

ASSEMBLY BILL NO. 567—COMMITTEE ON EDUCATION

MARCH 26, 2007

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Revises provisions governing university schools for profoundly gifted pupils. (BDR 34-918)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to education; revising provisions governing the Nevada Plan and the apportionments and allowances from the State Distributive School Account to include pupils who are enrolled in a university school for profoundly gifted pupils; requiring the governing body of a university school to adopt certain rules; revising provisions governing the employment of unlicensed personnel at a university school; revising provisions governing the eligibility of a child for enrollment in a university school; revising provisions relating to the appointment and membership of the governing body of a university school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the formation and operation of university schools for
2 profoundly gifted pupils. (Chapter 392A of NRS) Under existing law, a university
3 school for profoundly gifted pupils is a public school but is not entitled to receive
4 any money from this State. (NRS 392A.050) **Section 12** of this bill provides that
5 the pupils enrolled in a university school for profoundly gifted pupils must be
6 included in the count of pupils of the school district in which the university school
7 is located for purposes of apportionments and allowances from the State
8 Distributive School Account. **Section 12** also provides that a university school for
9 profoundly gifted pupils is entitled to receive its proportionate share of any other
10 money available from federal, state or local sources that the university school or the
11 pupils enrolled in the university school are eligible to receive. **Sections 2-10** of this
12 bill revise provisions governing the count of pupils for support from the State
13 Distributive School Account to reflect the enrollment of pupils enrolled in a
14 university school for profoundly gifted pupils.



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Sections 14-16 of this bill require the governing body of a university school for profoundly gifted pupils to: (1) adopt rules for the academic advancement pupils, including the development of a 4-year academic plan for each pupil; (2) submit information to the Department of Education in the format prescribed by the Department for the purposes of accountability reporting for the university school; and (3) adopt written rules of behavior for the pupils enrolled in the university school.

Section 17 of this bill requires each applicant for employment with a university school for profoundly gifted pupils who is not licensed by the Superintendent of Public Instruction to submit a complete set of his fingerprints for a criminal background check.

Under existing law, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils, except as otherwise provided by specific statute. (NRS 392A.060) **Section 20** of this bill provides that in addition to specific statute, the State Board of Education may adopt regulations governing university schools for profoundly gifted pupils as determined necessary by the Superintendent of Public Instruction.

Section 21 of this bill revises provisions concerning the appointment and membership of the governing body of a university school for profoundly gifted pupils.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments,



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1 including, without limitation, the results of pupils by classroom and
2 by school;

3 (e) Have the capacity to identify which teachers are assigned to
4 individual pupils and which paraprofessionals, if any, are assigned
5 to provide services to individual pupils;

6 (f) Have the capacity to provide other information concerning
7 schools and school districts that is not linked to individual pupils,
8 including, without limitation, the designation of schools and school
9 districts pursuant to NRS 385.3623 and 385.377, respectively, and
10 an identification of which schools, if any, are persistently
11 dangerous;

12 (g) Have the capacity to access financial accountability
13 information for each public school, including, without limitation,
14 each charter school, for each school district and for this State as a
15 whole; and

16 (h) Be designed to improve the ability of the Department, school
17 districts and the public schools in this State, including, without
18 limitation, charter schools, to account for the pupils who are
19 enrolled in the public schools, including, without limitation, charter
20 schools.

21 ➤ The information maintained pursuant to paragraphs (c), (d) and
22 (e) must be used for the purpose of improving the achievement of
23 pupils and improving classroom instruction but must not be used for
24 the purpose of evaluating an individual teacher or paraprofessional.

25 2. The board of trustees of each school district shall:

26 (a) Adopt and maintain the program prescribed by the
27 Superintendent of Public Instruction pursuant to subsection 3 for the
28 collection, maintenance and transfer of data from the records of
29 individual pupils to the automated system of information, including,
30 without limitation, the development of plans for the educational
31 technology which is necessary to adopt and maintain the program;

32 (b) Provide to the Department electronic data concerning pupils
33 as required by the Superintendent of Public Instruction pursuant to
34 subsection 3; and

35 (c) Ensure that an electronic record is maintained in accordance
36 with subsection 3 of NRS 386.655.

37 3. The Superintendent of Public Instruction shall:

38 (a) Prescribe a uniform program throughout this State for the
39 collection, maintenance and transfer of data that each school district
40 must adopt, which must include standardized software;

41 (b) Prescribe the data to be collected and reported to the
42 Department by each school district and each sponsor of a charter
43 school pursuant to subsection 2 ~~§~~ *and by each university school*
44 *for profoundly gifted pupils;*



- 1 (c) Prescribe the format for the data;
- 2 (d) Prescribe the date by which each school district shall report
- 3 the data ~~(f)~~ *to the Department;*
- 4 (e) Prescribe the date by which each charter school shall report
- 5 the data to the sponsor of the charter school;
- 6 (f) *Prescribe the date by which each university school for*
- 7 *profoundly gifted pupils shall report the data to the Department;*
- 8 (g) Prescribe standardized codes for all data elements used
- 9 within the automated system and all exchanges of data within the
- 10 automated system, including, without limitation, data concerning:
- 11 (1) Individual pupils;
- 12 (2) Individual teachers and paraprofessionals;
- 13 (3) Individual schools and school districts; and
- 14 (4) Programs and financial information;
- 15 ~~(g)~~ (h) Provide technical assistance to each school district to
- 16 ensure that the data from each public school in the school district,
- 17 including, without limitation, each charter school *and university*
- 18 *school for profoundly gifted pupils* located within the school
- 19 district, is compatible with the automated system of information and
- 20 comparable to the data reported by other school districts; and
- 21 ~~(h)~~ (i) Provide for the analysis and reporting of the data in the
- 22 automated system of information.
- 23 4. The Department shall establish, to the extent authorized by
- 24 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
- 25 1232g, and any regulations adopted pursuant thereto, a mechanism
- 26 by which persons or entities, including, without limitation, state
- 27 officers who are members of the Executive or Legislative Branch,
- 28 administrators of public schools and school districts, teachers and
- 29 other educational personnel, and parents and guardians, will have
- 30 different types of access to the accountability information contained
- 31 within the automated system to the extent that such information is
- 32 necessary for the performance of a duty or to the extent that such
- 33 information may be made available to the general public without
- 34 posing a threat to the confidentiality of an individual pupil.
- 35 5. The Department may, to the extent authorized by the Family
- 36 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g,
- 37 and any regulations adopted pursuant thereto, enter into an
- 38 agreement with the Nevada System of Higher Education to provide
- 39 access to data contained within the automated system for research
- 40 purposes.
- 41 **Sec. 2.** NRS 387.121 is hereby amended to read as follows:
- 42 387.121 The Legislature declares that the proper objective of
- 43 state financial aid to public education is to ensure each Nevada child
- 44 a reasonably equal educational opportunity. Recognizing wide local
- 45 variations in wealth and costs per pupil, this State should



1 supplement local financial ability to whatever extent necessary in
2 each school district to provide programs of instruction in both
3 compulsory and elective subjects that offer full opportunity for
4 every Nevada child to receive the benefit of the purposes for which
5 public schools are maintained. Therefore , the quintessence of the
6 State's financial obligation for such programs can be expressed in a
7 formula partially on a per pupil basis and partially on a per program
8 basis as: State financial aid to school districts equals the difference
9 between school district basic support guarantee and local available
10 funds produced by mandatory taxes minus all the local funds
11 attributable to pupils who reside in the county but attend a charter
12 school ~~or~~ *or a university school for profoundly gifted pupils*. This
13 formula is designated the Nevada Plan.

14 **Sec. 3.** NRS 387.1211 is hereby amended to read as follows:

15 387.1211 As used in NRS 387.121 to 387.126, inclusive:

16 1. "Average daily attendance" means the total number of pupils
17 attending a particular school each day during a period of reporting
18 divided by the number of days school is in session during that
19 period.

20 2. "Enrollment" means the count of pupils enrolled in and
21 scheduled to attend programs of instruction of a school district , ~~for~~
22 ~~a~~ charter school *or university school for profoundly gifted pupils*
23 at a specified time during the school year.

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

30 **Sec. 4.** NRS 387.1221 is hereby amended to read as follows:

31 387.1221 1. The basic support guarantee for any special
32 education program unit maintained and operated during a period of
33 less than 9 school months is in the same proportion to the amount
34 established by law for that school year as the period during which
35 the program unit actually was maintained and operated is to 9 school
36 months.

37 2. Any unused allocations for special education program units
38 may be reallocated to other school districts , ~~for~~ charter schools *or*
39 *university schools for profoundly gifted pupils* by the
40 Superintendent of Public Instruction. In such a reallocation, first
41 priority must be given to special education programs with statewide
42 implications, and second priority must be given to special education
43 programs maintained and operated within counties whose allocation
44 is less than or equal to the amount provided by law. If there are
45 more unused allocations than necessary to cover programs of first



1 and second priority but not enough to cover all remaining special
2 education programs eligible for payment from reallocations, then
3 payment for the remaining programs must be prorated. If there are
4 more unused allocations than necessary to cover programs of first
5 priority but not enough to cover all programs of second priority,
6 then payment for programs of second priority must be prorated. If
7 unused allocations are not enough to cover all programs of first
8 priority, then payment for programs of first priority must be
9 prorated.

10 3. A school district , ~~for~~ a charter school *or a university*
11 *school for profoundly gifted pupils* may, after receiving the
12 approval of the Superintendent of Public Instruction, contract with
13 any person, state agency or legal entity to provide a special
14 education program unit for pupils of the district pursuant to NRS
15 388.440 to 388.520, inclusive.

16 **Sec. 5.** NRS 387.123 is hereby amended to read as follows:

17 387.123 1. The count of pupils for apportionment purposes
18 includes all pupils who are enrolled in programs of instruction of the
19 school district, including, without limitation, a program of distance
20 education provided by the school district, ~~for~~ pupils who reside in
21 the county in which the school district is located and are enrolled in
22 any charter school, including, without limitation, a program of
23 distance education provided by a charter school, *and pupils who are*
24 *enrolled in a university school for profoundly gifted pupils located*
25 *in the county*, for:

26 (a) Pupils in the kindergarten department.

27 (b) Pupils in grades 1 to 12, inclusive.

28 (c) Pupils not included under paragraph (a) or (b) who are
29 receiving special education pursuant to the provisions of NRS
30 388.440 to 388.520, inclusive.

31 (d) Pupils who reside in the county and are enrolled part time in
32 a program of distance education if an agreement is filed with the
33 Superintendent of Public Instruction pursuant to NRS 388.854 or
34 388.858, as applicable.

35 (e) Children detained in facilities for the detention of children,
36 alternative programs and juvenile forestry camps receiving
37 instruction pursuant to the provisions of NRS 388.550, 388.560 and
38 388.570.

39 (f) Pupils who are enrolled in classes pursuant to subsection 4 of
40 NRS 386.560 and pupils who are enrolled in classes pursuant to
41 subsection 5 of NRS 386.580.

42 (g) Pupils who are enrolled in classes pursuant to subsection 3
43 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).

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 university school for profoundly gifted pupils or* a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 6. 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 on the last day of the first school month of the school district for the school year **and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.**

(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 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



1 subsection 1 of NRS 388.490 on the last day of the first school
2 month of the school district for the school year.

3 (7) The count of children detained in facilities for the
4 detention of children, alternative programs and juvenile forestry
5 camps receiving instruction pursuant to the provisions of NRS
6 388.550, 388.560 and 388.570 on the last day of the first school
7 month of the school district for the school year.

8 (8) The count of pupils who are enrolled in classes for at
9 least one semester pursuant to subsection 4 of NRS 386.560,
10 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
11 expressed as a percentage of the total time services are provided to
12 those pupils per school day in proportion to the total time services
13 are provided during a school day to pupils who are counted pursuant
14 to subparagraph (2).

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

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

19 2. If the enrollment of pupils in a school district or a charter
20 school that is located within the school district on the last day of the
21 first school month of the school district for the school year is less
22 than the enrollment of pupils in the same school district or charter
23 school on the last day of the first school month of the school district
24 for either or both of the immediately preceding 2 school years, the
25 largest number must be used from among the 3 years for purposes of
26 apportioning money from the State Distributive School Account to
27 that school district or charter school pursuant to NRS 387.124.

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

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

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

40 **Sec. 7.** NRS 387.124 is hereby amended to read as follows:

41 387.124 Except as otherwise provided in this section and
42 NRS 387.528:

43 1. On or before August 1, November 1, February 1 and May 1
44 of each year, the Superintendent of Public Instruction shall
45 apportion the State Distributive School Account in the State General



1 Fund among the several county school districts , ~~and~~ charter
2 schools *and university schools for profoundly gifted pupils* in
3 amounts approximating one-fourth of their respective yearly
4 apportionments less any amount set aside as a reserve. The
5 apportionment to a school district, computed on a yearly basis,
6 equals the difference between the basic support and the local funds
7 available pursuant to NRS 387.1235, minus all the funds attributable
8 to pupils who reside in the county but attend a charter school , ~~and~~
9 all the funds attributable to pupils who reside in the county and are
10 enrolled full time or part time in a program of distance education
11 provided by another school district or a charter school ~~[]~~ *and all the*
12 *funds attributable to pupils who are enrolled in a university school*
13 *for profoundly gifted pupils located in the county.* No
14 apportionment may be made to a school district if the amount of the
15 local funds exceeds the amount of basic support. If an agreement is
16 not filed for a pupil who is enrolled in a program of distance
17 education as required by NRS 388.854, the Superintendent of Public
18 Instruction shall not apportion money for that pupil to the board of
19 trustees of the school district in which the pupil resides, or the board
20 of trustees or governing body that provides the program of distance
21 education.

22 2. Except as otherwise provided in subsection 3, the
23 apportionment to a charter school, computed on a yearly basis, is
24 equal to the sum of the basic support per pupil in the county in
25 which the pupil resides plus the amount of local funds available per
26 pupil pursuant to NRS 387.1235 and all other funds available for
27 public schools in the county in which the pupil resides minus all the
28 funds attributable to pupils who are enrolled in the charter school
29 but are concurrently enrolled part time in a program of distance
30 education provided by a school district or another charter school. If
31 the apportionment per pupil to a charter school is more than the
32 amount to be apportioned to the school district in which a pupil who
33 is enrolled in the charter school resides, the school district in which
34 the pupil resides shall pay the difference directly to the charter
35 school.

36 3. The apportionment to a charter school that is sponsored by
37 the State Board, computed on a yearly basis, is equal to the sum of
38 the basic support per pupil in the county in which the pupil resides
39 plus the amount of local funds available per pupil pursuant to NRS
40 387.1235 and all other funds available for public schools in the
41 county in which the pupil resides, minus all funds attributable to
42 pupils who are enrolled in the charter school but are concurrently
43 enrolled part time in a program of distance education provided by a
44 school district or another charter school.



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 may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, 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 may receive all four apportionments in advance in its first year of operation.

6. *The apportionment to a university school 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 university school is located 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 university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of 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 university school, 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 university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.*

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42



1 U.S.C. §§ 1751 et seq. The apportionment to a school district must
2 be directly related to the district's reimbursements for the Program
3 as compared with the total amount of reimbursements for all school
4 districts in this State that participate in the Program.

5 ~~[7-]~~ 8. If the State Controller finds that such an action is
6 needed to maintain the balance in the State General Fund at a level
7 sufficient to pay the other appropriations from it, he may pay out the
8 apportionments monthly, each approximately one-twelfth of the
9 yearly apportionment less any amount set aside as a reserve. If such
10 action is needed, the State Controller shall submit a report to the
11 Department of Administration and the Fiscal Analysis Division of
12 the Legislative Counsel Bureau documenting reasons for the action.

13 **Sec. 8.** NRS 387.1243 is hereby amended to read as follows:

14 387.1243 1. The first apportionment based on an estimated
15 number of pupils and special education program units and
16 succeeding apportionments are subject to adjustment from time to
17 time as the need therefor may appear.

18 2. The apportionments to a school district may be adjusted
19 during a fiscal year by the Department of Education, upon approval
20 by the State Board of Examiners and the Interim Finance
21 Committee, if the Department of Taxation and the county assessor
22 in the county in which the school district is located certify to the
23 Department of Education that the school district will not receive the
24 tax levied pursuant to subsection 1 of NRS 387.195 on property of
25 the Federal Government located within the county if:

26 (a) The leasehold interest, possessory interest, beneficial interest
27 or beneficial use of the property is subject to taxation pursuant to
28 NRS 361.157 and 361.159 and one or more lessees or users of the
29 property are delinquent in paying the tax; and

30 (b) The total amount of tax owed but not paid for the fiscal year
31 by any such lessees and users is at least 5 percent of the proceeds
32 that the school district would have received from the tax levied
33 pursuant to subsection 1 of NRS 387.195.

34 ➡ If a lessee or user pays the tax owed after the school district's
35 apportionment has been increased in accordance with the provisions
36 of this subsection to compensate for the tax owed, the school district
37 shall repay to the State Distributive School Account in the State
38 General Fund an amount equal to the tax received from the lessee or
39 user for the year in which the school district received an increased
40 apportionment, not to exceed the increase in apportionments made
41 to the school district pursuant to this subsection.

42 3. On or before August 1 of each year, the board of trustees of
43 a school district shall provide to the Department, in a format
44 prescribed by the Department, the count of pupils calculated
45 pursuant to subparagraph (8) of paragraph (a) of subsection 1 of



1 NRS 387.1233 who completed at least one semester during the
2 immediately preceding school year. The count of pupils submitted
3 to the Department must be included in the final adjustment
4 computed pursuant to subsection 4.

5 4. A final adjustment for each school district , ~~and~~ charter
6 school *and university school for profoundly gifted pupils* must be
7 computed as soon as practicable following the close of the school
8 year, but not later than August 25. The final computation must be
9 based upon the actual counts of pupils required to be made for the
10 computation of basic support and the limits upon the support of
11 special education programs, except that for any year when the total
12 enrollment of pupils and children in a school district , ~~or~~ a charter
13 school located within the school district *or a university school for*
14 *profoundly gifted pupils located within the school district*
15 described in paragraphs (a), (b), (c) and (e) of subsection 1 of NRS
16 387.123 is greater on the last day of any school month of the school
17 district after the second school month of the school district and the
18 increase in enrollment shows at least:

19 (a) A 3-percent gain, basic support as computed from first-
20 month enrollment for the school district , ~~or~~ charter school *or*
21 *university school for profoundly gifted pupils* must be increased by
22 2 percent.

23 (b) A 6-percent gain, basic support as computed from first-
24 month enrollment for the school district , ~~or~~ charter school *or*
25 *university school for profoundly gifted pupils* must be increased by
26 an additional 2 percent.

27 5. If the final computation of apportionment for any school
28 district , ~~or~~ charter school *or university school for profoundly*
29 *gifted pupils* exceeds the actual amount paid to the school district ,
30 ~~or~~ charter school *or university school for profoundly gifted pupils*
31 during the school year, the additional amount due must be paid
32 before September 1. If the final computation of apportionment for
33 any school district , ~~or~~ charter school *or university school for*
34 *profoundly gifted pupils* is less than the actual amount paid to the
35 school district , ~~or~~ charter school *or university school for*
36 *profoundly gifted pupils* during the school year, the difference must
37 be repaid to the State Distributive School Account in the State
38 General Fund by the school district , ~~or~~ charter school *or*
39 *university school for profoundly gifted pupils* before September 25.

40 **Sec. 9.** NRS 387.126 is hereby amended to read as follows:

41 387.126 The Superintendent of Public Instruction may in his
42 discretion and shall when so directed by the State Board verify by
43 independent audit or other suitable examination the reports of
44 enrollment and daily attendance submitted by any school district ,



1 ~~for~~ charter school *or university school for profoundly gifted pupils*
2 for apportionment purposes.

3 **Sec. 10.** NRS 387.185 is hereby amended to read as follows:

4 387.185 1. Except as otherwise provided in subsection 2 and
5 NRS 387.528, all school money due each county school district
6 must be paid over by the State Treasurer to the county treasurer on
7 August 1, November 1, February 1 and May 1 of each year or as
8 soon thereafter as the county treasurer may apply for it, upon the
9 warrant of the State Controller drawn in conformity with the
10 apportionment of the Superintendent of Public Instruction as
11 provided in NRS 387.124.

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

21 3. No county school district may receive any portion of the
22 public school money unless that school district has complied with
23 the provisions of this title and regulations adopted pursuant thereto.

24 4. Except as otherwise provided in this subsection, all school
25 money due each charter school must be paid over by the State
26 Treasurer to the governing body of the charter school on August 1,
27 November 1, February 1 and May 1 of each year or as soon
28 thereafter as the governing body may apply for it, upon the warrant
29 of the State Controller drawn in conformity with the apportionment
30 of the Superintendent of Public Instruction as provided in NRS
31 387.124. If the Superintendent of Public Instruction has approved,
32 pursuant to subsection 5 of NRS 387.124, a request for payment of
33 an apportionment 30 days before the apportionment is otherwise
34 required to be made, the money due to the charter school must be
35 paid by the State Treasurer to the governing body of the charter
36 school on July 1, October 1, January 1 or April 1, as applicable.

37 *5. Except as otherwise provided in this subsection, all school*
38 *money due each university school for profoundly gifted pupils*
39 *must be paid over by the State Treasurer to the governing body of*
40 *the university school on August 1, November 1, February 1 and*
41 *May 1 of each year or as soon thereafter as the governing body*
42 *may apply for it, upon the warrant of the State Controller drawn*
43 *in conformity with the apportionment of the Superintendent of*
44 *Public Instruction as provided in NRS 387.124. If the*
45 *Superintendent of Public Instruction has approved, pursuant to*



1 *subsection 6 of NRS 387.124, a request for payment of an*
2 *apportionment 30 days before the apportionment is otherwise*
3 *required to be made, the money due to the university school must*
4 *be paid by the State Treasurer to the governing body of the*
5 *university school on July 1, October 1, January 1 or April 1, as*
6 *applicable.*

7 **Sec. 11.** Chapter 392A of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 12 to 17, inclusive, of this
9 act.

10 **Sec. 12.** 1. *Each pupil who is enrolled in a university*
11 *school for profoundly gifted pupils, including, without limitation,*
12 *a pupil who is enrolled in a program of special education in a*
13 *university school for profoundly gifted pupils, must be included in*
14 *the count of pupils in the school district in which the school is*
15 *located for the purposes of apportionments and allowances from*
16 *the State Distributive School Account pursuant to NRS 387.121 to*
17 *387.126, inclusive, unless the pupil is exempt from compulsory*
18 *school attendance pursuant to NRS 392.070.*

19 2. *A university school for profoundly gifted pupils is entitled*
20 *to receive its proportionate share of any other money available*
21 *from federal, state or local sources that the school or the pupils*
22 *who are enrolled in the school are eligible to receive.*

23 3. *If a university school for profoundly gifted pupils receives*
24 *money for special education program units directly from this*
25 *State, the amount of money for special education that the school*
26 *district pays to the university school for profoundly gifted pupils*
27 *may be reduced proportionately by the amount of money the*
28 *university school received from this State for that purpose.*

29 4. *All money received by a university school for profoundly*
30 *gifted pupils from this State or from the board of trustees of a*
31 *school district must be deposited in a bank, credit union or other*
32 *financial institution in this State.*

33 5. *The governing body of a university school for profoundly*
34 *gifted pupils may negotiate with the board of trustees of the school*
35 *district in which the school is located or the State Board for*
36 *additional money to pay for services that the governing body*
37 *wishes to offer.*

38 6. *To determine the amount of money for distribution to a*
39 *university school for profoundly gifted pupils in its first year of*
40 *operation in which state funding is provided, the count of pupils*
41 *who are enrolled in the university school must initially be*
42 *determined 30 days before the beginning of the school year of the*
43 *school district in which the university school is located, based*
44 *upon the number of pupils whose applications for enrollment have*
45 *been approved by the university school. The count of pupils who*



1 *are enrolled in a university school for profoundly gifted pupils*
2 *must be revised on the last day of the first school month of the*
3 *school district in which the university school is located for the*
4 *school year, based upon the actual number of pupils who are*
5 *enrolled in the university school.*

6 7. *Pursuant to subsection 6 of NRS 387.124, the governing*
7 *body of a university school for profoundly gifted pupils may*
8 *request that the apportionments made to the university school in*
9 *its first year of operation be paid to the university school 30 days*
10 *before the apportionments are otherwise required to be made.*

11 8. *If a university school for profoundly gifted pupils ceases to*
12 *operate pursuant to this chapter during a school year, the*
13 *remaining apportionments that would have been made to the*
14 *university school pursuant to NRS 387.124 for that school year*
15 *must be paid on a proportionate basis to the school districts where*
16 *the pupils who were enrolled in the university school reside.*

17 9. *If the governing body of a university school for profoundly*
18 *gifted pupils uses money received from this State to purchase real*
19 *property, buildings, equipment or facilities, the governing body of*
20 *the university school shall assign a security interest in the*
21 *property, buildings, equipment and facilities to the State of*
22 *Nevada.*

23 **Sec. 13.** 1. *The governing body of a university school for*
24 *profoundly gifted pupils shall designate a person to draw all*
25 *orders for the payment of money belonging to the university*
26 *school. The orders must be listed on cumulative voucher sheets.*

27 2. *The governing body of a university school for profoundly*
28 *gifted pupils shall prescribe the procedures by which the orders*
29 *must be approved and the cumulative vouchers sheets signed.*

30 3. *An order for the payment of money to a member of the*
31 *governing body of a university school for profoundly gifted pupils*
32 *may only be drawn for salary, travel expenses, subsistence*
33 *allowances or for services rendered by a member.*

34 4. *An action may not be maintained against the governing*
35 *body of a university school for profoundly gifted pupils or against*
36 *a university school for profoundly gifted pupils to collect upon any*
37 *bill not presented for payment to the governing body within 6*
38 *months after the bill was incurred.*

39 **Sec. 14.** 1. *The governing body of a university school for*
40 *profoundly gifted pupils shall adopt rules for the academic*
41 *advancement of pupils who are enrolled in the university school,*
42 *including, without limitation, the development of a 4-year*
43 *academic plan for each pupil. The rules must prescribe the*
44 *conditions under which the equivalent grade level of a pupil will*



1 *be identified for the purpose of administering the achievement and*
2 *proficiency examinations pursuant to NRS 392A.110.*

3 2. *On an annual basis, each university school for profoundly*
4 *gifted pupils shall evaluate the progress of each pupil in satisfying*
5 *the requirements set forth in the 4-year academic plan for the*
6 *pupil.*

7 3. *If a pupil has successfully completed equivalent courses at*
8 *a university school for profoundly gifted pupils, the pupil must be*
9 *allowed to transfer the credit that he received at the university*
10 *school as applicable toward promotion to the next grade at any*
11 *public school in this State or toward graduation from a public*
12 *high school in this State.*

13 **Sec. 15.** *The governing body of a university school for*
14 *profoundly gifted pupils shall submit to the Department in a*
15 *format prescribed by the Department such information as*
16 *requested by the Superintendent of Public Instruction for purposes*
17 *of accountability reporting for the university school.*

18 **Sec. 16.** 1. *The governing body of a university school for*
19 *profoundly gifted pupils shall adopt:*

20 (a) *Written rules of behavior for pupils enrolled in the*
21 *university school, including, without limitation, prohibited acts;*
22 *and*

23 (b) *Appropriate punishments for violations of the rules.*

24 2. *Except as otherwise provided in subsection 3, if suspension*
25 *or expulsion of a pupil is used as a punishment for a violation of*
26 *the rules, the university school for profoundly gifted pupils shall*
27 *ensure that, before the suspension or expulsion, the pupil has been*
28 *given notice of the charges against him, an explanation of the*
29 *evidence and an opportunity for a hearing. The provisions of*
30 *chapter 241 of NRS do not apply to any hearing conducted*
31 *pursuant to this section. Such a hearing must be closed to the*
32 *public.*

33 3. *A pupil who poses a continuing danger to persons or*
34 *property or an ongoing threat of disrupting the academic process*
35 *or who is selling or distributing any controlled substance or who is*
36 *found to be in possession of a dangerous weapon as provided in*
37 *NRS 392.466 may be removed from the university school for*
38 *profoundly gifted pupils immediately upon being given an*
39 *explanation of the reasons for his removal and pending*
40 *proceedings, which must be conducted as soon as practicable after*
41 *removal, for his suspension or expulsion.*

42 4. *A pupil who is enrolled in a university school for*
43 *profoundly gifted pupils and participating in a program of special*
44 *education pursuant to NRS 388.520, other than a pupil who is*
45 *gifted and talented, may, in accordance with the procedural policy*



1 *adopted by the governing body of the university school for such*
2 *matters, be:*

3 *(a) Suspended from the university school pursuant to this*
4 *section for not more than 10 days.*

5 *(b) Suspended from the university school for more than 10*
6 *days or permanently expelled from school pursuant to this section*
7 *only after the governing body has reviewed the circumstances and*
8 *determined that the action is in compliance with the Individuals*
9 *with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.*

10 5. *A copy of the rules of behavior, prescribed punishments*
11 *and procedures to be followed in imposing punishments must be:*

12 *(a) Distributed to each pupil at the beginning of the school*
13 *year and to each new pupil who enters the university school for*
14 *profoundly gifted pupils during the year.*

15 *(b) Available for public inspection at the university school.*

16 6. *The governing body of a university school for profoundly*
17 *gifted pupils may adopt rules relating to the truancy of pupils who*
18 *are enrolled in the university school if the rules are at least as*
19 *restrictive as the provisions governing truancy set forth in NRS*
20 *392.130 to 392.220, inclusive. If the governing body adopts rules*
21 *governing truancy, it shall include the rules in the written rules*
22 *adopted by the governing body pursuant to subsection 1.*

23 **Sec. 17.** 1. *Each applicant for employment with a*
24 *university school for profoundly gifted pupils, except a licensed*
25 *teacher or other person licensed by the Superintendent of Public*
26 *Instruction, must, as a condition to employment, submit to the*
27 *governing body of the university school a complete set of his*
28 *fingerprints and written permission authorizing the governing*
29 *body to forward the fingerprints to the Central Repository for*
30 *Nevada Records of Criminal History for its report on the criminal*
31 *history of the applicant and for submission to the Federal Bureau*
32 *of Investigation for its report on the criminal history of the*
33 *applicant.*

34 2. *If the reports on the criminal history of an applicant*
35 *indicate that the applicant has not been convicted of a felony or an*
36 *offense involving moral turpitude, the governing body of the*
37 *university school for profoundly gifted pupils may employ the*
38 *applicant.*

39 3. *If a report on the criminal history of an applicant indicates*
40 *that the applicant has been convicted of a felony or an offense*
41 *involving moral turpitude and the governing body of the university*
42 *school for profoundly gifted pupils does not disqualify the*
43 *applicant from further consideration of employment on the basis*
44 *of that report, the governing body shall, upon the written*
45 *authorization of the applicant, forward a copy of the report to the*



1 *Superintendent of Public Instruction. If the applicant refuses to*
2 *provide his written authorization to forward a copy of the report*
3 *pursuant to this subsection, the university school shall not employ*
4 *the applicant.*

5 *4. The Superintendent of Public Instruction or his designee*
6 *shall promptly review the report to determine whether the*
7 *conviction of the applicant is related or unrelated to the position*
8 *with the university school for profoundly gifted pupils for which*
9 *the applicant has applied. If the applicant desires employment with*
10 *the university school, he shall, upon the request of the*
11 *Superintendent of Public Instruction or his designee, provide any*
12 *further information that the Superintendent or his designee*
13 *determines is necessary to make the determination. If the*
14 *governing body of the university school desires to employ*
15 *the applicant, the governing body shall, upon the request of the*
16 *Superintendent of Public Instruction or his designee, provide any*
17 *further information that the Superintendent or his designee*
18 *determines is necessary to make the determination. The*
19 *Superintendent of Public Instruction or his designee shall provide*
20 *written notice of the determination to the applicant and to the*
21 *governing body of the university school.*

22 *5. If the Superintendent of Public Instruction or his designee*
23 *determines that the conviction of the applicant is related to the*
24 *position with the university school for profoundly gifted pupils for*
25 *which the applicant has applied, the governing body of the*
26 *university school shall not employ the applicant. If the*
27 *Superintendent of Public Instruction or his designee determines*
28 *that the conviction of the applicant is unrelated to the position*
29 *with the university school for which the applicant has applied, the*
30 *governing body of the university school may employ the applicant*
31 *for that position.*

32 **Sec. 18.** NRS 392A.030 is hereby amended to read as follows:

33 392A.030 "Profoundly gifted pupil" means a person who is
34 under the age of 18 years:

35 1. Whose intelligence quotient as determined by an individual
36 administration of the Wechsler or Stanford-Binet Series tests or
37 other test approved by the governing body of the university school
38 for profoundly gifted pupils is ~~{at or above}~~ **within** the 99.9th
39 percentile; or

40 2. Who scores at or above the ~~{99.9th}~~ **highest** percentile for
41 his age on an aptitude or achievement test, including, without
42 limitation, the Scholastic Aptitude Test or the American College
43 Test.



1 **Sec. 19.** NRS 392A.050 is hereby amended to read as follows:
2 392A.050 ~~{Notwithstanding the provisions of NRS 385.007 to~~
3 ~~the contrary.}~~ *Pursuant to NRS 385.007*, a university school for
4 profoundly gifted pupils shall be deemed a public school ~~[-except~~
5 ~~that a university school for profoundly gifted pupils is not]~~ *and is*
6 entitled to receive ~~{any}~~ money from the State.

7 **Sec. 20.** NRS 392A.060 is hereby amended to read as follows:
8 392A.060 1. Except as otherwise provided by specific statute
9 ~~{}~~ *and by regulation of the State Board as determined necessary*
10 *by the Superintendent of Public Instruction*, the provisions of title
11 34 of NRS do not apply to a university school for profoundly gifted
12 pupils.

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

15 **Sec. 21.** NRS 392A.080 is hereby amended to read as follows:
16 392A.080 1. ~~{The}~~ *Except as otherwise provided by this*
17 *subsection, the* governing body of a university school for
18 profoundly gifted pupils must consist of ~~{nine}~~ *seven* members .
19 ~~{and must include the Superintendent of Public Instruction, the~~
20 ~~president of the university where the university school for~~
21 ~~profoundly gifted pupils is located, who serve ex officio.}~~ The
22 Governor , *the Majority Leader of the Senate and the Speaker of*
23 *the Assembly* shall *each* appoint ~~{three members}~~ *one member* to
24 serve *a* 4-year ~~{terms.}~~ *term*. The members appointed by the
25 Governor , *the Majority Leader of the Senate and the Speaker of*
26 *the Assembly* may not be employees of the State, a municipality of
27 the State or the Board of Regents of the University of Nevada. The
28 remaining four members of the governing body shall be appointed
29 by the entity that operates the university school for profoundly
30 gifted pupils. A person may serve on a governing body pursuant to
31 this subsection only if he submits an affidavit to the Department
32 indicating that the person has not been convicted of a felony or any
33 crime involving moral turpitude. *Not more than two persons who*
34 *serve on the governing body may represent the same organization*
35 *or business or otherwise represent the interests of the same*
36 *organization or business.*

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

43 3. The governing body of a university school for profoundly
44 gifted pupils shall, during each calendar quarter, hold at least one



1 regularly scheduled public meeting in the county in which the
2 school is located.

3 **Sec. 22.** NRS 392A.100 is hereby amended to read as follows:

4 392A.100 1. A university school for profoundly gifted pupils
5 shall determine the eligibility of a pupil for admission to the school
6 based upon a comprehensive assessment of the pupil's potential for
7 academic and intellectual achievement at the school, including,
8 without limitation, intellectual and academic ability, motivation,
9 emotional maturity and readiness for the environment of an
10 accelerated educational program. The assessment must be conducted
11 by a broad-based committee of professionals in the field of
12 education.

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

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

16 (1) A completed application;

17 (2) Evidence that he possesses advanced intellectual and
18 academic ability, including, without limitation, proof that he ~~scored~~
19 ~~in the 99.9th percentile or above on achievement and aptitude tests~~
20 ~~such as the Scholastic Aptitude Test and the American College~~
21 ~~Test;~~ *satisfies the requirements of NRS 392A.030;*

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

25 (4) A transcript from each school previously attended by the
26 applicant ~~and~~; *and*

27 *(5) Such other information as may be requested by the*
28 *university school or governing body of the school.*

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

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

34 4. The Superintendent of Public Instruction shall, upon
35 recommendation of the governing body, issue a high school diploma
36 to a pupil who is enrolled in a university school for profoundly
37 gifted pupils if that pupil successfully passes the high school
38 proficiency examination and the courses in American government
39 and American history as required by NRS 389.020 and 389.030, and
40 successfully completes any requirements established by the State
41 Board of Education for graduation from high school.

42 5. On or before March 1 of each odd-numbered year, the
43 governing body of a university school for profoundly gifted pupils
44 shall prepare and submit to the Superintendent of Public Instruction,
45 the president of the university where the university school for



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1 profoundly gifted pupils is located, the State Board and the Director
2 of the Legislative Counsel Bureau a report that contains information
3 regarding the school, including, without limitation, the process used
4 by the school to identify and recruit profoundly gifted pupils from
5 diverse backgrounds and with diverse talents, and data assessing the
6 success of the school in meeting the educational needs of its pupils.

7 **Sec. 23.** This act becomes effective on July 1, 2007.

