

Amendment No. 287

Senate Amendment to Senate Bill No. 269

(BDR 34-892)

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

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

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 underlining* is newly added transitory language.

SHORT FORM AMENDMENT

Sections 4, 5, 11, 12, 13 and 17 of this act are the only sections affected by this amendment.

AAK/WLK



Date: 4/16/2013

S.B. No. 269—Revises provisions governing education. (BDR 34-892)



The Title of Senate Bill No. 269 is hereby amended as follows:

1 AN ACT relating to education; requiring the principal of a public school or a
2 designee of the principal to provide certain pupils with a written
3 statement verifying that the pupil has complied with certain attendance
4 ~~and academic~~ requirements; authorizing a school police officer or
5 certain other persons to impose administrative sanctions against a pupil
6 who is a habitual truant; revising the actions the principal of a school
7 and an advisory board to review school attendance may implement for a
8 pupil who is declared a habitual truant; and providing other matters
9 properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

10 Existing law provides that a child who has been declared truant three or more times
11 within one school year must be declared a habitual truant. (NRS 392.140) Existing law also
12 authorizes the principal of a school to: (1) report a pupil who is declared a habitual truant to a
13 school police officer or to the local law enforcement agency for investigation and issuance of
14 a citation; or (2) refer a pupil who is declared a habitual truant to the advisory board to review
15 school attendance. (NRS 392.144) Existing law further prescribes the duties of an advisory
16 board to review school attendance upon receipt of a written referral from the principal of a
17 school and sets forth the actions the advisory board may take against the pupil who is the
18 subject of the written referral. (NRS 392.147) **Sections 7 and 8** of this bill revise the actions
19 which the principal of the school and the advisory board to review school attendance may take
20 to include a referral of the pupil for the imposition of administrative sanctions pursuant to
21 **section 5** of this bill. **Section 5** authorizes the school police officer or, if a public school does
22 not have a school police officer, the person designated by the principal of the school to impose
23 administrative sanctions against a pupil who is a habitual truant, which include the delaying of
24 the ability of a pupil to receive a driver's license and the suspension of the pupil's driver's
25 license. **Section 5** also sets forth certain duties of the Department of Motor Vehicles. **Section**
26 **5** further authorizes the parent or legal guardian of a pupil against whom administrative
27 sanctions have been imposed to appeal the imposition of those administrative sanctions to the
28 ~~principal or the principal's~~ designee, or of the board of trustees of the school district.

29 Existing law prescribes the requirements for the issuance of a driver's license to a person
30 who is 16 or 17 years of age and the requirements for the issuance of a restricted driver's
31 license to a person who is between the ages of 14 and 18 years. (NRS 483.2521, 483.267,
32 483.270) **Sections 11-13** of this bill revise the requirements for the issuance of those driver's
33 licenses to require the applicant to submit to the Department of Motor Vehicles written
34 verification that the person: (1) complies with the minimum attendance ~~and academic~~
35 requirements in public school; (2) is exempt from compulsory public school attendance; (3)
36 has received a high school diploma or certificate of attendance; or (4) has passed the test of
37 general educational development.

Section 4 of Senate Bill No. 269 is hereby amended as follows:

1 Sec. 4. 1. The principal of a public school or a designee of the principal
2 shall, upon written request by a pupil who is between the ages of 14 and 18 years
3 and who is enrolled in the school, provide the pupil a written statement signed by
4 the principal or the designee verifying that the pupil has ~~+~~
5 ~~(a) Complied~~ complied with the minimum attendance requirements
6 established by the board of trustees of the school district pursuant to NRS
7 392.122. ~~+~~ and

8 ~~(b) Maintained passing grades, as prescribed by the board of trustees of the~~
9 ~~school district in which the pupil is enrolled.~~ ~~+~~

10 2. The principal of a public school or a designee of the principal shall not
11 provide a written statement pursuant to subsection 1 unless the pupil satisfies the
12 requirements ~~[of both paragraphs (a) and (b)]~~ of that subsection.

13 3. The written statement provided to the pupil pursuant to subsection 1 may
14 be used for the purposes of submitting materials that must accompany an
15 application for a driver's license pursuant to NRS 483.2521 or an application for
16 a restricted license pursuant to NRS 483.267 and 483.270.

17 4. The board of trustees of each school district shall prescribe a standard
18 form for use by the principals employed by the school district and their designees
19 pursuant to this section.

Section 5 of Senate Bill No. 269 is hereby amended as follows:

20 Sec. 5. 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if
21 it appears after investigation and a hearing that a pupil is a habitual truant, a
22 school police officer or a person designated pursuant to subsection ~~+~~ 6 may
23 issue an order imposing the following administrative sanctions against a pupil:

24 (a) If it is the first time that administrative sanctions have been issued
25 pursuant to this section because the pupil is a habitual truant, and the pupil is 14
26 years of age or older, order the suspension of the driver's license of the pupil for
27 at least 30 days but not more than 6 months. If the pupil does not possess a
28 driver's license, the order must provide that the pupil is prohibited from applying
29 for a driver's license for 30 days:

30 (1) Immediately following the date of the order if the pupil is eligible to
31 apply for a driver's license; or

32 (2) After the date the pupil becomes eligible to apply for a driver's license
33 if the pupil is not eligible to apply for a driver's license.

34 (b) If it is the second time or any subsequent time that administrative
35 sanctions have been issued pursuant to this section because the pupil is a
36 habitual truant, and the pupil is 14 years of age or older, order the suspension of
37 the driver's license of the pupil for at least 60 days but not more than 1 year. If
38 the pupil does not possess a driver's license, the order must provide that the pupil
39 is prohibited from applying for a driver's license for 60 days immediately
40 following:

41 (1) The date of the order if the pupil is eligible to apply for a driver's
42 license; or

43 (2) The date the pupil becomes eligible to apply for a driver's license if
44 the pupil is not eligible to apply for a driver's license.

45 2. If a pupil applies for a driver's license, the Department of Motor Vehicles
46 shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection ~~7-1~~ 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before ~~the principal~~ a person designated by the board of trustees of the school district in which the pupil is enrolled ~~for the principal's designee~~ to appeal the imposition of any administrative sanctions pursuant to this section. ~~The principal or the principal's designee~~ person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the ~~principal~~ person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. ~~The parent or legal guardian of a pupil is entitled to judicial review in district court of the decision to impose administrative sanctions pursuant to this section in the same manner that final decisions of state agencies are reviewed pursuant to chapter 233B of NRS.~~

~~7-1~~ 7-1 If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Section 11 of Senate Bill No. 269 is hereby amended as follows:

Sec. 11. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) *Submits to the Department:*

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to section 4 of this act;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development;

(e) Has not been found to be responsible for a motor vehicle accident during the 6 months before applying for the driver's license;

~~(f)~~ (f) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

~~(g)~~ (g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

Section 12 of Senate Bill No. 269 is hereby amended as follows:

Sec. 12. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) *Include:*

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to section 4 of this act;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Section 13 of Senate Bill No. 269 is hereby amended as follows:

Sec. 13. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school, and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) *Include a written statement signed by the:*

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to section 4 of this act; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

1 (a) Is effective only for the school year during which it is issued or for a more
2 restricted period.

3 (b) Authorizes the licensee to drive a motor vehicle on a street or highway only
4 while going to and from school, and at a speed not in excess of the speed limit set
5 by law for school buses.

6 (c) May contain such other restrictions as the Department may deem necessary
7 and proper.

8 (d) May authorize the licensee to transport as passengers in a motor vehicle
9 driven by the licensee, only while the licensee is going to and from school,
10 members of his or her immediate family, or other minor persons upon written
11 consent of the parents or guardians of such minors, but in no event may the number
12 of passengers so transported at any time exceed the number of passengers for which
13 the vehicle was designed.

14 4. No restricted license may be issued under the provisions of this section
15 until the Department is satisfied fully as to the applicant's competency and fitness
16 to drive a motor vehicle.

17 5. The Department shall adopt regulations that set forth the requirements for
18 eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of
19 subsection 1.

Section 17 of Senate Bill No. 269 is hereby amended as follows:

20 **Sec. 17.** This act becomes effective on ~~July~~ January 1, ~~2013~~ 2015.