

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -  
2008**

**COMMITTEE STATEMENT**

**LB1153**

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**Hearing Date:** February 19, 2008

**Committee On:** Education

**Introducer(s):** (Raikes)

**Title:** Change provisions relating to special education and the Attracting Excellence to Teaching Program Act

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**Roll Call Vote - Final Committee Action:**

Placed on General File with Amendments

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**Vote Results:**

5 Yes	Senators Adams, Avery, Howard, Kopplin, Raikes
0 No	
2 Absent	Senators Ashford, Johnson
1 Present, not voting	Senator Burling

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**Proponents:**

Senator Ron Raikes  
Tom McBride

Korby Gilbertson

**Representing:**

Introducer  
Epworth Village / Uta Halee Girls Village and  
Cooper Village  
Boys Town

**Opponents:****Representing:****Neutral:**

Gary M. Sherman  
Jeremy P. Murphy

**Representing:**

State Board of Education  
Nebraska Catholic Conference

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**Summary of purpose and/or change:**

Legislative Bill 1153 contains most of the recommendations of the Special Education Services Task Force created by LB 316 (2007). The recommendation to form another task force to study special education finance was not included. The measure would require resident school districts to contract directly with residential settings for educational services, require an annual special education teacher recruitment camp, require an annual advertising campaign to highlight and recruit special education teachers, limit the Attracting Excellence to Teaching Program to students who plan to teach in shortage areas, require a special education parents' guide, and require studies on the equity of special education services across the state.

**Residential Settings**

Section 79-215 would be amended to require resident school districts to contract with either the residential setting where a student is receiving educational services or with the district where the residential setting is located, depending on who is providing the educational services. Currently, the requirement is to contract with the district where the setting is located. Contracts with the residential setting would be based on the approved special education rate. The current provision transferring all legal responsibility for special education to the district where the residential setting is located would be modified by requiring a representative from the resident school district to be included in individualized education program meetings and by limiting the application of the transfer to those instances where the district is providing the majority of the student's educational services. An additional provision would leave legal responsibility for special education with the resident school district if the residential setting is providing the majority of the educational services. In such case, a representative from the residential setting would be included in the individualized education program meetings. All of these changes apply when a child who is not a ward of the state or of a court is placed in a residential setting for reasons other than to receive an education and the residential setting is operated by a service provider certified or licensed by the Department of Health and Human Services.

**Recruitment Camp and Advertising Campaign**

A new section would require the Department of Education to annually conduct a special education teacher recruitment camp for interested high school students in cooperation with the teacher education institutions. The Department would also be required to conduct an annual advertising campaign to highlight the accomplishments

of special education teachers in Nebraska, to advertise the special education teacher recruitment camp, and to advertise the Attracting Excellence to Teaching Program. The department would be encouraged to collaborate with and seek financial assistance from other interested organizations for both the camp and the advertising campaign.

### **Attracting Excellence to Teaching Program**

Section 79-8,133 would be amended by modifying the qualifications for the Attracting Excellence to Teaching Program. Part-time and graduate students would be added as eligible candidates, but all eligible candidates applying for the first time after the effective date of the act would have to be majoring in a shortage area. Shortage areas would mean a field of teaching for which there is a shortage of properly endorsed teachers as determined by the Department of Education.

Section 79-8,134 would be amended by modifying the purposes of the program to focus on students who will teach in shortage areas.

Section 79-8,135 would be amended by adding requirements for students applying for the first time after the effective date of the act to agree to complete a major in a shortage area and to agree to teacher in a shortage area. The maximum loan amount would be increased from \$2,500 per year to \$3,000 per year.

Section 79-8,136 would be amended by removing obsolete language.

Section 79-8,137 would be amended by adding shortage area requirements to the contract and repayment provisions for students applying for the first time after the effective date of the act. Loan forgiveness for such students would begin after the first two years of teaching in the shortage area in Nebraska at a rate of one year of loan for each year of teaching after the first two years. If the student teaches in a school district in which at least 40% of the students are in poverty or that is in a sparse or very sparse local system, the payments would be forgiven at two years of loans for each year of teaching after the first two years. Currently, the loan forgiveness begins right away at the same rate. Existing language identifying high poverty districts would be clarified with updated terminology.

Section 79-8,139 would be amended by combining and modifying the requirement for the department to submit reports. The deadline for the annual report is moved from November 15 of each year to December 31 of each even-numbered year, making it a biennial report. The Governor and the Clerk of the Legislature are added to the Education Committee as recipients of the report and the status of the program, status of the borrowers, and the impact of the program are added to the report requirements. These requirements are currently in a one-time requirement for a report that was due to the Governor and the Clerk of the Legislature on December 31, 2005.

Section 79-8,140 would be amended by adding a requirement that the State Board of Education adopt and promulgate rules and regulations to determine teacher shortage areas.

## **Parents' Guide**

A new section would require the State Board of Education, in cooperation with any federal parent training and information centers in Nebraska, to develop a parent guide describing the basic process for assessment, identification, verification, individualized education programs, complaints, hearings, and mediation. The guide would also contain contact information for such centers. The guide could not exceed the front and back of a single 8 ½ x 11 sheet of paper. The department would provide the guide to districts in an electronic format that could be printed and copied for parents.

Beginning July 1, 2009, school districts would be required to provide the guide to parents with the request for consent to evaluate a child for special education services and with each notification of an individualized education program meeting.

Section 79-1110 would be amended by adding the parent guide requirement to the Special Education Act.

## **Equity of Services**

Section 79-1157 would be amended by adding equity of services provided across the state as one of the topics to be included in evaluation studies to be completed by the department. The first report on equity of special education services would be due to the Clerk of the Legislature and the chairperson of the Education Committee on December 1, 2009, with a second report due December 1, 2013. The study would rely on information already provided to the department by school districts, educational service units, parents, and other interested parties. The second report would also include such other information as deemed lacking in the first report. Both reports could include recommendations for improving equity.

## **Explanation of amendments, if any:**

The committee amendments would replace the original provisions with the provisions of LB 990 as modified by technical changes. The amendments would allow a parent or guardian to request that a school district issue a certificate of attendance to a special education student who is at least 17 and who has not completed his or her individualized education plan (IEP). The district would allow the student receiving the certificate to participate in the high school graduation ceremony with students receiving high school diplomas. A student would only be allowed to receive one certificate and participate in one ceremony. The receipt of a certificate of attendance would not affect a school district's obligation to continue providing special education services to the student.

The student would not be precluded from receiving a high school diploma by meeting graduation requirements established pursuant to § 79-729 or in his or her IEP. Technical changes from the original provisions of LB 990 clarify that the applicable graduation requirements are established by the district. The student also would not be precluded from receiving a diploma of high school equivalency. Section 79-729 provides that graduating students must have a minimum of 200 credit hours with 80% in core curriculum areas, unless otherwise indicated in an IEP. The district could also allow a student who has previously participated in a graduation ceremony based on a certificate of attendance to participate in an additional ceremony when the student receives a high school diploma.

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Senator Ron Raikes, Chairperson