

LEGISLATIVE BILL 1000

Approved by the Governor March 27, 1972

Introduced by David H. Stahmer, 8th District

AN ACT to amend sections 43-619, 79-1910, and 79-2009, Reissue Revised Statutes of Nebraska, 1943, and sections 43-613.01 and 43-614, Revised Statutes Supplement, 1969, relating to handicapped persons; to provide for costs of programs of education; to provide for disbursement of funds as prescribed; to provide for cash funds and reimbursement as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-613.01, Revised Statutes Supplement, 1969, be amended to read as follows:

43-613.01. The cost of programs for trainable mentally retarded children provided pursuant to this act shall be paid as follows:

(1) The school district in which such child resides shall pay four hundred dollars per year for each such child;

(2) The county in which such child resides shall pay four hundred dollars per year for each such child;

(3) The State of Nebraska shall pay four hundred dollars per year for each such child; and

(4) In programs administered by the educational service unit in which the child resides, the educational service unit shall pay the difference between the per pupil cost of the program for trainable mentally retarded children and the sum of the payments made by the resident school district, the county, and the state pursuant to subdivisions (1) to (3) of this section. In programs administered by agencies other than the local educational service unit the excess costs shall be paid for by the resident district of the child; Provided, if the county has withdrawn from the educational service unit, the payment pursuant to this subdivision shall be made by the county rather than the educational service unit; and

(5) In programs operated and maintained by the State Department of Education, the school district of

residence shall contract with the State Department of Education for the annual payment of an amount equal to the per pupil cost of the educational program provided by the state school, funds for such purpose to be derived by the school district in accordance with sections 43-613.01 to 43-615.01.

If the per pupil cost in the program for trainable mentally retarded children is less than the combined contributions of the school district, the county, and the state pursuant to subdivisions (1) to (3) of this section, the contributions of each shall be reduced on a pro rata basis.

For the purposes of this section, per pupil cost in the program for trainable mentally retarded children shall be determined by dividing the operational and capital outlay costs of the program plus three per cent depreciation on that portion of the school plant used exclusively for the program, by the number of children enrolled in the program.

Sec. 2. That section 43-614, Revised Statutes Supplement, 1969, be amended to read as follows:

43-614. The amounts to be contributed by the county, resident school district, and educational service unit for the trainable mentally retarded children in each district shall be paid directly to the school district or educational service unit in which such child is enrolled, if such school district, or educational service unit, or state school has a special training program approved by the State Department of Education. Payment shall be made in accordance with billings submitted by the district, or unit, or State Department of Education twice each year and advance billing may be made with adjustments to be made at the end of each school year if the per pupil cost in the program is less than the combined contributions of the school district, county, and state pursuant to section 43-613.01.

Sec. 3. That section 43-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-619. All money derived from any source other than state General Fund appropriations by any school as provided by the provisions of sections 43-617 and 43-618, shall be remitted to the state treasury on-the-first-day-of-each-month and by the State Treasurer placed--in--the state-General-Fund credited to the Nebraska School for the Mentally Retarded Cash Fund, which fund is hereby created, and such money shall be made available to any

such school for purposes of education, training, or maintenance of students.

Sec. 4. That section 79-1910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1910. All money derived from any source by the Nebraska School for the Deaf as provided by the provisions of Chapter 79, article 19, shall be remitted to the state treasury on the first day of each month and by the State Treasurer placed in the state General Fund; Provided, that this shall not apply to funds received pursuant to a contract with a school district or educational service unit which shall be placed in a cash fund and used in carrying out the provisions of such contract or to federal funds made available to the Nebraska School for the Deaf for purposes of education, training or maintenance of students and such purposes shall be supplemental and in addition to those provided by General Fund appropriation.

Sec. 5. That section 79-2009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2009. All money derived from any source by the Nebraska School for the Visually Handicapped as provided by the provisions of Chapter 79, article 20, shall be remitted to the state treasury on the first day of each month and by the State Treasurer placed in the state General Fund; Provided, that this shall not apply to funds received pursuant to a contract with a school district or educational service unit which shall be placed in a cash fund and used in carrying out the provisions of such contract or to federal funds made available to the Nebraska School for the Visually Handicapped for purposes of education, training or maintenance of students and such purposes shall be supplemental and in addition to those provided by General Fund appropriation.

Sec. 6. There shall be established on behalf of any school as provided for by sections 43-617 and 43-618, the Nebraska School for the Deaf as provided for by Chapter 79, article 19, and the Nebraska School for the Visually Handicapped as provided for by Chapter 79, article 20, an emergency cash fund for each such school in an amount which at no time shall exceed five hundred dollars. Such emergency cash fund shall be used to provide for immediate and unusual needs as may be required and shall be reimbursed from the General Fund appropriation of each such school.

Sec. 7. That original sections 43-619, 79-1910, and 79-2009, Reissue Revised Statutes of Nebraska, 1943, and sections 43-613.01 and 43-614, Revised Statutes Supplement, 1969, are repealed.