

LEGISLATURE OF NEBRASKA  
NINETY-FOURTH LEGISLATURE  
FIRST SESSION

Legislative Bill 742

Introduced by McKenzie, 34, at the request of the Governor

Read first time January 19, 1995

Committee: Education

A BILL

1 FOR AN ACT relating to special education; to amend sections 79-3325  
2 and 79-3332, Reissue Revised Statutes of Nebraska; to  
3 change reimbursement for special education programs; and  
4 to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-3325, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 79-3325. The State Department of Education shall provide  
4 grants for the costs of the special education programs approved by  
5 the State Department of Education to the school district of  
6 residence for handicapped children of less than five years of age.  
7 Educational service units or cooperatives of school districts  
8 recognized as regional planning entities by the State Board of  
9 Education pursuant to section 79-3328 shall be eligible to receive  
10 grants for cooperative programs for such handicapped children of  
11 less than five years of age if such educational service units or  
12 cooperatives have complied with the reporting and approval  
13 requirements of section 79-3328. The grants shall be one hundred  
14 percent of the costs of such programs and shall continue to be one  
15 hundred percent as long as the funding for such grants comes from  
16 federal fund. If the federal funding is inadequate at any time to  
17 pay one hundred percent of the costs of such programs, the amount  
18 of the grant provided by the department shall be ~~ninety percent of~~  
19 ~~such costs as determined by the State Board of Education from~~  
20 appropriations approved by the Legislature. The grant payments  
21 shall be made by the State Department of Education to the resident  
22 school district, educational service unit, or regional planning  
23 entity recognized by the State Board of Education pursuant to  
24 section 79-3328 each year in seven as nearly as possible equal  
25 monthly payments between the fifth and twentieth day of each month  
26 beginning in December.

27 Sec. 2. Section 79-3332, Reissue Revised Statutes of  
28 Nebraska, is amended to read:

1 79-3332. (1) ~~The State Department of Education shall~~  
2 ~~reimburse each school district for ninety percent of the allowable~~  
3 ~~excess cost of the preceding year's special education programs~~  
4 ~~terminating in fiscal year 1987-88. In each fiscal year subsequent~~  
5 ~~to Commencing in fiscal year 1987-88 1994-95, the State Department~~  
6 of Education shall reimburse each school district ~~on a pro rata~~  
7 amount equal to ~~ninety percent~~ a percentage of the allowable excess  
8 cost for all services and programs other than Level I services as  
9 determined by the State Board of Education from appropriations  
10 approved by the Legislature. The amount appropriated by the  
11 Legislature for Level I services shall consist of the amount of the  
12 preceding year's level I services appropriation plus fifty percent  
13 of the increase in the ~~ninety percent~~ percentage of the allowable  
14 excess cost ~~in~~ for Level I services for the average of the two  
15 immediately preceding years, except that the amount to be  
16 reimbursed by the State Department of Education for Level I  
17 services shall not be less than eighty percent of allowable excess  
18 costs. The proportionate share for each school district for Level  
19 I services shall be based on the final expenditure report of ~~ninety~~  
20 ~~percent~~ the percentage of the allowable excess cost for Level I  
21 services for the immediately preceding year's special education  
22 program. Cooperatives of school districts or educational service  
23 units shall also be eligible for reimbursement for cooperative  
24 programs pursuant to this section if such cooperatives or  
25 educational service units have complied with the reporting and  
26 approval requirements of section 79-3343 for cooperative programs  
27 which were offered the preceding year. The payments shall be made  
28 by the State Department of Education to the resident school

1 district, cooperative of school districts, or educational service  
2 unit each year in seven as nearly as possible equal monthly  
3 payments between the fifth and twentieth day of each month  
4 beginning in December. The State Treasurer shall, between the  
5 fifth and twentieth day of each month, notify the Director of  
6 Administrative Services of the amount of funds available in the  
7 General Fund for payment purposes. The Director of Administrative  
8 Services shall, upon receiving such certification, draw warrants  
9 against funds appropriated.

10 (2) Level I services shall refer to services provided to  
11 students who require an aggregate of not more than three hours per  
12 week of special education services and shall include all  
13 administrative, diagnostic, consultative, and vocational-adjustment  
14 counselor services.

15 Sec. 3. Original sections 79-3325 and 79-3332, Reissue  
16 Revised Statutes of Nebraska, are repealed.