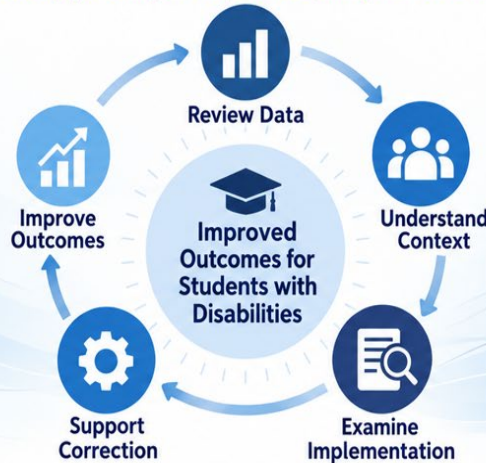




2026-27 PART B FOCUSED MONITORING

A collaborative process supporting compliance, improvement, and better outcomes



District Guide for the 2026-27 Monitoring Cycle

Nebraska Department of Education

Office of Special Education

September 2026

Purpose of This Protocol

This protocol explains what Nebraska school districts and approved cooperatives can expect when selected for Part B focused monitoring during the 2026-27 school year. It describes how the Nebraska Department of Education Office of Special Education uses data to select and focus reviews, what information districts will be asked to provide, how findings are communicated, and how correction is verified.

Focused monitoring is one part of Nebraska's IDEA general supervision system. The process is designed to support consistent implementation of IDEA and Nebraska Rule 51 while keeping attention on educational results and functional outcomes for children with disabilities.

Legal Foundation

IDEA requires the State educational agency to monitor implementation of Part B, make annual determinations for each local educational agency, enforce IDEA requirements, and report on performance. State monitoring must focus primarily on improving educational results and functional outcomes for children with disabilities and ensuring that public agencies meet IDEA requirements, particularly those most closely related to improved results.

- **20 U.S.C. § 1416** and **34 C.F.R. §§ 300.600-300.609** establish State monitoring, annual determination, enforcement, and reporting responsibilities.
- **34 C.F.R. § 300.149** establishes the State's general supervision responsibility for IDEA Part B.
- **2 C.F.R. § 200.332** requires NDE, as a pass-through entity, to evaluate subrecipient risk and monitor subrecipient activities as necessary.
- **92 NAC 51-004.13** requires districts and approved cooperatives to participate in ongoing review through the Improving Learning for Children with Disabilities process.
- **92 NAC 51-004.14** requires special education programs to comply with State and federal law and to be monitored at least once every five years. It also establishes requirements for notification, response, correction, and enforcement.

Monitoring Priorities

Consistent with **34 C.F.R. § 300.600**, NDE focuses monitoring on:

1. Providing a free appropriate public education in the least restrictive environment.
2. Effective general supervision, including child find, monitoring, dispute resolution, and transition services.
3. Disproportionate representation of racial and ethnic groups in special education and related services when the representation results from inappropriate identification.

A focused review may also examine procedural safeguards, evaluations, IEP development and implementation, discipline, transition, educational environments, fiscal requirements, data quality, or other IDEA and Rule 51 requirements relevant to the district's data.

NECounts and Annual Determinations

NDE reviews every district annually through NECounts. NECounts brings together IDEA performance, compliance, fiscal, dispute-resolution, and data-quality information to produce a district risk profile. The same process supports each district's annual IDEA determination.

NECounts considers information such as:

- Chronic absenteeism among students with IEPs;
- Correction of previously identified noncompliance;
- Fiscal desk-review findings and maintenance of effort;
- State Performance Plan and Annual Performance Report indicator data;
- State complaints and findings;
- Targeted Improvement Plan submissions; and
- Timely, accurate, and complete IDEA data submissions.

Each applicable category receives a risk score and an established weight. The weighted scores are combined and divided by the possible points applicable to the district to produce an overall percentage risk score.

Annual Determination	Risk Score	General State Response
Meets Requirements	0-40%	Annual notice, data review, and monitoring as applicable
Needs Assistance	40.01-60%	Required and discretionary IDEA actions, which may include technical assistance, improvement planning, or monitoring
Needs Intervention	More than 60%	More intensive support and possible monitoring, fiscal review, improvement planning, or enforcement
Needs Substantial Intervention	Multiple years or NDE discretion	Required enforcement and other actions consistent with IDEA

How Districts Are Selected

NDE applies the monitoring protocol to all districts and selects districts for focused monitoring based on the complete risk profile and the State requirement to monitor each special education program at least once every five years. Selection and the scope of review may consider:

- Overall NECounts risk and risk within individual categories;
- The district's annual determination and determination history;
- Time since the district's most recent monitoring review;
- Patterns in outcome, compliance, fiscal, dispute-resolution, and data-submission information;
- Uncorrected or recurring noncompliance;
- Information from complaints, due process hearings, fiscal reviews, technical assistance, or other general supervision activities; and
- Other circumstances indicating a need for review.

NDE identifies an initial scope for each review. The scope may be adjusted if information obtained during monitoring indicates possible noncompliance in another area.

What Districts Can Expect

Step 1 Written Notification

NDE will send written notice to the district superintendent and special education director. The notice will identify the monitoring contacts, explain the process and timeline, provide the district's NECounts and annual determination information, and provide access to the district questionnaire and this protocol.

Step 2 District Monitoring Questionnaire

The district will review its NECounts profile and respond to questions related to the areas selected for review. The questionnaire gives the district an opportunity to explain its data, describe relevant policies and practices, identify current improvement work, and explain how it monitors implementation and student outcomes. NDE uses the responses to refine the review, but the questionnaire does not replace independent verification.

Step 3 Student Record Selection and Secure Access

NDE will use current child-count information and the monitoring scope to select student records. Sampling is purposeful and may consider age, grade, disability category, school, placement, race or ethnicity, service type, transition status, and other relevant characteristics.

District Child Count	Initial Sample
0-55	4 records
56-199	6 records
200 or more	8 records

These are starting points. NDE may adjust the sample based on the data, the requirement being reviewed, the need to verify districtwide implementation, or information identified during the review.

The district may provide secure access to its electronic student information system or submit requested records through the NDE-designated secure system. NDE may review a former student's record when it is relevant to the monitoring period or correction of noncompliance. Records and personally identifiable information must not be transmitted through regular email.

Step 4 Focused Review

NDE will review evidence within the identified scope. Depending on the focus, the review may include:

- District performance and trend data;
- Policies, procedures, and forms;
- Evaluations, eligibility documents, IEPs, notices, consent, service and progress documentation, discipline records, transition information, and educational-environment data;
- State complaint and due process decisions, prior monitoring findings, fiscal findings, and disproportionality information; and
- Fiscal desk reviews, maintenance-of-effort information, subrecipient monitoring, or other relevant fiscal records.

NDE will determine whether the evidence demonstrates compliance, noncompliance, or an opportunity for improvement. A finding of noncompliance must be tied to a specific IDEA or Rule 51 requirement and supported by evidence. Suggestions for improvement will be clearly distinguished from required corrective action.

Step 5 Written Results

At the conclusion of the review, NDE will issue one of the following:

- A Letter of Findings when noncompliance is identified. The letter will state the legal requirement, summarize the supporting evidence, identify required corrective action and evidence, establish deadlines, and explain available technical assistance.
- A monitoring closeout letter when no noncompliance is identified. The letter may recognize strengths and identify optional opportunities for improvement.

The date of written notification begins the one-year correction timeline. Under 92 NAC 51-004.14B, a district with findings has 45 days to submit a report showing resolution or a plan for resolving the noncompliance.

Step 6 Monitoring Office Hours and Corrective Action Planning

NDE will offer the district an opportunity to meet with the Monitoring Team. The meeting may be used to clarify evidence and conclusions, recognize strengths, discuss findings and improvement opportunities, explain correction and verification, identify technical assistance, and address relevant missing documentation.

District participants may include administrators, special and general education staff, related service providers, early childhood personnel, data or fiscal staff, ESU support personnel, and others whose roles relate to the review.

Correction and Verification

All identified noncompliance must be corrected as soon as possible and no later than one year after NDE's written identification. A district must complete the activities and submit the evidence specified in the Letter of Findings or approved Corrective Action Plan. NDE targets completion within nine months when practicable so there is time to review additional evidence before the one-year deadline.

NDE verifies correction through both components below, as applicable:

1. Individual correction. The district corrects each identified student-specific instance unless the student is no longer within the district's jurisdiction and correction is no longer possible.
2. Subsequent compliance. NDE reviews updated data or a new sample of records to verify that the district is correctly implementing the requirement.

Revised policies, training records, and completed activities can demonstrate that the district took corrective action, but those materials alone may not establish correction when student-level or implementation evidence is required. If new records contain noncompliance, the district must correct affected records when possible and provide additional evidence.

When NDE verifies correction of every finding, it will issue a written closeout letter. If noncompliance is not corrected within the required timeline, NDE will use applicable enforcement procedures under IDEA and 92 NAC 51-004.09 and 004.14.

Follow Up and Sustainability

During the year following closeout, NDE may review trend data, annual determination information, Targeted Improvement Plan evidence, or other information to assess whether corrected practices have been sustained and whether student outcomes are improving. Follow-up is part of the State's ongoing general supervision system and does not change a district's eligibility for future monitoring.

Technical Assistance

NDE will match technical assistance to the cause and scope of the concern. Support may include:

- Clarification of IDEA and Rule 51 requirements;
- Assistance analyzing data and identifying contributing factors;
- Review of proposed revisions to policies, procedures, forms, or internal controls;
- Professional learning, coaching, tools, or implementation resources;
- Connections to ESUs, NDE initiatives, content experts, or other technical-assistance providers; and
- Follow-up consultation regarding implementation evidence and progress.

Technical assistance supports correction and improvement but does not replace NDE's responsibility to determine compliance and verify correction. Technical assistance also does not extend the one-year correction deadline.

District Responsibilities

A district selected for focused monitoring is expected to:

- Designate district contacts and participate in scheduled communication;
- Review its NECounts and annual determination information;
- Complete the monitoring questionnaire by the established deadline;
- Provide timely, secure access to requested student records and other evidence;
- Identify staff and partners appropriate to the scope of the review;
- Review written results and participate in monitoring office hours;
- Submit a resolution report or corrective-action plan within 45 days when findings are issued;
- Correct identified noncompliance as soon as possible and no later than one year; and
- Submit evidence needed for NDE to verify individual correction and subsequent compliance.

2026-27 Monitoring Schedule

Activity	Responsible Party	Timeline
Annual determination and focused-monitoring notice issued	NDE	September 14, 2026
Monitoring Questionnaire submitted	District	October 15, 2026
Selected records identified	NDE	October 23, 2026
Secure record access provided	District	November 6, 2026
Focused review conducted	NDE	November 2026-March 2027
Letter of Findings or monitoring closeout letter issued	NDE	April 2027
Monitoring office hours	NDE and District	April-May 2027
Resolution report or corrective-action plan submitted when findings are issued	District	Within 45 days of written notification
Corrective action completed and correction verified	District and NDE	As soon as possible and no later than one year after written identification
Corrective-action closeout letter issued	NDE	After correction is verified and before the one-year deadline

District Preparation Checklist

- ☐ Superintendent and special education director have reviewed the monitoring notice.
- ☐ District contacts and participating staff have been identified.
- ☐ NECounts, annual determination, and relevant trend data have been reviewed.
- ☐ Monitoring Questionnaire has been completed and submitted.
- ☐ Requested student records and supporting evidence are complete and accessible.
- ☐ Secure access or upload arrangements have been confirmed.
- ☐ Relevant policies, procedures, forms, and fiscal information are available.
- ☐ District staff are prepared to discuss implementation, outcomes, and current improvement work.
- ☐ Deadlines for response, corrective action, and verification are being tracked.

Confidentiality and Secure Submission

Student information must be accessed, used, transmitted, and maintained consistent with IDEA confidentiality requirements, the Family Educational Rights and Privacy Act, and NDE security procedures. Districts should use only the secure access or submission method identified by NDE and should not include personally identifiable student information in regular email.

Questions and Support

Districts should direct questions about the monitoring process, requested evidence, timelines, or technical assistance to the NDE Office of Special Education contact identified in the monitoring notification.

Authorities and References

- Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., including § 1416.
- 34 C.F.R. Part 300, including §§ 300.149 and 300.600-300.609.
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.332.
- Nebraska Department of Education, 92 NAC 51, including 004.08, 004.13, and 004.14.
- U.S. Department of Education, Office of Special Education Programs, OSEP Memorandum 23-01, State General Supervision Responsibilities under Parts B and C of the IDEA, July 24, 2023.
- NDE Office of Special Education, 2026 NECounts and District Annual Determination technical guide.