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PROPOSED AMENDMENT TO  
SENATE BILL NO. 34

PREPARED FOR SENATE COMMITTEE ON FINANCE  
MARCH 23, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

- 1 **Section 1.** NRS 392.040 is hereby amended to read as follows:
- 2 392.040 1. Except as otherwise provided by law, each parent,
- 3 custodial parent, guardian or other person in the State of Nevada having
- 4 control or charge of any child between the ages of 7 and 17 years shall
- 5 send the child to a public school during all the time the public school is in
- 6 session in the school district in which the child resides.
- 7 2. A child who is 5 years of age on or before September 30 of a
- 8 school year may be admitted to kindergarten at the beginning of that
- 9 school year, and his enrollment must be counted for purposes of
- 10 apportionment. ~~[[ Except as otherwise provided in subsection 7, if~~
- 11 ~~child is not 5 years of age on or before September 30 of a school year, the~~
- 12 ~~child must not be admitted to kindergarten. A school district may grant~~
- 13 ~~exceptions to the above schedule for entry into kindergarten if they~~
- 14 ~~determine that such an exception is in the best interests of the~~
- 15 ~~child.~~
- 16 3. Except as otherwise provided in [subsection 4,] ~~subsections 4, 7~~
- 17 ~~and 8,~~ a child who is 6 years of age on or before September 30 of a school
- 18 year must:

Makes the concept permissive and focused upon kindergarten only.  
Based upon similar language in Delaware statutes (14 Delaware Code: Section 2702 [2000]).

1 (a) If he has not completed kindergarten, be admitted to kindergarten at  
2 the beginning of that school year; or

3 (b) If he has completed kindergarten, be admitted to the first grade at  
4 the beginning of that school year,

5 and his enrollment must be counted for purposes of apportionment. ~~##~~  
6 ~~Except as otherwise provided in subsections 7 and 8, if~~ a child is not 6  
7 years of age on or before September 30 of a school year, the child must not  
8 be admitted to the first grade until the beginning of the school year  
9 following his sixth birthday.

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

17 5. Whenever a child who is 6 years of age is enrolled in a public  
18 school, each parent, custodial parent, guardian or other person in the State  
19 of Nevada having control or charge of the child shall send him to the  
20 public school during all the time the school is in session. This requirement  
21 for attendance does not apply to any child under the age of 7 years who has  
22 not yet been enrolled or has been formally withdrawn from enrollment in  
23 public school.

24 6. A child who is 7 years of age on or before September 30 of a  
25 school year must:

26 (a) If he has completed kindergarten and the first grade, be admitted to  
27 the second grade.

28 (b) If he has completed kindergarten, be admitted to the first grade.

29 (c) If the parents, custodial parent, guardian or other person in the State  
30 of Nevada having control or charge of the child waived the child's  
31 attendance from kindergarten pursuant to subsection 4, undergo an  
32 assessment by the district pursuant to subsection [7] ~~10~~ to determine  
33 whether the child is prepared developmentally to be admitted to the first  
34 grade. If the district determines that the child is prepared developmentally,  
35 he must be admitted to the first grade. If the district determines that the  
36 child is not so prepared, he must be admitted to kindergarten.

37 The enrollment of any child pursuant to this subsection must be counted  
38 for apportionment purposes.

39 ~~7. The parents, custodial parent, guardian or other person having~~  
40 ~~control or charge of a child who will be at least 4 1/2 years of age but~~  
41 ~~less than 5 years of age on September 30 of a school year may request~~  
42 ~~that the school district administer before the beginning of that school~~  
43 ~~year a developmental screening test to the child pursuant to subsection 9~~  
44 ~~to determine whether the child is prepared developmentally to be~~  
45 ~~admitted to kindergarten. If the results of such a test indicate that a child~~

1 ~~is prepared developmentally to be admitted to kindergarten, the child~~  
2 ~~must be admitted to kindergarten. If the child completes kindergarten~~  
3 ~~that school year, he must be admitted to the first grade the following year~~  
4 ~~and does not need to be admitted pursuant to subsection 8. If the child~~  
5 ~~subsequently completes the first grade, he must be admitted to the second~~  
6 ~~grade in the following year. If the results of the test indicate that a child~~  
7 ~~is not prepared developmentally to be admitted to kindergarten, the child~~  
8 ~~must not be enrolled in public school until the beginning of the next~~  
9 ~~school year. The enrollment of any child pursuant to this subsection~~  
10 ~~must be counted for apportionment purposes.~~

11 ~~8. The parents, custodial parent, guardian or other person having~~  
12 ~~control or charge of a child who has not attended kindergarten and who~~  
13 ~~will be at least 5 1/2 years of age but less than 6 years of age on~~  
14 ~~September 30 of a school year may request that the school district~~  
15 ~~administer before the beginning of that school year a developmental~~  
16 ~~screening test to the child pursuant to subsection 10 to determine~~  
17 ~~whether the child is prepared developmentally to be admitted to the first~~  
18 ~~grade. If the results of such a test indicate that a child is:~~

19 ~~(a) Prepared developmentally to be admitted to the first grade, the~~  
20 ~~child must be admitted to the first grade. If the child completes the first~~  
21 ~~grade that school year, he must be admitted to the second grade the~~  
22 ~~following year.~~

23 ~~(b) Not prepared developmentally to be admitted to the first grade, the~~  
24 ~~child may be admitted to kindergarten pursuant to subsection 2.~~  
25 ~~The enrollment of any child pursuant to this subsection must be counted~~  
26 ~~for apportionment purposes.~~

27 ~~9. Each school district shall prepare and administer before the~~  
28 ~~beginning of each school year a developmental screening test to a child~~  
29 ~~whose parents, custodial parent, guardian or other person having control~~  
30 ~~or charge of the child has requested such a test pursuant to subsection 7~~  
31 ~~to determine whether the child is prepared developmentally to be~~  
32 ~~admitted to kindergarten. The results of the test must be made available~~  
33 ~~to the parents, custodial parent, guardian or other person within the~~  
34 ~~State of Nevada having control or charge of the child.~~

35 10. Each school district shall prepare and administer before the  
36 beginning of each school year a developmental screening test to a child [;

37 (a) Who is 7 years of age on or before September 30 of the next  
38 school year; and

39 (b) Whose parents waived his attendance from kindergarten]  
40 pursuant to ~~paragraph (c) of subsection [4,] 6 or pursuant to subsection 8~~  
41 to determine whether the child is prepared developmentally to be admitted  
42 to the first grade. The results of the test must be made available to the  
43 parents, custodial parent, guardian or other person within the State of  
44 Nevada having control or charge of the child.

1 ~~{8.}~~ 11. A child who becomes a resident of this state after completing  
2 kindergarten or beginning first grade in another state in accordance with  
3 the laws of that state may be admitted to the grade he was attending or  
4 would be attending had he remained a resident of the other state regardless  
5 of his age, unless the board of trustees of the school district determines that  
6 the requirements of this section are being deliberately circumvented.

7 ~~{9.}~~ 12. As used in this section, "kindergarten" includes:

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

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

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

14 **Sec. 2.** NRS 392.125 is hereby amended to read as follows:

15 392.125 1. Except as otherwise provided in subsection 4, before any  
16 pupil enrolled in a public school may be retained in the same grade rather  
17 than promoted to the next higher grade for the succeeding school year, the  
18 pupil's teacher and principal must make a reasonable effort to arrange a  
19 meeting and to meet with his parents or guardian to discuss the reasons and  
20 circumstances.

21 2. The teacher and the principal in joint agreement have the final  
22 authority to retain a pupil in the same grade for the succeeding school year.

23 3. ~~{No}~~ *Except as otherwise provided in subsection 2 of NRS*  
24 *392.033 for the promotion of a pupil to high school, no pupil may be*  
25 *retained more than one time in the same grade.*

26 4. This section does not apply to the academic retention of pupils who  
27 are enrolled in a charter school.

28 **Sec. 3.** On or before January 1, 2004, the board of trustees of each  
29 school district shall select a developmental screening test required to be  
30 administered pursuant to subsection 9 of section 1 of this act, to determine  
31 developmental preparedness for early admission to kindergarten.

32 **Sec. 4.** The provisions of subsection 1 of NRS 354.599 do not apply  
33 to any additional expenses of a local government that are related to the  
34 provisions of this act.

35 **Sec. 5.** 1. This section and sections 2, 3 and 4 of this act become  
36 effective on July 1, 2003.

37 2. Section 1 of this act becomes effective on July 1, 2003, for the  
38 purpose of selecting a developmental screening test to determine early  
39 admission to kindergarten and on January 1, 2004, for all other purposes.

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