

NEBRASKA DEPARTMENT OF EDUCATION PUBLIC
NOTICE AND COMMENT PERIOD
WAIVER REQUEST PURSUANT TO 34 C.F.R. §200.6(c)(4) DECEMBER 2023

Pursuant to 34 C.F.R. §200.6(c)(4), the Nebraska Department of Education (“NDE”) will seek a waiver extension for the 2023-2024 school year from the Secretary for the United States Department of Education. The regulation in question, found at 34 C.F.R. 200.6(c)(2), requires State Education Agencies such as the NDE to limit the total number of students assessed in a subject area using an alternate assessment. The limit on the percentage of students assessed by the alternate assessment is set by the federal regulation, stating there shall be no more than one (1) percent of the total number of students taking the alternate assessment assessed in each subject area.

Specifically, 34 C.F.R. 200.6(c)(2) provides:

For each subject for which assessments are administered under § 200.2(a)(1), the total number of students assessed in that subject using an alternate assessment with alternate academic achievement standards under paragraph (c)(1) of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.

NOTICE OF PUBLIC COMMENT PERIOD: Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments shall be accepted through Friday, December 31, 2023.

You may send written comments on the proposed waiver to Dr. Trudy K Clark, Director of Statewide Assessment, Nebraska Department of Education, 500 S. 84th St, P.O. Box 94987 Lincoln, NE 68510-2611. Comments may be sent by fax at 402-742-2319 or through email at trudy.clark@nebraska.gov.