

ASSEMBLY BILL NO. 264—ASSEMBLYMEN TAYLOR;
ANDERSON, GONZÁLEZ AND NGUYEN

MARCH 7, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing attendance in public schools. (BDR 34-639)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; prohibiting a pupil in a public school from being deprived of any award or any eligibility or opportunity to compete for an award because of an approved absence from school for the observance of a religious holiday; revising provisions governing the attendance of pupils and circumstances under which a pupil is deemed truant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) Existing law requires the board of trustees of each school district to adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. (NRS 392.118) **Section 4** of this bill excludes an absence for the observance of a religious holiday from the absences that are counted for this purpose.

Existing law requires the board of trustees of each school district to prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. (NRS 392.122) **Section 5** of this bill requires days on which a pupil is not in attendance because the pupil is absent for the observance of a religious holiday to be credited towards the required days of attendance if the pupil has completed course-work requirements.

Existing law provides that a pupil is deemed a truant if the pupil is absent from school without the written approval of the pupil’s teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. (NRS 392.130) **Section 6** of this bill provides that a pupil is not a truant if the pupil is absent from school for the observance of a religious holiday. **Section 6** requires the



20 parent or legal guardian or other person having control or charge of a pupil who is
21 absent from school for the observance of a religious holiday to notify the teacher or
22 principal of the school orally or in writing, in accordance with the policy
23 established by the board of trustees of the school district. **Section 7** of this bill
24 makes a conforming change to reflect that a pupil who is absent from school for the
25 observance of a religious holiday is not a truant.
26 **Section 3** of this bill prohibits a pupil enrolled in a public school from being
27 deprived of any award or any eligibility or opportunity to compete for an award
28 because of an absence for the observance of a religious holiday. **Sections 1, 2 and 8**
29 of this bill make conforming changes to indicate the proper placement of **section 3**
30 in the Nevada Revised Statutes.

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

1 **Section 1.** NRS 388.846 is hereby amended to read as follows:
2 388.846 1. If the board of trustees of a school district
3 provides a program of distance education, the board of trustees shall
4 ensure that the persons who operate the program on a day-to-day
5 basis comply with and carry out all applicable requirements,
6 statutes, regulations, rules and policies of the school district,
7 including, without limitation:
8 (a) Graduation requirements;
9 (b) Accountability of public schools, as set forth in chapter
10 385A of NRS;
11 (c) Provisions governing the attendance and truancy of pupils, as
12 set forth in NRS 392.040 to 392.220, inclusive ~~{ }~~, *and section 3 of*
13 *this act*; and
14 (d) Discipline of pupils.
15 2. If the governing body of a charter school provides a program
16 of distance education, the governing body shall:
17 (a) For each pupil who is enrolled in the program, provide
18 written notice to the board of trustees of the school district in which
19 the pupil resides of the type of educational services that will be
20 provided to the pupil through the program. The written notice must
21 be provided to the board of trustees before the pupil receives
22 educational services through the program of distance education.
23 (b) Ensure that the persons who operate the program on a day-
24 to-day basis comply with and carry out all applicable requirements,
25 statutes, regulations, rules and policies of the charter school,
26 including, without limitation:
27 (1) Graduation requirements;
28 (2) Accountability of public schools, as set forth in chapter
29 385A of NRS;



1 (3) Provisions governing the attendance and truancy of
2 pupils, as set forth in NRS 392.040 to 392.220, inclusive **§**, and
3 **section 3 of this act**; and

4 (4) Discipline of pupils.

5 **Sec. 2.** NRS 388.862 is hereby amended to read as follows:

6 388.862 1. If a pupil is enrolled full-time in a program of
7 distance education provided by the board of trustees of a school
8 district, the board of trustees that provides the program shall declare
9 for each such pupil one public school within that school district with
10 which the pupil is affiliated. The board of trustees may declare that
11 all the pupils enrolled in the program of distance education are
12 affiliated with one public school within the school district, or it may
13 declare individual public schools for the pupils enrolled in the
14 program. Upon the declared affiliation, the pupil shall be deemed
15 enrolled in that public school for purposes of all the applicable
16 requirements, statutes, regulations, rules and policies of that public
17 school and school district, including, without limitation:

18 (a) Graduation requirements;

19 (b) Accountability of public schools, as set forth in chapter
20 385A of NRS;

21 (c) Provisions governing the attendance and truancy of pupils, as
22 set forth in NRS 392.040 to 392.220, inclusive **§**, and **section 3 of**
23 **this act**; and

24 (d) Discipline of pupils.

25 2. A pupil who is enrolled full-time in a program of distance
26 education provided by a charter school shall be deemed enrolled in
27 the charter school. All the applicable requirements, including,
28 without limitation, statutes, regulations, rules and policies of that
29 charter school apply to such a pupil, including, without limitation:

30 (a) Graduation requirements;

31 (b) Accountability of public schools, as set forth in chapter
32 385A of NRS;

33 (c) Provisions governing the attendance and truancy of pupils, as
34 set forth in NRS 392.040 to 392.220, inclusive **§**, and **section 3 of**
35 **this act**; and

36 (d) Discipline of pupils.

37 3. If a pupil is enrolled part-time in a program of distance
38 education, all the applicable requirements, statutes, regulations,
39 rules and policies of the public school of the school district in which
40 the pupil is otherwise enrolled or the charter school in which the
41 pupil is otherwise enrolled apply to such a pupil, including, without
42 limitation:

43 (a) Graduation requirements;

44 (b) Accountability of public schools, as set forth in chapter
45 385A of NRS;



1 (c) Provisions governing the attendance and truancy of pupils, as
2 set forth in NRS 392.040 to 392.220, inclusive ~~§~~, *and section 3 of*
3 *this act*; and

4 (d) Discipline of pupils.

5 **Sec. 3.** Chapter 392 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *A pupil enrolled in a public school who is absent from school*
8 *for the observance of a religious holiday may not be deprived of*
9 *any award or any eligibility or opportunity to compete for any*
10 *award by reason of such absence if the parent or legal guardian or*
11 *other person having control or charge of the pupil provides notice*
12 *for the absence pursuant to subsection 4 of NRS 392.130.*

13 **Sec. 4.** NRS 392.118 is hereby amended to read as follows:

14 392.118 **1.** The board of trustees of each school district shall
15 adopt rules that require each public school in the district to include
16 the accounting of attendance and, if feasible, tardiness of a pupil on
17 each report card or other report of progress of the pupil. The report
18 card or other report of progress must indicate the number of
19 absences, if any, for the period covered by the report card or other
20 report of progress.

21 **2.** *An absence for the observance of a religious holiday for*
22 *which a parent or legal guardian or other person having control*
23 *or charge of the pupil provides notice pursuant to subsection 4 of*
24 *NRS 392.130 must not be counted as an absence for the purposes*
25 *of this section.*

26 **Sec. 5.** NRS 392.122 is hereby amended to read as follows:

27 392.122 **1.** Except as otherwise provided in NRS 389.320,
28 the board of trustees of each school district shall prescribe a
29 minimum number of days that a pupil who is subject to compulsory
30 attendance and enrolled in a school in the district must be in
31 attendance for the pupil to obtain credit or to be promoted to the
32 next higher grade. The board of trustees of a school district may
33 adopt a policy prescribing a minimum number of days that a pupil
34 who is enrolled in kindergarten or first grade in the school district
35 must be in attendance for the pupil to obtain credit or to be
36 promoted to the next higher grade.

37 **2.** For the purposes of this section, the days on which a pupil is
38 not in attendance because the pupil is absent for up to 10 days
39 within 1 school year with the approval of the teacher or principal of
40 the school pursuant to NRS 392.130, must be credited towards the
41 required days of attendance if the pupil has completed course-work
42 requirements. The teacher or principal of the school may approve
43 the absence of a pupil for deployment activities of the parent or
44 legal guardian of the pupil, as defined in NRS 388F.010. If the
45 board of trustees of a school district has adopted a policy pursuant to



1 subsection 5, the 10-day limitation on absences does not apply to
2 absences that are excused pursuant to that policy.

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

18 (a) There is evidence or a written affirmation by the parent or
19 legal guardian of the pupil that the pupil was physically or mentally
20 unable to attend school on the day of the absence ~~or~~ *or the pupil*
21 *was absent for the observance of a religious holiday;* and

22 (b) The pupil has completed course-work requirements.

23 4. A pupil and the pupil's parent or legal guardian may appeal
24 a decision of a principal or the principal's designee pursuant to
25 subsection 3 to the board of trustees of the school district in which
26 the pupil is enrolled.

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

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

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

37 (c) The procedure for review of absences set forth in subsection
38 3 does not apply to days on which the pupil is absent because the
39 pupil is physically or mentally unable to attend school.

40 6. *For the purposes of this section, the days on which a pupil*
41 *is not in attendance because the pupil is absent for the observance*
42 *of a religious holiday must be credited towards the required days*
43 *of attendance if the pupil has completed course-work*
44 *requirements. The 10-day limitation on absences set forth in*
45 *subsection 2 and the procedure for review of absences set forth in*



1 *subsection 3 do not apply to days on which the pupil is absent for*
2 *the observance of a religious holiday.*

3 7. A school shall inform the parents or legal guardian of each
4 pupil who is enrolled in the school that the parents or legal guardian
5 and the pupil are required to comply with the provisions governing
6 the attendance and truancy of pupils set forth in NRS 392.040 to
7 392.160, inclusive, *and section 3 of this act* and any other rules
8 concerning attendance and truancy adopted by the board of trustees
9 of the school district.

10 **Sec. 6.** NRS 392.130 is hereby amended to read as follows:

11 392.130 1. Within the meaning of this chapter, a pupil shall
12 be deemed a truant who is absent from school without the written
13 approval of the pupil's teacher or the principal of the school, unless
14 the pupil is physically or mentally unable to attend school ~~or~~ *or is*
15 *absent from school for the observance of a religious holiday.* The
16 teacher or principal shall give his or her written approval for a pupil
17 to be absent if an emergency exists or upon the request of a parent
18 or legal guardian of the pupil. Before a pupil may attend or
19 otherwise participate in school activities outside the classroom
20 during regular classroom hours, the pupil must receive the approval
21 of the teacher or principal.

22 2. An unapproved absence for at least one period, or the
23 equivalent of one period for the school, of a school day may be
24 deemed a truancy for the purposes of this section.

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

31 4. *If a pupil is absent from school for the observance of a*
32 *religious holiday, the parent or legal guardian or other person*
33 *having control or charge of the pupil shall notify the teacher or*
34 *principal of the school orally or in writing, in accordance with the*
35 *policy established by the board of trustees of the school district,*
36 *within 3 days after the pupil returns to school.*

37 5. An absence which has not been approved pursuant to
38 subsection 1 or , *for which a parent or legal guardian or other*
39 *person having control or charge of the pupil has not provided*
40 *notice pursuant to subsection 3 or 4, as applicable,* shall be
41 deemed an unapproved absence. In the event of an unapproved
42 absence, the teacher, attendance officer or other school official shall
43 deliver or cause to be delivered a written notice of truancy to the
44 parent, legal guardian or other person having control or charge of
45 the child. The written notice must be delivered to the parent, legal



1 guardian or other person who has control of the child. The written
2 notice must inform the parents or legal guardian of such absences in
3 a form specified by the Department.

4 ~~5.]~~ 6. The provisions of this section apply to all pupils who
5 are required to attend school pursuant to NRS 392.040.

6 ~~6.]~~ 7. As used in this section, “physically or mentally unable
7 to attend” does not include a physical or mental condition for which
8 a pupil is excused pursuant to NRS 392.050.

9 **Sec. 7.** NRS 392.140 is hereby amended to read as follows:

10 392.140 1. Any child who has been declared a truant three or
11 more times within one school year must be declared a habitual
12 truant.

13 2. Any child who has once been declared a habitual truant and
14 who in an immediately succeeding year is absent from school
15 without the written:

16 (a) Approval of the child’s teacher or the principal of the school
17 pursuant to subsection 1 of NRS 392.130; or

18 (b) Notice of his or her parent or legal guardian or other person
19 who has control or charge over the pupil pursuant to subsection 3 **or**
20 **4** of NRS 392.130,

21 ↪ may again be declared a habitual truant.

22 3. The provisions of this section apply to all pupils who are
23 required to attend school pursuant to NRS 392.040.

24 **Sec. 8.** NRS 129.130 is hereby amended to read as follows:

25 129.130 1. If the court determines that the petition should be
26 granted, it shall enter a decree of emancipation.

27 2. A decree so entered is conclusive and binding.

28 3. Such a decree emancipates the minor for all purposes and
29 removes the disability of minority of the minor insofar as that
30 disability may affect:

31 (a) The incurring of indebtedness or contractual obligations of
32 any kind;

33 (b) The litigation and settlement of controversies;

34 (c) The acquiring, encumbering and conveying of property or
35 any interest therein;

36 (d) The consenting to medical, dental or psychiatric care without
37 parental consent, knowledge or liability;

38 (e) The enrolling in any school or college; and

39 (f) The establishment of the minor’s own residence.

40 ↪ For these purposes, the minor shall be considered in law as an
41 adult, and any obligation the minor incurs is enforceable by and
42 against the minor without regard to his or her minority.

43 4. Unless otherwise provided by the decree, the obligation of
44 support otherwise owed a minor by his or her parent or guardian is
45 terminated by the entry of the decree.



1 5. Except as otherwise provided in this section, a decree of
2 emancipation does not affect the status of the minor for any purpose,
3 including the applicability of any provision of law which:

4 (a) Prohibits the sale, purchase or consumption of intoxicating
5 liquor to or by a person under the age of 21 years;

6 (b) Prohibits gaming or employment in gaming by or of a person
7 under the age of 21 years;

8 (c) Restricts the ability to marry of a person under the age of 18
9 years;

10 (d) Governs matters relating to referrals for delinquent acts or
11 violations of NRS 392.040 to 392.125, inclusive, *and section 3 of*
12 *this act*, unless the minor has been certified for trial as an adult
13 pursuant to title 5 of NRS; or

14 (e) Imposes penalties or regulates conduct according to the age
15 of any person.

16 6. A petition may be filed by any person or by any public
17 agency to void a decree of emancipation on the following grounds:

18 (a) The minor has become indigent and has insufficient means
19 of support; or

20 (b) The decree of emancipation was obtained by fraud,
21 misrepresentation or the withholding of material information.

22 7. The voiding of any decree of emancipation must not alter
23 any contractual obligations or rights or any property rights or
24 interests which arose during the period that the decree was in effect.

25 **Sec. 9.** 1. This section becomes effective upon passage and
26 approval.

27 2. Section 1 to 8, inclusive, of this act becomes effective:

28 (a) Upon passage and approval for the purpose of adopting any
29 regulations and performing any other preparatory administrative
30 tasks that are necessary to carry out the provisions of this act; and

31 (b) On July 1, 2024, for all other purposes.

