

(Reprinted with amendments adopted on April 22, 2013)

FIRST REPRINT

S.B. 182

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 unless a waiver is filed with the school district; 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)

4 **Section 7** of this bill requires the board of trustees of each school district to
5 establish, equip and maintain a full-day kindergarten in each elementary school or
6 school attendance area in the district which provides at least as many minutes of



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7 instruction per day as the other grade levels for which the elementary school or
8 school attendance area enrolls pupils. **Section 3** of this bill imposes a similar
9 requirement upon any charter school that enrolls pupils in kindergarten.

10 With certain exceptions, existing law requires each parent, custodial parent,
11 guardian or other person in the State of Nevada having control or charge of any
12 child between the ages of 7 and 18 years to send the child to a public school during
13 all the time the public school is in session in the school district in which the child
14 resides. Existing law further authorizes a child who is 5 years of age on or before
15 September 30 of a school year to be admitted to kindergarten at the beginning of
16 that school year, but allows the parent or other guardian of a child who is 5 or 6
17 years of age on or before September 30 of a school year to elect for the child not to
18 attend kindergarten or first grade during that school year by filing a waiver with the
19 school district. Under existing law, before enrolling in school, a child whose
20 attendance has been waived is required to undergo a developmental screening test
21 to determine the grade for which the child is prepared developmentally.
22 (NRS 392.040) **Section 8** of this bill lowers, from 7 years of age to 5 years of age,
23 the age at which a child must be enrolled in and attend public school and requires a
24 child who is 5 years of age on or before September 30 of a school year to be
25 admitted to kindergarten at the beginning of that school year, unless the parent or
26 other guardian of the child elects for the child not to attend kindergarten by filing a
27 waiver with the school district. If such a waiver is filed, the child is required to
28 undergo the developmental screening test required under existing law to determine
29 if the child is prepared developmentally for first grade.

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

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

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

1 **Section 1.** NRS 385.007 is hereby amended to read as follows:
2 385.007 As used in this title, unless the context otherwise
3 requires:

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

6 2. "Department" means the Department of Education.

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

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

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



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

7 ~~16~~ 7. “State Board” means the State Board of Education.

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

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

11 385.3785 1. The Commission shall:

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

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

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

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

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

29 (c) Develop a concise application and simple procedures for the
30 submission of applications by public schools and consortiums of
31 public schools, including, without limitation, charter schools, for
32 participation in a program of educational excellence and for grants
33 of money from the Account. Grants of money must be made for
34 programs designed for the achievement of pupils that are linked to
35 the plan to improve the achievement of pupils or for innovative
36 programs, or both, or that are linked to the turnaround plan for the
37 school or the plan for restructuring the school, if applicable, or for
38 innovative programs, or both. ~~The Commission shall not award a~~

39 ~~grant of money from the Account for a program to provide full-day~~
40 ~~kindergarten.~~ All public schools and consortiums of public schools,
41 including, without limitation, charter schools, are eligible to submit
42 such an application, regardless of whether the schools have made
43 adequate yearly progress or failed to make adequate yearly progress.
44 A public school or a consortium of public schools selected for



1 participation may be approved by the Commission for participation
2 for a period not to exceed 2 years, but may reapply.

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

7 (e) Establish guidelines for the review, evaluation and approval
8 of applications for grants of money from the Account, including,
9 without limitation, consideration of the list of priorities of public
10 schools provided by the Department pursuant to subsection 6. To
11 ensure consistency in the review, evaluation and approval of
12 applications, if the guidelines authorize the review and evaluation of
13 applications by less than the entire membership of the Commission,
14 money must not be allocated from the Account for a grant until the
15 entire membership of the Commission has reviewed and approved
16 the application for the grant.

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

21 (1) The specific levels of achievement expected of schools
22 that participate; and

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

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

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

34 (i) Establish criteria for public schools and consortiums of
35 public schools that participate in the program and receive an
36 allocation of money from the Account to evaluate the effectiveness
37 of the allocation in improving the achievement of pupils, including,
38 without limitation, a detailed analysis of:

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

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

44 (II) Turnaround plan for the school implemented pursuant
45 to NRS 385.37603; or



1 (III) Plan for restructuring the school implemented
2 pursuant to NRS 385.37607;

3 (2) If applicable, the effectiveness of the program of
4 innovation on the achievement of pupils and the overall
5 effectiveness for pupils and staff;

6 (3) The implementation of the applicable plans for
7 improvement, including, without limitation, an analysis of whether
8 the school is meeting the measurable objectives identified in the
9 plan; and

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

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

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

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

23 (b) Identifies all other sources of money that the public school
24 or consortium of public schools has requested or received for the
25 continuation or establishment of:

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

27 (2) A substantially similar program.

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

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

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

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

39 (c) Does not implement the program for which the money was
40 received, as determined in an audit conducted pursuant to subsection
41 4 of NRS 385.3789 or an evaluation conducted pursuant to
42 subsection 3 of NRS 385.379,

43 ➔ over a 2-year period, the Commission may consider not awarding
44 future allocations of money to that public school or consortium of
45 public schools.



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

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

5 (b) The public schools that are considered Title I eligible by the
6 Department based upon the poverty level of the pupils enrolled in a
7 school in comparison to the poverty level of the pupils in the school
8 district as a whole,

9 ➔ for consideration by the Commission in its development of
10 procedures for the applications.

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

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

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

21 (2) Turnaround plan for the school implemented pursuant to
22 NRS 385.37603; or

23 (3) Plan for restructuring the school implemented pursuant to
24 NRS 385.37607;

25 (b) Is developed in accordance with the criteria established by
26 the Commission; and

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

29 ➔ A school district may make recommendations to the individual
30 schools and consortiums of public schools. Such schools and
31 consortiums of public schools are not required to follow the
32 recommendations of a school district.

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

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



1 10. If a consortium of public schools is formed for the purpose
2 of submitting an application pursuant to this section, the public
3 schools within the consortium do not need to be located within the
4 same school district.

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

6 386.550 1. A charter school shall:

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

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

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

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

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

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

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

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

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

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

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



1 who are enrolled in the charter school to take, other courses of study
2 that are required by statute or regulation.

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

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

11 ~~—(k) kindergarten.~~

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

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

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

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

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

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

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

40 387.1233 1. Except as otherwise provided in subsection 2,
41 basic support of each school district must be computed by:

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

44 (1) ~~Six tenths the count of pupils enrolled in the~~
45 ~~kindergarten department on the last day of the first school month of~~



1 ~~the school district for the school year, including, without limitation,~~
2 ~~the 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.~~

5 ~~— (2)~~ The count of pupils enrolled in *kindergarten and* grades
6 1 to 12, inclusive, on the last day of the first school month of the
7 school district for the school year, including, without limitation, the
8 count of pupils who reside in the county and are enrolled in any
9 charter school on the last day of the first school month of the school
10 district for the school year and the count of pupils who are enrolled
11 in a university school for profoundly gifted pupils located in the
12 county.

13 ~~+(3)~~ (2) The count of pupils not included under
14 subparagraph (1) ~~for (2)~~ who are enrolled full-time in a program of
15 distance education provided by that school district or a charter
16 school located within that school district on the last day of the first
17 school month of the school district for the school year.

18 ~~+(4)~~ (3) The count of pupils who reside in the county and
19 are enrolled:

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

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

35 ~~— (5)~~ (1).

36 (4) The count of pupils not included under subparagraph (1),
37 (2) ~~+~~ or (3) ~~for (4)~~ who are receiving special education pursuant
38 to the provisions of NRS 388.440 to 388.520, inclusive, on the last
39 day of the first school month of the school district for the school
40 year, excluding the count of pupils who have not attained the age of
41 5 years and who are receiving special education pursuant to
42 subsection 1 of NRS 388.475 on that day.

43 ~~+(6)~~ (5) Six-tenths the count of pupils who have not attained
44 the age of 5 years and who are receiving special education pursuant



1 to subsection 1 of NRS 388.475 on the last day of the first school
2 month of the school district for the school year.

3 ~~+(7)~~ (6) The count of children detained in facilities for the
4 detention of children, alternative programs and juvenile forestry
5 camps receiving instruction pursuant to the provisions of NRS
6 388.550, 388.560 and 388.570 on the last day of the first school
7 month of the school district for the school year.

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

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

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

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

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

41 4. If the Department determines that a school district or charter
42 school deliberately causes a decline in the enrollment of pupils in
43 the school district or charter school to receive a higher
44 apportionment pursuant to subsection 2 or 3, including, without
45 limitation, by eliminating grades or moving into smaller facilities,



1 the enrollment number from the current school year must be used
2 for purposes of apportioning money from the State Distributive
3 School Account to that school district or charter school pursuant to
4 NRS 387.124.

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

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

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

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

18 387.124 Except as otherwise provided in this section and
19 NRS 387.528:

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

38 2. Except as otherwise provided in subsection 3 and NRS
39 387.1244, the apportionment to a charter school, computed on a
40 yearly basis, is equal to the sum of the basic support per pupil in the
41 county in which the pupil resides plus the amount of local funds
42 available per pupil pursuant to NRS 387.1235 and all other funds
43 available for public schools in the county in which the pupil resides
44 minus the sponsorship fee prescribed by NRS 386.570 and minus all
45 the funds attributable to pupils who are enrolled in the charter



1 school but are concurrently enrolled part-time in a program of
2 distance education provided by a school district or another charter
3 school. If the apportionment per pupil to a charter school is more
4 than the amount to be apportioned to the school district in which a
5 pupil who is enrolled in the charter school resides, the school district
6 in which the pupil resides shall pay the difference directly to the
7 charter school.

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

20 4. Except as otherwise provided in NRS 387.1244, in addition
21 to the apportionments made pursuant to this section, an
22 apportionment must be made to a school district or charter school
23 that provides a program of distance education for each pupil who is
24 enrolled part-time in the program. The amount of the apportionment
25 must be equal to the percentage of the total time services are
26 provided to the pupil through the program of distance education per
27 school day in proportion to the total time services are provided
28 during a school day to pupils who are counted pursuant to
29 subparagraph ~~(2)~~ (1) of paragraph (a) of subsection 1 of NRS
30 387.1233 for the school district in which the pupil resides.

31 5. The governing body of a charter school may submit a
32 written request to the Superintendent of Public Instruction to
33 receive, in the first year of operation of the charter school, an
34 apportionment 30 days before the apportionment is required to be
35 made pursuant to subsection 1. Upon receipt of such a request, the
36 Superintendent of Public Instruction may make the apportionment
37 30 days before the apportionment is required to be made. A charter
38 school may receive all four apportionments in advance in its first
39 year of operation.

40 6. Except as otherwise provided in NRS 387.1244, the
41 apportionment to a university school for profoundly gifted pupils,
42 computed on a yearly basis, is equal to the sum of the basic support
43 per pupil in the county in which the university school is located plus
44 the amount of local funds available per pupil pursuant to NRS
45 387.1235 and all other funds available for public schools in the



1 county in which the university school is located. If the
2 apportionment per pupil to a university school for profoundly gifted
3 pupils is more than the amount to be apportioned to the school
4 district in which the university school is located, the school district
5 shall pay the difference directly to the university school. The
6 governing body of a university school for profoundly gifted pupils
7 may submit a written request to the Superintendent of Public
8 Instruction to receive, in the first year of operation of the university
9 school, an apportionment 30 days before the apportionment is
10 required to be made pursuant to subsection 1. Upon receipt of such a
11 request, the Superintendent of Public Instruction may make the
12 apportionment 30 days before the apportionment is required to be
13 made. A university school for profoundly gifted pupils may receive
14 all four apportionments in advance in its first year of operation.

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

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

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

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

42 2. The apportionments to a school district may be adjusted
43 during a fiscal year by the Department of Education, upon approval
44 by the State Board of Examiners and the Interim Finance
45 Committee, if the Department of Taxation and the county assessor



1 in the county in which the school district is located certify to the
2 Department of Education that the school district will not receive the
3 tax levied pursuant to subsection 1 of NRS 387.195 on property of
4 the Federal Government located within the county if:

5 (a) The leasehold interest, possessory interest, beneficial interest
6 or beneficial use of the property is subject to taxation pursuant to
7 NRS 361.157 and 361.159 and one or more lessees or users of the
8 property are delinquent in paying the tax; and

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

13 ➤ If a lessee or user pays the tax owed after the school district's
14 apportionment has been increased in accordance with the provisions
15 of this subsection to compensate for the tax owed, the school district
16 shall repay to the State Distributive School Account in the State
17 General Fund an amount equal to the tax received from the lessee or
18 user for the year in which the school district received an increased
19 apportionment, not to exceed the increase in apportionments made
20 to the school district pursuant to this subsection.

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

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

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



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

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

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

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

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

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

38 2. The board of trustees of a school district in which a
39 kindergarten is to be established under the provisions of this title of
40 NRS shall budget for this purpose by including the costs in the next
41 regular budget for the school district.

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

43 392.040 1. Except as otherwise provided by law, each parent,
44 custodial parent, guardian or other person in the State of Nevada
45 having control or charge of any child between the ages of ~~{7}~~ 5 and



1 18 years shall send the child to a public school during all the time
2 the public school is in session in the school district in which the
3 child resides unless the child has graduated from high school.

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

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

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

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

17 ~~and the child's enrollment must be counted for purposes of~~
18 ~~apportionment. If a child is not 6 years of age on or before~~
19 ~~September 30 of a school year, the child must not be admitted to the~~
20 ~~first grade until the beginning of the school year following the~~
21 ~~child's sixth birthday.~~

22 ~~4.~~ The parents, custodial parent, guardian or other person
23 within the State of Nevada having control or charge of a child who
24 is ~~{6}~~ 5 years of age on or before September 30 of a school year may
25 elect for the child not to attend kindergarten ~~{or the first grade}~~
26 during that *school* year. The parents, custodial parent, guardian or
27 other person who makes such an election shall file with the board of
28 trustees of the appropriate school district a waiver in a form
29 prescribed by the board.

30 ~~{5. Whenever a child who is 6 years of age is enrolled in a~~
31 ~~public school, each parent, custodial parent, guardian or other~~
32 ~~person in the State of Nevada having control or charge of the child~~
33 ~~shall send the child to the public school during all the time the~~
34 ~~school is in session. If the board of trustees of a school district has~~
35 ~~adopted a policy prescribing a minimum number of days of~~
36 ~~attendance for pupils enrolled in kindergarten or first grade pursuant~~
37 ~~to NRS 392.122, the school district shall provide to each parent and~~
38 ~~legal guardian of a pupil who elects to enroll his or her child in~~
39 ~~kindergarten or first grade a written document containing a copy of~~
40 ~~that policy and a copy of the policy of the school district concerning~~
41 ~~the withdrawal of pupils from kindergarten or first grade. Before the~~
42 ~~child's first day of attendance at a school, the parent or legal~~
43 ~~guardian shall sign a statement on a form provided by the school~~
44 ~~district acknowledging that he or she has read and understands the~~
45 ~~policy concerning attendance and the policy concerning withdrawal~~



~~of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.~~

~~6.4~~ 4. A child who is ~~7.1~~ 6 years of age on or before September 30 of a school year must ~~†~~:

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

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

~~(c) If~~, *if* the parents, custodial parent, guardian, *if* other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection ~~4.4~~ 3, undergo ~~an assessment~~ a developmental screening test administered by the district pursuant to subsection ~~7.1~~ 5 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

~~†→ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7.1~~ 5. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is ~~7.1~~ 6 years of age on or before September 30 of ~~the next~~ that school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection ~~4.4~~ 3, ~~→~~ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~8.1~~ 6. Except as otherwise provided in subsection ~~9.1~~ 7, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~9.1~~ 7. Pursuant to the provisions of NRS 392C.010, a child who transfers to a school in this State from a school outside this



1 State because of the military transfer of the parent or legal guardian
2 of the child must be admitted to ~~†~~:

3 ~~—(a) The† the~~ grade ~~†, other than kindergarten,†~~ the child was
4 attending or would be attending had he or she remained a resident of
5 the other state, regardless of the child’s age.

6 ~~†(b) Kindergarten, if the child was enrolled in kindergarten in
7 another state in accordance with the laws of that state, regardless of
8 the child’s age.†~~

9 ~~††0.†~~ 8. As used in this section, “kindergarten” includes:

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

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

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

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

17 392.122 1. The board of trustees of each school district shall
18 prescribe a minimum number of days that a pupil who is subject to
19 compulsory attendance and enrolled in a school in the district must
20 be in attendance for the pupil to obtain credit or to be promoted to
21 the next higher grade. ~~†The board of trustees of a school district may
22 adopt a policy prescribing a minimum number of days that a pupil
23 who is enrolled in kindergarten or first grade in the school district
24 must be in attendance for the pupil to obtain credit or to be
25 promoted to the next higher grade.†~~

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

37 3. Except as otherwise provided in subsection 5, before a pupil
38 is denied credit or promotion to the next higher grade for failure to
39 comply with the attendance requirements prescribed pursuant to
40 subsection 1, the principal of the school in which the pupil is
41 enrolled or the principal’s designee shall provide written notice of
42 the intended denial to the parent or legal guardian of the pupil. The
43 notice must include a statement indicating that the pupil and
44 the pupil’s parent or legal guardian may request a review of the
45 absences of the pupil and a statement of the procedure for requesting



1 such a review. Upon the request for a review by the pupil and the
2 pupil's parent or legal guardian, the principal or the principal's
3 designee shall review the reason for each absence of the pupil upon
4 which the intended denial of credit or promotion is based. After the
5 review, the principal or the principal's designee shall credit towards
6 the required days of attendance each day of absence for which:

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

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

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

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

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

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

25 (c) The procedure for review of absences set forth in subsection
26 3 does not apply to days on which the pupil is absent because the
27 pupil is physically or mentally unable to attend school.

28 6. A school shall inform the parents or legal guardian of each
29 pupil who is enrolled in the school that the parents or legal guardian
30 and the pupil are required to comply with the provisions governing
31 the attendance and truancy of pupils set forth in NRS 392.040 to
32 392.160, inclusive, and any other rules concerning attendance and
33 truancy adopted by the board of trustees of the school district.

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

35 392.160 1. Any peace officer, the attendance officer or any
36 other school officer shall, during school hours, take into custody
37 without warrant †

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

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

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

45 2. Except as otherwise provided in subsection 3:



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

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

7 3. The board of trustees of a school district or the governing
8 body of a charter school may enter into an agreement with a
9 counseling agency to permit delivery of the child to the agency. For
10 the purposes of this subsection, "counseling agency" means an
11 agency designated by the school district in which the child is
12 enrolled to provide counseling for the child and the parent, guardian
13 or other person having control or charge of the child.

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

15 422A.360 1. As a condition to the receipt of public
16 assistance, a recipient who has control or charge of a child who is
17 not less than ~~7~~ 5 years of age, but is less than 12 years of age, must
18 comply with the provisions of NRS 392.040 with respect to that
19 child.

20 2. If the head of a household that is receiving benefits pursuant
21 to the program to provide Temporary Assistance for Needy Families
22 has control or charge of a child who is not less than ~~7~~ 5 years of
23 age, but is less than 12 years of age, the head of the household shall
24 take every reasonable action to ensure that the child is not at risk of
25 failing to advance to the next grade level in school.

26 3. If the head of a household that is receiving benefits pursuant
27 to the program to provide Temporary Assistance for Needy Families
28 has control or charge of a child who is not less than ~~7~~ 5 years of
29 age, but is less than 12 years of age and:

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

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

34 ➔ the Division shall require the head of the household to review
35 with the Division the personal responsibility plan signed by the head
36 of household pursuant to NRS 422A.535 and revise the plan as
37 necessary to assist the head of the household in complying with the
38 provisions of NRS 392.040 and helping the child to improve his or
39 her academic performance.

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

