

Amendment No. 320

Senate Amendment to Senate Bill No. 313 (BDR 34-605)

Proposed by: Senate Committee on Human Resources and Education**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

SJC/KCR



Date: 4/16/2007

S.B. No. 313—Revises provisions relating to the enrollment of certain pupils in kindergarten in a public elementary school. (BDR 34-605)



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]~~ **Authorizes the boards of trustees of school districts to adopt a policy** 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 **the board of trustees of a school district to adopt a policy** for the 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:

Under existing law, a child may not enroll in kindergarten unless the child is 5 years of age on or before September 30 of the school year in which the child is admitted. (NRS 392.040) This bill authorizes the ~~[principal]~~ **board of trustees** of a school **district** to ~~[provide permission]~~ **adopt a policy** for a child to enroll in kindergarten if the child will be 5 years of age on or before December 31 of the school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** NRS 392.040 is hereby amended to read as follows:

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

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

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

(b) *December 31 but after September 30 of a school year may be admitted to kindergarten at the beginning of that school year if the principal of the school at which the pupil is zoned to attend provides permission for the child to be admitted, upon request of the parent or legal guardian of the child, child is approved for enrollment in accordance with a policy adopted pursuant to subsection 9.*

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 ~~or if a principal does not provide permission for a child to enroll~~ *who is 5 years of age on or before December 31 of a school year is not approved for enrollment pursuant to subsection 9,* 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 *or who is 6 years of age on or before December 31 of a school year and was admitted to kindergarten pursuant to paragraph (b) of subsection 2* 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 ~~or unless the child was admitted to kindergarten pursuant to paragraph (b) of subsection 2 and he completed kindergarten.~~

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

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

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

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

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

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

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. *The board of trustees of a school district may adopt a policy for the enrollment of children in kindergarten for those children who are 5 years of age on or before December 31 but after September 30 of a school year. The policy must:*

(a) Prescribe the procedure for the parent or legal guardian of a child to request that the child be approved for enrollment in kindergarten pursuant to the policy;

(b) Require an assessment of the child that is appropriate for determining whether the child is prepared adequately to attend kindergarten; and

(c) Set forth any other requirements or conditions deemed necessary by the board of trustees.

10. 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. 2. This act becomes effective on July 1, 2007.