

SENATE BILL NO. 340—SENATOR CEGAVSKE

MARCH 17, 2003

Referred to Committee on Finance

SUMMARY—Provides in skeleton form for scholarships to pupils with disabilities who attend private schools. (BDR 34-45)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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

AN ACT relating to education; providing in skeleton form for scholarships to pupils with disabilities who attend private schools; providing for the calculation of the amount of a scholarship; authorizing the Department of Education to adopt certain regulations; 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 387 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. The parent or legal guardian of a pupil with a disability,***
4 ***who is enrolled in a public school in this state and for whom an***
5 ***individualized education program has been established, who is***
6 ***dissatisfied with the progress that the pupil is making pursuant to***
7 ***that program may request a scholarship pursuant to this section***
8 ***for the pupil to enroll in and attend a private school.***
9 ***2. A pupil with a disability is eligible for a scholarship***
10 ***pursuant to this section if:***
11 ***(a) The pupil was enrolled in, and included in the count of***
12 ***pupils for apportionment purposes for, a public school in this state***
13 ***during the previous school year;***



1 ***(b) A private school which is located in this state and eligible***
2 ***to accept the scholarship has accepted the pupil for admission;***
3 ***and***
4 ***(c) The parent or legal guardian of the pupil notifies the***
5 ***Department, in the manner required by the Department, of his***
6 ***request for a scholarship before the pupil enters the private***
7 ***school.***
8 ***3. The amount of a scholarship provided to a pupil with a***
9 ***disability pursuant to this section is equal to:***
10 ***(a) The sum of the basic support plus the amount of local***
11 ***funds available pursuant to NRS 387.1235 plus all other money***
12 ***the State would be required to pay for that pupil to the public***
13 ***school to which the pupil would otherwise be assigned; or***
14 ***(b) The amount of the tuition and fees of the private***
15 ***school,***
16 ***whichever is less.***
17 ***4. If the Department determines that a pupil is eligible to***
18 ***receive a scholarship, the Department shall provide notification of***
19 ***its determination to the parent or legal guardian of the pupil and***
20 ***the private school in which the pupil will be enrolled. Scholarships***
21 ***must be disbursed quarterly on August 1, November 1, February 1***
22 ***and May 1. Payment of a scholarship must be made by individual***
23 ***warrant made payable to the parent or legal guardian of the pupil***
24 ***receiving the scholarship and mailed to the private school in***
25 ***which the pupil will be or is enrolled. The parent or legal guardian***
26 ***shall restrictively endorse the warrant to the private school for***
27 ***deposit into the account of the private school.***
28 ***5. A pupil with a disability may continue to receive the***
29 ***scholarship provided by this section as long as the pupil is enrolled***
30 ***in good standing in the private school. Before renewing a***
31 ***scholarship to the pupil for any subsequent school year, the***
32 ***Department may require the private school or the parent or legal***
33 ***guardian of the pupil to provide such documentation as deemed***
34 ***necessary by the Department demonstrating that the pupil has***
35 ***been enrolled in good standing in the private school during the***
36 ***previous school year. A scholarship is forfeited if a pupil or his***
37 ***parent or legal guardian fails to comply with this subsection.***
38 ***6. Notwithstanding any provision of this title to the contrary,***
39 ***the election of a private school to accept scholarship money***
40 ***pursuant to this section, and the acceptance of such scholarship***
41 ***money, does not expand the regulatory authority of the***
42 ***Department over the private school beyond that authority***
43 ***necessary to carry out the provisions of this section.***
44 ***7. There is no liability on the part of, and no cause of action***
45 ***of any nature arises against, the State of Nevada or any state***



1 *employee based on the award or use of a scholarship pursuant to*
2 *this section.*

3 8. *The Department may adopt such regulations as are*
4 *necessary to carry out the provisions of this section.*

5 9. *As used in this section, "individualized education*
6 *program" has the meaning ascribed to it in 20 U.S.C. §*
7 *1414(d)(1)(A).*

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

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* S B 3 4 0 *