

CHAPTER 392A - PROFOUNDLY GIFTED PUPILS; UNIVERSITY SCHOOLS FOR PROFOUNDLY GIFTED PUPILS

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GENERAL PROVISIONS

NRS 392A.010 Legislative declaration.

1. The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.

2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.

3. It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils be open to all qualified applicants, regardless of race, culture, ethnicity or economic means, and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant.

4. It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity or economic means and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented, having special educational needs or being at risk for underachievement.

(Added to NRS by [2005, 2425](#))

NRS 392A.020 Definitions. As used in this chapter, unless the context otherwise provides, the words and terms defined in [NRS 392A.030](#) and [392A.040](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2005, 2425](#))

NRS 392A.030 “Profoundly gifted pupil” defined. “Profoundly gifted pupil” means a person who is under the age of 18 years:

1. Whose intelligence quotient as determined by an individual administration of the Wechsler or Stanford-Binet Series tests or other test approved by the governing body of the university school for profoundly gifted pupils is at or above the 99.9th percentile; or

2. Who scores at or above the 99.9th percentile for his or her age on an aptitude or achievement test, including, without limitation, the Scholastic Aptitude Test or the American College Test.

(Added to NRS by [2005, 2425](#))

NRS 392A.040 “University school for profoundly gifted pupils” defined. “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 for profoundly gifted pupils who have been identified as possessing the abilities and skills necessary for advanced academic work, including accelerated middle school, junior high school, high school and early university entrance; and

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

(Added to NRS by [2005, 2426](#))

NRS 392A.050 University school deemed public school. Pursuant to [NRS 385.007](#), a university school for profoundly gifted pupils shall be deemed a public school and is entitled to receive money from the State.

(Added to NRS by [2005, 2426](#); A [2007, 1210](#))

OPERATION OF SCHOOLS; GOVERNING BODY; FINANCES

NRS 392A.060 Provisions governing education not applicable unless specified by statute or regulation; employees deemed public employees.

1. Except as otherwise provided by specific statute and by regulation of the State Board as determined necessary by the Superintendent of Public Instruction, the provisions of this title do not apply to a university school for profoundly gifted pupils.

2. The employees of a university school for profoundly gifted pupils shall be deemed public employees.

(Added to NRS by [2005, 2426](#); A [2007, 1210](#))

NRS 392A.070 Compliance with federal law required; acceptance of gifts and grants.

1. A university school for profoundly gifted pupils shall comply with all applicable federal laws to prevent the loss of any federal money for education provided to the State of Nevada and the school districts in this State by the Federal Government.

2. A university school for profoundly gifted pupils may apply for and accept any gift, bequest, grant, appropriation or donation from any source, except that the acceptance of any gift, bequest, grant, appropriation or donation may not violate any state or federal law.

(Added to NRS by [2005, 2426](#))

NRS 392A.073 Submission of accountability and financial information to Department.

1. The governing body of a university school for profoundly gifted pupils shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for purposes of accountability reporting for the university school.

2. The governing body of a university school for profoundly gifted pupils shall, on or before November 15 of each year, submit to the Department in a format prescribed by the Department the following information:

(a) The actual expenditures of the university school for profoundly gifted pupils in the fiscal year immediately preceding the report; and

(b) The proposed expenditures of the university school for profoundly gifted pupils for the current fiscal year.

(Added to NRS by [2007, 1208](#); A [2009, 477](#))

NRS 392A.080 Composition of governing body; appointment; terms; powers; quarterly meetings.

1. The governing body of a university school for profoundly gifted pupils consists of 10 members. The Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located and the superintendent of schools of the school district in which the university school for profoundly gifted pupils is located shall serve ex officio as nonvoting advisory members of the governing body. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall each appoint one voting member to serve a 4-year term. The members appointed by the Governor, the Majority Leader of the Senate and the Speaker of the Assembly may not be Legislators, employees of the State, a municipality of the State or the Board of Regents of the University of Nevada. The remaining four voting members of the governing body must be appointed by the entity that operates the university school for profoundly gifted pupils. A person may serve on a governing body pursuant to this subsection only if the person submits an affidavit to the Department indicating that the person has not been convicted of a felony or any crime involving moral turpitude.

2. The governing body of a university school for profoundly gifted pupils is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws

of the State of Nevada, as may be required to attain the ends for which the school is established and to promote the welfare of pupils who are enrolled in the school.

3. The governing body of a university school for profoundly gifted pupils shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the school is located.

(Added to NRS by [2005, 2427](#); A [2007, 1210](#))

NRS 392A.083 Inclusion of pupils in count for State Distributive School Account; deposit of money; distribution in first year of operation; payment of remaining apportionments upon cessation of operation; purchase of real property.

1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must 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 pursuant to [NRS 387.121](#) to [387.126](#), inclusive, unless the pupil is exempt from compulsory school attendance pursuant to [NRS 392.070](#).

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. If a university school for profoundly gifted pupils receives money for special education program units directly from this State, the amount of money for special education that the school district pays to the university school for profoundly gifted pupils may be reduced proportionately by the amount of money the university school received from this State for that purpose.

4. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

5. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

6. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised on the last day of the first school month of the school district in which the university school is located for the school year, based upon the actual number of pupils who are enrolled in the university school.

7. Pursuant to subsection 6 of [NRS 387.124](#), the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

8. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to [NRS 387.124](#) for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

9. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the

university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

(Added to NRS by [2007, 1207](#); A [2009, 941](#))

NRS 392A.085 Orders for payment of money; limitations.

1. The governing body of a university school for profoundly gifted pupils shall designate a person to draw all orders for the payment of money belonging to the university school. The orders must be listed on cumulative voucher sheets.

2. The governing body of a university school for profoundly gifted pupils shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. An order for the payment of money to a member of the governing body of a university school for profoundly gifted pupils may only be drawn for salary, travel expenses, subsistence allowances or for services rendered by a member.

4. An action may not be maintained against the governing body of a university school for profoundly gifted pupils or against a university school for profoundly gifted pupils to collect upon any bill not presented for payment to the governing body within 6 months after the bill was incurred.

(Added to NRS by [2007, 1208](#))

PUPILS; REGULATIONS; REPORTS; PERSONNEL

NRS 392A.090 Attendance in lieu of attendance at middle school or high school; regulations by Superintendent of Public Instruction. The Superintendent of Public Instruction shall:

1. Authorize any pupil who is admitted to a university school for profoundly gifted pupils to enroll in that school in lieu of enrolling in the middle school, junior high school or high school that the pupil is otherwise scheduled to attend.

2. Adopt regulations to carry out the provisions of this chapter with which each university school for profoundly gifted pupils must comply.

(Added to NRS by [2005, 2426](#))

NRS 392A.100 Eligibility of pupil for admission; application for admission; curriculum; issuance of diploma; report by governing body.

1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of [NRS 392A.030](#);

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil satisfies the criteria prescribed by the State Board pursuant to [NRS 389.805](#) and the courses in American government and American history as required by [NRS 389.020](#) and [389.030](#), and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

(Added to NRS by [2005, 2426](#); A [2007, 1211](#); [2013, 3286](#))

NRS 392A.103 Rules for academic advancement of pupils; requirement of 4-year academic plan; transfer of credit earned by pupils.

1. The governing body of a university school for profoundly gifted pupils shall adopt rules for the academic advancement of pupils who are enrolled in the university school, including, without limitation, the development of a 4-year academic plan for each pupil. The rules must prescribe the conditions under which the equivalent grade level of a pupil will be identified for the purpose of administering the achievement and proficiency examinations pursuant to [NRS 392A.110](#).

2. On an annual basis, each university school for profoundly gifted pupils shall evaluate the progress of each pupil in satisfying the requirements set forth in the 4-year academic plan for the pupil.

3. If a pupil has successfully completed equivalent courses at a university school for profoundly gifted pupils, the pupil must be allowed to transfer the credit that the pupil received at the university school as applicable toward promotion to the next grade at any public school in this State or toward graduation from a public high school in this State.

(Added to NRS by [2007, 1208](#))

NRS 392A.105 Rules of behavior for pupils; procedure for suspension or expulsion; rules for truancy.

1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of [chapter 241](#) of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in [NRS 392.466](#) may be removed from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for the

removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.

4. A pupil who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to [NRS 388.520](#), other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the governing body of the university school for such matters, be:

(a) Suspended from the university school pursuant to this section for not more than 10 days.

(b) Suspended from the university school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in [NRS 392.130](#) to [392.220](#), inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

(Added to NRS by [2007, 1208](#); A [2009, 758](#))

NRS 392A.107 Fingerprinting of nonlicensed applicants for employment; review of criminal history by Superintendent of Public Instruction under certain circumstances; prohibition on employment of certain applicants.

1. Each applicant for employment with a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the university school a complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant.

4. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied. If the applicant desires employment with the university school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information

that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the university school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the position with the university school for profoundly gifted pupils for which the applicant has applied, the governing body of the university school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position with the university school for which the applicant has applied, the governing body of the university school may employ the applicant for that position.

(Added to NRS by [2007, 1209](#))

NRS 392A.110 Certain percentage of licensed teachers required; administration of achievement and proficiency examinations.

1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.

2. A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by [NRS 389.550](#).

(Added to NRS by [2005, 2426](#); A [2013, 3286](#))