

ASSEMBLY BILL NO. 65—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.  
(BDR 34-275)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising the requirement for children of a certain age to attend a public school; revising provisions governing the placement of children in certain early grades; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the Office for a Safe and Respectful Learning  
2 Environment in the Department of Education and requires the Director of the  
3 Office to investigate any complaint that a teacher, administrator, coach or other  
4 staff member or member of a governing body has violated applicable provisions of  
5 law regarding discrimination based on race, bullying or cyber-bullying. (NRS  
6 388.1323) Existing law also requires the Director to establish the SafeVoice  
7 Program within the Office, which allows a person to make an anonymous report to  
8 a support center regarding dangerous, violent or unlawful activity that is conducted,  
9 or is threatened to be conducted, on the property of a public school or in certain  
10 other circumstances related to public schools. (NRS 388.1455) Any anonymous tip  
11 made through the SafeVoice Program is then forwarded to the appropriate public  
12 safety agencies and certain trained personnel at the public school for appropriate  
13 action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the  
14 Director is not required to investigate a complaint that a teacher, administrator,  
15 coach or other staff member or member of a governing body has violated applicable  
16 provisions of law regarding discrimination based on race, bullying or cyber-  
17 bullying if the complaint is made through the SafeVoice Program and investigated



18 by certain trained personnel at the public school, unless the complaint alleges that a  
19 previous investigation of the same matter by the personnel at the public school  
20 failed to resolve the issue or was otherwise deficient.

21 **Section 2** of this bill revises the definition of “bullying” to exclude acts,  
22 gestures and expressions which are engaged in as part of a mutual disagreement or  
23 conflict.

24 Upon receiving a report of discrimination based on race, bullying or cyber-  
25 bullying, existing law requires the administrator of a school or his or her designee  
26 to immediately begin an investigation into the report. With certain exceptions,  
27 existing law requires the investigation to be completed not later than 2 school days  
28 after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the  
29 investigation to be completed, to the greatest extent practicable, within 5 school  
30 days after the administrator or designee receives the report, or within 7 school days  
31 if extenuating circumstances prevent the investigation from being completed within  
32 5 school days. **Section 6** also removes the requirement for a direct supervisor of a  
33 principal to submit to the Office a quarterly report regarding incidents of  
34 discrimination based on race, bullying or cyber-bullying.

35 Existing law authorizes the board of trustees of a school district or the  
36 governing body of a charter school to offer a work-based learning program upon  
37 the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill  
38 requires a work-based learning program to be approved instead by the  
39 Superintendent of Public Instruction.

40 Existing law requires a child to be a certain age on or before the first day of the  
41 school year to be admitted to certain early grades of school. (NRS 392.040) **Section**  
42 **12** of this bill changes the date by which a child must attain a certain age to start  
43 certain early grades from the first day of the school year to August 1 of the school  
44 year, or if August 1 does not occur during a school year, on or before August 1  
45 preceding a school year.

46 Existing law, in general, requires a child between 7 and 18 years of age to  
47 attend public school. (NRS 392.040) **Section 12.5** of this bill revises this provision  
48 to require each child to begin attending public school once the child is 6 years of  
49 age, rather than 7 years of age. **Section 15.5** of this bill requires a child who is 6  
50 years of age or older on or before August 1, 2024, and enrolls in public school for  
51 the first time to be admitted to kindergarten or first grade.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** NRS 388.122 is hereby amended to read as follows:

3 388.122 1. “Bullying” means written, verbal or electronic  
4 expressions or physical acts or gestures, or any combination thereof,  
5 that are directed at a person or group of persons, or a single severe  
6 and willful act or expression that is directed at a person or group of  
7 persons, and:

8 (a) Have the effect of:

9 (1) Physically harming a person or damaging the property of  
10 a person; or

11 (2) Placing a person in reasonable fear of physical harm to  
12 the person or damage to the property of the person;



1 (b) Interfere with the rights of a person by:

2 (1) Creating an intimidating or hostile educational  
3 environment for the person; or

4 (2) Substantially interfering with the academic performance  
5 of a pupil or the ability of the person to participate in or benefit from  
6 services, activities or privileges provided by a school; or

7 (c) Are acts or conduct described in paragraph (a) or (b) and are  
8 based upon the:

9 (1) Actual or perceived race, color, national origin, ancestry,  
10 religion, gender identity or expression, sexual orientation, physical  
11 or mental disability of a person, sex or any other distinguishing  
12 characteristic or background of a person; or

13 (2) Association of a person with another person having one  
14 or more of those actual or perceived characteristics.

15 2. The term includes, without limitation:

16 (a) Repeated or pervasive taunting, name-calling, belittling,  
17 mocking or use of put-downs or demeaning humor regarding the  
18 actual or perceived race, color, national origin, ancestry, religion,  
19 gender identity or expression, sexual orientation, physical or mental  
20 disability of a person, sex or any other distinguishing characteristic  
21 or background of a person;

22 (b) Behavior that is intended to harm another person by  
23 damaging or manipulating his or her relationships with others by  
24 conduct that includes, without limitation, spreading false rumors;

25 (c) Repeated or pervasive nonverbal threats or intimidation such  
26 as the use of aggressive, menacing or disrespectful gestures;

27 (d) Threats of harm to a person, to his or her possessions or to  
28 other persons, whether such threats are transmitted verbally,  
29 electronically or in writing;

30 (e) Blackmail, extortion or demands for protection money or  
31 involuntary loans or donations;

32 (f) Blocking access to any property or facility of a school;

33 (g) Stalking; and

34 (h) Physically harmful contact with or injury to another person  
35 or his or her property.

36 **3. *The term does not include expressions, acts or gestures***  
37 ***which are engaged in as part of a mutual disagreement or conflict.***

38 **Sec. 3.** NRS 388.1323 is hereby amended to read as follows:

39 388.1323 1. The Office for a Safe and Respectful Learning  
40 Environment is hereby created within the Department.

41 2. The Superintendent of Public Instruction shall appoint a  
42 Director of the Office, who shall serve at the pleasure of the  
43 Superintendent.

44 3. The Director of the Office shall ensure that the Office:



1 (a) Maintains a 24-hour, toll-free statewide hotline and Internet  
2 website by which any person can report a violation of the provisions  
3 of NRS 388.121 to 388.1395, inclusive, and obtain information  
4 about antidiscrimination and anti-bullying efforts and organizations;  
5 and

6 (b) Provides outreach and antidiscrimination and anti-bullying  
7 education and training for pupils, parents and guardians, teachers,  
8 administrators, coaches and other staff members and the members of  
9 a governing body. The outreach and training must include, without  
10 limitation:

11 (1) Training regarding methods, procedures and practice for  
12 recognizing discrimination based on race, bullying and cyber-  
13 bullying behaviors;

14 (2) Training regarding effective intervention and remediation  
15 strategies regarding discrimination based on race, bullying and  
16 cyber-bullying;

17 (3) Training regarding methods for reporting violations of  
18 NRS 388.135; and

19 (4) Information on and referral to available resources  
20 regarding suicide prevention and the relationship between  
21 discrimination based on race, bullying or cyber-bullying and  
22 suicide, including, without limitation, resources for pupils who are  
23 members of groups at a high risk of suicide. Such groups include,  
24 without limitation, the groups described in subsection 3 of  
25 NRS 388.256.

26 4. The Director of the Office shall establish procedures by  
27 which the Office may receive reports of discrimination based on  
28 race, bullying and cyber-bullying and complaints regarding  
29 violations of the provisions of NRS 388.121 to 388.1395, inclusive.

30 5. ~~[The]~~ *Except as otherwise provided in this subsection, the*  
31 Director of the Office or his or her designee shall investigate any  
32 complaint that a teacher, administrator, coach or other staff member  
33 or member of a governing body has violated a provision of NRS  
34 388.121 to 388.1395, inclusive. If a complaint alleges criminal  
35 conduct or an investigation leads the Director of the Office or his or  
36 her designee to suspect criminal conduct, the Director of the Office  
37 may request assistance from the Investigation Division of the  
38 Department of Public Safety. *The Director of the Office or his or*  
39 *her designee is not required to investigate a complaint pursuant to*  
40 *this subsection if the complaint is made through the SafeVoice*  
41 *Program established pursuant to NRS 388.1455 and investigated*  
42 *by the team appointed pursuant to paragraph (a) of subsection 1*  
43 *of NRS 388.14553, unless the complaint alleges that a previous*  
44 *investigation conducted by the team appointed pursuant to*



1 *paragraph (a) of subsection 1 of NRS 388.14553 regarding the*  
2 *same matter failed to resolve the issue or was otherwise deficient.*

3 **Sec. 4.** (Deleted by amendment.)

4 **Sec. 5.** (Deleted by amendment.)

5 **Sec. 6.** NRS 388.1351 is hereby amended to read as follows:

6 388.1351 1. Except as otherwise provided in NRS  
7 388.13535, a teacher, administrator, coach or other staff member  
8 who witnesses a violation of NRS 388.135 or receives information  
9 that a violation of NRS 388.135 has occurred shall report the  
10 violation to the administrator or his or her designee as soon as  
11 practicable, but not later than a time during the same day on which  
12 the teacher, administrator, coach or other staff member witnessed  
13 the violation or received information regarding the occurrence of a  
14 violation.

15 2. Except as otherwise provided in this subsection, upon  
16 receiving a report required by subsection 1, the administrator or  
17 designee shall immediately take any necessary action to stop the  
18 discrimination based on race, bullying or cyber-bullying and ensure  
19 the safety and well-being of the reported victim or victims of the  
20 discrimination based on race, bullying or cyber-bullying and shall  
21 begin an investigation into the report. If the administrator or  
22 designee does not have access to the reported victim of the alleged  
23 violation of NRS 388.135, the administrator or designee may wait  
24 until the next school day when he or she has such access to take the  
25 action required by this subsection.

26 3. The investigation conducted pursuant to subsection 2 must  
27 include, without limitation:

28 (a) Except as otherwise provided in subsection 4, notification  
29 provided by telephone, electronic mail or other electronic means or  
30 provided in person, of the parents or guardians of all pupils directly  
31 involved in the reported discrimination based on race, bullying or  
32 cyber-bullying, as applicable, either as a reported aggressor or a  
33 reported victim of the discrimination based on race, bullying or  
34 cyber-bullying. The notification must be provided:

35 (1) If the discrimination based on race, bullying or cyber-  
36 bullying is reported before the end of school hours on a school day,  
37 before the school's administrative office closes on the day on which  
38 the discrimination based on race, bullying or cyber-bullying is  
39 reported; or

40 (2) If the discrimination based on race, bullying or cyber-  
41 bullying was reported on a day that is not a school day, or after  
42 school hours on a school day, before the school's administrative  
43 office closes on the school day following the day on which the  
44 discrimination based on race, bullying or cyber-bullying is reported.



1 (b) Interviews with all pupils whose parents or guardians must  
2 be notified pursuant to paragraph (a) and with all such parents and  
3 guardians.

4 4. If the contact information for the parent or guardian of a  
5 pupil in the records of the school is not correct, a good faith effort to  
6 notify the parent or guardian shall be deemed sufficient to meet the  
7 requirement for notification pursuant to paragraph (a) of  
8 subsection 3.

9 5. Except as otherwise provided in this subsection, an  
10 investigation required by this section must be completed ~~[not later~~  
11 ~~than 2]~~ , *to the greatest extent practicable, within 5* school days  
12 after the administrator or designee receives a report required by  
13 subsection 1. If extenuating circumstances prevent the administrator  
14 or designee from completing the investigation required by this  
15 section within ~~[2] 5~~ school days after making a good faith effort, ~~[1]~~  
16 *2* additional school ~~[day]~~ *days* may be used to complete the  
17 investigation. ~~[The time for completing an investigation into a report~~  
18 ~~of cyber-bullying may also be extended to not more than 5 school~~  
19 ~~days after the report is received with the consent of each reported~~  
20 ~~victim of the cyber-bullying or, if a reported victim is under 18~~  
21 ~~years of age and is not emancipated, the parent or guardian of the~~  
22 ~~reported victim.]~~

23 6. An administrator or designee who conducts an investigation  
24 required by this section shall complete a written report of the  
25 findings and conclusions of the investigation. If a violation is found  
26 to have occurred:

27 (a) The report must include recommendations concerning the  
28 imposition of disciplinary action or other measures to be imposed as  
29 a result of the violation, in accordance with the policy governing  
30 disciplinary action adopted by the governing body. Subject to the  
31 provisions of the Family Educational Rights and Privacy Act of  
32 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant  
33 thereto, the report must be made available, not later than 24 hours  
34 after the completion of the written report, to all parents or guardians  
35 who must be notified pursuant to paragraph (a) of subsection 3 as  
36 part of the investigation; and

37 (b) Any action taken after the completion of the investigation to  
38 address the discrimination based on race, bullying or cyber-bullying  
39 must be based on restorative disciplinary practices and carried out in  
40 a manner that causes the least possible disruption for the victim or  
41 victims. When necessary, the administrator or ~~[his or her]~~ designee  
42 shall give priority to ensuring the safety and well-being of the victim  
43 or victims over any interest of the perpetrator or perpetrators when  
44 determining the actions to take.



1 7. If a violation is found not to have occurred, information  
2 concerning the incident must not be included in the record of the  
3 reported aggressor.

4 8. Not later than 10 school days after receiving a report  
5 required by subsection 1, the administrator or designee shall meet  
6 with each reported victim of the discrimination based on race,  
7 bullying or cyber-bullying to inquire about the well-being of the  
8 reported victim and to ensure that the reported discrimination based  
9 on race, bullying or cyber-bullying, as applicable, is not continuing.

10 9. To the extent that information is available, the administrator  
11 or ~~his or her~~ designee shall provide a list of any resources that may  
12 be available in the community to assist a pupil to each parent or  
13 guardian of a pupil to whom notice was provided pursuant to this  
14 section as soon as practicable. Such a list may include, without  
15 limitation, resources available at no charge or at a reduced cost and  
16 may be provided in person or by electronic or regular mail. If such a  
17 list is provided, the administrator ~~[-his]~~ or ~~[her]~~ designee, or any  
18 employee of the school or the school district is not responsible for  
19 providing such resources to the pupil or ensuring the pupil receives  
20 such resources.

21 10. The parent or guardian of a pupil involved in the reported  
22 violation of NRS 388.135 may appeal a disciplinary decision of the  
23 administrator or ~~his or her~~ designee, made against the pupil as a  
24 result of the violation, in accordance with the policy governing  
25 disciplinary action adopted by the governing body. Not later than 30  
26 days after receiving a response provided in accordance with such a  
27 policy, the parent or guardian may submit a complaint to the  
28 Department. The Department shall consider and respond to the  
29 complaint pursuant to procedures and standards prescribed in  
30 regulations adopted by the Department.

31 11. If a violation of NRS 388.135 is found to have occurred,  
32 the parent or guardian of a pupil who is a victim of discrimination  
33 based on race, bullying or cyber-bullying may request that the board  
34 of trustees of the school district in which the pupil is enrolled to  
35 assign the pupil to a different school in the school district. Upon  
36 receiving such a request, the board of trustees shall, in consultation  
37 with the parent or guardian of the pupil, assign the pupil to a  
38 different school.

39 12. A principal or his or her designee shall submit a monthly  
40 report to the direct supervisor of the principal that includes for the  
41 school the number of:

42 (a) Reports received pursuant to subsection 1 concerning  
43 incidents of bullying or cyber-bullying;

44 (b) Reports received pursuant to subsection 1 concerning  
45 incidents of discrimination based on race;



1 (c) Times in which a violation of NRS 388.135 is found to have  
2 occurred; and

3 (d) Times in which no violation of NRS 388.135 is found to  
4 have occurred.

5 ~~13. [A direct supervisor who receives a monthly report~~  
6 ~~pursuant to subsection 12 shall, each calendar quarter, submit a~~  
7 ~~report to the Office for a Safe and Respectful Learning Environment~~  
8 ~~that includes, for the schools for which the direct supervisor has~~  
9 ~~received a monthly report in the calendar quarter and categorized by~~  
10 ~~types of incidents and the demographics identified in subsection 1 of~~  
11 ~~NRS 388.1235, the:~~

12 ~~—(a) Total number of reports received pursuant to subsection 1~~  
13 ~~concerning bullying or cyber bullying;~~

14 ~~—(b) Total number of reports received pursuant to subsection 1~~  
15 ~~concerning incidents of discrimination based on race;~~

16 ~~—(c) Number of times in which a violation of NRS 388.135 is~~  
17 ~~found to have occurred; and~~

18 ~~—(d) Number of times in which no violation of NRS 388.135 is~~  
19 ~~found to have occurred.~~

20 ~~—14. The Office for a Safe and Respectful Learning~~  
21 ~~Environment, in consultation with the direct supervisor of a~~  
22 ~~principal, shall, after reviewing a report submitted pursuant to~~  
23 ~~subsection 12 or 13, as applicable, make any recommendations~~  
24 ~~based on identified trends and patterns the Office determines to be~~  
25 ~~appropriate regarding interventions or training to address~~  
26 ~~discrimination based on race, bullying and cyber bullying at the~~  
27 ~~school.~~

28 ~~—15.]~~ School hours and school days are determined for the  
29 purposes of this section by the schedule established by the  
30 governing body for the school.

31 ~~[16.]~~ 14. The provisions of this section must not be construed  
32 to place any limit on the time within which an investigation  
33 concerning any alleged act that constitutes sexual assault must be  
34 completed.

35 **Sec. 7.** (Deleted by amendment.)

36 **Sec. 8.** (Deleted by amendment.)

37 **Sec. 9.** NRS 389.167 is hereby amended to read as follows:

38 389.167 1. A pupil enrolled at a public school must be  
39 allowed to apply one or more credits toward the total number of  
40 credits required for graduation from high school if the pupil  
41 successfully completes the number of hours in a work-based  
42 learning program required by regulation of the State Board to earn  
43 such credits. Any credits earned for successful completion of a  
44 work-based learning program must be applied toward the pupil's





1 elective course credits and not toward a course that is required for  
2 graduation from high school.

3 2. The board of trustees of a school district or the governing  
4 body of a charter school may offer a work-based learning program  
5 upon application to and with the approval of the ~~{State Board.}~~  
6 *Superintendent of Public Instruction*. An application to offer a  
7 work-based learning program must include, without limitation:

8 (a) The fields, trades or occupations in which a work-based  
9 learning program will be offered.

10 (b) The qualifications of a pupil to participate in the work-based  
11 learning program. Such qualifications must allow a majority of  
12 pupils to be eligible to participate in the work-based learning  
13 program.

14 (c) A description of the process that will be used by pupils to  
15 apply to participate in a work-based learning program.

16 (d) A description of the manner in which participation in a  
17 work-based learning program and completion of the requirements of  
18 a work-based learning program will be verified.

19 (e) A description of the manner in which the performance of a  
20 pupil who participates in the work-based learning program will be  
21 evaluated, which must include, without limitation, an on-site  
22 evaluation of the performance of the pupil.

23 3. Upon approval by the ~~{State Board.}~~ *Superintendent of*  
24 *Public Instruction* of an application to offer a work-based learning  
25 program submitted pursuant to subsection 2, the board of trustees or  
26 the governing body shall:

27 (a) Designate an employee of the school district or charter  
28 school, as applicable, to serve as a work-based learning coordinator  
29 to coordinate and oversee work-based learning programs. Such an  
30 employee must ensure that each business, agency or organization  
31 that will offer employment and supervision of a pupil as part of the  
32 work-based learning program is suitable for participation in a work-  
33 based learning program.

34 (b) Establish and maintain a list of businesses, agencies and  
35 organizations that have been found suitable by the work-based  
36 learning coordinator pursuant to paragraph (a).

37 4. To receive approval from the ~~{State Board.}~~ *Superintendent*  
38 *of Public Instruction* to offer a work-based learning program, the  
39 work-based learning program must include, without limitation,  
40 requirements that:

41 (a) A detailed training agreement and training plan be completed  
42 for each pupil participating in the work-based training program for  
43 credit that identifies the specific tasks in which the pupil will  
44 participate that will develop competency of the pupil in the  
45 workplace;



1 (b) A pupil participating in the work-based learning program be  
2 allowed to leave the public school in which he or she is enrolled  
3 during the school day to participate in such a program; and

4 (c) Participation by a pupil in the work-based learning program  
5 will develop a broad range of skills and will allow a pupil to focus  
6 on his or her chosen career pathway.

7 5. A school district or charter school may allow a pupil who  
8 successfully completes a work-based learning program to earn dual  
9 credit for participation in the work-based learning program.

10 6. On or before January 15 of each odd-numbered year, the  
11 board of trustees of a school district and the governing body of a  
12 charter school that offers a work-based learning program shall  
13 prepare a report concerning the manner in which the work-based  
14 learning program has been carried out and submit the report to the  
15 State Board and the Legislature. The report must include, without  
16 limitation:

17 (a) The number of pupils participating in the work-based  
18 learning program; and

19 (b) The types of work-based learning offered through the work-  
20 based learning program.

21 7. The number of pupils participating in the work-based  
22 learning program reported pursuant to paragraph (a) of subsection 6  
23 must be disaggregated on the basis of the following characteristics:

24 (a) Pupils who are American Indian or Alaska Native, Asian,  
25 Black or African American, Hispanic or Latino, Native Hawaiian or  
26 Pacific Islander, white or two or more races;

27 (b) Gender of pupils;

28 (c) Pupils who are migrants; and

29 (d) Pupils who are members of special populations, as defined in  
30 20 U.S.C. § 2302(48).

31 **Sec. 10.** (Deleted by amendment.)

32 **Sec. 11.** (Deleted by amendment.)

33 **Sec. 12.** NRS 392.040 is hereby amended to read as follows:

34 392.040 1. Except as otherwise provided by law, each parent,  
35 custodial parent, guardian or other person in the State of Nevada  
36 having control or charge of any child between the ages of 7 and 18  
37 years shall send the child to a public school during all the time the  
38 public school is in session in the school district in which the child  
39 resides unless the child has graduated from high school.

40 2. A child who is 5 years of age on or before ~~the first day~~  
41 *August 1 of the school year, or if August 1 does not occur during*  
42 *the school year, on or before August 1 preceding [a] the* school  
43 year, may be admitted to kindergarten at the beginning of that  
44 school year, and the child's enrollment must be counted for  
45 purposes of apportionment. If a child is not 5 years of age on or



1 before ~~the first day~~ *August 1* of *the school year, or if August 1*  
2 *does not occur during a school year, on or before August 1*  
3 *preceding [a] the* school year, the child must not be admitted to  
4 kindergarten.

5 3. Except as otherwise provided in subsection 4, a child who is  
6 6 years of age on or before ~~the first day~~ *August 1* of *the school*  
7 *year, or if August 1 does not occur during a school year, on or*  
8 *before August 1 preceding [a] the* school year must:

9 (a) If the child has not completed kindergarten, be admitted to  
10 kindergarten at the beginning of that school year ~~[ ]~~; or

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

13 and the child's enrollment must be counted for purposes of  
14 apportionment. If a child is not 6 years of age on or before ~~the first~~  
15 ~~day of~~ *August 1 of the school year, or if August 1 does not occur*  
16 *during a school year, on or before August 1 preceding [a] the*  
17 school year, the child must not be admitted to the first grade until  
18 the beginning of the school year following the child's sixth birthday.

19 4. The parents, custodial parent, guardian or other person  
20 within the State of Nevada having control or charge of a child who  
21 is 6 years of age on or before ~~the first day of~~ *August 1 of the*  
22 *school year, or if August 1 does not occur during a school year, on*  
23 *or before August 1 preceding [a] the* school year may elect for the  
24 child not to attend kindergarten or the first grade during that year.  
25 The parents, custodial parent, guardian or other person who makes  
26 such an election shall file with the board of trustees of the  
27 appropriate school district a waiver in a form prescribed by the  
28 board.

29 5. Whenever a child who is 6 years of age is enrolled in a  
30 public school, each parent, custodial parent, guardian or other  
31 person in the State of Nevada having control or charge of the child  
32 shall send the child to the public school during all the time the  
33 school is in session. If the board of trustees of a school district has  
34 adopted a policy prescribing a minimum number of days of  
35 attendance for pupils enrolled in kindergarten or first grade pursuant  
36 to NRS 392.122, the school district shall provide to each parent and  
37 legal guardian of a pupil who elects to enroll his or her child in  
38 kindergarten or first grade a written document containing a copy of  
39 that policy and a copy of the policy of the school district concerning  
40 the withdrawal of pupils from kindergarten or first grade. Before the  
41 child's first day of attendance at a school, the parent or legal  
42 guardian shall sign a statement on a form provided by the school  
43 district acknowledging that he or she has read and understands the  
44 policy concerning attendance and the policy concerning withdrawal  
45 of pupils from kindergarten or first grade. The parent or legal



1 guardian shall comply with the applicable requirements for  
2 attendance. This requirement for attendance does not apply to any  
3 child under the age of 7 years who has not yet been enrolled or has  
4 been formally withdrawn from enrollment in public school.

5 6. A child who is 7 years of age on or before ~~the first day of~~  
6 *August 1 of the school year, or if August 1 does not occur during a*  
7 *school year, on or before August 1 preceding* ~~the~~ the school year  
8 must:

9 (a) If the child has completed kindergarten and the first grade,  
10 be admitted to the second grade.

11 (b) If the child has completed kindergarten, be admitted to the  
12 first grade.

13 (c) If the parents, custodial parent, guardian or other person in  
14 the State of Nevada having control or charge of the child waived the  
15 child's attendance from kindergarten pursuant to subsection 4,  
16 undergo an assessment by the district pursuant to subsection 7 to  
17 determine whether the child is prepared developmentally to be  
18 admitted to the first grade. If the district determines that the child is  
19 prepared developmentally, the child must be admitted to the first  
20 grade. If the district determines that the child is not so prepared, he  
21 or she must be admitted to kindergarten.

22 ↪ The enrollment of any child pursuant to this subsection must be  
23 counted for apportionment purposes.

24 7. Each school district shall prepare and administer before the  
25 beginning of each school year a developmental screening test to a  
26 child:

27 (a) Who is 7 years of age on or before ~~the first day~~ *August 1* of  
28 the ~~next~~ *school year, or if August 1 does not occur during a*  
29 *school year, on or before August 1 preceding the* school year; and

30 (b) Whose parents waived the child's attendance from  
31 kindergarten pursuant to subsection 4,

32 ↪ to determine whether the child is prepared developmentally to be  
33 admitted to the first grade. The results of the test must be made  
34 available to the parents, custodial parent, guardian or other person  
35 within the State of Nevada having control or charge of the child.

36 8. Except as otherwise provided in subsection 9, a child who  
37 becomes a resident of this State after completing kindergarten or  
38 beginning first grade in another state in accordance with the laws of  
39 that state may be admitted to the grade the child was attending or  
40 would be attending had he or she remained a resident of the other  
41 state regardless of his or her age, unless the board of trustees of the  
42 school district determines that the requirements of this section are  
43 being deliberately circumvented.

44 9. Pursuant to the provisions of NRS 388F.010, a child who  
45 transfers to a school in this State from a school outside this State



1 because of the military transfer of the parent or legal guardian of the  
2 child must be admitted to:

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

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

9 10. As used in this section, "kindergarten" includes:

10 (a) A kindergarten established by the board of trustees of a  
11 school district pursuant to NRS 388.060;

12 (b) A kindergarten established by the governing body of a  
13 charter school; and

14 (c) An authorized program of instruction for kindergarten  
15 offered in a child's home pursuant to NRS 388.060.

16 **Sec. 12.3.** NRS 392.040 is hereby amended to read as follows:

17 392.040 1. Except as otherwise provided by law, each parent,  
18 custodial parent, guardian or other person in the State of Nevada  
19 having control or charge of any child between the ages of ~~7~~ 6 and  
20 18 years shall send the child to a public school during all the time  
21 the public school is in session in the school district in which the  
22 child resides unless the child has graduated from high school.

23 2. A child who is 5 years of age on or before August 1 of the  
24 school year, or if August 1 does not occur during the school year, on  
25 or before August 1 preceding the school year, may be admitted to  
26 kindergarten at the beginning of that school year, and the child's  
27 enrollment must be counted for purposes of apportionment. If a  
28 child is not 5 years of age on or before August 1 of the school year,  
29 or if August 1 does not occur during the school year, on or before  
30 August 1 preceding the school year, the child must not be admitted  
31 to kindergarten.

32 3. Except as otherwise provided in subsection 4, a child who is  
33 6 years of age on or before August 1 of the school year, or if  
34 August 1 does not occur during the school year, on or before  
35 August 1 preceding the school year must:

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

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

40 and the child's enrollment must be counted for purposes of  
41 apportionment. If a child is not 6 years of age on or before August 1  
42 of the school year, or if August 1 does not occur during the school  
43 year, on or before August 1 preceding the school year, the child  
44 must not be admitted to the first grade until the beginning of the  
45 school year following the child's sixth birthday.



1 4. The parents, custodial parent, guardian or other person  
2 within the State of Nevada having control or charge of a child who  
3 is ~~[6]~~ 5 years of age on or before August 1 of the school year, or if  
4 August 1 does not occur during the school year, on or before  
5 August 1 preceding the school year may elect for the child not to  
6 attend kindergarten ~~[for the first grade]~~ during that year. The parents,  
7 custodial parent, guardian or other person who makes such an  
8 election shall file with the board of trustees of the appropriate school  
9 district a waiver in a form prescribed by the board.

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

31 6. ~~[A child who is 7 years of age on or before August 1 of the~~  
32 ~~school year, or if August 1 does not occur during the school year, on~~  
33 ~~or before August 1 preceding the school year must:~~

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

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

38 ~~—(c) If the parents, custodial parent, guardian or other person in~~  
39 ~~the State of Nevada having control or charge of the child waived the~~  
40 ~~child's attendance from kindergarten pursuant to subsection 4,~~  
41 ~~undergo an assessment by the district pursuant to subsection 7 to~~  
42 ~~determine whether the child is prepared developmentally to be~~  
43 ~~admitted to the first grade. If the district determines that the child is~~  
44 ~~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 August 1 of the school~~  
9 ~~year, or if August 1 does not occur during the school year, on or~~  
10 ~~before August 1 preceding the school year; and~~

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

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

17 ~~— 8.] Except as otherwise provided in subsection [9.] 7, a child~~  
18 ~~who becomes a resident of this State after completing kindergarten~~  
19 ~~or beginning first grade in another state in accordance with the laws~~  
20 ~~of that state may be admitted to the grade the child was attending or~~  
21 ~~would be attending had he or she remained a resident of the other~~  
22 ~~state regardless of his or her age, unless the board of trustees of the~~  
23 ~~school district determines that the requirements of this section are~~  
24 ~~being deliberately circumvented.~~

25 ~~[9.] 7.~~ Pursuant to the provisions of NRS 388F.010, a child  
26 who transfers to a school in this State from a school outside this  
27 State because of the military transfer of the parent or legal guardian  
28 of the child must be admitted to:

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

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

35 ~~[10.] 8.~~ As used in this section, "kindergarten" includes:

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

38 (b) A kindergarten established by the governing body of a  
39 charter school; and

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

42 **Sec. 12.5.** NRS 392.160 is hereby amended to read as follows:

43 392.160 1. Any peace officer, the attendance officer or any  
44 other school officer shall, during school hours, take into custody  
45 without warrant:



- 1 (a) Any child between the ages of ~~7~~ 6 and 18 years; and
- 2 (b) Any child who has arrived at the age of ~~6~~ 5 years but not at
- 3 the age of ~~7~~ 6 years and is enrolled in a public school,
- 4 ↪ who has been reported to the officer by the teacher,
- 5 superintendent of schools or other school officer as an absentee
- 6 from instruction upon which the child is lawfully required to attend.

7 2. Except as otherwise provided in subsection 3:

8 (a) During school hours, the officer having custody shall

9 forthwith deliver the child to the superintendent of schools, principal

10 or other school officer at the child's school of attendance.

11 (b) After school hours, the officer having custody shall deliver

12 the child to the parent, guardian or other person having control or

13 charge of the child.

14 3. The board of trustees of a school district or the governing

15 body of a charter school may enter into an agreement with a

16 counseling agency to permit delivery of the child to the agency. For

17 the purposes of this subsection, "counseling agency" means an

18 agency designated by the school district in which the child is

19 enrolled to provide counseling for the child and the parent, guardian

20 or other person having control or charge of the child.

21 **Sec. 13.** (Deleted by amendment.)

22 **Sec. 14.** (Deleted by amendment.)

23 **Sec. 15.** (Deleted by amendment.)

24 **Sec. 15.3.** NRS 422A.333 is hereby amended to read as

25 follows:

26 422A.333 1. A recipient who has control or charge of a child

27 who is not less than ~~7~~ 6 years of age, but is less than 12 years of

28 age, must comply with the provisions of NRS 392.040 with respect

29 to that child.

30 2. If the head of a household that is receiving benefits pursuant

31 to the program to provide Temporary Assistance for Needy Families

32 has control or charge of a child who is not less than ~~7~~ 6 years of

33 age, but is less than 12 years of age, the head of the household shall

34 take every reasonable action to ensure that the child is not at risk of

35 failing to advance to the next grade level in school.

36 3. If the head of a household that is receiving benefits pursuant

37 to the program to provide Temporary Assistance for Needy Families

38 has control or charge of a child who is not less than ~~7~~ 6 years of

39 age, but is less than 12 years of age and:

40 (a) The head of the household does not comply with the

41 provisions of NRS 392.040 with respect to that child; or

42 (b) That child is at risk of failing to advance to the next grade

43 level in school,

44 ↪ the Division shall require the head of the household to review

45 with the Division the personal responsibility plan signed by the head





1 of household pursuant to NRS 422A.535 and revise the plan as  
2 necessary to assist the head of the household in complying with the  
3 provisions of NRS 392.040 and helping the child to improve his or  
4 her academic performance.

5 **Sec. 15.5.** A child who is 6 years of age or older on or before  
6 August 1, 2024, and enrolls in public school for the first time must:

7 1. If the child has not completed kindergarten, be admitted to  
8 kindergarten at the beginning of the 2024-2025 school year; or

9 2. If the child has completed kindergarten, be admitted to the  
10 first grade at the beginning of the 2024-2025 school year.

11 **Sec. 16.** 1. This section and sections 1 to 12, inclusive, 13,  
12 14 and 15 of this act becomes effective on July 1, 2023.

13 2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become  
14 effective on July 1, 2024.

