

Senate Bill No. 461–Committee on
Human Resources and Education

CHAPTER.....

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.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT 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.*

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.

Sec. 13. 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.*

Sec. 14. 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~~ *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. 15. 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 is a public school established pursuant to sections 2 to 12, inclusive, of this act.*

Sec. 16. 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~~ *or a university school for profoundly gifted pupils.*

Sec. 17. 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 11 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. 18. NRS 389.030 is hereby amended to read as follows:

389.030 *Except as otherwise provided in section 11 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. 19. 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 11 of this act is exempt from the provisions of this section.

Sec. 20. 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~~, *and the governing body of a university school for profoundly gifted pupils.*

Sec. 21. 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 12, 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. 22. 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 12, 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 12, 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. 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.

Sec. 24. This act becomes effective on July 1, 2005.

