

SENATE BILL NO. 79—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Education

SUMMARY—Requires the adoption of certain policies regarding chronic absenteeism for pupils enrolled in public schools in this State. (BDR 34-332)

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to education; requiring the Department of Education to prescribe by regulation a policy for all school districts and public schools to manage chronic absenteeism; requiring the board of trustees of a school district or the governing body of a charter school to adopt the policy prescribed by the Department, at a minimum, and provide for the training of certain persons in accordance with the adopted policy; requiring an advisory board to review school attendance to evaluate the effectiveness of the policy to manage chronic absenteeism adopted by the board of trustees of the school district or the governing body of a charter school in the county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law requires each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between certain ages to send the child to a public school unless the child has graduated from high school. (NRS 392.040)

Section 4 of this bill requires the Department of Education to prescribe by regulation a policy for all school districts and public schools to manage chronic absenteeism. **Section 5** of this bill requires the board of trustees of a school district or the governing body of a charter school to adopt and, in certain circumstances, authorizes the adoption of an expanded version of the policy prescribed by the Department and provide for the training of members of the board of trustees or



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governing body and certain other personnel employed by the board of trustees or governing body in accordance with the adopted policy.

Existing law creates in each county an advisory board to review school attendance and prescribes the duties of the advisory board. (NRS 392.126, 392.128) **Section 5** requires the board of trustees of a school district to provide training to members of the advisory board in the county in accordance with the policy prescribed by the Department to manage chronic absenteeism. **Section 7** of this bill requires such an advisory board to evaluate the effectiveness of the policy to manage chronic absenteeism adopted by the board of trustees of the school district and the governing body of each charter school in the county and make recommendations regarding ways to improve the policy.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, "governing body" means the board of trustees of a school district or the governing body of a charter school.*

Sec. 3. *The Legislature declares that:*

1. Education of pupils is necessary to ensure their future success and the future economic prosperity of this State.

2. Attending school consistently is vital to ensuring that pupils gain a strong foundation for subsequent learning.

3. The educational experiences of pupils who attend school regularly is diminished when teachers must divert their attention to meeting the needs of pupils who miss substantial amounts of school.

4. To combat chronic absenteeism, it is necessary for school districts and charter schools throughout the State to be able to monitor whether, and to what extent, chronic absenteeism is a relevant problem based upon a common understanding of that term.

5. Open deliberation and exploration about the relevant risk factors that lead to chronic absenteeism helps lay a stronger foundation for the development of appropriate solutions to chronic absenteeism.

6. Strong, ongoing partnerships among schools, families and community agencies to develop and implement comprehensive solutions to chronic absenteeism are critical to ensuring that all pupils have the opportunity to attend school every school day.

7. By working together to ensure that all pupils attend school consistently, schools and communities facilitate effective teaching by teachers and effective learning by pupils.



1 **Sec. 4. 1.** *The Department shall, in consultation with the*
2 *governing bodies, educational personnel, local associations and*
3 *organizations of parents whose children are enrolled in schools*
4 *throughout this State, and individual parents and legal guardians*
5 *whose children are enrolled in schools throughout this State,*
6 *prescribe by regulation a policy for all school districts and public*
7 *schools for the management of chronic absenteeism.*

8 2. *The policy must include, without limitation:*

9 (a) *A definition for the term “chronic absenteeism”;*

10 (b) *Required methods for recording and reporting data*
11 *necessary for the management of chronic absenteeism;*

12 (c) *Methods for the prevention of chronic absenteeism,*
13 *including, without limitation, methods for engaging the parents or*
14 *legal guardians of pupils to prevent chronic absenteeism;*

15 (d) *Methods for the early identification of and intervention*
16 *with pupils who are at risk of becoming chronically absent,*
17 *including, without limitation, the use of instruments to screen*
18 *pupils for risk factors associated with chronic absenteeism;*

19 (e) *A requirement that each school designate a team of*
20 *employees tasked with developing and carrying out plans to*
21 *prevent pupils from becoming chronically absent;*

22 (f) *Evidence-based restorative disciplinary practices for pupils*
23 *who are at risk of becoming chronically absent, being deemed*
24 *truant pursuant to NRS 392.130 or being declared a habitual*
25 *truant pursuant to NRS 392.140; and*

26 (g) *A program to be used by school districts and charter*
27 *schools to train members of the governing body and members of*
28 *an advisory board to review school attendance created by NRS*
29 *392.126 and all administrators, teachers and all other personnel*
30 *employed by the governing body concerning the management of*
31 *chronic absenteeism. The program must include, without*
32 *limitation, the appropriate methods to manage chronic*
33 *absenteeism.*

34 3. *The Department shall develop, annually update and make*
35 *available to governing bodies a model plan that can be used by a*
36 *team of employees designated pursuant to paragraph (e) of*
37 *subsection 2 to develop individual plans for pupils at risk of*
38 *becoming chronically absent.*

39 **Sec. 5. 1.** *Each governing body shall:*

40 (a) *Adopt the policy prescribed pursuant to section 4 of this*
41 *act. The governing body may adopt an expanded policy if such a*
42 *policy does not conflict with the policy prescribed pursuant to*
43 *section 4 of this act.*

44 (b) *Submit the policy adopted pursuant to paragraph (a) to the*
45 *Department.*



(c) Provide for the training of members of the governing body and all administrators, teachers and all other personnel employed by the governing body in accordance with the policy adopted pursuant to paragraph (a). For members of the governing body who have not previously served on the governing body or for employees of the school district or charter school who have not previously been employed by the district or school, the training required by this paragraph must be provided within 180 days after the member begins his or her service or after the employee begins his or her employment, as applicable.

(d) Post the policy adopted pursuant to paragraph (a) on the Internet website maintained by the school district or charter school, if any.

(e) Ensure that the parents and legal guardians of pupils enrolled in the school district or charter school have sufficient information concerning the availability of the policy adopted pursuant to paragraph (a), including, without limitation, information that describes how to access the policy on the Internet website maintained by the school district or charter school, if any. Upon the request of a parent or legal guardian, the school district or charter school shall provide the parent or legal guardian with a written copy of the policy.

(f) Review the policy adopted pursuant to paragraph (a) on an annual basis and update the policy, if necessary. If the governing body updates the policy, the governing body shall submit a copy of the updated policy to the Department within 30 days after the update.

2. The board of trustees of a school district shall provide for the training of members of the advisory board to review school attendance created in the county by NRS 392.126 in accordance with the policy prescribed pursuant to section 4 of this act.

Sec. 6. 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



1 required days of attendance if the pupil has completed course-work
2 requirements. The teacher or principal of the school may approve
3 the absence of a pupil for deployment activities of the parent or
4 legal guardian of the pupil, as defined in NRS 388F.010. If the
5 board of trustees of a school district has adopted a policy pursuant to
6 subsection 5, the 10-day limitation on absences does not apply to
7 absences that are excused pursuant to that policy.

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

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

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

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

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

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

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

41 (c) The procedure for review of absences set forth in subsection
42 3 does not apply to days on which the pupil is absent because the
43 pupil is physically or mentally unable to attend school.

44 6. A school shall inform the parents or legal guardian of each
45 pupil who is enrolled in the school that the parents or legal guardian



1 and the pupil are required to comply with the provisions governing
2 the attendance and truancy of pupils set forth in NRS 392.040 to
3 392.160, inclusive, *and sections 2 to 5, inclusive, of this act*, and
4 any other rules concerning attendance and truancy adopted by the
5 board of trustees of the school district.

6 **Sec. 7.** NRS 392.128 is hereby amended to read as follows:

7 392.128 1. Each advisory board to review school attendance
8 created pursuant to NRS 392.126 shall:

9 (a) *Evaluate the effectiveness of the policy adopted by each*
10 *governing body in the county pursuant to section 5 of this act and*
11 *make recommendations regarding ways to improve each policy;*

12 (b) Review the records of the attendance and truancy of pupils
13 submitted to the advisory board to review school attendance by the
14 board of trustees of the school district or the State Public Charter
15 School Authority, the Achievement School District or a college or
16 university within the Nevada System of Higher Education that
17 sponsors a charter school pursuant to subsection 2 of
18 NRS 385A.240;

19 ~~((b))~~ (c) Identify factors that contribute to the truancy of pupils
20 in the school district;

21 ~~((c))~~ (d) Establish programs to reduce the truancy of pupils in
22 the school district, including, without limitation, the coordination of
23 services available in the community to assist with the intervention,
24 diversion and discipline of pupils who are truant;

25 ~~((d))~~ (e) At least annually, evaluate the effectiveness of those
26 programs;

27 ~~((e))~~ (f) Establish a procedure for schools and school districts
28 for the reporting of the status of pupils as habitual truants; and

29 ~~((f))~~ (g) Inform the parents and legal guardians of the pupils
30 who are enrolled in the schools within the district of the policies and
31 procedures adopted pursuant to the provisions of this section.

32 2. The chair of an advisory board may divide the advisory
33 board into subcommittees. The advisory board may delegate one or
34 more of the duties of the advisory board to a subcommittee of the
35 advisory board, including, without limitation, holding hearings
36 pursuant to NRS 392.147. If the chair of an advisory board divides
37 the advisory board into subcommittees, the chair shall notify the
38 board of trustees of the school district of this action. Upon receipt of
39 such a notice, the board of trustees shall establish rules and
40 procedures for each such subcommittee. A subcommittee shall abide
41 by the applicable rules and procedures when it takes action or makes
42 decisions.

43 3. An advisory board to review school attendance may work
44 with a family resource center or other provider of community
45 services to provide assistance to pupils who are truant. The advisory



1 board shall identify areas within the school district in which
2 community services are not available to assist pupils who are truant.
3 As used in this subsection, "family resource center" has the meaning
4 ascribed to it in NRS 430A.040.

5 4. An advisory board to review school attendance created in a
6 county pursuant to NRS 392.126 may use money appropriated by
7 the Legislature and any other money made available to the advisory
8 board for the use of programs to reduce the truancy of pupils in the
9 school district. The advisory board to review school attendance
10 shall, on a quarterly basis, provide to the board of trustees of the
11 school district an accounting of the money used by the advisory
12 board to review school attendance to reduce the truancy of pupils in
13 the school district.

14 **Sec. 8.** This act becomes effective upon passage and approval.

