

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.

~

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

AN ACT relating to education; authorizing the boards of trustees of school districts to apply to the Superintendent of Public Instruction for additional days or minutes of instruction for certain programs of remedial 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 388.090 is hereby amended to read as follows:
2 388.090 1. Except as otherwise provided in this section,
3 boards of trustees of school districts shall schedule and provide a
4 minimum of 180 days of free school in the districts under their
5 charge.
6 2. Except for an alternative schedule described in subsection 3,
7 the Superintendent of Public Instruction may, upon application by



* A B 5 1 8 R 2 *

1 the board of trustees of a school district, authorize the school district
2 to provide a program of instruction based on an alternative schedule
3 if the number of minutes of instruction to be provided is equal to or
4 greater than the number of minutes of instruction that would be
5 provided in a program of instruction consisting of 180 school days.
6 The Superintendent of Public Instruction shall notify the board of
7 trustees of the school district of the approval or denial of the
8 application not later than 30 days after the Superintendent of Public
9 Instruction receives the application. An alternative schedule
10 proposed pursuant to this subsection must be developed in
11 accordance with chapter 288 of NRS. If a school district is located
12 in a county whose population is 100,000 or more, the school district
13 may not submit an application pursuant to this subsection unless the
14 proposed alternative schedule of the school district will apply only
15 to a rural portion or a remote portion of the county in which the
16 school district is located, as defined by the State Board pursuant to
17 subsection ~~[8.]~~ 9.

18 3. The Superintendent of Public Instruction may, upon
19 application by the board of trustees of a school district, authorize a
20 reduction of not more than 15 school days in that particular district
21 to establish or maintain an alternative schedule consisting of a
22 12-month school program if the board of trustees demonstrates that
23 the proposed alternative schedule for the program provides for a
24 number of minutes of instruction that is equal to or greater than that
25 which would be provided under a program consisting of 180 school
26 days. Before authorizing a reduction in the number of required
27 school days pursuant to this subsection, the Superintendent of Public
28 Instruction must find that the proposed alternative schedule will be
29 used to alleviate problems associated with a growth in enrollment or
30 overcrowding.

31 4. The Superintendent of Public Instruction may, upon
32 application by a board of trustees, authorize the addition of minutes
33 of instruction to any scheduled day of free school if days of free
34 school are lost because of any interscholastic activity. Not more than
35 5 days of free school so lost may be rescheduled in this manner. The
36 provisions of this subsection do not apply to an alternative schedule
37 approved pursuant to subsection 2.

38 5. The number of minutes of instruction required for a
39 particular group of pupils in a program of instruction based on an
40 alternative schedule approved pursuant to this section must be
41 determined by multiplying the appropriate minimum daily period of
42 instruction established by the State Board by regulation for that
43 particular group of pupils by 180.

44 6. *The Superintendent of Public Instruction may, upon*
45 *application by the board of trustees of a school district, authorize*



1 *additional days or minutes of instruction for a program of*
2 *remedial education that is fully paid for through the school*
3 *district, including, without limitation, the provision of*
4 *transportation. If the Superintendent of Public Instruction*
5 *authorizes such additional days or minutes, the board of trustees*
6 *may adopt a policy prescribing the minimum number of days of*
7 *attendance or the minimum number of minutes of attendance for*
8 *a pupil who is determined to need such remedial education. If the*
9 *board of trustees adopts such a policy, the policy must include,*
10 *without limitation, the criteria for determining that a pupil be*
11 *enrolled in the program of remedial education, the procedure*
12 *pursuant to which parents and guardians will be notified of the*
13 *pupil's progress throughout the school year and a process for*
14 *appealing a determination regarding a pupil's need for remedial*
15 *education.*

16 7. Each school district shall schedule at least 3 contingent days
17 of school, or its equivalent if the school district operates under an
18 alternative schedule authorized pursuant to this section, in addition
19 to the number of days required by this section, which must be used
20 if a natural disaster, inclement weather or an accident necessitates
21 the closing of a majority of the facilities within the district.

22 ~~[7-]~~ 8. If more than 3 days of free school, or its equivalent if
23 the school district operates under an alternative schedule authorized
24 pursuant to this section, are lost because a natural disaster,
25 inclement weather or an accident necessitates the closing of a
26 majority of the facilities within a school district, the Superintendent
27 of Public Instruction, upon application by the school district, may
28 permit the additional days lost to be counted as school days in
29 session. The application must be submitted in the manner prescribed
30 by the Superintendent of Public Instruction.

31 ~~[8-]~~ 9. The State Board shall adopt regulations:

32 (a) Providing procedures for changing schedules of instruction
33 to be used if a natural disaster, inclement weather or an accident
34 necessitates the closing of a particular school within a school
35 district.

36 (b) Defining a rural portion of a county and a remote portion of
37 a county for the purposes of subsection 2.

38 **Sec. 2.** NRS 392.040 is hereby amended to read as follows:

39 392.040 1. Except as otherwise provided by law, each parent,
40 custodial parent, guardian or other person in the State of Nevada
41 having control or charge of any child between the ages of 7 and 17
42 years shall send the child to a public school during all the time the
43 public school is in session in the school district in which the child
44 resides.



2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

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

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

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

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

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

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. *If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance.* This requirement for attendance does not apply to



1 any child under the age of 7 years who has not yet been enrolled or
2 has been formally withdrawn from enrollment in public school.

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

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

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

9 (c) If the parents, custodial parent, guardian or other person in
10 the State of Nevada having control or charge of the child waived the
11 child's attendance from kindergarten pursuant to subsection 4,
12 undergo an assessment by the district pursuant to subsection 7 to
13 determine whether the child is prepared developmentally to be
14 admitted to the first grade. If the district determines that the child is
15 prepared developmentally, he must be admitted to the first grade. If
16 the district determines that the child is not so prepared, he must be
17 admitted to kindergarten.

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

20 7. Each school district shall prepare and administer before the
21 beginning of each school year a developmental screening test to a
22 child:

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

25 (b) Whose parents waived his attendance from kindergarten
26 pursuant to subsection 4,

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

31 8. A child who becomes a resident of this State after
32 completing kindergarten or beginning first grade in another state in
33 accordance with the laws of that state may be admitted to the grade
34 he was attending or would be attending had he remained a resident
35 of the other state regardless of his age, unless the board of trustees
36 of the school district determines that the requirements of this section
37 are being deliberately circumvented.

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

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

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

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



1 **Sec. 3.** NRS 392.122 is hereby amended to read as follows:

2 392.122 1. The board of trustees of each school district shall
3 prescribe a minimum number of days that a pupil who is *subject to*
4 *compulsory attendance and* enrolled in a school in the district must
5 be in attendance for the pupil to obtain credit or to be promoted to
6 the next higher grade. *The board of trustees of a school district*
7 *may adopt a policy prescribing a minimum number of days that a*
8 *pupil who is enrolled in kindergarten or first grade in the school*
9 *district must be in attendance for the pupil to obtain credit or to be*
10 *promoted to the next higher grade.*

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

17 ~~{2.}~~ 3. Before a pupil is denied credit or promotion to the next
18 higher grade for failure to comply with the attendance requirements
19 prescribed pursuant to subsection 1, the principal of the school in
20 which the pupil is enrolled or his designee shall provide written
21 notice of the intended denial to the parent or legal guardian of the
22 pupil. The notice must include a statement indicating that the pupil
23 and his parent or legal guardian may request a review of the
24 absences of the pupil and a statement of the procedure for requesting
25 such a review. Upon the request for a review by the pupil and his
26 parent or legal guardian, the principal or his designee shall review
27 the reason for each absence of the pupil upon which the intended
28 denial of credit or promotion is based. After the review, the
29 principal or his designee shall credit towards the required days of
30 attendance each day of absence for which:

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

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

35 ~~{3.}~~ 4. A pupil and his parent or legal guardian may appeal a
36 decision of a principal or his designee pursuant to subsection ~~{2.}~~ 3
37 to the board of trustees of the school district in which the pupil is
38 enrolled.

39 ~~{4.}~~ 5. A school shall inform the parents or legal guardian of
40 each pupil who is enrolled in the school that the parents or legal
41 guardian and the pupil are required to comply with the provisions
42 governing the attendance and truancy of pupils set forth in NRS
43 392.040 to 392.160, inclusive, and any other rules concerning
44 attendance and truancy adopted by the board of trustees of the
45 school district.



1 **Sec. 4.** This act becomes effective on July 1, 2005.



