

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.

~

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

AN ACT relating to pupils; authorizing school districts, upon
request of a parent, to allow early admittance to
kindergarten for certain children; revising provisions
governing admittance to first and second grades for
certain children who complete kindergarten at an early
age; 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.
8 2. A child who is 5 years of age on or before September 30 of a
9 school year may be admitted to kindergarten at the beginning of that
10 school year, and his enrollment must be counted for purposes of



1 apportionment. ~~HH~~ *Except as otherwise provided in subsection 7, if*
2 a child is not 5 years of age on or before September 30 of a school
3 year, the child must not be admitted to kindergarten.

4 3. Except as otherwise provided in ~~[subsection 4,]~~ *subsections*
5 *4 and 7*, a child who is 6 years of age on or before September 30 of
6 a school year must:

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

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

11 and his enrollment must be counted for purposes of apportionment.

12 ~~HH~~ *Except as otherwise provided in subsection 7, if* a child is not 6
13 years of age on or before September 30 of a school year, the child
14 must not be admitted to the first grade until the beginning of the
15 school year following his sixth birthday.

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

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

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

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

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

37 (c) If the parents, custodial parent, guardian or other person in
38 the State of Nevada having control or charge of the child waived the
39 child's attendance from kindergarten pursuant to subsection 4,
40 undergo an assessment by the district pursuant to subsection ~~F7~~ 8 to
41 determine whether the child is prepared developmentally to be
42 admitted to the first grade. If the district determines that the child is
43 prepared developmentally, he must be admitted to the first grade. If
44 the district determines that the child is not so prepared, he must be
45 admitted to kindergarten.



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

3 7. *Upon the request of a parent or legal guardian of a child, a*
4 *school district may allow the child to enroll in kindergarten before*
5 *the child is 5 years of age if the school district determines that:*

6 (a) *The child is gifted, as defined by the State Board; and*

7 (b) *It would be in the best interests of the child to be enrolled*
8 *in kindergarten before the child is 5 years of age.*

9 *The parent or legal guardian shall pay any costs associated with*
10 *determining whether the child is gifted. If the child completes*
11 *kindergarten that school year, he must be admitted to the first*
12 *grade before he is 6 years of age. If the child subsequently*
13 *completes the first grade, he must be admitted to the second grade*
14 *in the following year before he is 7 years of age. The enrollment of*
15 *a child pursuant to this subsection must be counted for purposes*
16 *of apportionment.*

17 8. Each school district shall prepare and administer before the
18 beginning of each school year a developmental screening test to a
19 child:

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

22 (b) Whose parents waived his attendance from kindergarten
23 pursuant to subsection 4, to determine whether the child is prepared
24 developmentally to be admitted to the first grade. The results of the
25 test must be made available to the parents, custodial parent,
26 guardian or other person within the State of Nevada having control
27 or charge of the child.

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

35 ~~9.~~ 10. As used in this section, "kindergarten" includes:

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

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

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

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

43 392.125 1. Except as otherwise provided in subsection 4,
44 before any pupil enrolled in a public school may be retained in the
45 same grade rather than promoted to the next higher grade for the



1 succeeding school year, the pupil's teacher and principal must make
2 a reasonable effort to arrange a meeting and to meet with his parents
3 or guardian to discuss the reasons and circumstances.

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

7 3. ~~No~~ *Except as otherwise provided in subsection 2 of NRS*
8 *392.033 for the promotion of a pupil to high school, no* pupil may
9 be retained more than one time in the same grade.

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

12 **Sec. 3.** This act becomes effective on July 1, 2003.

