

Amendment No. 626

Senate Amendment to Senate Bill No. 461

(BDR 34-1323)

Proposed by: Committee on Human Resources and Education**Amendment Box:** Replaces Amendment No. 474.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend the bill as a whole by renumbering sections 1 through 3 as sections 11 through 13 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

“**Section 1.** Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.*

MAM/KCR

Date: 4/25/2005

S.B. No. 461—Revises provisions regarding education.

2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.

3. It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils is open to all qualified applicants, regardless of race, culture, ethnicity or economic means, and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant and that there be a means of monitoring and reviewing the success of the program.

4. It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity or economic means and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented, having special educational needs or being at risk for underachievement.

Sec. 3. As used in this chapter, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 4. "Profoundly gifted pupil" means a person who is under the age of 18 years whose intelligence quotient as determined by an individual administration of the Weschsler or Stanford-Binet Series tests is at or above the 99th percentile and who cannot progress effectively in a regular school program but requires special accelerated instruction and support services.

Sec. 5. “University school for profoundly gifted pupils” means a school that:

- 1. Is located on the campus of a university within the University and Community College System of Nevada;**
- 2. Is operated through a written agreement with the university;**
- 3. Is operated by or is itself a nonprofit corporation that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3);**
- 4. Demonstrates at least 5 years of successful experience providing educational services to profoundly gifted youth;**
- 5. Provides a full-time alternative program of education for profoundly gifted pupils; and**
- 6. Does not charge tuition to pupils enrolled in the school.**

Sec. 6. 1. Except as otherwise provided by specific statute, and with respect to immunity, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils.

2. The employees of a university school for profoundly gifted pupils shall be deemed public employees.

Sec. 7. A university school for profoundly gifted pupils that receives allocations of money from the State Distributive School Account shall comply with all applicable federal laws to prevent the loss of any federal money for education provided to the State of Nevada and the school districts in this State by the Federal Government.

Sec. 8. 1. The Superintendent of Public Instruction shall authorize any pupil who is admitted to a university school for profoundly gifted pupils to enroll in that school in lieu of enrolling in the middle school, junior high school or high school that the pupil is otherwise scheduled to attend.

2. The Superintendent of Public Instruction shall adopt regulations to carry out the provisions of this section.

Sec. 9. 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils shall:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he scored in the 99th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; and

(4) A transcript from each school previously attended by the applicant.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, or demonstrates by appropriate testing knowledge equal to the knowledge gained in those courses.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the President of the university where the university school is located a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils. The Board of Regents of the University of Nevada shall include in its biennial report to the Legislature the reports submitted pursuant to this section.

Sec. 10. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. “Charter school” means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.
2. “Department” means the Department of Education.
3. “Homeschooled child” means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.
4. “Limited English proficient” has the meaning ascribed to it in 20 U.S.C. § 7801(25).

5. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

6. "State Board" means the State Board of Education.

7. *"University school for profoundly gifted pupil" has the meaning ascribed to it in section 5 of this act."*

Amend the bill as a whole by deleting sec. 4, renumbering sec. 5 as sec. 24 and adding new sections designated sections 14 through 23, following sec. 3, to read as follows:

"Sec. 14. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school ~~[-]~~, *including, without limitation, transferring oversight of the operation of the school to an existing charter school if that charter school's written charter has been renewed at least once and that charter school makes adequate yearly progress.*

↪ Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department may take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361 ~~[]~~, ***including, without limitation, transferring oversight of the operation of the school to an existing charter school if that charter school's written charter has been renewed at least once and that charter school makes adequate yearly progress.***

2. The Department shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

3. Before the Department proceeds with consequences or sanctions, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

- (a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;
- (b) An opportunity to comment before the consequences or sanctions are carried out; and
- (c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 15. NRS 385.3761 is hereby amended to read as follows:

385.3761 1. If restructuring for a Title I school is required pursuant to 20 U.S.C. § 6316(b)(8), the board of trustees of the school district or the Department, as applicable, shall carry out a plan for restructuring that includes:

- (a) Replacing those employees at the school who contributed to the failure of the school to make adequate yearly progress;
- (b) Entering into a contract with an entity, including, without limitation, a private management company, with a demonstrated record of effectiveness to operate the public school;
- (c) If the board of trustees is responsible for restructuring, requesting that the Department oversee the operation of the public school;
- (d) If the Department is responsible for restructuring, designating the Department as responsible for overseeing the operation of the school; ~~for~~
- (e) *Transferring oversight of the operation of the school to an existing charter school if that charter school's written charter has been renewed at least once and that charter school makes adequate yearly progress; or*
- (f) Taking any other action to restructure the governance of the school if the action is designed to improve the academic achievement of pupils enrolled in the school and has substantial promise of ensuring that the school makes adequate yearly progress.

2. Before the board of trustees of a school district or the Department takes action pursuant to subsection 1, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and the parents and guardians of pupils enrolled in the school:

- (a) Notice that a plan for restructuring will be carried out at the school; and

(b) An opportunity to comment on the appropriate action that should be carried out pursuant to subsection 1.

Sec. 16. NRS 386.350 is hereby amended to read as follows:

386.350 Each board of trustees is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the public schools, excluding charter schools ~~[,]~~ ***and university schools for profoundly gifted pupils***, are established and to promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.

Sec. 17. NRS 386.415 is hereby amended to read as follows:

386.415 1. The board of trustees of any school district may enter into an agreement with any individual, firm, partnership, corporation, association or public agency which has been approved for such purpose by the Aging Services Division of the Department of Human Resources, whereby the school district agrees to prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the school lunch program of such district.

2. No agreement entered into by a board of trustees of a school district pursuant to the provisions of this section may:

(a) Involve the expenditure by the school district of any school lunch money or other ***money for the system of*** public ~~[school money]~~ ***education*** or the use of any school lunch commodities or public school personnel, equipment or facilities unless the agreement includes a provision requiring full reimbursement therefor.

(b) Provide for payment to the school district of any amount in excess of the estimated actual cost of food, personnel, equipment, facilities and other necessary expenditures involved in the performance of the agreement. The estimated actual cost ~~[shall]~~ **must** be negotiated by the board of trustees and the Aging Services Division of the Department of Human Resources.

(c) Permit any program of hot lunches for persons 60 years of age or over and their spouses to interfere in any way with the use of school lunch facilities for public school purposes.

Sec. 18. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~[The]~~ ***Except as otherwise provided in NRS 385.376 and 385.3761, the*** conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude a private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 19. NRS 386.506 is hereby amended to read as follows:

386.506 ~~[The]~~ ***Except as otherwise provided in NRS 385.376 and 385.3761, the*** provisions of NRS 386.500 to 386.610, inclusive, do not authorize an existing public school, home school or other program of home study to convert to a charter school.

Sec. 20. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The parent or legal guardian of a pupil who is enrolled in a public school in this State and:

(a) For whom an individualized education program has been established; or

(b) Who has been evaluated by a psychologist or psychiatrist licensed to practice in this State, and has been determined to have at least average cognitive abilities, but who needs a small, specialized educational setting in order to succeed,

↪ may request a scholarship pursuant to this section for the pupil to enroll in and attend a private school if the parent or guardian is dissatisfied with the educational progress that the pupil is making.

2. A pupil is eligible for a scholarship pursuant to this section if:

(a) Except as otherwise provided in subsection 5, the pupil was enrolled in, and included in the count of pupils for apportionment purposes for, a public school in this State during the previous school year;

(b) A private school which is located in this State and eligible to accept the scholarship has accepted the pupil for admission; and

(c) The parent or legal guardian of the pupil notifies the Department, in the manner required by the Department, of his request for a scholarship before the pupil enters the private school.

3. The amount of a scholarship provided to a pupil pursuant to this section is equal to:

(a) The sum of the basic support plus the amount of local funds available pursuant to NRS 387.1235 plus all other money the State would be required to pay for that pupil to be enrolled in the public school the pupil is otherwise required to attend; or

(b) The amount of the tuition and fees of the private school,

↪ whichever is less.

4. If the Department determines that a pupil is eligible to receive a scholarship, the Department shall provide notification of its determination to the parent or legal guardian of the pupil and the private school in which the pupil will be enrolled. Scholarships must be disbursed quarterly on August 1, November 1, February 1 and May 1. Payment of a scholarship must be made by individual warrant made payable to the parent or legal guardian of the pupil receiving the scholarship and mailed to the private school in which the pupil will be or is enrolled. The parent or legal guardian shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

5. A pupil may continue to receive the scholarship provided by this section as long as the pupil is enrolled in good standing in the private school. Before renewing a scholarship to the pupil for any subsequent school year, the Department may require the private school or the parent or legal guardian of the pupil to provide such documentation as deemed necessary by the Department demonstrating that the pupil has been enrolled in good standing in the private school during the previous school year. A scholarship is forfeited if a pupil or his parent or legal guardian fails to comply with this subsection.

6. Notwithstanding any provision of this title to the contrary, the election of a private school to accept scholarship money pursuant to this section, and the acceptance of such scholarship money, does not expand the regulatory authority of the Department over the private school beyond that authority necessary to carry out the provisions of this section.

7. There is no liability on the part of, and no cause of action of any nature arises against, the State of Nevada or any state employee based on the award or use of a scholarship pursuant to this section.

8. *The Department may adopt such regulations as are necessary to carry out the provisions of this section.*

9. *As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 21. NRS 387.040 is hereby amended to read as follows:

387.040 1. Except as otherwise provided in subsection 2 and NRS 387.528, the State Treasurer shall pay over all ***money for the system of*** public ~~{school money}~~ ***education*** received by him for the support of school districts only on warrants of the State Controller issued upon the orders of the Superintendent of Public Instruction in favor of county treasurers. When endorsed, the orders are valid vouchers in the hands of the State Controller for the disbursement of ***money for the system of*** public ~~{school money}~~ ***education***.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, the State Treasurer shall pay over to the school district all ***money for the system of*** public ~~{school money}~~ ***education*** due the school district.

3. The State Treasurer shall pay over all ***money for the system of*** public ~~{school money}~~ ***education*** received by him for the support of charter schools ***and university schools for profoundly gifted pupils*** only on warrants of the State Controller issued upon the orders of the Superintendent of Public Instruction in favor of the charter schools ~~{ }~~ ***or university schools for profoundly gifted pupils***. When endorsed, the orders are valid vouchers in the hands of the State Controller for the disbursement of ***money for the system of*** public ~~{school money}~~ ***education***.

Sec. 22. NRS 387.045 is hereby amended to read as follows:

387.045 1. ~~[No]~~ ***Except as otherwise provided in section 20 of this act, no*** portion of the ***money for the system of*** public ~~[school funds]~~ ***education*** or of the money specially appropriated for the purpose of public schools ~~[shall be]~~ ***is*** devoted to any other object or purpose.

2. No portion of the ***money for the system of*** public ~~[school funds shall]~~ ***education may*** in any way be segregated, divided or set apart for the ***direct*** use or benefit of any sectarian or secular society or association.

Sec. 23. NRS 387.047 is hereby amended to read as follows:

387.047 1. Except as otherwise provided in this section, each school district , ~~[and]~~ charter school ***and university school for profoundly gifted pupils*** shall separately account for all money received for the instruction of and the provision of related services to pupils with disabilities , ~~[and]~~ gifted and talented pupils described by NRS 388.520 ~~[.]~~ ***and profoundly gifted pupils, as that term is defined in section 4 of this act.***

2. The separate accounting must include:

(a) The amount of money provided to the school district , ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** for special education for basic support;

(b) Transfers of money from the general fund of the school district , ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** needed to balance the special revenue fund; and

(c) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, but not limited to, services provided by psychologists, therapists and health-related personnel;

(3) Transportation of the pupils with disabilities , ~~and~~ gifted and talented pupils *and profoundly gifted pupils* to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education.

3. Money received from federal sources must be:

(a) Accounted for separately; and

(b) Excluded from the accounting required pursuant to this section.”.

Amend the bill as a whole by deleting sections 6 through 17, renumbering sec. 18 as sec. 51 and adding new sections designated sections 25 through 50, following sec. 5, to read as follows:

“**Sec. 25.** NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts , ~~or~~ the charter schools *and the university schools for profoundly gifted pupils* of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State , ~~and~~ any governing body of any charter school *and any governing body of a university school for profoundly gifted pupils* in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and

secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 26. NRS 387.080 is hereby amended to read as follows:

387.080 1. The State Board may enter into agreements with any agency of the Federal Government, any board of trustees of a school district, any governing body of a charter school, *any governing body of a university school for profoundly gifted pupils* or any other entity or person. The State Board may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction pursuant to regulations or policies of the State Board.

3. The Superintendent of Public Instruction may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 27. NRS 387.090 is hereby amended to read as follows:

387.090 The board of trustees of each school district, ~~and~~ the governing body of each charter school *and the governing body of each university school for profoundly gifted pupils* may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.
2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, gifts, donations and other money received from the sale of food under those programs.
3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.
4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 28. NRS 387.121 is hereby amended to read as follows:

387.121 The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which *the system of* public ~~[schools are]~~ *education is* maintained. Therefore the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school ~~[]~~, *a university school for profoundly gifted pupils, or who receive a scholarship pursuant to section 20 of this act.* This formula is designated the Nevada Plan.

Sec. 29. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to 387.126, inclusive:

1. “Average daily attendance” means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

2. “Enrollment” means the count of pupils *who*:

(a) *Are* enrolled in and scheduled to attend programs of instruction of a school district ~~{or}~~ ;

(b) *Receive a scholarship pursuant to section 20 of this act and are enrolled in and scheduled to attend programs of instruction of a private school pursuant to that section;*

(c) *Are enrolled in and scheduled to attend programs of instruction of* a charter school ; *or*

(d) *Are enrolled in and scheduled to attend programs of instruction of a university school for profoundly gifted pupils,*

↪ at a specified time during the school year.

3. “Special education program unit” means an organized unit of special education and related services which includes full-time services of persons licensed by the Superintendent of Public Instruction or other appropriate licensing body, providing a program of instruction in accordance with minimum standards prescribed by the State Board.

Sec. 30. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts, ~~for~~ charter schools *or university schools for profoundly gifted pupils* by the Superintendent of Public Instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district or a charter school may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

Sec. 31. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, ~~for~~ pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, *pupils who are enrolled in a university school for*

profoundly gifted pupils and pupils who receive a scholarship pursuant to section 20 of this act,
for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) Pupils who reside in the county and are enrolled part time in a program of distance education if an agreement is filed with the Superintendent of Public Instruction pursuant to NRS 388.854 or 388.858, as applicable.
- (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.580.
- (g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.
- (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).
- (i) *Pupils who are enrolled in a university school for profoundly gifted pupils.*
- (j) *Each pupil who was enrolled in a university school for profoundly gifted pupils who is enrolled, after completion of secondary education, in a university of the University and Community College System of Nevada full time until the end of the school year in which the pupil reaches 18 years of age.*

(k) Pupils who are enrolled in a private school and receive a scholarship pursuant to section 20 of this act.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

↪ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the

board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, ~~for~~ a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive ~~[-]~~, ***or a university school for profoundly gifted pupils.***

Sec. 32. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school, ***who are enrolled in a university school for profoundly gifted pupils and any pupils who receive a scholarship pursuant to section***

20 of this act and are enrolled in a private school on the last day of the first school month of the school district for the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are **enrolled in a university school for profoundly gifted pupils or** receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(9) The count of each pupil who is enrolled in a university school for profoundly gifted pupils and who is enrolled, after completion of secondary education, in a university of the University and Community College System of Nevada full time until the end of the school year in which the pupil reaches 18 years of age.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district, ~~for~~ a charter school ***or a university school for profoundly gifted pupils*** that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same

school district, ~~{or}~~ charter school *or university school for profoundly gifted pupils* on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district, ~~{or}~~ charter school *or university school for profoundly gifted pupils* pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 33. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, ~~{and}~~ charter schools *and university schools for profoundly gifted pupils* in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds

available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school ~~[and]~~ ***or university school for profoundly gifted pupils***, all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school ~~[.]~~ ***and the amount of money paid for scholarships to pupils who reside in the county, are enrolled in a private school and receive a scholarship pursuant to section 20 of this act.*** No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school ~~[.]~~ ***and to a university for profoundly gifted pupils***, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school ***or university school for profoundly gifted pupils*** is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school ***or university school*** resides, the school district in which the pupil resides shall pay the difference directly to the charter school ~~[.]~~ ***or university school, as applicable.***

3. Except as otherwise provided in this subsection, the apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to:

(a) The sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides; or

(b) The statewide average per pupil amount for pupils who are enrolled full time,
↪ whichever is greater. If the calculation set forth in paragraph (a) is less than the calculation pursuant to paragraph (b), the school district in which the charter school is located shall pay the difference directly to the charter school. If a charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, the apportionment to the charter school for pupils who are enrolled in the program of distance education must be calculated as set forth in subsection 2 or 4, as applicable.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school *or a university school for profoundly gifted pupils* may submit a written request to the Superintendent of Public Instruction to receive, in the first year

of operation of the charter school ~~[.]~~ *or university school for profoundly gifted pupils*, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school *or university school for profoundly gifted pupils* may receive all four apportionments in advance in its first year of operation.

6. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 34. NRS 387.126 is hereby amended to read as follows:

387.126 The Superintendent of Public Instruction may in his discretion and shall when so directed by the State Board verify by independent audit or other suitable examination the reports of enrollment and daily attendance submitted by any school district, ~~[or]~~ charter school *or university school for profoundly gifted pupils* for apportionment purposes.

Sec. 35. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county

treasurer may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the State Treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the *money for the system of public* ~~[school money]~~ *education* unless that school district has complied with the provisions of this title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school *and university school for profoundly gifted pupils* must be paid over by the State Treasurer to the governing body of the charter school *or the governing body of the university school for profoundly gifted pupils* on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 5 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due ~~to~~ the charter school *or university school for profoundly gifted pupils* must be paid by the State Treasurer to the governing body of the charter school *or the governing*

body of the university school for profoundly gifted pupils on July 1, October 1, January 1 or April 1, as applicable.

Sec. 36. NRS 387.210 is hereby amended to read as follows:

387.210 Except when the board of trustees of a county school district elects to establish a separate account under the provisions of NRS 354.603, each county treasurer shall:

1. Receive and hold as a special deposit all *money for the system of* public ~~[school moneys,]~~ *education*, whether received by him from the State Treasurer or raised by the county for the benefit of the *system of* public ~~[schools,]~~ *education*, or from any other source, and keep separate accounts thereof and of their disbursements.

2. Pay over all *money for the system of* public ~~[school moneys]~~ *education* received by him only on warrants of the county auditor, issued upon orders of the board of trustees of the county school district. All orders issued in accordance with law by the board of trustees ~~[shall be]~~ *are* valid vouchers in the hands of the county auditors for warrants drawn upon such orders.

Sec. 37. NRS 387.225 is hereby amended to read as follows:

387.225 ~~[No]~~ A tax collector or county treasurer shall *not* receive any fees or compensation whatever for collecting, receiving, keeping, transporting or disbursing any *money for the system of* public ~~[school moneys,]~~ *education*.

Sec. 38. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

6. A university school for profoundly gifted pupils has the meaning ascribed to it in section 5 of this act.

Sec. 39. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils shall attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a charter school ~~[]~~ ***or a university school for profoundly gifted pupils.***

Sec. 40. NRS 388.150 is hereby amended to read as follows:

388.150 1. No books, tracts or papers of a sectarian or denominational character may be used or introduced in any public school established pursuant to the provisions of this title of NRS, nor may any sectarian or denominational doctrines be taught in any public school.

2. Any school district, ~~for~~ charter school *or university school for profoundly gifted pupils* whose officers knowingly allow any public schools to be taught in violation of this section forfeits all right to any *money for the system of* public ~~school funds~~.

~~3. Nothing in this section prohibits] education.~~

3. *This section does not prohibit* a school district, ~~for~~ charter school *or university school for profoundly gifted pupils* from complying with applicable federal laws, such as the Equal Access Act, 20 U.S.C. §§ 4071 et seq.

Sec. 41. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5315, inclusive:

1. “Gifted and talented pupil” means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. “*Profoundly gifted pupil*” has the meaning ascribed to it in section 4 of this act.

3. “Pupil with a disability” means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 42. NRS 389.020 is hereby amended to read as follows:

389.020 1. In all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS, instruction must be given in American government, including, without limitation, the:

(a) Essentials of the:

- (1) Constitution of the United States, including, without limitation, the Bill of Rights;
- (2) Constitution of the State of Nevada; and
- (3) Declaration of Independence;
- (b) Origin and history of the Constitutions; and
- (c) Study of and devotion to American institutions and ideals.

2. ~~[The]~~ *Except as otherwise provided in section 9 of this act, the* instruction required in subsection 1 must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.

Sec. 43. NRS 389.030 is hereby amended to read as follows:

389.030 *Except as otherwise provided in section 9 of this act,* American history, including, without limitation, the history of the:

- 1. Constitution of the United States, including, without limitation, the Bill of Rights;
- 2. State of Nevada, including, without limitation, the Constitution of the State of Nevada; and
- 3. Declaration of Independence,

↪ must be taught in all of the public schools in the State of Nevada for a period of at least 1 year.

Sec. 44. NRS 389.035 is hereby amended to read as follows:

389.035 ~~[No]~~

1. *Except as otherwise provided in subsection 2, no* pupil in any public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.020 and 389.030.

2. A pupil who is enrolled in a university school for profoundly gifted pupils who meets the requirements of section 9 of this act is exempt from the provisions of this section.

Sec. 45. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

If the board of trustees of a school district or the governing body of a charter school employs a teacher who holds a special qualifications license, the board of trustees or the governing body, as applicable, shall assign at least one licensed teacher whom the board of trustees or the governing body determines is qualified to serve as a mentor for the first 3 years of the teacher's employment with the school district or charter school under the special qualifications license.

Sec. 46. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other education services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance of a provisional license to an applicant who holds a bachelor's degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has received certification from the American Board for Certification of Teacher Excellence. The license is valid for 3 years, and upon the completion of 2 years of instruction in a classroom with satisfactory evaluations, the holder of a provisional license pursuant to this subsubparagraph must be granted a license to teach elementary education, middle school or junior high school education or secondary education, as determined by the grades and subject areas designated on his provisional license.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 47. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and his knowledge ~~of~~ *and proficiency* *in* each specific subject he proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

↪ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel who have previous experience in teaching or performing other educational functions in another state.

Sec. 48. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.
2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

5. A special license designated as a special qualifications license which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the regulations of the Commission adopted pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019.

Sec. 49. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. ~~Every~~ ***Except for an applicant for the issuance of a special qualifications license pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019 or a provisional license pursuant to subparagraph (10) of paragraph (a) of subsection 1 of NRS 391.019, each*** applicant for a license as a teacher or administrator or to perform some other educational function must submit

with his application, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed a course of study and training approved by the State Board ~~[]~~ *pursuant to subsection 1.*

Sec. 50. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

↪ If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators, shall adopt regulations governing the approval by the State Board of courses of study and training which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

6. A course of study or training approved by the State Board must include training to teach fundamental reading skills, including, without limitation:

(a) Phonemic awareness;

(b) Phonics;

(c) Vocabulary;

(d) Fluency; and

(e) Comprehension.”.

Amend the bill as a whole by deleting sections 19 through 38, renumbering sec. 39 as sec. 60 and adding new sections designated sections 52 through 59, following sec. 18, to read as follows:

“**Sec. 52.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of the Department or a school district shall not require a pupil or a parent or legal guardian of a pupil to obtain a prescription for the pupil for a substance controlled under the federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., as a condition to the pupil

enrolling in a public school, attending a class in a public school, being evaluated for placement in a program of special education pursuant to NRS 388.470 or receiving special educational services pursuant to NRS 388.440 to 388.520, inclusive.

2. This section does not prohibit a teacher or other educational personnel from consulting or sharing classroom-based observations with a parent or legal guardian of a pupil concerning:

(a) The academic performance of the pupil;

(b) The behavior of the pupil in the classroom or on school grounds; or

(c) The need for the pupil to be evaluated for placement in a program of special education pursuant to NRS 388.470.

Sec. 53. NRS 392.350 is hereby amended to read as follows:

392.350 1. Except as otherwise provided in NRS 392.268, if the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed ~~[\$10]~~ **\$14** per day of attendance at school to assist the parents or guardian in defraying the cost of board, lodging and other subsistence expenses of the pupil to attend a public school in a city or town in this State or in an adjoining state. If the public school is in an adjoining county or state, costs for tuition and subsistence must be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:

(a) The guardian or parents have been residents in the area for a period set by the board of trustees; and

(b) The Superintendent of Public Instruction determines that the arrangements comply with regulations of the State Board.

Sec. 54. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the State Board ~~[of Education]~~ or under courses of study prepared by such private schools and approved by the State Board . ~~[of Education.]~~

2. Such private schools ~~[shall]~~ **must** be required to furnish from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools.

3. ~~[Nothing in this section shall be so construed as:]~~ ***This section is not intended:***

(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.

(b) ~~[To]~~ ***Except as otherwise provided in section 20 of this act, to*** give such private schools any right to share in the ***money for the system of*** public ~~[school funds]~~ ***education*** apportioned for the support of the ***system of*** public ~~[schools]~~ ***education*** of this State.

Sec. 55. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) “Bona fide resident” shall be construed in accordance with the provisions of NRS 10.155 ~~[]~~ ***and includes a pupil enrolled in a university school for profoundly gifted pupils.*** The qualification

“bona fide” is intended to assure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the University of Nevada System, but tuition shall be free to:

(a) All students whose families are bona fide residents of the State of Nevada;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 6 months prior to their matriculation at the university;

(c) All public school teachers who are employed full time by school districts in the State of Nevada; and

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS.

3. In its discretion, the Board of Regents may grant tuitions free each university semester to worthwhile and deserving students from other states and foreign countries, in number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 56. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. §

2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, irrigation district, school district, governing body of a charter school ~~and~~, **any** other special district that performs a governmental function, even though it does not exercise general governmental powers ~~[-]~~, **and the governing body of a university school for profoundly gifted pupils.**

Sec. 57. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. “Employee” includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) ***University school for profoundly gifted pupils described in sections 2 to 9, inclusive, of this act.***

2. “Employment” includes any services performed by an immune contractor.

3. “Immune contractor” means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 284.173; and

(b) Contracts to provide medical services for the Department of Corrections.

➡ As used in this subsection, “professional corporation” and “professional association” have the meanings ascribed to them in NRS 89.020.

4. “Public officer” or “officer” includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

Sec. 58. NRS 41.745 is hereby amended to read as follows:

41.745 1. An employer is not liable for harm or injury caused by the intentional conduct of an employee if the conduct of the employee:

(a) Was a truly independent venture of the employee;

(b) Was not committed in the course of the very task assigned to the employee; and

(c) Was not reasonably foreseeable under the facts and circumstances of the case considering the nature and scope of his employment.

↪ For the purposes of this subsection, conduct of an employee is reasonably foreseeable if a person of ordinary intelligence and prudence could have reasonably anticipated the conduct and the probability of injury.

2. Nothing in this section imposes strict liability on an employer for any unforeseeable intentional act of his employee.

3. For the purposes of this section:

(a) "Employee" means any person who is employed by an employer, including, without limitation, any present or former officer or employee, immune contractor, *an employee of a university school for profoundly gifted pupils described in section 2 to 9, inclusive, of this act*, or a member of a board or commission or Legislator in this State.

(b) “Employer” means any public or private employer in this State, including, without limitation, the State of Nevada, *a university school for profoundly gifted pupils described in sections 2 to 9, inclusive, of this act*, any agency of this State and any political subdivision of the State.

(c) “Immune contractor” has the meaning ascribed to it in subsection 3 of NRS 41.0307.

(d) “Officer” has the meaning ascribed to it in subsection 4 of NRS 41.0307.

Sec. 59. On or before December 30, 2005, the Superintendent of Public Instruction shall adopt regulations to carry out the provisions of section 8 of this act.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; providing for the enrollment of certain pupils in a university school for profoundly gifted pupils; providing for the issuance of a special qualifications license to teach for persons with certain graduate degrees and work experience; providing for the issuance of a provisional license to teach for persons with bachelor’s degrees and certain certifications; revising the provisions regarding the corrective action that may be taken against a school that is designated as demonstrating need for improvement; providing for scholarships to certain pupils to attend private schools; revising the provisions governing the apportionment of money from the State Distributive School Account to include the count of certain pupils who are receiving scholarships to attend private schools and pupils who are enrolled in a university school for profoundly gifted pupils; prohibiting a child from being required to obtain a prescription drug as a condition of attending a public school; requiring the University and Community College System of Nevada to include a prescribed reading curriculum in a program to educate teachers; and providing other matters properly relating thereto.”.