

AMENDMENTS TO LB583

(Amendments to Standing Committee amendments, AM970)

Introduced by Sanders, 45.

1 1. Strike sections 2, 3, and 4 and insert the following new section:

2 Sec. 11. Section 79-1142, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-1142 (1) Level I services refers to services provided to children
5 with disabilities who require an aggregate of not more than three hours
6 per week of special education services and support services and includes
7 all administrative, diagnostic, consultative, and vocational-adjustment
8 counselor services.

9 (2) The total allowable reimbursable cost for support services shall
10 not exceed a percentage, established by the State Board of Education, of
11 the school district's or approved cooperative's total allowable
12 reimbursable cost for all special education programs and support
13 services. The percentage established by the board for support services
14 shall not exceed the difference of ten percent minus the percentage of
15 the appropriations for special education approved by the Legislature set
16 aside for reimbursements for support services pursuant to subsection (5)
17 of this section.

18 (3) For special education and support services provided in each
19 school fiscal year, the department shall reimburse each school district
20 in the following school fiscal year eighty percent of a pro rata amount
21 ~~determined by the department. The reimbursement percentage shall be the~~
22 ~~ratio of the difference of the appropriations for special education~~
23 ~~approved by the Legislature minus the amounts set aside pursuant to~~
24 ~~subsection (5) of this section divided by the total allowable excess~~
25 costs for all special education programs and support services.—(4)
26 Cooperatives of school districts or educational service units shall also

1 be eligible for reimbursement for cooperative programs pursuant to this
2 section if such cooperatives or educational service units have complied
3 with the reporting and approval requirements of section 79-1155 for
4 cooperative programs which were offered the preceding year.

5 (4)(a) The payments shall be made by the department to the school
6 district of residence, cooperative of school districts, or educational
7 service unit each year in a minimum of seven payments between the fifth
8 and twentieth day of each month beginning in December. Additional
9 payments may be made based upon additional valid claims submitted. The
10 State Treasurer shall, between the fifth and twentieth day of each month,
11 notify the Director of Administrative Services of the amount of funds
12 available in the General Fund and the Education Future Fund for payment
13 purposes. The director shall, upon receiving such certification, draw
14 warrants against such funds as appropriated.

15 (b) If the General Fund appropriations for special education
16 approved by the Legislature, minus the amounts set aside pursuant to
17 subsection (5) of this section, are insufficient to reimburse eighty
18 percent of the total allowable excess costs for all special education
19 programs and support services for any school fiscal year:

20 (i) Such allowable excess costs shall be reimbursed from the General
21 Fund appropriations for special education approved by the Legislature,
22 minus the amounts set aside pursuant to subsection (5) of this section,
23 on a pro rata basis at the maximum rate of reimbursement such
24 appropriations will allow as determined by the department; and

25 (ii) The remainder of the eighty percent reimbursement of such
26 allowable excess costs shall be paid from the Education Future Fund.

27 (5) Residential settings described in subdivision (10)(c) of section
28 79-215 shall be reimbursed for the educational services, including
29 special education services and support services, in an amount determined
30 pursuant to the average per pupil cost of the service agency.
31 Reimbursements pursuant to this section shall be made from funds set

1 aside for such purpose within sixty days after receipt of a reimbursement
2 request submitted in the manner required by the department and including
3 any documentation required by the department for educational services
4 that have been provided, except that if there are not any funds available
5 for the remainder of the state fiscal year for such reimbursements, the
6 reimbursement shall occur within thirty days after the beginning of the
7 immediately following state fiscal year. The department may audit any
8 required documentation and subtract any payments made in error from
9 future reimbursements. The department shall set aside separate amounts
10 from the appropriations for special education approved by the Legislature
11 for reimbursements pursuant to this subsection for students receiving
12 special education services and for students receiving support services
13 for each state fiscal year. The amounts set aside for each purpose shall
14 be based on estimates of the reimbursements to be requested during the
15 state fiscal year and shall not be less than the total amount of
16 reimbursements requested in the prior state fiscal year plus any unpaid
17 requests from the prior state fiscal year.

18 (6) On or before November 15 of each year, the department shall
19 submit to the Governor, the Appropriations Committee of the Legislature,
20 and the Education Committee of the Legislature:

21 (a) The total allowable excess costs for all special education
22 programs and support services for all school districts, cooperatives of
23 school districts, and educational service units; and

24 (b) The total reimbursements requested pursuant to subsection (5) of
25 this section for the most recently completed school fiscal year.

26 2. On page 1, line 5, strike "3, 6, and 13" and insert "3 and 10".

27 3. On page 14, line 14; and page 15, line 26, strike "6" and insert
28 "3".

29 4. On page 15, line 1, strike "Twenty-three" and insert "Twenty-
30 four".

31 5. On page 16, lines 1 and 6; page 17, line 6; page 18, line 19; and

- 1 page 19, line 5, strike "May 1", show as stricken, and insert "June 15".
- 2 6. On page 19, strike lines 12 through 16 and insert the following
- 3 new subdivisions:
- 4 "(a) The amount by which the school district reduced its property
- 5 tax request for such school fiscal year, if any such reduction occurred;
- 6 and
- 7 (b) Other information as required by the department.".
- 8 7. Renumber the remaining sections and correct the repealer
- 9 accordingly.