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**April 26, 2017 - UPDATE on AB 186, 1st Reprint** with Diaz' Amendment now posted on NV Legislative website, <https://www.leg.state.nv.us/Session/79th2017/Reports/history.cfm?ID=359>

***NHN POSITION: Opposed***

For Nevada Homeschool Network, our main issue of concern is allowing ALL parents the freedom to decided “when” (up to the age of 7 as in current law) and “where” their child should attend school (public, private, or home). As such, we review bills based on their impact on the fundamental right of parents to make decisions regarding the education of their children as FREE from government control as possible. In this case, [AB 186-1st Reprint](#) limits existing rights by lowering the compulsory attendance age from 7 to 6, and may actually penalize children who are not enrolled in a public/charter school by their parent at age 5. This will make NRS 392.040 MORE restrictive, not less and should therefore be opposed.

***DETAILS:*** Although Assemblywoman Diaz amended the original version, we **still have major concerns with the bill.**

1. While the amendment changes the compulsory attendance age in AB 186 from 5 to 6, the bill now “mandates” kindergarten in public school and is punitive against a child whose parents choose to enroll their 5 year old child in a private kindergarten, provide a kindergarten experience at home, or simply provide the child with an enriching home life establishing the 6 year old child’s “readiness” for first grade.
2. Section 3, subsection 7 defines a “kindergarten” as one offered in a public or charter school, only.
3. Section 3, subsection 3 stipulates that a 6 year old child who has not attended a “kindergarten” (as defined in Section 3, subsection 7 of the bill) **MUST** be placed in kindergarten if enrolling at age 6 in a public school.
4. Section 2, subsection 1(j) seems to allow a charter school to enroll a 6 year old in first grade without prior enrollment in a public/charter kindergarten.

From our reading of the First Reprint, **if a parent chooses to wait to enroll their child at age 6 in a public school and the child did not attend a public or charter kindergarten at age 5, that 6 year old child MUST be enrolled in the public school kindergarten and has no opportunity to enter first grade if that is a more appropriate placement based on the child's abilities.** Therefore, this amended bill is clearly “more restrictive” than existing law and we question whether that wording is intentional or a mistake that can be corrected.

***BACKGROUND:*** School districts in this state currently offer (and are required by existing law) an “assessment” or “developmental screening” for a child enrolling in a public/charter school for the first time to determine grade placement.

**Existing law:** NRS 392.040

6. A child who is 7 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 the parents, custodial parent, guardian or 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, undergo an assessment by the district pursuant to subsection 7 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. 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 years of age on or before September 30 of the next school year; and
- (b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

\_\_ 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.

**FURTHER AMENDMENT NEEDED:** AB 186, 1st Reprint does NOT included this "developmental screening" language provided in existing statute for children whose parents choose to delay school enrollment for their child and should, at the very least, be amended again to allow for a 6 year old child being enrolled in public school for the first time to receive an assessment to determine grade placement which may be kindergarten, first grade, or even second grade! It should be up to the school and the parent, working together, to determine the most suitable grade placement of a child based on his/her academic skill level rather than their birth date. It is "reasonable" to assess a child's readiness for a particular grade placement rather than limiting the child's placement in a public school simply because he/she did not attend a public/charter kindergarten in this state at age 5.

Further, under current law and the AB 186-First Reprint, children moving to Nevada from another state are allowed placement in the grade level they were working at in that state according to that state's laws. This could mean that if another state recognizes kindergarten and/or first grade enrollment in private schools and homeschools, those children would not be automatically placed in a Nevada kindergarten. If this were the case, a Nevada resident child may be discriminated against under the wording in AB 186-1st Reprint if forced into kindergarten for having not been enrolled in a Nevada public/charter kindergarten at age 5.

**CONCLUSION:** NHN will continue to advocate for the complete removal of the "compulsory attendance age change" language from AB 186 because doing so will maintain the liberty of parents to make decisions for the appropriate age of their child's school enrollment (up to age 7) based on their "readiness" for formal academic training and will not impact Assemblywoman Diaz' stated goal of offering state funded prekindergarten programs to 4 year old children in this state.

***ADDITIONAL IMPACT of AB 186-1st Reprint:*** Sections 5.3 and 5.8 create a NEW prekindergarten funding program for public and private schools and child care facilities. AB 186 was also amended to remove the requirement that public schools in Nevada provide a prekindergarten class and instead **requires the NV Department of Education to establish the "Prekindergarten Improvement and Expansion Program."**

***From the Legislative Counsel's Digest on AB 186, 1st Reprint -***

**Section 5.3** - "The Department shall (1) accept and approve applications from schools (**public or private**) and child care facilities (**public or private**) that wish to establish new prekindergarten education programs or expand existing prekindergarten education programs; and (2) identify the needs that must be met for those schools to establish or expand prekindergarten education programs." (***State control of all prekindergartens that receive state funding.***)

In addition, the amended bill "prescribes the required uses of money appropriated for the program, including addressing the identified needs of schools and facilities participating in the program 7 and awarding grants of money to such schools and facilities."

**Section 5.8 - Appropriates money from the State General Fund:** (not currently included in Governor Sandoval's proposed budget) for this program for the next two years (2017-2019) according to the bill; \$9,313,000.00 (1st year: \$1,542,000.00, 2nd year: \$7,771,000.00).

***NHN is not taking a position on this portion of the bill.*** However, we do stand by our original position that state funding of prekindergarten or "preschool" is burdensome to the taxpayer because, "There are no proven studies showing preschool promotes long-term educational success. To the contrary, [research indicates](#) that early education does not improve a child's potential for being a better student in the future, because early gains disappear in a few years."