

OMB NO. 1820-0030

Expires: 03/31/2029

**ANNUAL STATE APPLICATION UNDER PART B OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FOR FEDERAL FISCAL YEAR 2026**

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 respondent. 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.

## 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, 2027. 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 2025 conditional approval letter.
- b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2025 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 2025 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2025 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2025 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)

<b>Yes</b> <i>(Assurance is given Place a check as applicable.)</i>	<b>No</b> <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i>  <i>Enter date(s) as applicable</i>	<b>Assurances Related to Policies and Procedures</b>
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, 2027	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 June 30, 2027	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 June 30, 2027	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		<p>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:</p> <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.
X		26. The State educational agency assures that the IDEA Part B program complies with the requirements in section 427 of the General Education Provisions Act (20 U.S.C 1228a)

**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, 2027. (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 2026 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State: 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 2026 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

<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.

(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 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 Rules, Regulations, and Policies Exceeding IDEA Requirements

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

<p>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.</p>	<p>In Nebraska Administrative Code Title 92, Chapter 51, the regulations specifying the provision of a Free Appropriate Public Education (FAPE) to children with disabilities from birth (or date of diagnosis) through the school year in which the student reaches age 21 are as follows:</p> <ol style="list-style-type: none"><li>1. <b>Section 003.08:</b> Defines "FAPE early intervention services" as those that are part of a free appropriate public education for a child under 92 NAC 51.</li><li>2. <b>Section 004.02:</b> States that the school district or approved cooperative shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.</li><li>3. <b>Section 004.03A:</b> Specifies that children with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FARE (Free Appropriate Public Education).</li></ol>
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	<p>These sections collectively ensure that FAPE is provided to all children with disabilities from birth (or date of diagnosis) through the school year in which the student reaches age 21.</p>
<p>The requirement to make FAPE available to all resident children with disabilities attending a nonpublic school.</p>	<p>In Nebraska Administrative Code Title 92, Chapter 51, the regulations requiring schools to provide a Free Appropriate Public Education (FAPE) to all resident children with disabilities attending nonpublic schools are primarily found in <b>Section 015</b>. This section outlines the responsibilities of school districts or approved cooperatives regarding children with disabilities placed in or referred to nonpublic schools or facilities. Key provisions include:</p> <ul style="list-style-type: none"><li>• <b>Section 015.01A:</b> Mandates that school districts or approved cooperatives ensure that children with disabilities placed in nonpublic schools receive special education and related services in accordance with an Individualized Education Program (IEP) at no cost to the parents.</li><li>• <b>Section 015.01B:</b> Establishes that the school district or approved cooperative is responsible for initiating and conducting meetings to develop, review, and revise the IEP for each child with a disability.</li><li>• <b>Section 015.02A:</b> Clarifies that a school district or approved cooperative is not required to pay for the cost of education, including special education and related services, at a nonpublic school if FAPE was made available to the child and the parents chose to place the child in a nonpublic setting.</li></ul> <p>Additionally, <b>Section 015.03</b> addresses services for parentally placed nonpublic school children with disabilities, including requirements for equitable services, consultation, and location of services.</p> <p>These regulations collectively ensure that school districts or approved cooperatives provide FAPE to resident children with disabilities attending nonpublic schools, either by offering services directly or through equitable services, in compliance with state and federal laws.</p>

<p>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.</p>	<p>In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 004.12</b> addresses Innovative Educational Projects. This regulation allows school districts and approved cooperatives to implement projects aimed at enhancing instruction and expanding educational opportunities for children with disabilities. Specifically, Section 004.12A states:</p> <p>"School districts and approved cooperatives wishing to conduct innovative educational projects for the purpose of improving instruction or increasing educational opportunities for children with disabilities that would result in specific program deficiencies by the Office of Special Education."</p> <p>This provision enables educational entities to develop and execute projects designed to improve instructional methods and broaden educational opportunities for children with disabilities, provided that such projects do not lead to deficiencies identified by the Office of Special Education.</p>
<p>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.</p>	<p>In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 005.01</b> outlines the establishment and responsibilities of Early Childhood Planning Region Teams for children from birth to age five. These teams are designed to coordinate services and include a diverse range of members to ensure comprehensive support for children with disabilities.</p> <p>These regulations ensure a collaborative and coordinated approach to early childhood services for children with disabilities, emphasizing the importance of involving a broad spectrum of stakeholders to meet the diverse needs of these children and their families.</p>
<p>The requirement to implement student assistance teams or comparable problem solving teams to document intervention</p>	<p>In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 006.01B</b> mandates that prior to referring a school-age student for a multidisciplinary team evaluation, a general</p>

<p>strategies to assist the teachers in the provision of general education prior to referral to a multidisciplinary team evaluation.</p>	<p>education student assistance team (SAT) or a comparable problem-solving team must be utilized. This team is responsible for implementing and documenting intervention strategies to assist teachers in providing general education.</p> <p><b>Key points from Section 006.01B include:</b></p> <ul style="list-style-type: none"><li>• <b>Utilization of SAT:</b> A general education student assistance team or a comparable problem-solving team shall be used prior to referral for multidisciplinary team evaluation.</li><li>• <b>Documentation of Interventions:</b> The SAT or comparable problem-solving team shall utilize and document problem-solving and intervention strategies to assist the teacher in the provision of general education.</li><li>• <b>Referral Process:</b> If the SAT or comparable problem-solving team determines that all viable alternatives have been explored, a referral for multidisciplinary evaluation shall be completed.</li></ul> <p>Additionally, <b>Section 003.58</b> defines a Student Assistance Team (SAT) as a group utilizing problem-solving and intervention strategies to assist teachers in the provision of general education.</p> <p>These regulations ensure that schools implement structured teams to proactively address student needs within the general education setting before considering special education evaluations.</p>
<p>Transition planning must be documented in a student's Individualized Education Program (IEP) starting at the first IEP meeting held after the student reaches the age of 14.</p>	<p>In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 007.07A9</b> specifies that transition planning must be documented in a student's Individualized Education Program (IEP) starting at the first IEP meeting held after the student reaches the age of 14. This requirement aligns with both federal and state laws aimed at preparing students with disabilities for life after high school.</p> <p>These regulations ensure that students with disabilities receive appropriate planning and</p>

	services to facilitate a smooth transition from school to adult life.
A list of approvable endorsements for teachers in each categorical assignment.	In Title 92, Nebraska Administrative Code, Chapter 51, <b>Section 010.01D</b> specifies the endorsements that are approvable for program approval and reimbursement in special education. This section outlines the categories of endorsements recognized for special education personnel.
The competency levels required for educational sign language interpreters.	In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 010.06</b> outlines the competency levels required for educational sign language interpreters.
The process for claiming reimbursement for allowable special education costs is defined.	In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 011</b> outlines the process for claiming reimbursement for allowable special education costs.
The application and payment process for IDEA Flow-Through Allocation is defined.	In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 012</b> outlines the application and payment process for IDEA Flow-Through Allocations.
The process for contracting for the provision of special education services from a services provider is defined.	<p>In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 013</b> addresses the provision of special education programs and support services through contracting. Key points include:</p> <ol style="list-style-type: none"> <li>1. <b>Contracting Entities:</b> School districts and approved cooperatives may contract for special education services with another school district, an approved cooperative, or a Nebraska Department of Education provisionally approved service provider.</li> <li>2. <b>Compliance and Supervision:</b> All providers of special education services, including contracted providers, are under the general supervision of the Nebraska Department of Education to ensure adherence to established standards.</li> </ol> <p>These regulations ensure that contracted special education services meet state standards and are effectively integrated into the educational programs of school districts and approved cooperatives.</p>

The responsibility for the provision of transportation to children with disabilities who require such services and the process for claiming allowable reimbursement is defined.

In the Nebraska Administrative Code Title 92, Chapter 51, **Section 014** addresses the responsibility for providing transportation to children with disabilities and outlines the process for claiming allowable reimbursements. Key points include:

1. **Board of Education Responsibilities:**
  - **Provision of Transportation:** The board must furnish transportation services for children with disabilities who are residents of the district. This includes transporting children to and from special education programs, whether within or outside the district, and for children attending nonpublic schools if necessary for them to benefit from or participate in services.
  - **Transportation Expenses:** The board is responsible for covering transportation expenses, which may involve paying parents for mileage, operating district vehicles, contracting services, purchasing from common carriers, or arranging other necessary transportation methods.
2. **Transportation for Parentally-Placed Nonpublic School Children:**
  - **Service Provision:** If necessary, transportation must be provided from the child's home or school to a service site other than the nonpublic school and back. However, transportation from the child's home to the nonpublic school is not required.
3. **Reimbursement Process:**
  - **Allowable Costs:** Transportation expenses incurred for children with disabilities are considered allowable costs when calculating reimbursements for special education programs.
  - **Reporting and Claims:** School districts should include

	<p>transportation costs in their financial reports to the Nebraska Department of Education to claim reimbursements.</p> <p>These regulations ensure that transportation services are appropriately provided to children with disabilities and that related expenses are reimbursed in compliance with state guidelines.</p>
<p>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.</p>	<p>In the Nebraska Administrative Code Title 92, Chapter 51, <b>Section 011.05</b> outlines the <b>Flexible Funding Option</b>, which allows school districts or approved cooperatives to allocate a portion of their special education funds to support services for students not verified for special education but who would benefit from preventative support within the general curriculum. Key aspects include:</p> <ol style="list-style-type: none"> <li>1. <b>Purpose of Flexible Funding Projects:</b> <ul style="list-style-type: none"> <li>○ These projects are designed to provide support services to targeted students who are not identified or verified for special education services but demonstrate a need within the general curriculum.</li> </ul> </li> <li>2. <b>Application Process:</b> <ul style="list-style-type: none"> <li>○ School districts or approved cooperatives opting to utilize the Flexible Funding Option must submit an application that includes a narrative and a proposed budget detailing the intended use of the funds.</li> </ul> </li> </ol>

Nebraska Revised State Statutes containing requirements which exceed the federal requirements contained in IDEA:

<p>Defining Dyslexia as a Specific Learning Disability.</p>	<p>In Nebraska, <b>Nebraska Revised Statute § 79-1118.01</b> defines dyslexia as a specific learning disability.</p>
<p>There are several statutes that outline school district responsibilities concerning students with dyslexia, aiming to</p>	<p><b>Nebraska Revised Statute 79-11,156:</b></p> <ul style="list-style-type: none"> <li>• <b>Structured Literacy Instruction:</b> Requires that starting from the 2018-2019 school year, students identified with characteristics of dyslexia receive evidence-based</li> </ul>

identify, support, and monitor these students effectively.

structured literacy instruction using a multisensory approach. Notably, a medical diagnosis is not required to initiate such interventions.

**Nebraska Revised Statute 79-11,157:**

- **State Department of Education Duties:** Mandates the development and distribution of a technical assistance document detailing dyslexia characteristics, indicators, and guidelines for screening, progress monitoring, evaluation, instruction, and intervention. This document also provides guidance for implementing evidence-based structured literacy instruction.

**Nebraska Revised Statute 79-11,157.01:**

- **Reporting Requirements:** Obligates school districts to annually report to the State Department of Education on students tested for reading disabilities, including dyslexia, and those identified as having reading issues. The report should also include data on students showing progress in reading.

**Nebraska Revised Statute 79-11,158:**

- **Teacher Education Programs:** Requires that teacher education programs include instruction on dyslexia, ensuring educators are equipped with the knowledge to identify and support students with dyslexia.

These statutes collectively ensure that Nebraska school districts proactively identify and support students with dyslexia through structured instruction, comprehensive reporting, and educator training.

**Section V**

**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 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 2024 and 2025. 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 2024 and 2025.

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

SFY 2024	\$517,483,505.00
SFY 2025	\$517,906,313.21

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

SFY 2024	\$9,194.20
SFY 2025	\$9,007.69

Neil Sullivan  
State Budget Officer or Authorized Representative (Printed Name)

Neil Sullivan  
Signature of State Budget Officer or Authorized Representative

4/22/26  
Date

REGULAR AWARD AMOUNT Est. \$91,650,181

TOTAL AWARD AMOUNT \$91,650,181

ADMINISTRATION

Maximum Available for Administration.

Sec. III \$ 2,155,899.00

How much do you want to set aside for Administration in dollars? \$2,155,899 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. \$2,155,899

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

b. \$0

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:

\$927,806

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

c. \$0

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

d. \$0

To assist local educational agencies in meeting personnel shortages.

e. \$0

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

f. \$0

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. \$0

The total of details for your Administration set-aside is \$2,155,899 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:

\$11,222,285

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:

\$10,042,295

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:

\$11,783,399

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:

\$10,661,170

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

Yes 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:

\$10,042,295

How much do you want to set aside for Other State-Level Activities? \$10,042,295 OK \$618,875

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: \$10,042,295 \$0 More needs to be distributed.

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)	h. <input type="text" value="\$1,430,260"/>	\$1,430,260	
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. <input type="text" value="\$500,000"/>	\$8,612,035	\$0 More needs to be distributed.
<b>Optional Authorized Activities:</b>			
For support and direct services, including technical assistance, personnel preparation, and professional development and training	j. <input type="text" value="\$1,127,502"/>	\$8,112,035	\$0 More needs to be distributed.
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	k. <input type="text" value="\$255,000"/>	\$6,984,533	\$0 More needs to be distributed.
To assist local educational agencies in meeting personnel shortages.	l. <input type="text" value="\$250,000"/>	\$6,729,533	\$0 More needs to be distributed.
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	m. <input type="text" value="\$2,600,000"/>	\$6,479,533	\$0 More needs to be distributed.
To support paperwork reduction activities, including expanding the use of technology in the IEP process.	n. <input type="text" value="\$0"/>	\$3,879,533	\$0 More needs to be distributed.
To improve the use of technology in the classroom by children with disabilities to enhance learning.	o. <input type="text" value="\$163,533"/>	\$3,879,533	\$0 More needs to be distributed.
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. <input type="text" value="\$740,000"/>	\$3,716,000	\$0 More needs to be distributed.
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. <input type="text" value="\$400,000"/>	\$2,976,000	\$0 More needs to be distributed.
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. <input type="text" value="\$200,000"/>	\$2,576,000	\$0 More needs to be distributed.
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. <input type="text" value="\$500,000"/>	\$2,376,000	\$0 More needs to be distributed.
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. <input type="text" value="\$1,876,000"/>	\$1,876,000	\$0 More needs to be distributed.
		\$0	
The total of details for your Other State-Level Activities set-aside is			\$10,042,295 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



May 20, 2026

Office of Special Education Programs  
Office of Special Education and Rehabilitative Services  
U.S. Department of Education

RE: FFY 2026 IDEA Part B Grant Application – Request for Conditional Approval and Assurances

Dear Office of Special Education Programs:

On behalf of the State of Nebraska, and pursuant to the requirements identified in the April 16, 2026, Part C Differentiated Monitoring and Support Report, the State of Nebraska submits this letter in connection with its FFY 2026 Individuals with Disabilities Education Act (IDEA) Part B grant application.

The State acknowledges that, to receive Nebraska's FFY 2026 IDEA Part B and Part C grant awards, the State must provide specific written assurances signed and dated by the individual designated by the Governor of Nebraska to submit the IDEA Part B and Part C grant applications.

Accordingly, the State of Nebraska provides the following assurances related to IDEA Part B:

- a. The State will no longer use IDEA Part B funds to provide early intervention services to infants and toddlers with disabilities, birth through age three, and the State will comply with 34 C.F.R. § 300.162(a) throughout the FFY 2026 grant period and all subsequent grant periods; and
- b. The State will not direct LEAs' use of IDEA Part B funds unless specifically allowed or required by IDEA Part B throughout the FFY 2026 grant period and all subsequent grant periods.

The State of Nebraska further indicates that it cannot provide assurances for all eligibility requirements of Part B of the Act as found in Public Law 108-446. The State has determined that it is unable to make the assurances identified below. However, the State assures that throughout the period of this grant award, the State will operate consistent with all applicable requirements of IDEA, Public Law 108-446, and implementing regulations. The State further assures that it will make such changes to existing policies and procedures as are necessary to bring those

policies and procedures into full compliance with IDEA/OSEP requirements as soon as possible, and no later than June 30, 2027.

The State has included, within the grant application materials, the anticipated date by which it expects to complete the necessary changes associated with assurances marked “No.”

**Assurances Related to OSEP DMS Report:**

<p><b>Yes</b> <i>(Assurance is given Place a check as applicable.)</i></p>	<p><b>No</b> <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i>  <i>Enter date(s) as applicable</i></p>	<p><b>Assurances Related to Policies and Procedures</b></p>
	<p>X June 30, 2027</p>	<p>a. The State will no longer use IDEA Part B funds to provide early intervention services to infants and toddlers with disabilities, birth through age three, and the State will comply with 34 C.F.R. § 300.162(a) throughout the FFY 2026 grant period and all subsequent grant periods; and</p>
	<p>X June 30, 2027</p>	<p>b. The State will not direct LEAs’ use of IDEA Part B funds unless specifically allowed or required by IDEA Part B throughout the FFY 2026 grant period and all subsequent grant periods.</p>

Thank you for your consideration of Nebraska’s FFY 2026 IDEA Part B grant application and request for conditional approval.

Sincerely,



Dr. Brian Maher  
Commissioner of Education  
Nebraska Department of Education

**Year of Age Cohort (for years of age 3 through 21) for Which FAPE is Ensured (03/12/2026)**

<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 through the end of the school year in which the student turns 22 years old.
<b>DC</b>	3 through 21	End of semester in which turns 22.
<b>DE</b>	3 through 21	a person of 3 years of age, or an earlier age if otherwise provided in this title (HB 454) until the receipt of a regular high school diploma or the end of the school year in which the person attains the age of 22, whichever occurs first.(14 Del. C. § 3101(1))
<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>State</b>	<b>Years of Age Cohort</b>	<b>Description of Upper Age Limit</b>
<b>Guam</b>	N/A	
<b>HI</b>	3 through 21	Age 3 to the student's twenty-second birthday.
<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, unless the child reaches age 22 during the school year, the student is eligible for services through the end of the school year.
<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 21	3 until 22 <sup>nd</sup> birthday.
<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 21	Between the ages of 3 and 21, inclusive.
<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	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:

State	Years of Age Cohort	Description of Upper Age Limit
		<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>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 21	Age 3 through 21.
<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	<p>(b) if a student with a disability turns 22 during the school year, the entitlement extends to the:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.</li> </ul>
<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	Students with disabilities are entitled to FAPE from their 3 <sup>rd</sup> birthday until the end of the school year during which they turn 21 years of age, that is the year in which the student is 21 years of age prior to July 1 or until they receive a regular

State	Years of Age Cohort	Description of Upper Age Limit
		high school diploma.
<b>WY</b>	3 through 20	3 through the school year in which the child turns 21.