

SENATE BILL NO. 313—SENATORS HORSFORD, WIENER,
TITUS, CARE, MATHEWS AND SCHNEIDER

MARCH 19, 2007

JOINT SPONSORS: ASSEMBLYMEN PARNELL, HARDY, OCEGUERA,
ATKINSON, BOBZIEN, DENIS, HORNE AND SMITH

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions relating to the enrollment of certain pupils in kindergarten in a public elementary school. (BDR 34-605)

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; authorizing admission to kindergarten of certain pupils who are not the required minimum age at the beginning of a school year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, a child may not enroll in kindergarten unless the child is 5
- 2 years of age on or before September 30 of the school year in which the child is
- 3 admitted. (NRS 392.040) This bill authorizes the principal of a school to provide
- 4 permission for a child to enroll in kindergarten if the child will be 5 years of age on
- 5 or before December 31 of the school year.

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



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1 public school is in session in the school district in which the child
2 resides.

3 2. A child who is 5 years of age on or before :

4 (a) September 30 of a school year may be admitted to
5 kindergarten at the beginning of that school year **H**; or

6 (b) *December 31 but after September 30 of a school year may*
7 *be admitted to kindergarten at the beginning of that school year if*
8 *the principal of the school at which the pupil is zoned to attend*
9 *provides permission for the child to be admitted, upon request of*
10 *the parent or legal guardian of the child,*

11 **↪** and his enrollment must be counted for purposes of
12 apportionment. If a child is not 5 years of age on or before
13 September 30 of a school year **H** *or if a principal does not provide*
14 *permission for a child to enroll who is 5 years of age on or before*
15 *December 31 of a school year,* the child must not be admitted to
16 kindergarten.

17 3. Except as otherwise provided in subsection 4, a child who is
18 6 years of age on or before September 30 of a school year *or who is*
19 *6 years of age on or before December 31 of a school year and was*
20 *admitted to kindergarten pursuant to paragraph (b) of subsection*
21 *2* must:

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

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

26 **↪** and his enrollment must be counted for purposes of
27 apportionment. If a child is not 6 years of age on or before
28 September 30 of a school year, the child must not be admitted to the
29 first grade until the beginning of the school year following his sixth
30 birthday **H** *unless the child was admitted to kindergarten pursuant*
31 *to paragraph (b) of subsection 2 and he completed kindergarten.*

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

40 5. Whenever a child who is 6 years of age is enrolled in a
41 public school, each parent, custodial parent, guardian or other
42 person in the State of Nevada having control or charge of the child
43 shall send him to the public school during all the time the school is
44 in session. If the board of trustees of a school district has adopted a
45 policy prescribing a minimum number of days of attendance for



1 pupils enrolled in kindergarten or first grade pursuant to NRS
2 392.122, the school district shall provide to each parent and legal
3 guardian of a pupil who elects to enroll his child in kindergarten or
4 first grade a written document containing a copy of that policy and a
5 copy of the policy of the school district concerning the withdrawal
6 of pupils from kindergarten or first grade. Before the child's first
7 day of attendance at a school, the parent or legal guardian shall sign
8 a statement on a form provided by the school district acknowledging
9 that he has read and understands the policy concerning attendance
10 and the policy concerning withdrawal of pupils from kindergarten or
11 first grade. The parent or legal guardian shall comply with the
12 applicable requirements for attendance. This requirement for
13 attendance does not apply to any child under the age of 7 years who
14 has not yet been enrolled or has been formally withdrawn from
15 enrollment in public school.

16 6. A child who is 7 years of age on or before September 30 of a
17 school year *or who is 7 years of age on or before December 31 of a*
18 *school year and was admitted to kindergarten pursuant to*
19 *paragraph (b) of subsection 2* must:

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

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

24 (c) If the parents, custodial parent, guardian or other person in
25 the State of Nevada having control or charge of the child waived the
26 child's attendance from kindergarten pursuant to subsection 4,
27 undergo an assessment by the district pursuant to subsection 7 to
28 determine whether the child is prepared developmentally to be
29 admitted to the first grade. If the district determines that the child is
30 prepared developmentally, he must be admitted to the first grade. If
31 the district determines that the child is not so prepared, he must be
32 admitted to kindergarten.

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

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

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

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

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



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

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

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

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

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

15 **Sec. 2.** This act becomes effective on July 1, 2007.

