

ASSEMBLY BILL NO. 518—COMMITTEE ON EDUCATION

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

MARCH 29, 2005

Referred to Committee on Education

SUMMARY—Authorizes school districts to prescribe minimum attendance requirements for pupils in kindergarten and first grade and for pupils in certain remedial programs. (BDR 34-606)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 education; authorizing the board of trustees of a school district to prescribe the minimum attendance requirements for pupils who are enrolled in kindergarten or the first grade and for pupils who are enrolled in certain programs of remedial education; revising related provisions governing the attendance and truancy of pupils; 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 392.040 is hereby amended to read as follows:
2 392.040 1. Except as otherwise provided by law, each parent,
3 custodial parent, guardian or other person in the State of Nevada
4 having control or charge of any child between the ages of 7 and 17
5 years shall send the child to a public school during all the time the
6 public school is in session in the school district in which the child
7 resides.
8 2. A child who is 5 years of age on or before September 30 of a
9 school year may be admitted to kindergarten at the beginning of that
10 school year, and his enrollment must be counted for purposes of



1 apportionment. If a child is not 5 years of age on or before
2 September 30 of a school year, the child must not be admitted to
3 kindergarten.

4 3. Except as otherwise provided in subsection 4, a child who is
5 6 years of age on or before September 30 of a school year must:

6 (a) If he has not completed kindergarten, be admitted to
7 kindergarten at the beginning of that school year; or

8 (b) If he has completed kindergarten, be admitted to the first
9 grade at the beginning of that school year,

10 ➔ and his enrollment must be counted for purposes of
11 apportionment. If a child is not 6 years of age on or before
12 September 30 of a school year, the child must not be admitted to the
13 first grade until the beginning of the school year following his sixth
14 birthday.

15 4. The parents, custodial parent, guardian or other person
16 within the State of Nevada having control or charge of a child who
17 is 6 years of age on or before September 30 of a school year may
18 elect for the child not to attend kindergarten or the first grade during
19 that year. The parents, custodial parent, guardian or other person
20 who makes such an election shall file with the board of trustees of
21 the appropriate school district a waiver in a form prescribed by the
22 board.

23 5. Whenever a child who is 6 years of age is enrolled in a
24 public school, each parent, custodial parent, guardian or other
25 person in the State of Nevada having control or charge of the child
26 shall send him to the public school during all the time the school is
27 in session. *If the board of trustees of a school district has*
28 *prescribed a minimum number of days of attendance for pupils*
29 *enrolled in kindergarten or first grade pursuant to NRS 392.122,*
30 *and a pupil is enrolled in kindergarten or first grade in that school*
31 *district, the parent or legal guardian shall comply with the*
32 *applicable requirements for attendance.* This requirement for
33 attendance does not apply to any child under the age of 7 years who
34 has not yet been enrolled or has been formally withdrawn from
35 enrollment in public school.

36 6. A child who is 7 years of age on or before September 30 of a
37 school year must:

38 (a) If he has completed kindergarten and the first grade, be
39 admitted to the second grade.

40 (b) If he has completed kindergarten, be admitted to the first
41 grade.

42 (c) If the parents, custodial parent, guardian or other person in
43 the State of Nevada having control or charge of the child waived the
44 child's attendance from kindergarten pursuant to subsection 4,
45 undergo an assessment by the district pursuant to subsection 7 to



1 determine whether the child is prepared developmentally to be
2 admitted to the first grade. If the district determines that the child is
3 prepared developmentally, he must be admitted to the first grade. If
4 the district determines that the child is not so prepared, he must be
5 admitted to kindergarten.

6 ➤ The enrollment of any child pursuant to this subsection must be
7 counted for apportionment purposes.

8 7. Each school district shall prepare and administer before the
9 beginning of each school year a developmental screening test to a
10 child:

11 (a) Who is 7 years of age on or before September 30 of the next
12 school year; and

13 (b) Whose parents waived his attendance from kindergarten
14 pursuant to subsection 4,

15 ➤ to determine whether the child is prepared developmentally to be
16 admitted to the first grade. The results of the test must be made
17 available to the parents, custodial parent, guardian or other person
18 within the State of Nevada having control or charge of the child.

19 8. A child who becomes a resident of this State after
20 completing kindergarten or beginning first grade in another state in
21 accordance with the laws of that state may be admitted to the grade
22 he was attending or would be attending had he remained a resident
23 of the other state regardless of his age, unless the board of trustees
24 of the school district determines that the requirements of this section
25 are being deliberately circumvented.

26 9. As used in this section, "kindergarten" includes:

27 (a) A kindergarten established by the board of trustees of a
28 school district pursuant to NRS 388.060;

29 (b) A kindergarten established by the governing body of a
30 charter school; and

31 (c) An authorized program of instruction for kindergarten
32 offered in a child's home pursuant to NRS 388.060.

33 **Sec. 2.** NRS 392.122 is hereby amended to read as follows:

34 392.122 1. The board of trustees of each school district shall
35 prescribe a minimum number of days that a pupil who is *subject to*
36 *compulsory attendance and* enrolled in a school in the district must
37 be in attendance for the pupil to obtain credit or to be promoted to
38 the next higher grade. *The board of trustees of a school district*
39 *may adopt a policy prescribing a minimum number of days that a*
40 *pupil who is enrolled in:*

41 (a) *Kindergarten or first grade in the school district; or*

42 (b) *A program of remedial education that is fully paid for*
43 *through the school district, including, without limitation, the*
44 *provision of transportation,*



↪ must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. If a board of trustees adopts such a policy for pupils enrolled in programs of remedial education, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in a program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.

2. For the purposes of this ~~subsection,~~ section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements.

~~2-1~~ 3. Before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or his designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and his parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and his parent or legal guardian, the principal or his designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or his designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and

(b) The pupil has completed course-work requirements.

~~3-1~~ 4. A pupil and his parent or legal guardian may appeal a decision of a principal or his designee pursuant to subsection ~~2-1~~ 3 to the board of trustees of the school district in which the pupil is enrolled.

~~4-1~~ 5. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.



1 **Sec. 3.** This act becomes effective on July 1, 2005.

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