



SPED

SPECIAL EDUCATION



Nebraska Early
Development Network

Babies can't wait

STATE OF THE STATE
OFFICE OF SPECIAL EDUCATION
— 2026 —

ONE CONNECTED SYSTEM

From Early Intervention to Adult Life



Every infant, toddler, child, student, and individual with a disability can learn, grow, belong, and thrive.

WHO WE ARE



ONE SHARED SYSTEM • BETTER OUTCOMES FOR EVERY LEARNER



Nebraska Early Development Network

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Federal Determination

Two data sets used to calculate Determinations

- Compliance Data
- Child Outcome Data

Compliance Data=100%

- Timely IFSP Services 99.06%
- IFSP's in 45 days 96.23%
- Transition
 - 8A (Transition plan 90 days prior) 94.87%
 - 8B (Transition Notification to District) 100%
 - 8C (Transition Conference 90 days prior) 94.87%

Earned 16 out of 16 possible points= 100.00%

Federal Determination

Early Childhood Outcomes

3A. Positive social-emotional skills

- Substantial growth: 59.8%/56.74%
- Age expectations: 51.84%/44.32%

3B. Knowledge and Skills

- Substantial growth: 59.08%/58.16%
- Age Expectations: 42.10%/38.71%

3C. Use of appropriate behavior to meet needs

- Substantial growth: 58.39%/57.59%
- Age expectations: 51.74%/48.08%



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Federal Determination

- Early Childhood Outcomes
 - Data Completeness (2 out of 2 points)
 - Data Anomalies (2 out of 2 points)
 - Comparison to Other States (1 out of 2 points)
 - Comparison to FFY 2023 Data for Nebraska (1 out of 2 points)

Earned 6 out of 8 possible points= 75%

Federal Determination

Meets Requirements

Results Score/Compliance Score:

$$75/100=87.50\%$$

Meets Requirements=80%-100%

Nebraska's APR is available at:

<http://edn.ne.gov/cms/annual-performance-reports-apr>

Report on the annual performance of Planning Region Teams on the APR targets at: <http://edn.ne.gov/cms/regional-public-reporting-tables>

IDEA Part C Annual Performance Report (APR)

Next Steps

- New Annual Performance Report package will be provided to States soon.
- States must reset Performance Targets for each Indicator for the next 6 years. These targets must be submitted to the Federal Office on Feb. 1, 2028.
- Part C Stakeholders & ECICC members will select proposed targets for each Indicator at stakeholder meetings during 2027.



2025-26 Part C Child Outcomes Data

2025-2026 Child Outcomes: Part C Infant-Toddler <u>Exiters</u>		# of Children with Entry/Exit Data	State Targets FFY 2024	State Performance
Outcome A Positive social- emotional skills and relationships	Summary Statement 1	1,435	60.30%	59.00% 
	Summary Statement 2	1,435	52.34%	47.94% 
Outcome B Acquisition and use of knowledge and skills	Summary Statement 1	1,435	59.58%	58.17% 
	Summary Statement 2	1,435	42.60%	40.56% 
Outcome C Use of appropriate behaviors to meet needs	Summary Statement 1	1,435	58.89%	57.90% 
	Summary Statement 2	1,435	52.24%	48.99% 

Frequency/Intensity of EI services

- 8 visits offered in 6 months
- 30 min per visit
- 5 visits actually occurring



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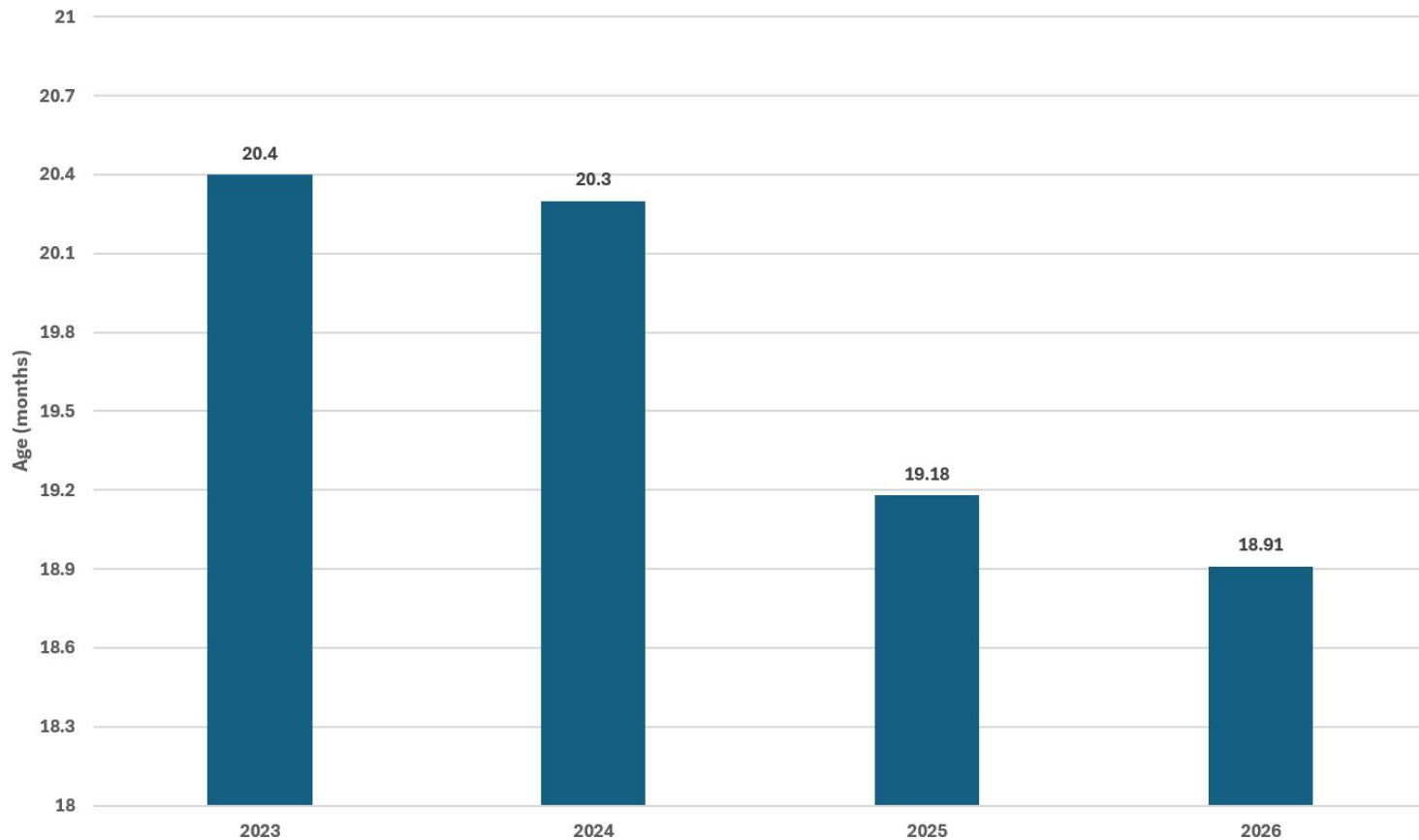
Child Find



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Average Age at Eligibility



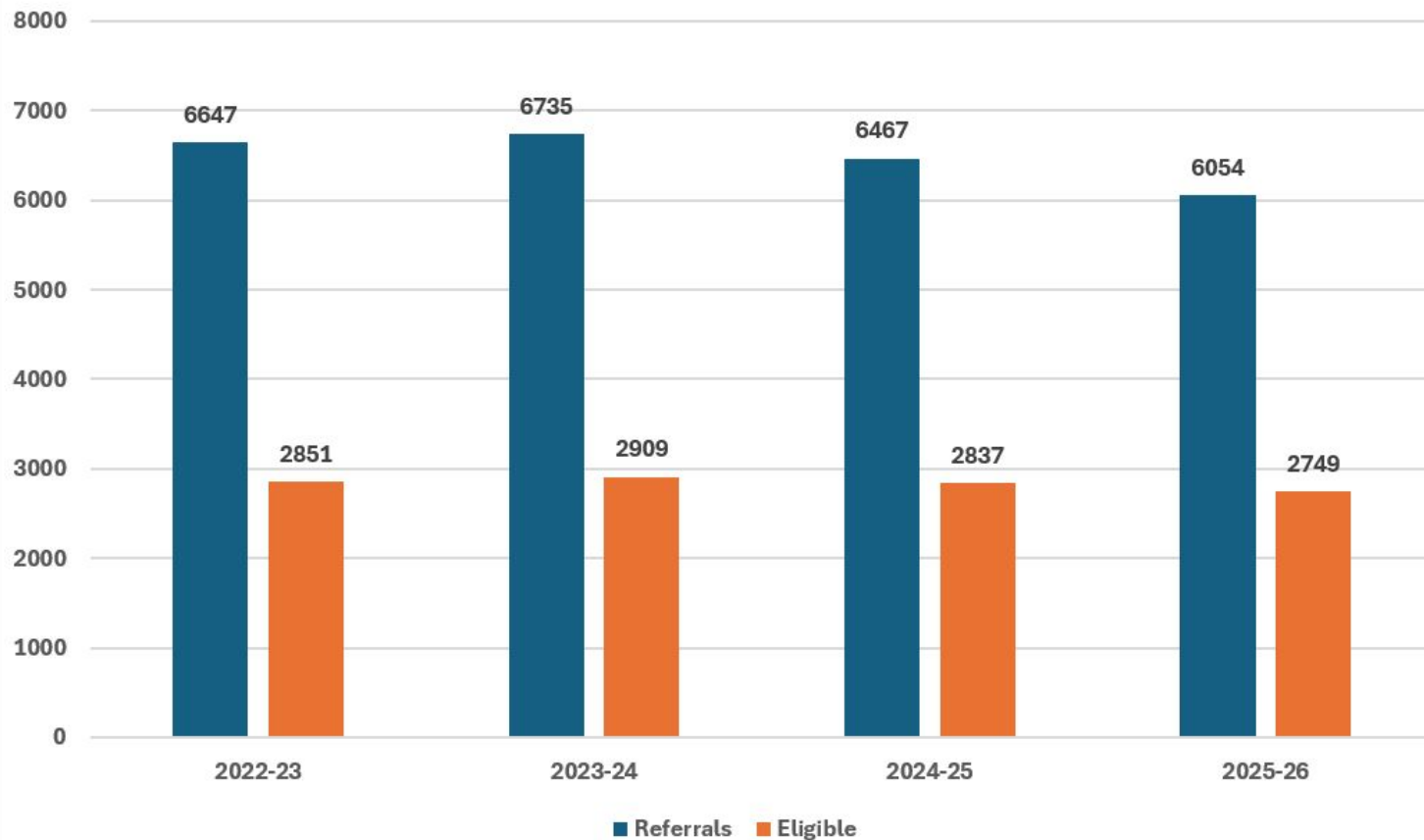
Child Find



Nebraska Early
Development Network

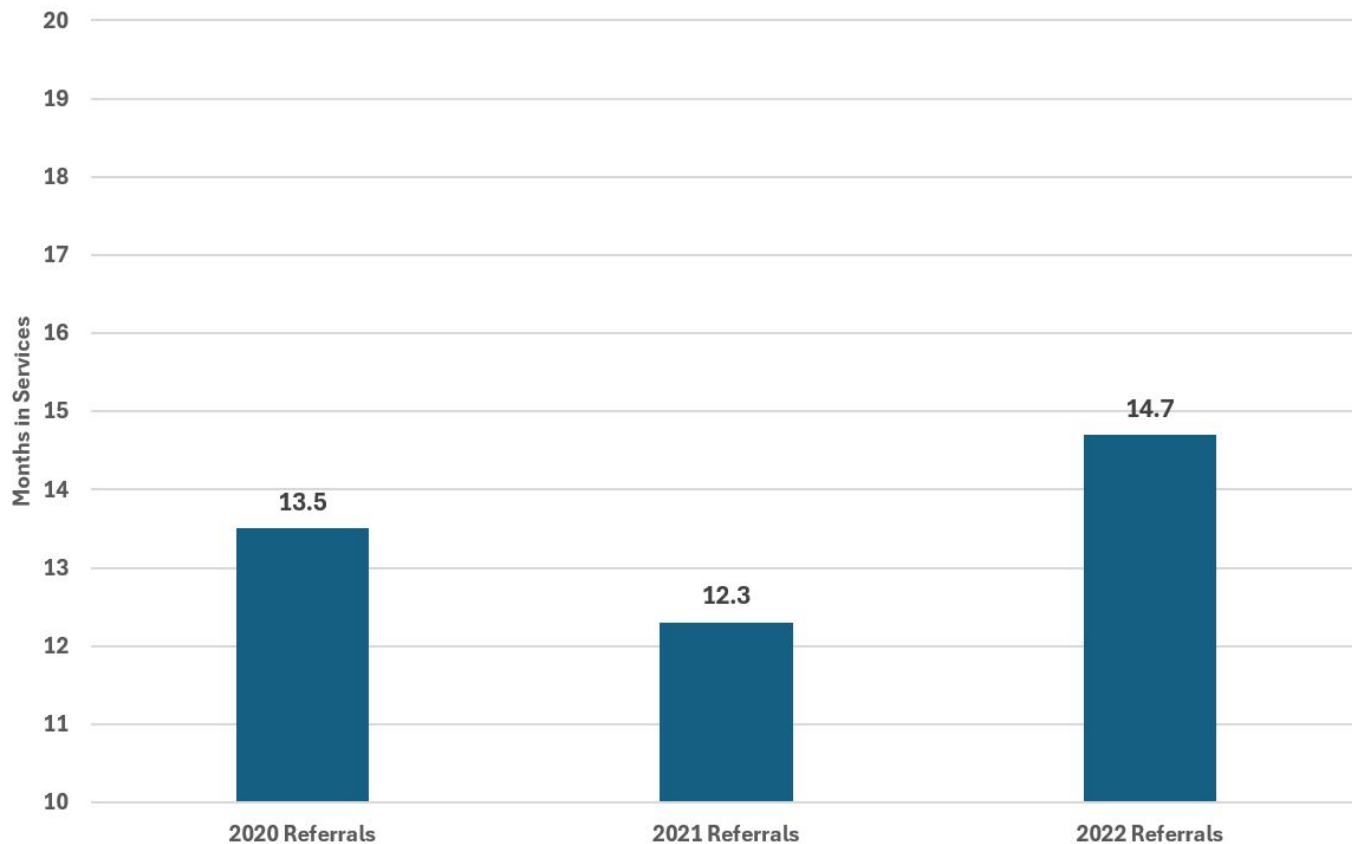
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Statewide Referrals vs. Eligibility



Child Find

Average Time in EDN Services



Part C Child Outcome Discussion

- Settings/Locations of EI services
 - 2 visits per 6 months happening in child cares

Impact on Child Outcomes

Statewide Average EDN Experience

- Eligible for EDN - 19 months old
- Getting ~13 months of EDN services
- 11-13 EI visits lasting 30 minutes
 - $\frac{1}{3}$ of these visits are in child care (no parents)

Given this data, is it reasonable for PRTs to meet targets?

Differentiated Monitoring and Support (DMS) 2.0 Updates

- Monitoring of a state's early intervention system conducted by the US Department of Education, Office of Special Education Programs (OSEP) under IDEA Parts B and C.
- Nebraska received the Part C Differentiated Monitoring and Support (DMS) Findings Letter issued by the U.S. Department of Education's Office of Special Education Programs (OSEP) on April 16, 2026.

DMS 2.0 Finding

1. Individualized Family Service Plan

The content of the IFSP must include information about the child's status, including a statement of the infant or toddler with a disability's present levels of development ***based on the information from that child's evaluation and assessments.***

OSEP claims that Nebraska uses the child's chronological age to describe the present levels of development rather than the child's evaluation and assessment results.

DMS 2.0 Finding - Nebraska's Response

Individualized Family Service Plan Form and Instruction Updates

- Child's Present Levels of Development section now requires teams to document the child's Current Abilities and Developmental Functioning, including a brief narrative describing the child's functional performance in each developmental area. (What the child can do, what is difficult for the child, and how the child's skills affect their participation in daily routines)
- Date of Evaluation is renamed "Date of Child Assessment"
- Column displaying the child's chronological age is removed

DMS 2.0 Finding

2.-3. Dispute Resolution Process and Due Process Hearing Procedures

The State does not have written procedures to ensure that required timelines are met for convening a resolution meeting, a final decision is reached in the hearing, and a copy of the decision is mailed to each of the parties.

Corrective Action:

By July 15th - submitted revised written procedures

DMS 2.0 Findings - Fiscal

4. Maintenance of Effort Requirements

The State must have a methodology to track and calculate the total amount of State and local funds budgeted for expenditures, and actually expended, in a fiscal year for early intervention services.

5. System of Payment Policy

The State does not monitor to ensure local program compliance with providing notice and receiving parental consent for the use of Medicaid to pay for early intervention services.

6. Unallowable use of funds

The use of IDEA Part B funds to pay for early intervention services for infants and toddlers with disabilities age birth to 3 is not allowed.

DMS 2.0 Findings - Fiscal

Corrective Action:

By July 15th:

- Submit policies describing the State's methodology to track all State and local public funding sources to enable it to ensure compliance with the IDEA Part C MOE requirements.
- Submit revised System of Payment Policy consistent with IDEA.
- Provide specific written assurances that NE will immediately cease the use of IDEA Part B funds for early intervention services and eliminate IDEA Part B funds as a payor source within the State's IDEA Part C system.

DMS 2.0 Findings - Fiscal

- Nebraska exercised its right to **request reconsideration** of the specific conditions imposed in the DMS Findings Letter. The State submitted a formal request outlining its legal, fiscal, and programmatic position.
- OSEP responded to Nebraska's Request for Reconsideration on June 18, 2026:
 - "OSEP has concluded the review of your request for reconsideration and your request is denied".

DMS 2.0 Findings - Fiscal

- OSEP is amending the timelines, and NDE may propose alternative timelines for the required actions for submission of policies related to Maintenance of Effort and System of Payment in the corrective action plan due to OSEP by September 30, 2026. This flexibility allows NDE the opportunity to develop a corrective action plan, including proposed reasonable timelines, that systematically addresses all the fiscal findings.

DMS 2.0 Findings - Next Steps

Submission of Corrective Action Plan by Sept. 30, 2026:

- a. The additional actions Nebraska will take to discontinue the use of IDEA Part B funds to provide early intervention services to infants and toddlers.
- b. Revisions of regulations, policies, and procedures to come into compliance with IDEA requirements regarding the appropriate use of IDEA Part B funds (includes Maintenance of Effort and System of Payments policies).
- c. A plan for how the State will fund early intervention.
- d. A plan for how the State will provide technical assistance, training, and/or support to LEAs on the appropriate use of IDEA Part B subgrants.

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1. **Graduation.** % of youth with IEPs graduating with regular diploma.
2. **Dropout.** % of youth with IEPs dropping out.
3. **Assessment.** (A) Participation rate for children with IEPs, (B) Proficiency rate for children with IEPs against grade-level academic achievement standards, (C) Proficiency rate for children with IEPs against alternate academic achievement standards, (D) Gap in proficiency rates for children with IEPs and for all students against grade-level academic achievement standards.
4. **Suspension and Expulsion.** (A) % of LEAs with significant discrepancy; (B) % of LEAs with significant discrepancy by race/ethnicity.
5. **Educational Environments.** % of children with IEPs, ages 5 and enrolled in kindergarten and ages 6–21, served (A) Inside regular class 80% or more of day; (B) Inside regular class less than 40% of day; (C) In separate schools, residential facilities, or homebound/ hospital placements.
6. **Preschool Environments.** % of children with IEPs, ages 3, 4, and 5 who are enrolled in a preschool program, (A) Receiving majority of special education and related services in regular early childhood program; (B) Attending separate special education class, separate school, or residential facility; (C) Receiving special education and related services in the home.
7. **Preschool Outcomes.** % of preschool children ages 3–5 with IEPs with improved (A) Positive social-emotional skills, (B) Acquisition and use of knowledge and skills, (C) Use of appropriate behaviors to meet their needs.
8. **Parent Involvement.** % of parents who report that the school facilitated parent involvement.
9. **Disproportionate Representation.** % of districts with disproportionate representation of racial/ethnic groups in special education and related services due to inappropriate identification.
10. **Disproportionate Representation in Specific Disability Categories.** % of districts with disproportionate representation of racial /ethnic groups in specific disability categories due to inappropriate identification.
11. **Child Find.** % of children evaluated within 60 days of parental consent for initial evaluation or state time frame.
12. **Early Childhood Transition.** % of children found Part B eligible with IEP implemented by 3rd birthday.
13. **Secondary Transition.** % of youth ages 16+ with measurable, annually updated IEP goals and appropriate transition assessment, services, and courses.
14. **Post-School Outcomes.** % of youth with IEPs, no longer in school, (A) Enrolled in higher education; (B) Enrolled in higher education or competitively employed; (C) Enrolled in higher education, other postsecondary education, or training program or competitively employed or in some other employment, within one year of leaving high school.
15. **Resolution Sessions.** % of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
16. **Mediation.** % of mediations held resulting in mediation agreements.
17. **State Systemic Improvement Plan (SSIP).** SPP/APR includes comprehensive, ambitious, yet achievable multi-year SSIP, with stakeholder engagement in all phases, for improving results for children with disabilities.
18. **General Supervision.** % of findings of noncompliance corrected within one year of identification.

Part B State Performance Plan -Annual Performance Report

1. Graduation Rate
2. Drop Out Rate
3. Assessment (Regular and Alternate) Participation and Proficiency
4. Suspension/Expulsion Rate - Discrepancy
5. Educational Environment (school age) - LRE
6. Preschool Environment - LRE
7. Preschool Outcomes
8. Parent Involvement
9. Disproportionate Representation
10. Disproportionate Representation in Specific Disability Categories
11. Child Find
12. Early Childhood Transition
13. Secondary Transition
14. Post School Outcomes
15. Resolution Sessions
16. Mediation
17. SSIP
18. General Supervision

FFY 2024 SPP/APR

Indicator 3A: Participation for Children with IEPs

Indicator 3A -R Grade 4 95%/99.38% +	Indicator 3A - R Grade 8 95%/98.76% +	Indicator 3A -R HS 95%/90.93% -
Indicator 3A -M Grade 4 95%/99.25% +	Indicator 3A- M Grade 8 95%/98.64% +	Indicator 3A -M HS 95%/90.69% -

FFY 2024 SPP/APR

Indicator 3B: Proficiency for Children with IEPs (Grade Level Academic Achievement Standards)

Indicator 3B -R Grade 4 27.02%/28.83% +	Indicator 3B - R Grade 8 19.52%/25.05% +	Indicator 3B -R HS 13.63%/8.98% -
Indicator 3B -M Grade 4 23.33%/32.94% -	Indicator 3B- M Grade 8 16.35%/20.69% -	Indicator 3B -M HS 12.53%/8.35% -

FFY 2024 SPP/APR

Indicator 3C: Proficiency for Children with IEPs (Alternate Academic Achievement Standards)

Indicator 3C -R Grade 4 47.94%/60.00% -	Indicator 3C- R Grade 8 36.09%/49.32 -	Indicator 3C -R HS 46.16%/37.05% -
Indicator 3C-M Grade 4 46.02%/48.68% -	Indicator 3C-M Grade 8 46.55%/44.09% -	Indicator 3C-M HS 38.52%/34.98% -

FFY 2024 SPP/APR

Indicator 3D: Gap in Proficiency Rates (Grade Level Academic Achievement Standards)

Indicator 3D -R Grade 4 26.68%/30.85% +	Indicator 3D- R Grade 8 31.07%/38.55% +	Indicator 3D -R HS 34.32%/35.23% +
Indicator 3D -M Grade 4 22.33%/27.97% -	Indicator 3D- M Grade 8 28.93%/37.19 -	Indicator 3D -M HS 33.13%/34.37 +

FFY 2024 SPP/APR

Indicator 5: Education Environments (children 5 (Kindergarten) - 21)

5A - Number of Children inside the regular class 80% or more of the day	5B - Number of Children inside the regular class less than 40% of the day	5C - Number of Children inside separate schools, residential facilities, or homebound/hospital placements
81.78%/81.95% (-)	5.42%/5.56% (-)	2.20%/1.84% (+)

4th Grade Performance on NSCAS *2025 NOT FINALIZED DATA

Disability Category	Percent Proficient (ELA) 2022	Percent Proficient (ELA) 2023	Percent Proficient (ELA) 2024	Percent Proficient (ELA) 2025
Specific Learning Disability (SLD)	12%	13.30%	14.5%	16.58%
Other Health Impairment (OHI)	25%	24.68%	28.89%	22.15%
Emotional Disturbance (ED)	27%	27.92%	32.37%	31.44%
Autism	28%	31.73%	36.27%	36.50%
Intellectual Disability (ID)	42%	37.50%	38.94%	38.76%
Speech/Language Impairment (SLI)	43%	42.20%	53.27%	55.59%
No Disability	57.79%	61.68%	66.0%	55.59%

— TURN & TALK —

Thinking about the data we just reviewed, how might we design instruction, environments, or assessments in ways that reduce barriers for **ALL STUDENTS**—not just those with disabilities—so that more learners can demonstrate what they know and can do?



FFY 2024 SPP/APR

Indicator 6: Preschool Environments

Indicator 6: A **regular early childhood program** and receiving the majority of special education and related services in the regular EC program

3 year olds:
67.45%/66.13%

4 year olds:
83.65%/78.11%

5 year olds:
79.03%/79.35%

Indicator 6: **Separate** special education class, separate school or residential facility

3 year olds:
3.51%/3.92%

4 year olds:
2.30%/1.83%

5 year olds:
2.18%/1.04% +

Indicator 6 C1: **Home**

3 year olds:
18.16%/14.25% +

4 year olds:
6.76%/6.09%

5 year olds:
6.03%/2.67% +

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FFY 2024 SPP/APR

Indicator 7: Preschool Outcomes

1. Of those children who entered or exited the program below age expectations in the Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

2. The percent of preschool children who were functioning within age expectations in the Outcome by the time they turned 6 years of age or exited the program.

Outcome A: Positive social-emotional skills	Outcome B: Acquisition and use of knowledge and skills	Outcome C: Use of appropriate behaviors to meet their needs
A1 - 57.07%/58.77%	B1 - 62.70%/62.64%	C1 - 58.60%/59.81%
A2 - 60.50%/61.31%	B2 - 55.90%/58.97%	C2 - 64.60%/65.70% +

— TURN & TALK —

As we look at our Indicator 6 data (placement in regular early childhood settings) alongside our Indicator 7 data (child outcomes in social-emotional skills, knowledge/skills, and behavior), what connections do you see between **inclusive placement** and **positive developmental outcomes**? How might we strengthen practices so that children not only learn in inclusive environments but also make meaningful progress across these outcome areas?



FFY 2024 SPP/APR

Indicator 8: Parent Survey

Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

90.91%/84.41%

FFY 2024 SPP/APR

Indicator 14: Post School Outcomes

A. Enrolled in higher education within one year of leaving high school.

B. Enrolled in higher education or competitively employed within one year of leaving high school.

C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

Indicator 14A	Indicator 14B	Indicator 14C
31.73%/30.98%	35.78%/58.82% +	45.51%/73.46%

Total # of Youth Targeted	2,802
Total # of Respondents	765
Total Rate	27.30 %



What does it mean?

FFY 2024 SPP/APR

Indicator 1: Graduation

Indicator 2: Drop Out

Indicator 1: Exited
special education due
to graduating with a
regular diploma

78.85%/80.08% (+)

Indicator 2: Exited
special education due
to dropping out

11.81%/15.47% (+)

FFY 2024 SPP/APR

Indicator 4: Suspension/Expulsion

A. Percent of local educational agencies (LEA) that have a significant discrepancy, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and

B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Indicator 4A: Significant
Discrepancy

0.00%/0.56% (+)

Indicator 4B: Significant
Discrepancy by race or
ethnicity

0.00%/1.91%

FFY 2024 SPP/APR

Indicator 9: Disproportionate Representation
Indicator 10: Disproportionate Representation in Specific
Disability Categories (by race and/or ethnicity)

Indicator 9: Disproportionate
representation of racial/ethnic groups
in special education and related
services

0.00%/0.00%

Indicator 10: Disproportionate
Representation of racial/ethnic groups in
specific disability categories

0.00%/1.52% (+)

FFY 2024 SPP/APR

Indicator 11: Child Find

Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that time frame.

100%/98.56% (-)

FFY 2024 SPP/APR

Indicator 12: Early Childhood Transition

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

100%/100%

FFY 2024 SPP/APR

Indicator 13: Secondary Transition

Indicator 13: Percent of youth with IEPs with appropriate measurable postsecondary goals...

100%/85.71% +

FFY 2024 SPP/APR

Indicator 15: Resolution Sessions

Indicator 16: Mediation

Indicator 15: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements

0.00%

**No target
(less than 10)**

Indicator 16: Percent of mediations held that resulted in mediation agreements

50%

80% (low)/90% (high)

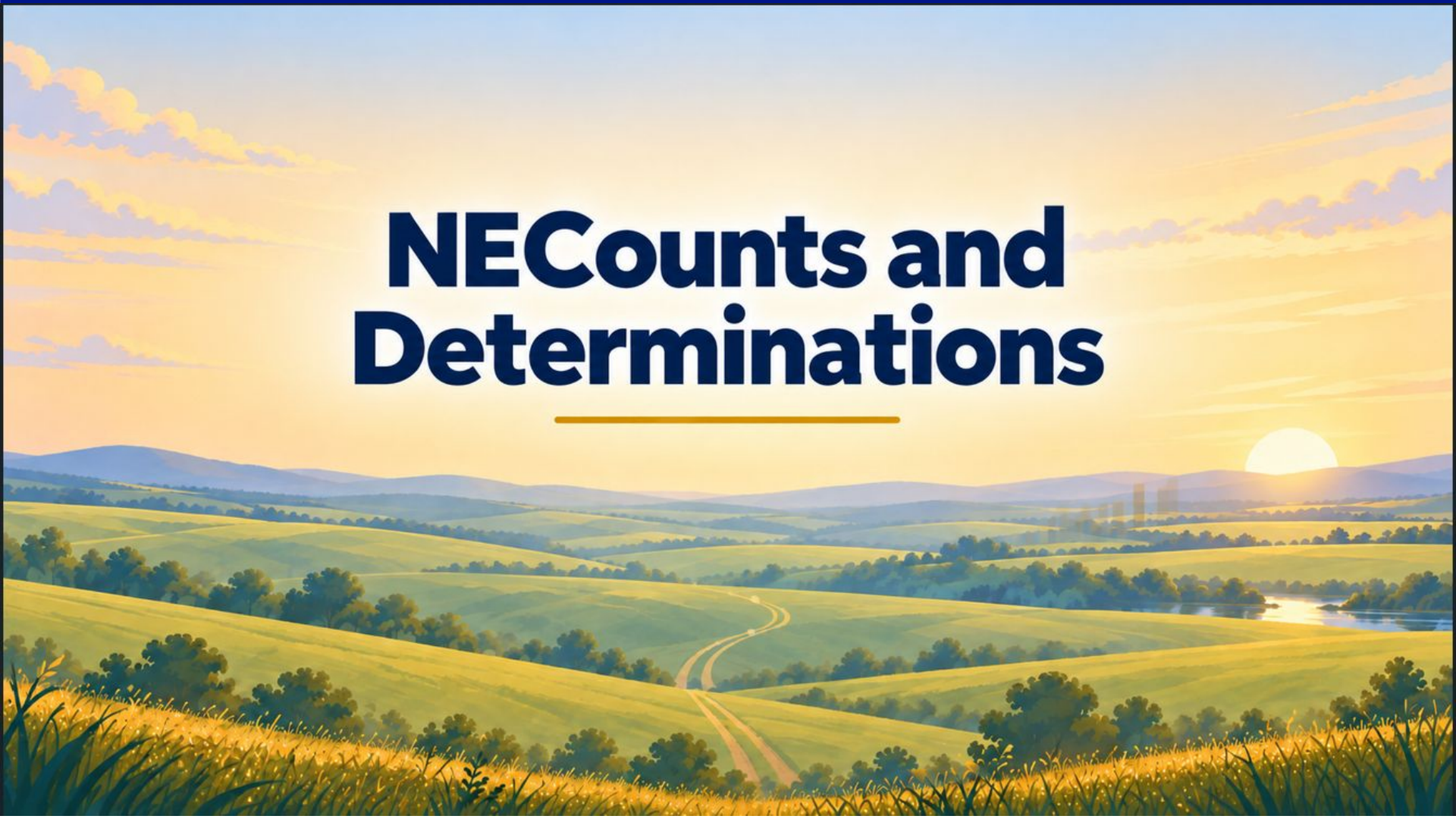
FFY 2024 SPP/APR

Indicator 17: State Systemic Improvement Plan (SSIP)
State Identified Measurable Result (SiMR)

Increase the reading proficiency for students with disabilities at the 4th grade level as measured by the Nebraska Student-Centered Assessment System (NSCAS) statewide reading assessment

29.13%/30.41%

NECounts and Determinations



District Determinations 2026

Meets Requirements	233
Needs Assistance	12
Year 1	4
Year 2	8
Needs Intervention	0
Needs Substantial Intervention	0

The Office of Special Education monitors districts annually based on a weighted risk analysis of all Special Education data submitted. Through the analysis, districts then receive focused monitoring in four priority areas.

The Monitoring Priority Areas are:

1. Provision of a free appropriate public education (FAPE) in the Least Restrictive Environment (LRE) including compliance with the requirements of the Individualized Education Plan (IEP);
2. Procedural Safeguards;
3. General Supervision including: a) Child Find (evaluation and identification of children and youth with disabilities) b) Transition;
4. Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.

Annual Weighted, Risk Analysis

The Office of Special Education (OSE) monitors districts on an annual basis using a weighted, risk analysis called NECounts. The goal of NECounts is to create a comprehensive process that looks at all districts across a variety of factors/indicators that affect outcomes for students with disabilities. The factors used include:

- All Indicator data required for OSEP reporting,
- TIP review information,
- Dispute resolutions,
- Timely and accurate data submissions,
- Chronic absenteeism,
- Maintenance of effort (MOE) and
- Audit findings.

This process uses a risk analysis to identify districts whose data may indicate a district is at high, medium, or low risk and in need of technical assistance in improving outcomes for students with disabilities. From this process, 20% of districts in the high-risk category will then engage in the focused monitoring process for that calendar year.



District Guide for the 2026-27 Monitoring Cycle

Nebraska Department of Education
Office of Special Education
September 2026

Districts have been selected for 2026-27 Focused Monitoring

Notification letters will go out September 14!

- [Monitoring Protocol](#)
- [2026 NECounts Data Webinar](#)
- Data Questionnaire



Top 10 Compliance Issues - Focused Monitoring (2025-26)

1. Writing measurable goals
2. Location & duration for program modifications & accommodations
3. Why students must take alternate & can't participate in general assess.
4. Measurable objectives
5. Determination notice (including ed. need and disability [Rule 51])
6. EC transportation
7. MDT sufficiently comprehensive
8. PWN – description of evaluation
9. Assessment accommodations
10. IEPs reviewed periodically



Top 5: Complaint Investigations

Top Areas of Concerns Identified with Complaint Investigation

1. FAPE
2. Implementation of the IEP
3. Placement
4. IEP Development and Services
5. Revision of the IEP and Parent Participation

Resources for Determination



- [2026 Resources for Levels of Determination](#)
- [NECounts and District Annual Determination Guide](#)



District Determination Support Workshop

October 28 - 29
Embassy Suites
Lincoln, NE
9:00 - 3:00

Initiative	Purpose	Intended Audience	Facilitator
District Determination Support Workshops	To support district teams to unpack the details of their NECounts report and use the findings to determine meaningful actions for district improvement efforts.	Districts with federal Needs Assistance Designations	Office of Special Education & NeMTSS Regional Leads
CIP Workshop Series	To support districts who are approaching their five year review cycle window and need to prepare for the associated activities.	Districts up for their 5 year review	Office of Accreditation
TIP Regional Workshops	To support districts who are interested in refining their existing or creating a new Targeted Improvement Plan to guide school improvement activities.	District leaders who support TIP creation	Office of Special Education
ATSI Support Series	To support district and school teams to intentionally target schools with ATSI designations in advance of the upcoming review cycle.	Districts who have schools with an ATSI Designation	SPED Strategies & NeMTSS Regional Leads

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NEWS RELEASE

For additional information, please contact David Jespersen by phone (402-471-4537) or email (david.jespersen@nebraska.gov)

June 23, 2026

Nebraska Receives Highest IDEA Determination from U.S. Department of Education

The Nebraska Department of Education (NDE) is pleased to announce that the U.S. Department of Education has determined that Nebraska Meets Requirements under both Part B and Part C of the Individuals with Disabilities Education Act (IDEA) for 2026.

The annual determination is issued by the Office of Special Education Programs (OSEP) and reflects a comprehensive review of each state's performance in implementing IDEA. Nebraska's determination is based on the totality of available information, including the Federal Fiscal Year (FFY) 2024 State Performance Plan/Annual Performance Report (SPP/APR), compliance data, results indicators, and other publicly available information.

"This determination reflects the dedication and commitment of Nebraska's educators, service providers, families, educational leaders, and community partners who work every day to improve outcomes for children and youth with disabilities," said Amy Rhone, Administrator of the Nebraska Department of Education's Office of Special Education. "Receiving a 'Meets Requirements' determination for both Part B and Part C demonstrates Nebraska's continued commitment to supporting students and families through high-quality special education and early intervention services."

IDEA Part B supports special education and related services for children and youth ages 3 through 21, while IDEA Part C supports early intervention services for infants and toddlers with disabilities and developmental delays from birth through age 3.

Nebraska's determination is based on the Results-Driven Accountability (RDA) framework, which evaluates states on both compliance with IDEA requirements and results achieved for

To lead and support the preparation of all Nebraskans for learning, earning, and living.

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Nebraska

2026 Part B Results-Driven Accountability Matrix

Results-Driven Accountability Percentage and Determination (1)

Percentage (%)	Determination
85.00%	Meets Requirements

Results and Compliance Overall Scoring

Section	Total Points Available	Points Earned	Score (%)
Results	20	15	75.00%
Compliance	20	19	95.00%



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Questions & Comments



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