

ASSEMBLY BILL NO. 212—COMMITTEE ON EDUCATION

FEBRUARY 28, 2007

Referred to Committee on Education

SUMMARY—Provides for high school reform. (BDR 34-118)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of a ninth grade school within a school; requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The principal of each



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such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend classes where practicable, the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) **Section 6** of this bill expands the age to 18 years unless the child has graduated from high school.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.*

2. *The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:*

(a) *Work in consultation with a school counselor to develop an academic plan for the pupil;*

(b) *Sign the academic plan; and*

(c) *Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.*

3. *If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.*

4. *An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan,*



1 *monitor and manage the pupil's educational and occupational*
2 *development and make determinations of the appropriate courses*
3 *of study for the pupil. If a pupil does not satisfy all the goals set*
4 *forth in the academic plan, the pupil is eligible to graduate and*
5 *receive a high school diploma if he otherwise satisfies the*
6 *requirements for a diploma.*

7 **Sec. 3.** 1. *The board of trustees of each school district*
8 *which includes at least one high school with an enrollment of*
9 *1,200 pupils or more, including pupils enrolled in ninth grade,*
10 *shall adopt a policy for each of those high schools to provide a*
11 *program of a ninth grade school within a school. The policy must*
12 *require:*

13 (a) *Where practicable, the designation of a separate area*
14 *geographically within the high school where the pupils enrolled in*
15 *ninth grade attend classes;*

16 (b) *The collection and maintenance of information relating to*
17 *pupils enrolled in ninth grade, including, without limitation,*
18 *credits earned, attendance, truancy and indicators that a pupil*
19 *may be at risk of dropping out of high school;*

20 (c) *Based upon the information collected pursuant to*
21 *paragraph (b), the timely identification of any special needs of a*
22 *pupil enrolled in ninth grade, including, without limitation, any*
23 *need for programs of remedial study for a particular subject area*
24 *and appropriate counseling;*

25 (d) *Methods to increase the involvement of parents and legal*
26 *guardians of pupils enrolled in ninth grade in the education of*
27 *their children; and*

28 (e) *The assignment of:*

29 (1) *Guidance counselors;*

30 (2) *At least one licensed school administrator; and*

31 (3) *Appropriate adult mentors,*

32 *↪ specifically for the pupils enrolled in ninth grade.*

33 2. *The principal of each high school in which 1,200 pupils or*
34 *more are enrolled, including pupils enrolled in ninth grade, shall:*

35 (a) *Carry out a program of a ninth grade school within a*
36 *school in accordance with the policy prescribed by the board of*
37 *trustees pursuant to subsection 1; and*

38 (b) *Submit an annual report, on a date prescribed by the board*
39 *of trustees, that sets forth the specific strategies, programs and*
40 *methods that are used to focus on the pupils enrolled in ninth*
41 *grade at the school.*

42 **Sec. 4.** Chapter 389 of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 1. *The State Board shall adopt regulations that prescribe a*
45 *uniform grading scale for all public high schools, including,*



1 *without limitation, a uniform grading scale for advanced*
2 *placement courses and honors courses.*

3 *2. The board of trustees of each school district and the*
4 *governing body of each charter school that operates as a high*
5 *school shall comply with the uniform grading scale.*

6 **Sec. 5.** Chapter 391 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *The board of trustees of each school district shall adopt a*
9 *policy that sets forth the duties, roles and responsibilities of*
10 *persons who are licensed pursuant to chapter 391 of NRS and*
11 *employed as school counselors. The policy must:*

12 *1. Be designed to ensure that school counselors are allotted*
13 *sufficient time in each school year to carry out the duties relating*
14 *to counseling, including, without limitation, assisting pupils with*
15 *academic planning; and*

16 *2. Limit the amount of time that school counselors are*
17 *required to assist with test administration and test coordination at*
18 *a public school.*

19 **Sec. 6.** NRS 392.040 is hereby amended to read as follows:

20 392.040 1. Except as otherwise provided by law, each parent,
21 custodial parent, guardian or other person in the State of Nevada
22 having control or charge of any child between the ages of 7 and ~~17~~
23 18 years shall send the child to a public school during all the time
24 the public school is in session in the school district in which the
25 child resides ~~H~~ *unless the child has graduated from high school.*

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

32 3. Except as otherwise provided in subsection 4, a child who is
33 6 years of age on or before September 30 of a school year must:

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

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

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

43 4. The parents, custodial parent, guardian or other person
44 within the State of Nevada having control or charge of a child who
45 is 6 years of age on or before September 30 of a school year may



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1 elect for the child not to attend kindergarten or the first grade during
2 that year. The parents, custodial parent, guardian or other person
3 who makes such an election shall file with the board of trustees of
4 the appropriate school district a waiver in a form prescribed by the
5 board.

6 5. Whenever a child who is 6 years of age is enrolled in a
7 public school, each parent, custodial parent, guardian or other
8 person in the State of Nevada having control or charge of the child
9 shall send him to the public school during all the time the school is
10 in session. If the board of trustees of a school district has adopted a
11 policy prescribing a minimum number of days of attendance for
12 pupils enrolled in kindergarten or first grade pursuant to NRS
13 392.122, the school district shall provide to each parent and legal
14 guardian of a pupil who elects to enroll his child in kindergarten or
15 first grade a written document containing a copy of that policy and a
16 copy of the policy of the school district concerning the withdrawal
17 of pupils from kindergarten or first grade. Before the child's first
18 day of attendance at a school, the parent or legal guardian shall sign
19 a statement on a form provided by the school district acknowledging
20 that he has read and understands the policy concerning attendance
21 and the policy concerning withdrawal of pupils from kindergarten or
22 first grade. The parent or legal guardian shall comply with the
23 applicable requirements for attendance. This requirement for
24 attendance does not apply to any child under the age of 7 years who
25 has not yet been enrolled or has been formally withdrawn from
26 enrollment in public school.

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

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

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

33 (c) If the parents, custodial parent, guardian or other person in
34 the State of Nevada having control or charge of the child waived the
35 child's attendance from kindergarten pursuant to subsection 4,
36 undergo an assessment by the district pursuant to subsection 7 to
37 determine whether the child is prepared developmentally to be
38 admitted to the first grade. If the district determines that the child is
39 prepared developmentally, he must be admitted to the first grade. If
40 the district determines that the child is not so prepared, he must be
41 admitted to kindergarten.

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



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

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

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

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

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

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

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

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

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

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~17~~ 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~shall~~ **must** state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~shall~~ **must** be kept on file by the employer ~~and~~ and, upon the termination of employment ~~shall~~ **must** be returned by the employer to the board of trustees or other authority issuing it.

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

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher



1 or principal shall give his written approval for a pupil to be absent if
2 an emergency exists or upon the request of a parent or legal
3 guardian of the pupil. Before a pupil may attend or otherwise
4 participate in school activities outside the classroom during regular
5 classroom hours, he must receive the approval of the teacher or
6 principal.

7 2. An unapproved absence for at least one period, or the
8 equivalent of one period for the school, of a school day may be
9 deemed a truancy for the purposes of this section.

10 3. If a pupil is physically or mentally unable to attend school,
11 the parent or legal guardian or other person having control or charge
12 of the pupil shall notify the teacher or principal of the school orally
13 or in writing, in accordance with the policy established by the board
14 of trustees of the school district, within 3 days after the pupil returns
15 to school.

16 4. An absence which has not been approved pursuant to
17 subsection 1 or 3 shall be deemed an unapproved absence. In the
18 event of an unapproved absence, the teacher, attendance officer or
19 other school official shall deliver or cause to be delivered a written
20 notice of truancy to the parent, legal guardian or other person having
21 control or charge of the child. The written notice must be delivered
22 to the parent, legal guardian or other person who has control of the
23 child. The written notice must inform the parents or legal guardian
24 of such absences in a form specified by the Department.

25 5. As used in this section, "physically or mentally unable to
26 attend" does not include a physical or mental condition for which a
27 pupil is excused pursuant to NRS 392.050.

28 6. ~~{Notwithstanding the provisions of NRS 392.040 to the~~
29 ~~contrary, the}~~ **The** provisions of this section apply to all pupils who
30 are ~~{less than 18 years of age and enrolled in public schools,~~
31 ~~including, without limitation, pupils who are 17 years of age or~~
32 ~~older but less than 18 years of age.}~~ **required to attend school**
33 **pursuant to NRS 392.040.**

34 **Sec. 9.** NRS 392.140 is hereby amended to read as follows:

35 392.140 1. Any child who has been declared a truant three or
36 more times within one school year must be declared a habitual
37 truant.

38 2. Any child who has once been declared a habitual truant and
39 who in an immediately succeeding year is absent from school
40 without the written:

41 (a) Approval of his teacher or the principal of the school
42 pursuant to subsection 1 of NRS 392.130; or



(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

↪ may again be declared a habitual truant.

3. ~~{Notwithstanding the provisions of NRS 392.040 to the contrary, the}~~ **The** provisions of this section apply to all pupils who are ~~{less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.}~~ **required to attend school pursuant to NRS 392.040.**

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~{Notwithstanding the provisions of NRS 392.040 to the contrary, the}~~ **The** provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~{less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.}~~ **required to attend school pursuant to NRS 392.040.**

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. 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.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~{Notwithstanding the provisions of NRS 392.040 to the contrary, the}~~ **The** provisions of this section apply to all pupils who are ~~{less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.}~~ **required to attend school pursuant to NRS 392.040.**

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and ~~{17}~~ **18** years; and



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(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school, who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

~~2. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

~~—(a) The child is enrolled in a public school; and~~

~~—(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.]~~ Except as otherwise provided in subsection ~~[4.]~~ 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~[4.]~~ 3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~[17]~~ **under 18** years of age ~~for younger~~ **and required to attend school pursuant to NRS 392.040** for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~[17]~~ **under 18** years of age ~~for younger~~ **and required to attend school pursuant to NRS 392.040** has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of



1 a charter school in which the child is enrolled, except as otherwise
2 provided in NRS 392.190, shall make and file in the proper court a
3 criminal complaint against the parent, guardian or other person,
4 charging the violation, and shall see that the charge is prosecuted by
5 the proper authority.

6 **Sec. 15.** NRS 392.200 is hereby amended to read as follows:

7 392.200 Any taxpayer, school administrator, school officer or
8 deputy school officer in the State of Nevada may make and file in
9 the proper court a criminal complaint against a parent, guardian or
10 other person who has control or charge of any child who is ~~17~~
11 under 18 years of age ~~for younger~~ and required to attend school
12 pursuant to NRS 392.040 and who violates any of the provisions of
13 law requiring the attendance of children in the public schools of this
14 State.

15 **Sec. 16.** NRS 392.215 is hereby amended to read as follows:

16 392.215 Any parent, guardian or other person who, with intent
17 to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to
18 392.165, inclusive:

19 1. Makes a false statement concerning the age or attendance at
20 school;

21 2. Presents a false birth certificate or record of attendance at
22 school; or

23 3. Refuses to furnish a suitable identifying document, record of
24 attendance at school or proof of change of name, upon request by a
25 local law enforcement agency conducting an investigation in
26 response to notification pursuant to subsection 4 of NRS 392.165,
27 ➔ of a child under ~~17~~ 18 years of age who is under his control or
28 charge, is guilty of a misdemeanor.

29 **Sec. 16.5.** NRS 394.145 is hereby amended to read as follows:

30 394.145 1. A private elementary or secondary school in this
31 State shall not permanently admit any child until the parent or
32 guardian of the child furnishes a birth certificate or other document
33 suitable as proof of the child's identity and, if applicable, a copy of
34 the child's records from the school he most recently attended.

35 2. Except as otherwise provided in subsection 3, a child must
36 be admitted to a school under his name as it appears in the
37 identifying document or records required by subsection 1, unless the
38 parent or guardian furnishes a court order or decree authorizing a
39 change of name or directing the principal or other person in charge
40 of that school to admit the child under a name other than the name
41 which appears in the identifying document or records.

42 3. A child who is in the custody of the agency which provides
43 child welfare services, as defined in NRS 432B.030, may be
44 admitted to a school under a name other than the name which
45 appears in the identifying document or records required by



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subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

(a) Presents a false birth certificate or record of attendance at school; or

(b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

↳ of a child under ~~17~~ 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education.

2. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

(a) A description of the policy adopted pursuant to section 5 of this act;

(b) An evaluation of the effectiveness of the policy in ensuring that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

(c) The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.

4. On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the



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- 1 Legislative Counsel Bureau for transmittal to the next regular
- 2 session of the Legislature.
- 3 **Sec. 18.** This act becomes effective on July 1, 2007.

