

OMB NO. 1820-0030

Expires: 01/31/2026

**ANNUAL STATE APPLICATION UNDER PART B OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FOR FEDERAL FISCAL YEAR 2024**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

**Public Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a currently valid OMB control number. The valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for responses reporting data related to significant disproportionality in a given year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at [Jennifer.Simpson@ed.gov](mailto:Jennifer.Simpson@ed.gov) or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the "reasonable progress" flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

## Section I

### A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

- ☐ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A. of this Application.
- ☒ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2025. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- ☐ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

### B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

#### 1. Conditional Approval Related to Assurances in Section II.A.:

- ☐ a. Section II.A. provides documentation of completion of all issues identified in the FFY 2023 conditional approval letter.
- ☒ b. As noted in Section II.A., the State has not completed all issues identified in the FFY 2023 conditional approval letter.

#### 2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2023 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2023 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2023 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

## Section II

### A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes (Assurance is given Place a check as applicable.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)  Enter date(s) as applicable	Assurances Related to Policies and Procedures
X		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
X		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
X		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be

		achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
X		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
X		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during

		the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
	X June 30, 2024	14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)

X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
X		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> <li>• require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or</li> <li>• purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)</li> </ul>
		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
X		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
X		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under

		34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.
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## B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

## C. Certifications

The State is providing the following certifications:

Yes	Certifications
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education.  With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
X	2. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.



#### D. Statement

I certify that the State of NEBRASKA can make the assurances checked as 'yes' in Section II.A. and II.B. and the certifications required in Section II.C. of this application. These provisions meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) as found in PL 108-446 and the implementing regulations. The State will operate its IDEA Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA, as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2025. (34 CFR § 76.104)

I, the undersigned authorized official of the

\_\_\_\_\_  
Nebraska Department of Education

*(Name of State and official name of State agency)*

am designated by the Governor of this State to submit this application for FFY 2024 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State:
Dr. Brian L. Maher, Ed.D.
Title of Authorized Representative of the State:
Commissioner of Education, Nebraska Department of Education
Signature:
Date:

## Section III

### Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2024 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7).) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).<sup>1</sup> The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

**Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.**

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

Nebraska regularly seeks input from stakeholders when establishing policy, regulation, or implementation strategies. Specific to the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities Nebraska established a broad-based stakeholder group called the RDA Stakeholder Group. The RDA Stakeholder Group includes representation from the following: parents, special education directors, special education staff, general education administrators (principals, superintendents), institutions of higher education, NDE teams (Office of Accountability, Accreditation, and Program Approval; School Improvement; Curriculum, Instruction, and Assessment), community agencies, nonpublic schools, the Nebraska State Education Association, and the Nebraska Association of Special Education Supervisors.

The RDA Stakeholder Group has met periodically throughout the past year and will continue meeting to establish and review targets, needed revisions to targets, and performance as indicated in the SPP/APR and the development and implementation of the State Systemic Improvement Plan (SSIP). Thus far the RDA Stakeholder Group has reviewed historical data around each of the indicators, the targets for each of the indicators, and needed revisions to certain indicator targets. Additionally, the RDA Stakeholder Group assisted NDE in establishing the State Identified Measurable Result (SIMR). As the RDA Stakeholder Group continues meeting, it will provide guidance and input on the development of the continued phases of the SSIP process.

In addition to the RDA Stakeholder Group, established specifically for the purpose of gathering input on the annual use of funds under Part B of the IDEA, Nebraska also obtained input from two longstanding stakeholder groups with some members serving as liaisons to the RDA Stakeholder Group: Special Education Advisory Council (SEAC) and the Results Matter Nebraska Task Force (Task Force). SEAC is established pursuant to 34 C.F.R. § 300.167 and, as such, provides input from a diverse group of stakeholders. SEAC and the Task Force regularly are provided an opportunity to comment and provide

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<sup>1</sup>Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

feedback on the use of IDEA Part B funds to implement State priorities. The SEAC is provided quarterly updates on the priority projects set forth by the NDE, Office of Special Education progress as well as use of funds in the development of the progress. NDE continues to work collaboratively with stakeholders, including SEAC and the Task Force, to analyze and review data to assist in making changes to the SSIP in relation to the SiMR data, interim measures of progress, and any needed changes to infrastructure and programmatic activities, along with any changes needed to the targets within each indicator and then ultimately to decide how funds will be used pursuant to Part B of the IDEA to improve outcomes for students with disabilities.

In addition, The Nebraska Department of Education (NDE), Office of Special Education Leadership team meets with representatives of LEAs (Liaison Committee) at least annually (proposed quarterly) to provide an opportunity for input on the proposed use of IDEA Part B funds for activities to accomplish State priorities.

The Nebraska Department of Education hosts monthly webinars where members of the Nebraska Association of Special Education Supervisors and other LEA special education directors have the opportunity to comment on State priority activities and proposed distribution amounts of IDEA Part B State Set-Aside dollars.

During the public review period of the IDEA Part B Application, LEA's also have the opportunity to comment on the use of funds for the identified State-level activities.

## Section IV

### State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

### Nebraska Regulations Exceeding IDEA Requirements

92 Nebraska Administrative Code 51 (Rule 51) includes the following requirements which exceed the federal requirements contained in IDEA:

- The requirement to provide a Free Appropriate Public Education (FAPE) to all children with disabilities from birth (or date of diagnosis) through the school year in which the student reaches age 21.
- The requirement to make FAPE available to all resident children with disabilities attending a non-public school.
- Innovative Educational Projects can be conducted by school districts and approved cooperatives for the purpose of improving instruction or increasing educational opportunities for children with disabilities.
- Early Childhood Planning Region Teams coordinate services for children birth to age five. The Planning Teams are comprised of family members and representatives from school districts, educational service unites, Nebraska Department of Health and Human Services, agencies providing medical services, Head Start, agencies serving traditionally underserved children, child care providers, services coordination contracting agencies, and other persons serving children with disabilities and their families.
- The requirement to implement student assistance teams or comparable problem solving teams to document intervention strategies to assist the teachers in the provision of general education prior to referral to a multidisciplinary team evaluation.
- A list of approvable endorsements for teachers in each categorical assignment.
- The competency levels required for educational sign language interpreters.
- The process for claiming reimbursement for allowable special education costs is defined.
- The application and payment process for IDEA Flow-Through Allocation is defined.
- The process for contracting for the provision of special education services from a services provider is defined.
- The responsibility for the provision of transportation to children with disabilities who require such services and the process for claiming allowable reimbursement is defined.
- Optional flexible funding projects to provide support services to targeted students not verified for special education services but who would benefit from preventative support services within the context of the general curriculum .

**Section V****A. Maintenance of State Financial Support**

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A. of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2022 and 2023. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2022 and 2023..

**Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities**

SFY 2022	\$239,854,333
SFY 2023	\$242,445,937

**Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities**

SFY 2022	\$4,499.07
SFY 2023	\$4,370.92

*Lee E. Will*

State Budget Officer or Authorized Representative (Printed Name)

*Lee E. Will*

Signature of State Budget Officer or Authorized Representative

*3/15/24*

Date

**Nebraska****FFY 2023****REGULAR AWARD AMOUNT Est.** \$91,168,685**TOTAL AWARD AMOUNT** \$91,168,685**ADMINISTRATION**Maximum Available for Administration. **Sec. III** \$1,981,929How much do you want to set aside for Administration in dollars?  **OK****You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:**

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a. 

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b. 

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:

**\$753,836**

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c. 

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

d. 

To assist local educational agencies in meeting personnel shortages.

e. 

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f. 

Subtotal, Administration funds used for Other State-Level Activities \$0

**OK**

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g. The total of details for your Administration set-aside is \$1,981,929 **OK****OTHER STATE-LEVEL ACTIVITIES**

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$10,316,702

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$9,231,931

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$10,832,537

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the

maximum amount that you may use for Other State-Level Activities is:

\$9,800,867

Do you wish to use funds for a High Cost Fund? (Yes or No)

No

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision

**NOT TO** use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

\$9,231,931

How much do you want to set aside for Other State-Level Activities?

\$8,931,931 OK

You must distribute the amount you want to set aside for Other State-Level Activities the following activities.

You can distribute amounts in any order you wish. The

total balance remaining to be distributed at any time appears in red.

Leave Blank

**Required Activities:**

\$0

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$1,429,429

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$350,000

\$0

**Optional Authorized Activities:**

\$0

For support and direct services, including technical assistance, personnel preparation, and professional development and training

j. \$707,502

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

k. \$155,000

\$0

To assist local educational agencies in meeting personnel shortages.

l. \$250,000

\$0

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

m. \$2,600,000

\$0

To support paperwork reduction activities, including expanding the use of technology in the IEP process.

n. \$0

\$0

To improve the use of technology in the classroom by children with disabilities to enhance learning.

o. \$0

\$0

To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

p. \$740,000

\$0

Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.

q. \$400,000

\$0

Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.

r. \$200,000

\$0

To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965.

s. \$500,000

\$0

To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.

t. \$1,600,000

\$0



The total of details for your Other State-Level Activities set-aside is

\$8,931,931 **OK**

You are almost done.  
If you are using money for a High Cost Fund. You must report how much you will use for each of the following two activities. You reported that you would use **\$0**

To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.

u.

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.)

v.

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund

\$0

**OK**

## B. Significant Disproportionality

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

All States completed and submitted the **Significant Disproportionality Reporting** Form with their FFY 2020 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

If your State has revised its Significant Disproportionality procedures or has any questions regarding Section V.B. of the grant application, please contact your OSEP State Lead before the Application due date.

**NOTICE TO ALL APPLICANTS:  
EQUITY FOR STUDENTS, EDUCATORS, AND OTHER PROGRAM  
BENEFICIARIES**

Section 427 of the General Education Provisions Act (GEPA) ([20 U.S.C. 1228a](#)) applies to applicants for grant awards under this program.

**ALL APPLICANTS FOR NEW GRANT AWARDS MUST INCLUDE THE FOLLOWING INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

Please respond to the following requests for information:

1. Describe how your entity's existing mission, policies, or commitments ensure equitable access to, and equitable participation in, the proposed project or activity.

It is the policy of the Nebraska Department of Education (NDE) not to discriminate on the basis of sex, disability, race, color, religion, marital status, age, national origin, or genetic information in its educational programs, admission policies, employment, or other agency programs.

It is the mission of the Nebraska Department of Education to create a dynamic vision that drives change through proactive leadership to support learning, build connections amongst stakeholders to take action in support of success for all learners, provide all Nebraskans significant opportunity to receive fair, equitable, and high quality education and services to close achievement gaps, allow all learners to achieve their fullest potential in transitioning through phases of school and into civic life, ensure all educators are effective in instructional strategies and monitoring child/student progress using multiple measures of proficiency, prepare all learners to be college, career, and civic ready. NDE leverages policy authority to ensure delivery of high quality, equitable education, and services, beyond compliance with state and federal regulations by:

1. Assuring access to fair, equitable, and high-quality early intervention/education, and services.
2. Ensuring that all Nebraskans, regardless of background or circumstances, have equitable access to opportunities for success.
3. Monitoring programs to ensure adherence to regulations and setting expectations beyond compliance for accountability and growth in development and learning.
  - Promoting best practices for leadership and using data and resources to ensure effective continuous improvement.
2. Based on your proposed project or activity, what barriers may impede equitable access and participation of students, educators, or other beneficiaries?

Nebraska has 989 public schools located in 244 school districts and 17 regional service centers known as Educational Service Units (ESUs). Nebraska's geographic distances and history as an agriculture state have contributed to strong local school control. The majority of policy decisions are the purview of local school boards. Services provided by each of the 17 ESUs are primarily determined by local boards and advisory groups. ESUs provide services (e.g., professional development, itinerant special education services) for their member schools. School districts are able to access training and resources through ESUs that may otherwise be unaffordable.

Nebraska is comprised of a unique blend of urban and rural districts and schools. Seventeen of the state's 93 counties comprise the eastern one third of Nebraska and include school districts where approximately one-half of Nebraska's population resides. The remaining school districts, located in the western two-thirds of the state, cover a region of approximately 60,000 square miles. Of Nebraska's 244 school districts, 156 have an enrollment of fewer than 500 students. Of the 327,055 enrolled public-school students, 41% are eligible for free and reduced-price lunch, 8% are English Language Learners (ELL), and 16% receive special education and related services. The statewide minority rate is 34%, and in the 2019-2020 school year, 4% of students were considered to be highly mobile, attending two or more schools in one school year.

There are approximately 24,000 teachers employed in Nebraska's K-12 public schools and approximately 4,000 of those are special education teachers. The need for high quality special education personnel is on the rise, as vacancies for positions in special education and related personnel have increased over the years. In both 2021 and 2022, Special Education Teachers were the #1 unfilled positions within the state.

Within the Nebraska State Systemic Improvement Plan, Nebraska has identified barriers specific to the state assessment proficiency data as it is broken down by disability category to help give meaning to groups of students that needed to be targeted in their improvement work. The targeted data was proficiency of students at the 4th grade level by disability category and includes both students who took the general education assessment as well as the alternate assessment. Students with specific learning disabilities are the lowest performing group of students with 11.49% being proficient. Nebraska also disaggregated data by race/ethnicity, we see there are differences that exist between racial/ethnic groups, but those differences are not as significant as those between disability categories. Nebraska also analyzes the pre-literacy and language data from the Teaching Strategies (TS) Gold assessment for 3- and 4-year-old students. During the Fall 2022 fall benchmark assessment on TS Gold, 6.07% of 3-year-olds without disabilities and 6.37% of 4-year-olds without disabilities were considered below expectations.

Per 34 CFR §300.646-647, all states are required to annually identify local educational agencies (LEAs) with significant disproportionality. The analytic methods are prescribed by the regulations and involve risk ratios and alternate risk ratios. OSEP has created a document that answers many common questions about the regulations. These policies have been implemented in Nebraska according to the following information.

Nebraska considers an LEA to have significant disproportionality when the risk ratio for any racial/ ethnic group in any of the required identification, placement, or discipline categories exceeds 4.0 for three consecutive years.

For indicator 4A, a significant discrepancy in the rate of out-of-school suspensions/expulsions for greater than 10 days is defined as a district-level long-term suspension/expulsion rate for students with disabilities of greater than 5%. Nebraska's methodology uses a minimum cell-size of 10 and a minimum n-size of 30. Out of 244 districts, only eight suspended or expelled 10 or more students with disabilities for more than 10 days. Of those, none had a rate greater than 5%, therefore, none were identified as having significant discrepancy for FFY 2021 (using school year 2020-21 data) for Indicator 4A.

A significant discrepancy in the rate of out-of-school suspensions/expulsions for greater than 10 days is a long-term suspension/expulsion rate of greater than 5% for students of any racial or

ethnic group. Nebraska's methodology uses a minimum cell-size of 10 and a minimum n-size of 30. For each of Nebraska's districts that meet the minimum cell- and n-sizes, the Nebraska Department of Education calculates a suspension and expulsion rate for each of the seven race and ethnicity reporting categories. (Note: many districts do not have members of every race and ethnicity reporting category enrolled in the district.)

Nebraska requires LEAs with a significant discrepancy to submit their policies and procedures to the SEA for review. The SEA reviews both policies and procedures, as well as student files, to determine if the significant discrepancy is due to policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavior supports, or procedural safeguards. NDE informs districts of all findings, and the SEA will ensure any noncompliance issues are corrected within one year.

In Nebraska, LEAs that have an identification risk ratio greater than 3 for children ages 6-21 for the current year are considered to have disproportionate representation. LEAs with disproportionate representation are encouraged to take steps to identify and address factors contributing to their disproportionalities before they are found to have a significant disproportionality.

To comply with federal SPP/APR Indicators 9 and 10 reporting requirements, Nebraska requires LEAs with a disproportionate representation to complete and return a policy, procedure, and practice review checklist and to send supporting documents, including student files as requested by NDE. Nebraska reviews policies, procedures, and student file review sheets and supporting documents submitted by the district from the district's self-assessment, for districts with disproportionate representation to determine if the disproportionate representation is the result of inappropriate identification.

3. Based on the barriers identified, what steps will you take to address such barriers to equitable access and participation in the proposed project or activity?

In order to address and reduce potential barriers, the following steps have been implemented by The Nebraska Department of Education, Office of Special Education:

1. All sub-recipients must comply with Section 427 of GEPA.
2. All meetings, professional development, and technical assistance activities should be held in ADA accessible and compliant facilities.
3. Sub-recipients should coordinate and offer cultural sensitivity and ADA training for program staff.
4. The Nebraska Department of Education, Office of Special Education will hire, recruit, and involve individuals and stakeholders from social and ethnic minority groups, multi-lingual individuals, individuals with disabilities, individuals of diverse gender, ages, race, ethnicity, and national origin, geographic location, and sexual orientation.
5. The Nebraska Department of Education, Office of Special Education will offer multi-lingual and accessibility of materials in individuals' mode of communication for families, stakeholders, providers, and the general public.
6. The Nebraska Department of Education, Office of Special Education will provide multiple modes of access to program information and professional development including virtual/electronic/internet/website posting, print materials in multiple languages in communities, etc.

In addition, The Office of Special Education will provide high-quality professional development (PD) using multiple modes of learning (e.g., on-site PD, virtual learning modules) for our educators, including access to technical assistance (TA) via consultation or coaching support. The OSE currently leverages discretionary funds to provide support through a technical assistance project, the Nebraska Multi-tier System of Support (NeMTSS), and provide a cohesive support system designed to support the needs of districts and schools. At the end of this five-year initiative, we anticipate that dozens of school districts in Nebraska will improve educational outcomes for their *students with disabilities*, with data reflecting a learning culture that facilitates *inclusive learning opportunities* for all learners. The technical assistance project utilizes the MTSS approach of differentiating our services. *Tier 1* is core instruction that occurs universally within a school system. These are preventative and proactive strategies designed for all students, implemented by every educator. *Tier 2* is targeted instruction that targets specific groups of children (10%-15% of school population) and uses specific evidence-based interventions to target. *Tier 3* is behavior instruction that is intensified for individual students (5%-10% of school population) and includes special and non-special education students.

Nebraska's main infrastructure strategy is MTSS, focusing on aligning resources and programs within the State educational system. For the main strategy of implementing MTSS statewide, the State Implemented Language Essentials for Teacher of Reading and Spelling (LETRS), held an MTSS conference, and provide MTSS systems level training and training specific to English Language Arts with a focus on early literacy.

To further align resources and programs within the system, Nebraska engaged in a process to identify specific areas that require further alignment of programs and initiatives at the State level. Since the inception of the SSIP, the Nebraska Department of Education has been working to align the work of the Office of Special Education and other offices within the Department including the following: MTSS; High-Quality Instructional Materials (HQIM); Continuous Improvement; Social- Emotional and Social-Emotional/Behavioral Learning; Whole Child Wellbeing. Through the focus of these initiatives, districts have expressed a need for further clarification of each of the initiatives including how each support and ties to the others. As a result of the investigation into the alignment of these initiatives, the NDE has established the following activities:

- Strengthen coherence of MTSS and Continuous Improvement
- Strengthen intersection of MTSS and academics with attention to non-summative assessment guidance in the context of high-quality instructional materials
- Development of a common visual about how MTSS, Continuous Improvement, Whole Child Supports and High-Quality Instructional Materials work together
- Streamline and strengthen school supports and monitoring processes

With Nebraska's emphasis on implementing evidenced-based practices within a multi- tiered system of support, the Department of Education kicked off the "Journey to Inclusion" to support educators in serving students with disabilities in the general education classroom. With the "Journey to Inclusion" work, the Office of Special Education provides professional development activities including guidance documents, workshops and implementing pilot sites. The function of the pilot sites is to support districts as they look at shifts that can be made to school structure and classroom practices to create opportunities for students with disabilities to learn alongside their peers without disabilities.

The COVID-19 pandemic forced our technical assistance projects to change methods and deliver services in a virtual format. Prior to 2019, the entirety of our training workshops was conducted in-person. We collaborated with our Educational Service Units (ESUs) and school districts to host training across Nebraska. In 2020, we were uncertain whether we could appropriately meet the needs of our educators, as all were used to in-person professional learning and coaching. As we finish out the 2022-23 school year and move into the 2023-24 school year, the need for a almost entirely virtual if not always hybrid approach of professional development with an on-demand style is the most equitable way to provide professional development to our state that is comprised of a large geographical area of coverage and a field of depleted teacher coverage with the learning that is needed.

4. What is your timeline, including targeted milestones, for addressing these identified barriers?

The NDE, OSE consistently analyzes data, multiple times throughout the year to assist in determining how to direct funds in alignment with the current state level activities and to develop technical assistance to address specific trends in the data. These activities are designed to address current barriers and prevent future barriers from impacting students with disabilities in accessing a free and appropriate public education. All state level activities that are funded through The NDE, OSE have performance measures that are aligned to improve the states SPP/APR.

**Notes:**

- 1.) Applicants are not required to have mission statements or policies that align with equity in order to submit an application.
- 2.) Applicants may identify any barriers that may impede equitable access and participation in the proposed project or activity, including, but not limited to, barriers based on economic disadvantage, gender, race, ethnicity, color, national origin, disability, age, language, migrant status, rural status, homeless status or housing insecurity, pregnancy, parenting, or caregiving status, and sexual orientation.
- 3.) Applicants may have already included some or all of this required information in the narrative sections of their applications or their State Plans. In responding to this requirement, for each question, applicants may provide a cross-reference to the section(s) and page number(s) in their applications or State Plans that includes the information responsive to that question on this form or may restate that information on this form.

**Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1894-0005. Public reporting burden for this collection of information is estimated to average 3 hours per response, including time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this individual collection, send your comments to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) and reference OMB Control Number 1894-0005. All other comments or concerns regarding the status of your individual form may be addressed to either (a) the person listed in the FOR FURTHER INFORMATION CONTACT section in the competition Notice Inviting Applications, or (b) your assigned program officer.



**Year of Age Cohort (for years of age 3 through 21) for Which FAPE is Ensured (02/23/2023)**

<b>State</b>	<b>Years of Age Cohort</b>	<b>Description of Upper Age Limit</b>
<b>AK</b>	3 through 21	At least 3 but less than 22 years of age. If a student turns 22 during school year (July 1-June 30) they can complete that school year.
<b>AL</b>	3 through 20	If you turn 21 on or after August 1, you can begin and complete the school year.
<b>AR</b>	3 to 21	3 to end of the school year in which a student turns 21.
<b>A Sam</b>	N/A	
<b>AZ</b>	3 through 21	At least 3 but less than 22. Note: If a student with a disability turns 22 during the school year, the entitlement to FAPE extends to the end of the school year.
<b>BIE</b>	N/A	
<b>CA</b>	3 through 18	<ul style="list-style-type: none"> <li>Between 19 &amp; 21 if enrolled in special ed PRIOR to age 19.</li> <li>Turns 22 Jan-June inclusive can continue for remainder of fiscal year including ESY.</li> <li>If turns 22 during Oct, Nov, or Dec can go until Dec 31.</li> <li>If 22 during July, Aug or Sept not allowed to begin a new fiscal year unless in a year round program; can complete the term that crosses the fiscal year.</li> </ul>
<b>CNMI</b>	N/A	
<b>CO</b>	3 through 20	Between ages of 3 and 21. If turn 21 during school year can complete that semester.
<b>CT</b>	3 through 21	3 up to the 22 <sup>nd</sup> birthday.
<b>DC</b>	3 through 21	End of semester in which turns 22.
<b>DE</b>	3 through 20	DB, HI, VI and autistic: 0 through end of school year when turn 21 after August 31st. Other categories 3 through end of school year when turns 21 after August 31st.
<b>FL</b>	3 through 21	<p>Between the ages of 3 and 21, inclusive.</p> <p>For students with disabilities who have not graduated with a standard diploma, the district will:</p> <ul style="list-style-type: none"> <li>Provide services until the day the student turns twenty-two (22)</li> <li>Provide services until the end of the semester in which the student turns twenty-two (22)</li> <li>Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district</li> </ul>
<b>GA</b>	3 through 21	If student turns 22 after September 1, services cease at birth date, end of semester or end of school year dependent upon LEA policy. If the student is receiving services upon reaching 22, the LEA shall have a written procedure that identifies a process for completing services. The LEA shall state whether the services will cease on the 22nd birthday, or will continue until the end of the semester or until the end of the current school year.
<b>Guam</b>	N/A	
<b>HI</b>	3 through 21	Age 3 to the student's twenty-second birthday.

<b>State</b>	<b>Years of Age Cohort</b>	<b>Description of Upper Age Limit</b>
<b>IA</b>	3 through 20	Under 21 years of age. Student allowed to complete school year in which age 21 is reached. LEAs can request to serve to 24.
<b>ID</b>	3 through 20	3 through semester turns 21.
<b>IL</b>	3 through 21	3 through 21 up to the 22 <sup>nd</sup> birthday.
<b>IN</b>	3 to 22	At least 3 but less than 22. Note: If a student with a disability turns 22 during the school year, the entitlement to FAPE extends to the end of the school year.
<b>KS</b>	3 through 20	Through the school year (ending June 30) in which the student reaches 21.
<b>KY</b>	3 through 20	Age 3 to 21
<b>LA</b>	3 through 21	3 to not more than 21 years, inclusive. If a student turns 22 after the first day of school, the student can complete the school year.
<b>MA</b>	3 through 21	3 through 21.
<b>MD</b>	3 through 20	Birth through the end of the school year in which the student turns 21 years old.
<b>ME</b>	3 through 20	Has not reached 20 at the start of the school year.
<b>MI</b>	3 through 21	Birth to 22. State law covers individuals who are determined eligible for special education until the age of 26.
<b>MN</b>	3 through 21	Birth until July 1 after child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in state statute (see section 124D.68, subdivision 2).
<b>MO</b>	3 through 20	Between 3 and 21 years.
<b>MS</b>	3 through 20	Not yet reached 21 years by September 1. If turns 21 during school year, finishes the year.
<b>MT</b>	3 through 18	Between ages of 3 and 18, inclusive. Districts may serve through school year child turns 21.
<b>NC</b>	3 through 21	A student who reaches the age of twenty-two during the school year can complete that school year.
<b>ND</b>	3 through 20	Has not reached 21 by midnight of July 31st. Can complete school year in which turn 21 unless received a high school diploma.
<b>NE</b>	3 through 20	0 through school year reaches 21.
<b>NH</b>	3 through 20	3 years of age or older, but less than 21 years of age.
<b>NJ</b>	3 through 21	3 through 21. If turns 21 during the school year, finishes the year.
<b>NM</b>	3 through 21	Serves 3 year olds. Will serve if turns 22 after the school year begins.
<b>NV</b>	3 through 21	Under the age of 22.
<b>NY</b>	3 through 20	<p>A student under 21 years of age who has not received a high school diploma is entitled to attend public school without payment of tuition. A student with a disability who reaches age 21 during the period commencing:</p> <ul style="list-style-type: none"> <li>• with July 1 and ending on August 31 is entitled to continue in a July and August program.</li> <li>• on September 1 and ending on June 30 is entitled to continue in such program until the end of the school year. (May 2009)</li> </ul>

<b>State</b>	<b>Years of Age Cohort</b>	<b>Description of Upper Age Limit</b>
<b>OH</b>	3 through 21	Below age 22. Local school district policy determines whether students who turn 22 during the school year may finish the school year.
<b>OK</b>	3 through 21	Ages 3 through 21. If turns 22 during school year (after Sept. 1st) can complete that school year.
<b>OR</b>	3 through 20	Not yet reached 21 years by Sept. 1. If turns 21 during school year finishes year.
<b>PA</b>	3 through 20	Age 3 to 21. If turns 21 during school year finishes year.
<b>PR</b>	3 through 21	3 through 21 years.
<b>RI</b>	3 to 22	3 to 22.
<b>SC</b>	3 through 20	If the student turns age 21 after September 1 of the school year, the LEA must permit the student to enroll and complete the school year. If a student turns age 21 on or prior to September 1, the LEA is not required to permit the student to enroll.
<b>SD</b>	3 through 20	A student who is enrolled in school and becomes twenty-one during the fiscal school year shall have free school privileges until the end of the fiscal year. Fiscal year ends June 30th.
<b>TN</b>	3 through 21	3 through 21. If turns 22 during school year can complete that school year.
<b>TX</b>	3 through 21	3 through 21 (birth for VI and AI).
<b>UT</b>	3 through 21	(b) if a student with a disability turns 22 during the school year, the entitlement extends to the:  (i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and  (ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.
<b>VA</b>	3 through 21	Children whose second birthday falls on or before Sept 30 and who have not reached their 22nd birthday on or before Sept 30.
<b>VI</b>	N/A	
<b>VT</b>	3 through 21	3 up to 22nd birthday. If a student on an IEP turns 22 within 3 months of graduation, local education agencies may apply for a waiver to the Secretary of Education that allows the entitlement of FAPE to be extended to the graduation date.
<b>WA</b>	3 through 20	Between 3 and 21. If turns 21 after August 31 eligible for remainder of school year.
<b>WI</b>	3 through 20	3 to 21 unless turns 21 during school term (i.e., school year) then can finish the term. If 21 in Oct remains until June.
<b>WV</b>	3 through 20	Between 3 and 21 years of age prior to Sept. 1 of the school year.
<b>WY</b>	3 through 20	3 through the school year in which the child turns 21.

## AFFIDAVIT

State of Pennsylvania, County of Lancaster, ss:

I, Laquansay Nickson Watkins, being of lawful age, being duly sworn upon oath, hereby depose and say that I am agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Omaha World Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in said newspaper on the dates stated below and that said newspaper is a legal newspaper under the statutes of the State of Nebraska.

**PUBLICATION DATES:**

Mar. 20, 2024

**NOTICE NAME:** Public Notice for NE Part B & C Applications

**PUBLICATION FEE:** \$45.00

*Laquansay Watkins*

(Signed) \_\_\_\_\_

**VERIFICATION**

State of Pennsylvania  
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal  
Nicole Burkholder, Notary Public  
Lancaster County  
My commission expires March 30, 2027  
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 03/20/2024

*Nicole Burkholder*

Notary Public

Notarized remotely online using communication technology via Proof.

### Public Notice

The Nebraska Department of Education is submitting the FFY 2024 Applications to the U. S. Department of Education, Office of Special Education Programs, for funds pursuant to Part B and Part C of the Individuals with Disabilities Education Act (IDEA). Federal funds received under the Part B and Part C Applications are used by the Nebraska Departments of Education and Health and Human Services, school districts, and other service providers in the provision of early intervention, special education, and related services to children with verified disabilities from date of diagnosis to age 21. The IDEA Part B and Part C Applications, which include a Statement of Assurances and funding information, will be available for review at the Nebraska Department of Education, 500 S 84 th Street, Lincoln, NE and at the Nebraska Department of Education website for 60 days beginning March 22, 2024, through May 22, 2024, at: <https://www.education.ne.gov/sped/public-reporting/>  
Public comment will be accepted from March 22 - April 20, 2024.  
2024, (3) 20 - Wednesdays, ZNEZ

**Public Notice**

The Nebraska Department of Education is submitting the FFY 2024 Applications to the U. S. Department of Education, Office of Special Education Programs, for funds pursuant to Part B and Part C of the Individuals with Disabilities Education Act (IDEA). Federal funds received under the Part B and Part C Applications are used by the Nebraska Departments of Education and Health and Human Services, school districts, and other service providers in the provision of early intervention, special education, and related services to children with verified disabilities from date of diagnosis to age 21. The IDEA Part B and Part C Applications, which include a Statement of Assurances and funding information, will be available for review at the Nebraska Department of Education, 500 S 84 th Street, Lincoln, NE and at the Nebraska Department of Education website for 60 days beginning March 22, 2024, through May 22, 2024, at: <https://www.education.ne.gov/sped/public-reporting/>  
Public comment will be accepted from March 22 - April 20, 2024.  
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