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SENATE BILL NO. 31—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON  
EDUCATION (NRS 218.5352))

PREFILED JANUARY 30, 2003

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Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes boards of trustees of school districts to provide access to classes at community colleges for gifted and talented pupils and establish program of independent study for gifted and talented pupils. (BDR 34-640)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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AN ACT relating to pupils; authorizing the board of trustees of a school district to establish a program to provide access to classes at a community college for gifted and talented pupils; requiring a board of trustees that establishes a program to arrange the enrollment and pay for certain fees and expenses related to participation in the program; authorizing the board of trustees of a school district to establish a program of independent study for gifted and talented pupils; and providing other matters properly relating thereto.

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

1     **Section 1.** Chapter 388 of NRS is hereby amended by adding  
2     thereto the provisions set forth as sections 2 and 3 of this act.

3     **Sec. 2. 1.** *The board of trustees of a school district may*  
4     *establish a program for gifted and talented pupils pursuant to*  
5     *which a gifted and talented pupil who is enrolled full time in a*



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1 *school within the district may attend a course at a community*  
2 *college in this state if that course is not offered at the school which*  
3 *the pupil attends or is not otherwise available within the pupil's*  
4 *zone of attendance.*

5 *2. If the board of trustees of a school district establishes such*  
6 *a program for gifted and talented pupils, the school district shall,*  
7 *for each pupil who participates in the program:*

8 *(a) Assist the pupil with enrolling in one or more courses at a*  
9 *community college;*

10 *(b) Pay the registration fees, laboratory fees and related*  
11 *expenses for the pupil to attend the course; and*

12 *(c) Provide for any textbooks and course materials required*  
13 *for the pupil to attend the course.*

14 *3. Any credit earned by a pupil in a course which he attends*  
15 *through a program established pursuant to this section must be*  
16 *accepted and applied towards the coursework required for*  
17 *advancement to the next grade or graduation from high school.*

18 **Sec. 3.** *1. The board of trustees of a school district may*  
19 *establish a program for gifted and talented pupils pursuant to*  
20 *which gifted and talented pupils who are enrolled full time in a*  
21 *school within the district may complete any required or elective*  
22 *course by independent study outside the normal classroom setting.*  
23 *A program of independent study provided pursuant to this section*  
24 *may be offered through a program of distance education pursuant*  
25 *to NRS 388.820 to 388.874, inclusive.*

26 *2. If the board of trustees of a school district establishes a*  
27 *program pursuant to subsection 1, the program must:*

28 *(a) Require that the teacher of the course assign to the pupil*  
29 *the work assignments necessary to complete the course;*

30 *(b) Require that the pupil and the teacher meet or otherwise*  
31 *communicate with each other at least once each week during the*  
32 *course to discuss the pupil's progress; and*

33 *(c) If the program offers independent study to gifted and*  
34 *talented pupils enrolled in high school, comply with the*  
35 *regulations of the State Board adopted pursuant to NRS 389.155.*

36 **Sec. 4.** NRS 388.440 is hereby amended to read as follows:

37 388.440 As used in NRS 388.440 to 388.5315, inclusive **[H]**,  
38 *and sections 2 and 3 of this act:*

39 1. "Gifted and talented pupil" means a person under the age of  
40 18 years who demonstrates such outstanding academic skills or  
41 aptitudes that he cannot progress effectively in a regular school  
42 program and therefore needs special instruction or special services.

43 2. "Pupil with a disability" means a person under the age of 22  
44 years who deviates either educationally, physically, socially or  
45 emotionally so markedly from normal patterns that he cannot



1 progress effectively in a regular school program and therefore needs  
2 special instruction or special services.

3 **Sec. 5.** NRS 388.829 is hereby amended to read as follows:

4 388.829 "Program of distance education" means a program  
5 comprised of one or more courses of distance education that is  
6 designed for pupils who:

7 1. Are participating in a program for pupils who are at risk of  
8 dropping out of high school pursuant to NRS 388.537.

9 2. Are participating in a program of independent study  
10 pursuant to NRS 389.155 ~~§~~ *or section 3 of this act.*

11 3. Are enrolled in a public school that does not offer advanced  
12 or specialized courses.

13 4. Have a physical or mental condition that would otherwise  
14 require an excuse from compulsory attendance pursuant to  
15 NRS 392.050.

16 5. Would otherwise be excused from compulsory attendance  
17 pursuant to NRS 392.080.

18 6. Are otherwise prohibited from attending public school  
19 pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive,  
20 392.466, 392.467 or 392.4675.

21 7. Are otherwise permitted to enroll in a program of distance  
22 education provided by the board of trustees of a school district if the  
23 board of trustees determines that special circumstances warrant  
24 enrollment for the pupil.

25 8. Are otherwise permitted to enroll in a program of distance  
26 education provided by the governing body of a charter school if the  
27 governing body of the charter school determines that special  
28 circumstances warrant enrollment for the pupil.

29 **Sec. 6.** NRS 388.850 is hereby amended to read as follows:

30 388.850 1. A pupil may enroll in a program of distance  
31 education only if the pupil satisfies the requirements of any other  
32 applicable statute and the pupil:

33 (a) Is participating in a program for pupils at risk of dropping  
34 out of high school pursuant to NRS 388.537;

35 (b) Is participating in a program of independent study pursuant  
36 to NRS 389.155 ~~§~~ *or section 3 of this act.*

37 (c) Is enrolled in a public school that does not offer certain  
38 advanced or specialized courses that the pupil desires to attend;

39 (d) Has a physical or mental condition that would otherwise  
40 require an excuse from compulsory attendance pursuant to  
41 NRS 392.050;

42 (e) Would otherwise be excused from compulsory attendance  
43 pursuant to NRS 392.080;



1 (f) Is otherwise prohibited from attending public school pursuant  
2 to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467  
3 or 392.4675;

4 (g) Is otherwise permitted to enroll in a program of distance  
5 education provided by the board of trustees of a school district if the  
6 board of trustees determines that the circumstances warrant  
7 enrollment for the pupil; or

8 (h) Is otherwise permitted to enroll in a program of distance  
9 education provided by the governing body of a charter school if the  
10 governing body of the charter school determines that the  
11 circumstances warrant enrollment for the pupil.

12 2. In addition to the eligibility for enrollment set forth in  
13 subsection 1, a pupil must satisfy the qualifications and conditions  
14 for enrollment in a program of distance education adopted by the  
15 State Board pursuant to NRS 388.874.

16 3. A child who is exempt from compulsory attendance and  
17 receiving equivalent instruction authorized by the State Board  
18 pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in  
19 or otherwise attend a program of distance education, regardless of  
20 whether he is otherwise eligible for enrollment pursuant to  
21 subsection 1.

22 4. If a pupil who is prohibited from attending public school  
23 pursuant to NRS 392.264 enrolls in a program of distance education,  
24 the enrollment and attendance of that pupil must comply with all  
25 requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to  
26 392.271, inclusive.

27 5. If a pupil is eligible for enrollment in a program of distance  
28 education pursuant to paragraph (c) of subsection 1, he may enroll  
29 in the program of distance education only to take those advanced or  
30 specialized courses that are not offered at the public school he  
31 otherwise attends.

32 **Sec. 7.** NRS 389.160 is hereby amended to read as follows:

33 389.160 1. A pupil enrolled in high school, including,  
34 without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a  
35 charter school, who successfully completes a course of education  
36 offered by a community college or university in this state which has  
37 been approved pursuant to subsection 2, must be allowed to apply  
38 the credit received for the course so completed to the total number  
39 of credits required for graduation from high school or the charter  
40 school in which the pupil is enrolled.

41 2. With the approval of the State Board, the board of trustees of  
42 each county school district and the governing body of each charter  
43 school shall prescribe the courses for which credits may be received  
44 pursuant to subsection 1, including occupational courses for



1 academic credit, and the amount of credit allowed for the  
2 completion of those courses.

3 *3. If a pupil enrolled in high school is concurrently enrolled*  
4 *in a course at a community college pursuant to section 2 of this*  
5 *act, credit for successful completion of that course must be applied*  
6 *in the manner set forth in subsection 3 of section 2 of this act.*

7 **Sec. 8.** This act becomes effective on July 1, 2003.

