

SENATE BILL NO. 256—SENATORS HAMMOND AND HARDY

MARCH 15, 2013

JOINT SPONSOR: ASSEMBLYMAN STEWART

Referred to Committee on Education

SUMMARY—Requires the board of trustees of each school district to adopt a policy to exempt certain pupils from certain attendance requirements. (BDR 34-782)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 board of trustees of each school district to adopt a policy to exempt pupils who are physically or mentally unable to attend school from certain attendance requirements under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the board of trustees of each school district to prescribe a
2 minimum number of days that pupils must be in attendance to obtain credit or be
3 promoted to the next higher grade. The board of trustees of each school district is
4 authorized to adopt a policy to exempt pupils who are physically or mentally unable
5 to attend school from that requirement. (NRS 392.122) This bill: (1) requires the
6 board of trustees of each school district to adopt such a policy; (2) provides that a
7 pupil may receive an exemption pursuant to such a policy only if the parent or legal
8 guardian of the pupil provides to the board of trustees certain evidence of the
9 pupil's physical or mental condition; and (3) provides that such a policy must allow
10 a pupil who receives an exemption to attend at the school classes in courses in
11 which the pupil is enrolled and to participate in extracurricular activities.



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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 the purposes of this section, the days on which a pupil is
12 not in attendance because the pupil is absent for up to 10 days
13 within 1 school year with the approval of the teacher or principal of
14 the school pursuant to NRS 392.130, must be credited towards the
15 required days of attendance if the pupil has completed course-work
16 requirements. The teacher or principal of the school may approve
17 the absence of a pupil for deployment activities of the parent or
18 legal guardian of the pupil, as defined in NRS 392C.010. ~~If the~~
19 ~~board of trustees of a school district has adopted a policy pursuant to~~
20 ~~subsection 5, the~~ *The* 10-day limitation on absences does not apply
21 to absences that are excused pursuant to ~~that~~ *the* policy ~~that~~ *adopted*
22 *by the board of trustees of the school district pursuant to*
23 *subsection 5.*

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

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

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



4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.

5. The board of trustees of a school district ~~may~~ **shall** adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. ~~If a board of trustees adopts a~~ **A policy adopted** pursuant to this subsection ~~it~~ **must provide that:**

(a) **A pupil may receive an exemption from the limitations on absences set forth in subsection 1 only if the pupil's parent or legal guardian presents to the board of trustees written evidence satisfactory to the board of trustees that the pupil's physical or mental condition prevents or renders inadvisable the pupil's attendance at school for the minimum number of days prescribed by the board of trustees pursuant to subsection 1.**

(b) A pupil who receives an exemption pursuant to ~~this subsection~~ **the policy** is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

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

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

(e) **A pupil who receives an exemption pursuant to the policy:**

(1) May choose to be in attendance at the school for any class in a course in which the pupil is enrolled; and

(2) Must be allowed to participate in extracurricular activities at the school.

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

Sec. 2. This act becomes effective on July 1, 2013.

