

Amendment No. 1226

Assembly Amendment to Senate Bill No. 461 Second Reprint (BDR 34-1323)

Proposed by: Committee on Ways and Means**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes 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 deleting sections 1 through 9, renumbering sec. 10 as sec. 13 and adding new sections designated sections 1 through 12, 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 12, 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/RBL

Date: 6/6/2005

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 be 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.

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, unless the context otherwise provides, 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:

1. Whose intelligence quotient as determined by an individual administration of the Wechsler or Stanford-Binet Series tests or other test approved by the governing body of the university school for profoundly gifted pupils is at or above the 99.9th percentile; or

2. Who scores at or above the 99.9th percentile for his age on an aptitude or achievement test, including, without limitation, the Scholastic Aptitude Test or the American College Test.

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 who have been identified as possessing the abilities and skills necessary for advanced academic work, including accelerated middle school, junior high school, high school and early university entrance; and

6. Does not charge tuition to pupils enrolled in the school.

Sec. 6. Notwithstanding the provisions of NRS 385.007 to the contrary, a university school for profoundly gifted pupils shall be deemed a public school.

Sec. 7. 1. Except as otherwise provided by specific statute, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils, except that a university school for profoundly gifted pupils is not entitled to receive any money from the State.

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

Sec. 8. 1. *A university school for profoundly gifted pupils 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.*

2. *A university school for profoundly gifted pupils may apply for and accept any gift, bequest, grant, appropriation or donation from any source, except that the acceptance of any gift, bequest, grant, appropriation or donation may not violate any state or federal law.*

Sec. 9. 1. *At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.*

2. *A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS 389.015 and 389.550.*

Sec. 10. *The Superintendent of Public Instruction shall:*

1. *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. *Adopt regulations to carry out the provisions of this chapter with which each university school for profoundly gifted pupils must comply.*

Sec. 11. 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 must:

(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 99.9th 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, and successfully completes any requirements established by the State Board of Education for graduation from high school.

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 Superintendent of Public Instruction, the President of the university where the university school for profoundly gifted

pupils is located, the State Board of Education and the Director of the Legislative Counsel Bureau 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.

Sec. 12. 1. The governing body of a university school for profoundly gifted pupils must consist of nine members and must include the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, who serve ex-officio. The Governor shall appoint three members to serve 4-year terms. The members appointed by the Governor may not be employees of the State, a municipality of the State or the Board of Regents of the University and Community College System of Nevada. The remaining four members of the governing body shall be appointed by the entity that operates the university school for profoundly gifted pupils. A person may serve on a governing body pursuant to this subsection only if he submits an affidavit to the Department of Education indicating that the person has not been convicted of a felony or any crime involving moral turpitude.

2. The governing body of a university school for profoundly gifted pupils is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be required to attain the ends for which the school is established and to promote the welfare of pupils who are enrolled in the school.

3. The governing body of a university school for profoundly gifted pupils shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the school is located.”.

Amend the bill as a whole, by deleting sections 11 through 15 and renumbering sec. 16 as sec. 14.

Amend the bill as a whole by deleting sections 17 through 37 and renumbering sections 38 and 39 as sections 15 and 16.

Amend sec. 38, page 30, by deleting lines 39 and 40 and inserting:

“6. A university school for profoundly gifted pupils is a public school established pursuant to sections 2 to 12, inclusive, of this act.”.

Amend the bill as a whole by deleting sections 40 and 41 and renumbering sections 42 through 44 as sections 17 through 19.

Amend sec. 42, page 32, line 2, by deleting “9” and inserting “11”.

Amend sec. 43, page 32, line 7, by deleting “9” and inserting “11”.

Amend sec. 44, page 32, line 26, by deleting “9” and inserting “11”.

Amend the bill as a whole by deleting sections 45 through 55 and renumbering sections 56 through 58 as sections 20 through 22.

Amend sec. 57, page 40, line 24, by deleting “9,” and inserting “12,”.

Amend sec. 58, page 41, lines 22 and 27, by deleting “9,” and inserting “12,”.

Amend the bill as a whole by deleting sec. 59, renumbering sec. 60 as sec. 24 and adding a new section designated sec. 23, following sec. 58, to read as follows:

“Sec. 23. 1. On or before July 1, 2006, the governing body of each university school for profoundly gifted pupils shall provide a report to the Legislative Committee on Education.

2. On or before February 1, 2007, the governing body of each university school for profoundly gifted pupils shall provide a report to the Superintendent of Public Instruction, the State Board of

Education and the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

3. The reports required by subsections 1 and 2 must include, without limitation, the status of the university school for profoundly gifted pupils, the progress of the school, the effectiveness of the school in meeting its goals, any recommendations for legislation and any relevant fiscal information.”.

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 in lieu of enrolling in the schools that such pupils are otherwise scheduled to attend; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for enrollment of certain pupils in university school for profoundly gifted pupils. (BDR 34-1323)”.