

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 544

Introduced by Bohlke, 33

Read first time January 19, 1999

Committee: Education

A BILL

1 FOR AN ACT relating to the Special Education Act; to amend sections
2 79-1110 and 79-1183.01, Revised Statutes Supplement,
3 1998; to rename and change membership of the Transition
4 Commission; to provide for evaluation and study relating
5 to transition services; to require reports; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1110, Revised Statutes Supplement,
2 1998, is amended to read:

3 79-1110. Sections 79-1110 to 79-1183.01 and sections 3
4 to 8 of this act shall be known and may be cited as the Special
5 Education Act.

6 Sec. 2. Section 79-1183.01, Revised Statutes Supplement,
7 1998, is amended to read:

8 79-1183.01. The Statewide Community Transition
9 Commission is hereby created. The members of the commission shall
10 be:

11 (1) One representative of the Division of Rehabilitation
12 Services of the State Department of Education, appointed by the
13 Commissioner of Education;

14 (2) One representative of the Office of Special
15 Populations of the State Department of Education, appointed by the
16 Commissioner of Education;

17 (3) One representative of the Department of Health and
18 Human Services ~~from the area with expertise in~~ of developmental
19 disabilities, appointed by the Director of Health and Human
20 Services;

21 (4) One representative of the Department of Health and
22 Human Services ~~in the area of mental health with expertise in~~
23 behavioral health and protection and safety, appointed by the
24 Director of Health and Human Services;

25 (5) One representative of school district administration,
26 appointed by the Commissioner of Education;

27 (6) One representative of a school board or board of
28 education, appointed by the Commissioner of Education;

1 (7) One representative of a third-party provider,
2 appointed by the Commissioner of Education; and

3 (8) Two parents of students receiving special education
4 services, appointed by the Commissioner of Education;

5 (9) Two individuals with disabilities who have gone
6 through or are going through the transition process, appointed by
7 the Commissioner of Education;

8 (10) One representative of the business community,
9 appointed by the Commissioner of Education;

10 (11) One representative of the community colleges,
11 appointed by the Commissioner of Education;

12 (12) One representative of the Nebraska Assistive
13 Technology Partnership, appointed by the Commissioner of Education;

14 (13) One representative of the Department of Labor,
15 appointed by the Commissioner of Labor;

16 (14) One representative of educational service units,
17 appointed by the Commissioner of Education; and

18 (15) Other members as determined by the Commissioner of
19 Education.

20 The commission shall develop legislation and proposed
21 rule and regulation changes which will create a cooperative
22 interagency service model for the provision of transitional and
23 vocational services for individuals with disabilities ages fourteen
24 through twenty-one and beyond. The intent of this legislation will
25 be to create a seamless delivery system which will allow students
26 to move from public school services to adult services without
27 interruption or the requirement to meet new eligibility
28 requirements. All agencies should share in the program and

1 services management and fiscal responsibilities associated with
2 this new delivery model which will begin at age fourteen. The
3 services identified shall be incorporated into the student's
4 educational and transitional vocational plans and shall be based
5 upon a developmental model designed to respond to student's
6 individual assessment of needs, provided in the least restrictive
7 environment. The goal of the interagency plan shall be the
8 elimination of duplication of effort and the enhancement of fiscal
9 and human resource efficiency. The interagency model should
10 require the development of a transitional vocational plan that,
11 along with the student's individualized education plan, will guide
12 the provision of services and the completion of the student's
13 public education through the high school level. This plan should
14 allow most students to complete high school prior to age
15 twenty-one, and by age eighteen if possible, with the necessary
16 services developed by multiple agencies in order to enable the
17 young adult to successfully transition into his or her community.
18 The legislation shall be submitted to the Education Committee of
19 the Legislature on or before December 1, 1998. The rule and
20 regulation changes shall be submitted to the State Board of
21 Education and the Director of Health and Human Services on or
22 before December 1, 1998.

23 Sec. 3. The Statewide Community Transition Commission
24 shall evaluate the status of transition services for individuals
25 with disabilities who are between the ages of fourteen years and
26 twenty-one years, plan for improvement in those services, and
27 promote sharing of financial resources, staff, and other resources
28 and support for providing transition services.

1 Activities of the commission shall include coordinating
2 annual meetings hosted by each educational service unit, review of
3 student outcome data, and identification of barriers to the
4 seamless delivery of services. The commission shall prepare an
5 annual report that includes: (1) A summary of the status of
6 transition services and student outcomes, (b) recommendations for
7 the improvement of transition services, and (c) evaluation of the
8 progress made toward improvement of transition services and student
9 outcomes. The commission shall provide copies of the report to the
10 Commissioner of Education, Director of Health and Human Services,
11 agency advisory councils, the Legislature, the Governor, and other
12 appropriate parties.

13 The commission shall also advise local community
14 transition committees on sources of funding, best practices, and
15 other avenues for resolution of barriers. Funding for
16 administrative support of the commission and participation of
17 nongovernmental members shall be divided between the Department of
18 Health and Human Services and the State Department of Education.
19 The commission shall be under the direction of the Commissioner of
20 Education.

21 Sec. 4. The Department of Health and Human Services and
22 the State Department of Education shall cohost with each
23 educational service unit an annual meeting to develop local
24 community transition systems' plans for delivery of transition
25 services to individuals with disabilities who are not younger than
26 fourteen years of age. The educational service unit shall also
27 invite to the meeting the school districts in its catchment area,
28 including those not typically contracting for educational service

1 unit services. Participants in the meeting may include individuals
2 with disabilities or their representatives, family members of or
3 advocates for individuals with disabilities, educators and school
4 administrators, agency providers, members of other community
5 organizations and associations, representatives of other
6 child-serving systems, and employers. Funding for the annual
7 meeting shall be a portion of the budget allocated to the Statewide
8 Community Transition Commission. Each agency shall require
9 participation of personnel in the annual meetings.

10 Sec. 5. The plan required by section 4 of this act shall
11 include: (1) A description of the current status of transition
12 services; (2) plans needed for improvement, including transition
13 awareness activities; (3) responsibilities for meeting those needs;
14 and (4) methods to monitor success in transitioning youth to work
15 and live in the community. The plan shall be submitted to the
16 Statewide Community Transition Commission and participating
17 agencies.

18 Sec. 6. For each individual identified as having a
19 disability, an interagency coordination plan shall be developed
20 when the individual is fourteen years of age and at other critical
21 times, including times of change in student or behavioral needs,
22 location of services, or provision of services.

23 For identified individuals receiving education services,
24 completion of the interagency coordination plan shall be the
25 responsibility of the local educational agency. For identified
26 individuals between the ages of fourteen years and twenty-one years
27 who have dropped out of school, completion of the interagency
28 coordination plan is the responsibility of the agency providing

1 services.

2 Each agency shall require participation of personnel in
3 the development of the interagency coordination plan. Each agency
4 shall provide consultation services to local education agencies.

5 The local educational agency shall receive input on each
6 individual's interagency coordination plan from representatives of
7 the Division of Rehabilitation Services of the State Department of
8 Education, and the Department of Health and Human Services,
9 including representatives with expertise in developmental
10 disabilities, behavioral health, and protection and safety
11 services, and from other community service providers. Input may be
12 received through consultation with the teacher or through the
13 individualized education plan process and shall include a
14 projection of eligibility for services and input on the course of
15 study necessary to increase potential for obtaining desired
16 post-school employment and independent living goals. If input is
17 not received from an agency providing services, the interagency
18 coordination plan shall explain the reason that agency was not
19 involved.

20 Sec. 7. The interagency coordination plan required by
21 section 6 of this act shall include the individual's anticipated
22 date of exit from school and general post-school goals for
23 employment and independent living. The interagency coordination
24 plan shall also identify the anticipated long-term support
25 services, potential providers of such support services, and a
26 projection of when future involvement should occur, as well as the
27 information necessary to determine eligibility for support
28 services. For individuals who are at risk of dropping out of

1 school, the interagency coordination plan shall also include
2 resources and ideas for the individuals to continue education, find
3 employment, and live independently. The local educational agency
4 shall obtain permission for release of information from the
5 individual's parents at the individualized education plan meeting
6 when the student is thirteen years of age.

7 Sec. 8. The Statewide Community Transition Commission
8 shall conduct a detailed cost-benefit analysis of alternative
9 funding mechanisms. The study shall include, but not be limited
10 to, a historical analysis of early intervention and the effects of
11 multiple and alternate funding approaches. The purpose of the
12 study is to identify revenue-neutral approaches that create a
13 support system that meets the needs of individuals with
14 disabilities who are eighteen years of age through twenty-one years
15 of age but does not increase the cost of services. It shall
16 include recommendations to identify incentives for providing
17 state-of-the-art services in the community and eliminate incentives
18 for providing segregated services.

19 Recommendations made in the analysis shall be used to
20 establish demonstration projects. The demonstration projects shall
21 be available to local community transition committees or to agency
22 consortia to use creative funding mechanisms to provide services to
23 individuals with disabilities who are between the ages of eighteen
24 years through twenty-one years. Approved demonstration projects
25 shall have the authority to negotiate with state funding agencies
26 for waiver of rules and regulations necessary to permit funding of
27 services for individuals with disabilities who are between the ages
28 of eighteen years through twenty-one years.

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1 Sec. 9. Original sections 79-1110 and 79-1183.01,
2 Revised Statutes Supplement, 1998, are repealed.