

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 located outside of this State. (BDR 34-397)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to education; 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; 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; 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
- 8 withhold that amount from the school district or charter school where the child
- 9 would attend school if the child were not in the hospital or facility. (NRS 387.1225)
- 10 Existing law also authorizes the Department of Education, the county school
- 11 districts, charter schools and the Division of Public and Behavioral Health of the
- 12 Department of Health and Human Services to enter into a cooperative agreement



13 for the provision of educational services at certain hospitals or other facilities that
14 are licensed by the Division. (NRS 277.0655)

15 **Section 1** of this bill authorizes certain hospitals and other facilities licensed in
16 the District of Columbia or another state or territory of the United States that
17 provide residential treatment to children who are residents of Nevada and operate
18 an accredited educational program for those children to also seek reimbursement
19 from the Department of Education for the cost of providing such educational
20 services. **Section 2** of this bill authorizes the Department of Education, the county
21 school districts, charter schools and the Division of Public and Behavioral Health of
22 the Department of Health and Human Services to enter into a cooperative
23 agreement for the provision of educational services at certain hospitals or other
24 facilities that are licensed in another jurisdiction, provide residential treatment to
25 children and operate an accredited educational program.

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

1 **Section 1.** NRS 387.1225 is hereby amended to read as
2 follows:

3 387.1225 1. A hospital or other facility which is licensed by
4 the Division of Public and Behavioral Health of the Department of
5 Health and Human Services that provides residential treatment to
6 children and which operates a private school licensed pursuant to
7 chapter 394 of NRS may request reimbursement from the
8 Department for the cost of providing educational services to a child
9 who:

10 (a) The Department verifies is a patient or resident of the
11 hospital or facility; and

12 (b) Attends the private school for more than 7 school days.

13 2. *A hospital or other facility licensed in the District of*
14 *Columbia or any state or territory of the United States that*
15 *provides residential treatment and which operates an accredited*
16 *educational program may request reimbursement from the*
17 *Department of Education for the cost of providing educational*
18 *services to a child who:*

19 (a) *The Department verifies:*

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

21 (2) *Is a resident of this State;*

22 (b) *Is admitted to the hospital or facility on an order from a*
23 *physician because the necessary treatment required for the child is*
24 *not available in this State; and*

25 (c) *Attends the accredited educational program for more than*
26 *7 school days.*

27 3. Upon receiving a request for reimbursement **[H]** *pursuant to*
28 *subsection 1 or 2*, the Department shall determine the amount of
29 reimbursement to which the hospital or facility is entitled as a
30 percentage of the basic support guarantee per pupil and withhold



1 that amount from the school district or charter school where the
2 child would attend school if the child were not placed in the hospital
3 or facility. If *the request for reimbursement is made pursuant to*
4 *subsection 1 and* the child is a pupil with a disability, the hospital or
5 facility is also entitled to a corresponding percentage of the
6 statewide multiplier included in the basic support guarantee per
7 pupil pursuant to NRS 387.122. The Department shall distribute the
8 money withheld from the school district or charter school to the
9 hospital or facility.

10 ~~3.~~ 4. For the purposes of subsection ~~2.~~ 3, the amount of
11 reimbursement to which the hospital or facility is entitled must be
12 calculated on the basis of the number of school days the child is a
13 patient or resident of the hospital or facility and attends the private
14 school ~~1.~~ *or accredited educational program, as applicable,*
15 excluding the 7 school days prescribed in paragraph (b) of
16 subsection 1 ~~1.~~ *or paragraph (c) of subsection 2, as applicable,* in
17 proportion to the number of days of instruction scheduled for that
18 school year by the board of trustees of the school district or the
19 charter school, as applicable.

20 ~~4.~~ 5. The Department shall adopt any regulations necessary
21 to carry out the provisions of this section.

22 ~~5.~~ 6. As used in this section:

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

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

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

27 277.0655 1. The Department of Education, the county school
28 districts of the various counties, charter schools and the Division of
29 Public and Behavioral Health of the Department of Health and
30 Human Services may enter into cooperative agreements for the
31 provision of educational services at any hospital or other facility
32 which is licensed ~~by~~ :

33 (a) *By* the Division that provides residential treatment to
34 children and which operates a private school licensed pursuant to
35 chapter 394 of NRS ~~1.~~ ; *or*

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

38 (1) *Meets the requirements of 42 C.F.R. §§ 441.151 to*
39 *441.156, inclusive;*

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

41 (3) *Operates an accredited educational program.*

42 2. The authorization provided by subsection 1 includes the
43 right to pay over money appropriated to a county school district or
44 charter school for the education of a child placed in such a hospital
45 or facility.



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

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

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

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

