

ASSEMBLY BILL NO. 186—ASSEMBLYWOMAN DIAZ

PREFILED FEBRUARY 13, 2017

Referred to Committee on Education

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

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

CONTAINS UNFUNDED MANDATE (§ 1) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; requiring the board of trustees of each school district to establish, equip and maintain a prekindergarten education program and a kindergarten in each elementary school or school attendance area in the district; revising provisions governing the age at which a child is required to be enrolled in and attend school; authorizing a child who is 4 years of age on or before September 30 of a school year to be admitted to a prekindergarten education program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally requires the board of trustees of each school district to
2 establish, equip and maintain a kindergarten in each elementary school or school
3 attendance area in the district. (NRS 388.060) With certain exceptions, existing law
4 also requires each parent, custodial parent, guardian or other person in the State of
5 Nevada having control or charge of any child between the ages of 7 and 18 years to
6 send the child to a public school during all the time the school is in session in the
7 school district in which the child resides unless the child has graduated from high
8 school. Existing law further provides that a child who is 5 years of age on or before
9 September 30 of a school year may be admitted to kindergarten at the beginning of
10 that school year. (NRS 392.040)

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

14 **Section 3** of this bill lowers, from 7 years of age to 5 years of age, the age at
15 which a child must be enrolled in and attend public school. **Section 3** also: (1)



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16 requires a child who is 5 years of age on or before September 30 of a school year to
17 be admitted to kindergarten at the beginning of that school year; and (2) authorizes
18 a child who is 4 years of age on or before September 30 of a school year to be
19 admitted to a prekindergarten education program at the beginning of that school
20 year.

21 The remaining sections of this bill revise applicable provisions relating to
22 kindergarten and the age at which a child must attend school to reflect the new
23 requirements.

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

1 **Section 1.** NRS 388.060 is hereby amended to read as follows:
2 388.060 ~~1. Except as otherwise provided in this subsection,~~
3 ~~the~~ *Blue* board of trustees of each school district shall establish,
4 equip and maintain a *prekindergarten education program and a*
5 kindergarten in each elementary school or each school attendance
6 area in the district. ~~If, on or before June 1 immediately preceding~~
7 ~~the school year, admittance to kindergarten has been requested for~~
8 ~~fewer than 15 children, the mandatory provisions of this subsection~~
9 ~~do not apply to that school, and the board may decide whether to~~
10 ~~establish a kindergarten for those children. If the board decides not~~
11 ~~to establish such a kindergarten, it may provide:~~
12 ~~—(a) Transportation for each child to enable the child to attend~~
13 ~~kindergarten at another school; or~~
14 ~~—(b) Upon agreement with a child's parent or guardian, an~~
15 ~~authorized program of instruction for kindergarten to be offered in~~
16 ~~the child's home, which includes, without limitation, assigning~~
17 ~~licensed educational personnel to assist and consult with the parent~~
18 ~~or guardian as necessary.~~
19 ~~2. The board of trustees of a school district in which a~~
20 ~~kindergarten is to be established under the provisions of this title of~~
21 ~~NRS shall budget for this purpose by including the costs in the next~~
22 ~~regular budget for the school district.]~~

23 **Sec. 2.** NRS 388A.366 is hereby amended to read as follows:
24 388A.366 1. A charter school shall:
25 (a) Comply with all laws and regulations relating to
26 discrimination and civil rights.
27 (b) Remain nonsectarian, including, without limitation, in its
28 educational programs, policies for admission and employment
29 practices.
30 (c) Refrain from charging tuition or fees, except for tuition or
31 fees that the board of trustees of a school district is authorized to
32 charge, levying taxes or issuing bonds.



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

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

5 (f) Except as otherwise provided in this paragraph, schedule and
6 provide annually at least as many days of instruction as are required
7 of other public schools located in the same school district as the
8 charter school is located. The governing body of a charter school
9 may submit a written request to the Superintendent of Public
10 Instruction for a waiver from providing the days of instruction
11 required by this paragraph. The Superintendent of Public Instruction
12 may grant such a request if the governing body demonstrates to the
13 satisfaction of the Superintendent that:

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

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

18 (g) Cooperate with the board of trustees of the school district in
19 the administration of the examinations administered pursuant to
20 NRS 390.105 and, if the charter school enrolls pupils at a high
21 school grade level, the end-of-course examinations administered
22 pursuant to NRS 390.600 and the college and career readiness
23 assessment administered pursuant to NRS 390.610 to the pupils who
24 are enrolled in the charter school.

25 (h) Comply with applicable statutes and regulations governing
26 the achievement and proficiency of pupils in this State.

27 (i) Provide instruction in the core academic subjects set forth in
28 subsection 1 of NRS 389.018, as applicable for the grade levels of
29 pupils who are enrolled in the charter school, and provide at least
30 the courses of study that are required of pupils by statute or
31 regulation for promotion to the next grade or graduation from a
32 public high school and require the pupils who are enrolled in the
33 charter school to take those courses of study. This paragraph does
34 not preclude a charter school from offering, or requiring the pupils
35 who are enrolled in the charter school to take, other courses of study
36 that are required by statute or regulation.

37 (j) If the parent or legal guardian of a child submits an
38 application to enroll in kindergarten ~~+, first grade or second grade~~ at
39 the charter school, comply with NRS 392.040 regarding the ~~ages~~
40 ~~age~~ for enrollment in ~~those grades.~~ **kindergarten.**

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

43 (l) Hold harmless, indemnify and defend the sponsor of the
44 charter school against any claim or liability arising from an act or
45 omission by the governing body of the charter school or an



1 employee or officer of the charter school. An action at law may not
2 be maintained against the sponsor of a charter school for any cause
3 of action for which the charter school has obtained liability
4 insurance.

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

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

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

17 2. A charter school shall not provide instruction through a
18 program of distance education to children who are exempt from
19 compulsory attendance pursuant to NRS 392.070. As used in this
20 subsection, "distance education" has the meaning ascribed to it in
21 NRS 388.826.

22 **Sec. 3.** NRS 392.040 is hereby amended to read as follows:

23 392.040 1. Except as otherwise provided by law, each parent,
24 custodial parent, guardian or other person in the State of Nevada
25 having control or charge of any child between the ages of ~~7~~ 5 and
26 18 years shall send the child to a public school during all the time
27 the public school is in session in the school district in which the
28 child resides unless the child has graduated from high school.

29 2. *A child who is 4 years of age on or before September 30 of*
30 *a school year may be admitted to a prekindergarten education*
31 *program at the beginning of that school year.*

32 3. A child who is 5 years of age on or before September 30 of a
33 school year ~~may~~ *must* be admitted to kindergarten at the beginning
34 of that school year, and the child's enrollment must be counted for
35 purposes of apportionment. If a child is not 5 years of age on or
36 before September 30 of a school year, the child must not be
37 admitted to kindergarten.

38 ~~3. Except as otherwise provided in subsection 4, a child who~~
39 ~~is 6 years of age on or before September 30 of a school year must:~~

40 ~~—(a) If the child has not completed kindergarten, be admitted to~~
41 ~~kindergarten at the beginning of that school year; or~~

42 ~~—(b) If the child has completed kindergarten, be admitted to the~~
43 ~~first grade at the beginning of that school year;~~

44 ~~and the child's enrollment must be counted for purposes of~~
45 ~~apportionment. If a child is not 6 years of age on or before~~



1 ~~September 30 of a school year, the child must not be admitted to the~~
2 ~~first grade until the beginning of the school year following the~~
3 ~~child's sixth birthday.~~

4 ~~—4. The parents, custodial parent, guardian or other person~~
5 ~~within the State of Nevada having control or charge of a child who~~
6 ~~is 6 years of age on or before September 30 of a school year may~~
7 ~~elect for the child not to attend kindergarten or the first grade during~~
8 ~~that year. The parents, custodial parent, guardian or other person~~
9 ~~who makes such an election shall file with the board of trustees of the~~
10 ~~appropriate school district a waiver in a form prescribed by the~~
11 ~~board.~~

12 ~~—5. Whenever a child who is 6 years of age is enrolled in a~~
13 ~~public school, each parent, custodial parent, guardian or other~~
14 ~~person in the State of Nevada having control or charge of the child~~
15 ~~shall send the child to the public school during all the time the~~
16 ~~school is in session. If the board of trustees of a school district has~~
17 ~~adopted a policy prescribing a minimum number of days of~~
18 ~~attendance for pupils enrolled in kindergarten or first grade pursuant~~
19 ~~to NRS 392.122, the school district shall provide to each parent and~~
20 ~~legal guardian of a pupil who elects to enroll his or her child in~~
21 ~~kindergarten or first grade a written document containing a copy of~~
22 ~~that policy and a copy of the policy of the school district concerning~~
23 ~~the withdrawal of pupils from kindergarten or first grade. Before the~~
24 ~~child's first day of attendance at a school, the parent or legal~~
25 ~~guardian shall sign a statement on a form provided by the school~~
26 ~~district acknowledging that he or she has read and understands the~~
27 ~~policy concerning attendance and the policy concerning withdrawal~~
28 ~~of pupils from kindergarten or first grade. The parent or legal~~
29 ~~guardian shall comply with the applicable requirements for~~
30 ~~attendance. This requirement for attendance does not apply to any~~
31 ~~child under the age of 7 years who has not yet been enrolled or has~~
32 ~~been formally withdrawn from enrollment in public school.~~

33 ~~—6. A child who is 7 years of age on or before September 30 of a~~
34 ~~school year must:~~

35 ~~—(a) If the child has completed kindergarten and the first grade,~~
36 ~~be admitted to the second grade.~~

37 ~~—(b) If the child has completed kindergarten, be admitted to the~~
38 ~~first grade.~~

39 ~~—(c) If the parents, custodial parent, guardian or other person in~~
40 ~~the State of Nevada having control or charge of the child waived the~~
41 ~~child's attendance from kindergarten pursuant to subsection 4,~~
42 ~~undergo an assessment by the district pursuant to subsection 7 to~~
43 ~~determine whether the child is prepared developmentally to be~~
44 ~~admitted to the first grade. If the district determines that the child is~~
45 ~~prepared developmentally, the child must be admitted to the first~~



1 ~~grade. If the district determines that the child is not so prepared, he~~
2 ~~or she must be admitted to kindergarten.~~

3 ~~↪ The enrollment of any child pursuant to this subsection must be~~
4 ~~counted for apportionment purposes.~~

5 ~~— 7. Each school district shall prepare and administer before the~~
6 ~~beginning of each school year a developmental screening test to a~~
7 ~~child:~~

8 ~~— (a) Who is 7 years of age on or before September 30 of the next~~
9 ~~school year; and~~

10 ~~— (b) Whose parents waived the child's attendance from~~
11 ~~kindergarten pursuant to subsection 4;~~

12 ~~↪ to determine whether the child is prepared developmentally to be~~
13 ~~admitted to the first grade. The results of the test must be made~~
14 ~~available to the parents, custodial parent, guardian or other person~~
15 ~~within the State of Nevada having control or charge of the child.~~

16 ~~— 8.† 4. Except as otherwise provided in subsection †9.† 5, a~~
17 ~~child who becomes a resident of this State after completing~~
18 ~~kindergarten or beginning first grade in another state in accordance~~
19 ~~with the laws of that state may be admitted to the grade the child~~
20 ~~was attending or would be attending had he or she remained a~~
21 ~~resident of the other state regardless of his or her age, unless the~~
22 ~~board of trustees of the school district determines that the~~
23 ~~requirements of this section are being deliberately circumvented.~~

24 ~~†9.† 5. Pursuant to the provisions of NRS 388F.010, a child~~
25 ~~who transfers to a school in this State from a school outside this~~
26 ~~State because of the military transfer of the parent or legal guardian~~
27 ~~of the child must be admitted to:~~

28 (a) The grade, other than kindergarten, the child was attending
29 or would be attending had he or she remained a resident of the other
30 state, regardless of the child's age.

31 (b) Kindergarten, if the child was enrolled in kindergarten in
32 another state in accordance with the laws of that state, regardless of
33 the child's age.

34 ~~†10.† 6. As used in this section †, "kindergarten":~~

35 (a) **"Kindergarten"** includes:

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

38 ~~†(b)† and~~

39 (2) A kindergarten established by the governing body of a
40 charter school. ~~†; and~~

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

43 (b) **"Prekindergarten education program" includes a**
44 **prekindergarten education program established by the board of**
45 **trustees of a school district pursuant to NRS 388.060.**



1 **Sec. 4.** NRS 392.160 is hereby amended to read as follows:

2 392.160 1. Any peace officer, the attendance officer or any
3 other school officer shall, during school hours, take into custody
4 without warrant †:

5 ~~—(a) Any†~~ **any** child **who is** between the ages of ~~†~~ **5** and 18 years
6 †; and

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

9 ~~→†~~ **and** who has been reported to the officer by the teacher,
10 superintendent of schools or other school officer as an absentee
11 from instruction upon which the child is lawfully required to attend.

12 2. Except as otherwise provided in subsection 3:

13 (a) During school hours, the officer having custody shall
14 forthwith deliver the child to the superintendent of schools, principal
15 or other school officer at the child's school of attendance.

16 (b) After school hours, the officer having custody shall deliver
17 the child to the parent, guardian or other person having control or
18 charge of the child.

19 3. The board of trustees of a school district or the governing
20 body of a charter school may enter into an agreement with a
21 counseling agency to permit delivery of the child to the agency. For
22 the purposes of this subsection, "counseling agency" means an
23 agency designated by the school district in which the child is
24 enrolled to provide counseling for the child and the parent, guardian
25 or other person having control or charge of the child.

26 **Sec. 5.** NRS 422A.333 is hereby amended to read as follows:

27 422A.333 1. A recipient who has control or charge of a child
28 who is not less than ~~†~~ **5** years of age, but is less than 12 years of
29 age, must comply with the provisions of NRS 392.040 with respect
30 to that child.

31 2. If the head of a household that is receiving benefits pursuant
32 to the program to provide Temporary Assistance for Needy Families
33 has control or charge of a child who is not less than ~~†~~ **5** years of
34 age, but is less than 12 years of age, the head of the household shall
35 take every reasonable action to ensure that the child is not at risk of
36 failing to advance to the next grade level in school.

37 3. If the head of a household that is receiving benefits pursuant
38 to the program to provide Temporary Assistance for Needy Families
39 has control or charge of a child who is not less than ~~†~~ **5** years of
40 age, but is less than 12 years of age and:

41 (a) The head of the household does not comply with the
42 provisions of NRS 392.040 with respect to that child; or

43 (b) That child is at risk of failing to advance to the next grade
44 level in school,



- 1 ↳ the Division shall require the head of the household to review
2 with the Division the personal responsibility plan signed by the head
3 of household pursuant to NRS 422A.535 and revise the plan as
4 necessary to assist the head of the household in complying with the
5 provisions of NRS 392.040 and helping the child to improve his or
6 her academic performance.
- 7 **Sec. 6.** The provisions of NRS 354.599 do not apply to any
8 additional expenses of a local government that are related to the
9 provisions of this act.
- 10 **Sec. 7.** This act becomes effective on July 1, 2017.

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