



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 139**

Hearing Date: February 13, 2007
Committee On: Education

Introducer(s): (Flood)
Title: Change reimbursement provisions under the Special Education Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Adams, Avery, Burling, Howard, Johnson, Kopplin, and Raikes
	No	
	Present, not voting	
1	Absent	Senator Ashford

Proponents:
Senator Mike Flood
Sara Farrand
Pete Biaggio
Frank Hebenstreit
John A. Bonaiuto
Virgil Horne
Jay Sears

Representing:
Introducer
Nebraska Department of Education
Nebraska Department of Education
Norfolk Public Schools
Nebraska Association of School Boards
Lincoln Public Schools
Nebraska State Education Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 139 would amend § 79-1142 to allow the Department of Education to establish a hardship fund from money appropriated for special education. The purpose of the hardship fund would be to provide current year reimbursements for the special education and related services for school-age children who are not wards of the state and who reside in a residential setting located in Nebraska. The department would determine the pro rata amount to be reimbursed. Costs reimbursed from the fund would not be eligible for further reimbursement. The fund could

only be accessed once for each student. Unused money in the hardship fund would be distributed as regular special education reimbursements.

School districts would be required to demonstrate to the department that:

1. The school district could not reasonable have anticipated being responsible for the costs prior to September 20th;
2. The costs will have an extreme financial impact on the budget of the school district;
3. The financial impact is greater than either (A) 3 times the average per pupil cost for the state; or (B) 5% of the district's general fund expenditures; and
4. The eligibility criteria established by the department, which take into account the number and percentage of such students served by the district, have been met.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson