

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; revising the manner in which reimbursement is determined; 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



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withhold that amount from the school district or charter school where the child 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** removes the requirement that the amount of a reimbursement provided to a hospital or facility be withheld from the school district or charter school where the child would attend school if the child were not in the hospital or facility, except with respect to the additional amount for providing education to a pupil with a disability. **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*



1 the Department of Education may request reimbursement from the
2 Department for the cost of providing educational services to a
3 child who:

4 (a) The Department verifies:

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

6 (2) Is a resident of this State;

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

10 (c) Attends the accredited educational program for more than
11 7 school days;

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

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

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

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

22 (b) Transfer any educational records of the child to the school
23 district or charter school in which the child is enrolled in
24 accordance with any applicable regulations adopted pursuant to
25 subsection 9.

26 4. Upon receiving a request for reimbursement ~~{}~~ pursuant to
27 subsection 1 or 2, the Department shall determine the amount of
28 reimbursement to which the hospital or facility is entitled as a
29 percentage of the basic support guarantee per pupil ~~{and withhold~~
30 ~~that amount from the school district or charter school}~~ as
31 determined by the school where the child ~~{would attend school if~~
32 ~~the child were not}~~ was enrolled before being placed in the hospital
33 or facility.

34 5. If the request for reimbursement is made pursuant to
35 subsection 1, the child is a pupil with a disability ~~{}~~ and the
36 hospital or facility is in compliance with the Individuals with
37 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417
38 to 388.5243, inclusive, and any regulations adopted pursuant
39 thereto, the hospital or facility is also entitled to a corresponding
40 percentage of the statewide multiplier included in the basic support
41 guarantee per pupil pursuant to NRS 387.122 ~~{}~~ which is withheld
42 from the school district or charter school where the child was
43 enrolled before being placed in the hospital or facility. The
44 Department shall distribute the money withheld from the school
45 district or charter school to the hospital or facility.



~~13.1~~ 6. For the purposes of subsection ~~12.1~~ 4 and 5, 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 ~~11~~ or accredited educational program, as applicable, excluding the 7 school days prescribed in paragraph (b) of subsection 1 ~~11~~ or paragraph (c) of subsection 2, as applicable, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.

~~14.1~~ 7. A hospital or other facility is not entitled to reimbursement for days of instruction provided to a child in a year in excess of the minimum number of days of free school required by NRS 388.090.

8. If a hospital or other facility requests reimbursement from the Department for the cost of providing educational services to a pupil with a disability pursuant to subsection 1 or 2, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of 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.

9. The Department shall adopt any regulations necessary to carry out the provisions of this section ~~11~~ —5.1, which may include, without limitation, regulations to:

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

(b) Carry out or ensure compliance with the requirements of subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and

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

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

11. As used in this section:

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

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

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

277.0655 1. The Department of Education, the county school districts of the various counties, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services may enter into cooperative agreements for the



1 provision of educational services at any hospital or other facility
2 which is licensed ~~by~~ :

3 *(a) By the Division that provides residential treatment to*
4 *children and which operates a private school licensed pursuant to*
5 *chapter 394 of NRS ~~H~~ ; or*

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

8 *(1) Meets the requirements of 42 C.F.R. §§ 441.151 to*
9 *441.156, inclusive;*

10 *(2) Provides residential treatment to children; and*

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

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

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

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

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

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

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

40 **Sec. 3.** This act becomes effective:

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



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

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