



Ninety-Ninth Legislature - First Session - 2005  
**Introducer's Statement of Intent**  
**LB 616**

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**Chairperson:** Ron Raikes  
**Committee:** Education  
**Date of Hearing:** January 31, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 616 would revise Nebraska special education reimbursement to align it with federal law, by eliminating reimbursement differentiation based on the educational setting in which a child with special education needs is served.

On December 3, 2004, President Bush signed into law the Individuals with Disabilities Education (IDEA) Improvement Act of 2004, which reauthorizes the IDEA through 2011. All sections except teacher qualification requirements, are effective this summer, July 2005.

Nebraska must align with the Individuals with Disabilities Education (IDEA) Improvement Act of 2004 in order to continue receipt of federal funding for special education.

IDEA prohibits financial penalization of schools that seeking to provide a free and appropriate education through multiple and diverse settings. It specifically prohibits state funding mechanisms that distribute funds on the basis of the type of setting in which a child is served if doing so results in an education that will not meet the unique needs of the child.

Nebraska's funding mechanism does distribute funds on the basis of setting, providing significantly less reimbursement to school districts with disproportionate numbers of students who need more than 3 hours a week of special services outside the classroom.

School districts that include services from least to most restrictive, depending upon student need, are not provided reimbursement on an equal basis for students with individual needs that require at least partial non-inclusion. Underfunding school district special education costs due to the setting in which the child is served will result in education that does not meet the unique needs of the children involved.

LB 616 aligns Nebraska law with the new authorization of IDEA by prohibiting discrimination the basis of the type of setting in which children are served, whether in the regular classroom, in special classes, or in separate schools.

**Principal Introducer:** \_\_\_\_\_  
**Senator Gwen Howard**