



The Individuals with Disabilities Education Act (IDEA)

92 NAC 51 (Rule 51)

GMS Flex Funding Application: Preschool and School Age

Flex Funding Guidance Document

Revised Version: June 2026



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Introduction:

The flexible funding option offers the use of a percentage of special education funds for the education of students not verified as having a disability as defined within 92 NAC 51 (Rule 51). This concept originated from legislation passed in the 1997 unicameral session. In that legislation (Neb. Rev. Stat. 79-1142) school districts were allowed to channel a percent of their total allowable reimbursable special education costs to “preventative” support services for “students not identified or verified as having a disability... but who demonstrate a need for specially designed assistance in order to benefit from the school’s general education curriculum and to avoid the need for potentially expensive special education placement and services. As approved by the State Board of Education, the flexible funding option is available to school districts and approved cooperatives to a maximum of five percent (5%) of the total allowable and reimbursable special education costs for school age costs.

In addition to aligning more closely with state and federal initiatives and the responsibility for appropriate use of funds, the Flex Funding project will only be allowed for PreK-6 grade students. This will allow districts to align with the work being done in the district with the MTSS process and the use of evidence-based practices that provide early intervening services. Also, targeting at risk students in PreK-6 grade may reduce more costly special education identification and thus help in improving the statewide goal of improving literacy proficiency as measured by the Spring Nebraska Student Centered Assessment Summative on English Language Arts (ELA).

Beginning June 1st, 2026, priority will be given to projects focusing on PreK to Grade 3 Foundational Literacy. All Flex Funding Projects submitted for the 2026-27 school year and beyond must focus on adolescent literacy. Applications centered on areas outside Foundational and Adolescent Literacy, will not be considered for review.

Any Preschool program will only be allowed to apply for a Flex funded project if a district is using local dollars for special education services to 3-4-year-olds. If all 3-4-year-old programs are funded through IDEA dollars, a preschool application for flex funding will not be allowed. Historically, when Flex Funding dollars were put in place, below age 5 programs were reimbursed at almost 100%. The initial intent was for “school-age” projects. Most districts at that time were only running special education programs in early childhood centers.

The concept for Flex Funding originated in 1997 through the Nebraska Legislature. Federal Funds for Coordinated Early Intervening Services (CEIS) were not yet available to districts. **Districts may utilize their voluntary CEIS funds to focus on additional areas of student need outside of Literacy.** The following paragraph provides an overview of accessing CEIS funds through the GMS IDEA Consolidated Application.

Additional CEIS information is found here:

[NEBRASKA Guidance Document CEIS.pdf](#)

Flexible Funding Procedures:

The NDE, Office of Special Education, is accountable for State funded special education dollars. The office is also responsible for providing clarity and guidance in the application and usage of these flexible funding dollars. **The use of these dollars for students not identified as having a disability decreases the available reimbursement to the district's cost for students with disabilities.** The intent of these funds is to proactively intervene and provide support services to decrease the need for Special Education services.

Guidelines

Applications for the oncoming school year are available to school districts through the NDE Grants Management System (GMS) website annually on June 1st and due July 15th with final approval by October 15. If the project does not have final approval, then the project will not be funded. **It is the responsibility of the NDE Reviewer to communicate expediently if the project needs revisions before final approval. It is the responsibility of the applying district to monitor the GMS site and email correspondence to make revisions and seek final approval by October 15th. There is no appeal process for late applications.**

If adjustments or changes need to be made during the year of the project implementation, an amendment must be submitted. Not submitting amendments for approval can impact final reimbursements. Reimbursement requests that are different than the original approved application will be rejected.

For any amendment questions, please contact:

- Fiscal Reviewer: Suzie Pierce – suzie.pierce@nebraska.gov
- Lead Reviewer: Ann Carmoney – ann.carmoney@nebraska.gov

It is the responsibility of the district to meet the accountability and intent of FLEX dollars to submit a Final Report of the FLEX Project on GMS. Final reports from the prior school year are due upon completion of the project and no later than September 30th. It is the responsibility of the NDE Reviewer to communicate expediently if the Final Report needs additional information and data. It is the responsibility of the applying district to monitor the GMS site and email correspondence to respond to Final Report requests and seek final approval by November 15. If the final report is not approved by November 15th the project will not be funded. As stated above, if changes were made to the project during implementation, prior approval must be obtained prior to the end of the project.

Districts are allowed up to 5 applications not to exceed the 5% total allocation. Each application targets a different group of students who are at risk.

Applications require the district to submit a narrative describing the support services designed for the targeted subgroups(s) who demonstrate a need for specially designed assistance in order to fully benefit from the school's general education curriculum and to avoid the need for potentially expensive special education placement and services. The narrative must include how the proposed services are different than what is currently provided to the targeted subgroup.

IMPORTANT NOTE: Per Neb. Rev. Stat. 79-1142, Flex funded projects cannot include students for which special education services are being provided. Any application, amendment, and/or Annual Report that indicates the involvement of students who already receive special education services documentation will not be approved.

Additional narratives must include a description of:

- Targeted student subgroup(s)-the identification of the group of non-disabled students experiencing difficulty in general curriculum. Identified students should be determined based on data obtained in the spring of the prior school year. How are these students determined at risk
- Number of students to be served. Give specific numbers based on the previous target subgroup listed above. Define the specific location for the services. (Not just school building or elementary). e.g., Twelve 3rd grade students have been identified for targeted support and will receive this support in the general education 3 grade classroom and in the interventionist classroom for small group work. **NOTE: The classroom in which the targeted group of students is receiving a Flex funded intervention must not include students with disabilities.**
- How determination of subgroup(s) was reached- e.g., teacher evaluations, informal/formal diagnostic instruments, criterion referenced measurements
- Strategies/interventions- what will be done with the student population? specific evidence-based intervention strategies should be determined. Please describe the intervention and how often it will be utilized. The amount of time spent in intervention and the grouping of students must also be included.
- Staff development activities that would be funded under the proposal. Those specific in-service activities which directly support carrying out the activities in the proposal.
- Description on how this proposal is different from what is currently available to the targeted subgroup(s) to improve student learning and performance. If this project is a continuation of the previous year's project, describe what changes will be made regarding interventions/strategies and/or student groups.
- The person responsible for the supervision of implementation of this proposal should be listed as the Project Director on the contact information for the grant. If staff members are being paid through the grant they should be listed here and their direct role and responsibilities in this project.
- Annual measurement of success to document changes in student learning/performance. Student outcomes for the targeted subgroup(s) shall include the intended changes in student performance and incorporate indicators and timelines.

Please also include all proposed budget line items and totals in the following areas as they relate to the proposed Flex Project:

- a) Prof. Salaries
- b) Para Salaries

- c) Substitute Salaries
- d) Benefits (All project staff)
- e) Instructional Supplies/Equipment: Supplies and materials listed for this proposal must be specified and **tailored** to this project and used only by this project. **Universal or school wide licenses for intervention are not allowed.**
- f) Inservice: **Any in-service or Professional Development must also be specified in the application-and include the purpose and benefit of the learning.**
- g) Purchased Services
- h) Staff Mileage
- If this proposal is linked to building level school improvement activities, please describe the relationship to the School Improvement/MTSS Action Plan.

The required final report must be submitted prior to November 15th to allow for appropriate review and approval. The Final Report requires districts to report the following:

- Total Number of Students Served
- Of the targeted subgroup, how many students went on to be identified as eligible for special education services?
- Changes that occurred from what initially proposed changes in methodology in reference to student performance. Must have prior approval if amended. The email approving the amendment must be included with the final reimbursement request.
- Give a narrative description of the project and the results of the project that are supported by your documentation. The narrative should describe the program implementation including staff and students impacted by this project, evidence of student progress, and how it made an impact on the student's improvement to no longer be at risk. Pre/post measurements of student performance as a result of teacher evaluations, informal/formal diagnostic instruments, and criterion referenced measurements, etc. Specific data relating to each student identified for growth made and target met or not met. Upload will be required for documentation of student specific pre- and post-assessment data.
- Project actual line-item costs

Claims for funding are reported on the support services line.

SPEDFRS section:

- a) Allowable/Reimbursable AFR Account Information (Ages 5-21)
- b) Documentation included in Supporting Documentation Upload

- c) Expenditure cost must have been reported on the AFR code 1125 for ages 5+ and AFR budge code 1195 ages 3-4

Nebraska State Statute Authorization:

Neb. Rev. Stat. §79-1125.01

Support services, defined.

Support services means **preventive services for a student that is not identified or verified** pursuant to sections [79-1118.01](#), [79-1138](#), and [79-1139](#) **but demonstrates a need for specially designed assistance in order to benefit from the school district's general education curriculum and to avoid the need for potentially expensive special education placement** and services.

Support services include the educational services provided to a child pursuant to subdivision (10)(c) of section 79-215 by an interim-program school or an approved or accredited school maintained by a residential setting if such child has not been identified as a child with a disability pursuant to sections [79-1118.01](#) and [79-1138](#) but demonstrates a need for specially designed assistance by residing in a residential setting described in subdivision (10)(a) of section [79-215](#).

Neb. Rev. Stat. §79-1142

Department; reimbursement for special education programs and support services; to whom; manner; limitations.

(1) Level I services refers to services provided to children with disabilities who require an aggregate of not more than three hours per week of special education services and support services and includes all administrative, diagnostic, consultative, and vocational-adjustment counselor services.

(2) The total allowable reimbursable cost for support services shall not exceed a percentage, established by the State Board of Education, of the school district's or approved cooperative's total allowable reimbursable cost for all special education programs and support services. The percentage established by the board for support services shall not exceed the difference of ten percent minus the percentage of the appropriations for special education approved by the Legislature set aside for reimbursements for support services pursuant to subsection (5) of this section.

(3) For special education and support services provided in each school fiscal year, the department shall reimburse each school district in the following school fiscal year a pro-rate amount determined by the department. The reimbursement percentage shall be the ratio of the difference of the appropriations for special education approved by the Legislature minus the amounts set aside pursuant to subsection (5) of this section divided by the total allowable excess costs for all special education programs and support services.

(4) Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or

educational service units have complied with the reporting and approval requirements of section [79-1155](#) for cooperative programs which were offered the preceding year. The payments shall be made by the department to the school district of residence, cooperative of school districts, or educational service unit each year in a minimum of seven payments between the fifth and twentieth day of each month beginning in December. Additional payments may be made based upon additional valid claims submitted. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The director shall, upon receiving such certification, draw warrants against funds appropriated.

(5) Residential settings described in subdivision (10)(c) of section [79-215](#) shall be reimbursed for the educational services, including special education services and support services in an amount determined pursuant to the average per pupil cost of the service agency. Reimbursements pursuant to this section shall be made from funds set aside for such purpose within sixty days after receipt of a reimbursement request submitted in the manner required by the department and including any documentation required by the department for educational services that have been provided, except that if there are not any funds available for the remainder of the state fiscal year for such reimbursements, the reimbursement shall occur within thirty days after the beginning of the immediately following state fiscal year. The department may audit any required documentation and subtract any payments made in error from future reimbursements. The department shall set aside separate amounts from the appropriations for special education approved by the Legislature for reimbursements pursuant to this subsection for students receiving special education services and for students receiving support services for each state fiscal year. The amounts set aside for each purpose shall be based on estimates of the reimbursements to be requested during the state fiscal year and shall not be less than the total amount of reimbursements requested in the prior state fiscal year plus any unpaid requests from the prior state fiscal year.

92 NAC 51: Section 003 Definition of Terms:

003.60 Support services means preventative services for students not identified or verified as having a disability as per Section 006 but who demonstrate a need for specially designed

assistance in order to benefit from the school's general education curriculum and to avoid the need for potentially expensive special education placement and services.

92 NAC 51: Section 011 School District Budget Development & Reimbursement Process for School Age Programs:

011.01A The special education assurances and flexible funding application of a school district and approved cooperative shall be submitted electronically via the NDE Grants Management System website to the Office of Special Education. Any amendment to the assurances and flexible funding application shall be subject to the same review as the initial assurances and flexible funding application.

011.01B10 Costs for support services, as defined in Neb. Rev. Stat. §79-1125.01 and 92 NAC 51-003.60, identified in 92 NAC 51-011.05 as the Flexible Funding Option.

011.04B1a Allowable expenditures for the preceding school fiscal year including any costs for the Flexible Funding Option.

011.04C2 The amount appropriated by the Legislature for special education programs including support services (Flexible Funding Option) shall be the basis for reimbursement. Payments authorized by Neb. Rev. Stat. §79-1142 shall be made only to a school district or approved cooperative.

011.05 Flexible Funding projects are optional for school districts or approved cooperatives and are intended for students not identified or verified for special education services but who demonstrate a need in the general curriculum. A school district or approved cooperative choosing to exercise the Flexible Funding Option must submit an application containing a narrative and proposed budget. Proposals shall be submitted electronically via the NDE Grants Management System website to the Nebraska Department of Education, Office of Special Education.

011.05A As part of the Flexible Funding Option Application, the narrative shall describe the support services designed for the targeted student subgroup who would benefit from preventative support services within the context of the general curriculum. The narrative must include:

011.05A1 An estimate of the annual number of students to be served;

011.05A2 The process(es) used in identifying the intended target student subgroup;

011.05A3 Methodology to be used including but not limited to:

011.05A3a The strategies and interventions to be applied;

011.05A3b The staff development activities to be funded for carrying out activities described in the proposal;

011.05A3c The intended student outcomes resulting from implementation;

011.05A3d How the proposed services are different from services currently available to the targeted student subgroup.

011.05A3e The proposed annual measurements that will be used to document changes in student performance; and

011.05A3f If the proposal is linked to school district or building level school improvement activities, information describing the relationship to the School Improvement Action Plan; and

011.05A4 The name of the person(s) responsible for proposal implementation as well as a mailing address, e-mail, fax and phone number.

011.05B Flexible Funding Option Reimbursement

011.05B1 Reimbursement for support services as defined in 92 NAC 51-003.60 shall be limited to a percentage established by the State Board of Education not to exceed ten percent of the school district's or approved cooperative's total allowable reimbursable cost for all special education programs and support services.

011.05B2 Costs shall be limited to allowable costs as defined in Section 011 and the cost of salary and fringe benefits of general education staff providing support services.

011.05B3 Payments will be based upon the costs reported in the Final Financial Report and contingent upon completion and approval of a final report containing actual project costs and a report of student progress including the requirements of 92 NAC 51

012.07D. Payments will be made at the same percentage rate as for all special education reimbursement.

011.05C The fiscal year for the Flex Funding Option shall be September 1 to August 31.

012 School District or Approved Cooperative Application and Payment Process for IDEA Flow-Through Allocations

012.04A11 Cost for support services as defined in Neb. Rev. Stat. §79-1125.01 and 92 NAC 51-003.59 and identified in 92 NAC 51-011.05 as the Flexible Funding Option.

Fiscal Notes:

A school district may use up to fifteen (15) percent of the amount the district receives under Part B for any fiscal year, less any amount reduced by the district under adjustments to local fiscal year effort (34 CFR §300.205), if any, in combination with other amounts

(which may include amounts other than education funds), to develop and implement voluntary CEIS.

Voluntary CEIS may include interagency financing structures for students in kindergarten through grade 12, who have not been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. Districts that seek to reduce their local maintenance of effort (MOE) in accordance with 34 CFR §300.205(d) and also use some of their Part B funds for CEIS under 34 CFR §300.226 must do so with caution because the local MOE reduction provision and the authority to use Part B funds for CEIS are interconnected.

The total of the reduction and the CEIS spending may not exceed the lesser of the maximum amount available for the reduction or the CEIS spending. In this way, the implementation of a CEIS project may reduce a district's ability to meet MOE. Funds made available may be used to carry out CEIS aligned with activities funded by and carried out under the Elementary and Secondary Education Act (ESEA) if those funds are used to supplement, and not supplant, funds under the ESEA for the activities and services assisted under this section