



Memo

To: Nebraska Special Education Directors

From: Amy Rhone, Administrator – The Office of Special Education

CC: Micki Charf, Assistant Administrator – The Office of Special Education

Date: 3/5/2025

Re: Clarification on Language for Citing Nebraska Administrative Code – Chapter 51 (Rule 51) in Eligibility Determinations and IEPs

The Nebraska Department of Education (NDE) Office of Special Education (OSE) has recently become aware of communications regarding the appropriate language to use when referencing Nebraska Administrative Code – Chapter 51, commonly known as Rule 51, in the Basis of Determination section of Multidisciplinary Team (MDT) reports and the Verification Statement within Individualized Education Programs (IEPs).

Over the past few years, the OSE has observed that MDTs have occasionally used terminology in the Basis of Determination section and the IEP Verification Statement that refers to the student's eligibility for special education using terms such as:

- NDE Rule 51 Guidelines, or
- NDE Eligibility or Verification Guidelines

Through various compliance reviews (Indicators 4, 9, 10, 13, and focused monitoring), it has been recommended that districts use precise and appropriate language, such as:

- Nebraska Department of Education (NDE) Rule 51,
- 92 NAC 51 (Rule 51), or
- Nebraska Revised State Statute

Utilizing this correct terminology ensures the OSE that districts are referencing the proper regulatory sources when determining eligibility for special education, whether for initial entry or reevaluation.

It has come to our attention that some districts were advised against using the term “NDE Rule 51,” which is in fact, the correct language for determining eligibility. However, it is important to clarify that referring to “NDE Rule 51 Guidelines” can create confusion for both parents and reviewers, as it may raise questions about whether the official regulation was referenced or if the eligibility guidelines were applied instead.

We appreciate your ongoing commitment to using accurate language and ensuring compliance in the determination of eligibility for students with disabilities. Your continued diligence is essential in supporting students with disabilities and providing the services they need.

Thank you for your attention to this matter.