

SENATE BILL NO. 102—SENATOR HAMMOND

FEBRUARY 8, 2021

Referred to Committee on Education

SUMMARY—Revises the date by which children must be at least a certain age to be admitted to certain grades of school. (BDR 34-479)

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; changing the date by which a child must be at least a certain age to be admitted to certain grades of school; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a child to be 5 years of age on or before September 30 to be admitted to kindergarten at the beginning of the school year. In addition to other requirements, existing law requires a child to be 6 years of age on or before September 30 to be admitted to the first grade, and 7 years of age on or before September 30 to be admitted to the second grade. (NRS 392.040) This bill changes the date by which a child must attain a certain age to start certain grades at the beginning of the school year from September 30 to August 7.

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

**Section 1.** 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 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 5 years of age on or before ~~September 30~~ *August 7* of a school year may be admitted to kindergarten at the



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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~~ August 7 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~~ August 7 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~~ August 7 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~~ August 7 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 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~~ **August 7** 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~~ **August 7** 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. Except as otherwise provided in subsection 9, 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. 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. 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;

(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. 2.** 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2022, for all other purposes.

