

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

LCB File No. R210-05

January 20, 2006

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

AUTHORITY: §§1-19, section 10 of Senate Bill No. 461 of the 73rd Session of the Nevada Legislature, chapter 481, Statutes of Nevada 2005, at page 2426 (NRS 392A.090).

A REGULATION relating to education; setting forth requirements for the establishment and operation of a university school for profoundly gifted pupils; and providing other matters properly relating thereto.

Section 1. Chapter 392A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Department” means the Department of Education.*

Sec. 4. *“Profoundly gifted pupil” has the meaning ascribed to it in section 4 of Senate Bill No. 461 of the 73rd Session of the Nevada Legislature, chapter 481, Statutes of Nevada 2005, at page 2425 (NRS 392A.030).*

Sec. 5. *“University school for profoundly gifted pupils” has the meaning ascribed to it in section 5 of Senate Bill No. 461 of the 73rd Session of the Nevada Legislature, chapter 481, Statutes of Nevada 2005, at page 2426 (NRS 392A.040).*

Sec. 6. 1. *A nonprofit corporation may submit to the Superintendent of Public Instruction a letter of intent to establish or operate a university school for profoundly gifted pupils. The letter of intent must include:*

(a) The name of the university within the Nevada System of Higher Education in which the proposed university school for profoundly gifted pupils will be located;

(b) The date on which the proposed university school for profoundly gifted pupils will commence operation;

(c) Documentation satisfactory to the Superintendent of Public Instruction that the nonprofit corporation is exempt pursuant to 26 U.S.C. § 501(c)(3);

(d) Documentation satisfactory to the Superintendent of Public Instruction that the nonprofit corporation has 5 or more years of successful experience providing educational services to profoundly gifted pupils;

(e) The name and address of the nonprofit corporation; and

(f) The name and telephone number of the contact person submitting the letter of intent on behalf of the nonprofit corporation.

2. *Upon verification of the information submitted pursuant to subsection 1, the Superintendent of Public Instruction shall authorize the nonprofit corporation to submit an application to form a university school for profoundly gifted pupils. Such authorization is required before an application may be submitted to form a university school for profoundly gifted pupils*

Sec. 7. *An application submitted to the Superintendent of Public Instruction by a nonprofit corporation to form a university school for profoundly gifted pupils must include*

certain information regarding the facility for the proposed school, including, without limitation:

1. The name for the proposed school.

2. If the facility that the proposed school will occupy exists at the time the application is submitted 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 facility;

(b) The type of facility that the proposed school will occupy;

(c) A floor plan of the facility, including, without limitation, 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;

(e) A copy of the proposed lease or rental agreement if the facility will be leased or rented;

and

(f) A copy of the certificate of occupancy or equivalent documentation for the facility, if available at the time the application is submitted.

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

(a) The name and location of the building that the proposed school will occupy;

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

(c) A floor plan of the facility, including, without limitation, a notation of the size of the facility which is set forth in square feet.

4. If a university school for profoundly gifted pupils will occupy a facility that is not being used as a public school at the time the application is submitted, the university school for profoundly gifted pupils shall submit to the Department a copy of the certificate of occupancy or equivalent documentation for the facility, as soon as the document becomes available, if a copy of the certificate of occupancy or equivalent documentation was not included in the application to form the university school for profoundly gifted pupils. A copy of the certificate of occupancy or equivalent documentation must be submitted to the Department before the university school for profoundly gifted pupils receives final approval for operation from the Superintendent of Public Instruction.

Sec. 8. *An application submitted to the Superintendent of Public Instruction by a nonprofit corporation to form a university school for profoundly gifted pupils must include information regarding the educational program of the proposed school, including, without limitation:*

- 1. A description of the type of educational program to be offered, which may include:
 - (a) A special ungraded school for gifted and talented pupils that is consistent with the provisions of NRS 388.500;*
 - (b) An alternative program of education for gifted and talented pupils that is consistent with the provisions of NRS 388.537; or*
 - (c) An educational program aligned with a middle school or high school configuration as described in subsections 2 and 3 of NRS 388.020.**
- 2. A description of the types of courses, including, without limitation, university courses, distance education courses or courses taught by licensed school staff, that will be offered to pupils at the university school for profoundly gifted pupils to meet the requirements of the*

State for graduation, including a description of the process pupils will follow to enroll in such courses.

3. Information regarding the credits earned by pupils for successful completion of courses, including, without limitation:

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

(b) The written policy of the university school for profoundly gifted pupils concerning the transfer of credit to a comparable school.

4. The anticipated enrollment of the university school for profoundly gifted pupils for the first year of operation, including, without limitation, the estimated ages of the pupils or grade levels, as applicable.

5. A calendar delineating the school year of the university school for profoundly gifted pupils which sets 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 for an alternative program set forth in NRS 388.090 or other applicable statute;

(b) The number of legal holidays that will be observed by the university school for profoundly gifted pupils and the dates on which those holidays will be observed;

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

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

6. *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.*

7. *A description of the mission and goals of the university school for profoundly gifted pupils and how progress towards the mission and those goals will be measured.*

8. *A schedule of examinations of achievement and proficiency that will be administered to pupils at the university school for profoundly gifted pupils which must:*

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

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

9. *A description of the manner in which the university school for profoundly gifted pupils 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.*

Sec. 9. *An application submitted to the Superintendent of Public Instruction by a nonprofit corporation to form a university school for profoundly gifted pupils must include certain information regarding the governing body, the administration and the staffing of the proposed school, including, without limitation:*

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

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

3. *A description of the process that will be used to advertise for, select and employ administrators.*

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

Sec. 10. *An application submitted to the Superintendent of Public Instruction by a nonprofit corporation to form a university school for profoundly gifted pupils must include certain information regarding issues of health and safety that affect the proposed school, including, without limitation:*

1. *A description of the manner in which pupils will be transported to the university school for profoundly gifted pupils, 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. *A description of the manner in which the university school for profoundly gifted pupils will:*

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

(b) *Maintain records related to the immunization of pupils in accordance with the requirements of NRS 392.435 to ensure that pupils are immunized in a timely manner.*

3. *Unless the facility that the university school for profoundly gifted pupils will occupy is a public school building, documentation which indicates to the satisfaction of the Superintendent of Public Instruction that the facility has been inspected and meets the*

requirements of all 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 enrolled in the university school for profoundly gifted pupils to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency.

Sec. 11. *An application submitted to the Superintendent of Public Instruction by a nonprofit corporation to form a university school for profoundly gifted pupils must include certain miscellaneous information concerning the proposed school, including, without limitation:*

1. A copy of the written agreement between the university school for profoundly gifted pupils and the university at which the school will be located.

2. A description of the system that the university school for profoundly gifted pupils will use if more eligible pupils apply for enrollment in the school than the number of spaces available for pupils.

3. Information concerning the records of pupils that will be maintained by the university school for profoundly gifted pupils, including, without limitation:

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

(1) Maintaining the records of pupils; and

(2) Providing the 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 pursuant to NRS 386.650.

(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 university school for profoundly gifted pupils in which the records of pupils will be stored.

(d) The policy of the university school for profoundly gifted pupils regarding the retention of the records of pupils.

4. A proposed budget that sets forth the estimated revenues and expenditures of the university school for profoundly gifted pupils for the first year of operation. 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 university school for profoundly gifted pupils 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 university school for profoundly gifted pupils 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 pursuant to paragraph (a), if a particular format is anticipated at the time the application is submitted;

(c) The name of the contact person for each contractor identified pursuant to paragraph (a);

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

(e) A description of the service to be provided by each contractor identified pursuant to paragraph (a).

Sec. 12. 1. *If the Superintendent of Public Instruction receives an application to form a university school for profoundly gifted pupils from a nonprofit corporation authorized pursuant to subsection 2 of section 6 of this regulation, the Superintendent of Public Instruction 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 proposed location of the university school for profoundly gifted pupils;

(2) Interviewing the members of the governing body of the university school for profoundly gifted pupils and, where appropriate, the 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 regarding the completeness of the application and make note of any deficiencies in the application.

2. *If an application to form 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 conditional approval of an application to form a university school for profoundly gifted pupils if the application is found to be complete and compliant except that the school does not have a suitable facility. Full approval to operate the school will not be provided until a facility has been approved. The facility must be approved not later than 30 days before the start of the school year unless extenuating circumstances exist and the Superintendent of Public Instruction has expressly waived the 30-day requirement.*

4. *If the Superintendent of Public Instruction denies the application, the Superintendent 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 form a university school for profoundly gifted pupils may, at any time, submit a revised application that addresses the deficiencies noted in the written denial to the Superintendent of Public Instruction for reconsideration.*

Sec. 13. 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 university school for profoundly gifted pupils, provide written notice of the closure to the Department and 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 of the university school for profoundly gifted pupils 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 the contact information for that person;

(b) Not less than 30 days before the closure of the university school for profoundly gifted pupils, provide written notice of the closure by regular mail to the parent or legal guardian of each pupil enrolled in the school that 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 university school for profoundly gifted pupils, 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 must contain notice that the school district may receive pupils for enrollment upon closure;

(d) Not less than 30 days before the closure of the university school for profoundly gifted pupils, submit to the Department all records pertinent to:

(1) The indebtedness of the university school for profoundly gifted pupils, if any; and

(2) The property of the university school for profoundly gifted pupils that is encumbered;

(e) Ensure that the data required pursuant to NRS 386.650 for inclusion in the automated system of accountability information for Nevada is current as of the date of the closure;

(f) Return any remaining restricted assets to their source, including, without limitation, grant money and money contained in restricted categorical funds;

(g) Appoint a member of the governing body of the university school for profoundly gifted pupils 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) University school for profoundly gifted pupils;

(2) Employees of the university school for profoundly gifted pupils; and

(3) Pupils enrolled in the university school for profoundly gifted pupils;

(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 a report of the income tax documentation for the employees of the university school for profoundly gifted pupils;

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

(k) Provide to the Department:

(1) Not later than 6 months after the closure of the university school for profoundly gifted pupils, 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. 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 of the school shall ensure that all money received by the school from this State, if any, that is unencumbered is returned to the Department. The Department will place the money 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 the escrow account to the State Distributive School Account created by to NRS 387.030.

Sec. 14. *1. For purposes of providing information regarding the number of pupils enrolled, a university school for profoundly gifted pupils shall use the count day for the school district in which the school is located, which is the last day of the first school month of that school district.*

2. If an individual pupil is enrolled in and attending the university school for profoundly gifted pupils at least 1 school day before the count day, that pupil is counted.

Sec. 15. *1. The governing body of a university school for profoundly gifted pupils shall maintain a permanent record for each pupil enrolled in the school 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 a university school for profoundly gifted pupils shall keep the records maintained pursuant to subsection 1 in a location that is safe and secure and affords reasonable protection from:

(a) Fire;

(b) Misuse; and

(c) Access by an unauthorized person.

3. If a university school for profoundly gifted pupils closes, the governing body of the school shall, for each pupil enrolled in the school, forward the permanent record of the pupil to the Department.

Sec. 16. *A university school for profoundly gifted pupils shall report, in a format prescribed by the Department, the accountability information set forth in NRS 385.3469 for inclusion in the automated system of accountability information for Nevada to the Department beginning not later than the first day of instruction of the second year of operation of the school.*

Sec. 17. 1. *Not later than May 1 of each year, the governing body of a university school for profoundly gifted pupils shall, at a public meeting, adopt its final budget for the school for the succeeding fiscal year.*

2. The governing body of a university school for profoundly gifted pupils shall prepare the final budget on forms prescribed by the Department.

3. The governing body of a university school for profoundly gifted pupils shall submit copies of the final budget to the Department not later than May 15 of each year.

Sec. 18. 1. *The governing body of a university school for profoundly gifted pupils shall ensure the school is 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. Each audit must be performed by:

(a) A public accountant certified or registered pursuant to the provisions of chapter 628 of NRS; or

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

3. Each audit must:

(a) Cover the business of the university school for profoundly gifted pupils during the entire fiscal year;

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

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

(d) Be on a form 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. Upon completion of the review of an audit at a public meeting, the governing body of the university school for profoundly gifted pupils shall submit copies of the audit to:

(a) The Department; and

(b) The Legislative Counsel Bureau.

Sec. 19. *The governing body of a university school for profoundly gifted pupils shall provide written notice to the Department of a material change in the facility of the school, including, without limitation, a change in the location of the school.*