

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

MEMORANDUM

TO: School District Superintendents
Charter School Sponsors

FROM: Jhone M. Ebert, Superintendent of Public Instructions

A handwritten signature in blue ink that reads "Jhone M. Ebert".

DATE: October 28, 2021

SUBJECT: Interim Guidance on Senate Bill 102 (2021)

This Interim Guidance is being issued to provide clarification on Senate Bill (SB) 102, passed during the 2021 Legislative Session, and revising Nevada Revised Statute (NRS) 392.040. SB 102 changed the date by which a child must be a certain age to be admitted to certain grade levels of school. Beginning in the 2022-23 school year, the date for admittance to certain grade levels will change from September 30 to the first day of a school year. To clarify, the first day of a school year is the actual date on which a district or charter school calendar indicates students will begin to attend school.

NRS 392.040 section 1, subsection 2 states, "If a child is not 5 years of age on or before ~~(September 30)~~ *the first day* of a school year, the child must not be admitted to Kindergarten." In addition, section 1, subsection 3 states, "If a child is not 6 years of age on or before ~~(September 30)~~ *the first day* of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday."

Between school year 2021-22 and 2022-23, certain students who have completed pre-Kindergarten or Kindergarten may not be eligible to advance to the next grade based on their age as a result of this statutory change. Affected students are those whose birthday falls between the first day of school and September 30. For example, if a child turns five on September 20, 2021, they are eligible to attend Kindergarten during the current 2021-22 school year as their birthday is prior to the current cutoff date of September 30. Due to the implementation of SB 102, that student would be ineligible for first grade as they will not be six years old by the start of the school year.

At this time, the Nevada Department of Education's guidance is that it is in the best interest of students who fall within this window be allowed to continue to the next grade level with their cohort. This includes both four- year-olds who have attended one year of pre-Kindergarten and are ready to advance to Kindergarten, as well as five-year-olds who have attended one year of Kindergarten and are ready to advance to first grade, even if their birthdate falls within the window described above.

If you have any questions, please contact Patti Oya, Director of the Office of Early Learning and Development, at poya@doe.nv.gov or 702-486-6492.