

Amendment No. 52

Assembly Amendment to Assembly Bill No. 54	(BDR 34-283)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.



ASSEMBLY BILL NO. 54—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Makes various changes relating to education. (BDR 34-283)

FISCAL NOTE: Effect on Local Government: No.
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; revising provisions governing the compulsory school attendance of certain children; revising the contents required in certain annual reports of accountability of schools and school districts; revising provisions governing the reimbursement of certain hospitals and other facilities for providing educational services to children in their care; revising provisions governing the counting of pupils for purposes of calculating apportionment; ~~requiring written evidence by a qualified physician, mental health professional or behavioral health professional to excuse a child from enrollment in or attendance at school under certain circumstances;~~ requiring a child who has taken a high school equivalency assessment to attend school until receipt of notice of successful completion of the assessment; requiring a county advisory board to review school attendance to reflect the ethnic and geographic diversity of the county; revising provisions governing the absences of pupils; revising provisions governing habitual truancy; authorizing certain written notices and other documents to be made electronically; requiring a school to take certain actions relating to a truant pupil; imposing certain duties relating to chronic absenteeism on the board of trustees of a school district and the Department of Education; repealing certain provisions excusing attendance for certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district, each school in the school district and each charter school sponsored by the school district to prepare an annual report of accountability which includes information concerning pupils who are eligible for and receive free or reduced-price breakfasts and lunches. (NRS 385A.270) **Section 2** of this bill eliminates the requirement to include in such a report information concerning pupils who ~~are eligible for~~ receive free or reduced-price breakfasts and lunches.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school or an accredited educational program approved by the Department of Education are authorized to request reimbursement from the Department for the cost of providing educational services to a child who is verified to be a patient or resident of the hospital or facility, attends the private school or educational program for more than 7 school days and meets certain other requirements. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the adjusted base per pupil funding for the school district which the child would otherwise attend if the child were not in the hospital or facility or the statewide base per pupil funding amount for the charter school which the pupil would otherwise attend. (NRS 387.1225) **Section 4** of this bill authorizes the hospital or facility to request reimbursement from the school district or charter school in which the child is enrolled and revises the requirements to request such reimbursement. **Section 4** also revises the method of calculating the amount of reimbursement to base the reimbursement upon a daily rate of the adjusted base per pupil funding for the school district or a daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding for the charter school, as applicable.

Existing law requires the State Board of Education to adopt regulations for counting enrollment and calculating the average daily attendance of pupils for apportionment purposes. (NRS 387.123) **Section 5** of this bill requires, instead, the use of the average daily enrollment of pupils for such purposes.

Existing law requires, with certain exceptions, each parent, custodial parent, guardian or other person in this State 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. (NRS 392.040) **Section 13** of this bill: (1) clarifies that such a child must also be enrolled in a public school; (2) requires that the child be sent to school for the full school day during all the time the school is in session; ~~and~~ (3) requires the parent or legal guardian of the child to sign a statement or acknowledge via registration on an Internet website maintained by the school district that the parent or legal guardian and the child understand the district's policy concerning attendance ~~and~~; and (4) provides that a pupil who receives certain services outside of a public school shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance during the time the pupil is receiving the services and is being transported to and from the school to receive those services. **Sections 1, 3, 6-10, 12, 15, 16, 22, 27, 29, 30, 31 and 34-45** of this bill revise various provisions as they relate to compulsory school attendance to conform with the additional requirements of school enrollment established in **section 13**.

~~Existing law requires that a child be excused from attending public school when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the physical or mental condition or behavioral health of the child prevents or renders inadvisable the child's attendance at school. (NRS 392.050) Section 14 of this bill requires the written evidence to be from a qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice.~~

Existing law provides that compulsory attendance at public school must be excused if a child has obtained permission to take the high school equivalency assessment. (NRS 392.075) **Section 17** of this bill provides that after the child has taken the assessment, school attendance is required until the child receives notification of the successful completion of the assessment.

Existing law requires the board of trustees of a school district to prescribe a minimum number of days that a pupil must be in attendance to obtain credit or be promoted to the next higher grade. (NRS 392.122) **Section 18** of this bill authorizes a board of trustees of a school district to adopt a policy prescribing the circumstances under which a pupil will be considered chronically absent. **Section 18** also: (1) eliminates provisions requiring, under certain circumstances, days on which a pupil's absence is approved by a teacher or principal to be credited towards the required days of attendance; (2) revises the process by which, upon request by the pupil and the parent or legal guardian of a pupil, a principal or principal's designee is required to review and recalculate the number of the pupil's absences for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade; and (3) eliminates provisions authorizing the board of trustees of a school district to adopt a policy to exempt pupils who are physically or mentally unable to attend school from certain limitations on absences and certain conditions required in such a policy.

Existing law creates in each county at least one advisory board to review school attendance. (NRS 392.126) **Section 19** of this bill requires the membership of each such board to reflect, to the greatest extent possible, the ethnic and geographic diversity of the county.

Existing law requires a teacher or principal to give written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. (NRS 392.130) **Section 20** of this bill: (1) revises this provision to authorize a teacher or principal to give such approval upon the request of a parent or legal guardian, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence for an emergency; (2) prohibits the approval of absences for more than 10 percent of the number of school days in the school year; (3) requires all approved and unapproved absences to be counted for the purposes of determining whether a pupil is chronically absent; and (4) requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to communicate its policy on truancy and the Department's definition of chronic absenteeism to parents and legal guardians in a language they can understand and provide a parent or legal guardian notice when a pupil is approaching the 10 percent limit in the number of absences that may be approved.

Sections 20, 23-26 and 29 of this bill authorize certain notices, consents, referrals, agreements, reports and other documentation which must be in writing to be made electronically.

Section 21 of this bill revises the circumstances under which a child may be declared a habitual truant and provides an exception for a child who is physically or mentally unable to attend school.

Existing law requires a school in which a pupil is enrolled to take reasonable actions designed to encourage, enable or convince the pupil to attend school if the pupil has one or more unapproved absences. (NRS 392.144) **Section 23** of this bill requires the school to take such actions if the pupil has been truant from school.

Section 28 of this bill requires the board of trustees of each school district to: (1) establish procedures to monitor and report chronic absenteeism of pupils; and (2) determine chronic absenteeism of pupils at each school within the district. **Section 28** also requires: (1) the Department to adopt by regulation a definition of the term "chronic absenteeism"; and (2) the board of trustees of each school district to ensure that the actions taken pursuant to that section are consistent with the definition adopted by the Department.

Section 46 of this bill repeals provisions excusing attendance for children: (1) who reside a certain distance from the nearest public school; and (2) between 15 and 18 years of age who have completed the first eight grades to enter employment or apprenticeship.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Challenge school" has the meaning ascribed to it in NRS 388D.305.

2. "Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.

3. "Department" means the Department of Education.

4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory enrollment and attendance pursuant to NRS 392.070.

6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through

public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.

10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. "State Board" means the State Board of Education.

13. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for ~~receive~~ free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for ~~receive~~ free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts; and

~~(b) [The percentage of pupils who receive free and reduced-price breakfasts;~~

~~(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;~~

~~(d) and~~

~~(b) The percentage of pupils who receive free and reduced-price lunches. ;~~

~~(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;~~

~~(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:~~

~~—— (1) Retention rates;~~

~~—— (2) Graduation rates;~~

~~—— (3) Dropout rates;~~

~~—— (4) Grade point averages; and~~

~~(5) Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.~~

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385B.020 is hereby amended to read as follows:

385B.020 "Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory *enrollment and* attendance pursuant to NRS 392.070.

Sec. 4. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the ~~{Department}~~ *school district or charter school in which a child is enrolled* for the cost of providing educational services to ~~{a}~~ *the child* ~~{who}~~ *if:*

(a) The ~~{Department}~~ *school district or charter school* verifies *that the child* is a patient or resident of the hospital or facility; and

(b) ~~{Attends}~~ *The child attends* the private school for more than 7 school days.

2. A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the ~~{Department}~~ *school district or charter school in which a child is enrolled* for the cost of providing educational services to ~~{a}~~ *the child* ~~{who}~~ *if:*

(a) The Department ~~{verifies}~~ *and the school district or charter school, as applicable, verify that the child:*

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State; *and*

(b) *The child:*

(1) Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;

~~{(e)}~~ (2) Attends the accredited educational program for more than 7 school days;

~~{(d)}~~ (3) Is not homeschooled or enrolled in a private school; and

~~{(e)}~~ (4) Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.

3. A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:

(a) Notify the *Department and the* school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and

(b) Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 9.

4. Upon receiving a request for reimbursement pursuant to subsection 1 or 2, the ~~{Department}~~ *school district or charter school in which the child is enrolled* shall determine the amount of reimbursement to which the hospital or facility is entitled ~~{as a percentage}~~ *by multiplying the number of days determined pursuant to subsection 6 by the following, as applicable:*

(a) *The daily rate* of the adjusted base per pupil funding for the school district which the child would otherwise attend . ~~{or}~~ *The daily rate of the adjusted base*

1 *per pupil funding for the school district which the child would otherwise attend*
2 *must be calculated by dividing the adjusted base per pupil funding provided to the*
3 *school district in which the child is enrolled pursuant to NRS 387.1214 by 180.*

4 (b) *The daily rate of the statewide base per pupil funding amount or adjusted*
5 *base per pupil funding, as applicable, for the charter school which the child would*
6 *otherwise attend . ~~[as applicable.]~~ The daily rate of the statewide base per pupil*
7 *funding amount or adjusted base per pupil funding, as applicable, for the charter*
8 *school which the child would otherwise attend must be calculated by dividing the*
9 *statewide base per pupil funding amount or adjusted base per pupil funding, as*
10 *applicable, provided to the charter school in which the child is enrolled pursuant*
11 *to NRS 387.1214 by 180.*

12 5. If the request for reimbursement is made pursuant to subsection 1, the child
13 is a pupil with a disability and the hospital or facility is in compliance with the
14 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS
15 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto, the
16 hospital or facility is also entitled to ~~[a corresponding percentage of]~~ *an amount*
17 *determined by increasing the daily rate determined pursuant to subsection 4 by*
18 *the statewide multiplier for the pupil established pursuant to NRS 387.122, which is*
19 *~~[withheld from]~~ received by the school district or charter school where the child*
20 *was enrolled before being placed in the hospital or facility ~~[]~~ for the number of*
21 *days determined pursuant to subsection 6.* The Department shall distribute the
22 money withheld from the school district or charter school to the hospital or facility.

23 6. For the purposes of subsections 4 and 5, the amount of reimbursement to
24 which the hospital or facility is entitled must be calculated on the basis of the
25 number of school days the child is a patient or resident of the hospital or facility
26 and attends the private school or accredited educational program, as applicable,
27 excluding the 7 school days prescribed in paragraph (b) of subsection 1 or
28 *subparagraph (2) of paragraph ~~[(e)] (b)~~ of subsection 2, as applicable . ~~[in~~*
29 *proportion to the number of days of instruction scheduled for that school year by*
30 *the board of trustees of the school district or the charter school, as applicable.]*

31 7. A hospital or other facility is not entitled to reimbursement for days of
32 instruction provided to a child in a year in excess of the minimum number of days
33 of free school required by NRS 388.090.

34 8. If a hospital or other facility requests reimbursement from ~~[(the Department)]~~
35 *a school district or charter school* for the cost of providing educational services to
36 a pupil with a disability pursuant to subsection 1 or 2, the school district or charter
37 school in which the child is enrolled shall be deemed to be the local educational
38 agency for the child for the purposes of the Individuals with Disabilities Education
39 Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any
40 regulations adopted pursuant thereto.

41 9. The Department shall adopt any regulations necessary to carry out the
42 provisions of this section, which may include, without limitation, regulations to:

43 (a) Prescribe a procedure for the transfer of educational records pursuant to
44 subsection 3;

45 (b) Carry out or ensure compliance with the requirements of subsections 4 and
46 5 concerning reimbursement for educational services provided to a pupil with a
47 disability; and

48 (c) Require the auditing of ~~[(a)]~~ :

49 (1) *A hospital or other facility that requests reimbursement ; and*
50 (2) *A school district or charter school from which reimbursement is*
51 *requested,*

52 *↪ pursuant to this section to ensure compliance with any applicable provisions of*
53 *federal or state law.*

10. The provisions of this section must not be construed to authorize reimbursement pursuant to this section of a hospital or facility for the cost of health care services provided to a child.

11. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

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

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the county and pupils who are enrolled in a challenge school located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) 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.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils who are enrolled in a challenge school.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily ~~attendance~~ **enrollment** of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 6. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education if:

(a) Pursuant to this section or other specific statute, the pupil is eligible for enrollment or the pupil's enrollment is not otherwise prohibited;

(b) The program of distance education in which the pupil wishes to enroll is offered by the school district in which the pupil resides or a charter school or, if the program of distance education in which the pupil wishes to enroll is a full-time program of distance education offered by a school district other than the school district in which the pupil resides, the program is not the same or substantially similar to a program of distance education offered by the school district in which the pupil resides;

(c) The pupil satisfies the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; and

(d) The pupil satisfies the requirements of the program of distance education.

2. A child who is exempt from compulsory ~~enrollment~~ attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or ~~otherwise~~ attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. If a pupil who is prohibited from ~~enrolling in~~ attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

4. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

Sec. 7. 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 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

1 charter school, and provide at least the courses of study that are required of pupils
2 by statute or regulation for promotion to the next grade or graduation from a public
3 high school and require the pupils who are enrolled in the charter school to take
4 those courses of study. This paragraph does not preclude a charter school from
5 offering, or requiring the pupils who are enrolled in the charter school to take, other
6 courses of study that are required by statute or regulation.

7 (j) If the parent or legal guardian of a child submits an application to enroll in
8 kindergarten, first grade or second grade at the charter school, comply with NRS
9 392.040 regarding the ages for enrollment in those grades.

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

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

17 (m) Provide written notice to the parents or legal guardians of pupils in grades
18 9 to 12, inclusive, who are enrolled in the charter school of whether the charter
19 school is accredited by the Northwest Accreditation Commission.

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

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

27 2. A charter school shall not provide instruction through a program of
28 distance education to children who are exempt from compulsory *enrollment and*
29 attendance pursuant to NRS 392.070. As used in this subsection, "distance
30 education" has the meaning ascribed to it in NRS 388.826.

31 **Sec. 8.** NRS 388A.411 is hereby amended to read as follows:

32 388A.411 1. Each pupil who is enrolled in a charter school, including,
33 without limitation, a pupil who is enrolled in a program of special education in a
34 charter school, must be included in the count of pupils in the charter school for the
35 purposes of apportionments and allowances from the State Education Fund
36 pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from
37 compulsory *enrollment and* attendance pursuant to NRS 392.070. A charter school
38 is entitled to receive its proportionate share of any other money available from
39 federal, state or local sources that the school or the pupils who are enrolled in the
40 school are eligible to receive.

41 2. The State Board shall prescribe a process which ensures that all charter
42 schools, regardless of the sponsor, have information about all sources of funding for
43 the public schools provided through the Department.

44 3. All money received by the charter school from this State or from the board
45 of trustees of a school district must be deposited in an account with a bank, credit
46 union or other financial institution in this State. The governing body of a charter
47 school may negotiate with the board of trustees of the school district and the State
48 Board for additional money to pay for services which the governing body wishes to
49 offer.

50 4. The governing body of a charter school may solicit and accept donations,
51 money, grants, property, loans, personal services or other assistance for purposes
52 relating to education from members of the general public, corporations or agencies.
53 The governing body may comply with applicable federal laws and regulations

governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

Sec. 9. NRS 388C.260 is hereby amended to read as follows:

388C.260 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the university school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory school **enrollment and** attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised each quarter based upon the average daily enrollment of pupils in the university school reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223.

6. Pursuant to NRS 387.1242, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 and 387.1242 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 10. NRS 388D.020 is hereby amended to read as follows:

388D.020 1. If the parent of a child who is subject to compulsory **enrollment and** attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any

1 information or assurances that are not otherwise required by this section or other
2 specific statute. The board of trustees of each school district shall, in a timely
3 manner, make only the form developed by the Department available to parents who
4 wish to homeschool their child.

5 2. The notice of intent to homeschool must be filed before beginning to
6 homeschool the child or:

7 (a) Not later than 10 days after the child has been formally withdrawn from
8 enrollment in public school; or

9 (b) Not later than 30 days after establishing residency in this State.

10 3. The purpose of the notice of intent to homeschool is to inform the school
11 district in which the child resides that the child is exempt from the requirement of
12 compulsory *enrollment and* attendance.

13 4. If the name or address of the parent or child as indicated on a notice of
14 intent to homeschool changes, the parent must, not later than 30 days after the
15 change, file a new notice of intent to homeschool with the superintendent of schools
16 of the school district in which the child resides.

17 5. A notice of intent to homeschool must include only the following:

18 (a) The full name, age and gender of the child;

19 (b) The name and address of each parent filing the notice of intent to
20 homeschool;

21 (c) A statement signed and dated by each such parent declaring that the parent
22 has control or charge of the child and the legal right to direct the education of the
23 child, and assumes full responsibility for the education of the child while the child
24 is being homeschooled;

25 (d) An educational plan for the child that is prepared pursuant to NRS
26 388D.050;

27 (e) If applicable, the name of the public school in this State which the child
28 most recently attended; and

29 (f) An optional statement that the parent may sign which provides:

30
31 I expressly prohibit the release of any information contained in this
32 document, including, without limitation, directory information as defined in
33 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.
34

35 6. Each superintendent of schools of a school district shall accept notice of
36 intent to homeschool that is filed with the superintendent pursuant to this section
37 and meets the requirements of subsection 5, and shall not require or request any
38 additional information or assurances from the parent who filed the notice.

39 7. The school district shall provide to a parent who files a notice a written
40 acknowledgment which clearly indicates that the parent has provided notification
41 required by law and that the child is being homeschooled. The written
42 acknowledgment shall be deemed proof of compliance with Nevada's compulsory
43 school *enrollment and* attendance law. The school district shall retain a copy of the
44 written acknowledgment for not less than 15 years. The written acknowledgment
45 may be retained in electronic format.

46 **Sec. 11.** NRS 388D.200 is hereby amended to read as follows:

47 388D.200 ~~[-]~~ Except as otherwise provided in this ~~[subsection,]~~ *section*, if
48 a child is exempt from compulsory *enrollment and* attendance pursuant to NRS
49 392.070 ~~for 392.110,~~ and the child is employed to work in the entertainment
50 industry pursuant to a written contract for a period of more than 91 school days, or
51 its equivalent if the child resides in a school district operating under an alternative
52 schedule authorized pursuant to NRS 388.090, including, without limitation,
53 employment with a motion picture company or employment with a production

company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this ~~subsection~~ **section** apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory **enrollment and** attendance at the time his or her contract with the entity is under negotiation.

~~{2. If such a child is exempt from compulsory attendance pursuant to NRS 392.110, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.}~~

Sec. 12. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to **enroll in or** attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 13. 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 **enroll the child in a public school and** send the child to ~~the~~ **the** public school **for the full school day** 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 the first day of a school year may 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 the first day 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 the first day 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 the first day 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 the first day of a school year may elect for the child not to *enroll in and* 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 *for the full school day* 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 *or acknowledge via registration on an Internet website maintained by the school district* that he or she has read and understands the policy concerning attendance, *the child understands the policy concerning attendance* and *the parent or legal guardian, as applicable, has read and understands* 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 pupil who receives services outside of a public school, including, without limitation, services pursuant to an individualized education program, a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or some other similar agreement with the public school, shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance set forth in this section during the time the pupil is receiving the services and is being transported to and from the public school to receive those services.*

7. A child who is 7 years of age on or before the first day 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 *enrollment and* attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection ~~7~~ 8 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~~ 8. 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 the first day of the next school year; and

(b) Whose parents waived the child's *enrollment and* 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.

~~9.]~~ 9. Except as otherwise provided in subsection ~~9.]~~ 10., 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.]~~ 10. 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.]~~ 11. 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. 14. ~~NRS 392.050 is hereby amended to read as follows:~~

~~392.050 1. A child must be excused from enrollment or attendance required by the provisions of NRS 392.040 when [satisfactory] written evidence from a qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice is presented to the board of trustees of the school district in which the child resides that the child's physical or mental condition or behavioral health is such as to prevent or render inadvisable the child's enrollment in or attendance at school or his or her application to study.~~

~~2. [A certificate in writing from any qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice, filed with the board of trustees immediately after its receipt, stating that the child is not able to attend school or that the child's attendance is inadvisable must be taken as satisfactory evidence by the board of trustees.~~

~~3.] 3. A board of trustees of a school district which has excused from enrollment or attendance pursuant to subsection 1 a child who, pursuant to NRS 388.417, qualifies as a pupil with a disability, shall make available to the child a free appropriate public education in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), as that act existed on July 1, 1995.~~

~~[4.] 3. If a pupil is excused from enrollment or attendance pursuant to subsection 1, the excusal must not negatively affect the rating of a public school as determined by the Department pursuant to the statewide system of accountability for public schools.] (Deleted by amendment.)~~

Sec. 15. NRS 392.060 is hereby amended to read as follows:

392.060 ~~[Attendance]~~ *Enrollment and attendance* required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to

the board of trustees of the school district in which the child resides that the child has already completed the 12 grades of the elementary and high school courses.

Sec. 16. NRS 392.070 is hereby amended to read as follows:

392.070 ~~{Attendance}~~ *Enrollment and attendance* of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; or
2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020.

Sec. 17. NRS 392.075 is hereby amended to read as follows:

392.075 ~~{Attendance}~~

1. Except as otherwise provided in subsection 2, enrollment and attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the high school equivalency assessment pursuant to NRS 390.055.

2. After a child has taken the high school equivalency assessment, the child shall enroll in and attend school pursuant to the provisions of NRS 392.040 until the child receives notification that the child has successfully completed the assessment.

Sec. 18. NRS 392.122 is hereby amended to read as follows:

392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory *enrollment and 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}~~:

(a) 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.

(b) *The circumstances under which a pupil will be considered chronically absent by the Department.*

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 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10 day limitation on absences does not apply to absences that are excused pursuant to that policy.~~

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

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

~~—(b) The pupil has completed course work requirements.~~

~~—4.] with documentation that the pupil has complied with the attendance requirements prescribed pursuant to subsection 1 by attending school, either in person or through an alternative program of education or a program of distance education approved by the Department. If the documentation is accurate and the principal or principal's designee finds that any absence of the pupil was entered in error, the error must be corrected and the absences of the pupil must be recalculated for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade.~~

3. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection ~~[3]~~ 2 to the board of trustees of the school district in which the pupil is enrolled.

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

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

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

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

~~—6.]~~ 4. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the *enrollment*, attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 19. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board *must, to the greatest extent possible, reflect the ethnic and geographic diversity of the county* and may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in NRS 432B.030.

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 20. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. ~~[The]~~

2. Upon the request of a parent or legal guardian of a pupil, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence, a teacher or principal ~~[shall]~~ may give his or her written approval for ~~[a]~~ the pupil to be absent if an emergency exists ~~[or upon the request of a parent or legal guardian of the pupil.]~~, including, without limitation, a medical emergency concerning a member of his or her family, compliance with a court order, a funeral or similar event of grieving, a family emergency, temporary homelessness and a religious observance. A teacher or principal may not approve absences pursuant to this subsection in excess of 10 percent of the number of school days in the school year.

3. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

~~[2.]~~ 4. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

~~[3.]~~ 5. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

~~[4.]~~ 6. An absence which has not been approved pursuant to ~~[subsection 1 or 3]~~ this section shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written *or electronic* notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written *or electronic* notice must be delivered to the parent, legal guardian or other person who has control of the child. The written *or electronic* notice must inform

the parents or legal guardian of such absences in a form specified by the Department.

~~[5.]~~ 7. *Except as otherwise provided in subsection 2 of NRS 392.122, all approved and unapproved absences must be counted for the purpose of determining whether a pupil is chronically absent.*

8. *The board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils shall:*

(a) *Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand, the truancy policy and the definition of chronic absenteeism adopted by the Department pursuant to NRS 392.150; and*

(b) *Provide a parent or legal guardian of a pupil notice when the pupil is approaching the limit of 10 percent in the number of absences that may be approved pursuant to subsection 2.*

9. The provisions of this section apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

~~[6.]~~ 10. As used in this section, “physically or mentally unable to attend” does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 21. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written ~~[-]~~

~~—(a) Approval~~ approval of the child’s teacher or the principal of the school pursuant to subsection 1 *or 2* of NRS 392.130 ~~[-] or~~

~~—(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,~~

~~→] may again be declared a habitual truant [-], unless the child is physically or mentally unable to attend school as provided in NRS 392.130.~~

3. The provisions of this section apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

Sec. 22. NRS 392.141 is hereby amended to read as follows:

392.141 The provisions of NRS 392.144 to 392.148, inclusive, apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

Sec. 23. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has ~~[one or more unapproved absences]~~ *been truant* from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;

(b) If the parent or legal guardian of a pupil has signed a written *or electronic* consent pursuant to subsection 4, submit a written *or electronic* referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or

(c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:

(a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written *or electronic* referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written *or electronic* consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

Sec. 24. NRS 392.146 is hereby amended to read as follows:

392.146 A written *or electronic* referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written *or electronic* referral or any additional information that the advisory board considers necessary. The school shall provide written *or electronic* notice of the referral to the parents or legal guardian of the pupil. The written *or electronic* notice must include, without limitation:

1. The name and address of the pupil referred;

2. A written *or electronic* explanation of the reason for the referral;

3. A summary of the provisions of NRS 392.147; and

4. The address and telephone number of the advisory board to review school attendance.

Sec. 25. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written *or electronic* referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written *or electronic* agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written *or electronic* agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

➤ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written *or electronic* agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written *or electronic* agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written *or electronic* documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written *or electronic* documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written *or electronic* agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written *or electronic* agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 26. NRS 392.148 is hereby amended to read as follows:

392.148 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written *or electronic* notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Sec. 27. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

Sec. 28. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;

(b) Prescribe the duties of the attendance officer; and
(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance, *chronic absenteeism* and truancy of pupils, including, without limitation, a standard method for reporting the *chronic absenteeism and* truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance, *chronic absenteeism* and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

3. The Department shall adopt by regulation a definition of the term "chronic absenteeism." The board of trustees of each school district shall ensure that the actions taken pursuant to subsection 2 are consistent with such a definition.

Sec. 29. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to *enroll in and* attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~392.110,~~ *392.075*, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written *or electronic* report of the investigation and the findings thereof in the records of the board.

Sec. 30. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to *enroll in and* attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~392.110,~~ *392.075*, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 31. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is under 18 years of age and required to *enroll in and* attend school pursuant to NRS 392.040 and who violates any of the provisions of law requiring the *enrollment and* attendance of children in the public schools of this State.

Sec. 32. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130, ~~and 392.140,~~ and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a foster home is liable pursuant to subsection 1 for a child in his or her foster care only if

the person has received notice of the truancy of the child as provided in NRS 392.130, ~~and 392.140,~~ and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 33. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~392.110,~~ **392.075**, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
 2. Presents a false birth certificate or record of attendance at school; or
 3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,
- of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

Sec. 34. NRS 392.264 is hereby amended to read as follows:

392.264 1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to **enroll in or** attend a public school that a victim is **enrolled in or** attending unless:

(a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or

(b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to **enroll in and** attend, the superintendent of the school district shall negotiate an agreement with:

(a) The superintendent of an adjoining school district within this state for the offender to **enroll in and** attend a public school in that adjoining school district; or

(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to **enroll in and** attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

(a) Must not contain the name of a victim;

(b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and

(c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to **enroll in and** attend a public school in the school district in which the offender resides without violating subsection 1.

Sec. 35. NRS 392.268 is hereby amended to read as follows:

392.268 If a school district incurs additional costs for transporting an offender because the offender is prohibited from **enrolling in or** attending a public school that a victim is **enrolled in or** attending, the school district is entitled to

1 reimbursement of all or part of those costs from the parents or guardians of the
2 offender to the extent ordered by the court pursuant to NRS 62F.110. The
3 superintendent of the school district or the parents or guardians of the offender may
4 petition the court to reconsider the amount of reimbursement ordered by the court.

5 **Sec. 36.** NRS 394.098 is hereby amended to read as follows:

6 394.098 "Postsecondary education" is limited to education or educational
7 services offered by an institution which is privately owned to persons who have
8 completed or terminated their elementary and secondary education or who are
9 beyond the age of compulsory school *enrollment and* attendance for the attainment
10 of academic, professional or vocational objectives.

11 **Sec. 37.** NRS 394.103 is hereby amended to read as follows:

12 394.103 "Private schools" means private elementary and secondary
13 educational institutions. The term does not include a home in which instruction is
14 provided to a child who is excused from compulsory *enrollment and* attendance
15 pursuant to NRS 392.070.

16 **Sec. 38.** NRS 62A.240 is hereby amended to read as follows:

17 62A.240 "Private school" includes private elementary and secondary
18 educational institutions. The term does not include a home in which instruction is
19 provided to a child who is excused from compulsory *enrollment and* attendance
20 pursuant to NRS 392.070 or a school or educational program that is conducted
21 exclusively for children who have been adjudicated delinquent.

22 **Sec. 39.** NRS 62B.320 is hereby amended to read as follows:

23 62B.320 1. Except as otherwise provided in this title, the juvenile court has
24 exclusive original jurisdiction in proceedings concerning any child living or found
25 within the county who is alleged or adjudicated to be in need of supervision
26 because the child:

27 (a) Is subject to compulsory school *enrollment and* attendance and is a
28 habitual truant from school;

29 (b) Habitually disobeys the reasonable and lawful demands of the parent or
30 guardian of the child and is unmanageable;

31 (c) Deserts, abandons or runs away from the home or usual place of abode of
32 the child and is in need of care or rehabilitation;

33 (d) Uses an electronic communication device to transmit or distribute a sexual
34 image of himself or herself to another person or to possess a sexual image in
35 violation of NRS 200.737;

36 (e) Transmits or distributes an image of bullying committed against a minor in
37 violation of NRS 200.900;

38 (f) Violates a county or municipal ordinance imposing a curfew on a child;

39 (g) Violates a county or municipal ordinance restricting loitering by a child;

40 (h) Commits an offense related to tobacco; or

41 (i) Commits an alcohol or marijuana offense that is punishable pursuant to
42 paragraph (a) of subsection 1 of NRS 62E.173.

43 2. A child who is subject to the jurisdiction of the juvenile court pursuant to
44 this section must not be considered a delinquent child.

45 3. The provisions of subsection 1 do not prohibit the imposition of
46 administrative sanctions pursuant to NRS 392.148 against a child who is subject to
47 compulsory school *enrollment and* attendance and is a habitual truant from school.

48 4. As used in this section:

49 (a) "Alcohol or marijuana offense" has the meaning ascribed to it in NRS
50 62E.173.

51 (b) "Bullying" means a willful act which is written, verbal or physical, or a
52 course of conduct on the part of one or more persons which is not otherwise
53 authorized by law and which exposes a person one time or repeatedly and over time

to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(c) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(d) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 40. NRS 129.090 is hereby amended to read as follows:

129.090 1. A petition filed pursuant to NRS 129.080 must be in writing, verified by the petitioner and set forth:

(a) The name, age and address of the minor;

(b) The names and addresses of the parents of the minor;

(c) The name and address of any legal guardian of the minor;

(d) If no parent or guardian can be found, the name and address of the child's nearest known relative residing within this state;

(e) Facts relating to the minor's education, employment, and length of residence apart from his or her parents or guardian;

(f) That the minor willingly lives apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian;

(g) That the minor is managing his or her own financial affairs;

(h) That the source of the minor's income is not derived from any activity declared to be a crime by the laws of this state or the United States; and

(i) That the minor is attending school or has been excused from *enrolling in and* attending school pursuant to NRS 392.040 to 392.125, inclusive.

2. If any of the facts required by subsection 1 are not known, the petition must so state.

3. For filing the petition, the clerk of the district court shall charge the fees prescribed by law for the commencement of civil actions or proceedings generally.

Sec. 41. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

(a) Personal property held for sale by a merchant;

(b) Personal property held for sale by a manufacturer;

(c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;

(d) Tangible personal property purchased by a business which will be consumed during the operation of the business;

(e) Livestock;

(f) Colonies of bees;

(g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;

(h) All boats;

(i) Slide-in campers and camper shells;

(j) Except as otherwise provided in NRS 361.186, fine art for public display; and

(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and

(2) Located in this state solely for the purposes of:

1 (I) An exhibit that is used in a convention or tradeshow that is located
2 in this State; or

3 (II) A display, exhibition, carnival, fair or circus that is transient in
4 nature and is located in this State for not more than 30 days.

5 2. The Nevada Tax Commission may exempt from taxation that personal
6 property for which the annual taxes would be less than the cost of collecting those
7 taxes. If such an exemption is provided, the Nevada Tax Commission shall annually
8 determine the average cost of collecting property taxes in this state which must be
9 used in determining the applicability of the exemption.

10 3. A person claiming the exemption provided for in paragraph (j) of
11 subsection 1 shall:

12 (a) On or before June 15 for the next ensuing fiscal year, file with the county
13 assessor an affidavit declaring that the fine art will, during that ensuing fiscal year,
14 meet all the criteria set forth in paragraph (b) of subsection 4; and

15 (b) During any fiscal year in which the person claims the exemption, make
16 available for educational purposes and not for resale, upon written request and
17 without charge to any public school as defined in NRS 385.007, private school as
18 defined in NRS 394.103 and parent of a child who receives instruction in a home
19 pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility
20 has on public display if such a poster is available for purchase by the public at the
21 time of the request.

22 4. As used in this section:

23 (a) "Boat" includes any vessel or other watercraft, other than a seaplane, used
24 or capable of being used as a means of transportation on the water.

25 (b) "Fine art for public display":

26 (1) Except as otherwise provided in subparagraph (2), means a work of art
27 which:

28 (I) Is an original painting in oil, mineral, water colors, vitreous enamel,
29 pastel or other medium, an original mosaic, drawing or sketch, an original sculpture
30 of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original
31 work of mixed media or a lithograph;

32 (II) Was purchased in an arm's length transaction for \$25,000 or more,
33 or has an appraised value of \$25,000 or more;

34 (III) Is on public display in a public or private art gallery, museum or
35 other building or area in this state for at least 20 hours per week during at least 35
36 weeks of each year for which the exemption is claimed or, if the facility displaying
37 the fine art disposes of it before the end of that year, during at least two-thirds of
38 the full weeks during which the facility had possession of it, or if the gallery,
39 museum or other building or area in which the fine art will be displayed will not be
40 opened until after the beginning of the fiscal year for which the exemption is
41 claimed, these display requirements must be met for the first full fiscal year after
42 the date of opening, and the date of opening must not be later than 2 years after the
43 purchase of the fine art being displayed; and

44 (IV) Is on display in a facility that is available for group tours by pupils
45 or students for at least 5 hours on at least 60 days of each full year for which the
46 exemption is claimed, during which the facility in which it is displayed is open, by
47 prior appointment and at reasonable times, without charge; and

48 (2) Does not include:

49 (I) A work of fine art that is a fixture or an improvement to real
50 property;

51 (II) A work of fine art that constitutes a copy of an original work of
52 fine art, unless the work is a lithograph that is a limited edition and that is signed
53 and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory **enrollment and** attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 42. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

1 (2) If the person applying for the driver's license is an emancipated minor,
2 by a licensed driver who is at least 21 years of age or by a licensed driving
3 instructor,

4 ➤ who attests that the person applying for the driver's license has completed the
5 training and experience required pursuant to paragraphs (a) and (b);

6 (d) Submits to the Department:

7 (1) A written statement signed by the principal of the public school in
8 which the person is enrolled or by a designee of the principal and which is provided
9 to the person pursuant to NRS 392.123;

10 (2) A written statement signed by the parent or legal guardian of the person
11 which states that the person is excused from compulsory *enrollment and*
12 attendance pursuant to NRS 392.070;

13 (3) A copy of the person's high school diploma or certificate of attendance;
14 or

15 (4) A copy of the person's certificate of general educational development
16 or an equivalent document;

17 (e) Has not been found to be responsible for a motor vehicle crash during the 6
18 months before applying for the driver's license;

19 (f) Has not been convicted of or found by a court to have committed a moving
20 traffic violation or convicted of a crime involving alcohol or a controlled substance
21 during the 6 months before applying for the driver's license; and

22 (g) Has held an instruction permit for not less than 6 months before applying
23 for the driver's license.

24 2. If a course described in paragraph (a) of subsection 1 is not offered within a
25 30-mile radius of a person's residence, the person may, in lieu of completing such a
26 course as required by that paragraph, complete an additional 50 hours of supervised
27 experience in driving a motor vehicle in accordance with paragraph (b) of
28 subsection 1.

29 3. In lieu of the supervised experience required pursuant to paragraph (b) of
30 subsection 1, a person applying for a Class C noncommercial driver's license may
31 provide to the Department proof that the person has successfully completed:

32 (a) The training required pursuant to paragraph (a) of subsection 1; and

33 (b) A hands-on course in defensive driving that has been approved by the
34 Department pursuant to NRS 483.727.

35 4. A person who is 16 or 17 years of age, who has held an instruction permit
36 issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the
37 permit to operate a motorcycle and who applies for a driver's license pursuant to
38 this section that authorizes him or her to operate a motorcycle must comply with the
39 provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

40 (a) Except as otherwise provided in subsection 5, complete a course of
41 motorcycle safety approved by the Department;

42 (b) Have at least 50 hours of experience in driving a motorcycle with an
43 instruction permit issued pursuant to subsection 4 of NRS 483.280; and

44 (c) Submit to the Department, on a form provided by the Department, a log
45 which contains the dates and times of the hours of experience required pursuant to
46 paragraph (b) and which is signed by his or her parent or legal guardian who attests
47 that the person applying for the motorcycle driver's license has completed the
48 training and experience required pursuant to paragraphs (a) and (b).

49 5. If a course described in paragraph (a) of subsection 4 is not offered within a
50 30-mile radius of a person's residence, the person may, in lieu of completing the
51 course, complete an additional 50 hours of experience in driving a motorcycle in
52 accordance with paragraph (b) of subsection 4.

Sec. 43. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school **enrollment and** attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 44. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school, and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school **enrollment and** attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of 55 miles per hour.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 45. NRS 644A.700 is hereby amended to read as follows:

644A.700 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and the applicant must certify that all the information contained in the application is truthful and accurate. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school **enrollment and** attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than \$500 and not more than \$800.

(b) For 4 years, not less than \$1,000 and not more than \$1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 46. NRS 392.080 and 392.110 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

392.080 Attendance excused for distant residence from nearest school.

Attendance required by the provisions of NRS 392.040 shall be excused when the Superintendent of Public Instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

392.110 Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.