

COMMITTEE STATEMENT
LB 865

HEARING DATE: February 25, 1997

COMMITTEE ON: EDUCATION

TITLE: LB 865 (Education Committee, Brashear, Engel, et al.) Provide, change and eliminate provisions relating to special education

ROLL CALL VOTE, FINAL COMMITTEE ACTION

Advanced to General File

Y Advanced to General File with amendments

Indefinitely Postponed

Vote results:

7 Yes

Senators Stuhr, Beutler, Suttle, Bohlke, Bromm, McKenzie, Wickersham

0 No

0 Present. not voting

1 Absent

Senator Warner

PROPONENTS

Senator Jan McKenzie

Nancy Meyer

Representing

Introducing for the Committee

Nebraska Council of School Administrators

OPPONENTS

Colleen Peterson

Debra Storz

Deborah Weston Hahn

Representing

Parent for Judy Quest

Parent

Parent

NEUTRAL

John Heil

Don Anderson

Mary Fraser Meints

Representing

Omaha Public Schools

Department of Education, State School Board

Department of Social Services

Summary of purpose and/or changes:

Legislative Bill 865 amends several special education provisions and adds new special education sections. The termination date for the existing reimbursement process is moved from August 31, 1998 to August 31, 1999. A new, category of programs is added to the eligibility list for lottery grants. The funding for state wards is changed. The Department of Education is required to establish an assistive technology registry and to define the difference between educational and medical services. Separate transportation requirements and funding provisions are removed, but transportation remains a related service. Verification criteria requirements are also added for related services. A new Transition Commission is created to develop a seamless delivery system to assist students with the transition from the education system into the community.

The lottery distribution provisions in § 9-812 are amended specify that innovative programs for students with disabilities receiving special education and students needing support services are eligible for receiving lottery grants if the programs demonstrate improved outcomes for students through an emphasis on prevention and collaborative planning. Section 79-1018 is amended to exclude lottery grants for innovative special

education programs from the special education receipts included in the calculation of state aid.

Section 79-215 regarding the education of state wards is amended. Currently, the state pays for the education of state wards placed in institutions and group homes. If the district is not the same district in which the students resided prior to becoming a ward, the cost of education and required transportation will be paid by the state. If the costs associated with the student's education are paid by the state, the resident district will reimburse the state for 50% of the cost paid by the state, excluding special education costs. Implementing rules and regulations will be adopted by the Department of Health and Human Services. The definition of formula students in 79-1003 is amended to include 50% of state wards for whom the district is reimbursing the state.

A new section requires the Department of Education to establish a registry for assistive technology devices to encourage and facilitate cooperation and shared usage of assistive technology devices. Assistive technology device is defined as any item, piece of equipment, or product system used to increase, maintain, or improve functional capabilities of children with disabilities. Participation by districts, ESU's, and cooperatives will be voluntary.

Another new section requires the Department to adopt rules and regulations which define educational benefit in order to give direction to school districts in making the distinction between health or-medical services which are not the responsibility of school systems and educational services which are the responsibility of the school system.

Section 79-1127 provides that school districts shall provide or contract for special education and transportation for all resident students who would benefit. This measure removes transportation from those requirements. Section 79-1143 is amended by deleting language regarding funds appropriated for transportation. Sections 79-1144 and 79-1145 are amended to clarify that reimbursement for special education transportation costs incurred prior to the effective date of this act will be pursuant to

79-1129 as it existed prior to this act and to limit the separate transportation appropriation for reimbursements occurring before 1998-99. Sections 79-1129 and 79-1110 are outright repealed. These two sections provide for special education transportation.

Section 79-1137 declares a need for criteria to assess, identify and verify children who may require special education. Related services are added as programs that need those types of criteria. The statement about the greater equity, consistency, and efficiency that is gained through the use of those types of criteria is modified by adding that those benefits are gained if the criteria is designed to minimize the burden created for school districts. Section 79-1138 is amended to require rules and regulations establishing criteria for the assessment, identification, and verification which minimize the burdens created for school districts to be effective after August 1, 1998. The rules and regulations will address both handicapping conditions and the need for related services. A requirement for the rules and regulations to include provisions for the maximum utilization of regular education programs and personnel for those who do not meet the criteria. Section 79-1139 excludes students who are

not identified and verified from special education services. This measure adds related services to that exclusion.

A Transition Commission is created to develop legislation and rule changes by December 1, 1998 which will create a cooperative interagency service model for transitional and vocational services for individuals with disabilities ages 14-21 and beyond. The intent is to create a seamless delivery system. The goals shall be the elimination of duplication of effort and the enhancement of fiscal and human resource efficiency. The model along with the student's IEP, will guide the provision of services and the completion of the student's education through high school. Most student should complete high school prior to age 21 and by 18 if possible with services to enable a successful transition into the community. The members will be representatives of the Department's Division of Vocational Rehabilitation division and Office of Special Populations, representatives of the Department of Health and Human Services areas of developmental disabilities and mental health, a representative of school district administration, a representative of a school board, a representative of a third-party provider, and two parents of students receiving special education services.

Explanation of Amendments, if any:

The committee amendment removes three sections from the bill. The changes to SS 7111-215 and 79-1003 regarding state wards are removed along with the new section requiring the Department of Education to define educational benefit.

The term innovative is removed from the description of the special education programs being added to the eligibility list in § 9-812. Projects receiving major competitive grants under § 9812 are already required to be innovative.

The new language regarding the minimizing of the burden for school districts is removed from the findings language regarding assessment, identification, and verification in § 79-1137. The language in § 79-1138 regarding the minimizing of the burden for school districts in assessment identification, and verification rules and regulations is replaced with the minimizing of fiscal and administrative impacts

Chairperson