensed or authorized
2 to provide care or supervision of children;

3 (b) A representative of a public or private agency providing social
4 service for families; ~~or~~

5 (c) A school officer, law enforcement officer or probation officer ~~or~~; *or*

6 *(d) The chairman of a board to review school attendance pursuant to*
7 *section 4 of this act.*

8 3. The district attorney shall prepare and sign every petition alleging
9 delinquency or need of supervision, and shall represent the petitioner in all
10 proceedings.

11 4. The petition must be entitled, "In the Matter of, a child,"
12 and must be verified by the person who signs it.

13 5. The petition must set forth specifically:

14 (a) The facts which bring the child within the jurisdiction of the court as
15 indicated in NRS 62.040, and the date when delinquency occurred or need
16 of supervision arose . ~~or~~

17 (b) The name, date of birth and address of the residence of the child . ~~or~~

18 (c) The names and address of the residence of his parents, guardian or
19 custodian, and spouse if any. If neither of his parents, guardian or custodian
20 resides or can be found within ~~the~~ *this* state, or if their addresses are
21 unknown, the petition must state the name of any known adult relative
22 residing within ~~the~~ *this* state, or if there is none, the known adult relative
23 residing nearest to the court . ~~or and~~

24 (d) Whether the child is in custody, and if so, the place of detention and
25 the time he was taken into custody.

26 6. When any of the facts required by subsection 5 are not known, the
27 petition must so state.

28 **Sec. 15.** NRS 62.224 is hereby amended to read as follows:

29 62.224 1. In addition to any other action authorized pursuant to the
30 provisions of this chapter, if a child is found to be in need of supervision
31 because he is a habitual truant, the court shall:

32 (a) The first time the child is found to be in need of supervision because
33 he is a habitual truant:

34 (1) Order the child to pay a fine of not more than \$100 pursuant to
35 paragraph (1) of subsection 1 of NRS 62.211 and the administrative
36 assessment required by NRS 62.223; and

37 (2) If the child is 14 years of age or older, order the suspension of the
38 child's driver's license for *at least* 30 days ~~or~~ *but not more than 2 years*. If
39 the child does not possess a driver's license, the court shall prohibit the
40 child from applying for a driver's license for *at least* 30 days ~~or~~ *but not*
41 *more than 2 years*;

42 (I) Immediately following the date of the order if the child is
43 eligible to apply for a driver's license; or

1 (II) After the date he becomes eligible to apply for a driver's
2 license if the child is not eligible to apply for a driver's license.

3 (b) The second or any subsequent time the child is found to be in need
4 of supervision because he is a habitual truant:

5 (1) Order the child to:

6 (I) Pay a fine of not more than \$200 pursuant to paragraph (l) of
7 subsection 1 of NRS 62.211 and the administrative assessment required by
8 NRS 62.223;

9 (II) Perform not more than 10 hours of community service in
10 compliance with the provisions of subsection 3; or

11 (III) Comply with the requirements set forth in both
12 sub-subparagraphs (I) and (II); and

13 (2) If the child is 14 years of age or older, order the suspension of the
14 child's driver's license for ~~60 days;~~ **at least 90 days but not more than 2**
15 **years.** If the child does not possess a driver's license, the court shall
16 prohibit the child from applying for a driver's license for ~~60 days;~~ **at least**
17 **90 days but not more than 2 years:**

18 (I) Immediately following the date of the order if the child is
19 eligible to apply for a driver's license; or

20 (II) After the date he becomes eligible to apply for a driver's
21 license if the child is not eligible to apply for a driver's license.

22 2. The ~~juvenile~~ court may suspend the payment of a fine ordered
23 pursuant to paragraph (a) of subsection 1 if the child attends school for 60
24 consecutive school days after the imposition of the fine, or has a valid
25 excuse acceptable to his teacher or the principal for any absence from
26 school within that period.

27 3. The community service ordered pursuant to subsection 1 must be
28 performed:

29 (a) For and under the supervising authority of a county, city, town or
30 other political subdivision or agency of this state or a charitable
31 organization that renders service to the community or its residents; and

32 (b) At the child's school of attendance, if practicable.

33 4. If the court issues an order suspending a child's driver's license
34 pursuant to subsection 1, the ~~judge~~ **court** shall require the child to
35 surrender to the court all driver's licenses then held by the child.

36 **Sec. 16.** NRS 483.495 is hereby amended to read as follows:

37 483.495 The department shall by regulation:

38 1. Except as otherwise provided in **NRS 62.2263 and 62.227 and**
39 paragraph (h) of subsection 1 of NRS 62.211, ~~subsection 7 of NRS~~
40 ~~62.224, NRS 62.2263 and 62.227,~~ set forth any tests and other
41 requirements which are a condition for the reinstatement of a license after
42 any suspension, revocation, cancellation or voluntary surrender of the
43 license. The tests and requirements:

- 1 (a) Must provide for a fair evaluation of a person's ability to operate a
- 2 motor vehicle; and
- 3 (b) May allow for the waiver of certain tests or requirements as the
- 4 department deems necessary.
- 5 2. Set forth the circumstances under which the administrator may, for
- 6 good cause shown, rescind the revocation, suspension or cancellation of a
- 7 license, or shorten the period for the suspension of a license.
- 8 **Sec. 17.** NRS 392.142 is hereby repealed.
- 9 **Sec. 18.** The amendatory provisions of section 15 of this act do not
- 10 apply to children who are found in need of supervision because they are
- 11 habitual truants if all acts of truancy were committed before July 1, 1999.
- 12 **Sec. 19.** This act becomes effective on July 1, 1999.

TEXT OF REPEALED SECTION

392.142 Habitual truant: Name of pupil reported to law enforcement agency; issuance of citation to appear before juvenile court; form of citation.

1. The principal of a school shall report to the appropriate local law enforcement agency the name of any pupil enrolled in that school who is a habitual truant.
2. Upon receipt of such a report, if it appears after investigation that the pupil is a habitual truant, the law enforcement agency shall prepare a written citation directing the pupil to appear in the proper juvenile court.
3. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:
 - (a) The local law enforcement agency;
 - (b) A school police officer employed by the board of trustees of the school district; or
 - (c) An attendance officer appointed by the board of trustees of the school district.
4. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.