

Proposed Amendment to SB81
Proposed by Dan Musgrove / danm@strategies360.com / 702.860.9900

The Purpose of this Amendment is to reverse the changes made by AB54 from the 2023 Session as it relates to who provides payment to a hospital or other facility that provides residential treatment to children, and who operates a private school. AB54 from 2023 mandated that each school district and charter school would provide that reimbursement to the hospital for the education of children, when it used to be the Department of Education that provided that reimbursement. During that 2023-2024, and 2024-2025 school year, that has been impossible to manage and make work.

This amendment would return the responsibility for payment to the Department of Education.

1 NRS 387.1225 is hereby amended to read as follows:
2 387.1225 1. A hospital or other facility which is licensed by
3 the Division of Public and Behavioral Health of the Department of
4 Health and Human Services that provides residential treatment to
5 children and which operates a private school licensed pursuant to
6 chapter 394 of NRS may request reimbursement from the
7 ~~Department school district or charter school in which a child is~~
8 ~~enrolled~~ for the cost of providing educational services to the
9 ~~child if:~~
10 ~~(a) The Department school district or charter school~~ verifies
11 is a patient or resident of the hospital or facility; and
12 (b) The child attends the private school for more than
13 7 school days.
14 2. A hospital or other facility licensed in the District of
15 Columbia or any state or territory of the United States that provides
16 residential treatment and which operates an educational program
17 accredited by a national organization and approved by the
18 Department of Education may request reimbursement from the
19 ~~Department school district or charter school in which a child is~~
20 ~~enrolled~~ for the cost of providing educational services to the
21 child if:
22 (a) The Department and the school district or charter
23 school, as applicable, verify that the child:
24 (1) Is a patient or resident of the hospital or facility; and
25 (2) Is a resident of this State; and
26 (b) the child:
27 (1) Is admitted to the hospital or facility on an order from a
28 physician because the necessary treatment required for the child is
29 not available in this State;
30 (2) Attends the accredited educational program for more
31 than 7 school days;
32 (3) Is not homeschooled or enrolled in a private school;
33 and
34 (4) Has been admitted to the medical facility under the
35 order of a physician to receive medically necessary treatment for a
36 medical or mental health condition with which the child has been
diagnosed.
3 3. A hospital or other facility that wishes to receive
reimbursement pursuant to subsection 2 shall:

- 1 (a) Notify the Department and the school district or charter
- 2 school in which the child is enrolled upon admitting the child to the
- 3 accredited educational program; and
- 4 (b) Transfer any educational records of the child to the school

5 district or charter school in which the child is enrolled in accordance
6 with any applicable regulations adopted pursuant to subsection 9.

7 4. Upon receiving a request for reimbursement pursuant to
8 subsection 1 or 2, the ~~Department school district or charter school~~
9 ~~in which the child is enrolled~~ shall determine the amount of
10 reimbursement to which the hospital or facility is entitled
11 by multiplying the number of days determined
12 pursuant to subsection 6 by the following, as applicable:

13 (a) The daily rate of the adjusted base per pupil funding for the
14 school district which the child would otherwise attend. The
15 daily rate of the adjusted base per pupil funding for the school
16 district which the child would otherwise attend must be calculated
17 by dividing the adjusted base per pupil funding provided to the
18 school district in which the child is enrolled pursuant to NRS
19 387.1214 by 180.

20 (b) The daily rate of the statewide base per pupil funding
21 amount or adjusted base per pupil funding, as applicable, for the
22 charter school which the child would otherwise attend.
23 The daily rate of the statewide base per pupil funding
24 amount or adjusted base per pupil funding, as applicable, for the
25 charter school which the child would otherwise attend must be
26 calculated by dividing the statewide base per pupil funding
27 amount or adjusted base per pupil funding, as applicable, provided
28 to the charter school in which the child is enrolled pursuant to
29 NRS 387.1214 by 180.

30 5. If the request for reimbursement is made pursuant to
31 subsection 1, the child is a pupil with a disability and the hospital or
32 facility is in compliance with the Individuals with Disabilities
33 Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to
34 388.5243, inclusive, and any regulations adopted pursuant thereto,
35 the hospital or facility is also entitled to
36 an amount determined by increasing the daily rate determined
37 pursuant to subsection 4 by the statewide multiplier for the pupil
38 established pursuant to NRS 387.122, which is
39 received by the school district or charter school where the child was
40 enrolled before being placed in the hospital or facility for the
41 number of days determined pursuant to subsection 6. The
42 Department shall distribute the money withheld from the school
43 district or charter school to the hospital or facility.

44 6. For the purposes of subsections 4 and 5, the amount of
45 reimbursement to which the hospital or facility is entitled must be

1 calculated on the basis of the number of school days the child is a
2 patient or resident of the hospital or facility and attends the private
3 school or accredited educational program, as applicable, excluding
4 the 7 school days prescribed in paragraph (b) of subsection 1 or
5 subparagraph (2) of paragraph (b) of subsection 2, as
6 applicable.

7 7. A hospital or other facility is not entitled to reimbursement
8 for days of instruction provided to a child in a year in excess of the
9 minimum number of days of free school required by NRS 388.090.

10 8. If a hospital or other facility requests reimbursement from
11 ~~the Department a school district or charter school~~ for the cost of
12 providing educational services to a pupil with a disability pursuant
13 to subsection 1 or 2, the school district or charter school in which
14 the child is enrolled shall be deemed to be the local educational
15 agency for the child for the purposes of the Individuals with

16 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417
17 to 388.5243, inclusive, and any regulations adopted pursuant
18 thereto.