

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 506

Introduced by Friend, 10

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to the Special Education Act; to amend
2 sections 79-1110 and 79-1128, Reissue Revised Statutes
3 of Nebraska; to provide an alternative method of
4 reimbursement for special education and related services;
5 to eliminate a restriction on programs eligible for
6 reimbursement; to harmonize provisions; and to repeal the
7 original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1110, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1110 Sections 79-1110 to 79-1178 and section 2 of this
4 act shall be known and may be cited as the Special Education Act.

5 Sec. 2. (1) The state shall establish a method of
6 reimbursement for special education and related services by
7 contract for programs which meet the requirements of subsection
8 (2) of this section. At the request of a parent or guardian of a
9 child with a disability eligible for services under the Special
10 Education Act, the state shall insure a contract is issued from
11 the funded service provider to the institution of the parent or
12 guardian's choice in an amount equal to seventy percent of the
13 reimbursable amount for such special education and related services
14 under the Special Education Act. The State Department of Education
15 shall provide forms on which a parent or guardian may request such
16 choice under this section, which forms shall include the name of
17 the parent or guardian, the name and school district of residence
18 of the child with a disability, the name of the service agency,
19 the nature and projected cost of the special education and related
20 services, and such other information as the department requires.

21 (2) Contract funds shall be issued under this section at
22 the time of the child's transfer to any program providing special
23 education and related services to a child with a disability chosen
24 by the parent or guardian which, in the opinion of the parent or
25 guardian, meets the requirements of the child's special education

1 and related service needs. If such parent or guardian's choice is
2 denied, the parent or guardian may seek external review of the
3 decision to deny the application.

4 Sec. 3. Section 79-1128, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 79-1128 The special education programs required by
7 section 79-1127 may be provided by any school district, by
8 contracting with another school district or service agency, ~~or~~ by
9 some combination of school districts, an educational service unit,
10 combination of educational service units, the local or regional
11 office of mental retardation, any program approved by the State
12 of Nebraska, by providing contract funds for programs or services
13 pursuant to section 2 of this act, or any combination thereof.
14 ~~7 except that only nonsectarian services shall be considered for~~
15 ~~approval by the State of Nebraska.~~ Any office of mental retardation
16 program receiving funds under the Special Education Act shall not
17 use such funds to match state funds under the provisions of other
18 programs. The members of the school board of any school district
19 not offering continuous special education programs acceptable to
20 the State Board of Education shall be in violation of the law.
21 No state funds shall be paid to any school district as long as
22 such violation exists, but no deduction shall be made from any
23 funds required by the Constitution of Nebraska to be paid to such
24 district.

25 Sec. 4. Original sections 79-1110 and 79-1128, Reissue

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1 Revised Statutes of Nebraska, are repealed.