

## LEGISLATIVE BILL 92

Approved by the Governor February 2, 1974

Introduced by Snyder, 14

AN ACT to amend sections 43-607 and 43-616.01, Revised Statutes Supplement, 1972, and section 43-611, Revised Statutes Supplement, 1973, relating to handicapped and trainable mentally retarded children; to change allowances for transportation expense; to eliminate a restriction on the number of trips; and to repeal the original sections, and also section 43-616.04, Revised Statutes Supplement, 1972.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-607, Revised Statutes Supplement, 1972, be amended to read as follows:

43-607. The board of education shall furnish one of the following types of education to the handicapped children who are residents of the school district:

(1) Pay the per pupil cost of the special program in which the child is enrolled in any district or educational service unit and provide for the transportation expenses for those handicapped children who are forced to leave the school district temporarily because of lack of educational services; Provided, that payments to a parent or guardian for transportation expenses for such child shall be made ~~in accordance with the provisions of section 79-498; but not to exceed four hundred dollars per year for each day of attendance at the rate of twelve cents per mile for each actual mile or fraction thereof traveled between the place of residence and the program of attendance,~~ and when any parent or guardian has more than one handicapped child in his custody or control enrolled in programs at the same location, the aggregate amount of payments to such parent or guardian shall not exceed ~~four hundred dollars~~ the transportation cost of one child per year;

(2) Provide for the transportation expenses within the school district of any deaf, visually handicapped, orthopedically handicapped, trainable mentally retarded, seriously emotionally disturbed, or specific learning disability child or other handicapped child for whom transportation is otherwise required by law, who is enrolled in a special educational program of the district; Provided, that a parent or guardian transporting such child shall be paid for each day of

attendance forty twelve cents per mile for each actual mile or fraction thereof of the distance traveled between the residence and the school of attendance, ~~but not to exceed four hundred dollars per year~~, and when any parent or guardian has more than one child in his custody or control enrolled in programs at the same location, the aggregate amount of payments to such parent or guardian shall not exceed four hundred dollars the transportation cost of one child per year;

(3) Provide for the transportation of children enrolled in the Nebraska School for the Deaf or the Nebraska School for the Visually Handicapped through reimbursement of the parent or guardian for expenses incurred in the transportation to and from school of the child in his custody or control, such reimbursement to be paid at the rate of forty twelve cents per mile for the distance actually traveled between the place of residence and the state-operated school in which the child is enrolled. ~~Provided, that payment to any parent or guardian of a deaf or visually handicapped child enrolled as a residential student in such school shall be limited to an amount determined by no more than five trips per year, but not to exceed four hundred dollars per year.~~ Payment to any parent or guardian of a deaf or visually handicapped child transporting the child daily shall be limited to the number of days of attendance. Any parent or guardian having more than one deaf or visually handicapped child in his custody or control enrolled in such school shall be limited to an aggregate amount not to exceed payment based upon the transportation of one child to the state-operated school for the deaf or visually handicapped in which he is enrolled most distant from his place of residence; ~~but not to exceed four hundred dollars per year;~~

(4) Provide visiting teachers for the homebound handicapped child, such teachers to be certified and qualified in the same manner as required for other teachers in Nebraska;

(5) Provide correspondence instruction approved by the Commissioner of Education; or

(6) Provide any other method of instruction approved by the Commissioner of Education.

Sec. 2. That section 43-611, Revised Statutes Supplement, 1973, be amended to read as follows:

43-611. Sufficient funds shall be appropriated by the Legislature to carry out the provisions of section 43-601 and sections 43-604 to 43-616.01, such funds to be

channeled through the office of the State Department of Education and the department shall be authorized to expend such funds upon proper vouchers approved by the department and warrants issued by the Director of Administrative Services for (1) financial reimbursement to local school districts, educational service units, agencies, and parents or guardians, including full reimbursement for the amount expended pursuant to sections 43-607 and 43-616.01 for actual transportation expenses per year ~~not-to-exceed-four-hundred-dollars~~ for handicapped and ~~trainable~~ mentally retarded children, (2) instructional aids and consultative, supervisory, research and testing services to local school districts, and (3) salaries, wages, maintenance, supplies, travel, and other expenses essential to carrying out the provisions for special education.

Sec. 3. That section 43-616.01, Revised Statutes Supplement, 1972, be amended to read as follows:

43-616.01. The resident school district shall provide for the transportation expenses to and from the program of enrollment for those trainable mentally retarded children who are forced to leave the school district temporarily because of lack of educational services in the district of residence; Provided, that payments to a parent or guardian for transportation expenses for a trainable mentally retarded child shall be made for each day of attendance at the rate of forty twelve cents per mile for-the-distance actually traveled between the place of residence and the school of attendance, but not to exceed ~~four-hundred-dollars~~ the transportation cost of one child per year, and when any parent or guardian has more than one child in his custody or control enrolled in programs at the same location, the aggregate amount of payments to such parent or guardian shall not exceed ~~four-hundred-dollars~~ the transportation cost of one child per year.

Sec. 4. That original sections 43-607 and 43-616.01, Revised Statutes Supplement, 1972, and section 43-611, Revised Statutes Supplement, 1973, and also section 43-616.04, Revised Statutes Supplement, 1972, are repealed.