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MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 34

PREPARED FOR SENATE COMMITTEE ON FINANCE
MARCH 28, 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. ~~[(f) Except as otherwise provided in subsection 7, if a~~
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.~~ *Upon application by a parent,*
13 *a school district may grant exceptions to the above schedule for entry*
14 *into kindergarten if they determine that such an exception is in the best*
15 *interests of the child and the child is considered gifted as defined by the*
16 *State Board of Education. The enrollment of any child pursuant to this*
17 *subsection must be counted for apportionment purposes.*

Makes the concept permissive, limited to gifted pupils, and focused upon kindergarten only. Restores internal references

Based upon similar language in Delaware statutes (14 Delaware Code: Section 2702 [2000]).

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1 3. Except as otherwise provided in [subsection 4.] ~~subsections 4, 7~~
2 ~~and 8~~, a child who is 6 years of age on or before September 30 of a school
3 year must:

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

6 (b) If he has completed kindergarten, be admitted to the first grade at
7 the beginning of that school year,
8 and his enrollment must be counted for purposes of apportionment. ~~##~~
9 ~~Except as otherwise provided in subsections 7 and 8, if~~ a child is not 6
10 years of age on or before September 30 of a school year, the child must not
11 be admitted to the first grade until the beginning of the school year
12 following his sixth birthday.

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

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

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

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

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

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

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

42 7. ~~The parents, custodial parent, guardian or other person having~~
43 ~~control or charge of a child who will be at least 4 1/2 years of age but~~
44 ~~less than 5 years of age on September 30 of a school year may request~~
45 ~~that the school district administer before the beginning of that school~~

1 ~~year a developmental screening test to the child pursuant to subsection 9~~
2 ~~to determine whether the child is prepared developmentally to be~~
3 ~~admitted to kindergarten. If the results of such a test indicate that a child~~
4 ~~is prepared developmentally to be admitted to kindergarten, the child~~
5 ~~must be admitted to kindergarten. If the child completes kindergarten~~
6 ~~that school year, he must be admitted to the first grade the following year~~
7 ~~and does not need to be admitted pursuant to subsection 8. If the child~~
8 ~~subsequently completes the first grade, he must be admitted to the second~~
9 ~~grade in the following year. If the results of the test indicate that a child~~
10 ~~is not prepared developmentally to be admitted to kindergarten, the child~~
11 ~~must not be enrolled in public school until the beginning of the next~~
12 ~~school year. The enrollment of any child pursuant to this subsection~~
13 ~~must be counted for apportionment purposes.~~
14 ~~8. The parents, custodial parent, guardian or other person having~~
15 ~~control or charge of a child who has not attended kindergarten and who~~
16 ~~will be at least 5 1/2 years of age but less than 6 years of age on~~
17 ~~September 30 of a school year may request that the school district~~
18 ~~administer before the beginning of that school year a developmental~~
19 ~~screening test to the child pursuant to subsection 10 to determine~~
20 ~~whether the child is prepared developmentally to be admitted to the first~~
21 ~~grade. If the results of such a test indicate that a child is:~~
22 ~~(a) Prepared developmentally to be admitted to the first grade, the~~
23 ~~child must be admitted to the first grade. If the child completes the first~~
24 ~~grade that school year, he must be admitted to the second grade the~~
25 ~~following year.~~
26 ~~(b) Not prepared developmentally to be admitted to the first grade, the~~
27 ~~child may be admitted to kindergarten pursuant to subsection 7.~~
28 ~~The enrollment of any child pursuant to this subsection must be counted~~
29 ~~for apportionment purposes.~~
30 ~~9. Each school district shall prepare and administer before the~~
31 ~~beginning of each school year a developmental screening test to a child~~
32 ~~whose parents, custodial parent, guardian or other person having control~~
33 ~~or charge of the child has requested such a test pursuant to subsection 7~~
34 ~~to determine whether the child is prepared developmentally to be~~
35 ~~admitted to kindergarten. The results of the test must be made available~~
36 ~~to the parents, custodial parent, guardian or other person within the~~
37 ~~State of Nevada having control or charge of the child.~~
38 10. Each school district shall prepare and administer before the
39 beginning of each school year a developmental screening test to a child [;
40 (a) Who is 7 years of age on or before September 30 of the next
41 school year; and
42 (b) Whose parents waived his attendance from kindergarten]
43 pursuant to ~~paragraph (c) of subsection [4.] 6 or pursuant to subsection 8~~
44 to determine whether the child is prepared developmentally to be admitted
45 to the first grade. The results of the test must be made available to the

1 parents, custodial parent, guardian or other person within the State of
2 Nevada having control or charge of the child.

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

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

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

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

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

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

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

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

25 3. ~~{No}~~ *Except as otherwise provided in subsection 2 of NRS*
26 *392.033 for the promotion of a pupil to high school, no pupil may be*
27 *retained more than one time in the same grade.*

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

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

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

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

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

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