

Amendment No. 478

Assembly Amendment to Assembly Bill No. 186

(BDR 34-868)

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

Adoption of this amendment will:

- (1) MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 186 (§ 1).
 (2) ADD an appropriation where one does not currently exist in A.B. 186.

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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

KRO/JWP



Date: 4/23/2017

A.B. No. 186—Revises provisions relating to education. (BDR 34-868)



ASSEMBLY BILL NO. 186—ASSEMBLYWOMAN DIAZ

PREFILED FEBRUARY 13, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-868)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(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; requiring the board of trustees of each school district to establish, equip and maintain a prekindergarten education program and a 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; ~~authorizing a child who is 4 years of age on or before September 30 of a school year to be admitted to a prekindergarten education program;~~ requiring the Department of Education to establish the Prekindergarten Improvement and Expansion Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing~~ With certain exceptions, existing law ~~generally~~ requires the board of trustees of each school district to establish, equip and maintain a kindergarten in each elementary school or school attendance area in the district. (NRS 388.060) Section 1 of this bill removes those exceptions, requiring the board of trustees of each school district to establish, equip and maintain a kindergarten in each elementary school or school attendance area in the district.

~~With certain exceptions, existing law~~ ~~also~~ requires 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 18 years to send the child to a public school during all the time the school is in session in the school district in which the child resides unless the child has graduated from high school. Existing law further provides that a child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year. (NRS 392.040)

~~Section 1 of this bill requires the board of trustees of each school district to establish, equip and maintain a prekindergarten education program in each elementary school or school attendance area in the district.~~

~~Section 3 of this bill lowers, from 7 years of age to~~ ~~(5)~~ 6 years of age, the age at which a child must be enrolled in and attend public school. ~~Section 3 also: (1) requires a child who is 5 years of age on or before September 20 of a school year to be admitted to kindergarten at the~~

beginning of that school year; and (2) authorizes a child who is 4 years of age on or before September 20 of a school year to be admitted to a prekindergarten education program at the beginning of that school year.

The remaining sections Sections 2, 4 and 5 of this bill revise applicable provisions relating to kindergarten and first grade and the age at which a child must attend school to reflect the new requirements.

Section 5.3 of this bill requires the Department of Education to establish the Prekindergarten Improvement and Expansion Program, and section 5.8 of this bill appropriates money to fund the Program. Section 5.3 requires the Department to: (1) accept and approve applications from schools and child care facilities that wish to establish new prekindergarten education programs or expand existing prekindergarten education programs; and (2) identify the needs that must be met for those schools to establish or expand prekindergarten education programs. Section 5.3 prescribes the required uses of money appropriated for the program, including addressing the identified needs of schools and facilities participating in the program and awarding grants of money to such schools and facilities.

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

Section 1. 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 ~~prekindergarten education program and a~~ 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.~~

~~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. 2. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

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

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

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

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

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

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools

located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

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

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

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who 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 parent or legal guardian of a child submits an application to enroll in kindergarten ~~or first grade for second grade~~ at the charter school, comply with NRS 392.040 regarding the ages ~~ages~~ for enrollment in those grades ~~kindergarten~~.

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

(l) 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) 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.

(n) 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) 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 pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 3. 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~~ 6 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 child who is 4 years of age on or before September 30 of a school year may be admitted to a prekindergarten education program at the beginning of that school year.~~

~~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~~ 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 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 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~~ enrolled 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.~~ A child who is 7 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 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, 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. 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 the child's 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. 4. 5.~~ Except as otherwise provided in subsection ~~19, 5. 6.~~ 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.

~~19. 5. 6.~~ Pursuant to the provisions of NRS 388F.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 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. 6. 7.~~ As used in this section, ~~"kindergarten"~~ ~~→~~

~~(a) "Kindergarten"~~ includes:

~~(a) 1. A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;~~

~~(b) and~~

~~2. A kindergarten established by the governing body of a charter school. 1; and~~

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

~~(b) "Prekindergarten education program" includes a prekindergarten education program established by the board of trustees of a school district pursuant to NRS 388.060. 1~~

Sec. 4. 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 ~~1;~~

~~(a) Any 1 any child who is between the ages of 17. 5. 6 and 18 years 1; and~~

~~(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and 1, who is enrolled in a public school 1;~~

~~→ 1 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. 5. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~17-5~~ 6 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 ~~17-5~~ 6 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 ~~17-5~~ 6 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, the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 5.3. 1. The Department of Education shall establish the Prekindergarten Improvement and Expansion Program. To carry out the Program, the Department shall:

(a) Solicit applications from public schools, private schools and child care facilities that wish to establish new prekindergarten education programs or expand existing prekindergarten education programs; and

(b) Approve applications based on the quality of the application and the ability of the applicant to effectively establish a new prekindergarten education program or expand an existing kindergarten education program; and

(c) Identify the needs that must be met for the schools or facilities whose applications have been approved to establish new prekindergarten education programs or expand existing prekindergarten education programs; and

(d) Use the money appropriated to the Department by section 5.8 of this act for the purposes prescribed in subsections 2, 3 and 4.

2. Except as otherwise authorized by section 5.8 of this act, the Department shall use the money appropriated to the Department by section 5.8 of this act for the Fiscal Year 2017-2018 to address the needs identified pursuant to paragraph (c) of subsection 1, including, without limitation, by:

(a) Purchasing portable classrooms to provide additional classroom space.

(b) Increasing the number of scholarships available to students who are enrolled in a program of early childhood education at a college or university located in this State.

1 (c) Expanding the Nevada Silver State Stars Quality Rating and
2 Improvement System for prekindergarten education programs.

3 (d) Collecting data concerning pupils enrolled in prekindergarten
4 education programs for inclusion in the statewide longitudinal data system
5 developed pursuant to NRS 400.040. Such data must be collected and
6 maintained in a manner that complies with all applicable state and federal
7 requirements concerning the privacy of data concerning pupils.

8 3. Except as otherwise authorized by section 5.8 of this act, the
9 Department shall use the money appropriated to the Department by section
10 5.8 of this act for the Fiscal Year 2018-2019 to award grants of money to
11 schools and child care facilities whose applications have been approved
12 pursuant to subsection 1 in the amount of \$8,000 for each pupil enrolled in a
13 prekindergarten education program at the school or facility, for a maximum of
14 670 total pupils in this State. If there are more than 670 pupils enrolled in
15 prekindergarten education programs at such schools and facilities, the
16 Department shall award grants of money based on need, as determined by the
17 Department.

18 4. If any of the money appropriated to the Department by section 5.8 of
19 this act remains after awarding grants pursuant to subsection 3, the
20 Department shall use that money to:

21 (a) Increase the number of scholarships available to students who are
22 enrolled in a program of early childhood education at a college or university
23 located in this State.

24 (b) Expand the Nevada Silver State Stars Quality Rating and
25 Improvement System for prekindergarten education programs.

26 (c) Collect data concerning pupils enrolled in prekindergarten education
27 programs for inclusion in the statewide longitudinal data system developed
28 pursuant to NRS 400.040. Such data must be collected and maintained in a
29 manner that complies with all applicable state and federal requirements
30 concerning the privacy of data concerning pupils.

31 (d) Provide wrap-around services to pupils with special needs who are
32 enrolled in prekindergarten education programs and their families.

33 5. As used in this section:

34 (a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

35 (b) "Private school" has the meaning ascribed to it in NRS 394.103.

36 (c) "Public school" has the meaning ascribed to it in NRS 385.007.

37 (d) "Wrap-around services" means supplemental services provided to a
38 pupil with special needs or the family of such a pupil that are not otherwise
39 covered by any federal or state program of assistance.

40 Sec. 5.8. 1. There is hereby appropriated from the State General Fund
41 to the Department of Education for the purposes prescribed in section 5.3 of
42 this act:

43 (a) For the Fiscal Year 2017-2018..... \$1,542,000

44 (b) For the Fiscal Year 2018-2019..... \$7,771,000

45 2. The sums appropriated by subsection 1 are available for either fiscal
46 year. Any remaining balance of those sums must not be committed for
47 expenditure after June 30, 2019, by the entity to which the appropriation is
48 made or any entity to which money from the appropriation is granted or
49 otherwise transferred in any manner, and any portion of the appropriated
50 money remaining must not be spent for any purpose after September 20, 2019,
51 by either the entity to which the money was appropriated or the entity to
52 which the money was subsequently granted or transferred, and must be
53 reverted to the State General Fund on or before September 20, 2019.

- 1 **Sec. 6.** The provisions of NRS 354.599 do not apply to any additional
2 expenses of a local government that are related to the provisions of this act.
3 **Sec. 7.** This act becomes effective on July 1, 2017.