

SENATE BILL NO. 313—SENATOR KIECKHEFER

MARCH 16, 2015

Referred to Committee on Education

SUMMARY—Authorizes the governing body of a private school or a university school for profoundly gifted pupils to provide a program of distance education. (BDR 34-1032)

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

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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; authorizing the governing body of a private school or a university school for profoundly gifted pupils to provide a program of distance education; revising provisions governing apportionments and allowances from the State Distributive School Account to include pupils who are enrolled full-time in a program of distance education provided by a university school for profoundly gifted pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a university school for profoundly gifted pupils and requires each pupil who is enrolled in such a school to be included in the count of pupils in the school district in which the school is located for the purposes of apportionments and allowances from the State Distributive School Account. (NRS 387.1233, 392A.083) **Section 1** of this bill requires a pupil who is enrolled full-time in a program of distance education provided by a university school for profoundly gifted pupils to be included in the count of pupils for purposes of apportionments and allowances from the State Distributive School Account. **Section 3** of this bill authorizes the governing body of a university school for profoundly gifted pupils to provide a program of distance education for a pupil who is otherwise eligible to attend the school.

Existing law generally provides for the operation of private educational institutions and establishments in this State. (Chapter 394 of NRS) **Section 4** of this bill authorizes the governing body of a private school to provide a program of distance education for a student or prospective student of the private school who is otherwise eligible to attend the private school. **Section 2** of this bill provides that a program of distance education provided by the board of trustees of a school district



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or the governing body of a charter school does not include a program of distance education provided by a private school or a university school for profoundly gifted pupils, in accordance with **sections 3 and 4**, respectively.

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

Section 1. 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, ~~for~~ a charter school located within that school district *or a university school for profoundly gifted pupils* 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 388.475 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 388.475 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 5 of NRS 386.560, subsection 5 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).

(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. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school 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 or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school



1 month of the school district for the school year is more than 95
2 percent of the enrollment of pupils in the same school district or
3 charter school on the last day of the first school month of the school
4 district for the immediately preceding school year, the larger
5 enrollment number from the current year or the immediately
6 preceding school year must be used for purposes of apportioning
7 money from the State Distributive School Account to that school
8 district or charter school pursuant to NRS 387.124.

9 4. If the Department determines that a school district or charter
10 school deliberately causes a decline in the enrollment of pupils in
11 the school district or charter school to receive a higher
12 apportionment pursuant to subsection 2 or 3, including, without
13 limitation, by eliminating grades or moving into smaller facilities,
14 the enrollment number from the current school year must be used
15 for purposes of apportioning money from the State Distributive
16 School Account to that school district or charter school pursuant to
17 NRS 387.124.

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

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

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

30 **Sec. 1.5.** NRS 388.020 is hereby amended to read as follows:

31 388.020 1. An elementary school is a public school in which
32 grade work is not given above that included in the eighth grade,
33 according to the regularly adopted state course of study.

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

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

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



5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive.

6. A university school for profoundly gifted pupils is a public school established pursuant to NRS 392A.010 to 392A.110, inclusive ~~{ }~~, and section 3 of this act.

Sec. 2. NRS 388.829 is hereby amended to read as follows:

388.829 **1.** "Program of distance education" means a program comprised of one or more courses of distance education ~~{ }~~ that is provided by the board of trustees of a school district or the governing body of a charter school.

2. The term does not include a program of distance education provided by a private school pursuant to section 4 of this act or a university school for profoundly gifted pupils pursuant to section 3 of this act.

Sec. 3. Chapter 392A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a university school for profoundly gifted pupils may provide a program of distance education for any pupil or prospective pupil who is otherwise eligible to attend the school.

2. As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 3.5. NRS 392A.040 is hereby amended to read as follows:

392A.040 "University school for profoundly gifted pupils" means a school that:

1. Is located on the campus of a university within the Nevada System of Higher Education;

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 , which may include, without limitation, a program of distance education, for profoundly gifted pupils who ~~{have}~~ :

(a) Are residents of this State; and

(b) Have been identified as possessing the abilities and skills necessary for advanced academic work, including accelerated



1 middle school, junior high school, high school and early university
2 entrance; and

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

4 **Sec. 4.** Chapter 394 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 *1. The governing body of a private school may provide a*
7 *program of distance education for any student or prospective*
8 *student who is otherwise eligible to attend the private school.*

9 *2. As used in this section, “program of distance education”*
10 *means a program comprised of one or more courses of study for*
11 *which instruction is delivered by means of video, computer,*
12 *television or the Internet or other electronic means of*
13 *communication, or any combination thereof, in such a manner*
14 *that the person supervising or providing the instruction and the*
15 *student receiving the instruction are separated geographically for*
16 *a majority of the time during which the instruction is delivered.*

17 **Sec. 5.** This act becomes effective on July 1, 2015.

