

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

Explanation: Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

Authority: NRS 385.080

UNIVERSITY SCHOOL FOR PROFOUNDLY GIFTED PUPILS

Section 1. *Chapter 386 of NAC is hereby amended by adding thereto new sections to read as follows:*

NAC 386.xxx Letter of intent to establish a university school for profoundly gifted pupils; Authorization of nonprofit corporation.

- 1. A nonprofit corporation that desires to establish a university school for profoundly gifted pupils must submit to the superintendent of public instruction a letter of intent that includes:
 - (a) The name of the university within the Nevada System of Higher Education in which the proposed school will be located;*
 - (b) The date on which the proposed school will begin operation;*
 - (c) Documentation that establishes the nonprofit corporation is recognized as exempt pursuant to 26 U.S.C. § 501 (c) (3);*
 - (d) Verification that the nonprofit corporation has at least 5 years of successful experience in providing educational services to profoundly gifted youth; and*
 - (e) Clear identification of the name and address of the nonprofit corporation as well as the name and telephone number of the contact person submitting the request on behalf of the nonprofit corporation.**
- 2. Upon verification that the nonprofit corporation meets the requirements of Subsection 1, the superintendent of public instruction shall authorize the nonprofit corporation to establish a university school for profoundly gifted pupils.*

Section 2. *NAC 386.xxx Application to establish a university school for profoundly gifted pupils: Inclusion of information regarding facility.*

An application submitted to the superintendent of public instruction by an authorized nonprofit corporation must include certain information regarding the facility of the proposed university school for profoundly gifted pupils, including, without limitation:

- 1. The name of the proposed school.*
- 2. If the facility that the school will occupy exists at the time of application and is suitable for use by the school, but is not owned by the university in which the school will be located:
 - (a) The address of the school;*
 - (b) The type of facility that the school will occupy;**

(c) A floor plan of the facility that the school will occupy, including a notation of the size of the facility which is set forth in square feet;

(d) The name and address of the owner of the facility that the school will occupy;

(e) If the facility that the school will occupy will be leased or rented, a copy of the proposed lease or rental agreement;

(f) If available at the time that the application is submitted, a copy of the certificate of occupancy or equivalent documentation for the facility; and

3. If the facility that the school will occupy is, at the time of application, owned by or located on the university upon which the school will be located:

(a) The name and location of the building in which the school will be located;

(b) Documentation which sets forth the specific days and times during which the school is authorized to use the facility; and

(c) A floor plan of the facility that the school will occupy, including a notation of the size of the facility which is set forth in square feet.

4. If a university school for profoundly gifted pupils occupies a facility that is not being used as a public school, the school shall submit to the Department a copy of the certificate of occupancy or equivalent documentation for the facility occupied by the school if a copy of the certificate of occupancy or equivalent documentation was not included in the application to establish the school. A copy of the certificate of occupancy or equivalent documentation must be submitted to the Department in order for the school to receive final approval by the superintendent of public instruction.

5. The governing body of a university school for profoundly gifted pupils shall provide written notice to the Department of any material changes in the facility of the school, including, without limitation, any change in the location of the school.

Section 3 *NAC 386.xxx Application to establish a university school for profoundly gifted pupils: Inclusion of information regarding educational program.*

An application submitted to the superintendent of public instruction by an authorized nonprofit corporation must include certain information regarding the educational program of the proposed university school for profoundly gifted pupils including, without limitation:

1. A description of the type of educational program to be offered, that may include:

(a) A special ungraded school for gifted and talented pupils authorized under NRS 388.500;

(b) An alternative program of education for gifted and talented pupils authorized under NRS 388.537; or

(c) An educational program aligned with a middle school and high school configuration authorized by Subsections 2 and 3 of NRS 388.020.

2. The anticipated enrollment of the school for the first year of operation to include estimated age levels or grade levels as applicable.

3. A calendar delineating the school year of the school. The calendar must set forth:

(a) The number of days of instruction in each school year, which must be in accordance with the requirements set forth in NRS 388.090 or the requirements authorized for an alternative program set forth in NRS;

(b) The number of legal holidays that will be observed by the school and the dates on which those holidays fall;

(c) The beginning and ending date of each term; and

(d) Other important dates in the school year of the school, including, without limitation, school days in which less than a full day of instruction will be administered.

3. A list of any fees, charges and deposits, including without limitation, fees, charges and deposits for course materials or equipment, that are anticipated to be imposed upon the pupils or the parents or guardians of the pupils of the school.

4. A description of how progress towards the mission and goals of the school will be measured.

5. A description of the types of courses, such as university courses, distance education courses, or courses taught by licensed school staff, that will be offered to pupils at the school to be used to meet the graduation requirements of the state including a description of the process pupils will follow to enroll in such courses.

6. A schedule of examinations of achievement and proficiency that will be administered to pupils at the school. The schedule must:

(a) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department; and

(b) Meet the requirements of chapter 389 of NRS and other applicable federal, state and local laws and regulations.

7. Information regarding credit for courses completed successfully, including:

(a) Copies of transcripts and diplomas that the school will use to indicate that a pupil has completed course work successfully; and

(b) The written policy of the school concerning the transfer of credit to another comparable school.

8. A description of the manner in which the school will provide services and programs to pupils with disabilities in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive.

Section 4. *NAC 386.xxx Application to establish university school for profoundly gifted pupils: Inclusion of information regarding the governing body of the school, and the administration and staffing of the school.*

In addition to the items required pursuant to Section 12 of Senate Bill 461, an application submitted to the superintendent of public instruction by an authorized nonprofit corporation must also include certain information regarding the governing body of the school, and the proposed administration and staffing of the school, including, without limitation:

1. The names and addresses of the members of the governing body of the school.

2. If applicable, the name, title, address and telephone number of the person selected to function as the administrative head of the school.

3. A description of the process that will be used to advertise for, select and employ an administrator(s) for the school; and

4. A description of the process that will be used to advertise for, select and employ instructional staff and other employees.

Section 5. *NAC 386.xxx Application to establish university school for profoundly gifted pupils: Inclusion of information regarding issues of health and safety.*

An application submitted to the superintendent of public instruction by an authorized nonprofit corporation must include certain information regarding issues of health and safety that affect the proposed school, including, without limitation:

1. *As applicable, a description of the manner in which pupils will be transported to the proposed school, including, without limitation, the details of any contract that the school has entered into for the transportation of pupils and the details of any plan developed in consultation with the parents and guardians of pupils for the transportation of pupils.*

2. *Descriptions of the manner in which the proposed school will:*

(a) *Provide health services to pupils, including, without limitation, the details of any contract that the school has entered into for the provision of health services to pupils; and*

(b) *Maintain records related to the immunization of pupils that is required pursuant to NRS 392.435 to ensure that pupils are immunized in a timely manner.*

3. *Unless the facility that the proposed school will occupy is a public school building, documents which indicate to the satisfaction of the Department that the facility which the school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation.*

4. *A description of the procedures that will be used to provide drills for the pupils in the school to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency.*

Section 6. *NAC 386.xxx Application to establish university school for profoundly gifted pupils: Inclusion of certain miscellaneous information.*

An application submitted to the superintendent of public instruction by an authorized nonprofit corporation must also include certain miscellaneous information concerning the proposed school, including, without limitation:

1. *A description of the system that the proposed school will use if more eligible pupils, as defined by Section 4 of Senate Bill 461, apply for enrollment in the school than the number of spaces available for pupils.*

2. *Information concerning records of pupils that will be maintained by the proposed school, including, without limitation:*

(a) *The title of the person who will be responsible for:*

(1) *Maintaining records of pupils; and*

(2) *Providing records of pupils to the Department for inclusion in the automated system of accountability information for Nevada that is established and maintained by the Department.*

(b) *An example of the manner in which the cumulative record of a pupil is proposed to be stored.*

(c) *The proposed location within the school in which records of pupils will be stored.*

(d) *The policy of the school regarding the retention of the records of pupils.*

3. *A proposed budget that sets forth the estimated revenues and expenditures of the school for the first year of operation. In addition, the proposed budget must be accompanied by a statement of cash flow and a budget for the period before the school commences operation.*

5. *A list of rules setting forth the policies of the school regarding truancy and other situations in which a pupil is absent from school.*

6. *If known at the time of application:*

(a) *The name of each contractor, including, without limitation, an educational management organization, the board of trustees of a school district, the Nevada System of Higher Education and any business, corporation, organization or other entity, whether or not*

conducted for profit, with whom the school intends to contract to provide any service to the school;

(b) A copy of the format for the contract that will be used for each contractor identified in paragraph (a), if a particular format is anticipated at the time the application is submitted;

(c) The name of a contact person for each contractor identified in paragraph (a);

(d) The telephone number and mailing address of each contractor identified in paragraph (a); and

(e) A description of the service to be provided by the contractor.

Section 7. *NAC 386.xxx Written agreement with university: Inclusion of agreement. A copy of the written agreement between the university at which the school will be located and the university school for profoundly gifted pupils pursuant to Subsection 2 of Section 5 of Senate Bill 461 must be included with the application submitted by the school.*

Section 8. *NAC 386.xxx Review of application to establish a university school for profoundly gifted pupils; approval of application by superintendent of public instruction.*

1. If the superintendent of public instruction receives an application to establish a university school for profoundly gifted pupils, he shall:

(a) Within 5 days after receipt of the application, designate one or more employees of the Department to verify the contents of the application by:

(1) Performing a physical inspection of the location of the proposed school;

(2) Interviewing the members of the governing body of the school and, where appropriate, the proposed administrators and staff members of the proposed school; and

(3) Performing any other investigation necessary or useful in verifying the contents of the application.

(b) Consider the application along with any reports generated by the employees of the Department pursuant to paragraph (a) and determine whether the application complies with all applicable state and federal statutes and regulations.

(c) Within 30 working days after receipt of the application provide written notice to the applicant of the determinations of the Department with regard to the completeness of the application to include any deficiencies noted in the application.

2. If an application to establish a university school for profoundly gifted pupils is approved by the superintendent of public instruction, written notice of the approval must be provided to the applicant within 5 working days after the decision to approve the application is made.

3. The superintendent of public instruction may provide for the conditional approval of the application to establish a university school for profoundly gifted pupils if the application is found to be complete and compliant except for the facility requirements of the school. Full approval to operate the school will not be provided until the conditional requirements of the school facility have been met. The conditional requirements of the school facility must be met a minimum of 30 days prior to the start of the school unless extenuating circumstances have been approved by the superintendent of public instruction.

4. If the superintendent of public instruction denies the application, he shall forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the applicant within 5 working days after the decision to deny the application is made. The nonprofit corporation that desires to establish a university school for profoundly gifted pupils may, at any time, submit a revised application to the superintendent of public

instruction, for reconsideration and possible approval, that addresses the application deficiencies noted in the written denial by the superintendent of public instruction.

Section 9. NAC 386.xxx Closure: Duties of governing body and Department.

1. If the governing body of a university school for profoundly gifted pupils makes a voluntary decision to close the school or the operation of the school is otherwise terminated for any reason, the governing body shall:

(a) Not less than 30 days before the closure of the school, provide written notice of the closure to the Department and the employees of the school which includes:

(1) The reason for the closure;

(2) The date of the closure;

(3) The date of the meeting of the governing body on which the determination was made to close the school, if applicable; and

(4) The name of the trustee appointed pursuant to paragraph (g) and information on how that person may be contacted;

(b) Not less than 30 days before the closure of the school, provide written notice of the closure by regular mail to the parent or legal guardian of each pupil enrolled in the school which includes information on how the pupil may transfer to another public school and the manner in which the records of the pupil will be transferred;

(c) Not less than 30 days before the closure of the school, provide written notice of the closure to the board of trustees of each school district in which a pupil enrolled in the school resides which includes notification of the closure of the school and notification that the school district may receive pupils for enrollment upon the closure;

(d) Not less than 30 days before the closure of the school, submit to the department of education all records pertinent to:

(1) The indebtedness of the school, if any; and

(2) Any property of the school that is encumbered;

(e) Ensure that all information required for inclusion in the automated system of accountability information for Nevada is current to the date of the closure;

(f) Return any remaining restricted assets to their source, such as grant money and money contained in restricted categorical funds;

(g) Appoint a member of the governing body to act as a trustee during the process of the closure of the school and for 1 year after the date of closure to assume responsibility for the records of the:

(1) The university school for profoundly gifted pupils;

(2) Employees of the school; and

(3) Pupils enrolled in the school;

(h) Create a current and projected payroll and payroll benefits commitment, listing each employee, each employment position and the amount of money required to satisfy existing contracts;

(i) Submit to the department of education a report of the income tax documentation for the employees of the school;

(j) Ensure that the outstanding obligations of the school are settled after closure of the school, including, without limitation, unemployment compensation, employee benefits, resolution of the lease agreement for the school, if applicable, and final balances for utilities and other costs; and

(k) Provide to the Department:

(1) Not later than 6 months after closure of the school, the results of an independent audit, including, without limitation, the net assets and net liabilities of the school; and

(2) The annual report of budget.

2. The governing body of the school shall ensure that all money received by the school from this State that is unencumbered is returned to the Department and placed in an escrow account for the purpose of satisfying any outstanding obligations of the school. One year after the establishment of the escrow account, the Department will transfer the balance remaining in that account to the State Distributive School Account created pursuant to NRS 387.030.

Section 10. NAC 386.xxx Count of pupils.

1. The count day for a university school for profoundly gifted pupils is the same as the count day for the school district in which the school is located and is the last day of the first school month of that school district.

2. If an individual pupil is enrolled and attending the school at least 1 school day before the count day, that pupil will be counted.

Section 11. NAC 386.xxx Maintenance and forwarding of permanent records of pupils.

1. The governing body of the university school for profoundly gifted pupils shall ensure that a permanent record for each pupil enrolled in the school is maintained in a separate file.

The permanent record must contain:

(a) The record of attendance of the pupil;

(b) The grades received by the pupil;

(c) The certificate of immunization of the pupil; and

(d) Any other records related directly to the academic progress of the pupil.

2. The governing body of the school shall ensure that records maintained pursuant to subsection 1 are kept in a location that is safe and secure and affords reasonable protection from:

(a) Fire;

(b) Misuse; and

(c) Access by unauthorized persons.

3. If the school closes, for each pupil enrolled in the school, forward the permanent record of the pupil to the department of education.

Section 12. NAC 386.xxx Report to department of education of data required for automated system of accountability information for Nevada. *The university school for profoundly gifted pupils shall report the accountability data required pursuant to NRS 385.3469 as part of the automated system of accountability information for Nevada to the department of education beginning not later than the first day of instruction of the second year of operation of the school.*

Section 13. NAC 386.xxx Final budget

1. Not later than May 1 of each year, the governing body of the university school for profoundly gifted pupils shall, at a public meeting, adopt its final budget for the school for the ensuing fiscal year.

2. The final budget must be prepared on forms prescribed by the Department.

3. The governing body shall submit copies of the final budget to the Department no later than May 15 of each year.

Section 14. NAC 386.xxx Annual audit.

1. The governing body of the university school for profoundly gifted pupils shall cause the school to be audited on an annual basis. The annual audit of the school must be completed and submitted to the governing body for review at a public meeting not later than 120 days after the close of the fiscal year for which the audit is conducted.

2. All audits must be performed by:

(a) A public accountant certified or registered; or

(b) A partnership or professional corporation registered, pursuant to the provisions of chapter 628 of NRS.

3. Each annual audit must:

(a) Cover the business of the school during the full fiscal year;

(b) Be a financial audit conducted in accordance with generally accepted auditing standards; and

(c) Include any other comments deemed pertinent by the auditor, including the auditor's opinion regarding the financial statements.

The form of the financial statements must be prescribed by the Department, and the chart of accounts must be, insofar as practicable, the same as that used in the preparation and publication of the annual budget.

4. The governing body shall submit copies of the annual audit to:

(a) The Department; and

(b) The Legislative Counsel Bureau;