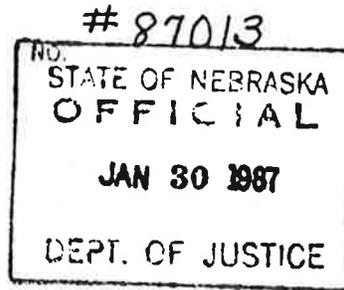


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General

DATE: January 30, 1987

SUBJECT: Does LB 166 of the Ninetieth Legislature, First Session, conflict with so much of Neb.Rev.Stat. §43-601 (Reissue 1984) which states "education of children from birth until completion of a suitable program of education but not to exceed twenty-one years of age. . .?"

REQUESTED BY: Senator Dennis Baack
Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General
Harold Mosher, Assistant Attorney General

The cited statutes pertain to the time frame during which certain services are to be offered to certain types of handicapped children by different entities. Neb.Rev.Stat. §43-601 (Reissue 1984) provides that the State Board of Education shall make provisions for the care and education of certain children "from birth until completion of a suitable program of education but not to exceed twenty-one years of age, who are both deaf and visually handicapped or otherwise multi-handicapped as defined in section 43-629 and for whom there is no other provision in Nebraska law for education and training". If it were to become operative law, LB 166 would amend Neb.Rev.Stat. §43-646 (Reissue 1984) to provide "This act shall apply to a child from the date of diagnosis or the date of notification of the resident school district to the end of the school year following the child's twenty-first birthday." It is to be noted that the words "This act" in Neb.Rev.Stat. §43-646 (Reissue 1984) and in LB 166 does not include Neb.Rev.Stat. §43-601 (Reissue 1984). See, the note in Neb.Rev.Stat. §43-646 (Reissue 1984). In other words, Neb.Rev.Stat. §43-646 (Reissue 1984) is one of a group of statutes which imposes certain duties on school

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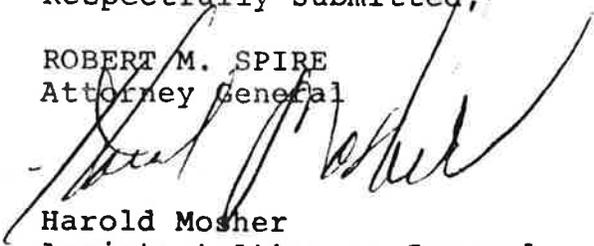
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districts whereas Neb.Rev.Stat. §43-601 (Reissue 1984) imposes certain duties on the State Board of Education. Thus we are of the opinion that LB 166 does not conflict with Neb.Rev.Stat. §43-601 (Reissue 1984). You may, however, wish to harmonize the time frames in each statute.

Respectfully submitted,

ROBERT M. SPIRE
Attorney General



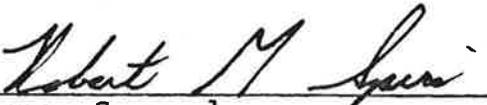
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3/02

APPROVED:



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