

SENATE BILL NO. 182—SENATORS SMITH, WOODHOUSE, DENIS,
JONES, FORD; ATKINSON, KIHUEN, MANENDO, PARKS,
SEGERBLOM AND SPEARMAN

FEBRUARY 21, 2013

JOINT SPONSORS: ASSEMBLYMEN KIRKPATRICK, DONDERO LOOP,
BOBZIEN, HORNE, SPRINKLE; ELLIOT ANDERSON, BENITEZ-
THOMPSON, DALY, DIAZ, EISEN, HEALEY AND SPIEGEL

Referred to Committee on Education

SUMMARY—Expands full-day kindergarten in public schools.
(BDR 34-138)

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

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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 governing the count of pupils for the purpose of calculating basic support; requiring the board of trustees of each school district to establish, equip and maintain a full-day 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 a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year; 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 public school is in session
7 in the school district in which the child resides unless the child has graduated from



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high school. Existing law further provides that a child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year. (NRS 392.040)

Section 7 of this bill requires the board of trustees of each school district to establish, equip and maintain a full-day kindergarten in each elementary school or school attendance area in the district which provides at least as many minutes of instruction per day as the other grade levels for which the elementary school or school attendance area enrolls pupils. **Section 3** of this bill imposes a similar requirement upon any charter school that enrolls pupils in kindergarten.

Section 8 of this bill lowers, from 7 years of age to 5 years of age, the age at which a child must be enrolled in and attend public school. **Section 8** also requires a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year.

Existing law provides the formula by which the basic support of each school district is computed by including a certain weighting factor for pupils enrolled in kindergarten. (NRS 387.1233) **Section 4** of this bill revises the formula to reflect the enrollment of pupils in full-day kindergarten.

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

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

Section 1. NRS 385.007 is hereby amended to read as follows:
385.007 As used in this title, unless the context otherwise requires:

1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.610, inclusive.

2. "Department" means the Department of Education.

3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.

4. *"Kindergarten" means a program of instruction established by the board of trustees of a school district pursuant to NRS 388.060 or the governing body of a charter school, as applicable. The term does not include a program of instruction established pursuant to the provisions of chapter 394 of NRS.*

5. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).

~~15-1~~ 6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

~~16-1~~ 7. "State Board" means the State Board of Education.



~~17~~ 8. “University school for profoundly gifted pupils” has the meaning ascribed to it in NRS 392A.040.

Sec. 2. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school; and

(3) Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by public schools and consortiums of public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both, or that are linked to the turnaround plan for the school or the plan for restructuring the school, if applicable, or for innovative programs, or both. ~~The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten.~~ All public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A public school or a consortium of public schools selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from public schools and consortiums of public schools that desire to participate in the program.

(e) Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including,



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1 without limitation, consideration of the list of priorities of public
2 schools provided by the Department pursuant to subsection 6. To
3 ensure consistency in the review, evaluation and approval of
4 applications, if the guidelines authorize the review and evaluation of
5 applications by less than the entire membership of the Commission,
6 money must not be allocated from the Account for a grant until the
7 entire membership of the Commission has reviewed and approved
8 the application for the grant.

9 (f) Prescribe accountability measures to be carried out by a
10 public school that participates in the program if that public school
11 does not meet the annual measurable objectives established by the
12 State Board pursuant to NRS 385.361, including, without limitation:

13 (1) The specific levels of achievement expected of schools
14 that participate; and

15 (2) Conditions for schools that do not meet the grant criteria
16 but desire to continue participation in the program and receive
17 money from the Account, including, without limitation, a review of
18 the leadership at the school and recommendations regarding changes
19 to the appropriate body.

20 (g) Determine the amount of money that is available from the
21 Account for those public schools and consortiums of public schools
22 that are selected to participate in the program.

23 (h) Allocate money to public schools and consortiums of public
24 schools from the Account. Allocations must be distributed not later
25 than September 30 of each year.

26 (i) Establish criteria for public schools and consortiums of
27 public schools that participate in the program and receive an
28 allocation of money from the Account to evaluate the effectiveness
29 of the allocation in improving the achievement of pupils, including,
30 without limitation, a detailed analysis of:

31 (1) The achievement of pupils enrolled at each school that
32 received money from the allocation based upon measurable criteria
33 identified in, as applicable, the:

34 (I) Plan to improve the achievement of pupils for the
35 school prepared pursuant to NRS 385.357;

36 (II) Turnaround plan for the school implemented pursuant
37 to NRS 385.37603; or

38 (III) Plan for restructuring the school implemented
39 pursuant to NRS 385.37607;

40 (2) If applicable, the effectiveness of the program of
41 innovation on the achievement of pupils and the overall
42 effectiveness for pupils and staff;

43 (3) The implementation of the applicable plans for
44 improvement, including, without limitation, an analysis of whether



1 the school is meeting the measurable objectives identified in the
2 plan; and

3 (4) The attainment of measurable progress on the annual list
4 of adequate yearly progress of school districts and schools.

5 2. To the extent money is available, the Commission shall
6 make allocations of money to public schools and consortiums of
7 public schools for effective programs for grades 7 through 12 that
8 are designed to improve the achievement of pupils and effective
9 programs of innovation for pupils. In making such allocations, the
10 Commission shall comply with the requirements of this section.

11 3. An application submitted pursuant to this section must
12 include a written statement which:

13 (a) Indicates whether the public school or consortium of public
14 schools is submitting the application for the continuation of an
15 existing program or for the establishment of a new program; and

16 (b) Identifies all other sources of money that the public school
17 or consortium of public schools has requested or received for the
18 continuation or establishment of:

19 (1) The program for which the application is submitted; or

20 (2) A substantially similar program.

21 4. The Commission shall ensure, to the extent practicable, that
22 grants of money provided pursuant to this section reflect the
23 economic and geographic diversity of this State.

24 5. If a public school or consortium of public schools that
25 receives money pursuant to subsection 1 or 2:

26 (a) Does not meet the criteria for effectiveness as prescribed in
27 paragraph (i) of subsection 1;

28 (b) Does not, as a result of the program for which the grant of
29 money was awarded, show improvement in the achievement of
30 pupils, as determined in an evaluation conducted pursuant to
31 subsection 3 of NRS 385.379; or

32 (c) Does not implement the program for which the money was
33 received, as determined in an audit conducted pursuant to subsection
34 4 of NRS 385.3789 or an evaluation conducted pursuant to
35 subsection 3 of NRS 385.379,

36 ➤ over a 2-year period, the Commission may consider not awarding
37 future allocations of money to that public school or consortium of
38 public schools.

39 6. On or before August 15 of each year, the Department shall
40 provide a list of priorities of public schools that indicates:

41 (a) The adequate yearly progress status of schools in the
42 immediately preceding year; and

43 (b) The public schools that are considered Title I eligible by the
44 Department based upon the poverty level of the pupils enrolled in a



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1 school in comparison to the poverty level of the pupils in the school
2 district as a whole,
3 ➡ for consideration by the Commission in its development of
4 procedures for the applications.

5 7. A public school, including, without limitation, a charter
6 school, or a consortium of public schools may request assistance
7 from the school district in which the school is located in preparing
8 an application for a grant of money pursuant to this section. A
9 school district shall assist each public school or consortium of
10 public schools that requests assistance pursuant to this subsection to
11 ensure that the application of the school:

12 (a) Is based directly upon, as applicable, the:

13 (1) Plan to improve the achievement of pupils prepared for
14 the school pursuant to NRS 385.357;

15 (2) Turnaround plan for the school implemented pursuant to
16 NRS 385.37603; or

17 (3) Plan for restructuring the school implemented pursuant to
18 NRS 385.37607;

19 (b) Is developed in accordance with the criteria established by
20 the Commission; and

21 (c) Is complete and complies with all technical requirements for
22 the submission of an application.

23 ➡ A school district may make recommendations to the individual
24 schools and consortiums of public schools. Such schools and
25 consortiums of public schools are not required to follow the
26 recommendations of a school district.

27 8. In carrying out the requirements of this section, the
28 Commission shall review and consider the programs of remedial
29 study adopted by the Department pursuant to NRS 385.389, the list
30 of approved providers of supplemental educational services
31 maintained by the Department pursuant to NRS 385.384 and the
32 recommendations submitted by the Committee pursuant to NRS
33 218E.615 concerning programs, practices and strategies that have
34 proven effective in improving the academic achievement and
35 proficiency of pupils.

36 9. The Commission shall not award a grant of money from the
37 Account for a program of remedial study that is available
38 commercially unless that program has been adopted by the
39 Department pursuant to NRS 385.389.

40 10. If a consortium of public schools is formed for the purpose
41 of submitting an application pursuant to this section, the public
42 schools within the consortium do not need to be located within the
43 same school district.

44 **Sec. 3.** NRS 386.550 is hereby amended to read as follows:

45 386.550 1. A charter school shall:



(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

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

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

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

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

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

(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

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

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

(j) *If the charter school enrolls pupils in kindergarten, provide at least as many minutes of instruction per day as are required of any other kindergarten located in the same school district as the charter school is located.*



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

~~—(k)—~~ **kindergarten.**

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

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

~~+(m)+~~ (n) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the **Northwest Accreditation** Commission . ~~for Schools of the Northwest Association of Schools and of Colleges and Universities.~~

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

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

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, “distance education” has the meaning ascribed to it in NRS 388.826.

Sec. 4. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) ~~{Six tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.~~

~~—(2)—~~ The count of pupils enrolled in **kindergarten and** grades 1 to 12, inclusive, on the last day of the first school month of the



1 school district for the school year, including, without limitation, the
2 count of pupils who reside in the county and are enrolled in any
3 charter school on the last day of the first school month of the school
4 district for the school year and the count of pupils who are enrolled
5 in a university school for profoundly gifted pupils located in the
6 county.

7 ~~+(3)+~~ (2) The count of pupils not included under
8 subparagraph (1) ~~for (2)+~~ who are enrolled full-time in a program of
9 distance education provided by that school district or a charter
10 school located within that school district on the last day of the first
11 school month of the school district for the school year.

12 ~~+(4)+~~ (3) The count of pupils who reside in the county and
13 are enrolled:

14 (I) In a public school of the school district and are
15 concurrently enrolled part-time in a program of distance education
16 provided by another school district or a charter school on the last
17 day of the first school month of the school district for the school
18 year, expressed as a percentage of the total time services are
19 provided to those pupils per school day in proportion to the total
20 time services are provided during a school day to pupils who are
21 counted pursuant to subparagraph ~~+(2)+~~ (1).

22 (II) In a charter school and are concurrently enrolled part-
23 time in a program of distance education provided by a school district
24 or another charter school on the last day of the first school month of
25 the school district for the school year, expressed as a percentage of
26 the total time services are provided to those pupils per school day in
27 proportion to the total time services are provided during a school
28 day to pupils who are counted pursuant to subparagraph ~~+(2)-~~.

29 ~~—(5)+~~ (1).

30 (4) The count of pupils not included under subparagraph (1),
31 (2) ~~+(4)+~~ or (3) ~~for (4)+~~ who are receiving special education pursuant
32 to the provisions of NRS 388.440 to 388.520, inclusive, on the last
33 day of the first school month of the school district for the school
34 year, excluding the count of pupils who have not attained the age of
35 5 years and who are receiving special education pursuant to
36 subsection 1 of NRS 388.475 on that day.

37 ~~+(6)+~~ (5) Six-tenths the count of pupils who have not attained
38 the age of 5 years and who are receiving special education pursuant
39 to subsection 1 of NRS 388.475 on the last day of the first school
40 month of the school district for the school year.

41 ~~+(7)+~~ (6) The count of children detained in facilities for the
42 detention of children, alternative programs and juvenile forestry
43 camps receiving instruction pursuant to the provisions of NRS
44 388.550, 388.560 and 388.570 on the last day of the first school
45 month of the school district for the school year.



~~(8)~~ (7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph ~~(2)~~ (1).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.



6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 5. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.



3. Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part-time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public



1 Instruction to receive, in the first year of operation of the university
2 school, an apportionment 30 days before the apportionment is
3 required to be made pursuant to subsection 1. Upon receipt of such a
4 request, the Superintendent of Public Instruction may make the
5 apportionment 30 days before the apportionment is required to be
6 made. A university school for profoundly gifted pupils may receive
7 all four apportionments in advance in its first year of operation.

8 7. The Superintendent of Public Instruction shall apportion, on
9 or before August 1 of each year, the money designated as the
10 "Nutrition State Match" pursuant to NRS 387.105 to those school
11 districts that participate in the National School Lunch Program, 42
12 U.S.C. §§ 1751 et seq. The apportionment to a school district must
13 be directly related to the district's reimbursements for the Program
14 as compared with the total amount of reimbursements for all school
15 districts in this State that participate in the Program.

16 8. If the State Controller finds that such an action is needed to
17 maintain the balance in the State General Fund at a level sufficient
18 to pay the other appropriations from it, the State Controller may pay
19 out the apportionments monthly, each approximately one-twelfth of
20 the yearly apportionment less any amount set aside as a reserve. If
21 such action is needed, the State Controller shall submit a report to
22 the Department of Administration and the Fiscal Analysis Division
23 of the Legislative Counsel Bureau documenting reasons for the
24 action.

25 **Sec. 6.** NRS 387.1243 is hereby amended to read as follows:

26 387.1243 1. The first apportionment based on an estimated
27 number of pupils and special education program units and
28 succeeding apportionments are subject to adjustment from time to
29 time as the need therefor may appear, including, without limitation,
30 an adjustment made for a pupil who is not properly enrolled in or
31 attending a public school, as determined through an independent
32 audit or other examination conducted pursuant to NRS 387.126 or
33 through an annual audit of the count of pupils conducted pursuant to
34 subsection 1 of NRS 387.304.

35 2. The apportionments to a school district may be adjusted
36 during a fiscal year by the Department of Education, upon approval
37 by the State Board of Examiners and the Interim Finance
38 Committee, if the Department of Taxation and the county assessor
39 in the county in which the school district is located certify to the
40 Department of Education that the school district will not receive the
41 tax levied pursuant to subsection 1 of NRS 387.195 on property of
42 the Federal Government located within the county if:

43 (a) The leasehold interest, possessory interest, beneficial interest
44 or beneficial use of the property is subject to taxation pursuant to



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1 NRS 361.157 and 361.159 and one or more lessees or users of the
2 property are delinquent in paying the tax; and

3 (b) The total amount of tax owed but not paid for the fiscal year
4 by any such lessees and users is at least 5 percent of the proceeds
5 that the school district would have received from the tax levied
6 pursuant to subsection 1 of NRS 387.195.

7 ➡ If a lessee or user pays the tax owed after the school district's
8 apportionment has been increased in accordance with the provisions
9 of this subsection to compensate for the tax owed, the school district
10 shall repay to the State Distributive School Account in the State
11 General Fund an amount equal to the tax received from the lessee or
12 user for the year in which the school district received an increased
13 apportionment, not to exceed the increase in apportionments made
14 to the school district pursuant to this subsection.

15 3. On or before August 1 of each year, the board of trustees of
16 a school district shall provide to the Department, in a format
17 prescribed by the Department, the count of pupils calculated
18 pursuant to subparagraph ~~†(8)†~~ (7) of paragraph (a) of subsection 1
19 of NRS 387.1233 who completed at least one semester during the
20 immediately preceding school year. The count of pupils submitted
21 to the Department must be included in the final adjustment
22 computed pursuant to subsection 4.

23 4. A final adjustment for each school district, charter school
24 and university school for profoundly gifted pupils must be
25 computed as soon as practicable following the close of the school
26 year, but not later than August 25. The final computation must be
27 based upon the actual counts of pupils required to be made for the
28 computation of basic support and the limits upon the support of
29 special education programs, except that for any year when the total
30 enrollment of pupils and children in a school district, a charter
31 school located within the school district or a university school for
32 profoundly gifted pupils located within the school district described
33 in paragraphs (a), (b), (c) and (e) of subsection 1 of NRS 387.123 is
34 greater on the last day of any school month of the school district
35 after the second school month of the school district and the increase
36 in enrollment shows at least:

37 (a) A 3-percent gain, basic support as computed from first-
38 month enrollment for the school district, charter school or university
39 school for profoundly gifted pupils must be increased by 2 percent.

40 (b) A 6-percent gain, basic support as computed from first-
41 month enrollment for the school district, charter school or university
42 school for profoundly gifted pupils must be increased by an
43 additional 2 percent.

44 5. If the final computation of apportionment for any school
45 district, charter school or university school for profoundly gifted



1 pupils exceeds the actual amount paid to the school district, charter
2 school or university school for profoundly gifted pupils during the
3 school year, the additional amount due must be paid before
4 September 1. If the final computation of apportionment for any
5 school district, charter school or university school for profoundly
6 gifted pupils is less than the actual amount paid to the school
7 district, charter school or university school for profoundly gifted
8 pupils during the school year, the difference must be repaid to the
9 State Distributive School Account in the State General Fund by the
10 school district, charter school or university school for profoundly
11 gifted pupils before September 25.

12 **Sec. 7.** NRS 388.060 is hereby amended to read as follows:

13 388.060 1. ~~{Except as otherwise provided in this subsection,~~
14 ~~the}~~ *Blue* board of trustees of each school district shall establish,
15 equip and maintain a *full-day* kindergarten in each elementary
16 school or each school attendance area in the district ~~{. If, on or~~
17 ~~before June 1 immediately preceding the school year, admittance to~~
18 ~~kindergarten has been requested for fewer than 15 children, the~~
19 ~~mandatory provisions of this subsection do not apply to that school,~~
20 ~~and the board may decide whether to establish a kindergarten for~~
21 ~~those children. If the board decides not to establish such a~~
22 ~~kindergarten, it may provide:~~

23 ~~—(a) Transportation for each child to enable the child to attend~~
24 ~~kindergarten at another school; or~~

25 ~~—(b) Upon agreement with a child's parent or guardian, an~~
26 ~~authorized program of instruction for kindergarten to be offered in~~
27 ~~the child's home, which includes, without limitation, assigning~~
28 ~~licensed educational personnel to assist and consult with the parent~~
29 ~~or guardian as necessary.}~~ *which provides at least as many minutes*
30 *of instruction per day as are provided for other pupils enrolled in*
31 *the elementary school or school attendance area.*

32 2. The board of trustees of a school district in which a
33 kindergarten is to be established under the provisions of this title of
34 NRS shall budget for this purpose by including the costs in the next
35 regular budget for the school district.

36 **Sec. 8.** NRS 392.040 is hereby amended to read as follows:

37 392.040 1. Except as otherwise provided by law, each parent,
38 custodial parent, guardian or other person in the State of Nevada
39 having control or charge of any child between the ages of ~~{7}~~ *5* and
40 18 years shall send the child to a public school during all the time
41 the public school is in session in the school district in which the
42 child resides unless the child has graduated from high school.

43 2. A child who is 5 years of age on or before September 30 of a
44 school year ~~{may}~~ *must* be admitted to kindergarten at the beginning
45 of that school year, and the child's enrollment must be counted for



1 purposes of apportionment. If a child is not 5 years of age on or
2 before September 30 of a school year, the child must not be
3 admitted to kindergarten.

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

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

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

10 ~~—and the child's enrollment must be counted for purposes of~~
11 ~~apportionment. If a child is not 6 years of age on or before~~
12 ~~September 30 of a school year, the child must not be admitted to the~~
13 ~~first grade until the beginning of the school year following the~~
14 ~~child's sixth birthday.~~

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

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

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



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

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

5 ~~—(c) If the parents, custodial parent, guardian or other person in~~
6 ~~the State of Nevada having control or charge of the child waived the~~
7 ~~child's attendance from kindergarten pursuant to subsection 4,~~
8 ~~undergo an assessment by the district pursuant to subsection 7 to~~
9 ~~determine whether the child is prepared developmentally to be~~
10 ~~admitted to the first grade. If the district determines that the child is~~
11 ~~prepared developmentally, the child must be admitted to the first~~
12 ~~grade. If the district determines that the child is not so prepared, he~~
13 ~~or she must be admitted to kindergarten.~~

14 ~~➔ The enrollment of any child pursuant to this subsection must be~~
15 ~~counted for apportionment purposes.~~

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

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

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

23 ~~➔ to determine whether the child is prepared developmentally to be~~
24 ~~admitted to the first grade. The results of the test must be made~~
25 ~~available to the parents, custodial parent, guardian or other person~~
26 ~~within the State of Nevada having control or charge of the child.~~

27 ~~—8.†~~ Except as otherwise provided in subsection ~~†9.†~~ 4, a child
28 who becomes a resident of this State after completing kindergarten
29 or beginning first grade in another state in accordance with the laws
30 of that state may be admitted to the grade the child was attending or
31 would be attending had he or she remained a resident of the other
32 state regardless of his or her age, unless the board of trustees of the
33 school district determines that the requirements of this section are
34 being deliberately circumvented.

35 ~~†9.†~~ 4. Pursuant to the provisions of NRS 392C.010, a child
36 who transfers to a school in this State from a school outside this
37 State because of the military transfer of the parent or legal guardian
38 of the child must be admitted to:

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

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

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



* S B 1 8 2 *

~~1 (a) A kindergarten established by the board of trustees of a~~
~~2 school district pursuant to NRS 388.060;~~

~~3 (b) A kindergarten established by the governing body of a~~
~~4 charter school; and~~

~~5 (c) An authorized program of instruction for kindergarten~~
~~6 offered in a child's home pursuant to NRS 388.060.}~~

Sec. 9. NRS 392.122 is hereby amended to read as follows:

392.122 1. The board of trustees of each school district shall
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. ~~{The board of trustees of a school district may~~
~~adopt a policy prescribing a minimum number of days that a pupil~~
~~who is enrolled in kindergarten or first grade in the school district~~
~~must be in attendance for the pupil to obtain credit or to be~~
~~promoted to the next higher grade.}~~

2. For the purposes of this section, the days on which a pupil is
not in attendance because the pupil is absent for up to 10 days
within 1 school year with the approval of the teacher or principal of
the school pursuant to NRS 392.130, must be credited towards the
required days of attendance if the pupil has completed course-work
requirements. The teacher or principal of the school may approve
the absence of a pupil for deployment activities of the parent or
legal guardian of the pupil, as defined in NRS 392C.010. If the
board of trustees of a school district has adopted a policy pursuant to
subsection 5, the 10-day limitation on absences does not apply to
absences that are excused pursuant to that policy.

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

(a) There is evidence or a written affirmation by the parent or
legal guardian of the pupil that the pupil was physically or mentally
unable to attend school on the day of the absence; and



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

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

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

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

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

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

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

Sec. 10. NRS 392.160 is hereby amended to read as follows:

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

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

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

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

2. Except as otherwise provided in subsection 3:

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

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

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For



1 the purposes of this subsection, "counseling agency" means an
2 agency designated by the school district in which the child is
3 enrolled to provide counseling for the child and the parent, guardian
4 or other person having control or charge of the child.

5 **Sec. 11.** NRS 422A.360 is hereby amended to read as follows:

6 422A.360 1. As a condition to the receipt of public
7 assistance, a recipient who has control or charge of a child who is
8 not less than ~~17~~ 5 years of age, but is less than 12 years of age, must
9 comply with the provisions of NRS 392.040 with respect to that
10 child.

11 2. If the head of a household that is receiving benefits pursuant
12 to the program to provide Temporary Assistance for Needy Families
13 has control or charge of a child who is not less than ~~17~~ 5 years of
14 age, but is less than 12 years of age, the head of the household shall
15 take every reasonable action to ensure that the child is not at risk of
16 failing to advance to the next grade level in school.

17 3. If the head of a household that is receiving benefits pursuant
18 to the program to provide Temporary Assistance for Needy Families
19 has control or charge of a child who is not less than ~~17~~ 5 years of
20 age, but is less than 12 years of age and:

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

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

25 ➡ the Division shall require the head of the household to review
26 with the Division the personal responsibility plan signed by the head
27 of household pursuant to NRS 422A.535 and revise the plan as
28 necessary to assist the head of the household in complying with the
29 provisions of NRS 392.040 and helping the child to improve his or
30 her academic performance.

31 **Sec. 12.** This act becomes effective on July 1, 2013.

