

March 7, 1980

LB 821, 855

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 855.

CLERK: Mr. President, LB 855 was introduced by Senator Beutler. (Read title.) It was first read on January 22, referred to Education, advanced to General File. There are committee amendments pending.

SPEAKER MARVEL: Senator Kahle, do you want to take the Education Committee amendments to 855? Then the next bill after this one is 633 and that is an Ag bill.

SENATOR KAHLE: Mr. President, this is an educational bill as you said, LB 855. The amendments are the bill and I believe the amendments were generally prepared by Senator Beutler so I will yield to him to explain what the amendments do.

SPEAKER MARVEL: Senator Beutler, do you wish to speak to the amendments and then the bill as a whole?

SENATOR BEUTLER: I think, Mr. Speaker, I would speak to the amendments, having done so, I would have spoken to the bill as a whole because as Senator Kahle indicated, the amendments are the bill. This has to do with special education appeal procedures and just to give you a little background information, when I first came in with this bill there was one small portion of the procedure that I wanted to work with but shortly subsequent to the introduction of the bill a case came down that indicated Nebraska's procedure may not be acceptable to the Federal Government and the procedure must be acceptable to the Federal Government in order to get a certain large amount of special education funds. So we went back with the Department of Education with a lawyer from the Lincoln School District representing the school district's point of view and with some legal aid attorneys representing basically the parents of special education children to get together a procedure that would clearly meet the federal requirements and that is basically what the amendment is. It is a special education appeal procedure that meets the federal standards. Now basically the problem with the present system that Nebraska had was that the appeal from the hearing officer, there is a hearing officer who initially hears these special education cases, and the appeal under our present law is to the Commissioner of the Department of Education. Now under federal requirements this is not acceptable because the commissioner is an