

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

S.B. 485

SENATE BILL NO. 485—COMMITTEE ON FINANCE

MARCH 25, 2019

Referred to Committee on Finance

SUMMARY—Revises provisions relating to the education of certain children from Nevada who are patients or residents of certain hospitals or facilities. (BDR 34-397)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; limiting the amount of reimbursement to which a hospital or other facility is entitled for educational services provided to certain pupils; authorizing certain hospitals or other facilities licensed in the District of Columbia or another state or territory of the United States to request reimbursement, under certain circumstances, for providing educational services to children in their care; authorizing the Department of Education, the county school districts, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a cooperative agreement for the provision of educational services to children with certain hospitals or other facilities licensed in another jurisdiction; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, certain hospitals and other facilities that provide residential
2 treatment to children and also operate a licensed private school are authorized to
3 request reimbursement from the Department of Education for the cost of providing
4 educational services to a child who is verified to be a patient of the hospital or
5 facility and attends the private school for more than 7 school days. Upon receiving
6 such a request, the Department is required to determine the amount of
7 reimbursement as a percentage of the basic support guarantee per pupil and
8 withhold that amount from the school district or charter school where the child



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would attend school if the child were not in the hospital or facility. (NRS 387.1225) Existing law also authorizes the Department of Education, the county school districts, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a cooperative agreement for the provision of educational services at certain hospitals or other facilities that are licensed by the Division. (NRS 277.0655)

Section 1 of this bill limits the number of days of instruction per year for which a hospital or facility is entitled to reimbursement to the number of days of instruction in 1 school year. **Section 1** also authorizes certain hospitals and other facilities licensed in the District of Columbia or another state or territory of the United States that provide residential treatment to children who are residents of Nevada and operate an accredited educational program for those children to also seek reimbursement from the Department of Education for the cost of providing such educational services. **Section 1** additionally requires a hospital or facility that provides educational services to a pupil with disabilities to comply with applicable federal and state law concerning the education of pupils with disabilities to receive reimbursement. **Section 2** of this bill authorizes the Department of Education, the county school districts, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a cooperative agreement for the provision of educational services at certain hospitals or other facilities that are licensed in another jurisdiction, provide residential treatment to children and operate an accredited educational program. **Section 2.5** of this bill makes an appropriation to pay for the cost of auditing hospitals and facilities that receive reimbursement from the Department of Education for educational services to ensure compliance with applicable law.

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

Section 1. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the Department for the cost of providing educational services to a child who:

(a) The Department verifies is a patient or resident of the hospital or facility; and

(b) Attends the private school for more than 7 school days.

2. *A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the Department for the cost of providing educational services to a child who:*

(a) The Department verifies:



(1) *Is a patient or resident of the hospital or facility; and*

(2) *Is a resident of this State;*

(b) *Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;*

(c) *Attends the accredited educational program for more than 7 school days;*

(d) *Is not homeschooled or enrolled in a private school; and*

(e) *Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.*

3. *A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:*

(a) *Notify the school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and*

(b) *Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 7.*

4. Upon receiving a request for reimbursement ~~§~~ *pursuant to subsection 1 or 2*, the Department shall determine the amount of reimbursement to which the hospital or facility is entitled as a percentage of the basic support guarantee per pupil and withhold that amount from the school district or charter school where the child would attend school if the child were not placed in the hospital or facility. If *the request for reimbursement is made pursuant to subsection 1*, the child is a pupil with a disability ~~§~~ *and the hospital or facility is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto*, the hospital or facility is also entitled to a corresponding percentage of the statewide multiplier included in the basic support guarantee per pupil pursuant to NRS 387.122. The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

~~§~~ ~~§~~ 5. For the purposes of subsection ~~§~~ 4, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school ~~§~~ *or accredited educational program, as applicable*, excluding the 7 school days prescribed in paragraph (b) of subsection 1 ~~§~~ *or paragraph (c) of subsection 2, as applicable*, in proportion to the number of days of instruction scheduled for that



1 school year by the board of trustees of the school district or the
2 charter school, as applicable.

3 ~~[4.]~~ 6. *A hospital or other facility is not entitled to*
4 *reimbursement for days of instruction provided to a child in a year*
5 *in excess of the minimum number of days of free school required*
6 *by NRS 388.090.*

7 7. *If a hospital or other facility requests reimbursement from*
8 *the Department for the cost of providing educational services to a*
9 *pupil with a disability pursuant to subsection 1 or 2, the school*
10 *district or charter school in which the child is enrolled shall be*
11 *deemed to be the local educational agency for the child for the*
12 *purposes of the Individuals with Disabilities Education Act, 20*
13 *U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and*
14 *any regulations adopted pursuant thereto.*

15 8. The Department shall adopt any regulations necessary to
16 carry out the provisions of this section ~~[-~~

17 ~~—5.]~~, which may include, without limitation, regulations to:

18 (a) *Prescribe a procedure for the transfer of educational*
19 *records pursuant to subsection 3;*

20 (b) *Carry out or ensure compliance with the requirements of*
21 *subsection 4 concerning reimbursement for educational services*
22 *provided to a pupil with a disability; and*

23 (c) *Require the auditing of a hospital or other facility that*
24 *requests reimbursement pursuant to this section to ensure*
25 *compliance with any applicable provisions of federal or state law.*

26 9. *The provisions of this section must not be construed to*
27 *authorize reimbursement pursuant to this section of a hospital or*
28 *facility for the cost of health care services provided to a child.*

29 10. As used in this section:

30 (a) "Hospital" has the meaning ascribed to it in NRS 449.012.

31 (b) "Private school" has the meaning ascribed to it in
32 NRS 394.103.

33 **Sec. 2.** NRS 277.0655 is hereby amended to read as follows:

34 277.0655 1. The Department of Education, the county school
35 districts of the various counties, charter schools and the Division of
36 Public and Behavioral Health of the Department of Health and
37 Human Services may enter into cooperative agreements for the
38 provision of educational services at any hospital or other facility
39 which is licensed ~~[by]~~:

40 (a) *By the Division that provides residential treatment to*
41 *children and which operates a private school licensed pursuant to*
42 *chapter 394 of NRS ~~[4]~~; or*

43 (b) *In the District of Columbia or any state or territory of the*
44 *United States that:*



(1) Meets the requirements of 42 C.F.R. §§ 441.151 to 441.156, inclusive;

(2) Provides residential treatment to children; and

(3) Operates an educational program accredited by a national organization and approved by the Department of Education.

2. The authorization provided by subsection 1 includes the right to pay over money appropriated to a county school district or charter school for the education of a child placed in such a hospital or facility.

3. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Education:

(a) Forty thousand dollars for virtual auditing of hospitals or other licensed facilities that receive reimbursement for educational services pursuant to NRS 387.1225, as amended by section 1 of this act.

(b) Seventy two thousand dollars for in-person auditing of hospitals or other licensed facilities that receive reimbursement for educational services pursuant to NRS 387.1225, as amended by section 1 of this act.

2. Any remaining balance of the appropriation made by this section must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purposes of entering into cooperative agreements pursuant to section 2 of this act, adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

