

- Student is **not a ward** of the State or any court
- Resides in a residential facility in Nebraska for reasons **other than to receive an education**
- The student remains a **resident of the district he/she resided in immediately prior** to residing in the residential facility
- The **resident district does not change** when the student moves from one residential setting to another

If the residential setting **does not** maintain an interim program school or approved or accredited school:

- Resident district must contract with the district in which the residential setting is located for all education services including special education and support services unless the parent and resident district agree that an appropriate program will be provided by the resident district while the student is residing in the residential setting.
- If the resident district and the district in which the residential setting is located cannot agree on the contract amount, NDE shall determine the amount of the contract.
- All legal responsibility for special education transfers to the district in which the residential setting is located.
- If a district pays and is later found not to be responsible, the responsible district must reimburse the district that paid 110% of the cost.

Reimbursement

- Resident district is reimbursed through normal special education reimbursement process for students with verified disabilities
- Resident district may use “flex funding” to pay for students not verified as eligible for special education. Support services cannot exceed 5% of district’s Special Education budget.
- Reimbursement is year in arrears and is at special education reimbursement rate

If the residential setting **maintains** an interim, or approved or accredited school:

- NDE shall reimburse the residential setting for all educational services including special education and support services
- Amount of payment is average per pupil cost of the agency
- Resident district remains responsible for student’s IEP, if any
- Residential setting may contract for services through other providers

Reimbursement

- Residential setting is reimbursed current year for the education program at 100% of their approved rate.
- NDE sets aside from the Special Education appropriation 2 “pots” of money to reimburse residential setting for education costs:
  - Special education
  - Support services
- If amount set aside is not sufficient, NDE must pay in following fiscal year and set aside an amount equal to previous year plus any insufficient amount.

The definition of “**Support Services**” is revised to include educational services provided to a child pursuant to 79-215(10)(c) by an interim-program school or an approved or accredited school maintained by a residential setting if such child has **not** been identified or verified as a child with a disability, but demonstrates a need for specially designed assistance by residing in a residential setting described in 79-215(10)(a).