

AMENDMENTS TO LB937

(Amendments to Standing Committee amendments, AM2454)

Introduced by Rountree, 3.

1 1. Insert the following new sections:

2 **Sec. 13.** Section 79-1139, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1139 (1) For purposes of this section:

5 (a) Educational decision maker means a person designated or ordered
6 by a court to make educational decisions on behalf of a student; and

7 (b) Surrogate means a surrogate for the parents assigned pursuant to
8 section 79-1161.

9 (2) Each school district shall include only students identified and
10 verified pursuant to sections 79-1137 and 79-1138 in special education
11 programs and shall not provide special education services pursuant to the
12 Special Education Act to any child who has not been so identified and
13 verified.

14 (3) Each school district shall provide special education services to
15 each student identified and verified pursuant to sections 79-1137 and
16 79-1138 as directed in the student's individualized education program.

17 (4) No school district shall implement a change to an individualized
18 education program without consent from the student's parent, legal
19 guardian, educational decisionmaker, or surrogate unless:

20 (a) The school district documents reasonable efforts to obtain such
21 consent and no response is received from the student's parent, legal
22 guardian, educational decisionmaker, or surrogate within ten calendar
23 days following such efforts; or

24 (b) The school district obtains approval to implement such change
25 through a hearing conducted pursuant to sections 79-1161 to 79-1167.

26 **Sec. 14.** Section 79-1164, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-1164 (1) Upon the receipt of a petition filed under section
3 79-1162, the department shall assign it to a hearing officer. The hearing
4 officer shall receive all subsequent pleadings and shall conduct the
5 hearing.

6 (2) At the hearing the parties shall present evidence on the issues
7 raised in the pleadings.

8 (3) The school district shall have the burden of proof and the
9 burden of production.

10 (4) At the completion of the proceedings, the hearing officer shall
11 prepare a report based on the evidence presented containing findings of
12 fact and conclusions of law.

13 (5) Within forty-five days after the receipt of a request for a
14 hearing, the hearing officer shall prepare a final decision and order
15 directing such action as may be necessary. At the request of either party
16 for good cause shown, the hearing officer may grant specific extensions
17 of time beyond this period.

18 (6) The report and the final decision and order shall be delivered
19 via certified mail to each party or attorney of record and to the
20 Commissioner of Education.

21 2. Renumber the remaining sections, correct internal references, and
22 correct the repealer accordingly.