Assembly Committee on Education
This measure may be considered for action during today’s work session.
March 14, 2011

ASSEMBLY BILL 138
Revises provisions governing pupils. (BDR 34-113)

Sponsored by: Committee On Education
Date Heard: February 9, 2011 and February 21, 2011
Fiscal Impact: Effect on Local Government: May have Fiscal Impact
Effect on the State: Yes

Assembly Bill 138 requires the Department of Education and the Nevada System of Higher Education to establish a plan to ensure that Nevada’s academic standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

The State Board and each school district shall include in the tabulation of high school completers those who earn an adult diploma or the General Educational Development credential. In addition, a school district’s policy for ninth grade academic plans must include the provision of information about educational programs and academic opportunities. The requirement that a parent or guardian sign the academic plan is repealed.

A school district board of trustees must adopt policies relating to high school pupils, including a: (1) program of remediation for pupils deficient in the number of credits needed for promotion or graduation; and (2) policy to permit a pupil to report anonymously unlawful activities on school property, at a school activity, or on a school bus.

Finally, the bill repeals certain statutes that exempt a child from compulsory school attendance upon completion of Grade 8 or upon reaching age 14.

Amendments:

1. Assemblywoman Mastroluca and Assemblywoman Neal: See attached amendment.

2. Nevada Homeschool Network: See attached amendment.

Special Note: The fiscal note submitted by Washoe County School District in the amount of $4.2 million in each fiscal year of the 2011-2013 biennium was revised by the school district to $0 in each fiscal year.
PROPOSED CONCEPTUAL AMENDMENT TO A.B. 138
(Submitted by Assemblywoman Mastroluca and Assemblywoman Neal)

● Amend section 1 by making the establishment of a plan by the Department of Education permissive and expiring the section on July 1, 2014. (Explanation: With the implementation of the Common Core Standards, the plan will not be reflect current requirements as of July 1, 2014)

● Amend sections 2–4 by deleting the requirement to report on the number of pupils who received the general educational certificate. (GED)

● Amend section 5 as follows:

Sec. 5. NRS 388.205 is hereby amended to read as follows:
29 388.205 1. The board of trustees of each school district shall
30 adopt a policy for each public school in the school district in which
31 ninth grade pupils are enrolled to develop a 4-year academic plan
32 for each of those pupils. The academic plan must set forth the
33 specific educational goals that the pupil intends to achieve before
34 graduation from high school. The plan may include, without
35 limitation, the designation of a career pathway and enrollment in
36 dual credit courses, career and technical education courses,
37 advanced placement courses and honors courses.
38 2. The policy must ensure that each pupil enrolled in ninth
39 grade and the pupil’s parent or legal guardian are adequately
40 notified and informed of the following information:
41 (a) The advanced placement courses, honors courses,
42 international baccalaureate courses, dual credit courses, career
43 and technical education courses, including, without limitation,
44 career and technical skills-building programs, and any other
45 educational programs, pathways or courses available to the pupil
1 which will assist the pupil in the advancement of his or her
2 education;
3 (b) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;
4 (c) The requirements for graduation from high school with a
5 diploma and the types of diplomas available;
6 (d) The requirements for admission to the Nevada System of
7 Higher Education and the eligibility requirements for a Governor
8 Guinn Millennium Scholarship; and
9 (e) Programs offered by charter schools within the school
district, to the extent such programs are available.
10 3. The policy must require each pupil enrolled in ninth grade
11 and the pupil’s parent or legal guardian to:
12 (a) Be notified of opportunities to work in
13 consultation with a school counselor to develop an
14 academic plan for the pupil; and
15 (b) **Sign the academic plan; and**
16 (c) Review the academic plan at least once each school year in 17 consultation with a school counselor and revise the plan if 18 necessary.
19 [3.] 4. If a pupil enrolls in a high school after ninth grade, an 20 academic plan must be developed for that pupil with appropriate 21 modifications for the grade level of the pupil.
22 [4.] 5. An academic plan for a pupil must be used as a guide 23 for the pupil and the parent or legal guardian of the pupil to plan, 24 monitor and manage the pupil’s educational and occupational 25 development and make determinations of the appropriate courses of 26 study for the pupil. If a pupil does not satisfy all the goals set forth 27 in the academic plan, the pupil is eligible to graduate and receive a 28 high school diploma if the pupil otherwise satisfies the requirements 29 for a diploma.

- **Delete Section 7 of the bill (requires policy of credit remediation)**
- **Amend section 8 by making the policy permissive (reporting unlawful activity anonymously)**
- **Amend section 9 by restoring the references to NRS 392.110 and removing the italicized new language in subsection 2.**
- **Amend section 13 as follows:**
  - Repeal NRS 392.090 (juvenile court may excuse child who has completed the eighth grade to leave school);
  - Repeal NRS 392.100 (attendance may be excused for child 14 years of age or older to support himself or herself or child’s parent)
- **Do Not Repeal NRS 392.110,** however, amend NRS 392.110 to change the ages from between 14 and 18 years to 15 to 18 years. (Attendance excused for child who has completed eighth grade to enter employment or apprenticeship)
February 20, 2011

Assemblyman David Bobzien  
Chairman, Assembly Education Committee  
Via email: dbobzien@asm.state.nv.us

RE: AB 138

Dear Chairman Bobzien,

By way of introduction, Nevada Homeschool Network (NHN) seeks to advocate for the rights of parents to direct the education of their children. Parents in Nevada have been working under a good law, NRS 392.070 and NRS 392.700, since 2007.

We are not writing today about a homeschool issue but rather regarding AB 138 that may affect the choices currently available to Nevada families seeking the best future for their children.

Specifically, we are concerned with Section 13 of AB 138, which repeals certain provisions relating to the exemption of children from compulsory attendance. The three laws to be repealed under this bill are NRS 392.090, NRS 392.100, and NRS 392.110 (printed in full at the end of this letter). These laws appear to have been adopted in 1956. Although we realize that these laws may not have been utilized much in the recent past we wonder whether it is prudent at this time to remove any option currently available for young teens.

In addition, it appears that the main focus of AB 138 is to improve college readiness of our public high school students. However, we must acknowledge that not all students are college bound and further, some families may need to investigate options available to their high school age children that may not include an academic career, but rather seek to utilize paid apprenticeships or other forms of work to secure a future for the child and the family. The question before us today is whether academic education should be the only option for children between the ages of 14 and 18 or whether other choices should remain available to this age group to secure their futures.

We respectfully request that you consider amending AB 138 and delete Section 13 of AB 138 until more study can be done on the merits of the current law.

Sincerely,

NHN Officers  
Frank Schnorbus, Chair; Barbara Dragon, Elissa Wahl, Laura Siegal, Kelley Millard-Radow
NRS 392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

NRS 392.100 Attendance excused if child 14 years of age or older must support himself or herself or child's parent. 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, 14 years of age or over, must work for his or her own or his or her parent's support.

NRS 392.110 Attendance excused for child between 14 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 14 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.