

LEGISLATIVE BILL 413

Approved by the Governor April 29, 1987

Introduced by Baack, 47

AN ACT relating to special education; to amend section 43-648, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; to change reimbursement provisions; to eliminate an operative date provision; to repeal the original section, and also section 3, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986; and to declare an emergency.

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

Section 1. That section 43-648, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986, be amended to read as follows:

43-648. (1) The State Department of Education shall reimburse each school district for ninety per cent of the allowable excess cost of the preceding year's special education programs terminating in fiscal year 1987-88. In each fiscal year subsequent to fiscal year 1987-88, the State Department of Education shall reimburse each school district an amount equal to ninety per cent of allowable excess cost for all services and programs other than Level I services. The amount appropriated by the Legislature for Level I services shall consist of the amount of the preceding year's Level I services appropriation plus fifty per cent of the increase in the ninety per cent allowable excess cost in Level I services for the average of the two immediately preceding years, except that the amount to be reimbursed by the State Department of Education for Level I services shall not be less than eighty per cent of allowable excess costs. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety per cent of the allowable excess cost for Level I services for the immediately preceding year's special education program. this subsection shall apply only to special education programs not described in subsection (2) of this section. Cooperatives of school districts or educational service units shall also be eligible for

reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 43-643 for cooperative programs which were offered the preceding year. The payments shall be made by the State Department of Education to the resident school district, cooperative of school districts, or educational service unit each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receiving such certification, draw warrants against funds appropriated.

(2) Level I services shall refer to services provided to students who require an aggregate of not more than three hours per week of special education services and shall include all administrative, diagnostic, consultative, and vocational adjustment counselor services. It is the intent of the Legislature that programs for (a) handicapped children who require special education programs outside of the regular classroom for a period of time less than six hours per week and (b) handicapped children who are in special education programs for the learning disabled or speech impaired shall be reimbursed pursuant to this subsection. The State Department of Education shall establish procedures and standards to enforce this subsection. Such procedures and standards shall include, but not be limited to, provisions for monitoring assignment of staff by type and extent of service provided and provisions for conducting random onsite audits and examinations of special education programs.

In each fiscal year subsequent to fiscal year 1987-88, the Legislature shall appropriate an amount for special education programs for (i) handicapped children who require special education programs outside of the regular classroom for a period of time less than six hours per week and (ii) for handicapped children who are in special education programs for the learning disabled or speech impaired which is the lesser of (A) ninety per cent of the allowable excess costs of the special education programs for the preceding year or (B) an amount equal to the amount appropriated for the preceding fiscal year adjusted by the per cent of the

increase or decrease appropriated for general state aid pursuant to sections 79-1331 to 79-1344-01 for the fiscal year for which the appropriation is being made compared to the preceding fiscal year.

(3) School districts, educational service units, and cooperatives of school districts shall submit financial data for special education programs offered in the 1987-88 school year as requested by the State Department of Education which shall separate such programs for the learning disabled, for the speech impaired, and for handicapped children who require special education programs outside of the regular classroom for a period of time less than six hours per week, from other special education programs.

If the amount appropriated by the Legislature for the fiscal year for which the appropriation is being made for special education programs is less than ninety per cent of the allowable excess costs for the preceding year, the amount so appropriated shall be prorated by the State Department of Education based on plans and budgets in reports submitted to such department pursuant to section 43-643.

Sec. 2. That original section 43-648, Revised Statutes Supplement, 1986, as amended by section 2, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986, and also section 3, Legislative Bill 2, Eighty-ninth Legislature, Fourth Special Session, 1986, are repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.