



September 5, 2023

School District Superintendents & Special Education Directors

RE: Clarification of NDE Rule 51 – Section 011.02C2, Split Funded Position(s)

As a result of fiscal reviews, the following clarification is offered in regard to school district superintendents, assistant superintendents, principals, assistant principals and special education administrators is being provided. For those administrators certified in special education and anticipating claiming reimbursement for the 2023-24 school year, Nebraska Rule 51 (92 NAC 51-011.02C2) specifies that the cost of a superintendent or principal, hired for the purpose of supervising general education, shall not be included as an allowable excess cost for special education reimbursement. To ensure school district compliance with this regulation, school districts intending to claim state and/or federal special education reimbursement for administrative positions split between general education and special education in the 2023-24 school year must submit the following information and receive prior approval for payment by the NDE for these claims:

The school district, school board approved, employment contract outlining the FTE of each split position that reflects the split assignment and includes special education responsibilities that coincide with information reported within the NDE staff reporting system. These Special Education responsibilities include activities associated with implementation of state and federal special education laws/regulations and may include but are not limited to such activities as:

- Participating in IEP meetings,
- Involvement in transition planning/programming, and
- Planning/implementation and participation in in-serve/training activities.

Please be reminded that supervision of Special Education programs is an allowable expenditure for up to an amount not to exceed 8% of the school district allowable special education program costs, minus the cost of program supervision. Administration/supervision may include clerical costs directly associated with the supervision of special education programs. Time/effort logs are to be maintained on the affected administrators/staff.

If this applies to your district, please submit the necessary documentation no later than October 31, 2023, to nde.spedmail@nebraska.gov at the NDE Office of Special Education.

Sincerely,

Amy R. Rhone, Administrator/ State Director
NDE Office of Special Education
P.O. Box 94987
Lincoln, NE 68509-4987
531-207-9978
amy.rhone@nebraska.gov