

---

---

SENATE BILL NO. 34—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
EDUCATION (NRS 218.5352))

PREFILED JANUARY 30, 2003

---

Referred to Committee on Human Resources and Facilities

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

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

---

---

AN ACT relating to pupils; revising provisions governing admission  
of certain pupils to kindergarten and the first grade;  
requiring the boards of trustees of school districts to  
administer developmental screening tests to determine  
early admission to kindergarten and the first grade;  
clarifying that a pupil may be retained more than once in  
the same grade under certain circumstances; and  
providing other matters properly relating thereto.

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  
4     having control or charge of any child between the ages of 7 and 17  
5     years shall send the child to a public school during all the time the  
6     public school is in session in the school district in which the child  
7     resides.



1 2. A child who is 5 years of age on or before September 30 of a  
2 school year may be admitted to kindergarten at the beginning of that  
3 school year, and his enrollment must be counted for purposes of  
4 apportionment. ~~HF~~ *Except as otherwise provided in subsection 7, if*  
5 a child is not 5 years of age on or before September 30 of a school  
6 year, the child must not be admitted to kindergarten.

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

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

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

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

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

27 5. Whenever a child who is 6 years of age is enrolled in a  
28 public school, each parent, custodial parent, guardian or other  
29 person in the State of Nevada having control or charge of the child  
30 shall send him to the public school during all the time the school is  
31 in session. This requirement for attendance does not apply to any  
32 child under the age of 7 years who has not yet been enrolled or has  
33 been formally withdrawn from enrollment in public school.

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

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

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

40 (c) If the parents, custodial parent, guardian or other person in  
41 the State of Nevada having control or charge of the child waived the  
42 child's attendance from kindergarten pursuant to subsection 4,  
43 undergo an assessment by the district pursuant to subsection ~~F7~~ *10*  
44 to determine whether the child is prepared developmentally to be  
45 admitted to the first grade. If the district determines that the child is



1 prepared developmentally, he must be admitted to the first grade. If  
2 the district determines that the child is not so prepared, he must be  
3 admitted to kindergarten.

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

6 7. *The parents, custodial parent, guardian or other person*  
7 *having control or charge of a child who will be at least 4 1/2 years*  
8 *of age but less than 5 years of age on September 30 of a school*  
9 *year may request that the school district administer before the*  
10 *beginning of that school year a developmental screening test to the*  
11 *child pursuant to subsection 9 to determine whether the child is*  
12 *prepared developmentally to be admitted to kindergarten. If the*  
13 *results of such a test indicate that a child is prepared*  
14 *developmentally to be admitted to kindergarten, the child must be*  
15 *admitted to kindergarten. If the child completes kindergarten that*  
16 *school year, he must be admitted to the first grade the following*  
17 *year and does not need to be admitted pursuant to subsection 8. If*  
18 *the child subsequently completes the first grade, he must be*  
19 *admitted to the second grade in the following year. If the results of*  
20 *the test indicate that a child is not prepared developmentally to be*  
21 *admitted to kindergarten, the child must not be enrolled in public*  
22 *school until the beginning of the next school year. The enrollment*  
23 *of any child pursuant to this subsection must be counted for*  
24 *apportionment purposes.*

25 8. *The parents, custodial parent, guardian or other person*  
26 *having control or charge of a child who has not attended*  
27 *kindergarten and who will be at least 5 1/2 years of age but less*  
28 *than 6 years of age on September 30 of a school year may request*  
29 *that the school district administer before the beginning of that*  
30 *school year a developmental screening test to the child pursuant to*  
31 *subsection 10 to determine whether the child is prepared*  
32 *developmentally to be admitted to the first grade. If the results of*  
33 *such a test indicate that a child is:*

34 (a) *Prepared developmentally to be admitted to the first grade,*  
35 *the child must be admitted to the first grade. If the child completes*  
36 *the first grade that school year, he must be admitted to the second*  
37 *grade the following year.*

38 (b) *Not prepared developmentally to be admitted to the first*  
39 *grade, the child may be admitted to kindergarten pursuant to*  
40 *subsection 2.*

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

43 9. *Each school district shall prepare and administer before*  
44 *the beginning of each school year a developmental screening test*  
45 *to a child whose parents, custodial parent, guardian or other*



1 *person having control or charge of the child has requested such a*  
2 *test pursuant to subsection 7 to determine whether the child is*  
3 *prepared developmentally to be admitted to kindergarten. The*  
4 *results of the test must be made available to the parents, custodial*  
5 *parent, guardian or other person within the State of Nevada*  
6 *having control or charge of the child.*

7 **10.** Each school district shall prepare and administer before the  
8 beginning of each school year a developmental screening test to a  
9 child ~~[-~~

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

12 ~~—(b) Whose parents waived his attendance from kindergarten]~~  
13 pursuant to *paragraph (c) of subsection [4,] 6 or pursuant to*  
14 *subsection 8* to determine whether the child is prepared  
15 developmentally to be admitted to the first grade. The results of the  
16 test must be made available to the parents, custodial parent,  
17 guardian or other person within the State of Nevada having control  
18 or charge of the child.

19 ~~[8,]~~ **11.** A child who becomes a resident of this state after  
20 completing kindergarten or beginning first grade in another state in  
21 accordance with the laws of that state may be admitted to the grade  
22 he was attending or would be attending had he remained a resident  
23 of the other state regardless of his age, unless the board of trustees  
24 of the school district determines that the requirements of this section  
25 are being deliberately circumvented.

26 ~~[9,]~~ **12.** As used in this section, “kindergarten” includes:

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

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

31 (c) An authorized program of instruction for kindergarten  
32 offered in a child’s home pursuant to NRS 388.060.

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

34 392.125 1. Except as otherwise provided in subsection 4,  
35 before any pupil enrolled in a public school may be retained in the  
36 same grade rather than promoted to the next higher grade for the  
37 succeeding school year, the pupil’s teacher and principal must make  
38 a reasonable effort to arrange a meeting and to meet with his parents  
39 or guardian to discuss the reasons and circumstances.

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

43 3. ~~[No]~~ *Except as otherwise provided in subsection 2 of NRS*  
44 *392.033 for the promotion of a pupil to high school, no* pupil may  
45 be retained more than one time in the same grade.



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

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

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

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

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

