

Advisory Boards to Review School Attendance; School Attendance Councils; Absence and Truancy

NRS 392.126 Creation of advisory board in each county; membership; terms; compensation.

1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in [NRS 432B.030](#).

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

(Added to NRS by [1997, 2834](#); A [1999, 3455](#); [2001 Special Session, 21](#))

NRS 392.127 Administrative support to advisory boards and school attendance councils. The board of trustees of each school district shall provide administrative support to:

1. Each advisory board to review school attendance created in its county pursuant to [NRS 392.126](#).

2. If applicable, each school attendance council established pursuant to [NRS 392.129](#).

(Added to NRS by [1997, 2834](#); A [1999, 3455](#); [2007, 1816](#))

NRS 392.128 Duties of advisory boards; division into subcommittees; provision of assistance in conjunction with community service providers; use and accounting of available money by advisory board.

1. Each advisory board to review school attendance created pursuant to [NRS 392.126](#) shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 8 of [NRS 385.347](#);

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to [NRS 392.147](#). If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in [NRS 430A.040](#).

4. An advisory board to review school attendance created in a county pursuant to [NRS 392.126](#) may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

(Added to NRS by [1997, 2835](#); A [1999, 2670, 3455](#); [2001, 248](#); [2003, 19th Special Session, 79](#); [2007, 1817](#); [2011, 2377](#))

NRS 392.129 Establishment of school attendance councils; membership; duties; annual report.

1. The board of trustees of a school district located:

(a) In a county whose population is 100,000 or more shall establish not less than one school attendance council within the school district.

(b) In a county whose population is less than 100,000 may establish a school attendance council within the school district.

2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.

3. A school attendance council shall:

(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to [NRS 392.128](#).

(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.

(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.

(d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the Legislative Committee on Education. The annual report must not disclose the identity of an individual pupil.

(e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in this paragraph, "family resource center" has the meaning ascribed to it in [NRS 430A.040](#).

(Added to NRS by [2007, 1816](#))

NRS 392.130 Conditions under which pupil deemed truant; approval required for absence; notice of unapproved absence to parent; applicability.

1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his or her written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. The provisions of this section apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

6. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to [NRS 392.050](#).

[372:32:1956]—(NRS A 1985, 2168; 1987, 158; [1997, 2835](#); [1999, 3456](#); [2007, 1082, 2181](#))

NRS 392.140 Conditions under which pupil declared habitual truant; applicability.

1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of the child's teacher or the principal of the school pursuant to subsection 1 of [NRS 392.130](#); or

(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of [NRS 392.130](#),

↪ may again be declared a habitual truant.

3. The provisions of this section apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

[373:32:1956]—(NRS A [1997, 2836](#); [1999, 3457](#); [2007, 1083, 2182](#))

NRS 392.141 Applicability of provisions to pupils. The provisions of [NRS 392.144](#), [392.146](#) and [392.147](#) apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

(Added to NRS by [1999, 3452](#); A [2007, 1083, 2182](#))

NRS 392.144 Duties of school if pupil is truant; reporting of habitual truant to law enforcement or referral to advisory board.

1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to [NRS 392.140](#), the principal of the school shall:

(a) Report the pupil to a school police officer or to the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with [NRS 392.149](#); or

(b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with [NRS 392.146](#).

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall report a pupil to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 or refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to [NRS 392.146](#) and [392.147](#). The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall report the pupil to a school police officer or to a local law enforcement agency pursuant to paragraph (a) of subsection 2.

(Added to NRS by [1999, 3452](#))

NRS 392.146 Contents of written referral to advisory board; notice to parents or guardian. A written referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written referral or any additional information that the advisory board considers necessary. The school shall provide written notice of the referral to the parents or legal guardian of the pupil. The written notice must include, without limitation:

1. The name and address of the pupil referred;
2. A written explanation of the reason for the referral;
3. A summary of the provisions of [NRS 392.147](#); and
4. The address and telephone number of the advisory board to review school attendance.

(Added to NRS by [1999, 3452](#))

NRS 392.147 Hearing by advisory board; written agreement for participation of pupil in certain programs; reporting of pupil to law enforcement agency under certain circumstances; confidentiality of information.

1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to [NRS 392.146](#), the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be

closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#).

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#). If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with [NRS 392.149](#).

↪ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to a school police officer or to the appropriate local law enforcement agency if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes such a report to a school police officer or local law enforcement agency, the chair shall:

(a) Submit to the school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a

request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

7. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

(Added to NRS by [1999, 3453](#))

NRS 392.149 Issuance of citation to habitual truant; applicability.

1. Upon receipt of a report pursuant to [NRS 392.144](#) or [392.147](#), if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

- (a) The local law enforcement agency;
- (b) A school police officer employed by the board of trustees of the school district; or
- (c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in [NRS 171.1773](#).

4. The provisions of this section apply to all pupils who are required to attend school pursuant to [NRS 392.040](#).

(Added to NRS by [1997, 2835](#); A [1999, 1144, 3457](#); [2007, 1083, 2182](#))

NRS 392.150 Appointment of attendance officer authorized; procedures to monitor attendance and truancy; consideration of employment of attendance clerk.

1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

- (a) Fix the compensation of the attendance officer;
- (b) Prescribe the duties of the attendance officer; and
- (c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

[374:32:1956]—(NRS A 1959, 595; 1973, 719; 1987, 1013; [2007, 1817](#))

NRS 392.160 Taking into custody child reported absent from school; persons or counseling agency to whom child may be delivered.

1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and 18 years; and

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

↳ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

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

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

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

[375:32:1956]—(NRS A 1957, 305; 1979, 819, 1614; 1989, 70; [1997, 1874](#); [1999, 3458](#); [2007, 1084](#), [2183](#))