

March 30, 1981

LB 317

Section 3 defines necessary residential service to be respite care, in-home assistance or an actual facility. Costs for such a program of services shall not be born by the parent or school district. Placement shall be in a program or service as close to home as possible in a setting that is as ordinary as possible for the child. Section 4 provides that the individual education program determination process where it sometimes will be called the IEP, for each handicapped child under 21, that all parties directly involved participate in the planning and decision making. This section also assures that all parties have a right to appeal any residential placement through the proper statutory appeal process. Section 5 is the original Section 7, and provides for promulgation of the necessary rules and regulations by the Department of Public Institutions. Section 6 is the original Section 5 and amends the present statute, 43-647, to provide emphasis that the State Department of Education shall provide approved educational cost levels of all service agencies pursuant to the adopted rules and regulations. Section 7 is the original Section 6. It provides the types and amounts of costs to be billed to school districts for programs provided by the service agencies shall be made consistent to educational state costs approved by such special educational programs. All noneducational costs incurred in programs provided by state agencies are to be born by the state through that agency. And Section 8 provides that mileage payment to parents shall be consistent with the amounts paid to state employees. This provision is also in LB 204 and we can take this out on Select File if we think it is necessary. Section 9 transfers funding for residential care responsibility from the Department of Education to the Regional Office of Mental Retardation. And Section 10 provides language to assure the regional offices of mental retardation the opportunity to initiate hearings on matters relating to any placement under this act. In other words, if they feel the placement is not appropriate, they have a hearing and can refuse and if the hearing officer upholds it, the placement will not be made. Section 11 provides for clarification and modification of due process and procedural safeguards to the existing appeal process as recommended by the office of the Attorney General. And Section 12 provides proper budgeting in county procedures relative to this act and further provides language to ensure proper funding for programs and services that we are intending to be brought into the law under this piece of proposal or legislative proposal. And the last section has a repealer clause. Now, as you know, the Education Committee for many years has been looking at Special