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MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 340

PREPARED FOR SENATOR CEGAVSKE
APRIL 11, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

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

Section 1. Chapter 387 of NRS is hereby amended by adding
thereto a new section to read as follows:

1. *The parent or legal guardian of a pupil with a disability, who is
enrolled in a public school in this state and for whom an individualized
education program has been established, ~~who is dissatisfied with
the progress that the pupil is making pursuant to that
program~~ and for whom services cannot be provided may
request a scholarship pursuant to this section for the pupil to enroll in
and attend a private school whose purpose is teaching
children with special needs.*

2. *A pupil with a disability is eligible for a scholarship pursuant to
this section if:*

(a) *The pupil was enrolled in, and included in the count of pupils
for apportionment purposes for, a public school in this state during the
previous school year;*

(b) *A private school which is located in this state and eligible to
accept the scholarship has accepted the pupil for admission; and*

(c) *The parent or legal guardian of the pupil notifies the
Department, in the manner required by the Department, of his request
for a scholarship before the pupil enters the private school.*

3. *The amount of a scholarship provided to a pupil with a
disability pursuant to this section is equal to:*

(a) *The sum of the basic support plus the amount of local funds
available pursuant to NRS 387.1235 plus all other money the State
would be required to pay for that pupil to the public school to which the
pupil would otherwise be assigned; or*

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1 (b) The amount of the tuition and fees of the private
2 school,
3 whichever is less.

4 4. If the Department determines that a pupil is eligible to receive a
5 scholarship, the Department shall provide notification of its
6 determination to the parent or legal guardian of the pupil and the
7 private school in which the pupil will be enrolled. Scholarships must be
8 disbursed quarterly on August 1, November 1, February 1 and May 1.
9 Payment of a scholarship must be made by individual warrant made
10 payable to the parent or legal guardian of the pupil receiving the
11 scholarship and mailed to the private school in which the pupil will be
12 or is enrolled. The parent or legal guardian shall restrictively endorse
13 the warrant to the private school for deposit into the account of the
14 private school.

15 5. A pupil with a disability may continue to receive the scholarship
16 provided by this section as long as the pupil is enrolled in good
17 standing in the private school. Before renewing a scholarship to the
18 pupil for any subsequent school year, the Department may require the
19 private school or the parent or legal guardian of the pupil to provide
20 such documentation as deemed necessary by the Department
21 demonstrating that the pupil has been enrolled in good standing in the
22 private school during the previous school year. A scholarship is
23 forfeited if a pupil or his parent or legal guardian fails to comply with
24 this subsection.

25 6. Notwithstanding any provision of this title to the contrary, the
26 election of a private school to accept scholarship money pursuant to
27 this section, and the acceptance of such scholarship money, does not
28 expand the regulatory authority of the Department over the private
29 school beyond that authority necessary to carry out the provisions of
30 this section.

31 7. There is no liability on the part of, and no cause of action of
32 any nature arises against, the State of Nevada or any state employee
33 based on the award or use of a scholarship pursuant to this section.

34 8. The Department may adopt such regulations as are necessary to
35 carry out the provisions of this section.

36 9. As used in this section, "individualized education program" has
37 the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

38 Sec. 2. This act becomes effective on July 1, 2003.

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