

SENATE BILL NO. 345—SENATORS SMITH, WOODHOUSE, DENIS,
KIHUEN, PARKS; ATKINSON, FORD, MANENDO AND SPEARMAN

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN ARAUJO, CARRILLO,
JOINER, MUNFORD, SPIEGEL AND SPRINKLE

Referred to Committee on Education

SUMMARY—Expands full-day kindergarten in public schools.
(BDR 34-868)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 6, 7, 8)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 count of pupils for the purpose of calculating basic support; requiring the board of trustees of each school district to establish, equip and maintain a full-day kindergarten in each elementary school or school attendance area in the district; revising provisions governing the age at which a child is required to be enrolled in and attend school; requiring a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year unless a waiver is filed with the school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law generally requires the board of trustees of each school district to
2 establish, equip and maintain a kindergarten in each elementary school or school
3 attendance area in the district. (NRS 388.060)

4 **Section 6** of this bill requires the board of trustees of each school district to
5 establish, equip and maintain a full-day kindergarten in each elementary school or



6 school attendance area in the district which provides at least as many minutes of
7 instruction per day as the other grade levels for which the elementary school or
8 school attendance area enrolls pupils. **Section 2** of this bill imposes a similar
9 requirement upon any charter school that enrolls pupils in kindergarten.

10 With certain exceptions, existing law requires each parent, custodial parent,
11 guardian or other person in the State of Nevada having control or charge of any
12 child between the ages of 7 and 18 years to send the child to a public school during
13 all the time the public school is in session in the school district in which the child
14 resides. Existing law further authorizes a child who is 5 years of age on or before
15 September 30 of a school year to be admitted to kindergarten at the beginning of
16 that school year, but allows the parent or other guardian of a child who is 5 or 6
17 years of age on or before September 30 of a school year to elect for the child not to
18 attend kindergarten or first grade during that year by filing a waiver with the school
19 district. Under existing law, before enrolling in school, a child whose attendance
20 has been waived is required to undergo a developmental screening test to determine
21 the grade for which the child is prepared developmentally. (NRS 392.040) **Section**
22 **7** of this bill lowers, from 7 years of age to 5 years of age, the age at which a child
23 must be enrolled in and attend public school and requires a child who is 5 years of
24 age on or before September 30 of a school year to be admitted to kindergarten at
25 the beginning of that school year, unless the parent or other guardian of the child
26 elects for the child not to attend kindergarten by filing a waiver with the school
27 district. If such a waiver is filed, the child is required to undergo the developmental
28 screening test required under existing law to determine if the child is prepared
29 developmentally for first grade.

30 Existing law provides the formula by which basic support for each school
31 district is computed by including a certain weighting factor for pupils enrolled in
32 kindergarten. (NRS 387.1233) **Section 3** of this bill revises the formula to reflect
33 the enrollment of pupils in full-day kindergarten.

34 The remaining sections of this bill revise applicable provisions relating to
35 kindergarten and the age at which a child must attend school to reflect the new
36 requirements.

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

1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:

4 1. "Charter school" means a public school that is formed
5 pursuant to the provisions of NRS 386.490 to 386.649, inclusive.

6 2. "Department" means the Department of Education.

7 3. "Homeschooled child" means a child who receives
8 instruction at home and who is exempt from compulsory attendance
9 pursuant to NRS 392.070.

10 4. *"Kindergarten" means a program of instruction*
11 *established by the board of trustees of a school district pursuant to*
12 *NRS 388.060 or the governing body of a charter school pursuant*
13 *to NRS 386.550, as applicable. The term does not include a*
14 *program of instruction established pursuant to the provisions of*
15 *chapter 394 of NRS.*



1 5. "Limited English proficient" has the meaning ascribed to it
2 in 20 U.S.C. § 7801(25).

3 ~~6.~~ 6. "Public schools" means all kindergartens and
4 elementary schools, junior high schools and middle schools, high
5 schools, charter schools and any other schools, classes and
6 educational programs which receive their support through public
7 taxation and, except for charter schools, whose textbooks and
8 courses of study are under the control of the State Board.

9 ~~7.~~ 7. "State Board" means the State Board of Education.

10 ~~8.~~ 8. "University school for profoundly gifted pupils" has the
11 meaning ascribed to it in NRS 392A.040.

12 **Sec. 2.** NRS 386.550 is hereby amended to read as follows:

13 386.550 1. A charter school shall:

14 (a) Comply with all laws and regulations relating to
15 discrimination and civil rights.

16 (b) Remain nonsectarian, including, without limitation, in its
17 educational programs, policies for admission and employment
18 practices.

19 (c) Refrain from charging tuition or fees, levying taxes or
20 issuing bonds.

21 (d) Comply with any plan for desegregation ordered by a court
22 that is in effect in the school district in which the charter school is
23 located.

24 (e) Comply with the provisions of chapter 241 of NRS.

25 (f) Except as otherwise provided in this paragraph, schedule and
26 provide annually at least as many days of instruction as are required
27 of other public schools located in the same school district as the
28 charter school is located. The governing body of a charter school
29 may submit a written request to the Superintendent of Public
30 Instruction for a waiver from providing the days of instruction
31 required by this paragraph. The Superintendent of Public Instruction
32 may grant such a request if the governing body demonstrates to the
33 satisfaction of the Superintendent that:

34 (1) Extenuating circumstances exist to justify the waiver; and

35 (2) The charter school will provide at least as many hours or
36 minutes of instruction as would be provided under a program
37 consisting of 180 days.

38 (g) Cooperate with the board of trustees of the school district in
39 the administration of the examinations administered pursuant to
40 NRS 389.550 and, if the charter school enrolls pupils at a high
41 school grade level, the end-of-course examinations administered
42 pursuant to NRS 389.805 and the college and career readiness
43 assessment administered pursuant to NRS 389.807 to the pupils who
44 are enrolled in the charter school.



(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) *If the charter school enrolls pupils in kindergarten, provide at least as many minutes of instruction per day as are required of any other kindergarten located in the same school district as the charter school is located.*

(k) If the parent or legal guardian of a child submits an application to enroll in kindergarten ~~[, first grade or second grade]~~ at the charter school, comply with NRS 392.040 regarding the ~~[ages]~~ *age* for enrollment in ~~[those grades.~~

~~—(k)]~~ *kindergarten.*

(l) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

~~[(m)]~~ (m) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

~~[(m)]~~ (n) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the *Northwest Accreditation Commission* . ~~[on Schools of the Northwest Association of Schools and of Colleges and Universities.~~

~~—(n)]~~ (o) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

~~[(o)]~~ (p) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from



compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 3. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) ~~Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.~~

~~—(2)~~ The count of pupils enrolled in *kindergarten and* grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

~~[(3)]~~ (2) The count of pupils not included under subparagraph (1) ~~for (2)~~ who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

~~[(4)]~~ (3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph ~~[(2)]~~ (I).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph ~~[(2)]~~.

~~—(5)]~~ (I).



(4) The count of pupils not included under subparagraph (1), (2) ~~or~~ (3), ~~or (4),~~ who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

~~(6)~~ (5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

~~(7)~~ (6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

~~(8)~~ (7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph ~~(2)~~ (1).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger



enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 4. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county.



1 No apportionment may be made to a school district if the amount of
2 the local funds exceeds the amount of basic support.

3 2. Except as otherwise provided in subsection 3 and NRS
4 387.1244, the apportionment to a charter school, computed on a
5 yearly basis, is equal to the sum of the basic support per pupil in the
6 county in which the pupil resides plus the amount of local funds
7 available per pupil pursuant to NRS 387.1235 and all other funds
8 available for public schools in the county in which the pupil resides
9 minus the sponsorship fee prescribed by NRS 386.570 and minus all
10 the funds attributable to pupils who are enrolled in the charter
11 school but are concurrently enrolled part-time in a program of
12 distance education provided by a school district or another charter
13 school. If the apportionment per pupil to a charter school is more
14 than the amount to be apportioned to the school district in which a
15 pupil who is enrolled in the charter school resides, the school district
16 in which the pupil resides shall pay the difference directly to the
17 charter school.

18 3. Except as otherwise provided in NRS 387.1244, the
19 apportionment to a charter school that is sponsored by the State
20 Public Charter School Authority or by a college or university within
21 the Nevada System of Higher Education, computed on a yearly
22 basis, is equal to the sum of the basic support per pupil in the county
23 in which the pupil resides plus the amount of local funds available
24 per pupil pursuant to NRS 387.1235 and all other funds available for
25 public schools in the county in which the pupil resides, minus the
26 sponsorship fee prescribed by NRS 386.570 and minus all funds
27 attributable to pupils who are enrolled in the charter school but are
28 concurrently enrolled part-time in a program of distance education
29 provided by a school district or another charter school.

30 4. Except as otherwise provided in NRS 387.1244, in addition
31 to the apportionments made pursuant to this section, an
32 apportionment must be made to a school district or charter school
33 that provides a program of distance education for each pupil who is
34 enrolled part-time in the program. The amount of the apportionment
35 must be equal to the percentage of the total time services are
36 provided to the pupil through the program of distance education per
37 school day in proportion to the total time services are provided
38 during a school day to pupils who are counted pursuant to
39 subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 1 of NRS
40 387.1233 for the school district in which the pupil resides.

41 5. The governing body of a charter school may submit a
42 written request to the Superintendent of Public Instruction to
43 receive, in the first year of operation of the charter school, an
44 apportionment 30 days before the apportionment is required to be
45 made pursuant to subsection 1. Upon receipt of such a request, the



1 Superintendent of Public Instruction may make the apportionment
2 30 days before the apportionment is required to be made. A charter
3 school may receive all four apportionments in advance in its first
4 year of operation.

5 6. Except as otherwise provided in NRS 387.1244, the
6 apportionment to a university school for profoundly gifted pupils,
7 computed on a yearly basis, is equal to the sum of the basic support
8 per pupil in the county in which the university school is located plus
9 the amount of local funds available per pupil pursuant to NRS
10 387.1235 and all other funds available for public schools in the
11 county in which the university school is located. If the
12 apportionment per pupil to a university school for profoundly gifted
13 pupils is more than the amount to be apportioned to the school
14 district in which the university school is located, the school district
15 shall pay the difference directly to the university school. The
16 governing body of a university school for profoundly gifted pupils
17 may submit a written request to the Superintendent of Public
18 Instruction to receive, in the first year of operation of the university
19 school, an apportionment 30 days before the apportionment is
20 required to be made pursuant to subsection 1. Upon receipt of such a
21 request, the Superintendent of Public Instruction may make the
22 apportionment 30 days before the apportionment is required to be
23 made. A university school for profoundly gifted pupils may receive
24 all four apportionments in advance in its first year of operation.

25 7. The Superintendent of Public Instruction shall apportion, on
26 or before August 1 of each year, the money designated as the
27 "Nutrition State Match" pursuant to NRS 387.105 to those school
28 districts that participate in the National School Lunch Program, 42
29 U.S.C. §§ 1751 et seq. The apportionment to a school district must
30 be directly related to the district's reimbursements for the Program
31 as compared with the total amount of reimbursements for all school
32 districts in this State that participate in the Program.

33 8. If the State Controller finds that such an action is needed to
34 maintain the balance in the State General Fund at a level sufficient
35 to pay the other appropriations from it, the State Controller may pay
36 out the apportionments monthly, each approximately one-twelfth of
37 the yearly apportionment less any amount set aside as a reserve. If
38 such action is needed, the State Controller shall submit a report to
39 the Department of Administration and the Fiscal Analysis Division
40 of the Legislative Counsel Bureau documenting reasons for the
41 action.

42 **Sec. 5.** NRS 387.1243 is hereby amended to read as follows:

43 387.1243 1. The first apportionment based on an estimated
44 number of pupils and special education program units and
45 succeeding apportionments are subject to adjustment from time to



time as the need therefor may appear, including, without limitation, an adjustment made for a pupil who is not properly enrolled in or attending a public school, as determined through an independent audit or other examination conducted pursuant to NRS 387.126 or through an annual audit of the count of pupils conducted pursuant to subsection 1 of NRS 387.304.

2. The apportionments to a school district may be adjusted during a fiscal year by the Department of Education, upon approval by the State Board of Examiners and the Interim Finance Committee, if the Department of Taxation and the county assessor in the county in which the school district is located certify to the Department of Education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

➤ If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the State Distributive School Account in the State General Fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. On or before August 1 of each year, the board of trustees of a school district shall provide to the Department, in a format prescribed by the Department, the count of pupils calculated pursuant to subparagraph ~~[(8)]~~ (7) of paragraph (a) of subsection 1 of NRS 387.1233 who completed at least one semester during the immediately preceding school year. The count of pupils submitted to the Department must be included in the final adjustment computed pursuant to subsection 4.

4. A final adjustment for each school district, charter school and university school for profoundly gifted pupils must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total



enrollment of pupils and children in a school district, a charter school located within the school district or a university school for profoundly gifted pupils located within the school district described in paragraphs (a), (b), (c) and (e) of subsection 1 of NRS 387.123 is greater on the last day of any school month of the school district after the second school month of the school district and the increase in enrollment shows at least:

(a) A 3-percent gain, basic support as computed from first-month enrollment for the school district, charter school or university school for profoundly gifted pupils must be increased by 2 percent.

(b) A 6-percent gain, basic support as computed from first-month enrollment for the school district, charter school or university school for profoundly gifted pupils must be increased by an additional 2 percent.

5. If the final computation of apportionment for any school district, charter school or university school for profoundly gifted pupils exceeds the actual amount paid to the school district, charter school or university school for profoundly gifted pupils during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district, charter school or university school for profoundly gifted pupils is less than the actual amount paid to the school district, charter school or university school for profoundly gifted pupils during the school year, the difference must be repaid to the State Distributive School Account in the State General Fund by the school district, charter school or university school for profoundly gifted pupils before September 25.

Sec. 6. NRS 388.060 is hereby amended to read as follows:

388.060 1. ~~[Except as otherwise provided in this subsection, the]~~ *The* board of trustees of each school district shall establish, equip and maintain a *full-day* kindergarten in each elementary school or each school attendance area in the district ~~[. If, on or before June 1 immediately preceding the school year, admittance to kindergarten has been requested for fewer than 15 children, the mandatory provisions of this subsection do not apply to that school, and the board may decide whether to establish a kindergarten for those children. If the board decides not to establish such a kindergarten, it may provide:~~

~~—(a) Transportation for each child to enable the child to attend kindergarten at another school; or~~

~~—(b) Upon agreement with a child's parent or guardian, an authorized program of instruction for kindergarten to be offered in the child's home, which includes, without limitation, assigning licensed educational personnel to assist and consult with the parent or guardian as necessary.]~~ *which provides at least as many minutes*



of instruction per day as are provided for other pupils enrolled in the elementary school or school attendance area.

2. The board of trustees of a school district in which a kindergarten is to be established under the provisions of this title of NRS shall budget for this purpose by including the costs in the next regular budget for the school district.

Sec. 7. 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]~~ 5 and 18 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 unless the child has graduated from high school.

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* child who is 5 years of age on or before September 30 of a school year ~~[may]~~ *must* be admitted to kindergarten at the beginning of that school year, and the child's 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, 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 must:~~

~~—(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or~~

~~—(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,~~

~~— and the child's 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 the child's sixth birthday.~~

~~—4.]~~ The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~[6]~~ 5 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 *school* 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 the child 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 or her 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 or she 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.]~~ 4. A child who is ~~[7]~~ 6 years of age on or before September 30 of a school year must ~~[-~~

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

~~—(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~—(c) If~~, 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,]~~ 3, undergo ~~[an assessment]~~ *a developmental screening test administered* by the district pursuant to subsection ~~[7]~~ 5 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, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

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

~~—7.]~~ 5. 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]~~ 6 years of age on or before September 30 of ~~[the next]~~ *that* school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection ~~[4,]~~ 3,

➔ 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.]~~ 6. Except as otherwise provided in subsection ~~[9.]~~ 7, 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 the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ 7. Pursuant to the provisions of NRS 392C.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to ~~[-~~

~~—(a) The] the~~ grade ~~[-other than kindergarten.]~~ the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

~~[(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.~~

~~—10.]~~ 8. 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; *and*

(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. 8. NRS 392.122 is hereby amended to read as follows:

392.122 1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. ~~[The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.]~~

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 392C.010. If the board of trustees of a school district has adopted a policy pursuant to



1 subsection 5, the 10-day limitation on absences does not apply to
2 absences that are excused pursuant to that policy.

3 3. Except as otherwise provided in subsection 5, before a pupil
4 is denied credit or promotion to the next higher grade for failure to
5 comply with the attendance requirements prescribed pursuant to
6 subsection 1, the principal of the school in which the pupil is
7 enrolled or the principal's designee shall provide written notice of
8 the intended denial to the parent or legal guardian of the pupil. The
9 notice must include a statement indicating that the pupil and the
10 pupil's parent or legal guardian may request a review of the
11 absences of the pupil and a statement of the procedure for requesting
12 such a review. Upon the request for a review by the pupil and the
13 pupil's parent or legal guardian, the principal or the principal's
14 designee shall review the reason for each absence of the pupil upon
15 which the intended denial of credit or promotion is based. After the
16 review, the principal or the principal's designee shall credit towards
17 the required days of attendance each day of absence for which:

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

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

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

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

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

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

36 (c) The procedure for review of absences set forth in subsection
37 3 does not apply to days on which the pupil is absent because the
38 pupil is physically or mentally unable to attend school.

39 6. A school shall inform the parents or legal guardian of each
40 pupil who is enrolled in the school that the parents or legal guardian
41 and the pupil are required to comply with the provisions governing
42 the attendance and truancy of pupils set forth in NRS 392.040 to
43 392.160, inclusive, and any other rules concerning attendance and
44 truancy adopted by the board of trustees of the school district.



Sec. 9. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant ~~;~~

~~—(a) Any~~ any child *who is* between the ages of ~~7~~ 5 and 18 years ~~;~~ and

~~—(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and~~ *who* is enrolled in a public school ~~;~~

~~→~~ and who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 10. NRS 422A.360 is hereby amended to read as follows:

422A.360 1. A recipient who has control or charge of a child who is not less than ~~7~~ 5 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~7~~ 5 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~7~~ 5 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,



1 ↪ the Division shall require the head of the household to review
2 with the Division the personal responsibility plan signed by the head
3 of household pursuant to NRS 422A.535 and revise the plan as
4 necessary to assist the head of the household in complying with the
5 provisions of NRS 392.040 and helping the child to improve his or
6 her academic performance.

7 **Sec. 11.** The provisions of NRS 354.599 do not apply to any
8 additional expenses of a local government that are related to the
9 provisions of this act.

10 **Sec. 12.** This act becomes effective on July 1, 2015.

