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### GUIDANCE MEMORANDUM

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**TO:** SPCSA-Sponsored Charter Schools  
**FROM:** Ryan Herrick, General Counsel  
**SUBJECT:** 2023 Legislative Session Guidance  
**DATE:** June 23, 2023

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The 2023 Legislative Session ended on June 5, 2023. The Governor then called two Special Sessions – The first for [one of the State’s budget bills](#) that was not been approved during the regular Legislative Session, and the second for [Senate Bill 1](#), the stadium bill.

Below is the SPCSA’s guidance regarding significant education and charter school bills approved by the Legislature and signed into law by the Governor following the 2023 Legislative Session. Note that this guidance differs from the SPCSA’s [bill tracker](#), which lists bills that the SPCSA is following during the Legislative Session. Instead of simply listing bills, this guidance document is divided by categories, and some topics or categories may contain several bills (such as student discipline) and some bills may be summarized in several different categories (for example, [Assembly Bill 400](#), which deals with several different topics). Generally, at this point in the legislative process charter schools are less concerned with bill numbers, and more concerned with what changes they need to make to student discipline policies.

Please note that this guidance memorandum is just that – guidance. If you have any questions regarding any of these bills, please refer to the bill, contact your legal counsel, or contact the SPCSA for more information. For the SPCSA, please contact Ryan Herrick, at [rherrick@spsca.nv.gov](mailto:rherrick@spsca.nv.gov).

Finally, in a few instances, there is a notation that additional guidance will be provided regarding several of these topics and bills.

## PUPILS AND STUDENTS

### **Kindergarten Age**

[AB 65](#) requires student be five years old or older on or before August 1 in order to enroll in kindergarten. Previously, students must have reached the age of five on or before the first day of school for the school that the student was enrolling in. Note that this bill contains several grandfather clauses that are applicable through the 2024-2025 school year. *Nevada's Department of Education has issued separate guidance on this bill.*

### **Attendance, Truancy, and Chronic Absenteeism**

[Assembly Bill 54](#) changes the requirements related to excused absences and chronic absenteeism. [Assembly Bill 264](#) requires that if a student is absent due to the observance of a religious holiday, that absence may not penalize the student as it related to any award or recognition.

### **Military-Connected Students and Families**

[Assembly Bill 185](#) does two things.

First, Assembly Bill 185 allows military families that have received orders to transfer to a military base located in Nevada to use the military base's address located in Nevada as the student's address when enrolling in a Nevada public school. In short, if a military-connected student is residing outside of Nevada – be it in another state or overseas – and receives orders to transfer to a military base located in Nevada (Nellis Air Force Base or Naval Air Station Fallon, for example), the student can use the Nevada military base's address for enrollment purposes.

Second, and specifically related to Nevada's charter schools, Assembly Bill 185 adds military connected students to the list of statutorily authorized priority enrollment students. While not guaranteed a seat at a charter school, this bill moves military-connected students to the "front of the line" at charter schools that have a waiting list, and add these students to their priority enrollment policies. Note that charter schools need not apply for a charter contract amendment in order to implement this change, but only need the Executive Director of the SPCSA to approve the change to the charter school's enrollment policy.

### **Graduation Adornments**

[Assembly Bill 73](#) makes clear that students may wear traditional tribal regalia or recognized objects of religious or cultural significance at graduation ceremonies, as long as these items are not likely to cause a substantial disruption or materially interfere with the graduation ceremony. In the event that a public school denies a student the ability to wear an adornment at a graduation ceremony, any such decision can be appealed to the State Superintendent of Public Instruction.

## **Head Injuries Sustained by Students While Participating in School-Sponsored Sports**

[Senate Bill 80](#) requires Nevada's Department of Education and the Nevada Interscholastic Activities Association to adopt regulations related to head injuries sustained by students during school-sponsored sports and students' ability to return to class.

## **STUDENT DISCIPLINE AND STUDENT SAFETY**

### **Student Discipline**

[Assembly Bills 285](#) and [330](#) significantly changed the requirements related to student discipline. *Nevada's Department of Education will be providing guidance regarding these changes in the coming weeks.*

### **Power-Based Violence**

NRS 396.147 currently authorizes the Board of Regents of the University of Nevada to require an institution within the Nevada System of Higher Education to enter into a Memorandum of Understanding with an organization that assists persons involved in sexual misconduct. [Assembly Bill 245](#) mandates that all school districts and charter schools enter into a Memorandum of Understanding with a community-based organization to assist victims of power-based violence. Power-based violence is defined as domestic or family violence, gender-based-violence, violence based on sexual orientation or gender-based violence, sexual assault, harassment, exploitation, or stalking.

### **Background Checks and Fingerprinting**

[Assembly Bill 256](#) changes the requirements to background checks and fingerprinting for students at charter schools that participate in internships. With the passage of Assembly Bill 256, only those employees of companies that offer internship opportunities that directly oversee or have unsupervised contact with a student-intern are required to undergo a background check. Additionally, Assembly Bill 256 requires charter schools to provide training to students participating in student internships regarding potential harassment, healthy relationships in the workplace, and predatory behavior.

### **School Emergency Operations Plans**

[Assembly Bill 43](#) changes the date when school emergency operation plans must be submitted to the Division of Emergency Management. Beginning this year, Emergency Operations Plans must be approved on or before August 1, and are now due on August 15.

## CURRICULUM

### Early Childhood Literacy

[Assembly Bill 400](#) earmarks \$140 million for early childhood literacy program grants, and allows school districts, sponsors of charter schools, and nonprofit organizations to apply to the Department of Education for these grants.

### Read By Three

[Assembly Bill 400](#) reinstates certain provision of the Read by Three Program, effective for the 2028-2029 school year.

### Financial Literacy

Beginning in the 2028-2029 school year, [Assembly Bill 274](#) adds to the existing requirement of one-half unit of credit in economics in which a pupil must enroll to also include financial literacy. This bill provides that the skills necessary to manage finances relating to developing a personal financial plan include understanding and budgeting for the costs of housing, transportation and health care.

### College and Career Ready Diploma Requirements

[Assembly Bill 241](#) requires high school students to enroll in courses that will satisfy the requirements for a College and Career ready diploma, or courses that will satisfy the requirements for a more advanced diploma. Note that this bill only applies to charter schools located in Clark and Washoe counties.

## CHARTER SCHOOL TRANSPORTATION FUNDING

[Assembly Bill 400](#) allocates \$14 million to the SPCSA to be used over the biennium for charter school transportation allocations. The SPCSA may award funds to any charter schools, regardless of the charter school's sponsor (like the SPCSA's revolving loan fund), and the SPCSA is developing an application form and processes and procedures to distribute these monies.

## OPEN MEETING LAW CHANGES

Assembly Bills [52](#) and [219](#) made several changes to Nevada's Open Meeting Law. Neither of these bills will significantly impact the SPCSA or charter schools, ***but the SPCSA will be providing separate guidance regarding these two bills.***