

SENATE BILL NO. 245—SENATORS NOLAN AND WOODHOUSE

MARCH 12, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing pupils. (BDR 34-99)

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; revising provisions governing the attendance required of pupils to receive credit or be promoted to the next grade; revising provisions governing the temporary alternative placement of pupils for disruptive behavior; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts to prescribe the minimum number of days that pupils must be in attendance each school year to obtain credit and be promoted to the next grade. A pupil must be credited as in attendance for up to 10 days each school year for each approved absence. (NRS 392.122) **Section 1** of this bill provides that the 10-day limitation on approved absences must be reduced by one day for each time the pupil is truant.

Existing law requires the principal of each public school to establish a plan that provides for the temporary removal of a pupil from the classroom if, in the judgment of the teacher, the pupil engaged in behavior that seriously interferes with the ability of the teacher to teach and with the ability of the other pupils in the classroom to learn. (NRS 392.4642-392.4648) If such a pupil is removed from the classroom, he must be assigned, to the extent practicable, to a temporary alternative placement that is separated from the other pupils in the classroom. (NRS 392.4645) **Section 2** of this bill authorizes the board of trustees of a school district to adopt a policy that requires parents and legal guardians of pupils who are temporarily removed from the classroom to pay a reasonable fee for the alternative placement. Such a policy must include a provision for a parent or legal guardian to request a reduction or waiver of the fee for good cause shown, including financial hardship.



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

1 **Section 1.** 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 may
7 adopt a policy prescribing a minimum number of days that a pupil
8 who is enrolled in kindergarten or first grade in the school district
9 must be in attendance for the pupil to obtain credit or to be
10 promoted to the next higher grade.

11 2. ~~For~~ *Except as otherwise provided in this subsection, for*
12 the purposes of this section, the days on which a pupil is not in
13 attendance because the pupil is absent for up to 10 days within 1
14 school year with the approval of the teacher or principal of the
15 school pursuant to NRS 392.130, must be credited towards the
16 required days of attendance if the pupil has completed course-work
17 requirements. *The 10-day limitation on absences must be reduced*
18 *by one day for each time the pupil is truant from school.* If the
19 board of trustees of a school district has adopted a policy pursuant to
20 subsection 5, the 10-day limitation on absences does not apply to
21 absences that are excused pursuant to that policy.

22 3. Except as otherwise provided in subsection 5, before a pupil
23 is denied credit or promotion to the next higher grade for failure to
24 comply with the attendance requirements prescribed pursuant to
25 subsection 1, the principal of the school in which the pupil is
26 enrolled or his designee shall provide written notice of the intended
27 denial to the parent or legal guardian of the pupil. The notice must
28 include a statement indicating that the pupil and his parent or legal
29 guardian may request a review of the absences of the pupil and a
30 statement of the procedure for requesting such a review. Upon the
31 request for a review by the pupil and his parent or legal guardian,
32 the principal or his designee shall review the reason for each
33 absence of the pupil upon which the intended denial of credit or
34 promotion is based. After the review, the principal or his designee
35 shall credit towards the required days of attendance each day of
36 absence for which:

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

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

41 4. A pupil and his parent or legal guardian may appeal a
42 decision of a principal or his designee pursuant to subsection 3 to



1 the board of trustees of the school district in which the pupil is
2 enrolled.

3 5. The board of trustees of a school district may adopt a policy
4 to exempt pupils who are physically or mentally unable to attend
5 school from the limitations on absences set forth in subsection 1. If a
6 board of trustees adopts a policy pursuant to this subsection:

7 (a) A pupil who receives an exemption pursuant to this
8 subsection is not exempt from the minimum number of days of
9 attendance prescribed pursuant to subsection 1.

10 (b) The days on which a pupil is physically or mentally unable
11 to attend school must be credited towards the required days of
12 attendance if the pupil has completed course-work requirements.

13 (c) The procedure for review of absences set forth in subsection
14 3 does not apply to days on which the pupil is absent because the
15 pupil is physically or mentally unable to attend school.

16 6. A school shall inform the parents or legal guardian of each
17 pupil who is enrolled in the school that the parents or legal guardian
18 and the pupil are required to comply with the provisions governing
19 the attendance and truancy of pupils set forth in NRS 392.040 to
20 392.160, inclusive, and any other rules concerning attendance and
21 truancy adopted by the board of trustees of the school district.

22 **Sec. 2.** NRS 392.4645 is hereby amended to read as follows:

23 392.4645 1. The plan established pursuant to NRS 392.4644
24 must provide for the temporary removal of a pupil from a classroom
25 if, in the judgment of the teacher, the pupil has engaged in behavior
26 that seriously interferes with the ability of the teacher to teach the
27 other pupils in the classroom and with the ability of the other pupils
28 to learn. The plan must provide that, upon the removal of a pupil
29 from a classroom pursuant to this section, the principal of the school
30 shall provide an explanation of the reason for the removal of the
31 pupil to the pupil and offer the pupil an opportunity to respond to
32 the explanation. Within 24 hours after the removal of a pupil
33 pursuant to this section, the principal of the school shall notify the
34 parent or legal guardian of the pupil of the removal.

35 2. Except as otherwise provided in subsection 3, a pupil who is
36 removed from a classroom pursuant to this section must be assigned
37 to a temporary alternative placement pursuant to which the pupil:

38 (a) Is separated, to the extent practicable, from pupils who are
39 not assigned to a temporary alternative placement;

40 (b) Studies under the supervision of appropriate personnel of the
41 school district; and

42 (c) Is prohibited from engaging in any extracurricular activity
43 sponsored by the school.



3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➤ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. The board of trustees of a school district may adopt a policy that requires the parents and legal guardians of pupils who are temporarily removed from the classroom pursuant to this section to pay a reasonable fee for the alternative placement of the child. If the board of trustees adopts such a policy, the policy must include a provision for a parent or legal guardian to request and receive a waiver or reduction of the fee for good cause, including, without limitation, financial hardship.

Sec. 3. This act becomes effective on July 1, 2007.

