

Clark County School District
Excerpts and Summaries of Nevada Laws on Attendance

The following references to the NEVADA REVISED STATUTES provide information about student attendance and truancy. Please read carefully and note that compulsory school attendance is not a choice but is mandated by law.

** The term parent used throughout this publication is referring to any person having legal control or charge of a child.*

Nevada Revised Statutes, Title 34-Education

Public School Attendance NRS 392.040 provides for, among other items, the following:

1. Unless otherwise provided by law, each parent of any child between the ages of 7 and 18 shall send the child to a public school during all the time the public school is in session. A child who is 6 years of age and enrolled in school must also attend.
2. A child who is 5 or 6 years of age and enrolled in a public school is subject to all rules and regulations of the Clark County School District including the school district's attendance regulation.

Student Absences and Truancy NRS 392.130 provides for, among other items, the following:

1. Excused/Approved Absence - If an emergency exists or if the pupil is physically or mentally unable to attend school, the parent of the pupil shall notify the teacher or principal of the school within 3 days after the pupil returns to school in order for the absence to be considered excused.
2. Unexcused/Unapproved Absence - An absence that has not been approved shall be deemed an unapproved absence. In the case of an unapproved absence a notice of truancy will be delivered to the parent of the child.
3. A pupil shall be deemed a truant who is absent from school one or more class periods or the equivalent of one or more class periods without the written approval of his teacher or the principal of the school unless the pupil is mentally or physically unable to attend school.

Definition of Habitual Truant NRS 392.140 provides for, among other items, the following:

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

Reporting of Habitual Truants NRS 392.144 provides for, among other items, the following:

If a pupil is a habitual truant, the principal of the school shall report the pupil to a school police officer or the local law enforcement agency for investigation and issuance of a citation.

DMV Administrative Sanctions NRS 392.148 provides for, among other items, the following:

If it appears after investigation and a hearing that the pupil is a habitual truant, a school police officer may issue an order imposing the following administrative sanctions:

1. Suspension of the pupil's driver's license for 30 days for a habitual truancy citation; or
2. Prohibit pupil from applying for a driver's license until 30 days after becoming eligible.
3. Suspension of the pupil's driver's license for 60 days for a subsequent truancy citation; or
4. Prohibit pupil from applying for a driver's license until 60 days after becoming eligible.

Failure to Comply by Parent or Guardian NRS 392.210 provides for, among other items, the following:

Any parent, of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

Penalty for False Statements NRS 392.215 provides for, among other items, the following:

Any parent who, with the intent to deceive, makes a false statement concerning the age or school attendance of a child under 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Penalty for Abetting Truancy NRS 392.220 provides for, among other items, the following:

Any person who induces or attempts to induce any child to be absent from school unlawfully, or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor.

Negligent Treatment or Maltreatment [Educational Neglect] NRS 432B.140 provides for, among other items, the following:

Negligent treatment or maltreatment of a child occurs if a child has been abandoned, is without proper care, control and supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for his welfare or his neglect or refusal to provide them when able to do so.

Court Action for Habitual Truancy NRS 62E.270 & 62E.430 provides for, among other items, the following:

1. The first time a child is found to be in need of supervision because of habitual truancy the court shall:
 - a. Order the child to pay a fine of not more than \$100; or
 - b. Perform not less than 8 hours but not more than 16 hours of community service; and
 - c. If the child is 14 years of age or older, order the suspension of the child's driver's license for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the court can prohibit the child from applying for a driver's license for 30 days:
 - i. Immediately following the date of the order if the child is eligible to apply for a driver's license; or
 - ii. After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.
2. The second or any subsequent time the child is found to be in need of supervision because he/she is a habitual truant the court shall:
 - a. Order the child to pay a fine of not more than \$200 and/or perform not more than 10 hours of community service; and
 - b. If the child is 14 years of age or older, order the suspension of the child's driver's license for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for 60 days:
 - i. Immediately following the date of the order if the child is eligible to apply for a driver's license; or
 - ii. After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.
3. The court may suspend the payment of a fine ordered if the child attends school for 60 consecutive school days after the imposition of the fine or has a valid excuse acceptable to his teacher or the principal for any absence from school within that 60 days.
4. The community service ordered must be performed at the child's school of attendance, if practicable.