



Nebraska Revised Statute 79-11,157.01 Frequently Asked Questions

[Nebraska Revised Statute 79-11,157.01](#) requires school districts to collect and provide to the Nebraska Department of Education information related to dyslexia.

The data collection and reporting activities outlined in this law are required for all Nebraska public school buildings.

Beginning with school year 2023-2024, and each year thereafter, each public school in such district shall provide to the State Department of Education:

- the number of students in each public school evaluated (tested) for a specific learning disability (SLD) in the area of reading, ages 3 to 21;
 - » this should include students assessed with instruments that identify the characteristics of dyslexia;
- the results of the evaluation (testing) to determine eligibility under the category of specific learning disability (SLD) in the area of reading;
- the number of K-3 students identified as having a reading deficiency according to assessments administered under the requirements of the [Nebraska Reading Improvement Act](#), Nebraska Revised Statute 79-2601 to 79-2607; and
- the Nebraska Reading Improvement Act assessment(s) used for grades K, 1, 2, and 3;
- the number of K-3 students:
 - » who met or exceeded the **spring** threshold and do not require an IRIP;
 - » who were assessed in the **spring** using a Nebraska Reading Improvement Act approved assessment;
 - » who did not receive the **spring** assessment;
 - » who were enrolled at the time of **spring** assessment;
 - » who made growth per requirements of the Nebraska Reading Improvement Act;
 - » who exited an IRIP during the school year by meeting the approved screener thresholds in either the winter or spring assessment period.

[Nebraska Revised Statute 79-11,157.01](#) places additional requirements for the **Nebraska Department of Education**, including the following:

- The State Department of Education shall annually compile the information received pursuant to subsection (1) of this section and provide a report on such information electronically to the Legislature on or before September 1 of each year.
- The State Board of Education may adopt and promulgate rules and regulations to carry out this section.

DEFINITIONS

DYSLEXIA

The National Institutes of Health (NIH), the International Dyslexia Association (IDA), the Nebraska Dyslexia Association (NDA), and others have adopted and supported the following definition:

Dyslexia is a specific learning disability that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected with other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge. View additional information in the NDE [Dyslexia Guide](#).

UNIVERSAL SCREENING (“TESTING”)

A universal screener for reading functions within the NeMTSS framework to support students' reading success as a service provided through the Nebraska Reading Improvement Act (Section 79-2601- 79-2607). Following the NeMTSS best-practice model, school districts implement universal reading screening for all students (K-3) at various points in the beginning, middle, and end of the school year, regardless of the student's performance in the classroom. Universal screening focuses on specific skills that are highly correlated with broader measures of reading achievement, resulting in identifying students potentially “at-risk” for future reading failure, including those with developmental reading disabilities. This information can also provide districts with information regarding the effectiveness of their core instructional program. The Nebraska Department of Education has created an [IRIP Guidance](#) document for more universal screening information.

DYSLEXIA SCREENER

In Nebraska, [\(79.1118.01\)](#) dyslexia is defined as a specific learning disability. Beginning with the 2018-2019 school year, students who show characteristics of dyslexia are required to receive “evidence-based structured literacy instruction implemented with fidelity using a multisensory approach” [\(79-11,156\)](#). Under the Nebraska Reading Improvement Act, approved screeners have been selected to help identify students at risk for reading difficulties such as dyslexia. Schools may add an additional dyslexia-specific screener, but it is not required under this law.

READING DEFICIENCY

The Nebraska Reading Improvement Act states that a reading deficiency is determined when any student in Kindergarten, grade one, grade two, or grade three performs below the threshold level determined by an approved reading assessment, pursuant to section 79-2603. A student identified as having a reading deficiency pursuant to this subsection shall remain identified as having a reading deficiency until the student performs at or above the threshold level on an approved reading assessment.

SPECIFIC LEARNING DISABILITY (SLD)

For students with dyslexia to be eligible under the eligibility category of [Specific Learning Disability \(SLD\)](#), data must be used to demonstrate that the disability has a significant educational impact. Under the [Individuals with Disabilities Education Act \(2006\)](#), to qualify for special education services in the category of specific learning disability, the child must have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The category includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The evaluation process analyzes data for the purpose of determining whether a student meets the criteria for different services. As a result of screening and subsequent evaluation, a student who is found to have dyslexia may receive an Individualized Reading Improvement Plan (IRIP) in grades K-3, be eligible for a 504 plan (to provide appropriate accommodations), or be found eligible for an Individualized Education Program (IEP) and receive specialized instruction and related services. The culmination of the evaluation process is a written report that includes evidence of whether or not specific criteria are met for eligibility and clearly states recommendations for specially designed instruction, as mandated by federal law. The written report also lists accommodations such as providing additional time for assessments or having tests read to the student.

For more information on criteria for eligibility of a specific learning disability, refer to [Determining Special Education Eligibility for Specific Learning Disabilities](#).

FREQUENTLY ASKED QUESTIONS

1. When will this law go into effect?

All data will be collected as a standalone data collection with the legacy NDE Portal for the 2024-2025 school year and subsequent school years. The data collection will be available on May 1st and close on June 16th. Once the new collection opens, school districts will enter their information (see Table 1) for the current school year, beginning with July 1st data.

2. Who is responsible for collecting and reporting data to the NDE?

According to the law, reported information includes "...the number of students in each public school in such district." Nebraska public school buildings must report the required SLD and IRIP data (see Table 1) at the individual school level. For districts comprising only one school building (houses pre-k through 21), it is recommended that data is collected at the traditional building levels (i.e., preschool, elementary, middle, and high school). Superintendents have the flexibility to determine the data collection method for securing school building-level data. There is no requirement for a specific individual to save and submit the data for each school building; however, after each building's data has been submitted, the superintendent must approve it to officially submit the data to the NDE. The superintendent must either submit the NRS 79-11,157.01 data directly or issue activation codes to individuals who will enter the data on behalf of the district.

3. For which grade level(s) and student groups do the reporting requirements apply?

The Nebraska Reading Improvement Act requires districts to screen students in grades K-3 three times per year. However, there are certain student groups exempt from being assessed with the approved assessments and placed on an IRIP. While assessing these students with the selected tool is considered good practice, it is not mandatory. The exempt groups include students who have received less than two years of English language services, students with reading goals on an IEP, and students with 504 plans that conflict with the requirements of an IRIP. Data must also be collected and reported for students ages three to 21 who have been evaluated (tested) for a specific learning disability in reading.

4. How is a "reading issue" determined for individual students?

Per requirements of the Nebraska Reading Improvement Act, Kindergarten through 3rd grade students are identified as having a reading issue if they perform below the threshold level determined by an approved reading assessment, pursuant to section 79-2603.

5. How should student growth towards proficiency be measured and reported?

School buildings will report to the Nebraska Department of Education (NDE) the number of students who demonstrate growth on approved assessments used to identify reading deficiencies during the assessment cycle. Growth data will include only those students who were placed on an IRIP at any time during the cycle. Students can demonstrate growth without needing to be exited from an IRIP. For information on selecting a universal screener, please refer to the [Approved Reading Assessment](#).

6. Are students who transition from an IRIP to an IEP included in the count of students who exited an IRIP during the 2024-2025 school year?

Only students who met the Nebraska Reading Improvement Act threshold in the winter and/or spring assessment period and who no longer require additional reading support are included in the count. Students transitioning to an IEP are not counted.

7. What types of screeners measure the characteristics of dyslexia?

The primary characteristics of dyslexia in a school setting are weaker decoding, difficulty reading accurately (or sounding out) unknown words, poor fluency, and/or low, inaccurate, or labored oral reading (slow reading rate). Because students with dyslexia may exhibit a wide range of characteristics and screening tools do not provide a medical diagnosis, further assessment will be needed. It is not necessary to create a separate screening process to identify students with characteristics of dyslexia. The goal is to embed dyslexia screening within a Multi-tiered System of Support (MTSS). Integrating data from screening, progress monitoring, and response to evidence-based instruction and intervention provides the greatest accuracy for identifying struggling readers as well as students with characteristics of dyslexia. For specific information, refer to your universal screener's administration guidelines.

8. Should a student who is already on an IEP also be on an Individual Reading Improvement Plan (IRIP)?

If a student is determined to be eligible for special education, regardless of the eligibility category, he or she may have goals within the IEP related to progress in the area of reading. If the student has goals related to reading, the student would not be placed on an IRIP; rather, the team would work to support the student through the IEP. If the student is on an IEP and the IEP does not contain goals related to reading progress, the student could also be placed on an Individual Reading Improvement Plan as required.

9. How does a district account for students who have moved during the school year?

Each district will collect the total number of students for each category listed above (July 1 to June 16 reporting period). For students who are being evaluated (tested) for a Specific Learning Disability (SLD) in the area of reading, the school building that completes the evaluation (testing) and holds the eligibility determination meeting should report that student in its annual data for this collection.

For students identified as requiring an IRIP, districts will count the student at the time they are placed on an IRIP during the reporting period. The student's progress will be measured by the district where the student is enrolled at the time of the reporting period. If a student transfers between school buildings within the same district, his or her data should only be counted once.

10. Should special education initial evaluations, three-year re-evaluations, and re-evaluations completed through the Notification of No Additional Information Is Needed To Determine Continued Eligibility process be reported in the "number of students evaluated for a specific learning disability in the area of reading" and "the results of the evaluation?"

Yes. The data reported for the total number of students evaluated for an SLD should include both initial and re-evaluations, as well as re-evaluations completed through the Notification of No Additional Information Is Needed To Determine Continued Eligibility process that occurred between July 1, 2024, and June 16, 2025, for this reporting cycle.

11. How should special education evaluations that were completed due to reading concerns for students who are parentally placed in nonpublic schools or exempt (home) schools be reported?

In Nebraska, the public school district within which a nonpublic school is located is responsible for completing a special education evaluation for a nonpublic student, and special education evaluations for exempt (home) school students are the responsibility of a student's resident school district. Therefore, these evaluations must be included in this data collection, if applicable. Within each district, the specific public school that completed the evaluation for the resident or non-resident student who was parentally placed at a nonpublic school or resident exempt (home) school student should include that student in their building's data. Another reporting option for a resident nonpublic or exempt (home) school student that the resident district evaluates due to reading concerns is to include him/her with the school building that would be his/her home school building in the district if he/she attended a public school.

12. When reporting the "results of the evaluation" for "students who were evaluated for a specific learning disability in the area of reading," should primary, secondary, and/or tertiary identifications be reported?

Report the students for which the multidisciplinary team determined that SLD in the area of basic reading, reading fluency, and/or reading comprehension was the child's primary identification for special education eligibility.

Resources

[Nebraska Reading Improvement Act Approved Assessments](#)
[Individual Reading Improvement Plan Guidance Document](#)
[Nebraska Reading Improvement Act Frequently Asked Questions](#)
[Nebraska Department of Education's Dyslexia Guide](#)
[Nebraska Department of Education Foundational Literacy Instructional Routines and Webinar](#)
[Nebraska Dyslexia Association](#)
[Determining Special Education Eligibility for Specific Learning Disabilities Technical Assistance](#)

TABLE 1.

Individual school data will be collected and entered into the Nebraska Revised Statute 79-11,157.01 standalone data collection on the legacy NDE Portal.

School Building:							
Special Education							
Specific Learning Disability				Total Number of Students:			
Number of students in each public school evaluated (tested) for a specific learning disability (SLD) in the area of reading ages 3 to 21, including tests that identify characteristics of dyslexia:							
Eligibility				Note: The sum of the values entered in Row B below must equal the value reported in Row A			
The results of the evaluation (testing) to determine eligibility under the category of specific learning disability (SLD) in the area of reading:				The number of students determined eligible:			
				The number of students determined not eligible:			
Nebraska Reading Improvement Act							
Identification of Reading Deficiencies				Total Number of Students:			
Note: This includes any student in your building who is placed on an IRIP at any point during the 24-25 SY.							
The number of students identified as having a reading deficiency and placed on an IRIP (K-3):							
							Number of students who exited an IRIP during the 24-25 school year by meeting the NRIA threshold in the winter and/or spring assessment period
	Number of students who met or exceed the spring threshold and do not require an IRIP	Number of students assessed in the spring	Number of students who did not receive the spring assessment	Total enrollment at the time of spring assessment	Number of students that made growth on the NRIA	Note: Applies only to students who have been placed on an IRIP at any point during the 24-25 SY.	Note: Do not count students who exit and are placed back on an IRIP during the 24-25 SY.
Kindergarten							
	Screener Used:						
First Grade							
	Screener Used:						
Second Grade							
	Screener Used:						
Third Grade							
	Screener Used:						

[Editable Sheet](#)