

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 702

Introduced by White, 8

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to the Special Education Act; to amend
2 section 79-1142, Reissue Revised Statutes of Nebraska; to
3 prohibit discrimination in reimbursements as prescribed;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1142, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1142 (1) Level I services refers to services provided
4 to children with disabilities who require an aggregate of not more
5 than three hours per week of special education services and support
6 services and includes all administrative, diagnostic, consultative,
7 and vocational-adjustment counselor services. Support services
8 means preventive services for children from birth to age twenty-one
9 years and, if the child's twenty-first birthday occurs during the
10 school year, until the end of that school year, not identified
11 or verified as having a disability pursuant to sections 79-1118.01
12 and ~~79-1138~~ 79-1137 to 79-1139 but who demonstrate a need for
13 specially designed assistance in order to benefit from the school's
14 general education curriculum. The total allowable reimbursable cost
15 for support services shall not exceed a percentage, established by
16 the State Board of Education, of the school district's or approved
17 cooperative's total allowable reimbursable cost for all special
18 education programs and support services. The percentage established
19 by the State Board of Education for support services shall not
20 exceed ten percent.

21 (2) For special education and support services provided
22 in each school fiscal year, the State Department of Education shall
23 reimburse each school district in the following school fiscal year
24 a pro rata amount determined by the department from appropriations
25 for special education approved by the Legislature and based on

1 allowable excess costs for all special education programs and
2 support services. The reimbursement shall not discriminate on the
3 basis of the type of setting in which children are served, whether
4 in the regular classroom, in special classes, or in separate
5 schools.

6 (3) Cooperatives of school districts or educational
7 service units shall also be eligible for reimbursement for
8 cooperative programs pursuant to this section if such cooperatives
9 or educational service units have complied with the reporting and
10 approval requirements of section 79-1155 for cooperative programs
11 which were offered the preceding year. The payments shall be made
12 by the department to the school district of residence, cooperative
13 of school districts, or educational service unit each year in a
14 minimum of seven payments between the fifth and twentieth day of
15 each month beginning in December. Additional payments may be made
16 based upon additional valid claims submitted. The State Treasurer
17 shall, between the fifth and twentieth day of each month, notify
18 the Director of Administrative Services of the amount of funds
19 available in the General Fund for payment purposes. The director
20 shall, upon receiving such certification, draw warrants against
21 funds appropriated.

22 Sec. 2. Original section 79-1142, Reissue Revised
23 Statutes of Nebraska, is repealed.