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FIRST REPRINT

A.B. 186

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 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; requiring the Department of Education to establish the Prekindergarten Improvement and Expansion Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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



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16 revise applicable provisions relating to kindergarten and first grade and the age at
17 which a child must attend school to reflect the new requirements.

18 **Section 5.3** of this bill requires the Department of Education to establish the
19 Prekindergarten Improvement and Expansion Program, and **section 5.8** of this bill
20 appropriates money to fund the Program. **Section 5.3** requires the Department to:
21 (1) accept and approve applications from schools and child care facilities that wish
22 to establish new prekindergarten education programs or expand existing
23 prekindergarten education programs; and (2) identify the needs that must be met for
24 those schools to establish or expand prekindergarten education programs. **Section**
25 **5.3** prescribes the required uses of money appropriated for the program, including
26 addressing the identified needs of schools and facilities participating in the program
27 and awarding grants of money to such schools and facilities.

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~~ **2. The** board of trustees of each school district shall establish,
4 equip and maintain a kindergarten in each elementary school or each
5 school attendance area in the district. ~~3. If, on or before June 1~~
6 ~~immediately preceding the school year, admittance to kindergarten~~
7 ~~has been requested for fewer than 15 children, the mandatory~~
8 ~~provisions of this subsection do not apply to that school, and the~~
9 ~~board may decide whether to establish a kindergarten for those~~
10 ~~children. If the board decides not to establish such a kindergarten, it~~
11 ~~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.



1 (c) Refrain from charging tuition or fees, except for tuition or
2 fees that the board of trustees of a school district is authorized to
3 charge, levying taxes or issuing bonds.

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

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

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

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

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

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

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

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

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

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



1 (l) Hold harmless, indemnify and defend the sponsor of the
2 charter school against any claim or liability arising from an act or
3 omission by the governing body of the charter school or an
4 employee or officer of the charter school. An action at law may not
5 be maintained against the sponsor of a charter school for any cause
6 of action for which the charter school has obtained liability
7 insurance.

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

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

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

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

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

26 392.040 1. Except as otherwise provided by law, each parent,
27 custodial parent, guardian or other person in the State of Nevada
28 having control or charge of any child between the ages of ~~4~~ 6 and
29 18 years shall send the child to a public school during all the time
30 the public school is in session in the school district in which the
31 child resides unless the child has graduated from high school.

32 2. A child who is 5 years of age on or before September 30 of a
33 school year may be admitted to kindergarten at the beginning of that
34 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~~ A child
39 who is 6 years of age on or before September 30 of a school year
40 must:

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

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



1 ↪ and the child's enrollment must be counted for purposes of
2 apportionment. If a child is not 6 years of age on or before
3 September 30 of a school year, the child must not be admitted to the
4 first grade until the beginning of the school year following the
5 child's sixth birthday.

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

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

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

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

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

42 ~~—(c) If the parents, custodial parent, guardian or other person in
43 the State of Nevada having control or charge of the child waived the
44 child's attendance from kindergarten pursuant to subsection 4,
45 undergo an assessment by the district pursuant to subsection 7 to~~



~~1 determine whether the child is prepared developmentally to be
2 admitted to the first grade. If the district determines that the child is
3 prepared developmentally, the child must be admitted to the first
4 grade. If the district determines that the child is not so prepared, he
5 or she must be admitted to kindergarten.~~

~~6 → The enrollment of any child pursuant to this subsection must be
7 counted for apportionment purposes.~~

~~8 — 7. Each school district shall prepare and administer before the
9 beginning of each school year a developmental screening test to a
10 child:~~

~~11 — (a) Who is 7 years of age on or before September 30 of the next
12 school year; and~~

~~13 — (b) Whose parents waived the child's attendance from
14 kindergarten pursuant to subsection 4,~~

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

~~19 — 8. † 5. Except as otherwise provided in subsection †9, † 6, a
20 child who becomes a resident of this State after completing
21 kindergarten or beginning first grade in another state in accordance
22 with the laws of that state may be admitted to the grade the child
23 was attending or would be attending had he or she remained a
24 resident of the other state regardless of his or her age, unless the
25 board of trustees of the school district determines that the
26 requirements of this section are being deliberately circumvented.~~

~~27 †9, † 6. Pursuant to the provisions of NRS 388F.010, a child
28 who transfers to a school in this State from a school outside this
29 State because of the military transfer of the parent or legal guardian
30 of the child must be admitted to:~~

~~31 (a) The grade, other than kindergarten, the child was attending
32 or would be attending had he or she remained a resident of the other
33 state, regardless of the child's age.~~

~~34 (b) Kindergarten, if the child was enrolled in kindergarten in
35 another state in accordance with the laws of that state, regardless of
36 the child's age.~~

~~37 †10, † 7. As used in this section, "kindergarten" includes:~~

~~38 (a) A kindergarten established by the board of trustees of a
39 school district pursuant to NRS 388.060;~~

~~40 †(b) and~~

~~41 (b) A kindergarten established by the governing body of a
42 charter school. †; and~~

~~43 — (c) An authorized program of instruction for kindergarten
44 offered in a child's home 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 †7 6 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 †7 6 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 †7 6 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 †7 6 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. 5.3.** 1. The Department of Education shall establish the
8 Prekindergarten Improvement and Expansion Program. To carry out
9 the Program, the Department shall:

10 (a) Solicit applications from public schools, private schools and
11 child care facilities that wish to establish new prekindergarten
12 education programs or expand existing prekindergarten education
13 programs;

14 (b) Approve applications based on the quality of the application
15 and the ability of the applicant to effectively establish a new
16 prekindergarten education program or expand an existing
17 kindergarten education program;

18 (c) Identify the needs that must be met for the schools or
19 facilities whose applications have been approved to establish new
20 prekindergarten education programs or expand existing
21 prekindergarten education programs; and

22 (d) Use the money appropriated to the Department by section
23 5.8 of this act for the purposes prescribed in subsections 2, 3 and 4.

24 2. Except as otherwise authorized by section 5.8 of this act, the
25 Department shall use the money appropriated to the Department by
26 section 5.8 of this act for the Fiscal Year 2017-2018 to address the
27 needs identified pursuant to paragraph (c) of subsection 1, including,
28 without limitation, by:

29 (a) Purchasing portable classrooms to provide additional
30 classroom space.

31 (b) Increasing the number of scholarships available to students
32 who are enrolled in a program of early childhood education at a
33 college or university located in this State.

34 (c) Expanding the Nevada Silver State Stars Quality Rating and
35 Improvement System for prekindergarten education programs.

36 (d) Collecting data concerning pupils enrolled in
37 prekindergarten education programs for inclusion in the statewide
38 longitudinal data system developed pursuant to NRS 400.040. Such
39 data must be collected and maintained in a manner that complies
40 with all applicable state and federal requirements concerning the
41 privacy of data concerning pupils.

42 3. Except as otherwise authorized by section 5.8 of this act, the
43 Department shall use the money appropriated to the Department by
44 section 5.8 of this act for the Fiscal Year 2018-2019 to award grants
45 of money to schools and child care facilities whose applications



1 have been approved pursuant to subsection 1 in the amount of
2 \$8,000 for each pupil enrolled in a prekindergarten education
3 program at the school or facility, for a maximum of 670 total pupils
4 in this State. If there are more than 670 pupils enrolled in
5 prekindergarten education programs at such schools and facilities,
6 the Department shall award grants of money based on need, as
7 determined by the Department.

8 4. If any of the money appropriated to the Department by
9 section 5.8 of this act remains after awarding grants pursuant to
10 subsection 3, the Department shall use that money to:

11 (a) Increase the number of scholarships available to students
12 who are enrolled in a program of early childhood education at a
13 college or university located in this State.

14 (b) Expand the Nevada Silver State Stars Quality Rating and
15 Improvement System for prekindergarten education programs.

16 (c) Collect data concerning pupils enrolled in prekindergarten
17 education programs for inclusion in the statewide longitudinal data
18 system developed pursuant to NRS 400.040. Such data must be
19 collected and maintained in a manner that complies with all
20 applicable state and federal requirements concerning the privacy of
21 data concerning pupils.

22 (d) Provide wrap-around services to pupils with special needs
23 who are enrolled in prekindergarten education programs and their
24 families.

25 5. As used in this section:

26 (a) "Child care facility" has the meaning ascribed to it in
27 NRS 432A.024.

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

30 (c) "Public school" has the meaning ascribed to it in
31 NRS 385.007.

32 (d) "Wrap-around services" means supplemental services
33 provided to a pupil with special needs or the family of such a pupil
34 that are not otherwise covered by any federal or state program of
35 assistance.

36 **Sec. 5.8.** 1. There is hereby appropriated from the State
37 General Fund to the Department of Education for the purposes
38 prescribed in section 5.3 of this act:

39 (a) For the Fiscal Year 2017-2018..... \$1,542,000

40 (b) For the Fiscal Year 2018-2019..... \$7,771,000

41 2. The sums appropriated by subsection 1 are available for
42 either fiscal year. Any remaining balance of those sums must not be
43 committed for expenditure after June 30, 2019, by the entity to
44 which the appropriation is made or any entity to which money from
45 the appropriation is granted or otherwise transferred in any manner,



1 and any portion of the appropriated money remaining must not be
2 spent for any purpose after September 20, 2019, by either the entity
3 to which the money was appropriated or the entity to which the
4 money was subsequently granted or transferred, and must be
5 reverted to the State General Fund on or before September 20, 2019.

6 **Sec. 6.** The provisions of NRS 354.599 do not apply to any
7 additional expenses of a local government that are related to the
8 provisions of this act.

9 **Sec. 7.** This act becomes effective on July 1, 2017.

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