Special Education Services Task Force

Final Report

Prepared by the Special Education Services Task Force Staff
December 2007

Task Force Members
Senator Ron Raikes, Chair
Senator Mike Friend
Senator Greg Adams
Margaret Bitz
Marilyn Bohn
Scott Carlson
Steve Curtiss
Anne Driewer
Kris Elmshaeuser
Geraldine Erickson
Steve Miliken
Gary Sherman
Steve Slater
Karen Verraneault
Leann Widhalm

Staff
Janet Anderson
Tammy Barry
Matt Blomstedt
Josh Eickmeier
Aaron Hendry
Mike Holtje
Roger Keetle
Rod Krogh
Sandy Sostad
Kris Valentin
Beth Wierda

Special Education Services Task Force

Recommendations 3
Introduction 7
Availability of Services 7
Application of the Least Restrictive Environment 9
Use of Private Providers 9
Funding of Education for State Wards 10
Special Education Funding 11
Appendix A: History of Special Education 13
Appendix B: Legislative Bill 316 (2007) 23
Appendix C: Task Force Members 29
Appendix D: Meeting Agendas and Minutes 33
Appendix E: Presenter List 59
Appendix F: Special Education Act 63
Appendix G: Availability of Services 101
Appendix H: Application of Least Restrictive Environment 233
Appendix I: Use of Private Providers 359
Appendix J: Funding of Education for State Wards 415
Appendix K: Special Education Funding 469

Recommendations

The Special Education Services Task Force organized their study around five areas of special education: the availability of services; the application of the least restrictive environment; use of private providers; funding for the education of state wards; and special education funding. After examining these areas, the Task Force developed recommendations on: equity; parental rights and responsibilities; the supply of special education teachers and speech pathologists; special education finance; and residency. For two of these issues, equity and finance, the Task Force believed further study would be useful. The recommendations for issues related to parental rights and responsibilities, teacher shortages, and residency were more specific.

Equity

Nebraska is a state with a wide variety of school districts attempting to assure that all students can avail themselves of a free and appropriate public education (FAPE) as required by federal law. With the information available to the Task Force, it was difficult to ascertain if the definition of an appropriate education varies across the state based on the availability of resources or other demographic factors.

Therefore, the first recommendation is to require the Nebraska Department of Education to complete two studies on equity in the delivery of special education services across the state and to report the findings of the studies to the Legislature. The first study would be based on existing information reported to the Department and would be due December 1, 2009. The second study could also include additional information deemed lacking in the first study, and would be due December 1, 2013.

Parental Rights and Responsibilities

After discussing whether or not "appropriate" is the right standard for special education in Nebraska, the Task Force determined that a change in the level of services was not warranted. However, there was a recognition that a lack of understanding sometimes limited a parent's ability to participate effectively in the individual education plan (IEP), thus leading to dissatisfaction.

The recommendation with regard to parental rights and responsibilities would require the Department of Education, in cooperation with PTI Nebraska, to create a one-page handout, which would be designed to simplify the special education process and appeals procedures and to provide contact information for PTI Nebraska. PTI Nebraska is a federally funded parent training and information center for parents of special education students. The Task Force also suggested that an informational video tape and DVD should also be available to parents.

Supply of Special Education Teachers and Speech Pathologists

One of the resource issues relevant to the provision of special education services is the shortage of special education teachers and speech pathologists. The Task Force had three recommendations that could work together in addressing the shortage of special education teachers and speech pathologists.

The first of these recommendations would be to limit the Attracting Excellence to Teaching Program to future teachers in shortage areas. The Attracting Excellence to Teaching Program currently uses lottery funds to provide forgivable loans to students in teacher education, with a priority for teachers going into subject areas where there is a shortage of qualified teachers. Other recommended changes would be to delay loan forgiveness until the teacher has taught for two years in the shortage area for which they received the loan, to increase the maximum loan to $3,000 per year, and to expand eligibility for the program to graduate and part-time students.

The second recommendation to assist with teacher shortages would be to require the Department of Education, in cooperation with the teacher education institutions, to sponsor a teacher recruitment camp focusing on hands-on special education experiences for interested high school students. The camp would be modeled after the Teacher World camp that was held at Wayne State College for three years pursuant to a federal grant. The Department is encouraged to collaborate with and seek financial assistance from other interested organizations.

The third recommendation in this area incorporates the first two recommendations into an annual advertising campaign to be conducted by the Department of Education to highlight the accomplishments of special education teachers in Nebraska, to advertise the teacher recruitment camp and the Attracting Excellence to Teaching Program. Again, the Department is encouraged to collaborate with and seek financial assistance from other interested organizations.

Finance

Special education funding in Nebraska is based on a percentage reimbursement for allowable excess costs, with general state and local funding making up the difference. After discussing potential modifications of the current system and the interaction with the general school finance formula, the Task Force recommends that another task force be created to focus on special education finance.

Residency

Residency for students in non-traditional circumstances is a challenging issue. Section 79-215 provides the current statutory framework for determining residency for students, and, therefore, financial responsibility for the student's education. Students placed in residential settings outside of their resident district create some of the most controversial issues.

When a student is placed in an institution located in another school district for reasons other than education, the Task Force recommends that the statute be amended to require the resident school district to pay for educational services directly to either the institution or the school district where the institution is located, depending on which one is providing services. Currently, the law requires that if a request is made by a parent, the resident school district must make the payments to the school district where the institution is located, without an exception for institutions that provide their own educational services.

If a school district is providing the majority of education services for such a student, the Task Force recommends that the school district providing the services have educational responsibility for the student's special education services and Individual Education Plan (IEP). However, a representative from the resident school district, which remains financially responsible, would need to be invited to the IEP meeting.

If an institution is providing the majority of education services for a student, the Task Force recommends that the resident school district maintain educational and financial responsibility for the student's special education services and IEP. However, a representative from the institution would need to be invited to the IEP meeting.

Introduction

"Special education means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a child with a disability..." Section 79-1125, Nebraska Revised Statutes. Special education in Nebraska began with the Nebraska School for the Deaf, the Nebraska School for the Blind, and the Beatrice State Home. In 1941, school districts became statutorily responsible to provide education for physically handicapped children. It was not until 1958 that the federal government first became involved in special education. Now, special education is governed by a combination of federal and state laws, local policies, and individual education plans (IEP's). Legislative Bill 316 (2007) created the Special Education Services Task Force to study the delivery of special education services in Nebraska. For additional information about the history of special education, see Appendix A. To view LB 316, see Appendix B.

The membership of the Special Education Services Task Force included representation from parents, public schools, educational service units (ESU's), private providers, the Nebraska Department of Education, the Nebraska Department of Health and Human Services, and the Nebraska Legislature. The members were appointed by the Governor, except the three senators were appointed by the Executive Council of the Legislature. For a list of Task Force members, see Appendix C.

The Task Force met monthly from July to December in 2007 to gather information and discuss issues related to the availability of services, application of the least restrictive environment doctrine, the use of private providers, the funding of education for state wards, and special education funding. Support for the group was provided by a staff group consisting of staff members from the Education Committee of the Legislature, the offices of members of the Education Committee, Senator Mike Friend's office, the Legislative Fiscal Office, and the Nebraska Department of Education. Expert presenters provided much of the background information. For the agendas and minutes for each meeting, see Appendix D. A complete list of the presenters is contained in Appendix E. The Special Education Act, which governs special education in Nebraska, can be found in Appendix F.

Availability of Services

The first topic of discussion was the availability of special education services. Generally, students receive special education services as determined in individualized education plans (IEP's), which are designed to provide students with a free appropriate public education (FAPE). In Nebraska, these services may be provided by the school district or through a contract between the school district and an ESU or a private provider. Two issues discussed by the Task Force revolved around the equity of services provided

through IEP's across the state and the standard for such services. The second issue can be summarized as a debate between appropriate and ideal services.

The Task Force listened to a presentations by Carol McClain on the Individuals with Disabilities Education Act (IDEA) and Beth Wierda on the IEP process. Presentations on the availability of services were provided by Teresa Coonts of the Nebraska Department of Education, Marge Beatty of ESU 16, and Richard Schoonover of Bellevue Public Schools. The presentation by Teresa Coonts focused on broad state issues, while Marge Beatty focused on rural issues, and Richard Schoonover focused on the perspective of large districts.

In response to questions about the information provided to parents, Glenda Davis of PTI Nebraska spoke about how her organization assists parents. During the public comment period in November, a parent of a child with a cochlear implant shared her perspective on trying to attain necessary services for her child.

Lindy Foley and Jack Shepard from the Nebraska Department of Education provided information about transition services following concerns by Task Force members about the decision process for determining when to graduate special education students. Following a meeting with representatives from the Department of Health and Human Services and the Department of Education, information was also provided by the Task Force Staff Group on the "gap" in services for students with developmental disabilities who graduate prior to 21 years of age. Written information was also provided by the Department of Education to follow up on a discussion of Response to Intervention.

During the discussions, it became apparent that shortages of special education teachers and speech pathologists may have an effect on the services available to students. A summary of the 2006-07 Teacher Vacancy Survey Results was provided by the Department of Education. Annie Bird, who currently works for the Munroe-Meyer Institute and who formerly worked for the Department of Education, presented information on the history of the speech pathologist shortage. John Bernthal, Mary Friehe, and Laurence Hilton represented the speech pathology programs on the three University of Nebraska campuses and provided information regarding their efforts to address shortages. Information was also provided by the Task Force Staff Group regarding distance education programs and job descriptions for speech pathologists.

There are three methods for a parent to appeal a disagreement with the school district over special education services. The first is to file a complaint with the Department of Education. The second is to request mediation and the third is to proceed to a due process hearing. A summary of the complaints, mediations, and cases filed over the last four years was provided by the Department. A review did not reveal any particular pattern of issues for the Task Force to address. New federal survey requirements will provide additional information in the future regarding parent satisfaction.

Three parents of children with autism spoke during the public comments period at the November meeting about their view of the potential impact of proposed changes to Rule

51, the main Department of Education rule regarding special education. Beth Wierda from the Department of Education gave a description of the changes and an explanation of how the State Board of Education is proceeding on the issue. Donna Moss from Hastings Public Schools also provided her perspective during the public comment period in November.

In Nebraska, ESU's provide special education services for many school districts. These regional education service providers contract with districts, allowing for a more efficient use of special education resources across the state. A 2006 survey of school districts rating services provided by ESU's was provided to the Task Force along with notes from an ESU study conducted by the Education Committee of the Legislature in 2006.

The recommendations with regard to the availability of services focus on equity, parental rights and responsibilities, and the shortage of special education professionals. Copies of some presentations and other materials available to the Task Force regarding the delivery of services are available in Appendix G.

Application of the Least Restrictive Environment

Pursuant to IDEA, special education students are required to be educated in the "least restrictive environment." This concept is defined as the environment that allows the student access to an appropriate education while providing the greatest interaction with general education students without disabilities.

John Copenhaver of the Mountain Plains Regional Resource Center came to Nebraska to provide a description of the least restrictive environment (LRE) requirements. Mike Bossard, Susan Safarik, and Mary Ells of the Lincoln Public Schools gave their perspective on the implementation of LRE in their school system. Charlene Snyder from the Millard Public Schools presented her district's interpretation of LRE. Mary Dale Christensen of PTI Nebraska provided a parent's perspective and a step by step guide to the meeting the requirements for the least restrictive environment.

Although the Task Force discussed the concept of LRE and related funding issues, the Task Force did not make any recommendations regarding implementation of the least restrictive environment. For information about the least restrictive environment doctrine, see Appendix H.

Use of Private Providers

The federal Individuals with Disabilities Education Act (IDEA) requires the public school system provide a free and appropriate education for students with disabilities. However, that education is not required to be delivered by a public school. In fact, while

the Task Force was meeting, the United States Supreme Court let a ruling stand requiring the New York City Public Schools to pay for a private education for disabled children, even if the public programs had been rejected by the parents prior to participation. The decision was issued with a four to four split of the justices, thus not setting a precedent for future cases.

Bob Krist, a parent of a student receiving special education services, gave a personal description of the issues faced by his daughter in the public schools and the frustrations that took their family to a private setting. Jill Weatherly from the Nebraska Department of Education explained the rate setting procedures for private providers. Mary Fraser Meints from Uta Halle Girls Village and Cooper Village for Boys shared her concerns about the current system for funding services provided by private providers. Susan Sapp and Pat Connell presented information related to Girls and Boys Town. Susan Sapp also discussed concerns about the provisions for residency of students and financial responsibility.

Many of the issues related to the use of private providers are interwoven with the issues related to the funding of education for state wards. The Task Force recommendation on residency relates to both areas. See Appendix I for further information about the use of private providers and Appendix J for funding of education for state wards.

Funding of Education for State Wards

Since 2001, the number of state wards in Nebraska has varied between 6,665 and 7,732 at any single point in time. The education of state wards that are placed in foster homes is funded in the same manner as any other student attending school in a school district. However, if a state ward is placed in a group home or a treatment facility, the Department of Health and Human Services is responsible for the cost of education. Although most state wards are placed in either foster homes or group home with education provided by the school district, the most contentious issues relevant to the funding for state wards involve the use of private providers.

Chris Hanus presented information on behalf of the Department of Health and Human Services in addition to the data Margaret Bitz provided on state wards and out-of-state placements. Tom McBride from Epworth Village provided the perspective of a private interim program school serving state wards. Interim program schools are often referred to by their authorizing rule, Rule 18. The schools are located in treatment facilities to serve the educational needs of students receiving treatment in such facilities. Gregg Wright from the Center on Children, Families, and the Law provided research he compiled regarding the incidence of special education among state ward populations. He also commented on the cycle of abuse and neglect, foster care, and special education. Terry Kenealy, the superintendent of the York Public Schools, spoke about his perspective on state ward education as a public school superintendent and as the

superintendent working with those Epworth Village students who are ready to transition back to a public school environment.

The Task Force did not arrive at any recommendations specific to the funding of education for state wards. However, the Task Force recommendation on residency relates to both the use of private providers and the education of state wards. See Appendix J for additional information about state wards and out-of-home placements. Appendix I also contains relevant information about private providers.

Special Education Funding

Special education funding is provided through a combination of a state reimbursement based on a percentage of excess allowable costs and general state and local funds. The appropriation for the reimbursement program is capped at 5% annual growth, but the current appropriation only reflects 3% growth. The rate of reimbursement has decreased from 90% to the current 61%.

Tom Parrish, director of the Center for Special Education Finance, joined the Task Force by telephone to give a national perspective on special education funding. Greg Prochazka and Russ Inbody of the Nebraska Department of Education followed up with details about the Nebraska funding system and the interaction with regular education funding. Jon Sterns of the Nebraska Department of Health and Human Services also provided information on Medicaid in the Public Schools. Sandy Sostad from the Legislative Fiscal Office provided data on special education funding.

Connie Biaggio of the Nebraska Association of Special Education Supervisors commented during the Public Comment period at the October meeting. John Street followed up with a presentation at the November meeting on behalf of the association. Their presentations covered a range of topics, but had a particular focus on finance.

The Task Force discussed proposals for changing the treatment of special education in the general education state aid formula, changing the calculation of excess costs, and allowing for overhead and facilities costs for private providers. However, the Task Force did not believe they had the expertise to make specific recommendations. The Task Force did recommend that a future task force be created with the expertise to study special education finance. Information about funding is contained in Appendix K.

Appendix A: History of Special Education

- Mike Holtje, Senator Raikes' Office
  Brief History of Nebraska Special Education Policies and Laws
  Brief History of Special Education in the US

Brief History of Nebraska Special Education Policies and Laws:

Pre-1941: State provided schools for the deaf and blind and the Beatrice State Home

1941: LB 463 required local school bds to provide an education for physically handicapped children not able to attend normal classes

- The state provided no aid to districts for the implementation

1941-46: Atty. Gen. said that districts must provide services to all physically handicapped children & pay for the entire amount for services

1949: New system of special education

- District paid the regular per pupil cost and the state paid the excess cost up to a $400 maximum limit

- Special attention to educable mentally handicapped (EMH)
  - State provided $100 excess cost per pupil
  - EMH children were separated from their peers

1953: Removed the minimum age for physically handicapped children eligible

1955: Special Ed Services had to be secured within Nebraska & amount of EMH reimbursement raised to $200

1957: *Schutte v. Decker*: handicapped children could not be transported under the statute that governed transportation of "normal" children

Legislature authorized establishment of residential schools for mentally retarded children

1958: Atty. Gen. stated that districts were not obligated for the education of trainable mentally retarded children

1959: Legislature transferred the School for the deaf and the School for the blind to the Dept of Ed & gave State Bd of Ed discretionary authority to provide education programs for children who were both deaf and blind

1961: Legislature increased maximum reimbursement by 50%

- $600/physically-handicapped child & $400/EMH child
- Dept of Ed must approve programs before state would pay

Authorized districts to provide programs for "trainable mentally retarded"

- State, county, & district supported programs by equal financial contributions

1963: State placed a max of $4500 reimbursement per teacher in local programs

1967: State authorized reimbursement (max $200/yr) for transportation of handicapped children forced to leave the district for a suitable program

Local districts must provide programs for physically handicapped or TMR children if parents requested it

Authorized programs for emotionally disturbed children
- State paid the excess cost not to exceed $600

1969: Reimbursement for transportation of handicapped children w/in districts

Multi-handicapped children received direct state support
- Legislature gave Bd of Ed discretionary authority to establish programs for multi-handicapped children

1971: Legislature began to provide full funding & allowed reimbursement for children attending state schools for the deaf and blind

1972: Authorized programs for children with specific learning disabilities

1973-74: Reinstituted the minimum age for physically handicapped children to 5

Passed LB 403, LB 863, and LB 92:
- Uniform system of finance where state paid 90% of excess costs approved by Dept of Ed
- Required to provide special ed to school-aged children
- Provided for a comprehensive system of transportation
- Legislature required mandatory compliance from districts
  - Financial sanctions against non-complying districts

1976-77: Change reimbursement formula so state paid 90% of *allowable* excess costs

1978: LB 871 established the Diagnostic Resource Center & changed the method of calculating average per pupil cost in reimbursement formula
- Divide total instructional expenditures (minus allowable excess costs) by the preceding yr's avg daily membership

LB 889 required special ed services be provided to pre-school children
- State pay 90% of programs approved by Dept of Ed

1980: LB 765 increased state funding for pre-school handicapped programs from 90% to 100%, so long as funding was available from federal grants
- If unavailable, state's funding responsibility was only 90%

1986: LB 2 changed amt of reimbursement for children w/ "milder" handicaps:

- "Milder":
  - Less than 6 hrs/wk in special ed classes or
  - Specific learning disability or speech impaired
- State reimbursement would be limited to the lesser of:
  - 90% of allowable excess costs or
  - Amount appropriated for preceding year adjusted by state increase or decrease in state aid to education

LB 1093 reduced reimbursement for transportation costs from 100 to 90%

1987: LB 413 repealed the changes made by LB 2 in 1986

1991: LB 701 (Early Intervention Act) established demonstration sites to study implementation of services to infants/toddlers w/ disabilities (& families)

1992: LB 15 (Spec. Sess.) eliminated minor building modifications as an allowable expense for special ed reimbursement

1993: LB 520 created the Special Education Accountability Commission

1990-95: State appropriations for special ed grew at a rate of 10-11% per year

1995: LB 742 eliminated the 90% of allowable excess costs reimbursement and capped the growth of state appropriations for special ed at 2.5% for 1996-97 and 3% for 1997-98

1997: LB 806 included a special ed allowance in the state aid formula

LB 865 extended the special ed cap through 1998-99 and allowed support services to be reimbursed up to 10% of the reimbursable amount

Dept. of Ed contracts w/ ESU #10 to operate the Diagnostic Resource Ctr.

NE School for the Deaf closes; NE Dept. of Ed contract w/ regional and Iowa providers for services

1999: Renamed NE School for Visually Handicapped to NE Center for Children Who Are Blind or Visually Impaired

- NE Dept. of Ed contracts w/ ESU #4 to operate the center

2000: LB 1243 changes the cap on special ed reimbursement from 3% to 5%

BRIEF HISTORY OF SPECIAL EDUCATION IN THE US:

1800-1900: Residential facilities in rural environments
- State governments provided funds for specialized institutions
  - "Moral treatment" was the dominant approach
  - Education was a prominent part of moral therapy

1840 - 1918: States passed laws mandating compulsory education for children
- Provided the impetus for educating handicapped students

1900: "Warehouse-like" institutions brought about permanent segregation

Researchers began scientifically studying child development & education

Early 1900s: Advocacy groups secured local ordinances to help people w/ disabilities

1920s: Special classes for students unsuitable for regular classes were common

Pre-1950s: States, localities, and community organizations provided most of the educational services for children with disabilities
- No federal funding or oversight

1950: Special ed was a part of urban public education in nearly every district

1958: The Education of Mentally Retarded Children Act
- 1st federal law concerning education of special-needs students
  - Provided funding to improve the quality of special ed
  - Did not contain meaningful accountability mechanisms

1965: The Elementary and Secondary Education Act
- 2nd federal law concerning education of special-needs students
  - Provided funding to improve the quality of special ed
  - Did not contain meaningful accountability mechanisms

Mid-1900s: Instruction of children with disabilities often based on *process training*
- Cognitive & motor processes
  - Such training was shown to be ineffective
- Many of these same ideas were recycled in the late 20th century
  - None has found much support in reliable research

1966: Congress established the Bureau for Education of the Handicapped under Title VI of the Elementary and Secondary Schools Act

1970: Passage of the Education of the Handicapped Act (P.L. 91-230)
- Codified small amounts of federal funds

1971: *Pennsylvania Association for Retarded Children (PARC) v. PA*

- Consent agreement specified that all children 6-21 were to be provided free public ed in the *least restrictive alternative*

1972: *Mills v. Board of Education of the District of Columbia* established that:

- "The responsibility of States and local school districts to educate individuals with disabilities is derived from the equal protection clause of the Fourteenth Amendment of the US Constitution"

1973: Rehabilitation Act of 1973

- 1st federal special education laws with oversight
- Required states and localities to ensure that disabled children be granted access to education programs and facilities
  - Prohibited discriminatory practices in programs
  - BUT imposed no affirmative special ed obligations

1975: The Education of All Handicapped Children Act of 1975 (PL 94-142)

- In return for federal funding, each state was to ensure that students with disabilities received:
  - Non-discriminatory testing, evaluation, and placement
  - The right to due process
  - Education in the least restrictive environment
  - Free and appropriate education (FAPE)
  - An Individualized Education Program (IEP)
    - Ensure that ed programs are specific to each student's unique needs
    - IEP includes:
      - Instructional goals and objectives
      - Specifications as to length of school year
      - Determination of most appropriate ed placement
      - Descriptions of criteria for evaluation and measurement

1970s & 80s: Special ed advocates promoted "mainstreaming":

- Process-oriented goal: Expose special ed students to the same educational program and environment as their peers

1982: *Bd. of Ed. of the Hendrick Hudson Central School District v. Rowley*:

- Sup. Ct clarified the level of services afforded to students with special needs & further defined FAPE
  - Special ed services need only provide some "educational benefit" to students
    - Public schools were not required to maximize each student's educational progress

1990: EAHCA renamed: Individuals with Disabilities Education Act (IDEA)

- New classifications for autism and traumatic brain injury
- Added transition plans within IEPs for students age 14 or older

Passages of the Americans with Disabilities Act (ADA)

1990s: *Full inclusion* movement called for educating all students with disabilities in the regular classroom with a single, unified and responsive ed system

- Contrary to the mandate of IDEA
- Has not proven to be the clear solution
- Sometimes, full inclusion is impossible or counter-productive
    - Deny students customized environment and therapy

1997: IDEA reauthorized and amended to require:

- Inclusion of students w/ disabilities in state/district assessments
- Measurable IEP goals and objectives
- Functional behavioral assessment and behavior intervention plans for students with emotional or behavioral needs

Appendix B: Legislative Bill 316 (2007)

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 316

FINAL READING

Introduced by Friend, 10; Raikes, 25

Read first time January 11, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to education; to create the Special Education
2 Services Task Force; to provide powers and duties; to
3 provide for termination; and to declare an emergency.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Special Education Services Task Force is
2 created. Members of the task force shall be appointed on or before
3 July 1, 2007, and shall include:
4 (1) The chairperson of the Education Committee of the
5 Legislature and one other member of such committee;
6 (2) One member of the Legislature who is not a member of
7 the Education Committee;
8 (3) One parent who has a child receiving special
9 education services in a private setting;
10 (4) Two parents who have children receiving special
11 education services in a school district;
12 (5) Two educational service unit special education
13 teachers;
14 (6) One public school special education teacher;
15 (7) One public school special education director or
16 educational service unit special education director;
17 (8) One private school principal or director;
18 (9) One school board member;
19 (10) One representative of the State Department of
20 Education who has expertise in special education;
21 (11) One representative of the Department of Health and
22 Human Services who has expertise in the placement of state wards;
23 and
24 (12) One representative of a private provider of special
25 education services.

1 The members listed in subdivisions (1) and (2) of
2 this section shall be appointed by the Executive Board of the
3 Legislative Council. The member listed in subdivision (10) of this
4 section shall be appointed by the Commissioner of Education. All
5 other members shall be appointed by the Governor.
6 Sec. 2. The chairperson of the Education Committee of
7 the Legislature shall be the chairperson of the Special Education
8 Services Task Force and shall call the initial and subsequent
9 meetings of the task force. Members of the task force shall
10 be reimbursed for their actual and necessary expenses incurred
11 in carrying out their duties as members of the task force as
12 provided in sections 81-1174 to 81-1177. The Education Committee
13 of the Legislature, the Legislative Fiscal Analyst, and the State
14 Department of Education shall provide research and administrative
15 support for the task force. For budgetary purposes only, the task
16 force shall be within the Legislative Council.
17 Sec. 3. The Special Education Services Task Force shall
18 examine the provision of special education services in Nebraska.
19 The task force shall make recommendations for policies and
20 potential legislation to the Clerk of the Legislature and the
21 Education Committee of the Legislature on or before December 31,
22 2007. The examination of special education services shall include,
23 but not be limited to:
24 (1) Applicable federal and state laws;
25 (2) The provision of special education services in other

states;

(3) Application of the least-restrictive-environment doctrine;

(4) The availability of special education services across the state;

(5) The use of private providers of special education services by public school districts;

(6) The use of private providers of special education services by private citizens; and

(7) The provision of special education services for wards of the state or wards of the court.

The task force may hold one or more public hearings to obtain input.

Sec. 4. The Special Education Services Task Force terminates on December 31, 2007.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

Appendix C: Task Force Members

Special Education Services Task Force
Members

Senator Ron Raikes	Chairperson of the Education Committee
Senator Greg Adams	Member of the Education Committee
Senator Mike Friend	Member of the Legislature
Anne Driewer	Parent of child receiving services in a private setting
Steve Curtiss	Parent of child receiving services in a school district
Kris Elmshaeuser	Parent of child receiving services in a school district
Geraldine Erickson	ESU special education teacher
Karen Verraneault	ESU special education teacher
Leann Widhalm	Public school special education teacher
Steve Milliken	Public school special education director
Scott Carlson	Private school principal or director
Marilyn Bohn	School board member
Gary Sherman	Nebraska Department of Education
Margaret Bitz	Nebraska Department of Health and Human Services
Steve Slater	Private provider of special education services

Appendix D: Meeting Agendas and Minutes

Special Education Services Task Force
Tuesday, July 31, 2007, 10 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the counter on the north side of the room.

10:00 Welcome, Introductions, Purpose, & Procedures
Task Force members are invited to briefly share their special education experience and expectations for the Task Force during introductions

10:30 Special Education Background
- 10:30 Historical Context – Mike Holtje, Intern for Senator Raikes
- 10:45 Questions
- 11:00 IDEA Overview – Carol McClain, Department of Education
- 11:15 Questions
- 11:30 IEP Process – Beth Wierda, Department of Education
- 11:45 Questions

12:00 Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

12:15 Issue: Availability of Services Across Nebraska
- 12:15 General Background – Teresa Coonts, Department of Education
- 12:30 Questions
- 12:45 Rural Perspective – Marge Beatty, ESU 16
- 1:00 Questions

1:15 Break

1:30 Continuation of Issue: Availability of Services Across Nebraska
- 1:30 Large District Perspective – Richard Schoonover, Bellevue Public Schools
- 1:45 Questions
- 2:00 Out of State Placements – Margaret Bitz, Health and Human Services System
- 2:15 Questions

2:45 Public Comment

3:00 Discussion & Assignments for the Staff Group

3:30 Adjourn

Special Education Services Task Force
Meeting Minutes – Tuesday, July 31, 2007, 10 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Task Force Members:
Present: Greg Adams, Margaret Bitz, Marilyn Bohn, Scott Carlson, Anne Driewer, Kris Elmshaeuser, Geraldine Erickson, Mike Friend, Steve Milliken, Ron Raikes, Chairperson; Gary Sherman, Karen Verraneault, and Leann Widhalm
Absent: Steve Curtiss and Steve Slater

Others Present: Janet Anderson, Tammy Barry, Matt Blomstedt, Josh Eickmeier, Mike Holtje, Aaron Hendry, Roger Keetle, Rod Krogh, Sandy Sostad, & Kris Valentin, Task Force Staff; Carol McClain, Beth Wierda, & Teresa Coonts, Nebraska Department of Education; Marge Beatty, ESU #16; Richard Schoonover, Bellevue Public Schools; William Schiedeler, DAS Budget Office; Bryson Bartels, Nebraska Health and Human Services System; and other interested parties.

Proceedings:
Meeting called to order at 10:00 A.M. by Chairperson, Ron Raikes

Welcome, Introductions, Purpose, & Procedures
- Members provided brief introduction of their special education background
- Chairperson Raikes provided background on special education, the purpose of the Task Force, and Task Force procedures.
- Chairperson Raikes previewed the Task Force meeting agenda and provided information as to the location of the copy of the Nebraska Open Meetings Act, availability of Task Force materials, and the public comment period.
- Chairperson Raikes designated the state of Nebraska website as the method of notice for future Task Force meetings. No objections were stated.

Special Education Background
- Mike Holtje, intern for Senator Raikes, provided information on the history of special education policy. Handouts providing a brief history of Nebraska special education policies and U.S. special education policies were distributed. Questions and discussion followed.
- Carol McClain, Nebraska Department of Education, provided an overview of the Individuals with Disabilities Education Act (IDEA). Copies of her Powerpoint presentation were distributed. Questions and discussion followed.
- Beth Wierda, Nebraska Department of Education, provided information on the Individualized Education Plan (IEP) process. Copies of her Powerpoint presentation were distributed. Questions and discussion followed.

Working Lunch Break

Availability of Services Across Nebraska
- Teresa Coonts, Nebraska Department of Education, provided general information on the availability of special education services across Nebraska. Copies of her Powerpoint presentation were distributed, along with a list of Special Populations Office staff regional

assignments and a list of abbreviations common of common special education terms. Questions and discussion followed.

- Marge Beatty, ESU 16, provided information on the availability of special education services in rural Nebraska. A handout that addressed specific questions regarding the provision of special education in western Nebraska and rural areas was provided, along with a map of revised ESU 16 boundaries and an informational sheet on ESU 16. Questions and discussion followed.

15-minute Break

Continuation of Issue: Availability of Services Across Nebraska

- Richard Schoonover, Bellevue Public Schools, provided information on the availability of special education services from the perspective of a large school district. A written statement of his message to the Task Force was distributed. Questions and discussion followed.
- Margaret Bitz, Nebraska Health and Human Services System, provided information on special education services for state wards. A handout with data and information on state wards was provided. Questions and discussion followed.

Discussion of Task Force Issue: Availability of Services

- Task Force members were offered a starting point for addressing this issue.
- Task Force members were provided a list of policy options for addressing this issue.

Public Comment

- The agenda provided a period for public comment. No public comment was offered. The Task Force resumed its discussion on the issue of availability of services.

Discussion & Assignments for the Staff Group

- Individual Task Force members raised issues for examination by the staff group. Issues mentioned included: addressing the shortage of special education teachers and personnel; providing resources to enhance parental understanding of the special education process; review formal complaints submitted to the Nebraska Department of Education; and services for students age 18-21.
- The staff group will proceed in the examination of Task Force issues according to the Task Force timeline. Task Force members will continue to consider the issue of availability of services and offer any suggestions at the next meeting.

Next Meeting

- Chairperson Raikes announced that the next meeting of the Task Force will be Tuesday, August 28, 2007.

Chairperson Raikes adjourned the meeting at 3:23 P.M.

Minutes compiled by Kris Valentin, Education Committee Clerk / Legislative Aide to Senator Ron Raikes.

Special Education Services Task Force
Tuesday, August 28, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the counter on the north side of the room.

9:00 Welcome, Approval of Minutes

9:15 Issue: Availability of Services Across Nebraska
- 9:15 Parent Assistance – Glenda Davis, PTI Nebraska
- 9:30 Questions
- 9:45 Transition Services – Lindy Foley, Nebraska Department of Education
  Jack Shepard, Nebraska Department of Education
- 10:00 Questions

10:15 Break

10:30 Issue: Least Restrictive Environment
- 10:30 John Copenhaver, Mountain Plains Regional Resource Center
- 10:45 Questions
- 11:00 Mike Bossard, Susan Safarik, & Mary Ells, Lincoln Public Schools
- 11:15 Questions
- 11:30 Charlene Snyder, Millard Public Schools
- 11:45 Questions

12:00 Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

12:15 Issue: Least Restrictive Environment
- 12:15 Mary Christensen, PTI Nebraska
- 12:30 Questions

12:45 Break

1:00 Use of Private Providers
- 1:00 Bob Krist and Dan Malone, Special Education Parents
- 1:15 Questions
- 1:30 Jill Weatherly, Nebraska Department of Education
- 1:45 Questions
- 2:00 Mary Fraser Meints, Uta Halee Girls Village/Cooper Village for Boys
- 2:15 Questions

2:30 Break

2:45 Public Comment

3:00 Discussion & Assignments for the Staff Group

4:00 Adjourn

Next Meeting Friday September 21, 2007 @ 9:00 A.M, 301 S. 68th Street Place, Lincoln, NE

Special Education Services Task Force
Tuesday, August 28, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Task Force Members:
Present: Margaret Bitz, Scott Carlson, Steve Curtiss, Anne Driewer, Kris Elmshaeuser, Geraldine Erickson, Mike Friend, Steve Milliken, Ron Raikes, Chairperson; Gary Sherman, Steve Slater, Karen Verraneault, and Leann Widhalm
Absent: Greg Adams and Marilyn Bohn

Others Present: Janet Anderson, Tammy Barry, Matt Blomstedt, Josh Eickmeier, Aaron Hendry, Roger Keetle, Rod Krogh, Sandy Sostad, & Kris Valentin, Task Force Staff; Glenda Davis and Mary Dale Christensen, PTI Nebraska; Lindy Foley, Jack Shepard, Jill Weatherly, & Beth Wierda, Nebraska Department of Education; John Copenhaver, Mountain Plains Regional Resource Center; Mike Bossard, Susan Safarik, Mary Ells, & Virgil Horne, Lincoln Public Schools; Charlene Snyder, Millard Public Schools; Bob Krist, parent of child receiving private special education services; Mary Fraser Meints, Uta Halee Girls Village & Cooper Village; William Schiedeler, DAS Budget Office; Jeremy Murphy, Nebraska Catholic Conference; Bryson Bartels, Nebraska Health and Human Services System; and other interested parties.

Proceedings:
Meeting called to order at 9:00 A.M. by Chairperson, Ron Raikes

Welcome and Approval of Minutes

- Task Force members Steve Curtiss and Steve Slater, who were not present at the July 31 meeting, provided brief introductions.
- Chairperson Raikes proposed the approval of minutes for the July 31 meeting. No objections were stated. Minutes were approved.
- Chairperson Raikes previewed the agenda for the meeting.

Availability of Services Across Nebraska

- Glenda Davis of PTI Nebraska provided information on her organization. A handout with information about PTI Nebraska was distributed. Questions and discussion followed.
- Lindy Foley and Jack Shepard of the Nebraska Department of Education provided information regarding transition services for special needs students. Copies of their Powerpoint presentation were distributed. Questions and discussion followed.
- A revised list of options and a proposal for addressing issues related to availability of services was distributed to the Task Force for consideration prior to the discussion period later in the day.

Break

Least Restrictive Environment

- John Copenhaver of the Mountain Plains Regional Resource Center presented information on the application of the least restrictive environment doctrine. Copies of his Powerpoint presentation and a packet of materials regarding least restrictive environment were distributed. Questions and discussion followed.
- Mike Bossard, Susan Safarik, & Mary Ells of Lincoln Public Schools discussed the application of the least restrictive environment doctrine in their district. A handout containing the definition of and research related to least restrictive environment was distributed. Questions and discussion followed.
- Charlene Snyder of Millard Public Schools discussed the application of the least restrictive environment doctrine in her district. Copies of her Powerpoint presentation were provided. Questions and discussion followed.

Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

Continuation of Least Restrictive Environment Discussion

- Mary Dale Christensen of PTI Nebraska discussed her organization's efforts to assist parents with matters related to least restrictive environment. A document containing a step-by-step chart of the conditions that must be met to satisfy the Individuals with Disabilities Education Act (IDEA) and a document titled "Guide to Resources for Promoting Least Restrictive Environment (LRE) Practices" were distributed. Questions and discussion followed.

Break

Use of Private Providers

- Bob Krist, a parent of a child receiving private special education services, discussed his family's experience with the special education system. Questions and discussion followed.
- Jill Weatherly of the Nebraska Department of Education provided information on service agencies and individual providers. Copies of her Powerpoint presentation and a handout demonstrating the new online provider application system were provided. Questions and discussion followed.
- Mary Fraser Meints of Uta Halee Girls Village/Cooper Village for Boys provided information from the perspective of a private education provider. Materials distributed were: copies of her Powerpoint presentation; a bulletin on the programs and treatment provided by Uta Halee and Cooper Village; a handout summarizing Rule 18; a roster of 2006-07 Rule 18 schools; and a copy of Nebraska statute 79-215. Questions and discussion followed.

Break

Public Comment

- The agenda provided a period for public comment. No public comment was offered.

Discussion & Assignments for the Staff Group

- The Task Force resumed its discussion on the issue of availability of services. The Task Force discussed methods of increasing parents' awareness of their rights in the special

education system. Steve Curtiss requested that the staff group determine the amount and source of funding for PTI Nebraska. The staff group will provide the Task Force with a proposal to enhance parents' awareness of their rights based on the points raised in the discussion. The Task Force also discussed how to achieve better equity in special education services across the state and how to address teacher shortages in special education. Task Force members asked the staff group to provide a proposal for addressing the gap in services that exists for some students in the period between graduation and age 21. The Task Force also had a brief discussion regarding least restrictive environment.

Adjourn

- Chairperson Raikes adjourned the meeting at 4:02 P.M. The next meeting will be held on Friday, September 21, 2007 at 9:00 A.M in Room 304 of the Southeast Community College Continuing Education Center, 301 S. 68th Street Place, Lincoln, NE.

Minutes compiled by Kris Valentin, Education Committee Clerk / Legislative Aide to Senator Ron Raikes.

Special Education Services Task Force
Friday, September 21, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the counter on the north side of the room.

9:00 Welcome, Approval of Minutes

9:15 Issue: State Wards
- 9:15 Chris Hanus, Nebraska Department of Health and Human Services
- 9:30 Questions
- 9:45 Tom McBride, Epworth Village
- 10:00 Questions
- 10:15 Gregg Wright, Center on Children, Families, and the Law
- 10:30 Questions

10:45 Break

11:00 Continue Issue: State Wards
- 11:00 Terry Kenealy, York Public Schools
- 11:15 Questions

11:30 Issue: Special Education Finance
- 11:30 Tom Parrish, Center for Special Education Finance (via telephone)
- 12:00 Questions

12:15 Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

12:30 Continue Issue: Special Education Finance
- 12:30 Greg Prochazka, Nebraska Department of Education
- 12:45 Questions
- 1:00 Jon Sterns, Nebraska Department of Health and Human Services
- 1:15 Questions
- 1:30 Russ Inbody, Nebraska Department of Education
- 1:45 Questions

2:00 Break

2:15 Public Comment

2:30 Discussion & Assignments for the Staff Group

4:00 Adjourn

Next Meeting Monday, October 29, 2007 @ 9:00 A.M, 301 S. 68th Street Place, Lincoln, NE

Special Education Services Task Force
Friday, September 21, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Task Force Members:
Present: Greg Adams, Margaret Bitz, Marilyn Bohn, Scott Carlson, Steve Curtiss, Anne Driewer, Kris Elmshaeuser, Geraldine Erickson, Mike Friend, Steve Milliken, Ron Raikes, Chairperson; Karen Verraneault, and Leann Widhalm
Absent: Gary Sherman and Steve Slater

Others Present: Janet Anderson, Tammy Barry, Matt Blomstedt, Josh Eickmeier, Aaron Hendry, Mike Holtje, Roger Keetle, Rod Krogh, Sandy Sostad, Kris Valentin, and Beth Wierda, Task Force Staff; Bryson Bartels, Chris Hanus and Jon Sterns, Nebraska Department of Health and Human Services; Tom McBride, Epworth Village, Inc.; Gregg Wright, Center for Children, Families, and the Law; Terry Kenealy, York Public Schools; Greg Prochazka, Russ Inbody, and Connie Knoche, Nebraska Department of Education; William Scheideler, DAS Budget Office; and other interested parties.

Proceedings:
Meeting called to order at 9:00 A.M. by Chairperson, Ron Raikes

Welcome, Approval of Minutes

- Chairperson Raikes proposed the approval of minutes for the August 28 meeting. No objections were stated. Minutes were approved.

State Wards

- Chris Hanus of the Nebraska Department of Health and Human Services provided information on the funding of special education services for state wards. Handouts included: 1) information on the State Ward Education Fund Program; 2) a table describing the reimbursement process for the education of state and county wards; 3) a table summarizing ward education programs in surrounding states; 4) illustrations showing how the ward education program operates in different situations; and 5) state ward placement data. Questions and discussion followed.
- Tom McBride of Epworth Village, Inc., discussed the provision of special education services to state wards from the perspective of a Rule 18 school. Handouts included a copy of his PowerPoint presentation and information on Epworth Village, Inc. Questions and discussion followed.
- Gregg Wright of the Center on Children, Families, and the Law provided data on state wards and special education. Copies of his PowerPoint presentation were distributed. Questions and discussion followed.

Break

Continuation of Discussion on State Wards

- Terry Kenealy of York Public Schools discussed the provision of special education services to state wards from the perspective of a public school district. A handout with information on the number of state wards served by York Public Schools in the past five years was provided. Questions and discussion followed.

Special Education Finance

- Tom Parrish of the Center for Special Education Finance presented information, via telephone, on special education finance across the nation. Copies of his PowerPoint presentation were distributed. Questions and discussion followed.

Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

Continuation of Discussion on Special Education Finance

- Greg Prochazka of the Nebraska Department of Education provided information on special education finance in Nebraska. Handouts included: 1) a table with information on different sources of special education funding; 2) a spreadsheet showing special education expenditures in different programs from F.Y. 03-04 through F.Y. 08-09; 3) a sheet containing an explanation of the footnotes used in the spreadsheet; and 4) a table showing special education reimbursement percentages for school years 1999-2000 through 2006-07. Questions and discussion followed.
- Jon Sterns of the Nebraska Department of Health and Human Services provided information on the Medicaid in Schools Program (MIPS). A handout with information on the program was provided. Questions and discussion followed.
- Russ Inbody of the Nebraska Department of Education provided information on the interaction between special education and the state aid formula. Questions and discussion followed.

Break

Public Comment

- The agenda provided a period for public comment. No public comment was offered.

Discussion & Assignments for the Staff Group

- The Task Force discussed draft legislation regarding the provision of information to parents about the special education system.
- There was general consensus that the Task Force had not identified a strategy to address the disparity in access to special education services in different areas of the state.
- The Task Force resumed its discussion on the issue of least restrictive environment. The Task Force discussed the possibility of eliminating capacity as a cause for denying option enrollment applications of special education students.
- Tammy Barry presented the staff group's notes regarding special education for state wards. Chairperson Raikes referenced the options for addressing this issue and reviewed the proposed starting point.

- Tammy Barry presented the staff group's notes regarding special education finance. Chairperson Raikes reviewed the various options and the starting point to address this issue.

Adjourn

- Chairperson Raikes adjourned the meeting at 4:03 P.M. The next meeting will be held on Monday, October 29, 2007 at 9:00 A.M. in Room 304 of the Southeast Community College Continuing Education Center, 301 S. 68th Street Place, Lincoln, NE.

Minutes compiled by Kris Valentin, Education Committee Clerk / Legislative Aide to Senator Ron Raikes.

Special Education Services Task Force
Monday, October 29, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the counter on the north side of the room.

9:00	Welcome, Approval of Minutes
9:15	Susan Sapp – Cline, Williams, Wright, Johnson & Oldfather
	Pat Connell – Girls and Boys Town
	Speaking about issues related to Girls and Boys Town
9:30	Questions
9:45	Annie Bird – Munroe-Meyer Institute, Formerly with Nebraska Department of Education
	Speaking about the shortage of speech pathologists
10:00	Questions
10:15	Break
10:30	Discuss Services Issues
12:00	Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff
12:15	Beth Wierda, Nebraska Department of Education
	Speaking about proposed changes to Rule 51
12:30	Questions
12:45	Break
1:00	Discuss Private Providers, Finance, & Miscellaneous Issues
2:15	Break
2:30	Continue Discussion
3:45	Public Comment
4:00	Adjourn

Next Meeting Tuesday, November 27, 2007 @ 9:00 A.M, 301 S. 68th Street Place, Lincoln, NE

Special Education Services Task Force
Meeting Minutes – Monday, October 29, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Task Force Members:
Present: Greg Adams, Marilyn Bohn, Scott Carlson, Steve Curtiss, Kris Elmshaeuser, Geraldine Erickson, Mike Friend, Ron Raikes, Chairperson; Gary Sherman, Steve Slater, Karen Verraneault, and Leann Widhalm
Absent: Margaret Bitz, Anne Driewer, and Steve Milliken

Others Present: Janet Anderson, Tammy Barry, Matt Blomstedt, Josh Eickmeier, Roger Keetle, Rod Krogh, Sandy Sostad, Kris Valentin & Beth Wierda, Task Force Staff; Pat Connell, Girls & Boys Town; Susan Sapp, Cline, Williams, Wright, Johnson & Oldfather, L.L.P.; Annie Bird, Munroe-Meyer Institute; Connie Biaggio, Nebraska Association of Special Education Supervisors; Mary Campbell, Campbell & Associates, P.C., L.L.O.; Virgil Horne, Lincoln Public Schools; Jeremy Murphy, Nebraska Catholic Conference; Greg Prochazka, Nebraska Department of Education; William Schiedeler, DAS Budget Office; and other interested parties.

Proceedings:
Meeting called to order at 9:00 A.M. by Chairperson, Ron Raikes

Welcome, Approval of Minutes

- Chairperson Raikes proposed the approval of minutes for the September 21 meeting. No objections were stated. Minutes were approved.

Girls and Boys Town

- Pat Connell of Girls and Boys Town presented information regarding Girls and Boys Town. Copies of his PowerPoint presentation were provided. Susan Sapp of Cline, Williams, Wright, Johnson & Oldfather, L.L.P., discussed concerns related to Section 79-215 of Nebraska Statute. Questions and discussion followed.

Speech Pathologist Shortage

- Annie Bird of the Munroe-Meyer Institute and formerly of the Nebraska Department of Education spoke regarding the shortage of speech pathologists. Questions and discussion followed.

Break

Discussion of Services Issues

- The task force discussed the apparent shortage of speech pathologists.
- The task force discussed the possibility of requiring extra duty pay for teachers who are members of Individualized Education Plan (IEP) teams and multidisciplinary teams in recognition of their additional responsibilities.

- The task force discussed the possibility of limiting loan forgiveness under the Attracting Excellence to Teaching program to students majoring in special education fields.
- The task force discussed the possibility of increasing the amount of special education coursework required for certification from 3 hours to 6 hours.

Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

Proposed Changes to Rule 51

- Beth Wierda of the Nebraska Department of Education presented on proposed revisions to Rule 51. Questions and discussion followed.

Break

Discussion of Private Providers, Finance, & Miscellaneous Issues

- The task force discussed the possibility of amending state law to allow school districts to contract for special education costs with either the private provider or the public school district in which such provider is located in situations in which a student is placed in a residential setting by his or her parents for reasons other than education.
- The task force discussed the possibility of incorporating facility and overhead costs into the rates received by private special education providers.
- The task force discussed the possibility of altering the finance mechanism to better reflect the special education costs incurred by individual school districts.
- The task force discussed two alternative methods of calculating the excess costs associated with providing special education.
- The task force discussed the possibility of allowing school districts to create a high-needs risk pool as a means of protecting against unforeseen special education costs.

Break

Continue Services Discussion

- The task force discussed the issue of whether the level of special education services should be appropriate or ideal.
- The task force discussed the rights and responsibilities of parents in the special education process. Various task force members discussed the increasing role of special education teachers in addressing the needs of special education students.
- The task force discussed the issue of equity in special education services across the state.
- The task force discussed the gap in services for special education students who graduate prior to age 21.
- The task force discussed the role of educational service units in the provision of special education services.

Public Comment

- Connie Biaggio of the Nebraska Association of Special Education Supervisors commented on matters discussed by the task force.

Adjourn

- Chairperson Raikes adjourned the meeting at 4:07 P.M. The next meeting will be held on Tuesday, November 27, 2007 at 9:00 A.M. in Room 304 of the Southeast Community College Continuing Education Center, 301 S. 68th Street Place, Lincoln, NE.

Minutes compiled by Kris Valentin, Education Committee Clerk / Legislative Aide to Senator Ron Raikes.

Special Education Services Task Force
Tuesday, November 27, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the counter on the north side of the room.

9:00 Welcome, Approval of Minutes, Description of Handouts

9:15 Presentation by University of Nebraska Speech Pathology Program Directors

John Bernthal – University of Nebraska-Lincoln

Mary Friehe – University of Nebraska-Omaha

Laurence Hilton – University of Nebraska-Kearney

9:45 Questions

10:00 Public Comment

10:30 Break

10:45 Begin Discussion of Proposed Recommendations

12:00 Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

12:15 Presentation by John Street, Nebraska Association of Special Education Supervisors

12:45 Break

1:00 Continue Discussion of Proposed Recommendations

2:15 Break

2:30 Complete Draft Recommendations

4:00 Adjourn

Next Meeting Tuesday, December 18, 2007 @ 9:00 A.M, 301 S. 68th Street Place, Lincoln, NE

Special Education Services Task Force
Meeting Minutes – Tuesday, November 27, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Task Force Members:
Present: Greg Adams, Margaret Bitz, Marilyn Bohn, Scott Carlson, Steve Curtiss, Anne Driewer, Kris Elmshaeuser, Geraldine Erickson, Mike Friend, Steve Milliken, Ron Raikes, Chairperson; Gary Sherman, Steve Slater, Karen Verraneault, and Leann Widhalm
Absent: None

Others Present: Janet Anderson, Tammy Barry, Matt Blomstedt, Josh Eickmeier, Roger Keetle, Rod Krogh, Sandy Sostad, Kris Valentin & Beth Wierda, Task Force Staff; John Bernthal, Chair of Special Education and Communication Disorders program, University of Nebraska-Lincoln; Mary Friehe, Chair of Special Education and Communication Disorders program, University of Nebraska-Omaha; Laurence Hilton, Chair of Communication Disorders program, University of Nebraska-Kearney; John Street, Nebraska Association of Special Education Supervisors; Ron Withem, University of Nebraska; Mary Campbell, Campbell & Associates, P.C., L.L.O.; Virgil Horne, Lincoln Public Schools; Jeremy Murphy, Nebraska Catholic Conference; Greg Prochazka, Nebraska Department of Education; William Scheideler, DAS Budget Office; Alexandra Dillon, Autism Spectrum of Kearney parent support group; Krista Larson, parent of a child with Autism; Donna Moss, Hastings Public Schools; Tina Suey, parent of a deaf student with a cochlear implant; Susan Walton, parent of a child with Autism Spectrum Disorder; and other interested parties.

Proceedings:
Meeting called to order at 9:00 A.M. by Chairperson, Ron Raikes

Welcome, Approval of Minutes

- Chairperson Raikes proposed the approval of minutes for the October 29 meeting. No objections were stated. Minutes were approved.
- Tammy Barry, Task Force staff member, provided a description of the handouts distributed to the Task Force.

Speech Pathologist Shortage

- John Bernthal, Mary Friehe, and Laurence "Tuff" Hilton, chairpersons of speech pathology training programs at the University of Nebraska-Lincoln, University of Nebraska-Omaha, and University of Nebraska-Kearney, respectively, presented information regarding the shortage of speech pathologists. A handout with information pertaining to the speech pathology training program at UNK was provided. A copy of their PowerPoint presentation was provided for later distribution. Questions and discussion followed.

Public Comment

- The Task Force received comment from the following individuals: Alexandra Dillon, Autism Spectrum of Kearney parent support group; Susan Walton, parent of a child with Autism Spectrum Disorder; Tina Suey, parent of a deaf student with a cochlear implant; Krista Larson, parent of a child with Autism, and; Donna Moss, Hastings Public Schools.

Break

Discussion of Proposed Recommendations

- The Task Force discussed the possibility of requiring the Department of Education to study and report to the Legislature on equity in the delivery of special education services every two years. Task Force members discussed how equity would be defined for purposes of the study.

Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

Presentation by Nebraska Association of Special Education Supervisors

- John Street, president of the Nebraska Association of Special Education Supervisors, presented information and recommendations regarding the provision of special education services. Copies of his PowerPoint presentation were distributed. Questions and discussion followed.

Break

Continue Discussion of Proposed Recommendations

- The Task Force discussed incorporation of parent survey data collected by the Department of Education into the proposed equity study.
- The Task Force discussed the possibility of requiring the Department of Education, in cooperation with PTI, to create a one page handout simplifying the special education process and appeals procedures and providing contact information for PTI.
- The Task Force discussed reserving 50% of the funds from the Attracting Excellence to Teaching Program for special education and speech pathology majors. The Task Force also discussed creation of a teacher recruitment fair focused on hands-on special education experiences for interested high school students.

Break

Continue Discussion of Proposed Recommendations

- The Task Force discussed a proposal to support special education costs by including 85% of excess allowable special education costs in a special education allowance in the state aid formula.
- The Task Force considered a proposal to base the determination of "excess" costs on the amount of time the student spends in the regular education classroom.
- The Task Force discussed including a percentage of costs for facilities and overhead in rate setting for private providers.
- The Task Force discussed changing the residency statute to require the resident school district to pay either the institution or the school district where the institution is located for educational services provided by the institution or district when a child is placed in an institution for reasons other than education. If a school district is providing the majority of education services for a student, such district shall have educational responsibility for the student's special education services and IEP and shall include a representative from the resident school district (if different) in the IEP meeting, even when financial responsibility remains with the resident district. If an institution is providing the majority of education services for a student, the resident school district shall maintain educational and financial responsibility for the student's special education services and IEP and shall include a representative from the institution in the IEP meeting.

Adjourn

- Chairperson Raikes adjourned the meeting at 4:04 P.M. The next meeting will be held on Tuesday, December 18, 2007 at 9:00 A.M. in Room 304 of the Southeast Community College Continuing Education Center, 301 S. 68th Street Place, Lincoln, NE.

Minutes compiled by Kris Valentin, Education Committee Clerk / Legislative Aide to Senator Ron Raikes.

Special Education Services Task Force
Tuesday, December 18, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the counter on the north side of the room.

9:00 Welcome, Approval of Minutes

9:15 Public Comment

9:45 Begin Discussion of Proposed Recommendations

10:30 Break

10:45 Continue Discussion of Proposed Recommendations

12:00 Lunch Break – Working Lunch Provided for Task Force Members and Staff

12:15 Continue Discussion of Proposed Recommendations

12:45 Break

1:00 Continue Discussion of Proposed Recommendations

2:15 Break

2:30 Finalize Recommendations

4:00 Adjourn

Special Education Services Task Force
Meeting Minutes – Tuesday, December 18, 2007, 9 A.M.
Southeast Community College Continuing Education Center, Room 304
301 S. 68th Street Place, Lincoln, NE

Task Force Members:
Present: Greg Adams, Margaret Bitz, Marilyn Bohn, Scott Carlson, Steve Curtiss, Anne Driewer, Kris Elmshaeuser, Geraldine Erickson, Mike Friend, Steve Milliken, Ron Raikes, Chairperson; Gary Sherman, Karen Verraneault, and Leann Widhalm
Absent: Steve Slater

Others Present: Janet Anderson, Tammy Barry, Matt Blomstedt, Josh Eickmeier, Roger Keetle, Rod Krogh, Sandy Sostad, Kris Valentin & Beth Wierda, Task Force Staff; Mary Campbell, Campbell & Associates, P.C., L.L.O.; Virgil Horne, Lincoln Public Schools; Donna Moss, Hastings Public Schools; Jeremy Murphy, Nebraska Catholic Conference; Marge Harouff & Greg Prochazka, Nebraska Department of Education; William Scheideler, DAS Budget Office; Mark Shepard, Fremont Public Schools; John Street, Nebraska Association of Special Education Supervisors; and other interested parties.

Proceedings:
Meeting called to order at 9:00 A.M. by Chairperson, Ron Raikes

Welcome, Approval of Minutes

- Chairperson Raikes proposed the approval of minutes for the November 27 meeting. No objections were stated. Minutes were approved.

Public Comment

- The Task Force received comment from Marge Harouff of the Nebraska Department of Education regarding proposed changes to the Attracting Excellence to Teaching program and the proposal to establish a camp for high school students to attract prospective special education teachers. Ms. Harouff provided copies of her written testimony, as well as a handout that included regulations and data pertaining to the Attracting Excellence to Teaching program.

Discussion of Proposed Recommendations

<u>Equity Study</u>

- The Task Force discussed a proposed recommendation to require the Nebraska Department of Education to study and report to the Legislature on equity in the delivery of special education services every four years.
- The Task Force modified the proposal to require the Department of Education to issue the initial report in two years using information that is already collected from schools. A second report would be required four years following that would address any areas where information is found to be lacking in the existing data that would be used to compile the initial report. There would be no ongoing requirement for the Department of Education to report on this issue following the release of the second study.

Parental Rights and Responsibilities

- The Task force discussed a proposed recommendation to require the Department of Education, in cooperation with PTI, to create a one-page handout simplifying the special education process and appeals procedures and providing contact information for PTI. The Task Force also considered a recommendation to require school districts to provide at least one training opportunity annually for parents of children with disabilities concerning a variety of topics related to special education.
- The Task Force supported the recommendation regarding the development of a one-page handout. The Task Force also supported making available to parents an informational video regarding special education issues. The Task Force rejected the recommendation to require districts to offer annual training opportunities for parents of children with disabilities.

Supply of Special Education Teachers

- The Task Force discussed a proposed recommendation to convert the Attracting Excellence to Teaching Program to the Attracting Excellence to Special Education program. The change would limit forgivable loans granted under the program to full or part-time students for graduate and undergraduate education in special education or therapies related to special education. The Task Force also considered a recommendation to require the Department of Education, in cooperation with teacher education institutions, to sponsor a teacher recruitment camp focused on hands-on special education experiences for interested high school students. The Task Force considered a recommendation to require the Department of Education to conduct an annual advertising campaign that highlights the accomplishments of special education teachers in Nebraska and advertises the teacher recruitment camp and forgivable loan program.

Break

Continue Discussion of Proposed Recommendations

- The Task Force supported the recommendation for a recruitment camp for special education teachers, on the condition that the private interests who would benefit from such a camp would bear some of the cost.

Lunch Break – Working Lunch Provided for Task Force Members, Presenters, and Staff

Continue Discussion of Proposed Recommendations

- The Task Force modified the proposed recommendation regarding the Attracting Excellence to Teaching program to limit loans under the program to students pursuing endorsements in subject matters in which there are identified shortages. The maximum annual amount of loans granted under the program would increase from $2,500 to $3,000. Forgiveness of such loans would begin following the completion of two full years of service in an identified shortage area, after which the loans would be forgiven at a rate of one year of service for each year the loan was received.

Break

Continue Discussion of Proposed Recommendations

- Members of the Task Force cautioned that the Legislature might not react favorably to bearing the cost of the advertising campaign.

Finance

- The Task Force discussed a proposed recommendation to support special education costs by including 85% of excess allowable special education costs in a special education allowance in the state aid formula. The Task Force considered a recommendation to modify the excess cost calculation by only subtracting the Average Per Pupil Cost for students who spend less than 25% of their educational day with their regular education peers. Also discussed was a recommendation to include an additional 5% cost for facilities and overhead in the rate setting for private providers.

Break

Continue Discussion of Proposed Recommendations

- The Task Force rejected each of the proposed finance recommendations. The Task Force supported the creation of a task force to study special education finance.

Residency

- The Task Force discussed a proposed recommendation to change the residency statute (§79-215) to require the resident school district to pay either the institution or the school district where the institution is located for educational services provided by the institution or district when a child is placed in an institution for reasons other than education. If a school district is providing the majority of education services for a student, such district shall have educational responsibility for the student's special education services and IEP. A representative from the resident school district, which remains financially responsible, shall be invited to the IEP meeting. If an institution is providing the majority of education services for a student, the resident school district shall maintain educational and financial responsibility for the student's special education services and IEP. A representative from the institution shall be invited to the IEP meeting.
- The Task Force adopted the proposed recommendations regarding residency.

Adjourn

- Chairperson Raikes adjourned the meeting, and the Task Force, at 2:50 P.M.

Minutes compiled by Kris Valentin, Education Committee Clerk / Legislative Aide to Senator Ron Raikes.

Appendix E: Presenter List

Special Education Services Task Force
Presenters

July 31, 2007

Special Education Background
Mike Holtje, Task Force Staff – Historical Context
Carol McClain, Nebraska Department of Education – IDEA Overview
Beth Wierda, Nebraska Department of Education – IEP Process

Availability of Services Across Nebraska
Teresa Coonts, Nebraska Department of Education – General Background
Marge Beatty, Educational Service Unit #16 – Rural Perspective
Richard Schoonover, Bellevue Public Schools – Large District Perspective
Margaret Bitz, Health and Human Services System – Out-of-State Placements

August 28, 2007

Availability of Services Across Nebraska
Glenda Davis, PTI Nebraska – Parent Assistance
Lindy Foley & Jack Shepard, Nebraska Department of Education – Transition Services

Least Restrictive Environment
John Copenhaver, Mountain Plains Regional Resource Center
Mike Bossard, Susan Safarik, & Mary Ells, Lincoln Public Schools
Charlene Snyder, Millard Public Schools
Mary Dale Christensen, PTI Nebraska

Use of Private Providers
Bob Krist, Parent of a Student who Utilizes Private Special Education Services
Jill Weatherly, Nebraska Department of Education
Mary Fraser Meints, Uta Halee Girls Village/Cooper Village for Boys

September 21, 2007

State Wards
Chris Hanus, Nebraska Department of Health and Human Services
Tom McBride, Epworth Village
Gregg Wright, Center on Children, Families, and the Law
Terry Kenealy, York Public Schools

Special Education Finance
Tom Parrish, Center for Special Education Finance (via telephone)
Greg Prochazka, Nebraska Department of Education
Jon Sterns, Nebraska Department of Health and Human Services
Russ Inbody, Nebraska Department of Education

October 29, 2007

Use of Private Providers
Pat Connell, Girls & Boys Town, & Susan Sapp, Cline, Williams, Wright, Johnson & Oldfather

Shortage of Speech Pathologists
Annie Bird, Munroe-Meyer Institute, formerly of the Nebraska Department of Education

Proposed Revisions to Rule 51
Beth Wierda, Nebraska Department of Education

November 27, 2007

Shortage of Speech Pathologists
University of Nebraska Speech Pathology Program Directors:

- John Bernthal, University of Nebraska-Lincoln
- Mary Friehe, University of Nebraska-Omaha
- Laurence Hilton, University of Nebraska-Kearney

Information Pertaining to the Provision of Special Education Services
John Street, Nebraska Association of Special Education Supervisors

Appendix F: Special Education Act

Special Education Act

Section 79-1110
Act, how cited.

Sections 79-1110 to 79-1178 shall be known and may be cited as the Special Education Act.

Source:

Laws 1987, LB 367, § 1
Laws 1989, LB 487, § 14
Laws 1993, LB 520, § 22
Laws 1995, LB 742, § 4
R.S.Supp.,1995, § 79-3301
Laws 1996, LB 900, § 792
Laws 1997, LB 346, § 9
Laws 1997, LB 865, § 3
Laws 1998, Spec. Sess., LB 1, § 46
Laws 1999, LB 813, § 36
Laws 2000, LB 1135, § 23

~Reissue Revised Statutes of Nebraska

Section 79-1111
Legislative intent.

It is the intent of the Legislature that all children in the State of Nebraska, regardless of physical or mental capacity, are entitled to a meaningful educational program.

Source:

Laws 1987, LB 367, § 2
R.S.1943, (1994), § 79-3302
Laws 1996, LB 900, § 793

~Reissue Revised Statutes of Nebraska

Section 79-1112
Repealed. Laws 1998, LB 904, s. 3.

~Reissue Revised Statutes of Nebraska

Section 79-1113
Definitions, where found.

For purposes of the Special Education Act, unless the context otherwise requires, the definitions found in sections 79-1114 to 79-1125.01 shall be used.

Source:

Laws 1987, LB 367, § 3
Laws 1993, LB 520, § 23
R.S.1943, (1994), § 79-3303
Laws 1996, LB 900, § 795
Laws 1997, LB 865, § 4
Laws 1999, LB 813, § 37

~Reissue Revised Statutes of Nebraska

Section 79-1114

Adjusted average per pupil cost of the preceding year, defined.

Adjusted average per pupil cost of the preceding year means the amount computed by dividing the total instructional expenditure, excluding special education expenditures, by the preceding year's average daily membership as reported in the annual financial report. The costs of sectarian instruction shall not be included in determining the adjusted average per pupil cost of the preceding year, and the computation shall be subject to an audit by appropriate state agencies.

Source:

Laws 1987, LB 367, § 4
Laws 1991, LB 511, § 67
Laws 1992, LB 245, § 72
R.S.1943, (1994), § 79-3304
Laws 1996, LB 900, § 796

~Reissue Revised Statutes of Nebraska

Section 79-1115

Allowable costs, defined.

Allowable costs means:

(1) For school fiscal years prior to school fiscal year 1999-00, salaries, wages, benefits, and maintenance, supplies, travel, and other expenses essential to carry out the provisions for special education and support services; and

(2) For school fiscal year 1999-00 and each school fiscal year thereafter, salaries, wages, benefits, any medical expenditure by a school district for purposes of providing individualized education plan services for a special education student and health protection to the provider of the services, and maintenance, supplies, travel, and other expenses essential to carry out the provisions for special education and support services.

Source:

Laws 1987, LB 367, § 5
R.S.1943, (1994), § 79-3305
Laws 1996, LB 900, § 797
Laws 1997, LB 865, § 5
Laws 2000, LB 1243, § 5

~Reissue Revised Statutes of Nebraska

Section 79-1115.01
Assistive technology device, defined.

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf or modified or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

Source:
Laws 1997, LB 865, § 6

~Reissue Revised Statutes of Nebraska

Section 79-1116
Average per pupil cost of the service agency, defined.

Average per pupil cost of the service agency means the amount computed by dividing the total operating expenditure of the preceding year, excluding the cost of sectarian instruction, of the service agency by its preceding year's average daily membership.

Source:
Laws 1987, LB 367, § 6
R.S.1943, (1994), § 79-3306
Laws 1996, LB 900, § 798
Laws 1997, LB 346, § 10

~Reissue Revised Statutes of Nebraska

Section 79-1117
Child with a disability, defined.

Child with a disability means a child having a disability listed in section 79-1118.01 and verified pursuant to sections 79-1137 to 79-1139.

Source:
Laws 1993, LB 520, § 24
R.S.1943, (1994), § 79-3306.01
Laws 1996, LB 900, § 799
Laws 1997, LB 346, § 11

~Reissue Revised Statutes of Nebraska

Section 79-1118
Repealed. Laws 1998, Spec. Sess., LB 1, s. 63.

Section 79-1118.01
Disability, defined; classifications.

Disability means an impairment which causes a child to be classified as mentally retarded, hard of hearing, deaf, speech and language impaired, blind and visually impaired, behaviorally disordered, orthopedically impaired, other health impaired, deaf-blind, or developmentally delayed or as having multiple disabilities or specific learning disabilities, traumatic brain injury, or autism and causes such child to need special education and related services. For purposes of this section:

(1) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance;

(2) Behaviorally disordered means a condition in which a child exhibits one or more of the following characteristics over a long period of time and to a marked degree which adversely affects educational performance:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) A general pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms or fears associated with personal or school problems.

Behaviorally disordered includes schizophrenia but does not include social maladjustment unless the characteristics defined in subdivision (a) or (b) of this subdivision are also present;

(3) Blind and visually impaired means partially seeing or blind, which visual impairment, even with correction, adversely affects a child's educational performance;

(4) Deaf means a hearing impairment which is so severe that processing linguistic information through hearing, with or without amplification, is impaired to the extent that educational performance is adversely affected;

(5) Deaf-blind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that such impairments cannot be accommodated in special education programs solely for children who are deaf or blind;

(6) Developmental delay means either a significant delay in function in one or more of the following areas: (a) Cognitive development; (b) physical development; (c) communication development; (d) social or emotional development; or (e) adaptive behavior or skills development, or a diagnosed physical or mental

condition that has a high probability of resulting in a substantial delay in function in one or more of such areas;

(7) Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects educational performance but is not included under the term deaf in subdivision (4) of this section;

(8) Mentally retarded means a condition in which a child exhibits significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects educational performance;

(9) Multiple disabilities means concomitant impairments, such as mentally retarded-blind or mentally retarded-orthopedically impaired, the combination of which causes such severe educational problems that a child with such impairments cannot be accommodated in special education programs for one of the impairments. Multiple disabilities does not include deaf-blind;

(10) Orthopedically impaired means a severe orthopedic impairment which adversely affects a child's educational performance. Severe orthopedic impairments include impairments caused by (a) congenital anomaly, including, but not limited to, clubfoot or absence of a member, (b) disease, including, but not limited to, poliomyelitis or bone tuberculosis, or (c) other causes, including, but not limited to, cerebral palsy, amputations, and fractures and burns which cause contractures;

(11) Other health impaired means having limited strength, vitality, or alertness due to chronic or acute health problems, including, but not limited to, a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance;

(12) Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Specific learning disability includes, but is not limited to, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia;

(13) Speech-and-language-impaired means having a communication disorder such as stuttering, impaired articulation, language impairments, or voice impairment which adversely affects a child's educational performance; and

(14) Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

The State Department of Education may group or subdivide the classifications of children with disabilities for the purpose of program description and reporting. The department shall establish eligibility criteria and age ranges for the disability classification of developmental delay.

Source:

Laws 1987, LB 367, § 9
Laws 1993, LB 348, § 62
R.S.1943, (1994), § 79-3309

Laws 1996, LB 900, § 802
R.S.1943, (1996), § 79-1120
Laws 1997, LB 346, § 12
Laws 1999, LB 813, § 38

~Reissue Revised Statutes of Nebraska

Section 79-1119
Excess cost, defined.

Excess cost means the difference between the total cost of the special education program excluding residential care and the number of students in the special education program multiplied by the adjusted average per pupil cost of the preceding year for the school district of residence of each child.

Source:
Laws 1987, LB 367, § 8
R.S.1943, (1994), § 79-3308
Laws 1996, LB 900, § 801

~Reissue Revised Statutes of Nebraska

Section 79-1120
Transferred to section 79-1118.01.

~Reissue Revised Statutes of Nebraska

Section 79-1121
Related services, defined.

Related services means transportation services and such developmental, corrective, and other supportive services, including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, as may be required to assist a child with a disability to benefit from special education and includes the early identification and assessment of disabilities in children. Medical services shall be for diagnostic and evaluation purposes only.

Source:
Laws 1987, LB 367, § 10
R.S.1943, (1994), § 79-3310
Laws 1996, LB 900, § 803
Laws 1997, LB 346, § 13

~Reissue Revised Statutes of Nebraska

Section 79-1122
Residential care, defined.

Residential care means food and lodging and any other related expenses which are not a part of the education program, but residential care does not include expenditures for medical or dental services. Expenditures for medical and dental services shall be the responsibility of the parent or legal guardian.

Source:

Laws 1987, LB 367, § 13
R.S.1943, (1994), § 79-3312
Laws 1996, LB 900, § 804

~Reissue Revised Statutes of Nebraska

Section 79-1123

Repealed. Laws 2000, LB 1243, s. 10.

~Reissue Revised Statutes of Nebraska

Section 79-1124

Service agency, defined.

Service agency means the school district, educational service unit, local or regional office of mental retardation, or some combination thereof or such other agency as may provide a special education program approved by the State Department of Education, including an institution not wholly owned or controlled by the state or any political subdivision to the extent that it provides educational or other services for the benefit of children from the age of five to the age of twenty-one years with disabilities if such services are nonsectarian in nature.

Source:

Laws 1987, LB 367, § 14
R.S.1943, (1994), § 79-3313
Laws 1996, LB 900, § 806
Laws 1997, LB 346, § 14

~Reissue Revised Statutes of Nebraska

Section 79-1125

Special education, defined.

Special education means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a child with a disability, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. Special education includes speech-language pathology, occupational therapy, and physical therapy if the speech-language pathology or occupational or physical therapy consists of specially designed instruction, at no cost to the parents or guardians, to meet the unique needs of a child with a disability.

Source:

Laws 1987, LB 367, § 11
R.S.1943, (1994), § 79-3314

Laws 1996, LB 900, § 807
Laws 1997, LB 346, § 15
Laws 2001, LB 797, § 43

~Reissue Revised Statutes of Nebraska

Section 79-1125.01

Support services, defined.

Support services means preventive services for those children from birth to age twenty-one years and, if the child's twenty-first birthday occurs during the school year, until the end of that school year, not identified or verified as children with disabilities pursuant to sections 79-1118.01 and 79-1137 to 79-1139 but demonstrating a need for specially designed assistance in order to benefit from the school district's general education curriculum and to avoid the need for potentially expensive special education placement and services.

Source:

Laws 1995, LB 742, § 3
R.S.Supp.,1995, § 79-348
Laws 1996, LB 900, § 867
Laws 1997, LB 346, § 49
Laws 1998, Spec. Sess., LB 1, § 49
R.S.Supp.,1998, § 79-1185
Laws 1999, LB 813, § 51
Laws 2000, LB 1243, § 6

~Reissue Revised Statutes of Nebraska

Section 79-1126

Act; to whom applicable; Division of Vocational Rehabilitation; duties.

The Special Education Act applies to a child with a disability from the date of diagnosis or the date of notification of the school district of residence to age twenty-one and, if the child's twenty-first birthday occurs during a school year, until the end of that school year. All provisions of state law related to special education which apply to a child with a disability who is age twenty shall apply to a child with a disability whose twenty-first birthday occurs during a school year until the end of that school year. The Division of Vocational Rehabilitation of the State Department of Education shall, in compliance with federal guidelines, assume responsibility for the training of those individuals whose education or training is terminated and for whom additional supportive services are required.

Source:

Laws 1973, LB 403, § 6
Laws 1976, LB 761, § 8
Laws 1978, LB 889, § 1
R.S.1943, (1984), § 43-646
Laws 1987, LB 367, § 15
Laws 1990, LB 1090, § 40
R.S.1943, (1994), § 79-3315
Laws 1996, LB 900, § 808
Laws 1997, LB 346, § 16

Annotations:

The age of twenty-one years is reached upon a person's twenty-first birthday, and, therefore, the term "to age twenty-one years" excludes any persons who have reached their twenty-first birthday. Monahan v. School Dist. No. 1, 229 Neb. 139, 425 N.W.2d 624 (1988).

~Reissue Revised Statutes of Nebraska

Section 79-1127

Special education; board; duties.

The board of education of every school district shall provide or contract for special education programs and transportation for all resident children with disabilities who would benefit from such programs.

Source:

Laws 1973, LB 403, § 1
Laws 1986, LB 1093, § 2
R.S.Supp.,1986, § 43-641
Laws 1987, LB 367, § 20
R.S.1943, (1994), § 79-3320
Laws 1996, LB 900, § 809
Laws 1997, LB 346, § 17

Cross References:

Option students,how treated, see section 79-235.

~Reissue Revised Statutes of Nebraska

Section 79-1128

Special education programs; school district; provide; manner; use of funds; failure to offer acceptable program; effect.

The special education programs required by section 79-1127 may be provided by any school district, by contracting with another school district or service agency, or by some combination of school districts, an educational service unit, combination of educational service units, the local or regional office of mental retardation, any program approved by the State of Nebraska, or any combination thereof, except that only nonsectarian services shall be considered for approval by the State of Nebraska. Any office of mental retardation program receiving funds under the Special Education Act shall not use such funds to match state funds under the provisions of other programs. The members of the school board of any school district not offering continuous special education programs acceptable to the State Board of Education shall be in violation of the law. No state funds shall be paid to any school district as long as such violation exists, but no deduction shall be made from any funds required by the Constitution of Nebraska to be paid to such district.

Source:

Laws 1973, LB 403, § 2
Laws 1974, LB 863, § 5
Laws 1976, LB 761, § 5
Laws 1977, LB 443, § 1
R.S.1943, (1984), § 43-642
Laws 1987, LB 367, § 21
R.S.1943, (1994), § 79-3321

Laws 1996, LB 900, § 810
Laws 1997, LB 346, § 18
Laws 1999, LB 813, § 39

~Reissue Revised Statutes of Nebraska

Section 79-1129

Children with disabilities; types of services to be furnished; transportation; reimbursement; special instruction.

(1) The school board or board of education shall provide one of the following types of services to children with disabilities for whom the school district is the school district of residence:

(a) Provide for the transportation expenses for children with disabilities who are forced to leave the school district temporarily because of lack of educational services. A parent or guardian transporting such a child shall be paid for each day of attendance at the mileage rate provided in section 81-1176 for each actual mile or fraction thereof traveled between the place of residence and the program of attendance, and when any parent or guardian transports more than one child with a disability in his or her custody or control enrolled in programs at the same location, the amount of payments to such parent or guardian shall be based upon the transportation of one such child. No transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian;

(b) Provide for the transportation expenses within the school district of any child with a disability who is enrolled in a special educational program of the district when either (i) the child is required to attend a facility other than what would be the normal school or attendance facility of the child to receive appropriate special educational services or (ii) the nature of the child's disability is such that special transportation is required. A parent or guardian transporting such child shall be paid for each day of attendance at the mileage rate provided in section 81-1176 for each actual mile or fraction thereof traveled between the place of residence and the program of attendance, and when any parent or guardian transports more than one child with a disability in his or her custody or control enrolled in programs at the same location, the amount of payments to such parent or guardian shall be based upon the transportation of one such child. No transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian;

(c) Provide visiting teachers for homebound children with disabilities. Such teachers shall be certified and qualified in the same manner as required for other teachers in Nebraska;

(d) Provide correspondence instruction approved by the Commissioner of Education; or

(e) Provide any other method of instruction approved by the Commissioner of Education.

(2) When a child with a disability resides in or attends a preschool or child care program in a school district other than the school district of residence of his or her parents or guardian, the nonresident school district may, upon mutual agreement with the school district of residence, provide for the transportation expenses of the child.

Source:

Laws 1941, c. 82, § 4, p. 328
C.S.Supp.,1941, § 79-3004
R.S.1943, § 43-607
Laws 1949, c. 131, § 4, p. 343

Laws 1967, c. 254, § 1, p. 674
Laws 1967, c. 526, § 2, p. 1747
Laws 1969, c. 345, § 1, p. 1211
Laws 1972, LB 690, § 4
Laws 1974, LB 92, § 1
Laws 1976, LB 761, § 2
Laws 1980, LB 867, § 1
Laws 1981, LB 204, § 65
Laws 1982, LB 942, § 4
R.S.1943, (1984), § 43-607
Laws 1987, LB 367, § 22
Laws 1990, LB 1090, § 41
Laws 1991, LB 700, § 1
Laws 1995, LB 401, § 43
R.S.Supp.,1995, § 79-3322
Laws 1996, LB 900, § 811
Laws 1997, LB 346, § 19

Cross References:

Option enrollment program,resident school district provide transportation services, see section 79-241.

Annotations:

Types of education to be furnished to handicapped children are prescribed by this section. Schutte v. Decker, 164 Neb. 582, 83 N.W.2d 69 (1957).

~Reissue Revised Statutes of Nebraska

Section 79-1130

Transportation services; legislative intent; State Department of Education; duties; cooperative arrangement.

(1) It is the intent of the Legislature that transportation services for children with disabilities prescribed in section 79-1129 shall be provided in the most cost-efficient manner consistent with the goal of providing free appropriate special education to all such children. The Legislature finds that educational service units and special education cooperatives created by school districts and recognized by the State Department of Education are in a unique position to improve the coordination and efficiency of transportation services in all areas of the state. It is the intent of the Legislature to authorize and encourage school districts, educational service units, and special education cooperatives to jointly plan, coordinate, and, where feasible, provide transportation services for children with disabilities. The State Department of Education shall review and approve, approve with modifications, or disapprove all transportation applications to ensure the implementation of the most cost-efficient transportation system, consistent with the goal of providing free appropriate special education to all children.

(2) School districts, educational service units, and special education cooperatives created by school districts and recognized by the State Department of Education are authorized to jointly plan, coordinate, and, where feasible, provide special education transportation services prescribed in section 79-1129. Any educational service unit or special education cooperative may enter into a cooperative arrangement with a school board or board of education of a school district for the provision of such transportation services. Such arrangement shall be approved by the State Department of Education, and upon approval of the arrangement the educational service unit or special education cooperative providing the transportation services shall be eligible to receive direct reimbursement for such services pursuant to section 79-1144.

Source:

Laws 1986, LB 942, § 4
R.S.Supp.,1986, § 43-607.02
Laws 1987, LB 367, § 23
R.S.1943, (1994), § 79-3323
Laws 1996, LB 900, § 812
Laws 1997, LB 346, § 20

~Reissue Revised Statutes of Nebraska

Section 79-1131

Education programs; children with disabilities who are less than five years of age; voluntary.

Participation in or attendance at programs by children with disabilities who are less than five years of age shall be voluntary as specified by the parent or guardian. Programs serving children with disabilities who are less than three years of age shall, to the greatest extent possible, be based upon providing parent training in the home environment.

Source:

Laws 1976, LB 761, § 10
Laws 1978, LB 889, § 2
R.S.1943, (1984), § 43-646.01
Laws 1987, LB 367, § 24
R.S.1943, (1994), § 79-3324
Laws 1996, LB 900, § 813
Laws 1997, LB 346, § 21

~Reissue Revised Statutes of Nebraska

Section 79-1132

Special education programs; children less than five years of age; State Department of Education provide grants; to whom; procedure.

The State Department of Education shall provide grants for the costs of the special education programs approved by the State Department of Education to the school district of residence for children with disabilities who are less than five years of age. Educational service units or cooperatives of school districts recognized as regional planning entities by the State Board of Education pursuant to section 79-1135 shall be eligible to receive grants for cooperative programs for such children with disabilities who are less than five years of age if such educational service units or cooperatives have complied with the reporting and approval requirements of such section. The grants shall be one hundred percent of the costs of such programs and shall continue to be one hundred percent as long as the funding for such grants comes from federal funds. For special education programs and transportation provided to children with disabilities who are less than five years of age in fiscal year 1995-96 and each fiscal year thereafter, if federal funding pursuant to the federal Individuals with Disabilities Education Act, as such act existed on May 8, 2001, Part B and section 619 base year allocation flow-through funds is inadequate at any time to pay one hundred percent of the allowable costs of such programs and transportation, the amount of the grant payments provided by the department shall be a pro rata amount as determined by the State Board of Education from appropriations for special education approved by the Legislature and based on such allowable costs for all special education programs and transportation to children with disabilities who are less than five years of age. The grant payments based upon claims submitted shall be made by the State Department of Education

to the school district of residence, educational service unit, or regional planning entity recognized by the State Board of Education pursuant to section 79-1135 each year.

Source:

Laws 1978, LB 889, § 3
Laws 1980, LB 765, § 1
Laws 1986, LB 942, § 8
R.S.Supp.,1986, § 43-646.02
Laws 1987, LB 367, § 25
Laws 1995, LB 742, § 5
R.S.Supp.,1995, § 79-3325
Laws 1996, LB 900, § 814
Laws 1997, LB 346, § 22
Laws 1998, Spec. Sess., LB 1, § 47
Laws 2001, LB 797, § 44

~Reissue Revised Statutes of Nebraska

Section 79-1133

Special education programs; student less than five years of age; school district; amount paid to service agency; determination.

Each school district shall pay an amount equal to the average per pupil cost of the service agency of the preceding year or the cost as agreed upon pursuant to the contract to the agency providing the educational program for every child with a disability who is less than five years of age, who is a resident of the district, and who is attending an educational program not operated by the school district, including programs operated by the State Department of Education, the Department of Health and Human Services, and any other service agency whose programs are approved by the State Department of Education.

Source:

Laws 1978, LB 889, § 4
R.S.1943, (1984), § 43-646.03
Laws 1987, LB 367, § 26
R.S.1943, (1994), § 79-3326
Laws 1996, LB 900, § 815
Laws 1996, LB 1044, § 821
Laws 1997, LB 346, § 23

~Reissue Revised Statutes of Nebraska

Section 79-1134

Repealed. Laws 1999, LB 813, s. 62.

~Reissue Revised Statutes of Nebraska

Section 79-1135

Children with disabilities who are less than five years of age; regional plan of services; school district; participation; supplementary amendments.

Each school district shall demonstrate participation in a plan of services for children with disabilities who are less than five years of age. Such plans shall be prepared on a regional basis as determined by the State Department of Education and updated annually.

The content of plans shall be prescribed by the department.

Supplementary amendments to any program plans may be submitted on dates specified by the department during the same school year and shall be subject to the same review as the initial plans.

Source:

Laws 1978, LB 889, § 9
Laws 1986, LB 942, § 9
R.S.Supp.,1986, § 43-646.08
Laws 1987, LB 367, § 28
R.S.1943, (1994), § 79-3328
Laws 1996, LB 900, § 817
Laws 1997, LB 346, § 25
Laws 1999, LB 813, § 40
Laws 2003, LB 67, § 24

~Reissue Revised Statutes of Nebraska

Section 79-1136

Sections, how construed.

Sections 79-1126 and 79-1131 to 79-1136 do not prevent funding from sources other than the public schools for the program for children with disabilities who are less than five years of age.

Source:

Laws 1978, LB 889, § 10
R.S.1943, (1984), § 43-646.09
Laws 1987, LB 367, § 29
R.S.1943, (1994), § 79-3329
Laws 1996, LB 900, § 818
Laws 1997, LB 346, § 26

~Reissue Revised Statutes of Nebraska

Section 79-1137

Legislative findings and intent.

The Legislature finds and declares that there is a need to establish a process and criteria to assess, identify, and verify children who may require special education. Research-based criteria and a rational process for the assessment of children who may require special education will lead to greater equity, consistency, and efficiency in the identification of and the provision of services to such children. It is the intent of the Legislature that all children who require special education services shall be identified and verified pursuant to such criteria and process.

Source:

Laws 1986, LB 942, § 1
R.S.Supp.,1986, § 43-605
Laws 1987, LB 367, § 16
R.S.1943, (1994), § 79-3316
Laws 1996, LB 900, § 819
Laws 1997, LB 346, § 27

~Reissue Revised Statutes of Nebraska

Section 79-1138

Disabilities; assessment, identification, and verification of need for services; State Board of Education; duties.

(1) The State Board of Education shall adopt and promulgate rules and regulations establishing criteria for the assessment, identification, and verification of all disabilities defined in section 79-1118.01 to the extent that such disabilities are consistent with federal law and regulation.

(2) The State Board of Education shall develop guidelines to assist school districts, educational service units, and approved cooperatives with the assessment, identification, and verification of the need for related services defined in section 79-1121.

Source:

Laws 1986, LB 942, § 2
R.S.Supp.,1986, § 43-605.01
Laws 1987, LB 367, § 17
R.S.1943, (1994), § 79-3317
Laws 1996, LB 900, § 820
Laws 1997, LB 346, § 28
Laws 1997, LB 865, § 7
Laws 1999, LB 813, § 41

~Reissue Revised Statutes of Nebraska

Section 79-1139

Special education programs and services; children eligible.

Each school district shall include only students identified and verified pursuant to sections 79-1137 and 79-1138 in special education programs and shall not provide special education services pursuant to the Special Education Act to any child who has not been so identified and verified, except that the verification requirements established by rules and regulations adopted and promulgated by the State Board of Education shall not apply to students who have been included in special education programs pursuant to the special education statutes and rules and regulations adopted and promulgated pursuant thereto in effect immediately prior to July 17, 1986, until such time as such children are required to be reverified for special education.

Source:

Laws 1986, LB 942, § 3
R.S.Supp.,1986, § 43-605.02
Laws 1987, LB 367, § 18

R.S.1943, (1994), § 79-3318
Laws 1996, LB 900, § 821

~Reissue Revised Statutes of Nebraska

Section 79-1140

School district; amount paid to service agency; determination.

Except as provided in sections 79-232 to 79-246, each school district shall pay an amount equal to the average per pupil cost of the service agency of the preceding year or the cost as agreed upon pursuant to the contract to the agency providing the educational program for every child with a disability who is a resident of the district and is attending an educational program not operated by the school district, including programs operated by the State Department of Education, the Department of Health and Human Services, and any other service agency whose programs are approved by the State Department of Education.

Source:

Laws 1973, LB 403, § 7
Laws 1974, LB 863, § 6
Laws 1977, LB 443, § 3
Laws 1978, LB 871, § 12
R.S.1943, (1984), § 43-647
Laws 1987, LB 367, § 30
Laws 1989, LB 183, § 22
R.S.1943, (1994), § 79-3330
Laws 1996, LB 900, § 822
Laws 1996, LB 1044, § 822
Laws 1997, LB 346, § 29
Laws 1997, LB 347, § 36
Laws 1999, LB 813, § 42

Cross References:

Option enrollment program,exemption from payment responsibility for resident school district, see section 79-246.

~Reissue Revised Statutes of Nebraska

Section 79-1141

Repealed. Laws 1999, LB 813, s. 62.

~Reissue Revised Statutes of Nebraska

Section 79-1142

State Department of Education; reimbursement for special education programs and support services; to whom; manner; limitations.

(1) Level I services refers to services provided to children with disabilities who require an aggregate of not more than three hours per week of special education services and support services and includes all administrative, diagnostic, consultative, and vocational-adjustment counselor services. Support services means preventive services for children from birth to age twenty-one years and, if the child's twenty-first birthday occurs during the school year, until the end of that school year, not identified or verified as having

a disability pursuant to sections 79-1118.01 and 79-1138 but who demonstrate a need for specially designed assistance in order to benefit from the school's general education curriculum. The total allowable reimbursable cost for support services shall not exceed a percentage, established by the State Board of Education, of the school district's or approved cooperative's total allowable reimbursable cost for all special education programs and support services. The percentage established by the State Board of Education for support services shall not exceed ten percent.

(2) For special education and support services provided in each school fiscal year, the State Department of Education shall reimburse each school district in the following school fiscal year a pro rata amount determined by the department from appropriations for special education approved by the Legislature and based on allowable excess costs for all special education programs and support services.

(3) Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-1155 for cooperative programs which were offered the preceding year. The payments shall be made by the department to the school district of residence, cooperative of school districts, or educational service unit each year in a minimum of seven payments between the fifth and twentieth day of each month beginning in December. Additional payments may be made based upon additional valid claims submitted. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The director shall, upon receiving such certification, draw warrants against funds appropriated.

Source:

Laws 1973, LB 403, § 8
Laws 1975, LB 555, § 4
Laws 1975, Spec. Sess., LB 3, § 1
Laws 1976, LB 903, § 1
Laws 1986, LB 929, § 1
Laws 1986, LB 942, § 10
Laws 1986, Fourth Spec. Sess., LB 2, § 2
R.S.Supp.,1986, § 43-648
Laws 1987, LB 367, § 32
Laws 1987, LB 413, § 1
Laws 1995, LB 742, § 6
R.S.Supp.,1995, § 79-3332
Laws 1996, LB 900, § 824
Laws 1997, LB 346, § 30
Laws 1997, LB 865, § 8
Laws 1998, Spec. Sess., LB 1, § 48
Laws 1999, LB 813, § 43
Laws 2000, LB 1243, § 7
Laws 2001, LB 797, § 45

Cross References:

Option enrollment program,determination of reimbursement, see section 79-246.

~Reissue Revised Statutes of Nebraska

Section 79-1143

Fiscal year for purposes of act.

The fiscal year for all programs reimbursed pursuant to the Special Education Act shall begin on September 1 of each year and end on August 31 of the following year. Funds appropriated for any period ending on

June 30 of a given year for actual transportation expenses for children with disabilities pursuant to section 79-1129 may be spent or obligated through August 31 of that year for such purpose.

Source:

Laws 1989, LB 487, § 15
R.S.1943, (1994), § 79-3332.01
Laws 1996, LB 900, § 825
Laws 1997, LB 346, § 31

Cross References:

School fiscal year,see section 79-1091.

~Reissue Revised Statutes of Nebraska

Section 79-1144

Children with disabilities; education; funds; channeled through office of State Department of Education; expenditures authorized.

Funds shall be appropriated by the Legislature to carry out sections 79-1142 to 79-1144 and 79-1147. Such funds shall be channeled through the State Department of Education. The department is authorized to expend such funds upon proper vouchers approved by the department and warrants issued by the Director of Administrative Services for financial reimbursement to school districts, educational service units, special education cooperatives created by school districts, agencies, and parents or guardians, including (1) reimbursement pursuant to section 79-1129 for actual transportation expenses per year for children with disabilities a pro rata amount which shall be determined by the State Board of Education from appropriations for special education approved by the Legislature based on all actual allowable transportation costs, (2) reimbursement for instructional aids and consultative, supervisory, research, and testing services to school districts, and (3) reimbursement for salaries, wages, maintenance, supplies, travel, and other expenses essential to carrying out the provisions for special education programs. Minor building modifications shall not be eligible for state reimbursement as an allowable expense. Applications for state reimbursement for actual transportation expenses shall be submitted to the department annually on a date and on forms prescribed by the department. Amendments to applications for actual transportation expenses shall be submitted on dates prescribed by the department during the school year in which the original application was made.

Source:

Laws 1949, c. 131, § 8, p. 345
Laws 1963, c. 256, § 1, p. 777
Laws 1967, c. 526, § 4, p. 1749
Laws 1971, LB 178, § 1
Laws 1971, LB 977, § 2
Laws 1972, LB 690, § 5
Laws 1973, LB 102, § 2
Laws 1974, LB 92, § 2
Laws 1986, LB 1093, § 1
Laws 1986, LB 942, § 6
Laws 1986, LB 1177, § 20
R.S.Supp.,1986, § 43-611
Laws 1987, LB 367, § 33
Laws 1992, Third Spec. Sess., LB 15, § 1
Laws 1993, LB 597, § 1
Laws 1994, LB 858, § 12

Laws 1995, LB 742, § 7
R.S.Supp.,1995, § 79-3333
Laws 1996, LB 900, § 826
Laws 1997, LB 346, § 32
Laws 1999, LB 813, § 44

~Reissue Revised Statutes of Nebraska

Section 79-1145

Appropriation of General Funds; limitation.

For each fiscal year, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-1129, 79-1132, and 79-1144 shall not exceed the aggregate amount of General Funds appropriated pursuant to such sections for the previous fiscal year, multiplied by one plus a rate of five percent.

Source:

Laws 1995, LB 742, § 8
R.S.Supp.,1995, § 79-3333.01
Laws 1996, LB 900, § 827
Laws 1999, LB 813, § 45
Laws 2000, LB 1243, § 8

~Reissue Revised Statutes of Nebraska

Section 79-1146

Handicapped children; school district; educational service unit; contract for services.

The school district or educational service unit which received such funds as provided in section 79-1144 may contract with another school district, educational service unit, state school, or public agency.

Source:

Laws 1971, LB 178, § 2
R.S.1943, (1984), § 43-611.01
Laws 1987, LB 367, § 35
R.S.1943, (1994), § 79-3334
Laws 1996, LB 900, § 828

~Reissue Revised Statutes of Nebraska

Section 79-1147

Temporary residential care; payment by state; when.

Whenever a child with a disability must temporarily reside in a residential facility, boarding home, or foster home in order to receive an appropriate special education program, the State of Nebraska shall provide for the ordinary and reasonable cost of the residential care during the duration of the special education program. The state shall not be required to pay such cost unless placement of the child in a special

education program requiring residential care was made by the school district of residence with the prior approval of the State Department of Education or was made pursuant to sections 79-1162 to 79-1167.

Source:

Laws 1987, LB 367, § 34
R.S.1943, (1994), § 79-3335
Laws 1996, LB 900, § 829
Laws 1997, LB 346, § 33

~Reissue Revised Statutes of Nebraska

Section 79-1148

Children with disabilities; residential schools or centers; establishment.

The State Department of Education is authorized to set up one or more approved schools or centers for children with disabilities. These schools or centers shall offer residential facilities for such children, which facilities shall be under the control and supervision of the State Department of Education.

Source:

Laws 1957, c. 388, § 1, p. 1347
R.R.S.1943, § 83-246
Laws 1961, c. 209, § 1, p. 624
Laws 1972, LB 690, § 9
Laws 1978, LB 871, § 28
R.S.1943, (1984), § 43-617
Laws 1987, LB 367, § 37
R.S.1943, (1994), § 79-3337
Laws 1996, LB 900, § 830
Laws 1997, LB 346, § 34
Laws 1999, LB 813, § 46

~Reissue Revised Statutes of Nebraska

Section 79-1149

Residential schools; admission; rules and regulations.

The admission, as provided by section 79-1148, shall be by rules and regulations to be adopted, promulgated, and administered by the State Department of Education.

Source:

Laws 1957, c. 388, § 2, p. 1347
R.R.S.1943, § 83-247
Laws 1961, c. 209, § 2, p. 624
R.S.1943, (1984), § 43-618
Laws 1987, LB 367, § 38
R.S.1943, (1994), § 79-3338
Laws 1996, LB 900, § 831

~Reissue Revised Statutes of Nebraska

Section 79-1150

Residential schools; remittance of money.

All money derived from any source other than General Fund appropriations by any school as provided by sections 79-1148 and 79-1149 shall be remitted to the State Treasurer for credit to the State Department of Education Cash Fund, and such money shall be made available to any such school for purposes of education, training, or maintenance of students.

Source:

Laws 1965, c. 382, § 2, p. 1234
Laws 1972, LB 1000, § 3
Laws 1978, LB 871, § 29
R.S.1943, (1984), § 43-619
Laws 1987, LB 367, § 39
R.S.1943, (1994), § 79-3339
Laws 1996, LB 900, § 832

~Reissue Revised Statutes of Nebraska

Section 79-1151

Residential schools; emergency cash fund; established; use.

An emergency cash fund shall be established on behalf of any school as provided for by sections 79-1148 and 79-1149. The fund shall not exceed five hundred dollars. Such emergency cash fund shall be used to provide for immediate and unusual needs as may be required and shall be reimbursed from the General Fund appropriation of each such school.

Source:

Laws 1996, LB 900, § 833

~Reissue Revised Statutes of Nebraska

Section 79-1152

Residential care; placement; requirements; appeal; cost; maximum rate; established.

No school district shall place a child with a disability in a special education program requiring residential care without advance consultation with the State Department of Education to review the child's needs and the availability and appropriateness of each possible placement in the continuum of alternative services. Applications for approval of special education program placements requiring residential care shall be signed by the parent or legal guardian, submitted via the school district of residence of the child to the State Department of Education, and acted upon by the State Department of Education within thirty days after receipt by the department. If an application is denied, the parent or legal guardian shall be provided written notification by the State Department of Education of his or her right to appeal the decision pursuant to sections 79-1162 to 79-1167 and right to name the State Department of Education as respondent in the appeal proceeding.

The State Department of Education and the Department of Health and Human Services shall annually establish the maximum rates that the state will pay for the ordinary and reasonable cost of residential care placements within the state. After September 6, 1985, children with disabilities whose residential placement was funded by state and regional agencies other than the State Department of Education shall continue to be funded by such agencies.

Source:

Laws 1967, c. 243, § 1, p. 646
Laws 1972, LB 690, § 13
Laws 1973, LB 403, § 16
Laws 1978, LB 871, § 1
Laws 1982, LB 942, § 5
Laws 1985, LB 518, § 1
R.S.Supp.,1986, § 43-626
Laws 1987, LB 367, § 41
R.S.1943, (1994), § 79-3341
Laws 1996, LB 900, § 834
Laws 1996, LB 1044, § 823
Laws 1997, LB 346, § 35

Annotations:

The Education of the Handicapped Act, 20 U.S.C. §§ 1400 et seq. (1988), does not authorize residential care merely to enhance an otherwise sufficient day program. Williams v. Gering Pub. Schools, 236 Neb. 722, 463 N.W.2d 799 (1990).

~Reissue Revised Statutes of Nebraska

Section 79-1153

Residential placement; subsequent duties.

Following residential placement of a child with a disability, the school district of residence and the State Department of Education shall continue efforts to develop appropriate programs closer to the child's home and shall cooperate with the Department of Health and Human Services in preparing families to accommodate returning children with disabilities. The Department of Health and Human Services shall provide consultative services, as defined by mutual agreement between the State Department of Education and the Department of Health and Human Services, to the children with disabilities who were initially provided residential care and to their families.

Source:

Laws 1985, LB 518, § 3
R.S.Supp.,1986, § 43-626.01
Laws 1987, LB 367, § 42
R.S.1943, (1994), § 79-3342
Laws 1996, LB 900, § 835
Laws 1996, LB 1044, § 824
Laws 1997, LB 346, § 36

~Reissue Revised Statutes of Nebraska

Section 79-1154

State Board of Education; review special training and educational programs.

The State Board of Education shall review special training and educational programs offered by or in conjunction with any public school district, combination of public school districts, educational service unit, or combination of educational service units subject to the following:

(1) Each teacher in any such special program shall be qualified;

(2) Teacher aides working with any such program shall have such qualifications as the governing body of the school district, educational service unit, or combination shall prescribe and shall participate in appropriate inservice activities; and

(3) Each qualified teacher shall be responsible for the direct supervision of teacher aides, whose duties shall be limited to those prescribed in section 79-802.

For purposes of this section, qualified teacher means an individual holding a valid State of Nebraska teaching or special services certificate with an endorsement appropriate to the disabilities served. If such teacher is serving children with more than one disability, qualified teacher means an individual holding a valid State of Nebraska teaching or special services certificate with an endorsement in at least one of the disabilities served.

Source:

Laws 1967, c. 246, § 1, p. 650
Laws 1972, LB 690, § 12
Laws 1973, LB 403, § 15
Laws 1974, LB 863, § 4
Laws 1976, LB 761, § 4
R.S.1943, (1984), § 43-625
Laws 1987, LB 367, § 40
R.S.1943,·(1994), § 79-3340
Laws 1996, LB 900, § 836
Laws 1997, LB 346, § 37

Cross References:

Special education course work,requirements for entry-level certificate, see section 79-809.

~Reissue Revised Statutes of Nebraska

Section 79-1155

Special education programs; reports; special education program application; review and approval.

All school districts shall, on a date prescribed by the State Department of Education, file with the department application information for special education programs and support services. Cooperatives of school districts or educational service units applying for grants or reimbursement for programs pursuant to section 79-1132, 79-1142, or 79-1144 shall also file application information pursuant to this section. The application forms shall conform to reporting requirements provided in section 79-1156. The department shall review and take action to approve, approve with modifications, or disapprove the application for special education programs of the school district, cooperative of school districts, or educational service unit. Supplementary amendments to any program application previously approved by the department may be submitted on dates specified by the department during the same school year and shall be subject to the same review and approval as the initial application. The department shall approve, approve with modifications, or disapprove all supplementary amendments to the program application. All final financial reports on special education and support services costs shall be reported to the department by October 31 of

each year for the preceding school year on forms prescribed by the department. Any program that provides residential care shall show the costs of such care separately from the costs of the education program.

Source:

Laws 1973, LB 403, § 3
Laws 1976, LB 761, § 6
Laws 1986, LB 942, § 7
R.S.Supp.,1986, § 43-643
Laws 1987, LB 367, § 43
R.S.1943, (1994), § 79-3343
Laws 1996, LB 900, § 837
Laws 1997, LB 346, § 38
Laws 1997, LB 710, § 25
Laws 1997, LB 865, § 9
Laws 1999, LB 813, § 47
Laws 2001, LB 797, § 46
Laws 2003, LB 67, § 25

~Reissue Revised Statutes of Nebraska

Section 79-1156

Special education and support services programs; coordination; application required.

The State Department of Education shall coordinate information reporting requirements for special education and support services programs with other educational data reporting requirements of the department to the extent possible. The application for programs shall contain the information required by the department.

Source:

Laws 1973, LB 403, § 9
Laws 1985, LB 518, § 4
Laws 1986, LB 942, § 11
R.S.Supp.,1986, § 43-649
Laws 1987, LB 367, § 44
R.S.1943, (1994), § 79-3344
Laws 1996, LB 900, § 838
Laws 1997, LB 346, § 39
Laws 1997, LB 865, § 10
Laws 1999, LB 813, § 48
Laws 2003, LB 67, § 26

~Reissue Revised Statutes of Nebraska

Section 79-1157

Special education programs; review; evaluation.

All special education programs shall be reviewed by the State Department of Education.

To enable the State Department of Education to determine the effectiveness of the programs and services being provided, the department shall conduct a program of continuing evaluations of the different types of programs and services being provided for each of the service groups. In conducting these evaluations, the department shall take into account such factors as numbers and types of children with disabilities, class sizes, qualifications of staff, and other factors which the department deems appropriate. The department shall conduct evaluations of all programs and services and shall conduct these evaluations in such a manner as to enable the department to compare the relative effectiveness of the same or similar programs or services provided in different locations.

Evaluation studies shall be designed to provide the Legislature, the State Department of Education, the school districts, and other service agencies with the following information:

(1) A detailed description of groups served;

(2) A detailed description of the kind of programs or services provided and their cost per unit of service as well as the cost of each service; and

(3) A detailed description of the effectiveness of the programs or services.

Source:

Laws 1973, LB 403, § 12
R.S.1943, (1984), § 43-650
Laws 1987, LB 367, § 45
Laws 1990, LB 1090, § 42
R.S.1943, (1994), § 79-3345
Laws 1996, LB 900, § 839
Laws 1997, LB 346, § 40
Laws 1999, LB 813, § 49

~Reissue Revised Statutes of Nebraska

Section 79-1158

Special education and support services programs; reimbursement; when.

No reimbursement for special education and support services programs shall be allowed unless the program meets the standards established by the State Department of Education.

Source:

Laws 1973, LB 403, § 13
Laws 1976, LB 761, § 9
R.S.1943, (1984), § 43-651
Laws 1987, LB 367, § 46
R.S.1943, (1994), § 79-3346
Laws 1996, LB 900, § 840
Laws 1997, LB 865, § 11

Cross References:

Waiver of rules and regulations,see section 79-1188.

~Reissue Revised Statutes of Nebraska

Section 79-1159

State Department of Education; school district; technical assistance; advisory capacity.

The State Department of Education, upon the request of any school district, shall provide technical assistance in the promulgation of any plan, program, or report required by the Special Education Act. Such assistance shall be given only in an advisory capacity and shall not be designed or construed to transfer, either in whole or in part, the responsibility for or actual development or implementation of such plan, program, or report.

Source:

Laws 1973, LB 403, § 22
R.S.1943, (1984), § 43-653
Laws 1987, LB 367, § 47
R.S.1943, (1994), § 79-3347
Laws 1996, LB 900, § 841

~Reissue Revised Statutes of Nebraska

Section 79-1159.01

State Department of Education; assistive technology devices registry.

The State Department of Education shall establish a registry for assistive technology devices to encourage and facilitate cooperation and shared usage of assistive technology devices. Participation by school districts, educational service units, and approved cooperatives shall be voluntary.

Source:

Laws 1997, LB 865, § 13

~Reissue Revised Statutes of Nebraska

Section 79-1160

State Department of Education; adopt rules and regulations.

The State Department of Education shall adopt, promulgate, and publish rules and regulations necessary to carry out the Special Education Act. Such rules and regulations shall include, but not be limited to, the regulation of costs under section 79-1152, limitation of the program to children with disabilities who require residential care in order to receive an appropriate special education program, and provisions for contracts with the Department of Health and Human Services to assist in the administration of the act.

Source:

Laws 1973, LB 403, § 29
R.S.1943, (1984), § 43-660
Laws 1987, LB 367, § 48
R.S.1943, (1994), § 79-3348
Laws 1996, LB 900, § 842
Laws 1996, LB 1044, § 825
Laws 1997, LB 346, § 41

~Reissue Revised Statutes of Nebraska

Section 79-1161

Child with a disability; school district; appoint surrogate parent.

(1) A surrogate parent shall be appointed by a school district to protect the rights of a child with a disability if the district determines that (a) the parents of the child cannot be identified, (b) the parents of the child are unknown or unavailable, or (c) the child is a ward of the state.

(2) The surrogate parent shall (a) have no interest which conflicts with the interest of the child, (b) have knowledge and skills that insure adequate representation, and (c) not be an employee of any agency involved in the care or education of the child. The surrogate parent appointed under this section may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child.

(3) The services of the surrogate parent shall be terminated when (a) the child is no longer eligible under subsection (1) of this section, (b) a conflict of interest develops between the interest of the child and the interest of the surrogate parent, or (c) the surrogate parent fails to fulfill his or her duties as a surrogate parent. Issues arising from the selection, appointment, or removal of a surrogate parent shall be resolved through hearings established under sections 79-1162 to 79-1167. The surrogate parent and the school district which appointed the surrogate parent shall not be liable in civil actions for damages for acts of the surrogate parent unless such acts constitute willful and wanton misconduct.

Source:

Laws 1988, LB 165, § 1
R.S.1943, (1994), § 79-4,147
Laws 1996, LB 900, § 843
Laws 1997, LB 346, § 42

~Reissue Revised Statutes of Nebraska

Section 79-1162

Identification, evaluation, or educational placement; hearing; copy of procedures provided; reimbursement.

A parent, guardian, competent student of the age of majority, or school district may initiate a hearing on matters related to the initiation, change, or termination or the refusal to initiate, change, or terminate the identification, evaluation, or educational placement of a child with a disability or the provision of a free appropriate public education or records relating thereto. A copy of the procedures specified in rules and regulations of the State Department of Education for complaints and hearings under this section shall be provided by school districts to all parents and guardians of children with disabilities upon initial consideration of the provision of services for their children with disabilities. Such hearing shall be initiated by filing a petition with the State Department of Education.

Source:

Laws 1978, LB 871, § 4
Laws 1985, LB 518, § 5
R.S.Supp.,1986, § 43-661
Laws 1987, LB 367, § 49

R.S.1943, (1994), § 79-3349
Laws 1996, LB 900, § 844
Laws 1997, LB 346, § 43
Laws 2001, LB 797, § 47

Annotations:

Insofar as a State is required to provide a handicapped student with a "free appropriate public education" it satisfies that requirement by providing personalized instruction with sufficient support services to permit the student to benefit educationally from that instruction. Adams Central School Dist. v. Deist, 215 Neb. 284, 338 N.W.2d 591 (1983).

Parent must exhaust administrative remedies before asking a federal court to direct a different placement than that ordered by school. Monahan v. State of Nebraska, 687 F.2d 1164 (8th Cir. 1982).

~Reissue Revised Statutes of Nebraska

Section 79-1163

State Department of Education; conduct hearings; hearing officers; employed; qualifications; jurisdiction.

The State Department of Education shall conduct hearings initiated under section 79-1162 using hearing officers. The State Department of Education may employ, retain, or approve such qualified hearing officers as are necessary to conduct hearings provided by sections 79-1152 and 79-1162 to 79-1167. The hearing officers shall not be persons who are employees or officers of a state or local public agency which is involved in the education or care of the child with a disability on whose behalf the hearing is being held. A person who otherwise qualifies to conduct a hearing under such sections is not an employee of the agency solely because the person is paid by the agency to serve as a hearing officer. No hearing officer shall participate in any way in any hearing or matter in which the hearing officer may have a conflict of interest. Hearing officers appointed and assigned by the State Department of Education shall have exclusive original jurisdiction over cases arising under such sections, and juvenile courts shall not in any event have jurisdiction over such matters.

Source:

Laws 1978, LB 871, § 5
Laws 1980, LB 855, § 1
Laws 1985, LB 518, § 6
R.S.Supp.,1986, § 43-662
Laws 1987, LB 367, § 50
R.S.1943, (1994), § 79-3350
Laws 1996, LB 900, § 845
Laws 1997, LB 346, § 44

~Reissue Revised Statutes of Nebraska

Section 79-1164

Hearing; hearing officer; duties.

Upon the receipt of a petition filed under section 79-1162, the State Department of Education shall assign it to a hearing officer. The hearing officer shall receive all subsequent pleadings and shall conduct the hearing. At the hearing the parties shall present evidence on the issues raised in the pleadings. At the completion of the proceedings, the hearing officer shall prepare a report based on the evidence presented containing findings of fact and conclusions of law. Within forty-five days after the receipt of a request for a

hearing, the hearing officer shall prepare a final decision and order directing such action as may be necessary. At the request of either party for good cause shown, the hearing officer may grant specific extensions of time beyond this period. The report and the final decision and order shall be delivered via certified mail to each party or attorney of record and to the Commissioner of Education.

Source:

Laws 1980, LB 855, § 2
Laws 1985, LB 518, § 7
R.S.Supp.,1986, § 43-662.01
Laws 1987, LB 367, § 51
R.S.1943, (1994), § 79-3351
Laws 1996, LB 900, § 846

Annotations:

A hearing officer may grant compensatory relief under this section as an action that may be necessary. Adams Central School Dist. v. Deist, 214 Neb. 307, 334 N.W.2d 775 (1983).

~Reissue Revised Statutes of Nebraska

Section 79-1165

Hearing; party; rights; enumerated.

Any party at a hearing conducted under sections 79-1163 and 79-1164 shall have the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(4) Obtain a written or electronic verbatim record of the hearing; and

(5) Obtain written findings of fact and decisions.

The hearing officer may also produce evidence on the officer's own motion.

Source:

Laws 1978, LB 871, § 7
R.S.1943, (1984), § 43-664
Laws 1987, LB 367, § 52
R.S.1943, (1994), § 79-3352
Laws 1996, LB 900, § 847
Laws 1997, LB 346, § 45

~Reissue Revised Statutes of Nebraska

Section 79-1166

Hearing officer; subpoena witnesses; fees and expenses; failure to respond; contempt.

The hearing officer has the power by subpoena to compel the appearance of witnesses and the production of any relevant evidence. Any witness compelled to attend or produce evidence shall be entitled to the fees and expenses allowed in district court. Any failure to respond to such subpoena shall be certified by the hearing officer to the district court of Lancaster County for enforcement or for punishment for contempt of the district court.

Source:

Laws 1978, LB 871, § 8
R.S.1943, (1984), § 43-665
Laws 1987, LB 367, § 53
R.S.1943, (1994), § 79-3353
Laws 1996, LB 900, § 848

~Reissue Revised Statutes of Nebraska

Section 79-1167

Hearing officer; findings, decision, or order; judicial review.

(1) Any party to a hearing conducted under sections 79-1162 to 79-1166 aggrieved by the findings, conclusions, or final decision and order of the hearing officer is entitled to judicial review under this section. Any party of record also may seek enforcement of the final decision and order of the hearing officer pursuant to this section.

(2) Proceedings for judicial review shall be instituted by filing a petition in the district court of the county in which the main administrative offices of the school district are located within two years after service of the final decision and order on the party seeking such review. All parties of record shall be made parties to the proceedings. The court, in its discretion, may permit other interested parties to intervene.

(3) The filing of a petition for judicial review shall operate to stay the enforcement of the final decision and order of the hearing officer. While judicial proceedings are pending and unless the school district and the parent or guardian otherwise agree, the child with a disability shall remain in his or her current educational placement or if applying for initial admission to a public school such child shall, with the consent of the parent or guardian, be placed in the public school program until all such proceedings have been completed. If the decision of the hearing officer agrees with the parent or guardian of the child that a change in placement is appropriate, then that placement shall be treated as an agreement between the parties for purposes of this subsection.

(4) Within fifteen days after receiving notification that a petition for judicial review has been filed or if good cause is shown within such further time as the court may allow, the State Department of Education shall prepare and transmit to the court a certified transcript of the proceedings before the hearing officer.

(5) Judicial review shall be conducted by the court without a jury. The court shall receive the records of the administrative proceedings, hear additional evidence at the request of a party, base its decision on the preponderance of the evidence, and grant such relief as the court determines is appropriate.

(6) An aggrieved party may secure a review of any final judgment of the district court under this section by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals in civil cases and shall be heard de novo on the record.

(7) Proceedings for enforcement of a hearing officer's final decision and order shall be instituted by filing a petition for appropriate relief in the district court of the county in which the main administrative offices of the school district are located within one year after the date of the hearing officer's final decision and order.

Source:

Laws 1978, LB 871, § 9
Laws 1980, LB 855, § 3
Laws 1983, LB 511, § 1
R.S.1943, (1984), § 43-666
Laws 1987, LB 367, § 54
Laws 1991, LB 732, § 147
Laws 1993, LB 348, § 63
R.S.1943, (1994), § 79-3354
Laws 1996, LB 900, § 849
Laws 1997, LB 346, § 46
Laws 1999, LB 813, § 50
Laws 2003, LB 67, § 27

~Reissue Revised Statutes of Nebraska

Section 79-1168

Diagnostic Resource Center at Cozad; terms, defined.

For purposes of sections 79-1168 to 79-1178, unless the context otherwise requires:

(1) Board means the State Board of Education;

(2) Diagnosis means:

(a) Systematic observation and assessment of a child in order to gather information on the child's functioning strengths, weaknesses, learning characteristics, and vocational potential;

(b) Preparation of individualized educational plans;

(c) Trial implementation of the individualized educational plans within the program;

(d) Followup procedures to be conducted after a child has been placed in the local education program; and

(e) Development of a transitional plan as to coordination of services linking education and employment opportunities;

(3) Disability has the definition found in section 79-1118.01; and

(4) Program means the program authorized by section 79-1169.

Source:

Laws 1978, LB 871, § 16
R.S.1943, (1984), § 43-669
Laws 1987, LB 367, § 55
R.S.1943, (1994), § 79-3355
Laws 1996, LB 900, § 850
Laws 1997, LB 346, § 47

~Reissue Revised Statutes of Nebraska

Section 79-1169

Diagnostic Resource Center at Cozad; program; establish.

The board may establish, within the State Department of Education, a program to be known as the Diagnostic Resource Center at Cozad.

Source:

Laws 1978, LB 871, § 17
R.S.1943, (1984), § 43-670
Laws 1987, LB 367, § 56
R.S.1943, (1994), § 79-3356
Laws 1996, LB 900, § 851

~Reissue Revised Statutes of Nebraska

Section 79-1170

Program; purposes.

The purposes of the program include:

(1) Diagnosis of educational disabilities of children to age twenty-one years;

(2) Training services for special education teachers and others;

(3) Research into the improvement of educational services for children with disabilities;

(4) Utilization of diagnostic services on a contractual basis with other state agencies; and

(5) Coordinated delivery of the services available within the State Department of Education for individuals with disabilities.

Source:

Laws 1978, LB 871, § 18
R.S.1943, (1984), § 43-671
Laws 1987, LB 367, § 57
R.S.1943, (1994), § 79-3357
Laws 1996, LB 900, § 852
Laws 1997, LB 346, § 48

~Reissue Revised Statutes of Nebraska

Section 79-1171

Program; admission; criteria; rates.

Admission to the program shall be open to all Nebraska children who are in need of diagnostic services. The State Department of Education shall, in consultation with appropriate state agencies, approve criteria, priorities, and procedures for admission to insure the most efficient and effective use of facilities, staff, and financial resources. The board may set rates for diagnostic services to be paid by the school districts of residence for the school-age children receiving such services or by state agencies.

Source:

Laws 1978, LB 871, § 19
R.S.1943, (1984), § 43-672
Laws 1987, LB 367, § 58
R.S.1943, (1994), § 79-3358
Laws 1996, LB 900, § 853

~Reissue Revised Statutes of Nebraska

Section 79-1172

Program; nonresident children; admission; board; duties.

The board shall establish criteria, priorities, and procedures under which nonresident children may be admitted to the program. A nonresident child shall not be granted admission if such admission would result in denial of services to any eligible Nebraska resident and shall not be granted admission unless satisfactory arrangements have been made for payment of all costs for services at a rate fixed by the board.

Source:

Laws 1978, LB 871, § 20
R.S.1943, (1984), § 43-673
Laws 1987, LB 367, § 59
R.S.1943, (1994), § 79-3359
Laws 1996, LB 900, § 854

~Reissue Revised Statutes of Nebraska

Section 79-1173

Program; child in residential care component; duration.

No child shall remain in the residential care component of the program for longer than is necessary to complete appropriate diagnosis.

Source:

Laws 1978, LB 871, § 22
R.S.1943, (1984), § 43-674
Laws 1987, LB 367, § 60
R.S.1943, (1994), § 79-3360
Laws 1996, LB 900, § 855

~Reissue Revised Statutes of Nebraska

Section 79-1174

Program; children; clothing; parent or guardian furnish.

The parents or legal guardian shall furnish suitable clothing for any children admitted to the program.

Source:

Laws 1978, LB 871, § 23
R.S.1943, (1984), § 43-675
Laws 1987, LB 367, § 61
R.S.1943, (1994), § 79-3361
Laws 1996, LB 900, § 856

~Reissue Revised Statutes of Nebraska

Section 79-1175

Board; appoint director; employ personnel.

The board shall appoint and fix the compensation of a director who shall be the chief administrative officer of the program. The board shall also employ such additional personnel as shall be necessary and desirable to accomplish the purposes of the program.

Source:

Laws 1978, LB 871, § 21
R.S.1943, (1984), § 43-676
Laws 1987, LB 367, § 62
R.S.1943, (1994), § 79-3362
Laws 1996, LB 900, § 857

~Reissue Revised Statutes of Nebraska

Section 79-1176

Diagnostic Resource Center Cash Fund; created; use; investment.

The Diagnostic Resource Center Cash Fund is created. The fund, when appropriated by the Legislature, shall be expended solely to aid in defraying the expenses of the Diagnostic Resource Center at Cozad. All funds received by the center shall be credited to such fund. All money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:

Laws 1978, LB 871, § 24
R.S.1943, (1984), § 43-677
Laws 1987, LB 367, § 63
Laws 1995, LB 7, § 93

R.S.Supp.,1995, § 79-3363
Laws 1996, LB 900, § 858

Cross References:

Nebraska Capital Expansion Act,see section 72-1269.
Nebraska State Funds Investment Act,see section 72-1260.

~Reissue Revised Statutes of Nebraska

Section 79-1177

Board; devises, donations, or bequests; accept; administer.

The board shall accept, on behalf of the Diagnostic Resource Center at Cozad, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of the center, its students, or both. The board shall, upon acceptance of any devise, donation, or bequest as provided in this section, administer and carry out any devise, donation, or bequest in accordance with its terms and conditions. If not prohibited by the terms and conditions of any devise, donation, or bequest, the board may sell, convey, exchange, or lease such property as it deems best and remit all money derived from any such sale or lease to the State Treasurer for credit to the State Department of Education Trust Fund. However, lease agreements should give priority first to state agencies and second to regional or local agencies. In the case of lease agreements with regional or local agencies, such lease agreements shall not exceed a period of one year.

Source:

Laws 1978, LB 871, § 26
R.S.1943, (1984), § 43-679
Laws 1987, LB 367, § 64
R.S.1943, (1994), § 79-3364
Laws 1996, LB 900, § 859

~Reissue Revised Statutes of Nebraska

Section 79-1178

State Department of Education; Department of Health and Human Services; agreement; purpose.

The State Department of Education and the Department of Health and Human Services shall enter into a written agreement under which the State Department of Education shall furnish to the Department of Health and Human Services evaluations, diagnoses, and treatment for children who are otherwise served by the Department of Health and Human Services. The Department of Health and Human Services shall, under the agreement, reimburse the State Department of Education for the costs of such services to children.

Source:

Laws 1978, LB 871, § 27
R.S.1943, (1984), § 43-680
Laws 1987, LB 367, § 65
R.S.1943, (1994), § 79-3365
Laws 1996, LB 900, § 860
Laws 1997, LB 307, § 213

~Reissue Revised Statutes of Nebraska

Appendix G: Availability of Services

- Carol McClain, Department of Education
  Individuals with Disabilities Education Act-2004

- Beth Wierda, Department of Education
  The IEP Process

- Teresa Coonts, Department of Education
  General Background of Services Across Nebraska

- Marge Beatty, ESU 16
  Special Education in Western Nebraska

- Richard Schoonover, Bellevue Public Schools
  Special Education Task Force Testimony

- Department of Education
  Brief Description of Previous Equity Study

- Glenda Davis, PTI Nebraska
  News and Events for Parents, Workshops, Contacts

- Special Education Services Task Force Staff Group
  Funding for PTI Nebraska

- Tina Suey, Parent
  Testimony

- Lindy Foley and Jack Shepard, Department of Education
  Secondary Transition

- Special Education Services Task Force Staff Group
  Graduation Service Gap

- Department of Education
  Response to Intervention (RtI)

- Marijane Hancock, University of Nebraska
  Request for information on NU Speech-Language Pathology programs

- John Bernthal, Mary Friehe, & Laurence Hilton, University of Nebraska
  Presentation to Legislative Committee Examining...Pathologists (SLPs)

- Laurence Hilton, University of Nebraska-Kearney
  The Unique Rural Outreach Mission and Demographic Impact...

- Department of Education
  Summary of 2006-07 Teacher Vacancy Survey Results

- Department of Education
  Attracting Excellence Scholarship Endorsements 2006-07

- Marge Harouff, Department of Education
  Public Comment Testimony
  Report for Rule 25...Attracting Excellence to Teaching Program

- Department of Education
  Degree Offerings at Teacher Education Institutions

- Department of Education
  Special Ed. Cases, Special Ed. Mediation, State Complaint Summary

- Beth Wierda, Department of Education
  Revision of Rule 51

- Alexandra Dillon, Parent
  Testimony to Special Education Task Force

- Susan Walton, Parent
  Testimony to Special Education Task Force

- Education Committee Staff
  School District Utilization...Services, Notes...Education Services

Individuals with Disabilities Education Act-2004 (IDEA)

Special Education Services Task Force
July 31, 2007

IDEA-2004

- Congress' intended outcome:

  Each student with a disability
  from birth to age 21
  must be provided a
  Free Appropriate Public Education (FAPE) that prepares them for
  further education, employment, and independent living

IDEA-2004

- Free Appropriate Public Education (FAPE)
  - Meet the unique needs of the child
  - Access to general curriculum and challenging expectations established for all children
  - In accordance with Individual Education Plan (IEP)
  - Results in educational benefit for the child

IDEA-2004

- Eligibility for services only if a disability adversely affects educational progress and performance
  - Mental Handicap (MH)
  - Multiple Handicaps (Multi)
  - Hearing Impairment (HI)
  - Speech/Language Impairment (SLI)
  - Visual Impairment (VI)
  - Behavior Disorder (BD)
  - Orthopedic Impairment (OI)
  - Autism (Aut)
  - Traumatic Brain Injury (TBI)
  - Other Health Impairment (OHI)
  - Specific Learning Disability (SLD)

IDEA-2004

- Least Restrictive Environment (LRE)
- Learning setting most like that of typical children in which the child with a disability can succeed
  - Applies to physical location as well as how child is taught
  - Removal only occurs if the nature and severity of the disability makes it impossible for the child to succeed, even with supplementary aids and services

IDEA-2004

- The identification process
  - Child find for all children in public and private schools
  - Early intervention can be provided to succeed in the general education environment

IDEA-2004

- Referral
- Parent permission for evaluation
- Evaluation process
  - Confidentiality
  - Multiple sources of information
- Verification of disability
  - Multidisciplinary Team (MDT)
  - Parents are equal partners
  - Need for special education

IDEA-2004

- Individual Education Plan (IEP)
  Ages 3-21 years
- Individual Family Service Plan (IFSP)
  Birth-age 3

IDEA-2004

- Family and school work together throughout the process
- Everyone focuses on the child's best interests

YET

- There may not always be agreement about how to accomplish goals
  - Complaint procedures, mediation
  - Guarantee of due process for child and family

IDEA-2004

- Increased accountability
- Six Year plan
  - Goals established
  - Annual report to Office of Special Education Programs (OSEP)
  - "Determination" assigned based on each state's performance
  - State evaluates each school district based on the same targets

The IEP Process

Development of the Educational Plan for a Child with a Disability

The IEP Meeting

- Once the child is determined to be eligible for special education, an IEP meeting is conducted.
- The district must take steps to ensure that one or both of the parents are afforded an opportunity to participate.
- The meeting must be conducted at a mutually agreed upon time and place.

IEP meeting

- In developing, reviewing and revising the IEP:
  - The IEP team must consider the strengths of the child and the concerns of the parent for enhancing the child's education.
  - The team must consider special factors such as the need for positive behavior supports, use of Braille, communication needs, and the need for assistive technology.

IEP Team

- The IEP team includes the following members:
  - Child's parent
  - Regular education teacher
  - Special education teacher
  - School district representative
  - Individual who can interpret instructional implications of the evaluation results
  - Others who have knowledge or special expertise regarding the child
  - When appropriate, the child

IEP Contents

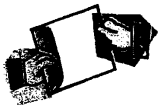
- Present level of performance
- How the child's disability affects the child's involvement in the general curriculum
- Statement of annual goals
- Statement of how progress on the goals will be measured
- List of the special education and related services the child will receive

IEP Contents

- An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and activities
- A statement of individual accommodations necessary to measure the academic achievement and functional performance on state or district wide assessments

IEP Contents

- The projected date for beginning of services and the anticipated frequency, location, and duration of those services
- Beginning not later then age 16, transition services

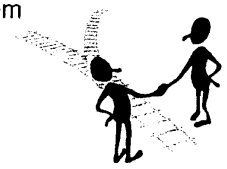


Revising the IEP

- The IEP Team is responsible for the review and revision of the IEP annually
- After the annual IEP meeting, the school and parent may agree not to convene the entire team for purposes of making changes to the child's IEP
- IEP team members must be informed of any changes made to the IEP
- A copy of the IEP must be provided to the parent upon request

What happens when the IEP Team doesn't agree?

- NDE Regional Representatives
- Mediation System
- Complaint
- Due Process



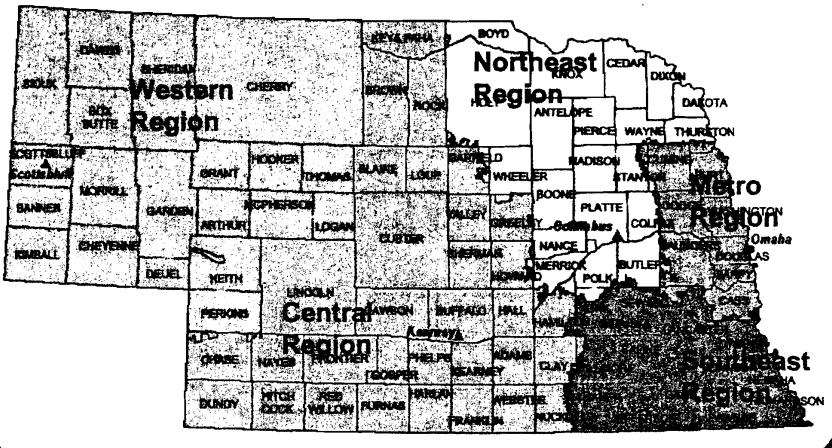
General Background of Services Across Nebraska

Teresa Coonts, Program Specialist
Nebraska Dept. of Education

Low Incidence Disabilities

- **Autism**
- **Blindness/Visual Impairment**
- **Deafness/Hard of Hearing**
- **Deaf-Blindness**

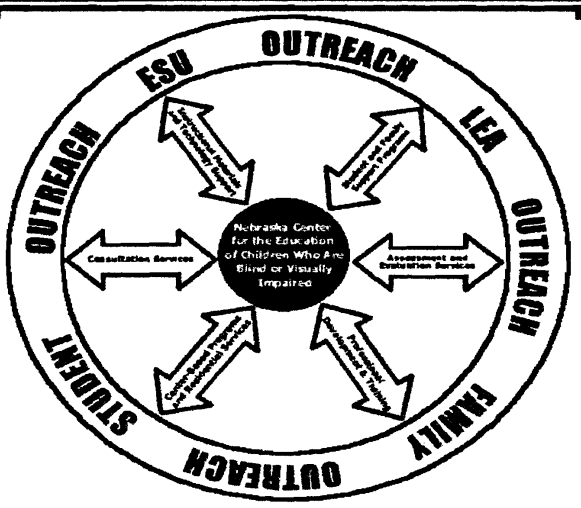
Autism Spectrum Disorder Network
(Laura Maddox, State Coordinator & Five Regional Coordinators)
www.nde.state.ne.us/autism/index.html



ASD Network

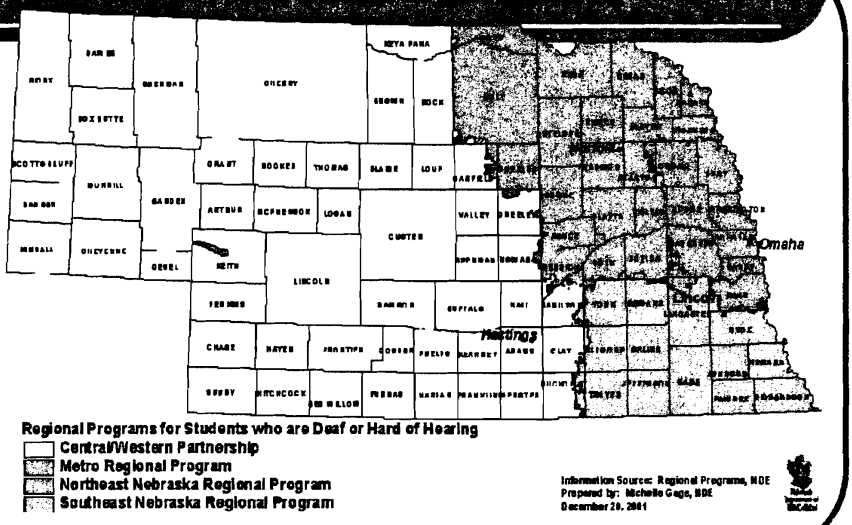
- Provide supports to local school districts and parents of children and youth with ASD
- Offer training and develop expertise to build and enhance local capacity in serving students with ASD
- Maintain & disseminate information related to ASD
- Train regional teams of education professionals
- Provide consultative services to school-based teams in the areas of assessment, IFSP/IEP development, program planning, implementing effective interventions

Nebraska Center for the Education of Blind/VI (NCECBVI)
(Sally Giittinger)
www.ncecbvi.org/home.html



Nebraska Center for the Education of Blind/VI (NCECBVI)
(Sally Giittinger)
www.ncecbvi.org/home.html

- Outreach Services (Statewide)
  - Consultation Services; Assessment & Evaluation
- Professional Development & Training
  - Fall and Spring Conferences; Ongoing Topical Areas
- Student and Family Support
- Instructional Materials & Technology Support
- National Instructional Materials Accessibility Standard (NIMAS)
  - http://www.ed.gov/policy/speced/guid/idea/tb-accessibility.pdf
- Part C-Babies Count to Service Coordinators and VI teachers
- Center-Based & Residential Programs



Regional Programs for D/HH
(Rhonda Fleischer, State Liaison & Four Regional Coordinators)
www.nde.state.ne.us/SPED/adsites/regdeaf.html

- Enhance the Educational Programs that Children who are deaf and hard of hearing receive through their local school districts.
- Provide social and educational opportunities for students (i.e. Camp Anderson, Fall Outing, Arts Festival, Storytelling Festival, etc.)
- Provide professional development (statewide)
- Interpreter training
- Resources to families, students, and schools
- Access to Deaf and Hard of Hearing role models
- Parent and professional lending libraries
- Iowa School for the Deaf (ISD)-contract

Nebraska Project for Children who are Deaf-Blind (Dual Sensory Impaired)-Teresa Coonts, Project Coordinator
www.nedbp.org

- Ongoing consultations/training based on identified needs of local team (statewide)
- Deaf-Blind Summer Institute (July)
- Family Networking and Training
- Project SPARKLE—DVD training program for families
- CI Research Grant

Support from NDE Special Education Staff
http://www.nde.state.ne.us/SPED/sped.html

- Regional Contact for school districts
- Provides answers to questions specific to Rules and Regulations regarding sp. ed. to families/educators/agencies
- Provides training as requested to school districts/agencies regarding sp. ed.
- Provides training/technical assistance in regard to monitoring/Improving Learning for Children with Disabilities

Special Education in Western Nebraska and the Rural Areas

What ages of students and disability categories are served in the rural areas of Nebraska?

Children ages birth through 21
All disability categories identified in NDE Rule 51

Where do students in Western Nebraska get services?

School Districts hire own staff and provide services

School Districts contract with private providers or agencies for services

What does an agency or private provider have to do in order to provide services?

Complete an application with the Nebraska Department of Education
Acquire an approved hourly rate
Meet the state specifications for licensure or certification

What agencies provide Special Education services to Western Nebraska or in rural areas of the state?

Educational Service Units
Hospitals
Regional Mental Health Agencies
Private Businesses
Juvenile Justice Facilities
In-state or Out-state Residential Facilities

Considering the students served through contracts with agencies, approximately what percent are served by each agency?

Educational Service Units	98%
Hospitals	Less than 1%
Regional Mental Health Agencies	Less than 1%
Private Businesses	Less than 1%
Juvenile Justice Facilities	Less than 1%
In-state or Out-state Residential Facilities	Less than 1%

What is an Educational Service Unit (ESU), their purpose and what type of Special Education personnel do they provide?

ESUs are political subdivisions

Their purpose is "to provide supplemental services at the request of local school districts".

ESUs may employ any number of individuals in Special Education including Program Directors, Special Education Consultants, School Psychologists, Speech Pathologists, Resource Teachers, Deaf Educators, Assistive Technology Specialists, Inclusion Facilitators, Transition Specialists, Early Childhood Teachers, Service Coordination Specialists, Occupational Therapists, Physical Therapists, Behavior Consultants, Staff Developers Interpreters, and Para-Educators.

Some ESUs in the state run separate facilities for children from various disability categories, while other ESUs contract for those services when needed.

ESU funding for Special Education comes primarily from contracts with school districts and grant funds.

Do all ESUs offer the same services?
No, services are determined by local need. School District personnel request the services that are needed to serve the students in a given ESU. However, every ESU functions under NDE Rule 51 for the provision of services.

Are there partnerships among ESUs for the provision of low incident services?
Yes and here are some examples:
Assistive Technology—ESU #10 (Kearney)
Deaf Education Partnership—ESU #9 (Hastings)
Autism Partnership—ESU #13 (Scottsbluff)

What array-of-services are available to students in Western Nebraska?

In-class/co-teaching model
In class with the assistance of a para-educator

Resource Room (1-3 hours per week) resource, speech therapy
Resource room more than 3 hours per week
Full Day Classrooms in district
Full or part Day Classes outside of district
Home/Hospital/Jail bound services
Out of District, Residential

Who decides the level of services needed by a student?

The IFSP or IEP team.

Who decides the level where the student will receive the services?

The IFSP or IEP team.

How does a team decide where a student will receive services?

Many factors are taken into consideration, but the law requires that the IEP team first identify what services the individual student's needs. Then where the student may receive the services. Placement decisions follow the determination of services.

What is the major consideration in issues of placement?

The law requires placement in the "least restrictive environment" (LRE).

What are the major challenges in the provision of Special Education in the rural areas?

Personnel Shortages
Staff Training
Access to Specialized Medical Treatment (i.e. neonatal care)
Skilled Interpreters
Time and Distance
Bandwidth
Gasoline Prices

What are the strengths?

High Retention Rates
Dedicated and Committed Staff Members
Ownership
Leadership

Community Commitment
Supportive Schools
Networking opportunities for access and equity
Use of technology

Have services changed over the years?

Yes, definitely.

What have been the major changes?

The addition of services for birth to 5.
Increased demand on services for students with behavior issues.
Movement from separate facilities to inclusive settings.
Movement from pull-out programs to in class delivery systems.
Fewer school districts.
Emphasis on data collection and analysis.

What have been the major forces at work to change services?

Public Policy
Case Law
School Requests for services
Parent Request for services

Other questions?

Presenter:
Marge Beatty
Administrator ESU #16

CHAMPIONS
FOR
CHILDREN

Bellevue Public Schools
1600 Highway 370 Bellevue, NE 68005
(402) 293-4000 • fax (402) 291-7982
www.bellevuepublicschools.org

Special Education Task Force Testimony

Provided by:

Dr. Richard Schoonover
Director of Student Services

Senator Raikes and members of the Special Education Services Task Force, I am Richard Schoonover, Director of Student Services for the Bellevue Public Schools. I want to express my appreciation for the opportunity to share some of my thoughts with you this afternoon. Before I begin, I would also like to thank the students, parents, legislators, school board members, teachers, administrators, state education officials, and fellow special education administrators I have had the privilege to work with during the past 40 years. Tomorrow I will begin my forty first year in the field of public education working with all students and helping design and implement services for students with disabilities. I am looking forward to my forty first year as a public school educator. Please relax; I am not going to provide a 40 year history lesson. However, when I look back it is very obvious that we have come a long way. As I look forward, we also have a long way to go and many challenges to overcome and many new and exciting things to implement. Now back to the purpose of my visit with you this afternoon.

In my role as Director of Student Services, I have had the privilege of working with special education services, early intervention services, services coordination, No Child Left Behind and Title 1, legal issues, School Board Policies, student records, personnel, and finance. Like all special education administrators, I work with a wide range of services provided by the local public school district. I am concerned about the services for all individuals, not just students with disabilities. What we do for students with disabilities will have an impact on services for all students and what we do for all students' impacts students with disabilities. Special education and general education are not two separate educational programs but part of the same educational program.

Bellevue Public Schools is a school district of approximately 9,261 students. Our December 1, 2006, special education enrollment was 1,329 students, birth through age 21. The district employs 712 teachers with 112 of these teachers serving students with disabilities.

The Bellevue Public Schools provide a variety of special education services. Services range from full inclusion in a general education classroom with support to full time special education in a classroom designed for the unique needs of students with disabilities. There are some services we do not have available within the district. If a student needs these services we will contract for the service from another school district or an outside agency. The service might be brought to the student within the district or the student might be transported to the service. We design and implement services to meet the individual needs of the student based upon the Individual Education Plan or Individual Family Service Plan designed by a team that includes the parents, educators, and when appropriate the student.

Staffing special education positions is an ongoing challenge because of the shortage of specific specialties. We have difficulty recruiting and hiring speech language pathologists, secondary special educators, and staff for low incidence disabilities. The difficulty is finding qualified applicants, not a lack of budget or desire. For example, last year we had 511 elementary applicants, 821 secondary applicants, 73 applicants for special education positions, and five applicants for speech language pathology.

To respond to your specific topic of availability of services, I suspect the issues are more alike than different between small and large districts. Large districts struggle with availability of resources, both financial resources and staffing resources. We would be very interested in more funding and this would certainly help but it would not solve the problems. I think most schools struggle with filling all their special education staff vacancies. If we want to solve the staffing issues, we need to work with the colleges and universities to assist them with encouraging students to enter the profession of special education. We should also consider developing incentives for student who enter the profession of special education. Perhaps we should create a task force consisting of representative from the Nebraska Department of Education, local school districts, and teacher training institutions, college students, and parents to review the special educator shortage and develop some creative ways to address the problem. We need to inquire why college students ~~why they~~ are not entering the field. Is it money, work responsibilities, lack of awareness of the need, work schedule, or other reasons?

Although dollars alone will not solve all the challenges associated with the provision of special education services, you cannot provide services without funding. In the mid to late 1970's school-age special education

was reimbursed at a rate of 90% of excess cost. Currently, the reimbursement is approximately 60% of excess cost. The effect of this reduced reimbursement rate has been to shift more and more of the financial responsibility to the local tax base away from the statewide tax base. As a result of this shift, local school districts have had to assume increased financial responsibility. During the same period of time, services for students with disabilities have increased. The restricted financial resources and the increased services have provided challenges to local administrators and school boards. To be fair, these are not the only challenges. No Child Left Behind, increased number of students with limited English skills, federal accountability requirements, increased complexity of student needs, staff shortages, just to name a few have also provided challenges.

In providing services, schools are involved in child find activities, services coordination, evaluation services and early intervention during all 12 months of the year. At the same time, a significant percentage of our staff is not employed on a twelve month basis. Educators are expected to continue to improve their skills and obtain additional college degrees and many times the only available time to do this is during the summer months. This makes it difficult to staff programs during the summer months and places additional challenges on schools and parents. I am not suggesting we eliminate summer services, in fact I believe we should expand the availability of services during the summer. This expansion will increase the need for additional resources.

One area that needs attention is transition to and provision of adult services. Local school districts provide services from birth through high school graduation or the year a student turns 21. In working with adult service providers, I get the impression that some services will not be

provided until the student turns 21, even though they have graduated from high school. Special education services are based upon need and access to some adult services appears to be based upon age. The two systems appear to operate with different qualification criteria and in my opinion we should make sure that there are not age barriers to access appropriate services provided or funded by the state of Nebraska.

School districts also face challenges implementing new state and federal requirements. Some examples are researched based practices, assessments that guide instruction, adequate yearly progress, 100% proficiency, disproportionate representation, response to intervention, data collection, and private school services. The Nebraska Department of Education works well with school districts but at times it appears they do not have adequate staff to provide the assistance needed by local school districts or parents to address these new requirements.

In closing, I would like to say that Nebraska and the public schools within the state should be proud of what has been accomplished.

- Even with the challenges, appropriate and high quality services are provided.
- School districts have worked effectively with students and their parents.
- Local school officials and parents have worked together to advocate for all children and their families.
- School districts have implemented both the requirements and the spirit of the special education legislation.
- School districts watch the financial resources but do not let the financial resources control the decision about individual students.

- School districts do evaluate services and implement improvements that provide a more effective special education program.
- School districts use all available resources to provide appropriate services.

What should we do in the future?

- Do not reduce funding for public schools, hopefully increase it.
- Encourage innovative and effective practices.
- Take a position that every school, private or public that receives tax supported funding must abide by the same rules.
- Work with all stakeholders to encourage more college students to enter the rewarding field of special education

Final thoughts:

- Legislature should be commended for not forgetting about students with disabilities.
- Nebraska Department of Education has been supportive and flexible in working with districts.
- Local school districts, special education service providers, and special educators have been consistent advocates for students with disabilities.
- Parents have been partners with the educators in designing and implementing services.
- The problem resolution process has worked for students with disabilities.

Brief Description of Previous Equity Study

The Nebraska Department of Education, Special Populations Office conducted a self assessment of special education services provided to students in Nebraska as part of a federal monitoring visit. At that time we looked at the equitable delivery of special education services to students with disability.

To accomplish this task, we established a committee of stakeholders including parents, school district representatives, service agency personnel and NDE staff. The standard for determining equitability was whether all children with disabilities were provided a free, appropriate public education (FAPE) – regardless of whether the child lived in an urban or rural area of the state. We gathered data from a variety of sources, including:

- parent surveys,
- focus groups,
- monitoring and compliance data,
- due process and complaint findings

Although not specifically included in the previous review, it would seem appropriate to add a review of qualified staff and finance to the above data.

The data review indicated that school districts in urban and rural settings take different approaches to the provision of services. Some of the differences are based on distance from services, number of staff, etc. However, the data did not indicate that there was a compliance issue in Nebraska stemming from the failure of a district to provide FAPE based on an urban vs. rural perspective. The data suggested that there was not a significant number of due process cases or complaints filed in one portion of the state vs. another or that the compliance rates varied based on urban vs. rural settings.

The Federal Office of Special Education Programs (OSEP) validated this conclusion while conducting an on-site visit in Nebraska. OSEP visited various locations in the state and conducted file reviews and interviewed staff. It was their opinion that both settings developed programs which were designed to meet the child's needs and in some cases school districts were doing some very creative things to meet each child's individual needs.

Serving Children with Disabilities and Their Families

PTI NEBRASKA

Individual Education Plans • Inclusion • Positive Behavioral Interventions • Transitions • Early Development Network and Preschool

- Home
- Who To Contact
- Board of Directors
- News and Events for Parents
- Camps and Activities
- Trainings
- Supporting Parents
- Family Partner
- Family Voices
- Links
- Frequently Asked Questions
- Medicaid Reform Update
- Connect With PTI Nebraska

Languages
English
Español

News and Events for Parents

Health Care Information now Available at PTI Nebraska: The Board of Directors and the Staff at PTI Nebraska are pleased to announce that funding has been received from the Centers for Medicare & Medicaid (CMS) to develop a Family to Family Health Information and Education Center in Nebraska.

CMS has been funding the Family to Family Centers in various states across the country since 2002, in order to provide education and training opportunities to families who have children with special health care needs. The Centers disseminate health care and related services information and work to promote person and family-centered services and supports. The network will connect families, health care providers, and the systems that help families finance health care.

The Family to Family project will develop and maintain a state-wide health network; helping members gain the knowledge, skills and experience to be advocates for their own children and to then be supportive of other parents and family members who are struggling to negotiate health care and related financial supports.

A resource of statewide training, information and support to families regarding health care is in keeping with PTI Nebraska's tradition of serving families regarding the education of their children with disabilities and special health care needs. Health connections will be made via our web site www.pti-nebraska.org , email info@pti-nebraska.org or nbaker@pti-nebraska.org or by calling Nina Baker at 888-490- 9233 or locally at 346-9233. Training events and other activities will be conducted across Nebraska. As the program develops, more information will be forthcoming.

Nebraska Statewide Transportation Coordination Workshop: The Nebraska Department of Roads and SRF Consulting Group, Inc. are completing a statewide coordination study for human transportation services. We are requesting your input on improving coordination for transportation services by developing a statewide action plan to further coordination efforts in Nebraska. These workshops will be held in Lexington, Ogallala, Scottsbluff/Gering, O'Neill, Columbus and Lincoln. For more information contact Jerry Wray of the Nebraska Department of

Roads at (402) 479-4694 or by email at **jwray@dor.state.ne.us**.

Court Finds for Parents: Separately, justices ruled that parents need not hire a lawyer to sue public school districts over their children's special education needs. The decision came in the case of an autistic boy from Ohio, whose parents argued they were effectively denied access to the courts because they could not afford a lawyer. To view this article in full go to **online.wsj.com/article**

United Healthcare Children's Foundation is offering support to meet the needs of children across the United States with medical assistance grants for medical services not fully covered by health insurance. For more information and to view the parameters for eligibility, visit **www.uhccf.org.**

Special Education Chat Room every Thursday from 8-9:30 PM CST, sponsored by the Reed Martin Newsletter.

Spina Bifida Association Fundraiser: When you order flowers from USA Florist, 20% of your purchase will be donated to the Spina Bifida Association. For more information visit **the Spina Bifida Association of America (SBAA) web site.**

PACER Center is assisting with a survey about the early literacy learning of young children with disabilities. This short survey should take less than 5 minutes to complete and asks parents and professionals what they think is important to help young children with disabilities learn the skills they need to read, write, and spell. If you are willing to participate, please click the following link to take the **Survey**. All parents of children with disabilities are invited to participate, regardless of the current age of their child.

August 13-16: *Autism Summer Institute* at the University of New Hampshire in Durham, NH. For more information or to register, go to the **Summer Institute web site**.

August 22: *Disabilities Roundtable--Disaster Preparedness & Disabilities...Are You Ready?* Sponsored by the Mayor's Advisory Commission for Citizens with Disabilities, a roundtable to bring together organizations, agencies, providers and related support groups in the Omaha area to discuss issues of importance for individuals and families dealing with disabilities. The rountable will take place at the Great Plains PVA from 3-4:30 PM. For more information contact Ms. Nancy Schober at (402) 444-5055.

September 26-27: *Asperger Syndrome and Behavior Solutions for Autism* in Des Moines, Iowa. For more information contact Spectrum Training Systems, Inc. at (920) 749-0332, or by email at **spectrumtrainingsystems@yahoo.com**.

October 6: *The Omaha Down Syndrome Parents Network Sixth Annual Buddy Walk* in Omaha at Chalco Hills. For sponsorship or volunteer opportunities please call (402) 991-1800 or email **info@odspn.org**.

November 8-9: *Nebraska Head Start Association Conference* in Grand Island. For more information contact Cheryl Denner at (402) 729-2278 ext. 316, or by email at **cdenner@bvca.net**.

Updated 7/31/07

More Information

Click here to view/print **Nebraska's New Rule 51**

Americans with Disabilities Act Best Practices Toolkit Update: On December 5, 2006 and February 27, 2007 the Civil Rights Division of the U.S. Department of Justice issued new installments of a technical assistance document designed to assist state and local officials in improving compliance with Title II of the Americans with Disabilities Act (ADA) in their programs, services, activities and facilities. This new information may be accessed by visiting the American with Disabilities Act website at **www.usdoj.gov**

Teaching and Assessing Students With Disabilities: Parents' Materials: This Parent Tool Kit provides information that will help parents become active and informed participants in Individual Education Plan (IEP) discussions and decision-making meetings that support students with disabilities and their families. The materials are available on the website at **www.osepideasthatwork.org**.

New 2-1-1 Website Provides Easy Access to Human Services Information. Find local listings for counseling, support groups or hotlines. Help Other Nebraskans connect with local assistance for rent, utilities or food. An easy way to locate information about a wide variety of health and social services in your community and in other cities and towns across Nebraska. Just click here. **211 Website**

The Federal Government offers citizens who are permanently disabled a **FREE** pass to national parks, monuments, historical sites and national wildlife refuges that charge an entrance fee. For more information visit the National Park web site at www.us-parks.com

Special Journeys, LLC is a company dedicated to providing people with disabilities the opportunity to travel. We are based in Omaha and provide local pick-ups in your area. Our trips are staffed by volunteer chaperones and our prices always include all meals, transportation, lodging, etc! For more information please contact us at (402) 884-1014 or visit on the web at

www.specialjourneys.org.

Angel Flight America provides FREE airfare for patients and families flown by private pilots in private planes. There is a 1000 mile maximum. For more information call (877) 621-7177.

National Patient Travel Helpline is a resource for charitable medical air transportation information. Call (800) 296-1217.

Easter Seals Camp & Respite for children and adults For more information visit the **Easter Seals web site**.

Updated 7/31/07

Contact Information: PTI Nebraska - 3135 North 93rd Street - Omaha, Nebraska 68134
(402) 346-0525 - (800) 284-8520 - info@pti-nebraska.org

Serving Children with Disabilities and Their Families

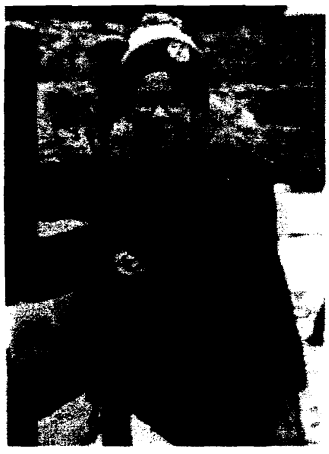
PTI NEBRASKA

Individual Education Plans • Inclusion • Positive Behavioral Interventions • Transitions • Early Development Network and Preschool

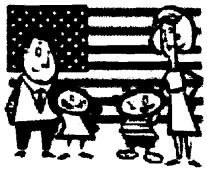
- Home
- Who To Contact
- Board of Directors
- News and Events for Parents
- Camps and Activities
- Trainings
  - Workshop Schedule
- Supporting Parents
- Family Partner
- Family Voices
- Links
- Frequently Asked Questions
- Medicaid Reform Update
- Connect With PTI Nebraska

Languages

English
Español



AUGUST '07 Free Workshops



August 14th: *A Great I.D.E.A: Individuals with Disabilities Education Act* Learn how the federal law governing special education affects your child. This workshop will be held in Omaha at the PTI Nebraska office ~ 3135 N. 93rd St. from 7 to 9 PM. **Pre-registration is required** by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

August 16th: *The IEP Pathway to Success* from 7 to 9 P.M. in Omaha at the PTI Nebraska office ~ 3135 N. 93rd St. Know your rights and responsibilities under the special education law as you prepare for the meeting to develop or review your school aged child's Individualized Education Plan (IEP). **Pre-registration is required** by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

August 18th: *PTI Nebraska's Saturday Series of Workshops* from 8:30 AM -5 PM at St. Mark's United Methodist Church, located at 8550 Pioneers Blvd. in Lincoln. This is a day-long series that offers a variety of topics of interest to all parents, regardless of their child's age. Refreshments and lunch will be provided. **Pre-registration is required.** To register and/or for more specific information on the day's events contact Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

August 23rd: *No Child Left Behind* from 7 to 9 P.M. in Omaha at the PTI Nebraska office ~ 3135 N. 93rd St. This workshop is intended to address the most frequently requested information from families and advocates about the provisions of the new law and how it impacts students who also have an IEP. **Pre-registration is required** by contacting Joan at the PTI Nebraska

office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

August 28: *Sibling Awareness Issues* from 7 to 9 P.M. in Omaha at the PTI Nebraska office ~ 3135 N. 93rd St. A pro-active approach is presented and discussed as parents explore documented and potential fears which the brothers and sisters of a child with a disability might harbor. **Pre-registration is required** by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

Updated 7/18/07

SEPTEMBER '07 Free Workshops

September 6th: **Successful Family Advocacy - Traumtic Brain Injury (TBI) - Mahoney State Park.** from 5:30 to 9 P.M. This workshop is for the familes of children with TBI. Dinner will be provided. Pre-registration is required by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

September 8th: **PTI Nebraska's Saturday Series of Workshops** from 8 AM - 5 PM in Tecumseh at the Tecumseh Public Library ~ 401 B St, This is a day-long series that offers a variety of topics of interest to all parents regardless of their child's age. Refreshments and lunch will be provided. Pre-registration is required by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

September 10th: **Successful Family Advocacy - Traumtic Brain Injury (TBI) - Ogallala** from 5:30 to 9 P.M. at the Grey Goose Lodge ~ 201 Chuckwagon Rd. This workshop is for the familes of children with TBI. Dinner will be provided. Pre-registration is required by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

September 11th: **Successful Family Advocacy - Traumtic Brain Injury (TBI) - Kearney** from 5:30 to 9 P.M. at the Holiday Inn ~ 110 2nd Ave. This workshop is for the familes of children with TBI. Dinner will be provided. Pre-registration is required by contacting Joan at the PTI Nebraska office - (402) 346-0525 or (800) 284-8520. Or by email at **jjohnson@pti-nebraska.org**.

Serving Children with Disabilities and Their Families

PTI NEBRASKA

Individual Education Plans • Inclusion • Positive Behavioral Interventions • Transitions • Early Development Network and Preschool

- Home
- Who To Contact
- Board of Directors
- News and Events for Parents
- Camps and Activities
- Trainings
  - Workshop Schedule
- Supporting Parents
- Family Partner
- Family Voices
- Links
- Frequently Asked Questions
- Medicaid Reform Update
- Connect With PTI Nebraska

Languages
English
Español

Early Childhood Workshops - School Age Workshops
Transition Workshops - Other Workshops

Early Childhood Workshops - Birth Through Age Two

Early Development Network (EDN): This workshop provides information about the Early Development Network in Nebraska. It includes the history, philosophy, values, family-centered services, and the principles of family involvement. Information about services coordination, Planning Region Teams and the Interagency Coordinating Council are included.

Individualized Family Support Plan (IFSP): This workshop provides information on how the IFSP works for families who have infants and toddlers with special needs. Families will learn how their family routines fit into the development of the IFSP and become a part of the goals for their child's plan to learn and grow. *Basic law*

Individual Family Support Plan (IFSP) to Individual Education Plan (IEP): A look at the difference between the IFSP and the IEP, and tips to prepare for the difference. *Basic law*

Rebuilding Dreams:
When parents receive a diagnosis of a disability or special health care need for their child, they often feel a sense of loss and grief. This workshop demonstrates the normalcy of the experience and gives tips to families on how to accept the loss and to cope with the grief.

[Back to top]

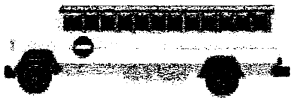
School Age Workshops - Students from three through twenty-one and into adulthood

A Great I.D.E.A-Individuals with Disabilities Education Act: Be up to date on the new federal law governing special education. Much has stayed the same and there are some changes. This workshop gives you the chance to discover the rights and responsibilities of parents and schools. Knowing the new law can help you become an even more informed and effective member of the team that develops the Individualized Education Plan (IEP) for your school aged child. *Basic law*

The Individual Education Plan (IEP)-Pathway to Success: Know your rights and responsibilities under the new special education law as you prepare for the meeting to develop or review your school aged child's Individualized Education Plan (IEP). The law provides new choices and responsibilities for both parents and schools. This information will allow you to be an even better advocate for your child's needs. *Basic law*

Putting Together the IEP Puzzle: This workshop is an overview of the two longer IEP and Law workshops mentioned above. It is designed to help you gain a very basic knowledge of parent's rights and responsibilities as a member of the IEP team. *Basic law*

It's Not What You Say But How You Say It: Communication skills help pave the way to better working relationships with the school and others who provide services for your child. Learn to convey your thoughts and concerns in a way that will be understood and respected. This information will challenge you to become a better advocate for your child.



No Child Left Behind (NCLB) and Special Education: This workshop is intended to address the most frequently requested information from families and advocates about the provisions of the new law and how it impacts students who also have an IEP. Families will learn about expanded parental options and review information about scientific research on doing what works best to improve learning. An emphasis will be placed on the importance of understanding the need for proactive parent involvement and advocacy. *Basic law*

Planned Discipline: This is a family self help workshop. Parents will learn to prioritize, track and

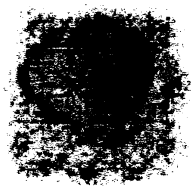
change a bothersome behavior and to identify what they might do differently in responding to unacceptable behavior. How to establish consequences as part of implementing a family plan for behavior change will be discussed.

Positive Behavioral Interventions: This IDEA based workshop helps parents examine their family, school and community attitudes towards kids in special education who have problems with behavior. The intent is to change perceptions from punishment as a consequence to identifying the need to teach positive behavior as a skill to be learned, determine why the behavior occurs and teach the child an acceptable replacement behavior. Observations and Functional Behavior Assessments will also be discussed as they provide needed data to the IEP team for writing acceptable behavior plans and corresponding IEP goals to allow the student opportunities for classroom success. *Basic law*

Understanding ADD and ADHD: This workshop provides an overview of ADHD and ADD and how they affect the learning needs of children. Strategies on how to create a positive learning environment will be discussed. This workshop can be tailored for parents, teachers or both.

[Back to top]

Transition Workshops



Sexuality and Young People with Disabilities: This workshop will assist parents and professionals in addressing sexuality with their students with disabilities. Information will include answers to common questions from parents and others.

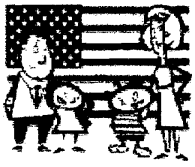
Transition For Life: This PTI Nebraska program provides crucial information to parents and students regarding the necessary process of planning for the future as students move through the educational system and prepare for life after school. Planning for careers, higher education or adult services needs to begin early in a student's educational career. *Basic law*

Self Advocacy Tool Kit: This program for students is an open discussion about self advocacy and self determination. Students will discover that the strength of their voices and their opinions can lead to jobs, educational opportunities and activities of their choice. It will help students recognize their strengths and be able to articulate the areas in their life where they may need support. They will be able to learn to ask for the support

they need in order to lead productive and independent lives.

[Back to top]

Other Workshops



Americans with Disabilities Act and Section 504: An overview of how these federal laws might impact a student with a disability or special health care need both in school and as they plan for life after graduation. *Basic law*

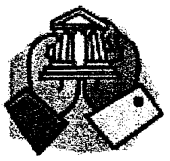
Building Blocks of Self Esteem: Fundamental self esteem needs can serve as a basis for families to teach and reinforce the development of self esteem characteristics in their young children and their children with special needs. Definitions, key elements and a summary of other parent responses will be presented and discussed. The desired outcome is to provide information that can be used to help students develop a personal image of value and to encourage self determination for the development of their capabilities.

Bullying-Recognition and Intervention: Defines and classifies the types of bullying. This workshop helps parents and teachers quickly identify a bullying incident as potential harassment and/or abuse in the physical, verbal, emotional or sexual area. The workshop explores typical reactions, actions and strategies. Recommendations will be proposed with emphasis on the need for interventions. Relevant supporting handout materials will be provided.

Developing Successful Community Support Groups: Parents have the gift of being intimately familiar with emotions and real problems that new parents are just beginning to experience. This training provides the tools needed to start and sustain a support group. A support group in a community gives parents the opportunity to share their experiences and learn and grow from each other and become knowledgeable advocates for their children.

Supporting Parent Skills: Supporting parents provide parents with support, information and friendship following the discovery that they have a child who has a disability or a special health care need. This course assists parents in developing their reflective listening, crisis awareness and communication skills. Parents will be empowered to advocate for their own children and to support other parents in their advocacy efforts.

Leadership and Parental Impact on Policy Making: Teaches families about the systems that affect their children's programs and services and how they might positively impact the decisions made regarding those programs and services.



Sibling Awareness Issues: Parents will explore documented and potential fears which the brothers and sisters of a child with a disability might harbor. A pro-active approach is presented and discussed for use in the family or classroom when dealing with proper attitude development toward a child in the family who has a disability.

Empowering Parents to Access Services: Parents are the experts in the knowledge of their child, and sometimes need assistance in communicating that expertise to others. This workshop focuses on communication, record keeping and conflict resolution skills.

Family Stories: It was only a generation ago that children with disabilities were not allowed to participate in community settings. It is because families have told their stories that so many things have changed. The goal of this training is to give parents the skills and strategies for telling their stories to service providers, students and policy makers so families can continue to make a difference in the lives of people with a disability or a special health care need.

PTI Nebraska - An Overview: A presentation available to inform professionals and others about the services provided and the parent perspective on issues surrounding families who have a child with a disability.

Parent Panel: PTI Nebraska can organize and/or facilitate a panel of parents available for presentations to civic groups, university classes or conferences and other group meetings.

All workshops are available to any group or community upon request. The divisional categories are used only to make finding a particular workshop topic easier. PTI Nebraska's workshops are available in English and Spanish. Other alternate formats are available upon request.

[Back to top]

Contact Information: PTI Nebraska - 3135 North 93rd Street - Omaha, Nebraska 68134
(402) 346-0525 - (800) 284-8520 - info@pti-nebraska.org

Serving Children with Disabilities and Their Families

PTI NEBRASKA

Individual Education Plans • Inclusion • Positive Behavioral Interventions • Transitions • Early Development Network and Preschool

- Home
- Who To Contact
- Board of Directors
- News and Events for Parents
- Camps and Activities
- Trainings
- Supporting Parents
- Family Partner
- Family Voices
- Links
- Frequently Asked Questions
- Medicaid Reform Update
- Connect With PTI Nebraska

Languages

English
Español

Who to contact:

Nina Baker: Health Information Coordinator (Infants, Toddlers, School Age and Young Adults)
Nina provides training, information and support to families who have a Child with Special Health Care Needs (CSHCN). She provides families with information regarding access to health care services, developing medical homes for their children and helping young adults to transition from pediatric to adult health care systems. She and her husband have two daughters. She became involved with issues experienced by the families of children with disabilities and special health care needs when their oldest daughter was born with Down syndrome. Nina and her husband volunteered for many years doing parent to parent support. She came to work at PTI Nebraska, formerly The Nebraska Parent Center, in 1993.
402-346-9233
888-490-9233
402-346-0525 Ext. 13
nbaker@pti-nebraska.org

Mary Dale Christensen: Training and Information Specialist (School Age)
Mary Dale's areas of expertise include special education law, the IEP, inclusion, communication and ADHD. She and her husband have two adult daughters. Their oldest daughter has Learning Disabilities and ADHD and has successfully earned a Master's degree. Mary Dale has worked at PTI since 1992.
402-934-1483
800-284-8520
402-346-0525 Ext. 15
mchristensen@pti-nebraska.org

Seamus Kelly: Transition Coordinator (Teens 14 and older and Youth who are in the Juvenile Justice system)
Seamus provides training, information and support to families, students, educators and community professionals; helping each student prepare for a meaningful life after high school. He and his wife have a daughter who has developmental disabilities and special health care needs. Seamus has a wealth

of previous professional experience with youth and young adults and was attracted to this work because of his very personal experience with his daughter. He came to work at PTI Nebraska in 2007.
(402) 934-1487
800-934-1487 Ext. 14
402-346-0525 Ext. 14
skelly@pti-nebraska.org

Les Kimmons:

Training and Information Specialist (School Age)
Les conducts workshops and provides information on behavior issues, bullying, No Child Left Behind and on family oriented topics involving self esteem, planned discipline and the other children in the family. He and his wife are the parents of an adult son who has Cerebral Palsy, ADHD and Mental Retardation and is a successful citizen in the community. Les' son shares the spot light with two sisters, their husbands and five nieces and nephews. Les has been at the PTI since 1990, having worked several years previously in a similar position.
(402) 934-1486
800-284-8520 Ext. 16
402-346-0525 Ext. 16
lkimmons@pti-nebraska.org

Graciela Sharif:

Outreach Coordinator (Infants, Toddlers & School Age)
Graciela provides training, information and support to military families, families who are homeless, migrant families and families of color. Graciela is bilingual in Spanish and English. She and her husband have two boys, the oldest has Down syndrome and is the reason Graciela finds so much meaning and enjoyment in helping other families. She is from Peru and loves working with people from different cultures. Graciela came to work at PTI Nebraska in 2004.
402-614-0972
800-284-8520 Ext. 19
402-346-0525 Ext. 19
gsharif@pti-nebraska.org

Connie Shockley:

Family Partner (Infants, Toddlers and Pre-Schoolers)
Connie provides training, information and support to families who have babies and young children that qualify for services through Nebraska's Early Development Network and those moving into a pre-school setting. She provides technical assistance and information to the family members on the state Early Childhood Inter Agency Coordinating Council

and their counter-parts who serve on local Planning Region Teams. Connie also provides support and technical assistance to parents who want to develop family to family support organizations in their communities. She and her husband have three children. Her youngest and their oldest both have Autism. With a lot of previous professional and volunteer experiences, Connie came to work at PTI Nebraska in 2007.
402-991-6713
866-991-6713
402-346-0525 Ext. 18
cshockley@pti-nebraska.org

Joan Johnson:

Office Manager
Joan makes sure the office runs smoothly and is the friendly voice you are apt to hear when you call PTI Nebraska. She and her husband have three children. Their oldest son has Aspergers syndrome and their daughter has ADD. Joan is a former teacher and has been active in supporting many activities involving children with disabilities and their families. She is currently a Special Olympics volunteer and started work at PTI Nebraska in 2004.
402-346-0525 Ext. 10
800-284-8520 Ext. 10
jjohnson@pti-nebraska.org

Kathi Heinen:

Technology Specialist
Kathi manages PTI Nebraska's website. If you have an event that you would like to post on our website, notify Kathi. She is a single mom who has two young adult daughters who were adopted from Korea as infants. Kathi has a nursing background but came to the Nebraska Parent Center for a change of pace in 1998.
402-614-0618
800-284-8520 Ext. 20
402-346-0525 Ext. 20
kheinen@pti-nebraska.org

Glenda Davis:

Executive Director
Glenda and her husband have seven adult children, their numerous spouses and seven grandchildren. Their fifth son Joshua has cognitive disabilities. Glenda has worked for families and people with disabilities for many years. She started at PTI Nebraska, formerly the Nebraska Parent Center, in 1997.
402-934-1488
800-284-8520 Ext. 17
402-346-0525 Ext. 17
gdavis@pti-nebraska.org

Funding for PTI Nebraska

5 Year Grant Cycle – Federal Funds – October 1

2001-02	$230,625	
2002-03	$230,625	
2003-04	$230,625	
2004-05	$230,625	
2005-06	$230,625	
2006-07	$228,319	1% Reduction
2007-08	$224,894	1% Reduction

9.0 FTE – only 1.0 part-time

Just received a Family to Family Health Education Grant from the Nebraska Department of Health and Human Services for $95,700 – renewable for a 3 year period

Also received a grant from the Nebraska Department of Education of about $147,000 this year – NDE has increased the grant by 2-3% per year – from state discretionary funds

My name is Tina Suey, thank you for allowing me to come and share my story. I have a nine year old daughter who was born profoundly deaf. She was not verified as deaf until she was 14 months old. She received a cochlear implant in her left ear at 18 months and last January was also implanted in her right ear. She was one of the first children in the Lincoln District to receive an implant at such an early age. Having a cochlear implant enables her to be an oral learner. Makenzi is currently in 3rd grade but functioning at a much lower language level. A recent reading assessment scored her only at 30% comprehension. Her assessments completed last year, when she was 8, placed her verbal and non-verbal skills at less than 1% to 12% compared to her hearing peers and speech language skills at an age equivelant from 4 years, 1 month to 5 years, 8 months. Makenzi is an extremely hard worker, she is very determined and very capable. In my opinion, her delay in language progress is due to the lack of a solid foundation that is necessary in order to have academic success.

There are four key items I believe attribute to an inadequate or non-exsistant foundation.

1. The initial services for a cochlear implanted child must be increased. Makenzi was only provided with 30 minutes a week of resource support when we first begun services. For a child that is hearing their first sounds and first words at 12-18 months of life, services must initially be intensive in order to start to build the foundation that will be needed to allow the child to be able to participate successfully in the mainstream classroom. 30 minutes a week was not appropriate, but it continues to be the amount of services provided to new cochlear implanted children in the District. This has resulted in our continued struggle in trying to determine the appropriate services that need to be in place for her to be successful in the mainstream classroom. I would like to believe, if appropriate services were in place from the beginning, there would be less need for intense services to be in place now.

2. The educators must be "allowed" to help guide parents and share their opinion of "appropriate" services and placement with parents. In my experience, when services are being presented at IFSP or IEP time, the children's needs can be potentially compromised due to the District limitations such as staffing availability,etc. It is left up to the parent to KNOW if the minutes presented in the meeting are truely appropriate. The parents are typically left to fight the District for additional services. Due to District limitations - it is the child that pays, it is very unlikely the child will be successful. Educators and parents need to be able to work as a team. The

parent needs to know they can count on the educators expertise, for trust to be instilled, and that decisions are always made to ensure success and academic growth of the child.

3. The child's problems must be identified and defined in order to develop an appropriate educational plan, this can only be done through proper and regular assessments. From there, goals set within IFSP's & IEP's must be true measurable goals. There is not a way to measure a child's progress (or lack of progress) unless the goals written in the plan are specific and measurable. The goals can not be just broad statements based soley on teacher observation or classroom work. (ie. broad statement: My child will learn to read vs. specific & measurable: After one year of individualized reading tutoring an hour a day, my child will read at the 5th grade level, as measured by the global composite score of the Gray Oral Reading Test. example from *Wrightslaw From Emotions to Advocay 2nd Edition).*

4. We can not continue to wait until a child is two years behind before they qualify for special education. This is a recipe for failure. The child is forced to be in an enviroment where they are required to continue to learn new skills, but they do not even have the adequate foundation in place in order to build new skills upon. It is alot to expect of a child to have to play two years of "catch up" in addition to continuing to learn new skills.

It all comes down to the foundation that is in place as a child starts their academic career. As stated in IDEA Section 1400d - Special Education is in place "to ensure that all children with disabilities have available to them free and appropriate public education that emphasizes special education and related services **designed to meet their unique needs** and **prepare them for further education, employment and independent living**" - this is hard for any child to attain without having the proper foundation in place.

Secondary Transition

Special Education Services Task Force

Lindy Foley and Jack Shepard

August 28, 2007

Secondary Transition

- Individuals with Disabilities Education Act (IDEA)
- Nebraska's Rule 51

Transition and the IEP

- Measurable Postsecondary Goals
- Course of Study
- Transition Services

Summary of Performance

- Presented to the student/family after graduating or maximum age of eligibility is reached
- Summary of student's academic achievement and functional performance

Interagency Linkages

- Collaboration with adult agencies

Evaluation of Transition Services

- Graduation Rates for Students with Disabilities
- Dropout Rates for Students with Disabilities
- Transition Components on the IEP
- Nebraska's Post-School Outcomes Project

Nebraska's Post-School Outcomes Project

- Telephone interviews with former students
- Six (6) year project
- Interview questions relating to:
  - Employment
  - Postsecondary Training
  - Independent Living
  - High School Experiences
  - Involvement with Adult Agencies

Nebraska's Post-School Outcomes Project

- District data source for improvement activities
- Targets will be established and measured annually

Transition Resources

- Transition Advisory Committee
- Transition Specialists
- State Transition Library: www.nebraskatransitionlibrary.net
- Transition Website: http://sites.esu9.org:8080/NDEtransition/

Contact Information

Lindy Foley, NDE Populations Office
Lindy.foley@nde.ne.gov
402-471-4318

Jack Shepard,
VocationalRehabilitation/SpecialPopulations
Jack.shepard@vr.ne.gov
402-595-2171

Graduation Service Gap

Developmental Disabilities

The "gap" refers to the lack of services for students with developmental disabilities between graduation and age 21

The "waiting list" also refers to services for individuals with developmental disabilities
- The Health and Human Services Committee has an interim study regarding the waiting list
- Parents may put their children on the waiting list for adult services at any time

Students with developmental disabilities who leave special education when they turn 21 automatically receive day services, but may be on the waiting list for residential services
- These services are not an entitlement, but they have been treated as such in the appropriations process

Allowing people to receive services after graduation, but prior to 21, **may** be problematic for receiving a federal Medicaid match

Mental Health

Mental health services are currently being studied by the Children's Behavioral Health Task Force

There is no entitlement to mental health services unless a person is dangerous to themselves or others

Vocational Rehabilitation

Vocational Rehabilitation provides transition services for students and adults
- The adult services may be provided upon graduation, regardless of age
- Services are provided to clients who are deemed to be competitively employable
- A small number of Vocational Rehabilitation clients may also receive services for the developmentally disabled

Policy Questions & Notes

What outside factors affect graduation decisions for special education students?

When should students transition to adult services?

How should funding mechanisms be designed to implement policy decisions?

Response to Intervention (RtI)

What is RtI? Response to Intervention has been defined by the National Association of State Directors of Special Education (NASDSE) as "the practice of providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction or goals and applying child response data to important educational decisions" (Batsche et al., 2005, p.3). The three key features of RtI are: (1) scientific research-based instruction and intervention; (2) assessment of the effects of instruction (i.e., child response data based on frequent progress monitoring) and (3) data-based decision making (i.e., using child response data as the basis for decision making with regard to instruction.

While RtI originated in special education law (IDEA 2004), it is not a stand alone special education initiative. Rather, the emphasis is on the provision of appropriate learning experiences for all students. RtI begins with strong general education instruction and at the first sign that a student is lagging behind his/her peers in an academic or behavioral area, more intensive instruction is provided. After an identified period of time, if a student is still not achieving at a rate or level of achievement commensurate with their peers, even more intense instructional intervention is provided. Federal law now allows schools to use intervention data as part of a comprehensive evaluation to make decisions for special education eligibility. Matching instruction to student need is at the heart of RtI, and the primary goal is to help students meet local and state proficiency standards without special education, if at all possible.

What is Nebraska's Infrastructure for RtI? The Nebraska Department of Education, via the ***Nebraska Response-to-Intervention (RtI) Consortium***, is preparing schools to deliver RtI services by means of a state-wide implementation plan, training, evaluation and dissemination of results, and oversight of a quality implementation process. An RtI Steering Committee of the Special Education Advisory Committee comprised of stakeholders from a variety of disciplines (general and special education, administrators, higher education and the Department of Education) advises the Consortium on the implementation of RtI throughout the State.

What are the necessary components essential for the full scale implementation of RtI? First, the infrastructure must be in place in each school district to provide adequate resources and smooth organizational routines. A leadership team that creates a plan to guide development and implementation of a multi-tiered continuum of instructional interventions and supports is critical. In addition to this organizational capacity, the essential elements of a high quality RtI process include parent involvement, a solid core curriculum, universal screening and assessment, individual progress monitoring, evidence based interventions and planned service delivery decision rules. Data-based problem solving is the foundation of the RtI model and provides the overarching structure that organizes assessment and intervention strategies. Further, integration of RtI with other mandates and initiatives so that it works in concert with processes already in place, such as Title I, Professional Learning Communities and school Improvement activities is vital.

Why RtI? RtI presents an opportunity for educators to start blurring the lines between general and special education and merge into a unified system that provides high quality instruction and interventions to **all** students -- and **all** means every! Schools no longer have to wait until students fail or fall far behind their peers to receive the kind of instruction they need. Creating a mindset that all students can learn, that all students are **our** students and that there is shared responsibility for student achievement across the entire school community is key. More knowledge is available on how children learn than ever before. High quality interventions that represent the best findings from current research delivered with fidelity to struggling students through a problem solving method have the potential to produce better student outcomes.

What are the challenges in implementing RtI? Collaboration is important in implementing RtI. Building a team and implementing interventions is a complex process that does not happen overnight. The process is likely to cause change in the working dynamics of school staff and takes time, perseverance, patience and hard work. Educational accountability permeates what occurs in schools today and there is competition for resources. IDEA 2004 allows schools to utilize up to 15% of Part B special education dollars to fund early intervening services. Schools must create braided funding streams in order to provide appropriate professional development, to allot time for teachers to meet and discuss data and student progress and to purchase research based instructional materials. Additional funding from the legislature for an initiative that holds promise for enhanced student outcomes is likely to entice general educators to join their special education friends and walk hand-in-hand in providing instruction that results in improved outcomes for **ALL** students.

UNIVERSITY OF Nebraska

OFFICE OF THE EXECUTIVE VICE PRESIDENT AND PROVOST

MEMORANDUM

November 8, 2007

TO: **Ron Withem**

FROM: **Marijane Hancock**

SUBJECT: **Request for information on NU Speech-Language Pathology programs**

This memo is in response to a call from Kathy Tenopir, Legislative Fiscal Office, Thursday November 1 on behalf of the Legislative Special Education Task Force regarding programs at the University of Nebraska in Speech-Language Pathology. Answers to her questions follow.

1. What programs or degrees are offered at NU in Speech-Language Pathology?

Degrees in Speech-Language Pathology are offered by University of Nebraska at Kearney (UNK), University of Nebraska-Lincoln (UNL) and University of Nebraska at Omaha (UNO). A baccalaureate in Speech-Language Pathology is a pre-professional degree that prepares students for professional study at the masters' level. After completing an MS, students are prepared to apply for credentialing by the American Speech-Language Hearing Association (ASHA).

Degrees offered in Speech-Language Pathology by campus.

Campus	BA	BS	BSEd	MA	MS	MSEd
UNK			X			X
UNL	X	X	X		X	
UNO			X	X	X	

2. How many students are enrolled in Speech-Language Pathology programs? How many degrees are awarded?

Majors in Speech-Language Pathology degree programs Fall 2003 to 2007 by campus.

Campus	Degree	2003	2004	2005	2006	2007
UNK	BSEd	46	57	56	54	51
	MSEd	27	26	28	33	32
UNL	BA/BS/BSEd	42	43	48	41	41
	MA/MS	48	43	39	57	61
UNO	BSEd	28	30	40	34	30
	MA/MS	20	24	24	24	31

Varner Hall / 3835 Holdrege Street / P. O. Box 830743 / Lincoln, NE 68583-0743
(402) 472-5242 / FAX: (402) 472-4240 / www.nebraska.edu

Degrees conferred by from FY03 through FY07 by campus.

Campus	Degree	2002-03	2003-04	2004-05	2005-06	2006-07
UNK	BSEd	12	10	11	8	18
	MSEd	18	10	10	13	14
UNL	BA/BS/BSEd	18	21	22	32	23
	MA/MS	31	23	22	23	20
UNO	BSEd	9	7	3	12	10
	MA/MS	15	12	11	13	6

3. Do the University of Nebraska programs limit the number of students allowed in the program?

All three campuses have capacity for additional students in the undergraduate level. For accredited Masters programs, it is recommended that not more than six (6) masters' students be admitted per one (1) PhD faculty to ensure adequate clinical supervision. UNK and UNO still have the capacity for additional students. John Bernthal, UNL department chair, said the UNL capacity for MS students is 25 and 2007 is the first time in the last four to five years that they have had a full class.

4. Do the campus department heads think there is a shortage of speech-language pathologists?

Laurence Hilton, UNK

Dr. Hilton cited several reasons for the shortage of speech-language pathologists. First, there have been fewer numbers of qualified applicants for the program. Second, the Nebraska salaries for speech-language pathologists in the schools are lower than the national average. Third, there has been an increased demand for speech pathologists across the age range of the population. The demand is not only for pediatric or school based speech-language pathologists, but also in clinical setting for clients from children to the elderly. Fourth, speech-language pathology is a resource intense academic program due to one-on-one supervision and laboratory equipment needs. Several MS programs were closed in the last 10-15 years as budgets tightened in higher education.

Hilton is concerned about the ability to sustain programs in the future. Many PhDs are choosing to go into higher paid clinical positions instead of staying in academia. It has become more difficult to fill faculty openings.

John Bernthal, UNL

Dr. Bernthal agreed that there is a nationwide shortage of speech-language pathologists, but not entirely because of limited capacity in educational programs. Currently, there are 252 MS programs in the country. For the past five years, the system nationally has had excess capacity. A two year MS program is required to become a certified speech-language pathologist. The graduates are in demand in both schools and health care. Salaries at this point-in-time are lower in the schools than in health care. In Nebraska, a school speech-language pathologist goes into the teaching salary schedule without regard for the 2 year MS and certification. He believes that there are more unfilled openings in the Omaha Public Schools than in Lincoln Public Schools.

Bernthal also commented that the professoriate is aging and there are not enough students currently in PhD programs to fill the projected openings in the next 5 to 10 years.

Mary Friehe, UNO

Dr. Friehe said she believes there is a shortage of speech-language pathologists in schools. Nationwide salaries are low. The schools have been harder hit than healthcare because of low salaries, high case loads and poor working conditions. She estimated that the salary differential was about $7,000 annually (adjusting for the difference between a school year and a calendar year).

Friehe said that the shortage will become worse because the current workforce is aging and approaching retirement age without adequate numbers of students in programs to replace them.

c: Linda Pratt

Presentation to Legislative Committee Examining Special Education Teacher Shortage: Speech-Language Pathologists (SLPs)

November 27, 2007

General Information

- Entry level standard for SLPs in Nebraska has been at the master's degree level since 1975
- SLP is one of the few professions in rehabilitation who has not moved to a Doctoral level entry; OT, PT, Audiology all have moved to Doctoral level entry

Is there a shortage of SLPs?
Yes

- Shortages are nationwide;like all areas of special education and rehabilitation therapists
- Do not have good data to document shortages in Nebraska-mostly anecdotal
- Nebraska shortages are not universal; Metro and selected rural areas report shortages
- Shortages are not restricted to school settings
- Department of Education data suggest shortages

Why are there shortages?
Consumer Demand

- Identified by U.S. News and World report in 2007 as one of top 20 careers for the future
- Aging of Americans and improved health care practices

Why are there shortages?
Training Program Supply

- 245 SLP master's level preparation programs in the U.S
- Three programs in Nebraska- UNK, UNO, and UNL
- All three programs take approximately 4-5 semesters to complete.
- High retention rates

Why are there shortages?
Training Program Supply

- Dip in enrollments due to:
  1. Federal support for graduate students has not increased for over a decade and is being reduced or phased out
  2. Reduced state aid for higher education
- Enrollments seem to be recovering
- Approximately half of graduates nationwide go into schools-in Nebraska
  1. We think it is a higher percentage.

Why are there shortages?
Training Program Staffing

- Severe shortages of Ph.D. graduates willing to assume University positions
- Reduced state aid for higher education
- More competitive salaries & benefits in other employment settings.

Why are there SLP shortages?
School Work Conditions

- Low salaries
  1. Salaries tend to be higher in healthcare
- Few schools if any pay certification, association, and professional development costs
- Nebraska Department of Education requires a teacher certification for school certification
  1. SLPs have a license requirement as well as if want to supplement income by working in health care part time.

Why are there SLP shortages?
School Work Conditions

- Some schools have increasingly large caseloads.
- Excessive paperwork demands with no paraprofessional or support staff
- Some expected to do playground / lunch room duty
- More children need services; more severe children e.g., rise in number of children diagnosed with autism

Why are there SLP shortages?
School Employment

- Profession is dominated by women; many leave the profession during child rearing years
- Some schools do not accommodate part-time employment
- Large number of school SLPs also retiring.

Possible Solutions
Increased Funding for Supply

- Better financial aid for students in some form
  1. State Department of Education support
  2. Loan forgiveness programs: State and/or Federal
- Earlier recruitment by school districts (districts don't have their budgets until late spring) – "Grow Your Own"

Possible Solutions
Recruitment / Retention Incentives

- Salary supplements for holders of National Certification
- Signing bonuses
- Collaborate with higher education to enhance recruitment efforts beginning with middle school or sophomore students
- NDE apply for state grants to address paperwork reductions
- NDE mimstate caseload limits of 50

Possible Solutions
Recruitment / Retention Incentives

- Salary supplements
- Support professional development / dues
- Reduce workload: meetings / extra duties
- Partner with higher education to explore optimum models for service delivery without reducing student progress
- Provide paraprofessional or support staff to assist with paperwork, meeting arrangements

UNL Programs

- Have enrolled a class of 26 students in master's program for the last two years; were not full for several years previously
- Admitted 52 students in 2007 to fill the class
- Had excellent financial aid for students willing to become specialists in literacy or children with brain injuries and willing to work in schools

UNL Programs cont.

- Typically graduate between 25-30 students in our senior class
- About 75% of our Masters students are Nebraska residents
- Change in out of state tuition waivers have hurt recruitment of out of state students
- 100% placement is typical

UNO Program

- Current graduate student enrollment = 32
- Graduate each year an average of 12 SLPs
- Slump in applications during 01-02, 02-03, 03-04; up the last 4 years
- Admit average of 17 yearly (59% of those accepted to the program)
- Have minimal financial aid: one graduate assistantship and some scholarships for students

UNO Program cont.

- Current enrollment in bachelor's program is 50.
- Change in out of state tuition waivers have hurt recruitment of out of state students
- 100% placement is typical

UNO Program Recruitment Efforts

1. Early admission to the graduate program for those with a degree in an area other then communication disorders
2. Rolling admission
3. Curriculum revisions for professional education requirements
4. Modified schedule of requirements to meet school setting needs
5. Participate in Future Educator of America on campus recruitment event

2007 Quick Facts Summary

The Unique Rural Outreach Mission and Demographic Impact of the UNK Department of Communication Disorders

The Community Health and Public School Missions of the Undergraduate and Graduate Degree Programs in Speech-Language Pathology
Department of Communication Disorders
University of Nebraska at Kearney

Laurence 'Tuff' Hilton, Ph.D., CCC/slp
Department Chair

Speech-Language Pathologists:
Qualified Providers as defined by Nebraska law.
Graduates of the ASHA/CAA accredited University of Nebraska at Kearney speech-language pathology master's degree program in the Department of Communication Disorders (CDIS) meet all pre-professional academic and clinical education requirements to qualify for Nebraska Department of Health and Human Services licensure, and for Nebraska Department of Education public school certification.

The professional practice of Speech-Language Pathology is regulated by licensure law in the state of Nebraska. The Department of Health and Human Services: Division of Regulation and Licensure oversees enforcement of the licensure law and issues the Speech-Language Pathologist License to qualified professionals. A speech-language pathologist (SLP) who provides diagnostic testing or therapy services to patients of any age in Nebraska hospitals, rehabilitation centers, nursing homes, medical clinics, governmental and community based agencies, private practice, and various community health settings, is required by law to hold at least the Master's degree in the discipline and possess a current license issued by the Department of Health and Human Services.

An exemption provision in the Nebraska Licensure Law defers the credentialing and regulation of speech-language pathologists employed in public school settings to the Department of Education for separate and independent Public School Certification. This Certificate limits these speech-language pathologists to provision of pediatric services to children in public education entities only, such as elementary schools, middle schools, high schools, and Educational Service Units across the state. Paradoxically, under current Nebraska law, a licensed speech-language pathologist can work with children in any other setting, but not in the schools.

The Unique Rural Outreach Mission and Demographic Impact of the UNK Department of Communication Disorders
The UNK Department of Communication Disorders has long fulfilled a unique rural outreach role and mission of providing rural Nebraska children and adults with qualified speech-language pathologists. Demographically, the impact and sustained success of this ongoing effort is outstanding. Over the past 33 years, approximately 80% of Nebraska speech-language pathologists working west of York have been UNK graduates. In 2007 the statewide census of Speech-Language Pathologists in all Nebraska schools who

earned their Masters degrees from UNK was 24.4 percent. The UNK Communication Disorders faculty aggressively recruits and facilitates the professional placement of students from rural Nebraska. Most students admitted into the UNK College of Education M.S. Ed. master's degree program have been rural Nebraskans with career goals of returning to communities in rural Nebraska to practice. Data collected for our most recent re-accreditation self studies confirmed UNK continues to fulfill our unique rural outreach mission. For the eleven year period 1996-2007, 143 Speech-Language Pathologists received their master's degrees from the UNK Department of Communication Disorders (average of 13 per year). Of these 143 graduates, 118 (82.5%) became employed in Nebraska, 97 of those (82.2%) in rural communities outside of the multi-county metropolitan Omaha and Lincoln area. An annual matriculation of 14 new full-time master's degree students is the targeted sustainable maximum enrollment in our program. UNK graduated 13 in 2004, 14 in 2005, 12 in 2006, and 14 in 2007. We have 33 active full and part time graduate students this 2007-08 year, and we project graduating 13 in 2008 and 14 in 2009.

Another important demographic variable in our rural outreach mission is that in many rural counties both community health needs and public school needs are addressed by the same UNK program graduates. Although the majority of 1996-2007 UNK speech-language pathologists working in Nebraska are certified/endorsed employees in Educational Service Units and public school districts (84 of 118 or 71%), some also obtain the Nebraska Health and Human Services license to provide some limited medical speech-language pathology services to needy adult patients.

Since about 2004, corporate rehabilitation companies have aggressively recruited our UNK students. There is a growing trend for more UNK graduates to select higher paying medical settings in Nebraska rather than the schools. Of the 2007 graduating class, 5 of 14 accepted rehabilitation jobs (one in Illinois, three in rural Nebraska, one in Omaha). Two 2007 students who choose the schools took jobs out of state (Illinois and North Dakota).

The needs for our UNK graduates' services are many and they cross the lifespan: preschool and school children with various developmental disorders of speech and language, adults who stutter, speakers of English as a second language whose foreign accents render their spoken English less intelligible; stroke patients, traumatic brain injury patients, and those with communication disorders arising from other medical diagnoses such as oral cancer, cleft palate, cancer of the larynx, impaired swallowing, multiple sclerosis, Parkinson's Disease, progressive dementias, cerebral palsy and hearing loss. All these disorders occur in rural families at rates comparable to the rest of the population, often at higher rates (hearing loss and oral cancers for example). As the general population is aging, these needs are progressively expanding in rural Nebraska. Serving babies, school children, adults and grandparents, University of Nebraska at Kearney alumni remain the primary qualified providers extending speech-language pathology services to West-Central Nebraska families.

Reference: Hilton, L.M., and Taylor, K.S.. (2003). Preparing SLPs for dual practice roles in rural Nebraska. ASHA Leader 8:15, p. 109.

Updated to 2007 data on November 18, 2007

Summary of 2006-2007 Teacher Vacancy Survey Results

- The survey was conducted in Fall 2006 by the Teachers College Institute, UNL, at the request of the Nebraska Department of Education.

- Surveys were sent to 253 K-12 school districts in the state. Data requested from the survey included:

  - ✓ the number of districts that could not find fully qualified teachers (defined as those who are certified to teach and have the appropriate endorsement for the courses they are assigned to teach);
  - ✓ the number of teacher positions for which schools could not find fully qualified teachers at the beginning of the 2005-2006 school year;
  - ✓ the endorsement areas needed for those unfilled positions;
  - ✓ reasons why the individuals in the applicant pool were not sufficient/appropriate for the positions; and
  - ✓ what schools did to compensate for those unfilled positions.

- The response rate was high (94%), with 238 districts returning completed surveys. The distributions matched well, indicating that the sample is regionally representative of K-12 districts in the state.

- There was a total of 72 unfilled positions in the fall of 2006.

- The endorsement areas with the largest number of unfilled positions were:
  - ✓ Special Education 18% (13)
  - ✓ Math 11% (8)
  - ✓ Sciences 10% (7)
  - ✓ English 10% (7)
  - ✓ Industrial Technology 8% (6)
  - ✓ Foreign Languages 7% (5)
  - ✓ Music 7% (5)
  - ✓ Speech Language Pathology 6% (4)

- There were 48 districts (20% of the returned sample) with unfilled positions. Over 50% of the districts with unfilled positions had less than 500 students. Sixty-eight percent (68%) of the districts with unfilled positions had less than 1000 students.

	Districts with Unfilled Positions		**Unfilled Positions**	
District Size	**Number**	**Percentage**	**Number**	**Percentage**
<100	0	0	0	0
101-250	14	29.2	18	25
251-500	14	24.2	20	27.8
501-1,000	7	14.6	12	16.7
1,001-2,500	6	12.5	13	18.1
2,501-5,000	4	8.3	5	6.9
5,001-10,000	2	4.2	3	4.2
>10,000	1	2.1	1	1.4
Total	48	100.0	72	100.0

- Based on community college region boundaries, 48 school districts with 72 unfilled positions ranked as follows: 15 school districts in the Northeast region had 27 unfilled positions (38%); 10 school districts in the Central region had 12unfilled positions (17%); 7 school districts in the Southeast region had 13 unfilled positions (18%); 7 school districts in the Panhandle region had 10 unfilled positions (14%); 6 school districts in the West Central region had 7 unfilled positions (10%); and 3 school districts in the Omaha Metro region had 3 unfilled positions (4%).

- The survey allowed school districts to identify multiple reasons for unfilled positions. The top four reasons for unfilled positions were as follows: 1) no applicants with the proper endorsement; 2) no quality applicants; 3) no applicants; and 4) qualified applicants refused offer for position.

- The survey offered 13 solutions for school districts to choose when identifying how they solved the dilemma of unfilled positions. The three most reported solutions were:
  - ✓ Rearranging existing faculty assignments to accommodate classes not being covered
  - ✓ Hiring a person who was fully certified but not endorsed in the required area
  - ✓ Hiring a person with a provisional certificate

2000-2006 Teacher Vacancy Comparison

Year	Survey Response Rate	Unfilled positions	# of Districts with unfilled positions	Greatest % of unfilled positions	Applicant quality	Applicant quantity	Shortage areas	
2000-01 for use in 01-02 school year	85.2%	115	68	Northeast Metro Panhandle	Worse 66% Same 25% Better 9%	Worse 87% Same 6% Better 7%	Special Education Sciences Foreign Languages Music Guidance Counselor* Math	Art Industrial Technology Agriculture Business Education ESL
2001-02 for use in 02-03 school year	93.2%	119	77	Northeast Central West Central	Worse 41% Same 49% Better 10%	Worse 80% Same 18% Better 2%	Special Education Foreign Languages Industrial Technology Music Business Education Math Guidance Counselor*	Sciences Speech Pathology Fam & Cons Science Agriculture English Media Specialist*
2002-03 for use in 03-04 school year	97.3%	76	52	Central Northeast West Central	Same 56% Worse 26% Better 18%	Worse 56% Same 37% Better 7%	Special Education Sciences Foreign Languages Guidance Counselor* English Industrial Technology	Music Math Fam & Cons Science Art Media Specialist*
2003-04 for use in 04-05 school year	89.6%	42	33	Central Southeast Northeast	Same 59% Better 22% Worse 19%	Same 47% Worse 39% Better 14%	Sciences Special Education Foreign Languages English	Math Speech Pathology Media Specialist* Guidance Counselor*
2004-05 for use in 05-06 school year	94.6%	66	38	Central Northeast Southeast	Same 61% Worse 21% Better 10%	Worse 46% Same 44% Better 10%	Sciences Special Education Foreign Languages English	Speech Pathology Industrial Technology
2005-06 for use in 06-07 school year	90.9%	57**	41	Southeast Panhandle Northeast	Same 61% Better 22% Worse 17%	Same 48% Worse 43% Better 9%	Foreign Language Special Education Music	Speech Pathology Sciences
2006-07 For use in 07-08 school year	94%	72	48	Northeast Central Panhandle/Southeast	Same 61% Worse 20% Better 19%	Same 43% Worse 47% Better 10%	Special Education Math Sciences English	Industrial Technology Foreign Languages Music Speech Pathology

*The USDOE does not consider these eligible for loan forgiveness consideration because they are not recognized as classroom teaching positions

11/07/07

2000-2006 Teacher Vacancy Comparison

**While NDE does not have supporting data, as the Transition to Teaching program has grown in number of participants, a significant number of individuals are entering the classroom with a transitional certificate, and school districts are able to fill vacant positions that otherwise could not be filled with a fully qualified teacher.

ATTRACTING EXCELLENCE SCHOLARSHIP ENDORSEMENTS 2006-07

Ninety-six Attracting Excellence Scholarships were awarded during the 2006-07 academic year. Of the 96 scholarships awarded, 61 scholarship recipients were preparing for an endorsement in a Nebraska teacher shortage area. Nebraska shortage areas are determined through an annual survey process conducted by the University of Nebraska under a contract from the Nebraska Department of Education.

It is common for Nebraska teacher preparation candidates to complete more than one endorsement during their preparation program (i.e. a candidate may complete a program with a Mild Moderate Special Education endorsement and an Elementary Education endorsement). The following chart looks at the total of all endorsements indicated by the 96 scholarship applicants. The total number of endorsements represented on the chart equals 142. Bolded endorsement areas were identified as shortage areas on the *2006-07 Teacher Vacancy Survey.*

Endorsement Area	Total Number	% of Total (Rounded)
Elementary Education	42	30%
Special Education	**27**	**19%**
Early Childhood Education	10	7%
Music	**9**	**6%**
World Language-Spanish	**8**	**6%**
Middle Grades	8	6%
Science	**7**	**5%**
Language Arts	**6**	**4%**
Coaching (Supplemental Endorsement)*	5	3%
Social Science	5	3%
Business Education	4	3%
Mathematics	**4**	**3%**
English as Second Language (Supplemental Endorsement)*	4	3%
Speech Pathology	**1**	**1%**
Physical Education	1	1%
Religious Education	1	1%
TOTAL endorsements represented by 96 scholarship awards:	142	

*Supplemental Endorsements can only be added when a subject or field endorsement is also present on the certificate.

PUBLIC COMMENT TESTIMONY
SPECIAL EDUCATION TASK FORCE
DECEMBER 18, 2007

My name in Dr. Marge Harouff. I am the Administrator for the Adult Program Services team in the Nebraska Department of Education. My responsibilities include Teacher Education Program Approval, Teacher Certification oversight, and participation in the processes that implement the Highly Qualified Teacher provisions in the No Child Left Behind federal legislation, among other things.

I am here today to comment on the proposed recommendations concerning the Supply of Special Education Teachers and Speech Pathologists.

I want to express my appreciation for the interest generated by this task force in the issues surrounding ways to effectively meet the needs of students with disabilities in our schools, especially those services provided by high quality special education teachers. I also appreciate the opportunities provided by the Attracting Excellence to Teaching Program Act (AETP) that encourages teacher education candidates to prepare to teach in shortage areas and sparsely Nebraska populated school districts following graduation.

I am, however, concerned about the proposal to limit the AETP to only those candidates who are pursuing an endorsement in Special Education. The purposes identified in that act are to:

- Attract outstanding students to the teacher education programs of Nebraska's postsecondary educational institutions;
- Retain resident students and graduates as teachers in the accredited or approved public and private schools of Nebraska; and
- Establish a loan contract that requires a borrower to obtain employment as a teacher in this state after graduation.

In the first year of operation, 96 scholarships were granted and 26 were to teacher candidates who are completing a special education endorsement. Many of those candidates were also completing an elementary education endorsement which is a very good combination and improves their chances for employment.

1. The proposal to limit future scholarships to candidates pursuing special education endorsements ignores the reality that we have other shortage areas besides special education. We also have significant shortages in foreign language, music, mathematics and language arts.

We do not have a shortage of special education teachers in Nebraska. There are 10,189 special education endorsements on current teaching certificates in the state. Of these, 1172 are Speech Language Pathology endorsements. Many of these special education endorsements are on certificates with other endorsements. It would be difficult (and time consuming) to clearly identify which

of these certificate holders are actually teaching and what they are teaching. However, there is a great probability that many of them are teaching.

It is logical to assume that we have an adequate supply of special education teachers and speech language pathologists. It is also apparent that many of those who hold these endorsements are teaching something else or somewhere other than in the schools of Nebraska. It is probable that our special education shortage is not a supply issue, but is an employment issue based on work conditions, salary, and benefits. We know from hearings held by HHSS last year when the certification of Speech Language Pathologists was being discussed, that many of the SLPs choose to work in the private sector for the reasons already cited. I suspect that may also be true for special education teachers.

The federal No Child Left Behind (NCLB) is also creating a dilemma for special education teachers. NCLB requires that special education teachers who are responsible for delivering instruction and assessing the progress of students with disabilities must also be proficient in each of the content areas that they are teaching to the students. As a result, elementary special education teachers need to demonstrate proficiency in all content areas of the elementary curriculum and secondary special education teachers need to demonstrate proficiency in all of the subject areas that they teach to secondary students with disabilities.

As a result of these requirements, we have instituted a provisional special education endorsement that encourages existing regular education teachers to become qualified to teach students with disabilities while they are teaching and completing the coursework necessary for a regular special education endorsement. There are currently 49 teachers who are working on a special education endorsement while they are teaching. This will increase the supply of fully qualified special education teachers.

All of these reasons are the basis for my hope that you will leave the Attracting Excellence to Teaching program intact. Special Education is a crucial program area, but it is not the only area in which we need to attract quality candidates to the teaching profession.

2. Sponsorship of a teacher recruitment camp is the second recommendation under the Supply category. The Nebraska Department of Education sponsored a Teacher World camp for five years from 2000 through 2005. Funding was provided as part of a Teacher Quality competitive grant from the U.S. Department of Education. During that time, approximately 175 high school students (primarily sophomores and juniors) participated in a five day experience at Wayne State College. The purpose of the camps was to recruit young people to the teaching profession, with special efforts to increase the diversity of the profession. Each year's camp cost approximately $55,000 to conduct.

A follow-up was conducted by the Teacher World Coordinator in 2002. He surveyed 54 of the participants from the first three camps. These participants were the ones who had graduated from high school. Of the 54 participants, 30 (56%) responded to the survey. Survey data indicated that 23 of the 30 (77%) were enrolled in college and five (5) more (17%) were planning to enroll. Four (4) were currently enrolled in a teacher education program and 17 indicated that they intended to enroll. Due to a lack of continuation funding, no subsequent follow-up data has been collected.

If a teacher recruitment camp is to be reinstated, it should focus on high school sophomores and/or juniors and should be funded with state funds. Another alternative would be to support a statewide Future Teachers Association (FTA) that could provide quality experiences for more students and could focus on shortage areas.

3. A statewide FTA could also conduct a recruitment program with involvement from all 17 teacher education programs. A proposal has been presented to NDE for a statewide FTA and the budget (excluding an advertising campaign) is approximately $55,000 and could involve many more students at both the high school and college levels. NDE does not have the resources to support this proposal, but state funding could do so.

In closing, I appreciate the task force's efforts to strengthen special education programs. I have focused my comments on the Teacher Quality issues because that is my expertise. I would be happy to answer any questions related to this topic.

Dr. Marge Harouff, Administrator
Nebraska Department of Education
402-471-4800
marge.harouff@nde.ne.gov

NEBRASKA DEPARTMENT OF EDUCATION

Douglas D. Christensen, Commissioner
Polly Feis, Deputy Commissioner

301 Centennial Mall South ▪ P.O. Box 94987 ▪ Lincoln, Nebraska 68509-4987
Telephone (Voice/TDD): 402-471-2295 ▪ Fax: 402-471-0117 ▪ www.nde.state.ne.us

December 14, 2007

To: Senator Raikes, Chairman
Education Committee

From: Douglas D. Christensen, Commissioner of Education

Re: Report for Rule 25, (92 NAC 25), Regulations Governing the Attracting Excellence to Teaching Program (AETP)

The following Attracting Excellence to Teaching Program (AETP) report is provided pursuant to 79-8,139(1). A preliminary report was submitted to Education Committee Legislative staff in November, 2007. The AETP program was implemented in the 2006-07 academic year when the Nebraska Department of Education (NDE) received $250,000 of funds in the fall of 2006 to begin the AETP program. An additional $500,000 has been made available for distribution for the 2007-08 academic year.

Rule 25, 008.02A1 Information on an institution-by-institution basis from the institutional reports.
Rule 25, 008.02A2 The status of the borrowers.
Rule 25 provides for eligible institutions to receive funds in accordance with a formula for distribution. The formula is based on a percentage of eligible individual institutional completer data reported to NDE annually as compared to the total teacher education completer data for all eligible institutions. According to the Rule 25 formula (Section 005), 100 scholarships ($2,500 each) were divided among seventeen (17) Institutions of Higher Education (IHEs). For the 2007-08 year 200 scholarships are available for distribution through the 17 institutions. Attachment A provides information on the number of scholarships available to the 17 Nebraska higher education institutions for the 2006-07 and 2007-08 academic years.

NDE produced and distributed applications and contracts to be completed by scholarship applicants, teacher education chairs, and financial aid representatives. As required by Rule 25, institutions select the scholarship recipients according to eligibility requirements with priority selection given to teacher shortage areas as identified in the annual Teacher Shortage Survey conducted by the University of Nebraska under a contract with the Nebraska Department of Education. Based upon submitted applications and contracts, NDE granted approval for the recipients selected by each institution and generated payment for a total of 96 scholarships in 2006-07. The approval process for 2007-08 scholarship applications and contracts is still in process with completion expected mid-January, 2008.

In October, 2007 IHEs submitted a status report for each 2006-07 recipient. Information provided by the IHEs included a status update on the 2006-07 ATEP recipients (continuing in teacher preparation program, graduated, employment information, and updated contact information). Information provided by the IHEs and additional information obtained from NDE data systems document that 42 of the 96 2006-07 recipients are eligible for loan forgiveness or

State Board of Education

Meyer lent ct 6 lighway 281 il, NE 68873	Kandy Imes Vice President District 7 1850 20th Street Gering, NE 69341	Robert Evnen District 1 301 South 13th Street Suite 500 Lincoln, NE 68508	Ann Mactier District 2 3811 North Post Road Omaha, NE 68112	Jim Scheer District 3 P.O. Box 16 Norfolk, NE 68702	Carole Woods Harris District 4 5404 Ellison Avenue Omaha, NE 68104	Patricia H. Timm District 5 1020 North 21st Street Beatrice, NE 68310	Joe Higgins District 8 5067 South 107th Street Omaha, NE 68127

an equal opportunity agency

repayment. Specifically, 32 recipients are teaching and eligible for forgiveness, one recipient has completed repayment, one recipient has nearly completed repayment, one recipient did not complete a teacher preparation program (dropped out) and will enter repayment status, and eight recipients graduated but are not employed as teachers in Nebraska and will enter repayment status. NDE is in process of contacting those individuals who are responsible for repayment of loans. More detailed information about each recipient is provided in Attachment B. More specific information about the endorsement areas of the recipients and the relationship of those endorsements to Nebraska's teacher shortage areas is provided in Attachment C.

Rule 25, 008.02A3 Financial statement of the program.
Rule 25, 008.02A4 A description of the activity of the Attracting Excellence to Teaching Program Cash Fund.
Attached to this report are the financial reports for the 2006-07 regarding the AETP.

Teacher education programs and teacher preparation candidates continue to report that the scholarships are a valuable resource for supporting individuals to become Nebraska teachers. If you have questions or would like additional information regarding the Attracting Excellence to Teaching Program please contact Sharon Katt, NDE Teacher Education Program Specialist, sharon.katt@nde.ne.gov 402.471.2405 or Marge Harouff, NDE Adult Program Services Administrator. marge.harouff@nde.ne.gov 402.271.4800.

Attachment A

ATTRACTING EXCELLENCE TO TEACHING
Scholarship Allocations
Based on data from the Higher Education Act Title II reports

Institution	Program Completers 2005	Scholarship Allocation* 2006-07	Scholarships Awarded 2006-07	Program Completers 2006	Scholarship Allocation* 2007-08	Scholarships Awarded 2007-08
Chadron State College	114	7	5	112	13	
College of St. Mary	44	2	2	31	3	
Concordia University	104	5	5	119	14	
Creighton University	50	2	2	50	6	
Dana College	27	2	2	34	4	
Doane College	45	2	2	88	11	
Grace University	20	1	1	15	2	
Hastings College	66	3	3	64	8	
Midland College	36	2	2	29	4	
NE Wesleyan University	59	3	3	35	4	
Peru State College	159	9	9	117	14	
Union College	27	2	1	29	4	
University of NE-Kearney	224	13	13	192	23	
University of NE-Lincoln	402	23	23	339	40	
University of NE-Omaha	227	13	13	268	32	
Wayne State College	146	9	8	135	16	
York College	30	2	2	19	2	
Totals	1780	100	96	1676	200	In process

*Based upon $2,500 per scholarship

12/07

Attachment B

Attracting Excellence to Teaching Program 2006-07 Recipients

Name	Year	Institution	Endorsements	Status	Teaching
	2006-07	Peru State	Physical Education	Graduated	Unknown
	2006-07	Wayne State	Special Education (Sped)	Continuing	
	2006-07	Doane College	Language Arts	Continuing	
	2006-07	UNL	Music	Continuing	
	2006-07	Peru State	Elementary Ed. (El. Ed), Early Childhood Ed (ECE)	Graduated	Millard
	2006-07	Chadron State	Music	Continuing	
	2006-07	UNK	Middle Grades, Eng. As 2nd Lang. (ESL), El.Ed	Continuing	
	2006-07	College of St. Mary	Elementary Education (El Ed)	Graduated	Millard
	2006-07	Doane College	El. Ed, Sped	Continuing	
	2006-07	UNO	Basic Business	Graduated	Substitute/OPS
	2006-07	UNK	El. Ed, Sped	Continuing	
	2006-07	UNL	Music	Continuing	
	2006-07	UNK	Spanish, ESL	Graduated	Lexington
	2006-07	Union College	El. Ed	Graduated	Unknown
	2006-07	UNK	Spanish	Continuing	
	2006-07	Creighton Univ.	Religion	Graduated	St. Vincent De Paul
	2006-07	Dana College	El. Ed, Sped	Continuing	
	2006-07	UNO	El. Ed, Sped	Graduated	Westside
	2006-07	Dana College	English, Spanish	Graduated	St. Peter Claver
	2006-07	UNO	Soc. Sci, Sped	Drop Out	
	2006-07	York College	El. Ed, Sped	Continuing	
	2006-07	UNK	Business Education, Coop	Graduated	Repayed
	2006-07	York College	El. Ed	Continuing*	St. Joseph
	2006-07	UNL	Sped	Continuing	
	2006-07	UNK	ESL, Language Arts	Continuing	
	2006-07	UNL	Spanish	Continuing	
	2006-07	Grace University	Middle Grades	Continuing	
	2006-07	UNL	El. Ed, Sped	Continuing	
	2006-07	UNK	Music	Graduated	Southwest
	2006-07	Wayne State	Math, Coaching	Continuing	
	2006-07	UNO	Sped	Continuing*	OPS
	2006-07	UNO	Biology, Earth Science	Graduated	Millard

2006-07	UNL	El. Ed, Sped	Continuing	
2006-07	Concordia Univ.	El. Ed, Early Childhood Ed (ECE)	Continuing	
2006-07	Concordia Univ.	El. Ed, Early Childhood Ed (ECE)	Continuing	
2006-07	UNL	Speech Language Pathology	Continuing	
2006-07	UNL	Natural Science	Continuing	
2006-07	Wayne State	El. Ed	Graduated	Unknown
2006-07	Peru State	Middle Grades	Graduated	OPS
2006-07	Midland College	English, Coaching	Graduated	Douglas Co. West
2006-07	Wesleyan Univ.	El. Ed, Sped	Graduated	LPS
2006-07	UNO	Biology, Natural Science	Graduated	OPS
2006-07	UNL	Natural Science	Continuing	
2006-07	UNO	Sped	Graduated	Elkhorn
2006-07	Concordia Univ.	El. Ed	Continuing	
2006-07	UNL	Music	Continuing	
2006-07	UNO	History, Sped	Continuing	
2006-07	UNL	El. Ed, Sped	Continuing	
2006-07	Wesleyan Univ.	El. Ed	Continuing	
2006-07	UNL	El. Ed, Sped	Continuing	
2006-07	UNL	El. Ed, Sped	Continuing	
2006-07	UNL	Natural Science	Graduated	LPS
2006-07	Creighton Univ.	El. Ed	Continuing	
2006-07	UNO	Spanish	Graduated	Arlington
2006-07	Peru State	El. Ed, Middle Grades, Vocal Music, Coaching	Graduated	In repayment
2006-07	Hastings College	Math	Continuing	
2006-07	Hastings College	El. Ed, Sped	Graduated	Grand Island
2006-07	Wayne State	Middle Grades	Continuing	
2006-07	Concordia Univ.	El. Ed, ECE	Graduated	East Butler
2006-07	UNO	English (Journalism)	Graduated	OPS
2006-07	UNK	El. Ed, Sped	Continuing	
2006-07	UNK	Sped	Continuing	
2006-07	Wayne State	Geography, History	Continuing	
2006-07	Peru State	El. Ed, ECE	Graduated	OPS
2006-07	College of St. Mary	El. Ed, Middle Grades	Continuing	
2006-07	UNK	Middle Grades	Continuing	
2006-07	UNO	El. Ed, Sped	Continuing	
2006-07	UNK	El. Ed, Sped	Graduated	North Platte
2006-07	UNO	Math, Sped	Graduated	Plattsmouth

2006-07	Wayne State	Music, Coaching	Continuing	
2006-07	UNL	Spanish	Continuing	
2006-07	Peru State	El. Ed, ECE	Continuing	
2006-07	Chadron State	El. Ed, ECE	Graduated	Out of State
2006-07	Concordia Univ.	El. Ed, ECE	Continuing	
2006-07	UNL	Music	Continuing	
2006-07	Wesleyan Univ.	Business Education	Continuing	
2006-07	UNK	Business Education, Coop	Graduated	Alma
2006-07	Midland College	El. Ed, Coaching	Continuing	
2006-07	UNL	Spanish	Continuing	
2006-07	UNO	Middle Grades	Graduated	Out of State
2006-07	Chadron State	El. Ed, Sped	Continuing	
2006-07	UNL	Physical Science	Graduated	LPS
2006-07	Wayne State	El. Ed, ECE	Continuing	
2006-07	UNL	Music	Continuing	
2006-07	Peru State	El. Ed, ECE	Graduated	Unknown
2006-07	Chadron State	El. Ed, ECE	Graduated	McPherson Co.
2006-07	Peru State	El. Ed	Continuing	
2006-07	Peru State	El. Ed	Graduated	Unknown
2006-07	UNL	Spanish	Continuing	
2006-07	Chadron State	El. Ed	Graduated	Minatare
2006-07	Wayne State	English	Continuing	
2006-07	UNK	El. Ed, Early Childhood Unified	Graduated	Grand Island
2006-07	UNL	Middle Grades, Sped	Graduated	Blessed Sacrament
2006-07	UNL	Sped, Coaching	Graduated	Millard
2006-07	Hastings College	Biology, Chemistry, Natural Science	Graduated	Elwood
2006-07	UNK	El. Ed, ESL	Continuing	

*Candidate holds a provisional commitment certificate (completed a baccalaureate but has not completed the teacher preparation program).

ATTACHMENT C

ATEP Scholarship Endorsement Summary (06-07)

The following chart shows the endorsements held by recipients of the scholarship. It reflects actual endorsements for those who have obtained teaching certificates and the intended endorsements for those who have not completed their teacher preparation program.

Bolded endorsements indicate that the content area was identified by the statewide teacher vacancy survey as a shortage area in 2005-06 and/or 2006-07.

Institution (N=# of Scholarships	Elem	**Sped**	ECE	**Music**	**FL**	MG	Sci	**LA**	Coach	Soc Sc	Bus	**Math**	ESL	**Spch Path**	PE	Rel
Chadron (5)	4	**1**	2													
Concordia (5)	5		4													
Creighton (2)	1															1
CSM (2)	2					1										
Dana (2)	1	**1**			**1**			**1**								
Doane (2)	1	**1**						**1**								
Grace (1)						1										
Hastings (3)	1	**1**					3					**1**				
Midland (2)	1							**1**	2							
Peru (9)	7		4	**1**		2			1						1	
Union (1)	1															
UNK (13)	6	**4**	1	**1**	**2**	2		**1**			2		4			
UNL (23)	5	**8**		**5**	**4**	1	4		1					**1**		
UNO (13)	2	**7**			**1**	1	4	**1**		2	1	**1**				
Wayne (8)	2	**1**	1	**1**		1		**1**	2	2		**1**				
Wesleyan (3)	2	**1**									1					
York (2)	2	**1**														
Total: 96 Scholarships 148 Endorsements*	43	**26**	12	**9**	**8**	9	11	**6**	6	4	4	**3**	4	**1**	1	1

*It is common for Nebraska teacher preparation graduates to hold more than one endorsement. A typical combination, for example, is Elementary Education and Special Education.

12.12.07

Degrees
B Bachelor
M Master
S Specialist
D Doctorate

***Field Endorsement**
(G) Graduate

	Highest Degree Granted	Accredited By			Administration & Supervision			Career & Technical Education													Fine Arts				
		NCATE	North Central Association	State	Curriculum Supervisor (G)*	Principal (G)*	Superintendent (G)*	Agricultural Education*	Basic Business	Business Education*	Computer Science	Coop Ed-Diversified Occ	Family & Consumer Sciences (FCS)*	FCS Related Occupations	Health Occupations	Horticulture Education	Industrial Technology Education*	Marketing Education*	Trade & Industrial Education*	Vocational Special Needs	Art*	General Art	Instrumental Music	Music*	Vocal Music
Chadron State College	S	X	X	X		3,6	0,7		6	6	6		6	6			6,9		8	6	7			7	3
College of St. Mary	B		X	X							6										7				
Concordia University	M	X	X	X		0,3,6,7			6,9	6	6			6			6				7,9		3,6	7,9	3,6
Creighton University	M	X	X	X		3,6					6										7				
Dana College	B	X	X	X					6												7		7	7	7
Doane College	M	X	X	X		3,6,7,9			6		6										7			7	
Grace University	B			X					6														3,6	6	3,6
Hastings College	M	X	X	X					6		6										7	3	3,6,7	7	3,6,7
Midland Lutheran College	B		X	X					6												7			7	
NE Wesleyan University	B	X	X	X					6		6										7	3	3,6	7	3,6
Peru State College	M	X	X	X					6		6										7			7	3
Union College	B	X	X	X					6		6										7	3	3,6	7	3,6
University of NE-Kearney	S	X	X	X	7	3,6,7	7		6	6		6						6		6	7			7	
University of NE-Lincoln	D	X	X	X	0,7	0,3,6,9	0,7	6,9		6	6	6	6,9	6			6,9		8	6	6,9	3		7	
University of NE-Omaha	D	X	X	X	7	3,6	0,7		6												7			7	
Wayne State College	S	X	X	X		0,3,6,7	0,7		6	6	6	6	6	6			6		8		7	3	3,6	7	3,6
York College	B		X	X					6												7	3			7

Key to Level of Program Approval

0. Pre-School
1. Pre-Primary-3
2. K-6 Class II Districts
   K-8 Class I Districts
3. K-8 All Districts
4. 7-9 All Districts
5. K-9 All Districts
6. 7-12 All Districts
7. K-12 All Districts
8. 10-12 All Districts
9. 4-9 All Districts

Degrees
B Bachelor
M Master
S Specialist
D Doctorate

***Field Endorsement**
(G) Graduate

	Grade Levels				Health & Physical Education					Language Arts									Math	Other					
	Early Childhood Education	Early Childhood Education Unified*	Elementary Education*	Middle Grades*	Adapted Physical Education	Coaching	Health	Health & Physical Education*	Physical Education	English	Foreign Language	Journalism & Mass Communication	Language Arts*	Reading & Writing	Reading Specialist (G)	Speech	Speech & Theatre*	Theatre	Mathematics*	Driver Education	Library Media Specialist*	ESL--Undergraduate	ESL--Beyond Baccalaureate	High Ability Education	Religious Education
Chadron State College	1	1	3	9	0,7	6	6	7	3,6,9	6,9	6		6		7	6	6	6	6,9	6	7				
College of St. Mary	1		3	9						6			6	6					6						
Concordia University	1		3	9		6	6	7,9	6	6	6,9		6,9		3,6,7		6		6,9			7	7		6
Creighton University			3							6	6	6	6			6		6	6			7	7		7
Dana College			3			6			7	6	6								6						
Doane College	1		3	9		6			7	6	6		6			6		6	6			7			
Grace University (Pending Approval)			3	9		6				6												7			7
Hastings College	1		3			6			3,6,7	6	6	6	6			6		6	6			7	7		
Midland Lutheran College	1		3			6			3,6	6								6	6						
NE Wesleyan University			3	9		6		7	3,6	6	3,6,7		6			6		6	6						
Peru State College	1		3	9		6			3,6	6			6						6	6					
Union College			3						6	6			6						6						6
University of NE-Kearney	1	1	3	9	0,7	6	6	7	3,6	6	6	6	6		3,6,7	6		6	6	6	7	7	7	7	
University of NE-Lincoln	1	1	3	9		6	6	7	3,6	6	6	6	6,9	6	0,7	6	6	6	6,9			7	7	7	
University of NE-Omaha	1		3	9	0,7	6	6		3,6	6	6	6	6		0,7	6	6		6		7	7	7		
Wayne State College	1		3			6		7	3,6	6	6	6	6			6		6	6	6		7	7	7	
York College			3	9		6			7	6				6			6		6						7

Key to Level of Program Approval

0. Pre-School
1. Pre-Primary-3
2. K-6 Class II Districts
8 Class I Districts
3. K-8 All Districts
4. 7-9 All Districts
5. K-9 All Districts
6. 7-12 All Districts
7. K-12 All Districts
8. 10-12 All Districts
9. 4-9 All Districts

Degrees
B Bachelor
M Master
S Specialist
D Doctorate

***Field Endorsement**
(G) Graduate

	Science						Social Sciences								Special Education								Student Services							Voc Trades		
	Biology	Chemistry	Earth Science	Natural Science*	Physical Science*	Physics	Anthropology	Economics	Geography	History	Political Science	Psychology	Social Science*	Sociology	Behaviorally Disordered	Early Childhood Special Education	Hearing Impaired	Learning Disabilities	Mild/Moderate Disabilities*	Preschool Disabilities	Severe/Multiple Disabilities*	Visual Impairment	Educational Audiologist	School Guidance Counselor*	School Nurse	School Psychologist	School Transition Specialist	Speech Language Pathologist	Speech Language Technician	Coaching	Other Trade & Industrial Areas	ROTC
Chadron State College	6	6	6	6	6	6		6		6			6,9	6					7	0				3,6								
College of St. Mary	6	6		6									6						5,6													
Concordia University	6	6		6,9	6	6			6	6,9			6,9						5													
Creighton University	6	6		6		6				6	6	6	6	6					3, 6					3,6								
Dana College	6	6								6			6						7													
Doane College	6	6		6	6	6				6	6		6						7													
Grace University (Pending Approval)													6																			
Hastings College	6	6		6	6	6				6		6	6						3,6,7													
Midland Lutheran College	6	6	6	6	6					6			6																			
NE Wesleyan University	6	6		6	6	6		6		6	6	6	6						3													
Peru State College	6	6		6	6					6				6					5,6	0												
Union College	6	6				6				6			6																			
University of NE-Kearney	6	6			6			6	6	6	6	6	6	6	0,7			0,7	3,6	1				3,6		0,7		0,7				
University of NE-Lincoln	6	6	6	6,9	6	6		6	6	6	6		6,9		0,7	1	0,7	0,3,6,7	5,6	0	0,7	0,7		3,6		0,7	6	0,7				
University of NE-Omaha	6	6	6	6	6	6			6	6	6		6		0,7		5,6,7	0,7	5,6,7					3,6		0,7		0,7				
Wayne State College	6	6		6	6				6	6	6	6	6	6					7					3,6								
York College	6			6	6					6									7											6		

Key to Level of Program Approval

0. Pre-School
1. Pre-Primary-3
2. K-6 Class II Districts
   K-8 Class I Districts
3. K-8 All Districts
4. 7-9 All Districts
5. K-9 All Districts
6. 7-12 All Districts
7. K-12 All Districts
8. 10-12 All Districts
9. 4-9 All Districts

Special Education Cases

DATE FILED	SCHOOL DISTRICT	DESCRIPTION	DISPOSITION
2/23/2001	Lincoln Public Schools	Evaluation	Decided (Respondent)
4/17/2001	Omaha Public Schools	Placement	Dismissed without Prejudice (Petitioner moved)
2/8/2002	Winnebago Public Schools	Placement	Withdrawn/Dismissed
3/5/2002	Millard School District	IEP	Withdrawn/Dismissed without Prejudice
1/8/2003	Omaha Public Schools	Placement	Dismissed without Prejudice (Petitioner motion)
7/18/2003	Omaha Public Schools	FAPE	Decided (Petitioner)
5/19/2004	Omaha Public Schools	Termination of Special Education	Dismissed without Prejudice (Joint Motion)
9/16/2004	Wayne Public Schools	FAPE/Placement	Dismissed (Settlement Stipulation)
11/24/2004	Fort Calhoun Public Schools	FAPE	Dismissed without Prejudice (Settlement Stipulation)
11/24/2004	Schuyler Public Schools	IEE	Dismissed (Settlement Stipulation)
7/7/2005	Blair Public Schools	FBA/BIP	Dismissed without Prejudice (Settlement Stipulation)
2/11/2005	Omaha Public Schools	Appeal of Manifestation Determination	Dismissed (Plaintiff's Motion)
4/13/2005	Elkhorn Public Schools	FAPE	Decided (Respondent), Appeal to U.S. District Court
7/13/2005	Bennington Public Schools	Unilateral Placement/FAPE	Decided (Respondent)
7/28/2005	Ogallala Public Schools	IEP, IEE, ESY, LRE, FAPE	Decided (Respondent)
9/29/2005	Papillion LaVista Public Schools	FAPE	Dismissed (Joint Stipulation)
2/12/2006	Omaha Public Schools	Placement	Decided (Respondent)
6/22/2007	Omaha Public Schools	Placement	Pending

SPECIAL EDUCATION MEDIATION ACTIVITIES
July 1, 2003 – June 30, 2004

***OUTCOME means: resolved prior, full agreement, partial agreement, withdrawn by parent, withdrawn by school, parent refused, school refused, pending, other (such as facilitated successfully, etc.).**

Date/ Case #	Referral Source	Issue	Outcome*	Child's Age	Gender	Disability	# Days Open	# Hours Mediated	# Hours Open/Not Mediated
Scottsbluff									
10-08-03 04-040	School Administrator	Continual Parent/Staff conflict-communication	Met—Partial Agreement	11	M	Mentally Handicapped—Mild to Moderate	1	6.75	
01-06-04 04-078	Private Counselor/ Therapist	Placement questions	Resolved Prior	Unknown No family contact	F	Unknown	14		1.75
02-03-04 04-089	HHS Caseworker	Communication between school staff and family	Met—Facilitated	16	M	Behavioral Disability	5	3	
Kearney									
2404001	SpEd Adm.	IEP	Withdrawn by parent	12	M	OHI—Mental Illness	9		4
2404002	Parent	Communication	Withdrawn by parent	18	F	Developmental Disabilities	43		.75
2404003	HHS & School	Communication	Parent refused	11	M	SLD & ADHD	53		1.25
2404004	PTI	Services Coordination	No follow through	13	M	FAS	60		2
2404005	Parent	Communication	Full Agreement	14	F	SLD	27	6	
2404006	School Adm.	IEP	Parent refused	21	F	MI	16		2
Walthill									
No Activity									
Beatrice									
2-27-04 03-02-210	Health & Human Services	Relationship with staff	School declined	7	M	Other Health Impaired	15		2

4-19-04 3-04-0236	Department of Education	Evaluation	School declined	5	M	Mentally Impaired	22		3.5
2-4-04 03-02-0197	Health & Human Services	Communication	Full Agreement	14	F	Severely Multi Disability Cerebral Palsey	104	5	
Lincoln									
No Activity									
Omaha									
5-25-04 SPED03 May 0360	Parent (previously participated in Sped mediation)	Appropriate services for child	Not appropriate for mediation at this time	14	F	Speech and language	7		1.5
5-20-04 SPED 04 Jun 0635	School Administration	To clarify parent's concerns	Brief meeting facilitated (no mediation) to plan meeting in August	13	M	Mentally disabled, developmental coordination, ADD	12	2	2.5
1-10-04 SPED 04 Jan 0553	School Administration	Parents requesting school district to pay for private education	Resolved Prior	21 months	F	Hearing Disability	28		4
5-5-04 SPED 04 May 0625	Public School	Identify placement options, behavioral criteria, returning to middle school	Mediation scheduled for Aug. 26 (initially declined by guardian/ grandmother)	15	M	Behavioral disorder	3 months	Scheduled	6

SPECIAL EDUCATION MEDIATION ACTIVITIES
July 1, 2004 – June 30, 2005

***OUTCOME means: resolved prior, full agreement, partial agreement, withdrawn by parent, withdrawn by school, parent refused, school refused, pending, other (such as facilitated successfully, etc.).**

Date/ Case #	Referral Source	Issue	Outcome*	Child's Age	Gender	Disability	# Days Open	# Hours Mediated	# Hours Open/Not Mediated
Scottsbluff									
12/08/04 05-055	School	Eligibility	Full Agreement	11	M	Behavior/ Speech	104	3	
01/13/05 05-070	Therapist	Eligibility	Full Agreement	17	M	Behavior	40	5	
06/13/05	Parent	Services	Pending	12	M	Down's Syndrome			
Kearney									
7-15-04 2405001	Parent - CMC Web Page	Relationship	Withdrawn by parent	13	M	Hearing Impairment	45		1 hour did not bill
12-10-04 2405002	Parent	Identification	Full Agreement	6	F	Not verified	48	3	
1-13-05 2405003	HHS (2 children)	Program/ Services	Parent moved	14 15	M M	BD OHI	15		2
3-30-05	HHS/ Region 3	Communication	Issues Not appropriate	18	M	OHI	3		1
4-26-05	School Administration	IEP	Parent Refused	15	F	MI/BD	6		1.5
5-4-05	School Administration	Communication	Full Agreement	17	M	SLD	11	3.5	
Walthill									
7/14/05 56040001	Mother of child	School/Child conflict. Teachers changing schedules and moving child to different classes without speaking to parents first	Full Agreement	16	Female	Dyslexia	48	7	
Beatrice									
5/12/05	Parent	Wanted child left in the Special Ed. Program	Agreement: Will try it first of school year then retest	12	Male	ADHD	5	2	120

Lincoln									
Opened: 6/14/05 #30050128	*Human Services Org.:* Region V* *TMC had sent info. to Region V personnel who passed it along to family.	Parents requesting longer meeting in order to discuss multiple concerns: Behavior Plan, Grade Level Expectations/Progress/Goals, Communication	Pending at end of reporting period.		Female	ADHD, FAA, Severe anxiety disorder, Bi-polar, Reactive detachment disorder	16	NA	At close of reporting period, 2.75 hours worked.
Omaha									
04 May 0625	SpEd Admin	Work on IEP, clarify issues & concerns	Withdrawn by parent	14 yrs	Male	Behavior Disorder	121	0	3.5 hrs case management
04 Dec 0907	Govern ment Agency	Evaluation of academic child's needs	Resolved Prior during staff / parent meeting	9 yrs	Female	ADD	44	0	1.25 case management
05 May 1093	School Admin	Appropriate school placement	Met, no agreement reached	14 yrs	Male	Hydrocephalic	4	1.5	4.5 hrs case management
05 May 1106	School Admin	Plan for summer program and plan for 2005-2006 school year	Met, no agreement reached	17 yrs	Female	ADHD Bipolar	14	2.5	7.25 hrs case management
05 May 1107	Attorney for parents	Program offered for child's disability	Met, no agreement reached	8 yrs	Male	Autistic	15	2	6 hrs case management
05 May 1108	Unknown	To discuss amount of time in school and behavioral matters	Withdrawn by parent	17 yrs	Female	ADHD, Mental Retardation	43	0	5.75 hrs case management

SPECIAL EDUCATION MEDIATION ACTIVITIES
July 1, 2005 – June 30, 2006

***OUTCOME means: resolved prior, full agreement, partial agreement, withdrawn by parent, withdrawn by school, parent refused, school refused, pending, other (such as facilitated successfully, etc.).**

Date/ Case #	Referral Source	Issue	Outcome*	Child's Age	Gender	Disability	# Days Open	# Hours Mediated	# Hours Open/Not Mediated
Scottsbluff									
05-108 SB	Parent Self-Referred	Summer School Quality of Education	Mediated No Agreement Due Process Hearing Filed,	12	Male	Down's Syndrome	64	3	16.10
Kearney									
K 07-18-05 2406001	SpEd Adm.	Student not attending	Full Agreement	16	M	SLD	71	4	
K 09-13-05 2406002	NDHHSS	IEP	Parent Withdrew	12	M	Mental Illness	24		1
K 10-19-05 2406003	Parent-Internet	IEP	Parent Withdrew	3	M	Autism	23		1
K 10-20-05 2406004	Parent – PEP Presentation	Facilities	Resolved Prior	6	F	OHI- Medical	60		2
Walthill									
W 9-23-05	Mediator	unknown	School refused to mediate	Unknown	M	Unknown	14	0	Not mediated
W 4-5-06	School staff	Due process/IEP	Mediated agreement	Unknown	F	Unknown	46	2.75	
W 4-20-06	School staff	Due process /IEP	School's attorney declined mediation	Unknown	F	Unknown	91	0	Not mediated

Beatrice									
B		Asberger's	Pending – parent retreated from agreement	B		Asberger's	Pending – parent retreated from agreement	B	
Lincoln									
No Activity									
Omaha									
O 1/5/2006 05 Dec 1388	School Administration	Update IEP after Academic and Behavioral testing; appropriate school	Reached agreement	13 yrs	M		15	2	8 hrs case manage ment time
O 9/20/05 05 Sep 1240	Unknown	Parents want school to provide an Interpreter on the van	Not appropriate for mediation at this time.	5	F	Ideopathic Hipotoma	8	0	2
O 04/20/06 06Apr 1516	School Administration	IEP's not satisfactory to parent, refused to sign	Parties gathered for mediation but mom refused to sign Consent to Mediate form so session was terminated	10	M	Expressive Language disability (receiving/receptive)	17	.5	6.5
0O4/10/06 06 Mar 1485	School Administration, Dept of ED	Parents would like school district to provide salary, benefits & technology to parochial school	Partial verbal agreement reached	9 9	M F	Orthopedic ally Impaired /Cerebral Palsy	27	1.5	6.5
O 7/6/06 05 May 1108	School Administration	School evaluation	Resolved prior to scheduling-student moved to a facility out of town	18 yrs	Female	Oppositional defiant disorder, mild retardation, Borderline Personality Disorder	43	0	5.75

Issues Brought Forth in State Complaints per ESU per Reporting Year

State Complaint Summary
for
03-04; 04-05; 05-06; and 06-07 FYs

Total Number of State Complaints Filed for All Reporting Years:
38

Number of State Complaints Filed per Reporting Year:
10 (03-04)
10 (04-05)
13 (05-06)
5 (06-07)

State Complaints Filed per ESU per Reporting Year

ESU	03-04	04-05	05-06	06-07	Total
1	1	0	3	0	4
2	0	0	1	0	1
3	0	5	2	2	9
4	0	0	2	0	2
5	0	0	0	0	0
6	0	0	1	0	1
7	0	0	1	0	1
8	0	0	0	0	0
9	0	0	0	0	0
10	0	1	0	0	1
11	0	1	0	0	1
13	1	2	1	1 (Pending)	5
15	0	1	0	0	1
16	1	0	2	0	3
17	0	0	0	0	0
18	1	0	0	0	1
19	6	0	0	2	8
Total	10	10	13	5	38

Issues Brought Forth in State Complaints per ESU per Reporting Year

Total Number of Issues Brought Forth for all Reporting Years
99

Number of Issues Brought Forth per Reporting Year
30 (03-04)
33 (04-05)
30 (05-06)
6 (06-07)

Issues Brought Forth During all Reporting Years

Note: The number beside an issue indicates how many times that issue was brought forth in a State Complaint. If there is no number beside the issue, it was brought forth only once.

IEP	Discipline	Procedural Safeguards	MDT/Evaluations
Implementation of IEP (12)	Provide Services to Student After 10th Day of Suspension	Provide Change of Placement Notification to Parents (8)	Failure to Respond to Evaluation Request
District Rep in Attendance at IEP Mtg (2)	Conducting FBA	Provide Notification of IEP Mtg to Parents (3)	Child Find
Transition Services (3)	Implementing BIP (4)	Afford Parents' Right to Review Records	MDT Eval Conducted
Review IEP Annually	Manifestation Determination Review	Provide Copy of Procedural Safeguards to Parents (2)	Provide Copy of MDT Report
Providing Supplementary Aides/Services		Provide Notice of Refusal (2)	Conduct Comprehensive Eval (3)
Providing Progress Reports (7)		Making FAPE Available to Student (2)	Consider Results of IEE (2)
Providing Copy of IEP to Parents (2)		Informing Parents of Low Cost Legal Help	
Provide Modifications/Accommodations (3)		Provide Parents Copy of Educational Record	
Regular Ed Teacher in Attendance at IEP Mtg (3)		Protecting Personally Identifiable Information (2)	
Documentation of Child Invited to IEP Mtg			
Annual Goals Contained in IEP (2)			
Convene Mtg to Amend IEP		Part C	Non Public Schools
Conduct IEP Mtg w/i 30 days of Verification		Implement IFSP	Transportation of Non Public School Student
Providing Related Services			
Inviting a Rep from Another Agency			
Training of Paras			
Parental Participation in IEP		LRE	Personnel
Regular Ed Teacher Aware of IEP and Contents (2)		Place Student in LRE	Employ Properly Certified Personnel
Consider Concerns of Parents (2)			
Why child will take Alternate Assessment			

Issues Brought Forth in State Complaints per ESU per Reporting Year

ESU	03-04	04-05	05-06	06-07
1	**IEP** Implementation **District** Rep in Attendance at IEP **Transition** Services **Review** IEP Annually **Providing** Supplementary Aides/Services **Providing** Progress Reports **Providing** Copy of IEP to Parents	None	**Implement** IEP (3) **Provide** Progress Reports (2) **Provide** Copy of IEP to Parents **Review** IEP w/i 1 Year	None
2	None	None	**Disclosing** Personally Identifiable Info w/o Parent Consent **Provide** Copy of IEP to Parents **Invite** Rep from Other Agency **Implement** IEP	None
3	None	**MDT** Conducted **Provide** Change of Placement Notification (4) **Afford** Parents Right to View Records **Provide** Parent Copy of MDT Report **Provide** Services to Student after 10th Day of Suspension **Transportation** of Non Public Student **Conduct** IEP Mtg to Amend **Provide** Procedural Safeguards Notice **Conduct** Comprehensive Eval **Consider** results of IEE **Provide** Notice Of Refusal **District** Rep in Attendance at IEP Mtg **Making** FAPE Available **Inform** Parents of Low Cost Legal Resources **Provide** Copy of Educational Records **Provide** Progress Reports **Writing** Measurable Goals **Conduct** IEP w/i 30 Days of Verification **Provide** Transition Services **Regular** Education Teacher in Attendance at IEP Mtg	**Implement** IEP (2) **Training** of Paras	**Implement** BIP **Implement** IEP
4	None	None	**Implement** IEP **Provide** Change of Placement Notification **Provide** Progress Reports **Provide** Procedural Safeguards Notice	None

Issues Brought Forth in State Complaints per ESU per Reporting Year

5	None	None	**Implement** IEP **Consider** results of IEE **Conduct** Comprehensive Eval	None
6	None	None	**Parent** Participation in IEP **Conduct** MDT **Regular** Education Teacher Aware of IEP	None
7	None	None	None	None
8	None	None	None	None
9	None	None	None	None
10	None	Provide FAPE	None	None
11	None	**Provide** Written Notice of refusal **Provide** Related Services **Assessing** Student in All Areas	None	None
13	**Implementing** IEP **Developing** Behavior Plan **Transition** Activities **Providing** Accomodations/Modifications **Provided** Change of Placement Notification	**Conducting** FBA **Implementing** BIP **Disclosing** Personally Identifiable Info w/o Parent Consent	**Implement** BIP	Prior Written Notice of IEP Mtg **Consider** Concerns of Parents
15	None	**Implement** IEP **Place** Student In LRE	None	None
16	**Notification** Of IEP Mtg **Regular** Education Teacher In Attendance at IEP Mtg **Providing** Progress Reports **Providing** Transition Services	None	**Consider** Concerns of Parents **Regular** Education Teacher Aware of IEP **Why** child will take Alternate Assessment **Provide** FAPE	None
17	None	None	None	None
18		None	None	None
19	**Providing** Prior Written Notice for Change of Placement **Transition** Goals in IEP **Regular** Education Teacher In Attendance at IEP Mtg **Child** Find Implementing IEP **Providing** Prior Written Notice for Change of Placement **Documentation** of Student Invited to IEP Mtg **Consideration** of Annual Goals	None	None	**Incomplete** IEP **Provide** Related Services (Nursing)

Revision of Rule 51

Why Revise the Rule ?

- Regulations implementing IDEA 2004 were issued
- Provide additional clarity
- Resolve state issues

Requirements of IDEA 2004 Implementing Regulations

- Changes to the IEP meeting attendance requirements
- Provision of special education to students who transfer from one school to another
- Changes to the content of the parents' rights information
- Resolution meeting prior to due process

Provide Clarity

- Update the list of approvable endorsements for special education teachers
- Clarified what is included in a student's special education FTE

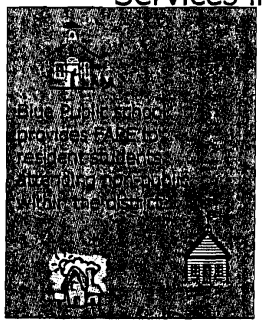
State Issues

- Removal of detailed criteria for identification of students with disabilities
- Resolve differences between state and federal requirements for provision of special education services to students attending non-public schools

Current Services In Nebraska

- Nebraska Statute requires school districts to provide all resident students a Free Appropriate Public Education (FAPE).
- Districts are required to provide FAPE to resident students whether they are attending a non-public school within the district or outside of the district.

Services in Nebraska

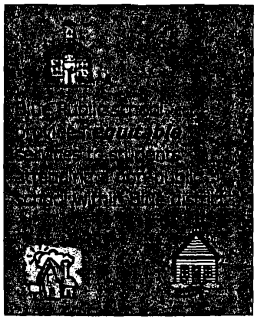


Blue Public School provides FAPE to students attending a non-public school in another district.

Services under the Reauthorized IDEA

- District ***where the non-public is located*** must:
  - Locate and identify students with disabilities
  - Count the number of students with disabilities and determine the proportionate share of federal funds to be spent providing services to non-public school students
  - Conduct a meeting with representatives of the non-public school to determine how the proportionate share will be used to provide services
  - Provide **equitable** services to non-public school students

Services under IDEA



Yellow Public school provides ***equitable*** services to students attending a non-public school within Yellow district

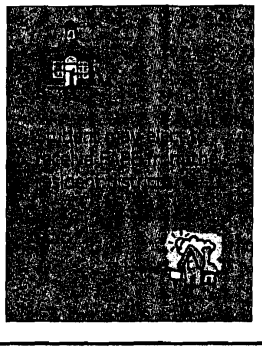
Putting the Two Systems Together

- **Nebraska Statute**
  - Where the student is a resident
  - FAPE
  - Does not limit the amount of funds a district is required to spend providing services to non-public school students.
- **Federal Statute**
  - Location of the non-public school the child is attending
  - Equitable Services
  - Once proportionate share is exhausted, district has fulfilled its responsibility

If a student is attending a Non-Public School outside of his/her resident district:

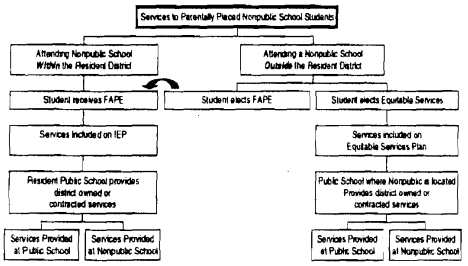
- May elect to receive equitable services from the public school district in which the non-public school is located (Federal law)
- May elect to receive FAPE from the public school district of which they are a resident (Nebraska law)

If a student resides in Blue district but attends a non-public school in the Yellow district – he/she has two choices:



Student may elect to receive equitable services from district where non-public is located

What does it Look Like?



This seems a little confusing! Can't we just stick with FAPE for All?

- It doesn't appear so –
  - Comments written in response to the IDEA regulations
    - ***The Act does not provide the Secretary with the authority to waive the parentally placed private school requirements for states that go beyond the proportionate share, including those states the provide an individual entitlement to FAPE. Thus all states must meet the requirements of the Act.***

Proportionate Share Calculation

Number of children with disabilities in the public school	300
Number of parentally placed non-public school children with disabilities in the district	20
Total number of children with disabilities in the district	320
Total federal flow-through funds to the district	$152,500
Total federal flow through funds divided by total number of children with disabilities in the district (320) equals the average allocation per child	$476.56
Average allocation per child multiplied by the number of parentally placed non-public school children with disabilities (20) equals the amount which must be expended on parentally placed non-public students with disabilities	$9531.20

For the Revision:

- Finance
- Category titles
- Incorporate the revised federal regulations for Infants and Toddlers (Part C of IDEA)

Testimony to Special Education Task Force
November 27, 2007
Lincoln, Nebraska

Chairperson Raikes and members of the Special Education Task force my name is Alexandra Dillon. I am a member of the Autism Spectrum of Kearney parent support group. Thank you for the time and effort you have spent as a member of this committee. I appreciate the work you are doing to see that parents and students who rely on special education programs are fairly and equitable served. Thank you for the opportunity to speak here today.

It is the phrase "fairly and equitably served," in the Statement of Intent from LB 316 that compels me to speak here today.

I am disturbed by the inconsistent experiences parents have described in obtaining and maintaining services for their child. Certainly every child has different needs; however the interpretation of Rule 51 and IDEA should remain the same. Through the Autism Society of Nebraska's new list serve parents throughout the state of Nebraska are now linked and sharing their successes and frustrations in their effort to educate their child in a safe, healthy environment. Parents across the state are expressing frustration over the lack of consistent, effective occupational therapy, and speech therapy, the shortage of trained paras and the general lack of knowledge regarding the fastest-growing developmental disability in the United States, Autism Spectrum Disorder. With one in 150 children diagnosed with autism, and one in 94 boys, wave after wave of children on the autism spectrum are coming crashing into the Nebraska education system and it appears to be ill prepared.

To keep families and schools from drowning it is essential that there be a dramatic change in how the special education department of every district communicates with parents. What is consistent among almost every parent I communicate with is that the experience of getting your child the support he needs in school is like navigating a maze in the dark with a pen light. Parents from other states are sharing positive examples of partnering relationships which stand in stark contrast to the reality they encounter with the Nebraska education system. My understanding is that one of the principles behind IDEA was to position parents as partners with educators. Partners are interested in building trust. They share critical information immediately, openly and honestly. They put barriers on the table for discussion and understanding. They may not always agree, but they always seek understanding of various positions. Consistent experiences for families across the state will depend on a commitment and driving value to create parent partnerships with every family with a special needs child. I have just learned that my district will be implementing a special education assessment tool as part of a compliance requirement from the Department of Education. I encourage an assessment tool be used to evaluate the effectiveness of communication between special education departments and parents.

Because of this committee's commitment to work toward the goal of having families and students fairly and equitably served I must express my concern over the revision to Rule 51. Specifically, the Technical Assistance (TA) Document. The revised Rule 51 **does not** require the use of the TA document. Representatives from the Department of Education assured our parent support group that all districts would be trained on the TA document and encouraged to use it. Absent of a law requiring use of the TA document parents have little faith it will be used as intended. The inconsistency of experiences across the state have demonstrated that even with IDEA and Rule 51 your child may not be treated fairly or equitably. Supporting the revised Rule 51 with the current OPTIONAL TA document is irresponsible and another step away from building a partnering relationship with parents.

Thank you.

There are other parents here from the Autism Spectrum of Kearney Support Gp would any of you like to comment

Alexandra Dillon
1202 W. 31st Street
Kearney, NE 68845
aldillon@charter.net

Testimony to Special Education Task Force
November 27, 2007
Lincoln, Nebraska

Thank you for the opportunity to speak to you today. My name is Susan Walton, I too am concerned by the current district to district inconsistencies and appalled that the services Nebraska children receive is based more on what district they live in than their unique needs. Equally disturbing is the proposed Rule 51 draft, which has the potential to further increase these inconsistencies. Essential language is being removed and being placed in a Technical Assistance (TA) document. This TA document has been painstakingly constructed and is a valuable tool, however, it is not required to be used or even referenced in Rule 51. Districts and parents turn to what Rule 51 says when problems arise. For districts that can barely provide adequate and appropriate services,using a TA document not referenced in Rule 51 is unlikely. Through the Autism Society of Nebraska (ASN) lists serve it is evident that throughout the state parents looking for a district that provides services is commonplace. I understand that Nebraska wants to align Rule 51 with IDEA 2004, but IDEA 2004 also recognizes parents as partners and aims to be family friendly. Inconsistent services and a TA document not supported by law are neither of those things.

While voicing concerns regarding Rule 51 individuals were repeatedly told not to worry, why wouldn't a district use the TA document? In a parent support group meeting the same department representatives acknowledged the district to district gaps and that a TA document, not referenced in Rule 51, has the potential to widen the gaps. They acknowledged that parents are the advocates for their children in the IEP process and that there is no real enforcer when issues occur, and acknowledged that this was unfortunate.

If a problem occurs and a school district does not agree with the parents the parents only recourse is to go through one of the established resolution processes. They acknowledged that this can be expensive and last from 2 weeks to many months. That wasted time is valuable time for any child, but for a child with Autism Spectrum Disorder (ASD) it can be devastating. While I would like to thank Nebraska for passing the early intervention bill, and recognizing the importance and value of early intervention, it must be used in partnership with accurate verification and appropriate services. It's counterproductive to not consistently provide this partnership to every child relying on special education. Without early intervention, accurate verification, and appropriate services there is the potential to not only waste the money for early intervention and increase the financial need further down the road in Medicaid, it also wastes valuable time in a child's opportunity to improve. Verification information has also been removed and added to the TA document. This jeopardizes verification or reverification of children with ASD as having a Behavioral Disorder instead of a neurological disorder with behavioral issues. Once again wasting critical time and valuable resources.

As more and more families are faced with ASD they become more educated about it as well. When districts waste critical time and parents are left struggling to get consistent services,it won't be long before a parent or parents construe this as not only negligent, but harmful. Nebraska does not need this and it certainly isn't family friendly.

I have been on a journey for over a year to secure a safe learning environment and education for my son, a child who has just turned six and is in the middle of a second grade curriculum. When you have had to fight for your child's right to be in a seat where he is safe confidence in the system's ability to refer to and use a best practice document not supported by law is a frightening thought. Especially when I consider that my case required a state investigator's involvement when my initial request cost nothing.

For parents to partner effectively it is important that each district and every parent have access to the same information backed by law. Because a child's services shouldn't be based on the district they live in, but on their unique needs.

In closing, consistency throughout the state is a win win endeavor ensuring all children have an equal opportunity and that resources are used appropriately and effectively.

Thank you,

Susan Walton
1921 Central Avenue
Kearney, NE 68847

SCHOOL DISTRICT UTILIZATION AND RATINGS OF E.S.U. SERVICES

The attached charts contain results from a survey of school districts regarding the services provided by educational service units. This information was gathered in conjunction with the LR 336 study of educational service units conducted in 2006. A chart containing the results statewide and for each educational service unit is provided.

The percentage figures in the column labeled "Most Received Services" indicate the percentage of responding school districts that reported using the corresponding service.

The numerical figures in the columns labeled "Highest Priority Services" and "Most Effective Services" indicate the average ratings given by school districts to various service categories. Ratings were provided according to five-point scales in which higher numbers reflected higher priority and effectiveness ratings.

STATEWIDE

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Workshops	90%	SPED SCHOOL AGE	4.61	COOP PURCHASING	4.66
Media Services - Videotape/disc library	85%	STAFF DEVELOPMENT	4.59	SPED SCHOOL AGE	4.59
Staff Development - Computer Training	84%	COOP PURCHASING	4.57	STAFF DEVELOPMENT	4.56
Staff Development - Technology Training	83%	SPED BELOW AGE FIVE	4.52	SPED BELOW AGE FIVE	4.45
Distance Learning	81%	DISTANCE LEARNING	4.35	ADMIN.OF FEDERAL PROGRAMS	4.44
STAR Grants	80%	ADMIN.OF FEDERAL PROGRAMS	4.24	DISTANCE LEARNING	4.40
SPED School Age - Program Consultation	74%	TELECOMPUTING	4.16	MEDIA SERVICES	4.31
SPED School Age - Psychological	74%	STAFF & CURRIC. DEVEL. CENTERS	3.85	TELECOMPUTING	4.17
SPED Below 5 - Program Consultation	69%	MEDIA SERVICES	3.73	MATERIALS/EQUIPMENT/REPAIR SF	4.11
A/V Equipment Repair	68%	ADMINISTRATIVE/OFFICE SRVS.	3.60	STAFF & CURRIC. DEVEL. CENTERS	4.08
Computer Repair	68%	MATERIALS/EQUIPMENT/REPAIR SF	3.49	PRODUCTION SERVICES	4.00
SPED School Age - Inservice	68%	NURSING SERVICES	3.41	ADMINISTRATIVE/OFFICE SRVS.	3.97
Staff Development - Technology Sharing	66%	DATA PROCESSING	3.11	NURSING SERVICES	3.60
Perkins	66%	PRODUCTION SERVICES	2.97	DATA PROCESSING	3.41
SPED Below 5 - Speech/Language Evaluation	65%	LOANED MATERIALS/EQUIPMENT	2.57	LOANED MATERIALS/EQUIPMENT	3.23
Media Services - Materials Distribution	65%				
SPED School Age - Speech/Language Evaluatior	65%				
SPED School Age - Speech-Language Therapy	63%				
SPED Below 5 - Psychological	62%				
SPED Below 5 - Speech-Language Therapy	62%				
Staff Development - Teacher Consultant Services	61%				
Educators Resource Center	60%				
SPED School Age - PT/OT Evaluation	60%				
SPED School Age - Audiological	60%				
SPED School Age - Behavioral Evaluation	60%				
SPED Below 5 - Developmental Assessment	59%				
SPED School Age - Financial	57%				
SPED Below 5 - PT/OT Evaluation	57%				
				167 Responses/261 Districts = 64% Response Rate	

ESU #1

Most Received Services		Highest Priority Services		Most Effective Services	
SPED School Age - Audiological	100%	SPED BELOW AGE FIVE	4.73	SPED SCHOOL AGE	4.94
SPED School Age - PT/OT Evaluation	100%	SPED SCHOOL AGE	4.69	COOP PURCHASING	4.93
Perkins	94%	STAFF DEVELOPMENT	4.67	SPED BELOW AGE FIVE	4.93
Staff Development - Workshops	94%	NURSING SERVICES	4.67	STAFF DEVELOPMENT	4.87
SPED School Age - Psychological	94%	DISTANCE LEARNING	4.64	DISTANCE LEARNING	4.79
SPED School Age - Speech-Language Therapy	94%	COOP PURCHASING	4.57	ADMINISTRATIVE/OFFICE SRVS.	4.75
SPED School Age - Physical	94%	ADMIN.OF FEDERAL PROGRAMS	4.43	MATERIALS/EQUIPMENT/REPAIR SF	4.64
SPED Below 5 - Speech-Language Therapy	94%	ADMINISTRATIVE/OFFICE SRVS.	4.20	STAFF & CURRIC. DEVEL. CENTERS	4.58
AV Equipment Repair	88%	STAFF & CURRIC. DEVEL. CENTERS	4.00	MEDIA SERVICES	4.53
Videotape/disc Library	88%	MEDIA SERVICES	3.93	ADMIN.OF FEDERAL PROGRAMS	4.53
STAR Grants	88%	MATERIALS/EQUIPMENT/REPAIR SF	3.85	LOANED MATERIALS/EQUIPMENT	4.40
Staff Development - Computer Training	88%	TELECOMPUTING	3.67	NURSING SERVICES	4.25
Staff Development - Technology Training	88%	PRODUCTION SERVICES	3.20	PRODUCTION SERVICES	4.18
SPED School Age - Program Consultation	88%	LOANED MATERIALS/EQUIPMENT	3.00	TELECOMPUTING	3.71
SPED School Age - Speech-Language Evaluatio	88%	DATA PROCESSING	2.00	DATA PROCESSING	3.00
SPED School Age - Vocational Evaluation	88%				
SPED School Age - Occupational Therapy	88%				
SPED Below 5 - PT/OT Evaluation	88%				
SPED Below 5 - Psychological	88%				
SPED Below 5 - Physical Therapy	88%				
SPED Below 5 - Occupational Therapy	88%				
Distance Learning	81%				
SPED Below 5 - Program Consultation	81%				
SPED Below 5 - Speech-Language Evaluation	81%				
Materials Distribution	81%				
SPED Below 5 - Developmental Assessment	81%				
SPED Below 5 - Home Based	81%				
SPED Below 5 - Audiological	81%				
SPED School Age - Vocational Counseling	81%				
				16 Responses/24 Members = 67% Response Rate	

ESU #2

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Technology Training	100%	DISTANCE LEARNING	4.91	DISTANCE LEARNING	4.73
Distance Learning	100%	SPED BELOW AGE FIVE	4.36	COOP PURCHASING	4.60
Videotape/disc Library	91%	SPED SCHOOL AGE	4.36	TELECOMPUTING	4.50
Staff Development - Computer Training	91%	COOP PURCHASING	4.30	SPED SCHOOL AGE	4.36
Staff Development - Workshops	82%	ADMIN.OF FEDERAL PROGRAMS	4.10	SPED BELOW AGE FIVE	4.36
SPED School Age - Psychological	73%	TELECOMPUTING	4.10	STAFF DEVELOPMENT	4.18
STAR Grants	73%	STAFF DEVELOPMENT	4.09	MATERIALS/EQUIPMENT/REPAIR SF	4.00
SPED School Age - Program Consultation	73%	STAFF & CURRIC. DEVEL. CENTERS	3.22	ADMIN.OF FEDERAL PROGRAMS	3.90
SPED Below 5 - Program Consultation	73%	MATERIALS/EQUIPMENT/REPAIR SF	3.22	MEDIA SERVICES	3.80
SPED Below 5 - Home Based	73%	MEDIA SERVICES	3.00	PRODUCTION SERVICES	3.67
SPED School Age - In-service	73%	PRODUCTION SERVICES	2.89	STAFF & CURRIC. DEVEL. CENTERS	3.56
SPED School Age - Financial	73%	ADMINISTRATIVE/OFFICE SRVS.	2.71	ADMINISTRATIVE/OFFICE SRVS.	3.00
IDEA	73%	LOANED MATERIALS/EQUIPMENT	2.00	LOANED MATERIALS/EQUIPMENT	2.57
Telecomputing Services	73%	DATA PROCESSING	1.83	DATA PROCESSING	2.00
AV Equipment Repair	64%	NURSING SERVICES	1.17	NURSING SERVICES	1.40
SPED Below 5 - Psychological	64%				
SPED Below 5 - Speech-Language Evaluation	64%				
Materials Distribution	64%				
SPED Below 5 - Developmental Assessment	64%				
SPED Below 5 - Program Supervision	64%				
SPED Below 5 - In-service	64%				
				11 Responses/19 Members = 58% Response Rate	

ESU #3

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Computer Training	85%	STAFF DEVELOPMENT	4.82	SPED SCHOOL AGE	4.62
Staff Development - Technology Training	85%	ADMINISTRATIVE/OFFICE SRVS.	4.78	STAFF DEVELOPMENT	4.58
Educators Resource Center	85%	COOP PURCHASING	4.73	ADMINISTRATIVE/OFFICE SRVS.	4.50
Staff Development - Workshops	77%	SPED SCHOOL AGE	4.58	DATA PROCESSING	4.50
Videotape/disc Library	77%	SPED BELOW AGE FIVE	4.50	MEDIA SERVICES	4.36
AV Equipment Repair	77%	DATA PROCESSING	4.45	SPED BELOW AGE FIVE	4.33
Computer Repair	77%	STAFF & CURRIC. DEVEL. CENTERS	3.90	STAFF & CURRIC. DEVEL. CENTERS	4.27
Staff Development - Technology Sharing	69%	MEDIA SERVICES	3.80	COOP PURCHASING	4.25
SPED School Age - Behavioral Evaluation	69%	ADMIN.OF FEDERAL PROGRAMS	3.60	MATERIALS/EQUIPMENT/REPAIR SF	4.25
Staff Development - Instructional Research and D	69%	MATERIALS/EQUIPMENT/REPAIR SF	3.55	ADMIN.OF FEDERAL PROGRAMS	4.00
SPED School Age - Behaviorally Impaired	69%	TELECOMPUTING	3.50	NURSING SERVICES	4.00
SPED Below 5 - Program Consultation	62%	NURSING SERVICES	3.25	TELECOMPUTING	3.33
Staff Development - Teacher Consultant Services	62%	DISTANCE LEARNING	2.14	PRODUCTION SERVICES	3.17
SPED School Age - Visually Impaired	62%	PRODUCTION SERVICES	1.63	DISTANCE LEARNING	2.43
Data Processing - Test Scoring	62%	LOANED MATERIALS/EQUIPMENT	1.00	LOANED MATERIALS/EQUIPMENT	1.50
Data Processing - Payroll Accounting	62%				
SPED School Age - In-service	54%				
Materials Distribution	54%				
Administrative Support	54%				
Budgetary Accounting/Payroll	54%				
Data Processing - Budgetary Accounting	54%				

13 Responses/18 Members =
72% Response Rate

ESU #4

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Computer Training	100%	STAFF DEVELOPMENT	5.00	SPED SCHOOL AGE	4.78
Staff Development - Workshops	100%	SPED SCHOOL AGE	5.00	STAFF DEVELOPMENT	4.78
STAR Grants	100%	STAFF & CURRIC. DEVEL. CENTERS	5.00	ADMIN.OF FEDERAL PROGRAMS	4.78
SPED Below 5 - Speech-Language Evaluation	100%	SPED BELOW AGE FIVE	4.78	SPED BELOW AGE FIVE	4.67
Staff Development - Technology Training	90%	ADMIN.OF FEDERAL PROGRAMS	4.67	DISTANCE LEARNING	4.67
Computer Repair	90%	COOP PURCHASING	4.44	TELECOMPUTING	4.60
SPED School Age - In-service	90%	DISTANCE LEARNING	4.33	COOP PURCHASING	4.50
SPED School Age - Audiological	90%	TELECOMPUTING	4.00	MEDIA SERVICES	4.40
SPED Below 5 - Audiological	90%	NURSING SERVICES	4.00	STAFF & CURRIC. DEVEL. CENTERS	4.33
Perkins	90%	ADMINISTRATIVE/OFFICE SRVS.	3.80	MATERIALS/EQUIPMENT/REPAIR SF	4.25
SPED Below 5 - Speech-Language	90%	MATERIALS/EQUIPMENT/REPAIR SF	3.71	NURSING SERVICES	4.00
Safe & Drug Free Schools	90%	MEDIA SERVICES	3.67	DATA PROCESSING	3.67
SPED School Age - Speech-Language Evaluatio	90%	DATA PROCESSING	3.25	ADMINISTRATIVE/OFFICE SRVS.	3.50
Staff Development - Technology Sharing	80%	PRODUCTION SERVICES	2.00	PRODUCTION SERVICES	3.50
SPED School Age - Program Consultation	80%	LOANED MATERIALS/EQUIPMENT	1.00	LOANED MATERIALS/EQUIPMENT	1.00
SPED Below 5 - Psychological	80%				
Student Health Services	80%				
AV Equipment Repair	70%				
SPED Below 5 - Program Consultation	70%				
SPED School Age - Psychological	70%				
SPED School Age - Speech-Language Therapy	70%				
SPED Below 5 - Home Based	70%				
Staff Development - Teacher Pre-service	70%				
Health Screening	70%				
Title II - Technology	70%				
				10 Responses/13 Members = 77% Response Rate	

ESU #5

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Computer Training	100%	STAFF DEVELOPMENT	4.67	TELECOMPUTING	5.00
Videotape/disc Library	100%	DISTANCE LEARNING	4.67	STAFF DEVELOPMENT	4.67
Distance Learning	100%	SPED SCHOOL AGE	4.50	SPED SCHOOL AGE	4.50
Staff Development - Workshops	83%	TELECOMPUTING	4.25	NURSING SERVICES	4.50
STAR Grants	83%	NURSING SERVICES	4.00	DISTANCE LEARNING	4.20
SPED Below 5 - Speech-Language Evaluation	83%	ADMIN.OF FEDERAL PROGRAMS	3.83	ADMIN.OF FEDERAL PROGRAMS	4.17
Staff Development - Technology Training	83%	MEDIA SERVICES	3.83	COOP PURCHASING	4.00
SPED School Age - Audiological	83%	SPED BELOW AGE FIVE	3.80	PRODUCTION SERVICES	4.00
SPED Below 5 - Speech-Language Therapy	83%	COOP PURCHASING	3.80	SPED BELOW AGE FIVE	3.80
SPED Below 5 - Psychological	83%	STAFF & CURRIC. DEVEL. CENTERS	3.00	MATERIALS/EQUIPMENT/REPAIR SI	3.75
SPED Below 5 - Program Consultation	83%	ADMINISTRATIVE/OFFICE SRVS.	3.00	MEDIA SERVICES	3.67
SPED School Age - Psychological	83%	MATERIALS/EQUIPMENT/REPAIR SF	2.60	ADMINISTRATIVE/OFFICE SRVS.	3.67
Title II - Technology	83%	PRODUCTION SERVICES	2.40	STAFF & CURRIC. DEVEL. CENTERS	3.00
SPED Below 5 - Physical Therapy	83%	LOANED MATERIALS/EQUIPMENT	1.50	DATA PROCESSING	1.00
Title II - Math & Science Partnerships	83%	DATA PROCESSING	1.00	LOANED MATERIALS/EQUIPMENT	1.00
SPED School Age - Behavioral Evaluation	83%				
Staff Development - Teacher Consultant Services	83%				
SPED Below 5 - Occupational Therapy	83%				

6 Responses/10 Members =
60% Response Rate

ESU #6

Most Received Services		Highest Priority Services		Most Effective Services	
Videotape/disc Library	100%	STAFF DEVELOPMENT	5.00	STAFF DEVELOPMENT	4.78
Distance Learning	90%	SPED SCHOOL AGE	4.60	ADMIN.OF FEDERAL PROGRAMS	4.67
Staff Development - Workshops	90%	COOP PURCHASING	4.50	COOP PURCHASING	4.56
STAR Grants	90%	SPED BELOW AGE FIVE	4.40	MATERIALS/EQUIPMENT/REPAIR SF	4.56
Staff Development - Technology Training	90%	MATERIALS/EQUIPMENT/REPAIR SF	4.10	MEDIA SERVICES	4.56
Laminating	90%	DISTANCE LEARNING	4.00	PRODUCTION SERVICES	4.33
Printing-Binding Production	90%	ADMIN.OF FEDERAL PROGRAMS	4.00	SPED BELOW AGE FIVE	4.33
Staff Development - Computer Training	80%	STAFF & CURRIC. DEVEL. CENTERS	4.00	STAFF & CURRIC. DEVEL. CENTERS	4.14
SPED Below 5 - Program Consultation	80%	TELECOMPUTING	3.88	SPED SCHOOL AGE	4.11
Staff Development - Teacher Consultant Services	80%	MEDIA SERVICES	3.60	DISTANCE LEARNING	4.00
SPED Below 5 - Program Consultation	80%	PRODUCTION SERVICES	3.50	ADMINISTRATIVE/OFFICE SRVS.	3.88
Staff Development - Technology Sharing	80%	ADMINISTRATIVE/OFFICE SRVS.	3.38	TELECOMPUTING	3.71
AV Equipment Repair	80%	LOANED MATERIALS/EQUIPMENT	3.00	LOANED MATERIALS/EQUIPMENT	3.17
Staff Development - Entry Year Assistance	80%	DATA PROCESSING	3.00	DATA PROCESSING	2.50
SPED School Age - In-service	70%	NURSING SERVICES	2.00	NURSING SERVICES	1.25
Staff Development - Teacher Project Developme	70%				
Materials Distribution	70%				
Computer Repair	70%				
SPED School Age - Psychological	60%				
SPED School Age - PT/OT Evaluation	60%				
SPED Below 5 - Developmental Assessment	60%				
SPED Below 5 - PT/OT Evaluation	60%				
SPED Below 5 - Program Supervision	60%				
SPED School Age - Program Supervision	60%				
Telecomputing Services	60%				
Staff Development - Teacher Pre-service	60%				
Educators Resource Center	60%				
Staff Development - Instructional Research and D	60%				
				10 Responses/16 Members = 63% Response Rate	

ESU #7

Most Received Services		Highest Priority Services		Most Effective Services	
Distance Learning	90%	STAFF DEVELOPMENT	4.80	PRODUCTION SERVICES	4.89
Staff Development - Workshops	90%	COOP PURCHASING	4.70	COOP PURCHASING	4.67
Laminating	90%	ADMIN.OF FEDERAL PROGRAMS	4.60	MEDIA SERVICES	4.56
Printing-Binding Production	90%	SPED SCHOOL AGE	4.40	SPED SCHOOL AGE	4.50
SPED School Age - Program Consultation	90%	PRODUCTION SERVICES	4.40	STAFF DEVELOPMENT	4.44
SPED School Age - In-service	90%	MEDIA SERVICES	4.30	ADMIN.OF FEDERAL PROGRAMS	4.44
Videotape/disc Library	80%	SPED BELOW AGE FIVE	4.20	MATERIALS/EQUIPMENT/REPAIR SF	4.13
AV Equipment Repair	80%	TELECOMPUTING	4.14	SPED BELOW AGE FIVE	3.89
Computer Repair	80%	DISTANCE LEARNING	4.00	DISTANCE LEARNING	3.78
SPED School Age - Program Supervision	80%	MATERIALS/EQUIPMENT/REPAIR SF	3.78	TELECOMPUTING	3.67
Title II - NCLB Teacher/Principal Train. & Recruit.	80%	ADMINISTRATIVE/OFFICE SRVS.	3.14	ADMINISTRATIVE/OFFICE SRVS.	3.43
STAR Grants	70%	STAFF & CURRIC. DEVEL. CENTERS	3.10	STAFF & CURRIC. DEVEL. CENTERS	3.33
SPED Below 5 - Program Consultation	70%	NURSING SERVICES	2.86	NURSING SERVICES	2.50
IDEA	70%	DATA PROCESSING	1.83	DATA PROCESSING	1.83
Staff Development - Bus Driver Training	70%	LOANED MATERIALS/EQUIPMENT	1.60	LOANED MATERIALS/EQUIPMENT	1.00
SPED School Age - Speech-Language Evaluatio	70%				
Title I - NCLB	70%				

10 Responses/21 Members =
48% Response Rate

ESU #8

Most Received Services		Highest Priority Services		Most Effective Services	
Distance Learning	94%	SPED SCHOOL AGE	4.87	COOP PURCHASING	4.93
Staff Development - Workshops	94%	SPED BELOW AGE FIVE	4.79	NURSING SERVICES	4.92
Videotape/disc Library	94%	COOP PURCHASING	4.73	DISTANCE LEARNING	4.87
Staff Development - Computer Training	94%	DISTANCE LEARNING	4.63	SPED BELOW AGE FIVE	4.77
SPED School Age - Psychological	94%	NURSING SERVICES	4.58	SPED SCHOOL AGE	4.71
SPED School Age - Speech-Language Evaluatio	88%	TELECOMPUTING	4.44	TELECOMPUTING	4.56
STAR Grants	81%	STAFF DEVELOPMENT	4.31	ADMIN.OF FEDERAL PROGRAMS	4.54
SPED Below 5 - Home Based	81%	STAFF & CURRIC. DEVEL. CENTERS	4.18	MEDIA SERVICES	4.47
SPED Below 5 - Speech-Language Evaluation	81%	MEDIA SERVICES	3.87	STAFF DEVELOPMENT	4.47
SPED School Age - Behavioral Evaluation	81%	ADMIN.OF FEDERAL PROGRAMS	3.64	ADMINISTRATIVE/OFFICE SRVS.	4.45
SPED School Age - Program Consultation	75%	ADMINISTRATIVE/OFFICE SRVS.	3.58	STAFF & CURRIC. DEVEL. CENTERS	4.36
SPED Below 5 -Program Consultation	75%	PRODUCTION SERVICES	3.07	PRODUCTION SERVICES	4.31
Staff Development - Technology Training	75%	LOANED MATERIALS/EQUIPMENT	2.80	MATERIALS/EQUIPMENT/REPAIR SF	3.77
SPED Below 5 - Developmental Assessment	75%	MATERIALS/EQUIPMENT/REPAIR SF	2.62	LOANED MATERIALS/EQUIPMENT	3.63
SPED Below 5 - Psychological	75%	DATA PROCESSING	2.44	DATA PROCESSING	3.38
SPED School Age - Speech-Language Therapy	75%				
Materials Distribution	75%				
SPED Below 5 - Program Supervision	75%				
Nursing Services - School Nurse	75%				
SPED School Age - In-service	69%				
Computer Repair	69%				
SPED School Age - Program Supervision	69%				
SPED School Age - Audiological	69%				
SPED Below 5 - Speech-Language Therapy	69%				
Perkins	69%				
Art Services	69%				
Staff Development - Technology Sharing	69%				
SPED School Age - Academic Evaluation	69%				

16 Responses/21 Members =
76% Response Rate

ESU #9

Most Received Services		Highest Priority Services		Most Effective Services	
Distance Learning	100%	TELECOMPUTING	5.00	TELECOMPUTING	5.00
Staff Development - Workshops	100%	DATA PROCESSING	5.00	DATA PROCESSING	5.00
SPED School Age - Financial	100%	COOP PURCHASING	4.71	COOP PURCHASING	4.71
AV Equipment Repair	100%	SPED SCHOOL AGE	4.57	DISTANCE LEARNING	4.57
Title I - NCLB	100%	SPED BELOW AGE FIVE	4.57	SPED BELOW AGE FIVE	4.57
Videotape/disc Library	86%	DISTANCE LEARNING	4.57	SPED SCHOOL AGE	4.57
Staff Development - Computer Training	86%	ADMIN.OF FEDERAL PROGRAMS	4.57	ADMIN.OF FEDERAL PROGRAMS	4.57
SPED School Age - Psychological	86%	STAFF & CURRIC. DEVEL. CENTERS	4.50	ADMINISTRATIVE/OFFICE SRVS.	4.50
STAR Grants	86%	MEDIA SERVICES	4.33	STAFF & CURRIC. DEVEL. CENTERS	4.33
SPED Below 5 - Home Based	86%	STAFF DEVELOPMENT	4.29	MATERIALS/EQUIPMENT/REPAIR SF	4.29
Computer Repair	86%	MATERIALS/EQUIPMENT/REPAIR SF	4.29	MEDIA SERVICES	4.29
SPED School Age - Audiological	86%	ADMINISTRATIVE/OFFICE SRVS.	4.00	PRODUCTION SERVICES	4.00
IDEA	86%	LOANED MATERIALS/EQUIPMENT	4.00	STAFF DEVELOPMENT	4.00
Safe & Drug Free Schools	86%	PRODUCTION SERVICES	3.33	LOANED MATERIALS/EQUIPMENT	3.33
SPED School Age - Speech-Language Evaluatio	71%	NURSING SERVICES	N.R.	NURSING SERVICES	N.R.
SPED School Age - Program Consultation	71%				
SPED Below 5 - Program Consultation	71%				
Staff Development - Technology Training	71%				
SPED Below 5 - Psychological	71%				
SPED School Age - Speech-Language Therapy	71%				
Materials Distribution	71%				
SPED Below 5 - Speech-Language Therapy	71%				
Staff Development - Technology Sharing	71%				
SPED Below 5 - Center Based	71%				
SPED Below 5 - PT/OT Evaluation	71%				
Staff Development - Teacher Consultant Service	71%				
Staff Development - Teacher Project Developme	71%				
SPED School Age - Physical Therapy	71%				
Title II - Technology	71%				
				7 Responses/14 Members = 50% Response Rate	

ESU #10

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Workshops	89%	COOP PURCHASING	4.65	COOP PURCHASING	4.65
AV Equipment Repair	83%	SPED BELOW AGE FIVE	4.64	MATERIALS/EQUIPMENT/REPAIR SF	4.56
Videotape/disc Library	83%	SPED SCHOOL AGE	4.53	STAFF DEVELOPMENT	4.56
Staff Development - Computer Training	83%	TELECOMPUTING	4.50	SPED BELOW AGE FIVE	4.50
Staff Development - Technology Training	83%	STAFF DEVELOPMENT	4.44	ADMIN.OF FEDERAL PROGRAMS	4.47
Distance Learning	78%	ADMIN.OF FEDERAL PROGRAMS	4.41	SPED SCHOOL AGE	4.47
Computer Repair	78%	MATERIALS/EQUIPMENT/REPAIR SF	4.19	MEDIA SERVICES	4.25
SPED School Age - Audiological	72%	DISTANCE LEARNING	4.00	STAFF & CURRIC. DEVEL. CENTERS	4.14
SPED School Age - Program Consultation	72%	STAFF & CURRIC. DEVEL. CENTERS	3.79	TELECOMPUTING	4.00
SPED School Age - PT/OT Evaluation	72%	MEDIA SERVICES	3.59	DISTANCE LEARNING	3.94
SPED School Age - Psychological	67%	ADMINISTRATIVE/OFFICE SRVS.	3.00	PRODUCTION SERVICES	3.90
Perkins	67%	NURSING SERVICES	2.70	ADMINISTRATIVE/OFFICE SRVS.	3.69
Educators Resource Center	67%	LOANED MATERIALS/EQUIPMENT	2.56	DATA PROCESSING	3.38
SPED School Age - Financial	61%	DATA PROCESSING	2.38	LOANED MATERIALS/EQUIPMENT	3.11
STAR Grants	61%	PRODUCTION SERVICES	2.30	NURSING SERVICES	3.09
Materials Distribution	61%				
Staff Development - Technology Sharing	61%				
Staff Development - Teacher Consultant Services	61%				
Title II - Technology	61%				
Telecomputing Services	61%				
Staff Development - Gifted and Talented Consulti	61%				
Title I - NCLB	56%				
Safe & Drug Free Schools	56%				
SPED School Age - Speech-Language Evaluatio	56%				
SPED Below 5 - PT/OT Evaluation	56%				
SPED School Age - In-service	56%				
SPED School Age - Occupational Therapy	56%				
Migrant Education	56%				
				18 Responses/36 Members = 50% Response Rate	

ESU #11

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Workshops	100%	TELECOMPUTING	5.00	STAFF DEVELOPMENT	5.00
Staff Development - Technology Training	100%	STAFF DEVELOPMENT	4.25	TELECOMPUTING	5.00
Distance Learning	100%	SPED SCHOOL AGE	4.20	SPED SCHOOL AGE	4.80
STAR Grants	100%	SPED BELOW AGE FIVE	4.00	COOP PURCHASING	4.60
Telecomputing Services	100%	DISTANCE LEARNING	4.00	STAFF & CURRIC. DEVEL. CENTERS	4.50
Staff Development - Gifted and Talented Consulti	100%	STAFF & CURRIC. DEVEL. CENTERS	4.00	SPED BELOW AGE FIVE	4.33
Staff Development - Summer Honors Program	100%	COOP PURCHASING	3.80	ADMIN.OF FEDERAL PROGRAMS	4.20
Videotape/disc Library	80%	ADMIN.OF FEDERAL PROGRAMS	3.80	DISTANCE LEARNING	4.00
Staff Development - Computer Training	80%	NURSING SERVICES	3.75	NURSING SERVICES	3.75
SPED School Age - Program Consultation	80%	PRODUCTION SERVICES	3.25	MEDIA SERVICES	3.67
SPED School Age - PT/OT Evaluation	80%	MEDIA SERVICES	2.75	PRODUCTION SERVICES	3.00
SPED School Age - Psychological	80%	LOANED MATERIALS/EQUIPMENT	2.50	MATERIALS/EQUIPMENT/REPAIR SF	2.75
SPED School Age - Financial	80%	ADMINISTRATIVE/OFFICE SRVS.	2.33	ADMINISTRATIVE/OFFICE SRVS.	2.75
SPED School Age - Speech-Language Evaluatio	80%	MATERIALS/EQUIPMENT/REPAIR SF	2.00	LOANED MATERIALS/EQUIPMENT	2.00
SPED School Age - In-service	80%	DATA PROCESSING	1.00	DATA PROCESSING	1.00
SPED School Age - Behavioral Evaluation	80%				
SPED School Age - Program Supervision	80%				
SPED School Age - Speech-Language Therapy	80%				
Staff Development - Entry Year Assistance	80%				

5 Responses/13 Members =
38% Response Rate

ESU #13

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Workshops	100%	DISTANCE LEARNING	4.77	DISTANCE LEARNING	4.92
Videotape/disc Library	100%	STAFF DEVELOPMENT	4.73	COOP PURCHASING	4.71
Materials Distribution	100%	COOP PURCHASING	4.67	SPED BELOW AGE FIVE	4.58
STAR Grants	87%	SPED SCHOOL AGE	4.47	STAFF DEVELOPMENT	4.57
Distance Learning	80%	SPED BELOW AGE FIVE	4.38	SPED SCHOOL AGE	4.50
SPED School Age - Psychological	80%	ADMIN.OF FEDERAL PROGRAMS	4.07	MEDIA SERVICES	4.36
Staff Development - Bus Driver Training	80%	STAFF & CURRIC. DEVEL. CENTERS	3.91	ADMIN.OF FEDERAL PROGRAMS	4.29
Staff Development - Technology Training	73%	MEDIA SERVICES	3.80	STAFF & CURRIC. DEVEL. CENTERS	4.00
SPED School Age - Program Consultation	73%	DATA PROCESSING	3.64	PRODUCTION SERVICES	3.67
SPED School Age - Speech-Language Therapy	73%	ADMINISTRATIVE/OFFICE SRVS.	3.22	DATA PROCESSING	3.40
SPED School Age - Occupational Therapy	73%	TELECOMPUTING	3.11	TELECOMPUTING	3.25
SPED School Age - In-service	67%	PRODUCTION SERVICES	2.86	MATERIALS/EQUIPMENT/REPAIR SF	3.22
SPED School Age - Behavioral Evaluation	67%	MATERIALS/EQUIPMENT/REPAIR SF	2.70	ADMINISTRATIVE/OFFICE SRVS.	3.14
Educators Resource Center	67%	NURSING SERVICES	2.00	LOANED MATERIALS/EQUIPMENT	2.50
SPED School Age - Physical Therapy	67%	LOANED MATERIALS/EQUIPMENT	1.86	NURSING SERVICES	2.00
Title III - Language Acquisition	67%				
Staff Development - Computer Training	60%				
SPED School Age - PT/OT Evaluation	60%				
SPED School Age - Speech-Language Evaluatio	60%				
Staff Development - Technology Sharing	60%				
SPED Below 5 - Physical Therapy	60%				
SPED Below 5 - Speech-Language Evaluation	60%				
SPED Below 5 - Speech-Language Therapy	60%				
SPED Below 5 - Program Consultation	60%				
Staff Development - Instructional Research and D	60%				
SPED School Age - Behavioral Counseling	60%				

15 Responses/22 Members =
68% Response Rate

ESU #15

Most Received Services		Highest Priority Services		Most Effective Services	
SPED School Age - Psychological	100%	DISTANCE LEARNING	5.00	DISTANCE LEARNING	4.50
Perkins	100%	COOP PURCHASING	5.00	COOP PURCHASING	4.50
Staff Development - Workshops	83%	STAFF DEVELOPMENT	4.80	SPED SCHOOL AGE	4.20
STAR Grants	83%	SPED SCHOOL AGE	4.80	ADMIN.OF FEDERAL PROGRAMS	4.20
Staff Development - Technology Training	83%	SPED BELOW AGE FIVE	4.80	STAFF DEVELOPMENT	3.80
SPED School Age - Speech-Language Therapy	83%	ADMIN.OF FEDERAL PROGRAMS	4.00	MEDIA SERVICES	3.80
SPED School Age - In-service	83%	ADMINISTRATIVE/OFFICE SRVS.	4.00	ADMINISTRATIVE/OFFICE SRVS.	3.80
SPED Below 5 - Program Consultation	83%	MEDIA SERVICES	3.60	DATA PROCESSING	3.67
Staff Development - Technology Sharing	83%	STAFF & CURRIC. DEVEL. CENTERS	3.50	NURSING SERVICES	3.50
SPED Below 5 - Speech-Language Evaluation	83%	TELECOMPUTING	3.00	SPED BELOW AGE FIVE	3.40
SPED Below 5 - Developmental Assessment	83%	DATA PROCESSING	2.75	PRODUCTION SERVICES	3.33
Staff Development - Teacher Consultant Services	83%	NURSING SERVICES	2.33	STAFF & CURRIC. DEVEL. CENTERS	3.00
SPED School Age - Program Supervision	83%	PRODUCTION SERVICES	2.00	TELECOMPUTING	3.00
Staff Development - Teacher Pre-service	83%	MATERIALS/EQUIPMENT/REPAIR SF	2.00	LOANED MATERIALS/EQUIPMENT	3.00
SPED School Age - Financial	83%	LOANED MATERIALS/EQUIPMENT	2.00	MATERIALS/EQUIPMENT/REPAIR SF	2.75
SPED Below 5 - Program Supervision	83%				
Staff Development - Vocational Rehabilitation	83%				
SPED Below 5 - Home Based	83%				

6 Responses/9 Members =
67% Response Rate

ESU #16

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Workshops	91%	DISTANCE LEARNING	5.00	DISTANCE LEARNING	5.00
STAR Grants	91%	ADMIN.OF FEDERAL PROGRAMS	5.00	ADMIN.OF FEDERAL PROGRAMS	5.00
Staff Development - Technology Training	91%	SPED SCHOOL AGE	4.91	SPED SCHOOL AGE	4.91
Staff Development - Teacher Consultant Services	91%	TELECOMPUTING	4.75	TELECOMPUTING	4.75
Staff Development - Teacher Pre-service	91%	STAFF DEVELOPMENT	4.73	STAFF DEVELOPMENT	4.73
Staff Development - Computer Training	91%	COOP PURCHASING	4.64	COOP PURCHASING	4.70
IDEA	91%	SPED BELOW AGE FIVE	4.64	LOANED MATERIALS/EQUIPMENT	4.67
Staff Development - Gifted and Talented Consulti	91%	NURSING SERVICES	4.63	SPED BELOW AGE FIVE	4.64
Title II - Technology	91%	STAFF & CURRIC. DEVEL. CENTERS	4.13	NURSING SERVICES	4.63
Title II - NCLB Teacher/Principal Train. & Recruit.	91%	ADMINISTRATIVE/OFFICE SRVS.	4.11	DATA PROCESSING	4.57
SPED School Age - Psychological	82%	DATA PROCESSING	3.89	MEDIA SERVICES	4.50
Perkins	82%	MEDIA SERVICES	3.67	STAFF & CURRIC. DEVEL. CENTERS	4.43
SPED School Age - Speech-Language Therapy	82%	LOANED MATERIALS/EQUIPMENT	3.43	ADMINISTRATIVE/OFFICE SRVS.	4.30
SPED School Age - In-service	82%	MATERIALS/EQUIPMENT/REPAIR SF	3.38	PRODUCTION SERVICES	4.29
SPED Below 5 - Program Consultation	82%	PRODUCTION SERVICES	3.13	MATERIALS/EQUIPMENT/REPAIR SF	4.22
SPED Below 5 - Speech-Language Evaluation	82%				
SPED School Age - Program Supervision	82%				
SPED School Age - Financial	82%				
SPED Below 5 - Program Supervision	82%				
SPED Below 5 - Home Based	82%				
SPED School Age - Behavioral Evaluation	82%				
SPED School Age - Speech-Language Evaluatio	82%				
SPED Below 5 - PT/OT Evaluation	82%				
Staff Development - Instructional Research and D	82%				
SPED Below 5 - Audiological	82%				
Safe & Drug Free Schools	82%				
SPED School Age - Resource Programs	82%				
Staff Development - Artist in Residence	82%				
SPED School Age - Physical Therapy	82%				
Title II - Math & Science Partnerships	82%				
Title I - NCLB	82%				
				11 Responses/16 Members = 69% Response Rate	

ESU #17

Most Received Services		Highest Priority Services		Most Effective Services	
Staff Development - Workshops	100%	DISTANCE LEARNING	5.00	DISTANCE LEARNING	5.00
STAR Grants	100%	SPED SCHOOL AGE	5.00	SPED SCHOOL AGE	5.00
Staff Development - Computer Training	100%	TELECOMPUTING	5.00	TELECOMPUTING	5.00
SPED School Age - Psychological	100%	STAFF DEVELOPMENT	5.00	STAFF DEVELOPMENT	5.00
Perkins	100%	COOP PURCHASING	5.00	COOP PURCHASING	5.00
SPED School Age - Speech-Language Therapy	100%	SPED BELOW AGE FIVE	5.00	SPED BELOW AGE FIVE	5.00
SPED School Age - Financial	100%	NURSING SERVICES	5.00	NURSING SERVICES	5.00
SPED School Age - Behavioral Evaluation	100%	ADMIN.OF FEDERAL PROGRAMS	4.50	MEDIA SERVICES	5.00
SPED School Age - Speech-Language Evaluatio	100%	ADMINISTRATIVE/OFFICE SRVS.	4.50	ADMIN.OF FEDERAL PROGRAMS	4.50
Distance Learning	100%	MATERIALS/EQUIPMENT/REPAIR SF	4.50	ADMINISTRATIVE/OFFICE SRVS.	4.50
Videotape/disc Library	100%	STAFF & CURRIC. DEVEL. CENTERS	4.00	MATERIALS/EQUIPMENT/REPAIR SF	4.50
Computer Repair	100%	MEDIA SERVICES	4.00	LOANED MATERIALS/EQUIPMENT	4.00
AV Equipment Repair	100%	LOANED MATERIALS/EQUIPMENT	4.00	STAFF & CURRIC. DEVEL. CENTERS	4.00
Telecomputing Services	100%	DATA PROCESSING	N.R.	DATA PROCESSING	N.R.
Film (16mm) Library	100%	PRODUCTION SERVICES	N.R.	PRODUCTION SERVICES	N.R.
				2 Responses/5 Members = 40% Response Rate	

ESU #18

Received Services	Highest Priority Services		Most Effective Services	
Staff Development - Workshops	DATA PROCESSING	5	DATA PROCESSING	5
STAR Grants	TELECOMPUTING	5	DISTANCE LEARNING	5
Staff Development - Computer Training	STAFF DEVELOPMENT	5	SPED SCHOOL AGE	5
Distance Learning	ADMIN.OF FEDERAL PROGRAMS	5	TELECOMPUTING	5
Videotape/disc Library	MEDIA SERVICES	5	STAFF DEVELOPMENT	5
Computer Repair	SPED SCHOOL AGE	4	MEDIA SERVICES	5
Film (16mm) Library	MATERIALS/EQUIPMENT/REPAIR SF	4	ADMIN.OF FEDERAL PROGRAMS	5
Staff Development - Technology Training	LOANED MATERIALS/EQUIPMENT	4	LOANED MATERIALS/EQUIPMENT	5
Staff Development - Teacher Consultant Services	DISTANCE LEARNING	3	MATERIALS/EQUIPMENT/REPAIR SF	4
Staff Development - Technology Sharing	PRODUCTION SERVICES	N.R.	PRODUCTION SERVICES	N.R.
SPED School Age - Program Consultation	COOP PURCHASING	N.R.	COOP PURCHASING	N.R.
Materials Distribution	SPED BELOW AGE FIVE	N.R.	SPED BELOW AGE FIVE	N.R.
AV Equipment	NURSING SERVICES	N.R.	NURSING SERVICES	N.R.
Title II - NCLB Teacher/Principal Train. & Recruit.	ADMINISTRATIVE/OFFICE SRVS.	N.R.	ADMINISTRATIVE/OFFICE SRVS.	N.R.
Staff Development - Instructional Research and Design	STAFF & CURRIC. DEVEL. CENTERS	N.R.	STAFF & CURRIC. DEVEL. CENTERS	N.R.
Title I - NCLB				
Staff Development - Student Testing				
Test Scoring				
Loaned Materials - Computers				
Migrant Education				
			1 Responses/1 Member = 100% Response Rate	

ESU #19

Received Services	Highest Priority Services		Most Effective Services	
Staff Development - Workshops	PRODUCTION SERVICES	5	PRODUCTION SERVICES	5
Staff Development - Computer Training	SPED BELOW AGE FIVE	5	COOP PURCHASING	5
Distance Learning	STAFF & CURRIC. DEVEL. CENTERS	5	SPED BELOW AGE FIVE	5
Videotape/disc Library	DATA PROCESSING	5	STAFF & CURRIC. DEVEL. CENTERS	5
Computer Repair	TELECOMPUTING	5	DATA PROCESSING	5
Film (16mm) Library	STAFF DEVELOPMENT	5	DISTANCE LEARNING	5
Staff Development - Technology Training	MEDIA SERVICES	5	SPED SCHOOL AGE	5
Staff Development - Teacher Consultant Services	SPED SCHOOL AGE	5	TELECOMPUTING	5
Staff Development - Technology Sharing	MATERIALS/EQUIPMENT/REPAIR SF	5	STAFF DEVELOPMENT	5
SPED School Age - Program Consultation	LOANED MATERIALS/EQUIPMENT	5	MEDIA SERVICES	5
Materials Distribution	COOP PURCHASING	4	LOANED MATERIALS/EQUIPMENT	5
AV Equipment	DISTANCE LEARNING	3	MATERIALS/EQUIPMENT/REPAIR SF	5
Staff Development - Instructional Research and Design	NURSING SERVICES	N.R.	NURSING SERVICES	N.R.
Staff Development - Student Testing	ADMINISTRATIVE/OFFICE SRVS.	N.R.	ADMINISTRATIVE/OFFICE SRVS.	N.R.
Test Scoring	ADMIN.OF FEDERAL PROGRAMS	N.R.	ADMIN.OF FEDERAL PROGRAMS	N.R.
Loaned Materials - Computers				
AV Equipment Repair				
Telecomputing Services				
Staff Development - Teacher Pre-service				
SPED Below 5 - Program Consultation				
Staff Development - Teacher Project Development				
Other Data Processing Services				
Staff Development - Student Career Exploration				
Student Scheduling				
Other Loaned Equipment/Materials				
Laminating				
Other Production Services				
Student Census				
Staff Development - Job Placement				
Art Services				
Grade Reporting				
Budgetary Accounting			1 Responses/1 Member =	
Payroll Accounting			100% Response Rate	

NOTES PERTAINING TO ESU SPECIAL EDUCATION SERVICES

Obtained from visits with ESU's in conjunction with LR 336 study (2006)

EDUCATIONAL SERVICE UNIT #10
August 15, 2006

- ESU #10 Autism program extends from Nebraska's northern to southern border (ESU's 9, 10, 11, 15, 16, 17)
    - Formed as a result of collaboration for a federal grant program
- ESU #10 provides special education services to other ESU's

EDUCATIONAL SERVICE UNIT #11
August 15, 2006

- Special Education is the only service for which ESU #11 requires school districts to pay.
    - Districts provide $50,000 membership fee

- ESU #11 reported difficulty retaining specialists, explaining that many leave for positions in school districts where employment is more stable.

EDUCATIONAL SERVICE UNIT #3
September 7, 2006

Special Education

- Provided to ESU #3 districts on a contract basis
- Includes occupational therapy, speech pathology, services for children birth to 5
- Services are provided at Brook Valley School, which is housed in two locations (North and South) adjacent to ESU #3 administration building.
- Brook Valley North serves children with dual diagnosis / Brook Valley South serves the "traditional" special ed students
- Approximately 100 students at Brook Valley, 2/3 of which receive psychotropic medication
- All ESU #3 districts have approved the curriculum at Brook Valley / students complete the program, but are still considered as enrolled in and graduating from their home district
- ESU #3 Special Education also serves children in ESU's #4 and #19, and the coordinator travels to multiple ESU's throughout eastern Nebraska (#4, #5, #6, #19)
- ESU #3 supports the statewide Deaf/Blind grant
- The Metro deaf/blind program is the largest in the state and serves children in ESU's #2, #3, and #19.

- Special education resource teaching positions have been eliminated due to the assimilation of Class I districts
- With regard to equity, districts in out-state Nebraska don't have a program that is on par with Brook Valley / However, Dr. Kettelhut feels that one could be replicated / Students from out-state Nebraska could come to Brook Valley, but they would need a residential host

EDUCATIONAL SERVICE UNIT #19
September 7, 2006

Special Education

- Collaboration occurs with other ESU's, but ESU #19 personnel often feel that they are "the exception to the rule" due to the greater variety of students/situations encountered in a more urban setting / different demands
- Engages in some cooperative special education programs with Bellevue Public Schools
- ESU's #2, #3, and #19 share an autism program (based in ESU #3)
- There is not equity between ESU's in providing special ed
    - Difficult to access specialized services in rural areas
    - It is often the case that special ed students must relocate to larger communities to access services

EDUCATIONAL SERVICE UNIT #4
September 29, 2006

NE Center for Education of Children Who are Blind or Visually Impaired

- Managed by ESU #4 in partnership with NDE / 35 staff
    - Relationship with NDE is working well
- Serves 439 students statewide
- Primary source of Instructional Materials for blind students (Braille texts)
- Has an on-campus program that serves 14 students
- no longer an accredited school; contract with local school districts as service provider
- Offers: Student & Family Support Services; Assessment & Evaluation Services; Consultation Services; Professional Development & Training
- If more funding was available, investment would be made in Outreach Department, as well as technology

Special Education

- Audiologist on staff (rare for an ESU)
- Much collaboration with other ESU #4 Depts. – Pro. Devel., Technology
- Primary provider of SPED services for 10 of the 13 districts in ESU #4
- Collaborate with ESU's #4, #5, #6, #18 on deaf and autism programs

- Serve students from birth to 21
- Director formerly served in a joint role at ESU #6 / now serves only at #4, but there is still much collaboration between the two units

EDUCATIONAL SERVICE UNITS #1, #2, #7, #8, #17
October 6, 2006

- Together, these units comprise the Northeast Nebraska Network Consortium (NNNC)
- NNNC was established in 1997 / units meet monthly via distance ed network
- Each of the units serves as a point location dedicated to a specific service:
    - ESU #1 – Special Education
    - ESU #2 – Technology
    - ESU #7 – Professional Development
    - ESU #8 – Distance Learning
    - ESU #17 – Instructional Materials
- Within the NNNC, schools may contract to receive services from an ESU other than the one to which they belong
    - Often done because school may be in closer proximity to another ESU
    - For SPED, pay whatever rate of the unit that provides the service
    - An ESU may also contract with another ESU to serve a particular district
- High Needs Education Coordinator at NDE would be helpful
    - Due to the high amount of turnover in staff in local districts, it would be beneficial to have someone from the outside to offer consistency

EDUCATIONAL SERVICE UNIT #5
October 11, 2006

Special Education

- ESU #5 was the first service unit to offer Special Education / began 35 years ago
- SPED teachers are now employed by districts, not the ESU
- Each district contracts with the ESU for the SPED services they want / As such, SPED services vary greatly by district
    - Total coordination (ESU hires staff & provides all services) at Thayer Central
- SPED department consists of 29 staff, includes resource teachers, deaf specialists, visually-impaired consultant that serves students in public schools rather than school for the blind / also includes 4 psychologists who provide consultation on a contract basis and are not ESU employees
    - Seek homegrown individuals with interest in a specific area, educate them and bring them back
    - Doing so increases the likelihood that they'll stay
- Early Intervention Program:
    - Serves children aged birth to 2

    - Referred by doctors, parents, HHS, districts
    - 2 staff members provide assistance to roughly 60 families per year
- Preschool Program:
    - Serves ages 3-4 at two different sites (Thayer Central & ....)
    - Integrated with Head Start to provide services to all children, not just special needs
    - Will begin reporting assessment results for Birth to 4 beginning in January
- School Age:
    - Provides support for in-service training, writes grants (current recipient of 4 grants)
    - Offers supervision and consultation to schools
- Approach is to offer individual time with students rather than filling out assessment forms / this system has met approval

Transition Specialist

- Focuses on outcomes for SPED students after high school
- Position is somewhat unique / only 12 to 14 across the state
- Initially financed with grant dollars
- This is the first year that Nebraska will survey SPED students one year after graduation / required by federal law
- Fairbury Public Schools developed a program for SPED students 18-21 that focuses on life skills
- Transition Specialist works hands on in schools with resource teachers and guidance counselors
    - also much coordination with Vocational Rehab, especially during senior year
- Financed with Special Education funds
- Also works in dual role as an NCLB coordinator / these duties are financed with SPED Flex dollars

NCLB Coordination

- Coordinates with Title I teachers to consider how outcomes for SPED students can be improved
- 4 Goals:
    - Enhance communication among staff (network regarding upcoming workshops, share information regarding best practices, strategies)
    - Compliance information – are schools doing what NCLB requires?
    - Highly Qualified Teachers – make sure teachers have the credentials they need for their position / professional development
    - Parental Involvement – offer an annual conference for parents at no cost / meal and transportation provided
- School principals feel the ESU has been highly responsive to each district's unique needs
    - Example: Fairbury needed a ½ time psychologist; ESU worked to develop a contract to provide that service

Appendix H: Application of Least Restrictive Environment

- John Copenhaven, Mountain Plains Regional Resource Center
  Nebraska Legislative Task Force: Least Restrictive Environment
  Questions and Answers..., U.S. Department of Education, Nov. 1994
  MPRRC Legal Collaboration Network: Least Restrictive Environment
  SLIIDEA: Placing and Serving Children..., In Forum, March 2006
  Least Restrictive Environment, Pacer Center
  The Least Restrictive Environment Mandate..., ERIC Digest
  Questions and Answers on Least Restrictive ..., Wrightslaw, 2007
  The Least Restrictive Environment-A Primer for Parents and Educators

- Lincoln Public Schools
  Least Restrict Environment

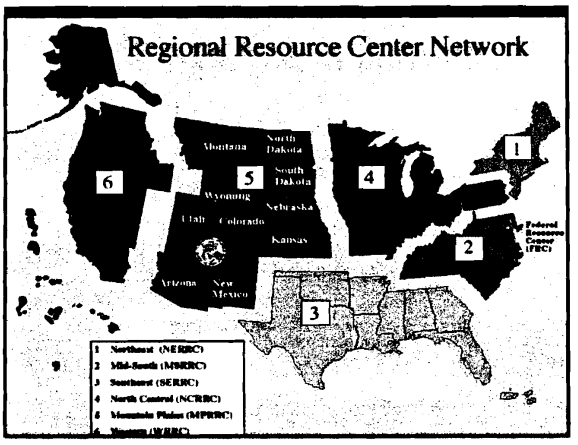
- Charlene Synder, Millard Public Schools
  Least Restrictive Environment

- Mary Dale Christensen, PTI Nebraska
  PTI Nebraska
  Least Restrictive Environment: Step by Step
  Other LRE Resources
  Guide to Resources for Promoting ... (LRE) Practices

Nebraska Legislative Task Force
Least Restrictive Environment

John Copenhaver, Director
Mountain Plains Regional Resource Center
2007

Regional Resource Center Network



Mountain Plains Region

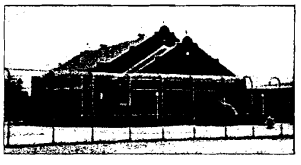
Arizona
Bureau of Indian Education
Colorado
Kansas
Montana
Nebraska
New Mexico
North Dakota
South Dakota
Utah
Wyoming

Key Concepts

- Placement
- Settings
- Least restrictive environment
- Supplemental aids and services
- Continuum of placement options
- Access to general curriculum
- Mainstreaming
- Inclusion

Prior to EHA/IDEA

Children with severe disabilities were once placed in State residential facilities.



Parents had few choices.

Basic Requirement

CFR 300.314

Each **LEA must ensure** to the maximum degree:

- Children with disabilities are educated with children without disabilities.
- Special schools, separate classes or other removal from the regular education environment occurs **only** if the nature of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- Funding mechanisms cannot encourage more restrictive environments.

Continuum of Placements

A continuum of alternative placement options must be available.

Continuum
300.115

- General Education
- Special Classes
- Special Schools
- Home Instruction
- Hospitals
- Institutions

Placements
300.116

- A team knowledgeable of the child, including the parent
- Determined annually
- Based on child's IEP
- As close as possible to the child's home
- Consideration to any harmful effects

Non-academic Settings
300.117

The child participates with children without disabilities in extracurricular services and activities to the maximum extent possible.

Training—Technical Assistance Monitoring
300.119–300.120

- The State must carry out activities to ensure teachers and administrators are fully informed about their responsibilities regarding LRE and ensure training/technical assistance are provided.
- Carry out monitoring activities to ensure 300.114 is being implemented.

State Performance Plan Indicator 5

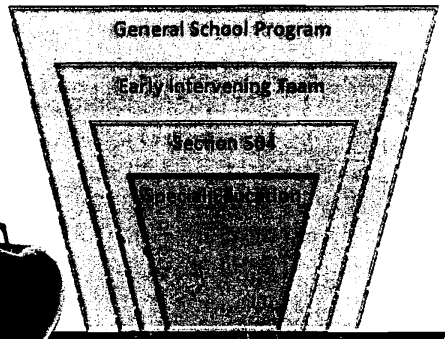
Percent of children with IEPs, ages 6–21 served:

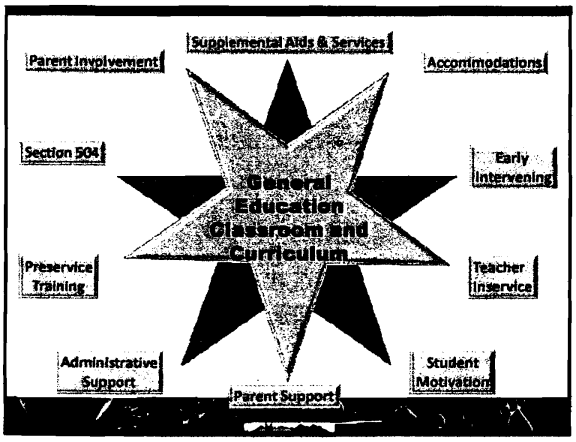
- Inside regular class 80 percent or more of the day
- Inside regular class less than 40 percent of the day
- In separate schools, residential facilities or homebound/ hospital placements

LRE Variance Rates

- School leadership
- Preservice orientation
- Knowledge of supplementary aids and services
- Schoolwide programs
- Teacher attitudes
- Parent counseling

Support and Services





Unification

General Ed + Special Ed

=

MISTER ED

Inclusion/Mainstreaming

Not terms used in the law or regulations.

Inclusion/Mainstreaming

Inclusion and mainstreaming are not a "place" but a "value."

Special education is not a place, but support and services for general education.

Inclusion

It is not about placement; it is about specialized instruction.

The general education curriculum is not a place.

Inclusion and Courts

Children under 10—the Courts—

1. Favor socialization.
2. Favor trying least restrictive placements.
3. Tend to favor least restrictive placement.
4. Schools need to demonstrate history of least restrictive placement.

Supplementary Aids and Services

The general education teacher is part of the IEP.

Supplementary aids or services needed to support the student in the least restrictive environment may include such things as assistive technology equipment, software, training, materials, etc.

Difference

IEP Team Decision

- Placement—Where on the continuum

School Decision

- Setting—Actual physical location "Neighborhood School"

Court Cases Justification Factors—LRE

1. Nature and severity of the disability
2. Diverse learning style of the student
3. The need for specially designed materials, supplies, or equipment that would prohibit access to the curriculum and goals of the general classroom

Court Cases Justification Factors—LRE

4. Significant modifications to the general curriculum that would have an adverse effect on the educational program of other students
5. The extent to which the student is distractible
6. The inability of the student to engage appropriately with other students

Court Cases
Justification Factors—LRE

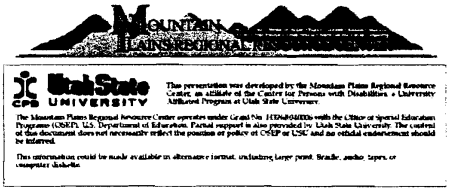
7. Any potential harmful effect on the student
8. Significant disruptions that would have a negative effect on the education of other students
9. The degree to which the student would not benefit from services provided in the general classroom
10. Other

LRE

Sometimes the general classroom is the most restrictive placement.

Summary

- Follow federal and State regulations
- Provide training for school staff and IEP Teams
- Monitor school districts
- Empower IEP Teams
- Promote a "one system" approach



Nebraska Legislative Task Force
Least Restrictive Environment
Table of Contents

I. *Questions and Answers on the Least Restrictive Environment Requirements of the Individuals with Disabilities Education Act*, U. S. Department of Education, November 1994

II. *MPRRC Legal Collaboration Network: Least Restrictive Environment*, Mountain Plains Regional Resource Center, June 2006

III. *SLIIDEA: Placing and Serving Children with Disabilities in the LRE*, In Forum, March 2006

IV. *Least Restrictive Environment,* Pacer Center

V. *The Least restrictive Environment Mandate: How Has It Been Defined by the Courts?* ERIC Digest, ED469442 2002-08-00

VI. *Questions and Answers on Least Restrictive Environment (LRE) Requirements of the IDEA,* Wrightslaw, 2007

VII. *The Least Restrictive Environment—A Primer for Parents and Educators,* Mountain Plains Regional Resource Center, 2006

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

November 23, 1994

Contact Person	
Name	: Rhonda Weiss
Telephone	: (202) 205-5503

OSEP - 95-9

TO : Chief State School Officers

FROM : Judith E. Heumann
Assistant Secretary
Office of Special Education and
Rehabilitation Services

: Thomas Hehir
Director
Office of Special Education
Programs

SUBJECT: Questions and Answers on the Least Restrictive Environment Requirements of the Individuals with Disabilities Education Act

Introduction

The least restrictive environment (LRE) requirements of Part B of the Individuals with Disabilities Education Act (IDEA) have been included in the law in their present form since 1975. However, these requirements continue to generate complex and interesting questions from the field. In particular, questions have been raised about the relationship of IDEA's LRE requirements to "inclusion." Consistent with our attempt to provide you and your staff with as much current information as possible and to ensure that the applicable requirements of IDEA that govern the education of students with disabilities are accurately understood and properly implemented, guidance on IDEA's LRE requirements is being provided in a question and answer format. In most cases, this question and answer document consolidates the prior policy guidance that the Department has

provided in this area. We encourage you to disseminate this document to a wide range of individuals and organizations throughout your State. Any further questions should be directed to the contact person named at the beginning of this document or to Dr. JoLeta Reynolds at (202) 205-5507.

We hope that the above questions and answers are of assistance to you and your staff as you carry out your responsibilities to ensure that disabled students are provided a free appropriate public education in the least restrictive environment.

Attachment

cc: State Directors of Special Education
RSA Regional Commissioners
Regional Resource Centers
Federal Resource Center
Special Interest Groups
Parent Training Centers
Independent Living Centers
Protection and Advocacy Agencies

QUESTIONS AND ANSWERS

1. What are the least restrictive Environment (LRE) requirements of Part B of IDEA?

ANSWER:

In order to be eligible to receive funds under Part B of IDEA (IDEA), States must, among other conditions, assure that a free appropriate public education (FAPE) is made available to all children with specified disabilities in mandated age ranges. The term "FAPE" is defined as including, among other elements, special education and related services, provided at no cost to parents, in conformity with an individualized education program (IEP). The IEP, which contains the statement of the special education and related services to meet each disabled student's unique needs, forms the basis for the entitlement of each student with a disability to an individualized and appropriate education. IDEA further provides that States must have in place procedures assuring that, "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 that 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 is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." This provision, which states IDEA's strong preference for educating students with disabilities in regular classes with appropriate aids and supports, is found in the statute at 20 U.S.C. §1412(5)(B) and is implemented by the Department's regulations at 34 CFR §§300.550-300.556. Copies of the relevant statutory and regulatory provisions are attached to this question and answer document.

2. Does IDEA define the term "inclusion?"

ANSWER:

IDEA does not use the term "inclusion"; consequently, the Department of Education has not defined that term. However, IDEA does require school districts to place students in the LRE. LRE means that, to the maximum extent appropriate, school districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services," along with their nondisabled peers in the school they would attend if not disabled, unless a student's IEP requires some other arrangement. This requires an individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports

that are needed to facilitate the student's placement in the regular educational environment before a more restrictive placement is considered.

In implementing IDEA's LRE provisions, the regular classroom in the school the student would attend if not disabled is the first placement option considered for each disabled student before a more restrictive placement is considered. If the IEP of a student with a disability can be implemented satisfactorily with the provision of supplementary aids and services in the regular classroom in the school the student would attend if not disabled, that placement is the LRE placement for that student. However, if the student's IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services, the regular classroom in the school the student would attend if not disabled is not the LRE placement for that student.

3. **How can IDEA requirements be implemented to ensure that consideration is given to whether a student with a disability can be educated in the regular educational environment with the use of supplementary aids and services before a more restrictive placement is considered?**

ANSWER:

The relationship of IDEA's LRE requirements to the IEP process is key, since under IDEA, the student's IEP forms the basis for the student's placement decision. IDEA requires that the IEP of each disabled student must contain, among other components, a "statement of the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs." 34 CFR §300.346(a)(3). At the student's IEP meeting, the extent that the student will be able to participate in regular educational programs is one of the matters to be addressed by all of the participants on the student's IEP team before the student's IEP is finalized. In addressing this issue, the team must consider the range of supplementary aids and services, in light of the student's abilities and needs, that would facilitate the student's placement in the regular educational environment. As discussed in question 4 below, these supplementary aids and services must be described in the student's IEP. Appendix C to 34 CFR Part 300 (question 48).

4. Does IDEA define the term "supplementary aids and services?"

ANSWER:

No. However, in determining the educational placement for each disabled student, the first line of inquiry is whether the student's IEP can be implemented satisfactorily in the regular educational environment with the provision of supplementary aids and services. This requirement has been in effect since 1975 when the Education of the Handicapped Act (EHA), the predecessor to the IDEA, originally became law.

Consistent with this requirement, any modifications to the regular educational program, i.e., supplementary aids and services that the IEP team determines that the student needs to facilitate the student's placement in the regular educational environment must be described in the student's IEP and must be provided to the student. Appendix C to 34 CFR Part 300 (question 48). While determinations of what supplementary aids and services are appropriate for a particular student must be made on an individual basis, some supplementary aids and services that educators have used successfully include modifications to the regular class curriculum, assistance of an itinerant teacher with special education training, special education training for the regular teacher, use of computer-assisted devices, provision of notetakers, and use of a resource room, to mention a few.

5. How frequently must a disabled student's placement be reviewed under IDEA?

ANSWER:

Under IDEA, each disabled student's placement must be determined at least annually, must be based on the student's IEP, and must be in the school or facility as close as possible to the student's home. Under IDEA, each student's placement decision must be made by a group of persons, including persons knowledgeable about the student, the meaning of evaluation data, and the placement options. While the student's IEP forms the basis for the placement decision, a student's IEP cannot be revised without holding another IEP meeting, which the school district is responsible for convening. If either the student's parent or teacher or other service provider wishes to initiate review of the student's IEP at a point during the school year that does not correspond with the annual IEP review, that individual can request the school district to hold another IEP meeting. If the IEP is revised, following the meeting, the placement team would need to review the student's IEP to determine if a change in placement would be needed to reflect the revised IEP.

6. **If a determination is made that a student with a disability can be educated in regular classes with the provision of supplementary aids and services, can school districts refuse to implement the student's IEP in a specific class because of the unwillingness of a particular teacher to educate that student in his or her classroom or the teacher's assertion that he or she lacks adequate training to educate that student effectively?**

ANSWER:

Under IDEA, lack of adequate personnel or resources does not relieve school districts of their obligations to make FAPE available to each disabled student in the least restrictive educational setting in which his or her IEP can be implemented. Exclusion of a student from an appropriate placement based solely on the student's disability is prohibited by Section 504 of the Rehabilitation Act of 1973. However, placement in a particular regular class based on the qualifications of a particular teacher is permissible under both statutes. The public agency has an affirmative responsibility to ensure the supply of sufficient numbers of teachers who are qualified, with needed aids and supports, to provide services to students with disabilities in regular educational environments, and to provide necessary training and support services to students with disabilities. The Department encourages States and school districts to develop innovative approaches to address issues surrounding resource availability. Factors that could be examined include cooperative learning, teaching styles, physical arrangements of the classroom, curriculum modifications, peer mediated supports, and equipment, to mention a few.

7. **Once a determination is made that a disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision of supplementary aids and services, what considerations govern placement?**

ANSWER:

IDEA does not require that every student with a disability be placed in the regular classroom regardless of individual abilities and needs. This recognition that regular class placement may not be appropriate for every disabled student is reflected in the requirement that school districts make available a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of students with disabilities. This requirement for the continuum reinforces the importance of the individualized inquiry, not a "one size fits all" approach, in determining what placement is the LRE for each

student with a disability. The options on this continuum must include "the alternative placements listed in the definition of special education under §300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions)." 34 CFR §300.551(b)(1). These options must be available to the extent necessary to implement the IEP of each disabled student. The placement team must select the option on the continuum in which it determines that the student's IEP can be implemented. Any alternative placement selected for the student outside of the regular educational environment must maximize opportunities for the student to interact with nondisabled peers, to the extent appropriate to the needs of the student.

It also should be noted that under IDEA, parents must be given written prior notice that meets the requirements of §300.505 a reasonable time before a public agency implements a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Consistent with this notice requirement, parents of disabled students must be informed that the public agency is required to have a full continuum of placement options, as well as about the placement options that were actually considered and the reasons why those options were rejected. 34 CFR §§300.504-300.505; Notice of Policy Guidance on Deaf Students Education Services, published at 57 Fed. Reg. 49274 (Oct. 30, 1992).

8. What are the permissible factors that must be considered in determining what placement is appropriate for a student with a disability? Which factors, if any, may not be considered?

ANSWER:

The overriding rule in placement is that each student's placement must be individually-determined based on the individual student's abilities and needs. As noted previously, it is the program of specialized instruction and related services contained in the student's IEP that forms the basis for the placement decision. In determining if a placement is appropriate under IDEA, the following factors are relevant:

- the educational benefits available to the disabled student in a traditional classroom, supplemented with appropriate aids and services, in comparison to the educational benefits to the disabled student from a special education classroom;

- the non-academic benefits to the disabled student from interacting with nondisabled students; and

- the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the disabled student.

However, school districts may not make placements based solely on factors such as the following:

- category of disability;
- severity of disability;
- configuration of delivery system,;
- availability of educational or related services;
- availability of space; or
- administrative convenience.

9. To what extent is it permissible under IDEA for school districts to consider the impact of a regular classroom placement on those students in the classroom who do not have a disability?

ANSWER:

IDEA regulations provide that in selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs. If a student with a disability has behavioral problems that are so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the disabled student cannot be met in that environment. However, before making such a determination, school districts must ensure that consideration has been given to the full range of supplementary aids and services that could be provided to the student in the regular educational environment to accommodate the unique needs of the disabled student. If the placement team determines that even with the provision of supplementary aids and services, that student's IEP could not be implemented satisfactorily in the regular educational environment, that placement would not be the LRE placement for that student at that particular time, because her or his unique educational needs could not be met in that setting.

While IDEA regulations permit consideration of the effect of the placement of a disabled student in a regular classroom on other students in that classroom, selected findings from Federally-funded research projects indicate that:
(1) achievement test performance among students who were classmates of students with significant disabilities were

equivalent or better than a comparison group (Salisbury, 1993); (2) students developed more positive attitudes towards peers with disabilities (CRI, 1992); and (3) self concept, social skills, and problem solving skills improved for all students in inclusive settings (Peck, Donaldson, & Pezzoli, 1990, Salisbury & Palombaro, 1993).[1]

10. Are there any resources that the Department is aware of that have proven helpful to educators and paraprofessionals in implementing inclusive educational programs?

ANSWER:

The Department has supported a variety of professional development and training projects (e.g., preservice, inservice, school restructuring projects) that address the needs of students with disabilities in inclusive educational programs. In addition, the Department has financed Statewide Systems Change projects which support changing the setting for delivery of educational services from separate settings to general education settings in the school that the student would attend if not disabled. Numerous materials and products have been developed by these projects which have focused on strategies that support collaborative planning and problem solving, site based control, curriculum and technological adaptations and modifications, parent and family involvement, and the creative use of human and fiscal resources. These projects have underscored the importance

---

[1]California Research Institute. (1992). Educational practices in integrated settings associated with positive student outcomes. Strategies on the Inclusion on the Integration of Students with Severe Disabilities, 3,(3), 7,10. San Francisco State University. San Francisco, California.

Peck C. A., Donaldson, J., & Pezzoli, M. (1990). Some benefits non-handicapped adolescents perceive for themselves from their social relationships with peers who have severe disabilities. Journal of the Association for Persons with Severe Handicaps, 15(4), 241-249.

Salisbury, C. L. (1993, November). Effects of inclusive schooling practices: Costs to kids and organizations. Presentation at the 1993 Conference of the Association for Persons with Severe Handicaps, Chicago, Illinois.

Salisbury, C. L., & Palombaro, M. M. (Eds.) (1993). "No problem." Working things out our way. State University of New York-Binghamton, Binghamton, New York.

of timely access to resources (e.g., people, materials, information, technology) when they are needed.

Educators can obtain further information regarding these programs by contacting:

National Information Center for
Children and Youth with Disabilities
P.O. Box 1492
Washington, D.C. 20013-1492
Telephone: 1-800-695-0285
(Deaf and hearing-impaired individuals may also call this number for TDD services)

Consortium on Inclusive Schooling Practices
Allegheny Singer Research Institute
320 E. North Avenue
Pittsburgh, PA. 15212
Telephone: (412) 359-1600
(Deaf and hearing-impaired individuals may also call the Pennsylvania Relay Service number at 1-(800)-654-5984)

California Research Institute
on the Integration of Students with Severe Disabilities
San Francisco State University
1415 Tapia Drive
San Francisco, California 94132
Telephone: (415) 338-7847-48
(Deaf and hearing-impaired individuals may also call the California Relay Service number at 1-(800)-735-2922

(b) In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

(Authority: 20 U.S.C. 1411 note)

§ 300.543 Written report.

(a) The team shall prepare a written report of the results of the evaluation.

(b) The report must include a statement of—

(1) Whether the child has a specific learning disability;

(2) The basis for making the determination;

(3) The relevant behavior noted during the observation of the child;

(4) The relationship of that behavior to the child's academic functioning;

(5) The educationally relevant medical findings, if any;

(6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and

(7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(c) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

(Authority: 20 U.S.C. 1411 note)

(Approved by the Office of Management and Budget under control number 1820-0030)

[57 FR 44798, Sept. 29, 1992, as amended at 58 FR 13528, Mar. 11, 1993]

LEAST RESTRICTIVE ENVIRONMENT

§ 300.550 General.

(a) Each SEA shall ensure that each public agency establishes and implements procedures that meet the requirements of §§ 300.550–300.556.

(b) Each public agency shall ensure—

(1) That 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 nondisabled; and

(2) That 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 is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(Authority: 20 U.S.C. 1412(5)(B); 1414(a)(1)(C)(iv))

§ 300.551 Continuum of alternative placements.

(a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under § 300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Authority: 20 U.S.C. 1412(5)(B))

§ 300.552 Placements.

Each public agency shall ensure that:

(a) The educational placement of each child with a disability—

(1) Is determined at least annually;

(2) Is based on his or her IEP; and

(3) Is as close as possible to the child's home.

(b) The various alternative placements included at § 300.551 are available to the extent necessary to implement the IEP for each child with a disability.

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled.

(d) In selecting the LRE, consideration is given to any potential harmful

effect on the child or on the quality of services that he or she needs.

(Authority: 20 U.S.C. 1412(5)(B))

NOTE: Section 300.552 includes some of the main factors that must be considered in determining the extent to which a child with a disability can be educated with children who are nondisabled. The overriding rule in this section is that placement decisions must be made on an individual basis. The section also requires each agency to have various alternative placements available in order to ensure that each child with a disability receives an education that is appropriate to his or her individual needs.

The requirements of § 300.552, as well as the other requirements of §§ 300.550–300.556, apply to all preschool children with disabilities who are entitled to receive FAPE. Public agencies that provide preschool programs for nondisabled preschool children must ensure that the requirements of § 300.552(c) are met. Public agencies that do not operate programs for nondisabled preschool children are not required to initiate such programs solely to satisfy the requirements regarding placement in the LRE embodied in §§ 300.550–300.556. For these public agencies, some alternative methods for meeting the requirements of §§ 300.550–300.556 include—

(1) Providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies (such as Head Start);

(2) Placing children with disabilities in private school programs for nondisabled preschool children or private school preschool programs that integrate children with disabilities and nondisabled children; and

(3) Locating classes for preschool children with disabilities in regular elementary schools.

In each case the public agency must ensure that each child's placement is in the LRE in which the unique needs of that child can be met, based upon the child's IEP, and meets all of the other requirements of §§ 300.340–300.350 and §§ 300.550–300.556.

The analysis of the regulations for Section 504 of the Rehabilitation Act of 1973 (34 CFR part 104—Appendix, Paragraph 24) includes several points regarding educational placements of children with disabilities that are pertinent to this section:

1. With respect to determining proper placements, the analysis states: "* * * it should be stressed that, where a handicapped child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore regular placement would not be appropriate to his or her needs * * *."

2. With respect to placing a child with a disability in an alternate setting, the analysis states that among the factors to be considered in placing a child is the need to place the child as close to home as possible. Recipients are required to take this factor into account in making placement decisions. The parents' right to challenge the placement of their child extends not only to placement in special classes or separate schools, but also to placement in a distant school, particularly in a residential program. An equally appropriate education program may exist closer to home; and this issue may be raised by the parent under the due process provisions of this subpart.

§ 300.553 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

(Authority: 20 U.S.C. 1412(5)(B))

NOTE: Section 300.553 is taken from a requirement in the final regulations for Section 504 of the Rehabilitation Act of 1973. With respect to this requirement, the analysis of the Section 504 Regulations includes the following statement: "[This paragraph] specifies that handicapped children must also be provided nonacademic services in as integrated a setting as possible. This requirement is especially important for children whose educational needs necessitate their being solely with other handicapped children during most of each day. To the maximum extent appropriate, children in residential settings are also to be provided opportunities for participation with other children." (34 CFR part 104—Appendix, Paragraph 24.)

§ 300.554 Children in public or private institutions.

Each SEA shall make arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures) as may be necessary to ensure that § 300.550 is effectively implemented.

(Authority: 20 U.S.C. 1412(5)(B))

NOTE: Under section 612(5)(B) of the statute, the requirement to educate children with disabilities with nondisabled children also applies to children in public and private institutions or other care facilities. Each SEA must ensure that each applicable agency and institution in the State implements this requirement. Regardless of other reasons for institutional placement, no child in an institution who is capable of education in a regular public school setting may be denied access to an education in that setting.

§ 300.555 Technical assistance and training activities.

Each SEA shall carry out activities to ensure that teachers and administrators in all public agencies—

(a) Are fully informed about their responsibilities for implementing § 300.550; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

(Authority: 20 U.S.C. 1412(5)(B))

§ 300.556 Monitoring activities.

(a) The SEA shall carry out activities to ensure that § 300.550 is implemented by each public agency.

(b) If there is evidence that a public agency makes placements that are inconsistent with § 300.550, the SEA shall—

(1) Review the public agency's justification for its actions; and

(2) Assist in planning and implementing any necessary corrective action.

(Authority: 20 U.S.C. 1412(5)(B))

CONFIDENTIALITY OF INFORMATION

§ 300.560 Definitions.

As used in §§ 300.560–300.576—

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

Education records means the type of records covered under the definition of education records in part 99 of this title (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under this part.

(Authority: 20 U.S.C. 1412(2)(D); 1417(c))

§ 300.561 Notice to parents.

(a) The SEA shall give notice that is adequate to fully inform parents about the requirements of § 300.128, including—

(1) A description of the extent that the notice is given in the native languages of the various population groups in the State;

(2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

(3) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

(4) A description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in part 99 of this title.

(b) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity.

(Authority: 20 U.S.C. 1412(2)(D); 1417(c))

(Approved by the Office of Management and Budget under control number 1820-0030)

[57 FR 44798, Sept. 29, 1992, as amended at 58 FR 13528, Mar. 11, 1993]

§ 300.562 Access rights.

(a) Each participating agency shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any meeting regard-

the total of such maximum amounts under the last sentence of such paragraph, the State educational agency shall fix dates before which each local educational agency or intermediate educational unit shall report to the State educational agency on the amount of funds available to the local educational agency or intermediate educational unit, under the provisions of subsection (d) of this section, which it estimates that it will expend in accordance with the provisions of this section. The amounts so available to any local educational agency or intermediate educational unit, or any amount which would be available to any other local educational agency or intermediate educational unit if it were to submit a program meeting the requirements of this subchapter, which the State educational agency determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies and intermediate educational units, in the manner provided by this section, which the State educational agency determines will need and be able to use additional funds to carry out approved programs.

(h) For grants under subsection (a) there are authorized to be appropriated such sums as may be necessary.

Pub. L. 91-230, Title VI, Sec. 611, Apr. 13, 1970, 84 Stat. 178; amended by Pub. L. 93-380, Title VI, Secs. 614(a), (e)(1), (2), Aug. 21, 1974, 88 Stat. 580, 582; Pub. L. 94-142, Secs. 2(a)(1)-(3), 5(a), (c), Nov. 29, 1975, 89 Stat. 773, 776, 794; Pub. L. 96-270, Sec. 13, June 14, 1980; Pub. L. 98-199, Sec. 15, Dec. 2, 1983, 97 Stat. 1357; and by Pub. L. 99-457, Title II, Sec. 201, and Title IV, Secs. 403, 404, Oct. 8, 1986, 100 Stat. 1155 and 1173.

Sec. 1412. Eligibility requirements

In order to qualify for assistance under this subchapter in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met:

(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

(2) The State has developed a plan pursuant to section 1413(b) of this title in effect prior to November 29, 1975, and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

(A) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

(B) a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

(C) all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

(D) policies and procedures are established in accordance with detailed criteria prescribed under section 1417(c) of this title; and

(E) the amendment to the plan submitted by the State required by this section shall be available to parents, guardians, and other members of the general public at least thirty days prior to the date of submission of the amendment to the Secretary.

(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 1414(a)(5) of this title.

(5) The State has established (A) procedural safeguards as required by section 1415 of this title, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular

© 1988 CRR Publishing Company, Alexandria, Virginia 22313-1908

educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

(6) The State educational agency shall be responsible for assuring that the requirements of this subchapter are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency. This paragraph shall not be construed to limit the responsibility of agencies other than educational agencies in a State from providing or paying for some or all of the costs of a free appropriate public education to be provided handicapped children in the State.

(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 1413 of this title.

Pub. L. 91-230, Title VI, Sec. 612, Apr. 13, 1970, 84 Stat. 178; amended by Pub. L. 92-318, Title IV, Sec. 421(b)(1)(C), June 23, 1972, 86 Stat. 341; Pub. L. 93-380, Title VI Secs. 614(b), (f)(1), 615(a), Title VIII, Sec. 843(b), Aug. 21, 1974, 88 Stat. 581, 582, 611; Pub. L. 94-142, Secs. 2(a)(4), (c), (d), 5(a), Nov. 29, 1975, 89 Stat. 773, 774, 780; and by Pub. L. 99-457, Title II, Sec. 203, Oct. 8, 1986, 100 Stat. 1158.

Sec. 1413. State Plans

Requisite features

(a) Any State meeting the eligibility requirements set forth in section 1412 of this title and desiring to participate in the program under this subchapter shall submit to the Secretary, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall—

(1) set forth policies and procedures designed to assure that funds paid to the State under this subchapter will be expended in accordance with the provisions of this subchapter, with particular attention given to the provisions of sections 1411(b), 1411(c), 1411(d), 1412(2) and 1412(3) of this title;

(2) provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including section 241c-1 of this title, section 844a(b)(8) of this title or its successor authority, and section 1262(a)(4)(B) of this title, under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

(3) set forth, consistent with the purposes of this chapter, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the in-service training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this chapter are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

(4) set forth policies and procedures to assure—

(A) that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this subchapter by providing for such children special education and related services; and

(B) that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this subchapter) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the

LRE

MEMO

TO: John Copenhaver, MPRRC Director

FROM: Elena M. Gallegos

DATE: June 19, 2006

SUBJECT: MPRRC Legal Collaboration Network: Least Restrictive Environment

In response to your question concerning least restrictive environment, below you will find the IDEA 2004 statutory language, the standards within the Eighth, Ninth and Tenth Circuits, and the IDEA 1997 regulatory language. South Dakota, North Dakota and Nebraska are in the Eighth Circuit. Arizona and Montana are in the Ninth Circuit. Oklahoma, Kansas, New Mexico, Colorado, Wyoming and Utah are in the Tenth Circuit.

IDEA 2004 LEAST RESTRICTIVE ENVIRONMENT (LRE) MANDATE

- "LEAST RESTRICTIVE ENVIRONMENT.-- (A) IN GENERAL. 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." *20 U.S.C. §1412(a)(5)(A).*

  The IEP team must provide "An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in subclause (IV)(cc)[in the general curriculum and in extracurricular and other nonacademic activities]." 20 U.S.C. §1414(d)(1)(A)(i)(V).

STANDARDS IN THE EIGHTH, NINTH AND TENTH CIRCUITS

In 1987, the Eighth Circuit, in A.W. *v. Northwest R-1 School District*, 813 F.2d 158 (8th Cir. 1987); *cert. denied,* 484 U.S. 847, 108 S.Ct. 144, 98 L.Ed.2d 100 (1987), adopted the Sixth Circuit standard. Sixth Circuit: *Roncker v. Walter*, 700 F.2d 1058 (6th Cir. 1983); *cert. denied,* 464 U.S. 864, 104 S.Ct. 196, 78 L.Ed.2d 171 (1983):

> Facts: Neill Roncker is a nine year old severely mentally retarded student. He also suffers from seizures. Due to his level of cognitive functioning, he requires constant supervision to ensure his safety. Neill is not considered dangerous. Following a period of attendance on a campus that allowed for contact with nondisabled students, the school district proposed a placement in an entirely segregated county school. The school district staff believed that this environment would be academically superior for Neill. During the pendency of the dispute, Neill began attending a class for severely retarded students on a regular elementary school campus where he had limited opportunities during lunch, gym, and recess to interact with nondisabled peers. At trial, the parties agreed that Neill should not be instructed in a regular classroom setting. Instead, the dispute was narrowly tailored to the issue of opportunity to have contact with nondisabled peers.
>
> Standard: "In a case where the segregated facility is considered superior, the court should determine whether the services which make that placement superior could be feasibly provided in a non-segregated setting. If they can, the placement in the segregated school would be inappropriate under the Act."
>
> Factors:
>
> 1. Did the student make progress in the integrated setting? If the student did not make progress, were there additional services which would have improved his performance?
>
> 2. Compare the benefits of regular and special education. A segregated placement is appropriate if any marginal benefits received from mainstreaming are far outweighed by the benefits gained from services which could not feasibly be provided in the non-segregated setting.
>
> 3. Is the student disruptive in the non-segregated setting?
>
> 4. Cost is a proper factor to consider since excessive spending on one disabled child deprives other disabled children. Cost is no defense if the school district failed to use its funds to provide a proper continuum of alternative placements for disabled children.
>
> Result: Remanded to the district court to apply the above standard.

Ninth Circuit: *Sacramento City Unified School District v. Holland*, 14 F.3d 1398 (9th Cir. 1994):

Facts: The parents of a moderately mentally retarded child (I.Q. of 44) sought full inclusion of their nine-year-old daughter in a regular 2nd grade class. At the time of the request, she attended special education classes only, and the parents sought full-time regular education placement for her. The District rejected this request, but proposed that the student's schedule include regular education time for the non-academic subjects (art, music, lunch, and recess) and special education time for the academic subjects (reading, math, etc.). The parents requested a due process hearing, maintaining that placement in the regular education classroom constituted the least restrictive environment. During the pendency of the proceedings, the parents enrolled their child in a private school, where she was placed in a regular education classroom on a full-time basis where she was successfully educated. The hearing officer ruled for the parents, and the district court affirmed.

Standard: The Ninth Circuit upheld the district court's own four-factor test, which employed elements from both the *Daniel R.R.* and *Roncker*.

Factors:

1. The educational benefits available in a regular classroom, supplemented with appropriate aids and services, as compared with the educational benefits of a special education classroom;

2. The non-academic benefits of interaction with children who were not disabled.

3. The effect of the child's presence on the teacher and other children in the classroom, including whether:

    a. There was a detriment because the child was disruptive, distracting, or unruly; and

    b. The child would take up so much of the teacher's time that the other students would suffer from lack of attention.

4. The cost of mainstreaming the child in a regular classroom.

In 2004, the Tenth Circuit, in *L.B. v. Nebo School District*, 379 F.3d 966; 41 IDELR 206 (10th Cir. 2004), adopted the Fifth Circuit's LRE test. Fifth Circuit: *Daniel R.R. v. SBOE*, 874 F.2d 1036 (5th Cir. 1989):

Test:

1. Ask whether education in the regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily.

2. If the answer is "no," and the school intends to provide special education or to remove the child from regular education, ask whether the school has mainstreamed the child to the maximum extent appropriate

Factors to consider:

1. Has the district taken steps to accommodate the child with disabilities in regular education?

    a. Did the district provide supplementary aids and services?

    b. Did the district modify its regular education program?

2. Were these efforts sufficient or token?

    a. The requirement for modifying and supplementing regular education is broad.

    b. Districts need not provide every conceivable supplementary aid or service to assist the child.

    c. The regular education instructor is not required to devote all or most of his or her time to one child with disabilities.

    d. The regular education instructor is not required to modify the regular education program beyond recognition.

3. Will the child receive an educational benefit from regular education?

    a. Can the student grasp the essential elements of the regular education curriculum?

    b. Academic achievement is not the only purpose of mainstreaming.

4. What will be the child's overall educational experience in the mainstreamed environment, balancing the benefits of regular and special education?

   a. The nonacademic benefit that the child receives from mainstreaming may tip the balance in favor of mainstreaming, even if the child cannot flourish academically.

   b. On the other hand, placing the child in regular education may be detrimental to the child.

5. What effect does the disabled child's presence have on the regular classroom environment?

   a. Where a disabled child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the disabled child cannot be met in that environment.

   b. Or, the child may require so much of the instructor's attention that the instructor will have to ignore the other student's needs in order to tend to the disabled child.

   c. A teaching assistant or an aide may minimize the burden on the teacher. If, however, the disabled child requires so much of the teacher or the aide's time that the rest of the class suffers, then the balance will tip in favor of placing the child in special education.

FEDERAL REGULATIONS (implementing IDEA 97)

Full Continuum of Services

1. "Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services." 34 C.F.R. §300.551(a).

2. "The continuum ... must ... include the alternative placements listed in the definition of special education under Sec. 300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions)." 34 C.F.R. §300.551(b)(1).

3. "The continuum ... must ... make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. 34 C.F.R. §300.551(b)(2).

Location

1. "In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that ... the child's placement ... is as close as possible to the child's home." 34 C.F.R. §300.552(b)(3).

2. "In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that ... the child's placement ... unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled. 34 C.F.R. §300.552(c).

Making the Determination

1. "In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that ... the placement decision is based on the IEP." 34 C.F.R. §300.552(b)(2).

2. "In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that ... in selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs. 34 C.F.R. §300.552(d).

3. "In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that ... a child with a disability is not removed from education in age- appropriate regular classrooms solely because of needed modifications in the general curriculum." 34 C.F.R. §300.552(e).

4. "The IEP for each child with a disability must include ... a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child--
(i) To advance appropriately toward attaining the annual goals;
(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section." 34 C.F.R. §300.347(a)(3).

Ensuring the Right Decision and Justifying the Determination

1. The IEP for each child with a disability must include ... an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section. 34 C.F.R. §300.347(a)(4).

2. "Each public agency shall ensure ... that 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 nondisabled." 34 C.F.R. §300.550(b)(1).

3. "Each public agency shall ensure ... that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." 34 C.F.R. §300.550(b)(2).

4. "In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Sec. 300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child." 34 C.F.R. §300.553.

5. "Each public agency shall take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities." 34 C.F.R. §300.306(a).

MEMO

TO: John Copenhaver, MPRRC Director

FROM: Elena M. Gallegos

DATE: June 19, 2006

SUBJECT: MPRRC Legal Collaboration Network: Eligibility Determination

---

Eligibility under the IDEA is determined by a multidisciplinary team (MDT). There is a two-part test for eligibility. To be eligible under IDEA, a child must have: (1) a disability, and (2) a need for special education services. School districts should look to state law for the specific eligibility criteria for each of the disability categories and the membership of the MDT. In areas where a team member is uniquely trained and qualified, the other members should give that member deference in his or her area of expertise. However, the decision is made by the team, taking into account the contributions and input of each of the members. If the decision is challenged, a hearing officer or court will heavily rely upon the testimony of appropriately qualified experts.

IDEA 2004 defines "child with a disability" as follows:

> IN GENERAL.--The term `child with a disability' means a child-- (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this title as `emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services. *20 U.S.C. §1401(3)(A).*

IDEA 2004 describes the determination of eligibility as follows:

> DETERMINATION OF ELIGIBILITY AND EDUCATIONAL NEED.--Upon completion of the administration of assessments and other evaluation measures--(A) the determination of whether the child is a child with a disability as defined in section [20 U.S.C. §1401(3)(A)] and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5). *20 U.S.C. §1414(b)(4)(A).*
>
> SPECIAL RULE FOR ELIGIBILITY DETERMINATION.--In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such

determination is-- (A) lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965); (B) lack of instruction in math; or (C) limited English proficiency. *20 U.S.C. §1414(b)(5).*

*in*Forum

Brief Policy Analysis

March 2006

SLIIDEA: Placing and Serving Children with Disabilities in the LRE

Synthesized by Sunil Misra

When Congress passed the Individuals with Disabilities Education Act (IDEA) in 1997, it authorized an evaluation to track progress at the state and local levels on the legislative goals of IDEA. The U.S. Department of Education's Office of Special Education Programs (OSEP) commissioned a national longitudinal study, the Study of State and Local Implementation and Impact of the Individuals with Disabilities Education Act (SLIIDEA), toward that end. SLIIDEA was tasked with investigating the following nine topics of congressional interest:

- improving the performance of children with disabilities in general scholastic activities and assessments;
- providing for the participation of children with disabilities in the general curriculum;
- helping children with disabilities make effective transitions from preschool to school and from school to work;
- increasing the placement of children with disabilities, including minority children, in the least restrictive environment;
- decreasing the numbers of children with disabilities who drop out of school;
- increasing the use of effective strategies for addressing behavioral problems of children with disabilities;
- improving coordination of the services provided under the reauthorization with other pupil services and with health and social services;
- reducing the number of disagreements between educational personnel and parents; and
- increasing the participation of parents in the education of their children with disabilities.

This document synthesizes information from SLIIDEA pertaining to the placing and serving of children with disabilities, including minority children, in the LRE as reflected in data from the 2002-03 school year. This synthesis brief was completed by Project Forum at the National Association of State Directors of Special Education (NASDSE) as part of its cooperative agreement with OSEP.[1]

[1] Project Forum extends its thanks to Abt Associates staff, including Julie Fritts and Ellen Schiller, Senior Associate of SLIIDEA, for reviewing a previous draft of this document.

This document is available in alternative formats. For details, please contact Project Forum staff at 703.519.3800

Methodology of SLIIDEA Study

In the 2002-03 school year, surveys were sent to key personnel responsible for, or familiar with, special education issues in all 50 states and the District of Columbia, and a nationally representative sample of 959 districts and 4,448 schools at the elementary, middle and high school levels. Project Forum's document synthesizes the SLIIDEA chapter "Placing and Serving Children with Disabilities, Including Minority Children, in the Least Restrictive Environment" (Schiller, Bobronnikov, O'Reilly, Price & St. Pierre, 2005).

Background

Since the 1975 enactment of the Education for All Handicapped Children Act (P.L. 94-142) children with disabilities have been guaranteed the right to a free appropriate public education in the least restrictive environment (LRE). This federal requirement was meant to counter laws that existed at the time in some states that excluded children with certain disabilities from attending public schools. This landmark federal law mandated that students with disabilities must be educated in the same settings as their nondisabled peers to the maximum extent appropriate.

Reflecting the individualized nature of special education, it has long been accepted that the number of students placed in specific educational environments will vary somewhat by disability category. Students with low-incidence disabilities (e.g., visually impaired or deaf), for example, are less likely to spend most of their school day in a regular classroom. Students with speech language impairments or learning disabilities more typically spend the majority of their school day in the regular education environment. Of more concern, however, are trends that suggest differences in placement by race/ethnicity. Black and Hispanic students, for example, are about twice as likely to spend a majority of their school day outside the regular classroom as are white students (U.S. Department of Education, 2002).

In addition to how they spend their school day, the overrepresentation of minority students in special education has been a topic of much debate and documentation over the past three decades. Both social and special education process factors have been identified as contributing to this complex issue. Social factors include poverty, health risks and interpretation of cultural and language differences as disability. Process factors believed to contribute include misidentification of students during the referral process, limited participation of minority parents in the special education identification and planning process and lack of culturally appropriate interpretations of assessment results. The misidentification and misclassification of minority students for special education can lead to inappropriate placements, increasing the time these students spend in separate or segregated settings.

In recognition of these persistent issues, the 1997 amendments to IDEA included new requirements for states to collect and examine data to determine if significant disproportionality based on race or ethnicity is occurring, both in the identification of children with disabilities and in the placement in particular educational settings of these children.[2] The regulations further

[2] IDEA 2004 includes similar data collection requirements to determine disporportionality in section 618(a)(1)(D).

specify that when disproportionality is identified, states must develop a plan to address the problem. Thus, in addition to studying state, district and school policies, practices and resources supporting the placement of students with disabilities in the LRE, SLIIDEA studied the placement of minority children in the LRE. Findings on both topics are presented below.

State/District Support for LRE

In the 2002-03 SLIIDEA survey, states, districts and schools were asked to self-report on their use of policies, practices and resources to support the placement of students with IEPs in the LRE. The following subsections describe the extent to which states, districts and schools addressed this issue.

Progress in Placement

More progress was reported by states, districts and schools in placing all students with IEPs in the LRE than in placing minority students with IEPs in the LRE. Independently, schools reported the most progress in these areas and states reported the least progress.

Participation in Professional Development

Special education teachers were more likely than general education teachers and other staff to have participated in professional development on placing students with IEPs in the LRE. Furthermore, more than twice as many schools reported that staff participated in professional development on LRE than on minority LRE.

Preparation to Support Placement

In addition to professional development activities, schools used a variety of resources to support the placement of students with disabilities in the LRE, including technical assistance and district and state funds.

Schools reported that their special education teachers were much better prepared than their general education teachers in the area of developing strategies to support the placement of students with IEPs in the LRE. Both groups of teachers were less prepared to support the placement of minority students with IEPs in the LRE than to support placement of all students with disabilities.

Data-Based Decision Making in Placement of Students with IEPs in the LRE

The availability of data is another type of resource for districts and schools that helps in making placement decisions. The majority of schools had access to data on the placement of students with IEPs in the LRE by disability categories. Many of these had access to this data by race/ethnicity. Of the schools that collected data, most used it to evaluate programs and some to plan professional development. Of those that collected data specifically on minority placement, most used it to evaluate programs and few used it to plan professional development.

State and District Guidance

The federal legislation and regulations pertaining to placing students with IEPs in the LRE is not specific with regard to how the requirements should be met. Thus, state and district guidance in this area can be critical in clarifying how schools might meet their obligations. Proportionately more districts than states provided written guidelines on the placement of students with IEPs in the LRE. Nearly all districts without written guidelines were located in states that provided written guidelines. However, both states and districts were much less likely to provide written guidelines on placement of minority students with IEPs in the LRE.

Resources Provided by States and Districts

Proportionately more states than districts used resources as a major policy intervention. Resources included state-wide training, competitive grants and state-supported personnel. These personnel were made available to districts and schools targeted for supporting placement of students with IEPs and minority students with IEPs in the LRE. State and district resources were not likely to be specifically targeted on the placement of minority students with IEPs in the LRE.

States were most likely to provide personnel and least likely to provide financial resources to districts. However, states were less likely to provide personnel and financial resources specifically to support the placement of minority students in the LRE. Districts were most likely to provide technical assistance and least likely to provide financial resources to schools for technical assistance to support placement in the LRE. These resources were less likely to be provided specifically for district support of minority placement in the LRE

Districts were more likely to have and use data on LRE by disability type than data on LRE by race/ethnicity for evaluation and planning professional development. More districts used the data collected by disability type for program evaluation than planning for professional development. More districts that collected race/ethnicity data used this data for evaluation than for planning professional development. These findings are somewhat surprising, given the limited attention districts seem to be paying to the area of least restrictive environment for minority students.

Demographic Profiles of Districts and Schools

District size and urbanicity were associated with the provision of resources on the placement of minority students with IEPs in the LRE and whether there was access to data on the LRE. Large and urban districts were more likely than suburban or rural districts to provide resources. For example, most large and urban districts as compared to small districts provided resources to schools based on the number of students with IEPs placed in the LRE and also on the number of minority students with IEPs placed in the LRE.

Staff participation in professional development regarding the LRE was associated with school size, urbanicity and the percentage of minority students. Large schools, urban schools, schools with high enrollment of students receiving free and reduced price lunch and schools with a high

enrollment of minority students were more likely to have staff participating in professional development on strategies to support the placement of students, including minority students, with IEPs in the LRE.

A number of school demographics were associated with the percentage of students with IEPs who spent 80% or more of the school day in general education classrooms. For instance, these students were more likely to be in smaller schools or in schools with low enrollments of minority students, low enrollment of students with IEPs and low enrollments of students receiving free and reduced price lunch.

Relationships between Actions and Outcomes

Three school outcomes are often used as indicators to determine whether students with IEPs can effectively access the general education curriculum:

- the percentage of students with IEPs who spent 80% or more of the school day in the general education classroom;
- whether special education teachers in the schools were well prepared; and
- whether general education teachers in the schools were well prepared.

Since demographic variables do not easily lend themselves to policy interventions, they have been used as control variables. SLIIDEA reports on the actions related to outcomes that policy makers may choose to use as an intervention.

Many practitioners perceive that increased placement in the regular classroom will lead to increased access to the general curriculum.

- No state and very few district actions or policies were found to be related to the percentage of students with IEPs who spent 80% or more of the school day in general education classrooms.
- Schools were more likely to report a higher percentage of students with IEPs who spend 80% or more of the school day in general education classrooms when they were in districts that do not have guidelines in this area. Not providing these guidelines was associated with an increased percentage of students with IEPs in these settings.[3]
- The provision of eight or more hours of professional development on collaboration and teaming between general and special education teachers was the only district-level action that was significantly associated with an increase in the percentage of students with IEPs who were placed in the general classroom 80% or more of the school day.
- Schools where general education teachers participated in more professional development about accessing the general curriculum tended to have more students placed in the general classroom at least 80% of the school day.

[3] It is important to note that this association does not indicate a causal relationship. There may be other explanations (e.g., districts for which provision of the LRE has been an ongoing problem are more likely to develop such guidelines).

State, District and School Actions that can Prepare Teachers to Provide LRE

Participation in professional development was related to special education teachers being well-prepared in supporting the placement of students with IEPs in the LRE. When districts provided additional personnel to address placement, schools reported their staffs as being better prepared Also, when professional development was provided, schools reported their staffs were well prepared.

A number of actions were related to the percentage of schools reporting that their special education teachers were well prepared to support the placement of minority students with IEPs in the LRE. Examples of these actions include having school staff with a specific responsibility for increasing the access of students with IEPs to the general education curriculum and participation of special education teachers in related professional development.

District and school actions were also related to the percentage of general education teachers who were well prepared to support the placement of minority students with IEPs in the LRE. For instance, schools in districts that provided written guidelines and professional development on the placement of minority students with IEPs in the LRE were somewhat more likely to report that their general education teachers were well prepared compared to schools without such written guidelines. Basically, the more support general education teachers were given on how to support student access to the general curriculum, the more prepared they were.

Summary

No state-level and only one district-level action was significantly associated with an increase in the percentage of students with IEPs who were placed in the general classroom 80% or more of the school day: the provision of professional development on collaboration between general and special education teachers. When a variety of strategies were used – including technical assistance, data and funds – placement of all students with IEPs, including minority students, in the LRE was more likely. However, more progress was reported by states, districts and schools in placing all students with IEPs in the LRE than in placing minority students with IEPs in the LRE, suggesting that improvement is still needed in this area.

Primary Reference

Schiller, E., Bobronnikov, E., O'Reilly, F., Price, C., & St. Pierre, R. (2005, March). Placing and serving children with disabilities in the LRE. In *The Study of State and Local Implementation and Impact of the Individuals with Disabilities Education Act: Final 2nd Interim Report (2002-2003 School Year)*. Bethesda, MD: ABT Associates.

Secondary References

U. S. Department of Education (2002). Twenty-fourth annual report to Congress on the implementation of the Individuals with Disabilities Education Act. Washington, DC: Author.

This report was supported by the U.S. Department of Education (Cooperative Agreement No. H326F000001). However, the opinions expressed herein do not necessarily reflect the position of the U.S. Department of Education, and no official endorsement by the Department should be inferred.
Note: There are no copyright restrictions on this document; however, please credit the source and support of federal funds when copying all or part of this material.

U.S. Office of Special Education Programs

This document, along with many other Forum publications, can be downloaded from the Project Forum at NASDSE web address:

http://www.nasdse.org > Publications

To order a hard copy of this document or any other Forum publications, please contact Carla Burgman at
NASDSE, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314
Ph: 703-519-3800 ext. 312 or Email: carla.burgman@nasdse.org

Least Restrictive Environment

The Individuals with Disabilities Education Act

Least Restrictive Environment

Inclusive Policies in the United States: Overview

American public education has seen great progress toward inclusive policies in the last 50 years. In forbidding educational segregation of children of color in 1954, *Brown v. Board of Education* framed their integration as a civil right. At the same time, human service philosophies were moving toward community services and integration within society for individuals with disabilities, rather than the State schools and institutions that had been the norm for a century. As late as 1967, however, nearly 200,000 persons with significant disabilities were housed in institutions that were often substandard, and many more children with disabilities lived in communities where they received an inadequate education or none.

Public education for students with disabilities was pursued by their parents and advocates as a civil right during the late 1960s and early 1970s. Their efforts led to enactment of the Education of All Handicapped Children Act of 1975 -- now the Individuals with Disabilities Education Act (IDEA) -- which for the first time gave children with disabilities the right to a free, appropriate public education. At the time the law was passed, a million children with disabilities were excluded from school, many were educated in segregated facilities, and many others received only a minimal education. For those children at that point, a less restrictive environment meant being included in public education at all.

- **By the late 1970s, most students with disabilities were educated in self-contained special education classes or in centers** operated by school districts, and some moved back and forth during the day between general education and special classes or resource rooms.
- **In the early 1980s, concerns about this type of separate schooling led to the practice called mainstreaming**. Education in neighborhood schools began to replace separate centers; inclusion in general education classrooms was promoted, with "pull-outs" for specialized instruction and related services; and there were efforts to include all students with disabilities in school life and activities.
- **By the 1990s, the mainstreaming concept had given way to a vision of inclusive education** that would end the marginalization of students with disabilities at the periphery of general education. Inclusive education means that, whenever possible, students with disabilities should have education and experiences alongside their non-disabled peers for the portion of the school day that is productive for each of them.
- **Inclusive education also applies to infants, toddlers, and preschoolers with disabilities**. For infants and toddlers and

their families, the least restrictive settings for services have become the natural environments of the home and community programs that are typical for non-disabled infants and toddlers. For children aged 3 to 5, inclusive education is emphasized in community preschools, Head Start, day care programs, and other settings where children with and without disabilities join in preschool services.

- **The community is part of the least restrictive environment**. Through increasing interagency cooperation, particularly in early intervention and transition to adult life, the concept of inclusion now also extends to full community participation and access to community services.

IDEA and Least Restrictive Environments: Overview

The IDEA Amendments of 1997 reflect the view that special education is not a place but a set of services that enable students to be educated in the setting that is most suitable for their individual needs. It is important to understand that any educational environment may be the least restrictive one for a particular child, depending on that child's learning and behavioral needs and characteristics. On the one hand, IDEA endorses inclusion of students with disabilities in general education classrooms, with special services, supports, and accommodations that enable them to succeed in those settings. On the other hand, a full continuum of options remains part of the law to ensure that every students receives an appropriate education. Self-contained classrooms, separate schools, homebound or hospital services continue to be available when the nature or severity of a student's disability is such that a less restrictive placement cannot be achieved satisfactorily, even with the assistance of special education, related services, modifications, and accommodations.

- **Decisions about the most suitable environment for each student, aged 3-21, are made by parents and school personnel who develop the Individualized Education Program (IEP)**, and IDEA '97 requires that students' general education teachers be part of this planning. The IEP must name the settings in which the student will be educated. IEP Teams consider the extent to which students are able to participate in the general classroom and the supplemental services and accommodations that will support their learning in this placement. If any student will not participate in the general classroom, even for part of the day, the IEP must document the rationale and describe the environment that is appropriate. In any case, however, the student must have access to the general curriculum. For infants and toddlers and their families, the **Individualized Family Service Plan (IFSP)** is based on the strengths and needs of the child and the family. In some States, the IFSP is extended to include preschool students with disabilities who are 3 to 5 years old.
- **IDEA's funding formulas and flexibility in the use of funds** are intended to facilitate education in the environment that is least restrictive for each child. To remove fiscal policies that can lead to unnecessarily restrictive placements, the 1997 Amendments require that States establish placement-neutral funding mechanisms that do not inadvertently create incentives for such placements. In addition, the Amendments permit IDEA funds to be used to provide specialized instruction in general education classrooms, even when non-disabled students benefit as well. Funding flexibility allows inclusive education to be part of a school's agenda for unifying resources and integrating various programs in ways that benefit all students.

The imperative to diversify and accommodate instruction goes far beyond the needs of students with disabilities. Students in the public schools have never learned uniformly in exactly the same way, and many do not succeed with traditional instruction, as shown by the numbers of low-performing students who have always been in the schools. Moreover, today's changing demographics demand that all teachers become competent to work with children who are increasingly diverse in cultures and values, learning styles, and primary language -- and with children who exhibit the effects of economic disadvantage and other social problems. Improved capacities of general education to produce results for students with disabilities will generalize to

Least Restrictive Environment: Issues

Classmates' attitudes are important. Although parents and teachers have had apprehensions about other students' acceptance of children with disabilities, public school students with and without disabilities appear to favor eliminating barriers that separate them. For example, a synthesis of 20 studies involving 4,659 students in grades K-12 showed that students with mild to moderate disabilities want to have the same kinds of learning activities, homework, books, grading criteria, and groupings as other students of their age -- and nondisabled students agree that this should occur. Students in both groups understood that everyone does not learn in the same way or at the same pace, whether or not a disability is present, and both said that it is helpful for teachers to slow down instruction when necessary, explain clearly, teach learning strategies, and teach material in different ways so that everyone can learn. In the opinion of nondisabled students, it is quite fair to provide assistance and accommodations to their classmates with disabilities. In a study of 1,137 nondisabled middle and high school students in three States, the vast majority said that they should try to make friends with schoolmates who have severe disabilities, and that these friendships are most likely to occur when these students are present in their classrooms. Students saw themselves, special education teachers, and youth organizations as having the primary responsibility for facilitating these friendships, which they thought could develop best when students work together, teachers provide information about disabilities, and social events include all students.

- **Socialization** that students receive in inclusive settings has great learning value. Social relationships are a major aspect of quality of life, and an extensive body of literature in many fields has shown the importance of social relationships and support networks to self-esteem and emotional adjustment of all children and adults. Social competence is also a key to obtaining and keeping employment and in functioning as a productive community member. Interactions among students with and without disabilities enrich the social skills of both. When students with disabilities are isolated together, they often learn idiosyncratic behaviors from each other. When they are included with non-disabled classmates, they model the behaviors of their same-age peers. Non-disabled students benefit by recognizing that individuals with disabilities have many abilities, and by learning kindness and consideration of others, cooperativeness, intolerance of many forms of discrimination that are based on stereotyping, and a higher consciousness of fairness and common good.

Students with severe or multiple disabilities may receive services in the general education classroom, as determined by the IEP Team. Although inclusion of students with complex disabilities implies significant variations in instruction, more and more of these students are included, through collaborative roles and teamwork between general educators and special educators. Initial concerns among general educators who accepted this challenge have been found to evolve into positive attitudes as they gain a sense of ownership of and involvement in these students' education. Peer tutoring, which reinforces learning for both tutor and tutee, has also proven to be an effective adjunct to instruction.

Attitudes of teachers are crucial. Although public education has been moving for some years toward greater inclusion of students with disabilities in general education classrooms, with supports that are appropriate for their learning needs, varying degrees of resistance remain. In their changing roles as consultants, team teachers, in-class providers of assistance to students with disabilities, and service coordinators, some special educators sense a blurring of their roles, and some report that they feel more like teachers' assistants than teachers. Various surveys have shown that few general educators have received adequate preservice preparation for inclusive education, and that many feel unprepared to plan and make adaptations for students with disabilities. Overall, general educators show greater willingness to include students with mild physical, sensory, and medical disabilities who require simpler special assistance, and less willingness to include students with more challenging disabilities. The more preparation or professional development that both general and special educators receive on providing accommodations and instructional variations, the more confidence they will have in their capacities to collaborate equally in providing education for students with disabilities in inclusive classrooms.

Growth in the employment of paraeducators (teacher assistants, technicians) has accompanied the development of inclusive education, at a ratio of one paraeducator for every ten students in inclusive settings. Paraeducators are also in demand to work with students who are learning the English language and students in compensatory education programs in low-income schools. During preservice preparation, neither general nor special educators generally learn how to supervise and work with paraeducators. Moreover, in most locations across the country, paraeducators have received minimal initial or continued training. According to IDEA '97, if paraeducators are to assist in providing special education and related services, they must be appropriately trained and supervised in accordance with State policies. The No Child Left Behind law reinforces the need for paraeducators, working in programs supported by Title I funds, to be appropriately trained.

The influence of administrators is a major determinant of success for inclusive education. A multi-state study found that the school administration is the strongest facilitator of, or barrier to, inclusion of students with disabilities in general classrooms. Administrators' roles in making inclusive education succeed include: (a) collaboration with teachers and other staff; (b) creative scheduling; (c) release time for personnel to meet and plan; (d) resources for instructional assistants; (e) access to professional development; (f) reductions in the size of general education classes; awareness of effective practices; and (g) support and feedback for teachers.

Eligibility for special education is defined as having a disability that interferes with learning. Since its inception, the Federal legislation has specified that the starting point for applying that definition is the general education classroom. A student who has not been able to achieve in that environment, even with additional instructional assistance, is referred for an evaluation if teachers or parents suspect a disability, and the results are used to determine whether the student has a disability that interferes with learning. Historically, a large proportion of students who were referred became classified for special education, some inappropriately (as may be the case with some students of color). As public education makes greater use of the valid practices, strategies, accommodations, technologies, and personnel configurations for supporting students with learning difficulties in the general classroom, it is likely that more students with disabilities will succeed in general education classrooms. It is also likely that fewer students may be referred for special education, and that unnecessary labeling may be prevented.

A new frame of reference is emerging. Many educators, administrators, parents, and preservice faculty members have had longstanding commitments to organizational structures based on disability categories and a separate special education system. For some years, (a) general educators have perceived special education as a place where they could send students with learning problems; (b) special educators have seen general education as a place where students' special needs might not be met; (c) few in either discipline viewed special education as a collaboration in which both could be full professional service providers; (d) many parents have wanted better outcomes for their children; and (e) inclusion in general education classrooms has often been a contentious issue. The 1997 IDEA Amendments have enhanced the meaning of "least restrictive" by requiring equal access to the general curriculum for students with disabilities -- whatever their setting -- and their participation in large-scale assessments. In adding the dimension of standards-based accountability for students' results, IDEA has moved the debate from whether public education can or should provide inclusive education to how best to enable students with disabilities to succeed in the general curriculum. Although differences continue to exist, the movement toward standards-based reform offers educators and families a new frame of reference, a sharper focus, and a common language for assisting students with disabilities to succeed in the environment that is least restrictive for each of them.

Least Restrictive Environment: Positive Trends

Research and development over more than 20 years, most of it funded through IDEA, has resulted in an array of demonstrably effective practices that can be used to help all students succeed in the environment that is least restrictive for each of them.

Although much is still to be accomplished, the current knowledge base includes valid strategies for teaching basic skills and subject matter to learners with special learning needs, as well as processes that enable these students to participate successfully in general education. These processes include such approaches as: (a) team teaching, co-teaching, and collaboration in planning instruction among educators and service providers across disciplines; (b) fluid instructional groupings that allow students to move into and out of work groups (rather than rigid groupings of students by ability level -- the "bluebirds and redbirds" of old); (c) peer coaching, peer-tutoring, and cross-age tutoring; (d) cooperative learning; (e) applications of assistive technologies and computer-assisted instruction; (f) instruction in learning strategies; (g) positive behavioral supports and functional behavioral assessment; (h) differentiation of instruction to respond to learning styles and multiple intelligences; (i) community-based learning; and (j) universal design of instructional materials and activities to make learning goals achievable by students with a wide range of abilities to see, hear, speak, move, read, write, understand English, organize, engage, or remember. What remains is the challenge of making full use of this knowledge in public schools and in the college and university programs that prepare their personnel.

A gradual movement from separate schools and classes to regular schools and general education classes has been occurring. Between 1990-91 and 1999-00, the proportion of students with disabilities, aged 6-21, served outside of the general classroom for more than 60 percent of the school day diminished from 25 to 20 percent. The proportion served outside of regular school buildings declined from 6 to 4 percent. During the 1999-00 school year, 47 percent were educated outside the general classroom for less than 21 percent of the day (the most inclusive category for which data are collected). Nationally, students with speech or language impairments are most likely to be included in general education, and students with multiple disabilities or mental retardation are least likely.

Incentives for improving personnel preparation programs at colleges and universities are inherent in the discretionary grant program of the Office of Special Education Programs (OSEP). Annual priorities and criteria for review and selection of grant applications have been moving preservice programs toward inclusive goals. For example, in recent grant competitions for projects to prepare personnel for high-incidence disabilities (learning disabilities, behavior disorders, mental retardation), preference has been given to those that prepare general educators to meet the needs of children with disabilities in inclusive settings and projects that prepare special educators to work in collaboration with general educators in these settings.

National projects and studies, designed to have a widespread impact on instructional practices that ensure access to the general education curriculum and least restrictive environments for students with disabilities, have been funded by OSEP for many years. Among the current initiatives are the following.

- **The Research Institute to Accelerate Content Learning Through High Support for Students with Disabilities (REACH)** is operated by the Education Development Center, Inc., (EDC) in Newton, Massachusetts. EDC is joined by three universities to study means by which classroom teachers in grades 4-8 can provide access to a rigorous, standards-based curriculum for students with disabilities. REACH will develop and evaluate instructional approaches that support all students as they engage in challenging content learning in language arts (EDC), math (University of Puget Sound), science (University of Michigan), and social studies (University of Delaware).
- **The Institute for Academic Access** at the University of Kansas is creating methods and materials that will give students with disabilities authentic access to the general high school curriculum across subject areas. The Institute will develop: (a) tools to improve the performance of students so that they are active participants in the learning community, earning average or above-average grades and meeting standards in the general curriculum; (b) methods to help teachers learn about and implement those practices; and (b) approaches to assist schools in improving their educational processes.

- **The Center to Accelerate Student Learning at Vanderbilt University** in Nashville has four objectives: (a) to collaborate with teachers to co-construct effective instructional practices in reading, writing, and math that focus on lower-order and higher-order thinking skills and on fluency, transfer, and maintenance of skills; (b) to identify the most essential classroom features for carrying out these practices; (c) to develop a model that combines effective instructional practices with essential features in the classroom context; and (d) to provide school staff with guidance, self-assessment tools, manuals, and videos for creating the necessary classroom context and carrying out the instructional practices.
- **The IRIS Center for Faculty Enhancement** at Vanderbilt University in Nashville will assist college faculty in better preparing general education teachers, school counselors, school administrators, and school nurses for their roles in the education of students with disabilities. Beginning in late 2001, experts in preservice content and delivery began creating an array of materials for course enhancement, delivered through Web-based learning modules, seminars, Powerpoint, paper products, and partnerships with textbook publishers.
- **The National Center on Accessing the General Education Curriculum**, at the Center for Applied Special Technology in Peabody, Massachusetts, is promoting a universally designed curriculum, with built-in flexibility that permits customized learning experiences. Universal design promotes instructional materials and activities that are useful to students with a wide range of sensory, physical, and cognitive abilities. The project will create new practical approaches for access to the general curriculum, and will disseminate research syntheses and concrete solutions to the broad education community.
- **The Special Education Elementary Longitudinal Study** (SEELS), conducted by SRI International and the Research Triangle Institute, focuses on students who are aged 8 through 12 at the beginning of the study, and will track their school experiences during elementary and middle school and as they move from middle to high school. The study will illuminate students' educational, social, vocational, and personal development in interaction with family, social, institutional, and cultural factors that influence their development.

LRE: Research and Development Sources

Access Center: Improving Outcomes for All Students K-8, American Institutes for Research, 1000 Thomas Jefferson Street NW, Washington, DC 20007-3835. http://www.k8ACCESScenter.org

Center to Accelerate Student Learning, 512 Kirkland Hall, Peabody College, Vanderbilt University, Nashville, TN 37204. http://kc.vanderbilt.edu/casl/

IRIS Center for Faculty Enhancement, 101 Hill Student Center, Peabody College, Vanderbilt University, Nashville, TN 37203. http://iris.peabody.vanderbilt.edu

National Center on Accessing the General Curriculum, Center for Applied Special Technology, 39 Cross Street, Peabody, MA 01960. http://www.cast.org/policy/ncac/

Research Institute to Accelerate Content Learning Through High Supports for Students with Disabilities (REACH), Education Development Center, Inc., 55 Chapel Street, http://main.edc.org/info/allframe.asp?destinationURL=http://www2.edc.org/FSC/&TheOrigin=centers.asp

Research Institute to Improve Results for Adolescents with Disabilities in General Education Academic Curricula, Center for Research on Learning, 517 Joseph R. Pearson Hall, University of Kansas, Lawrence, KS 66044. http://www.academicaccess.org

Renaissance Group on Inclusion, c/o Sandra Alper, Department of Special Education, University of Northern Iowa, Cedar Falls, IA 50614. http://www.uni.edu/coe/inclusion/

TASH, 29 West Susquehanna Avenue, Suite 210, Baltimore, MD 21204. http://www.tash.org (formerly The Association for Persons with Severe Handicaps)

Least Restrictive: Documents Used for This Summary

Bennett, T., DeLuca, D., & Bruns, D. (1997). Putting inclusion into practice: Perspectives of teachers and parents. *Exceptional Children, 64*, 115-131.

Boudah, D. J., & O'Neill, K. J. (1999). *Learning strategies: ERIC Digest*. Arlington, VA: ERIC Clearinghouse on Disabilities and Gifted Education.

Brownell, M. T., & Pajares, F. (1999). Teacher efficacy and perceived success in mainstreaming students with learning and behavior problems. *Teacher Education and Special Education, 22*, 154-164.

California Department of Education/Special Education Division. (2001, Spring). Special issue on least restrictive environment. *The Special Edge, 14*(3), 1-16.

Englert, C. S., Tarrant, K. L., & Mariage, T. V. (1992). Defining and redefining instructional practice in special education: Perspectives on good teaching. *Teacher Education and Special Education, 15*(2), 62-86.

ERIC/OSEP Special Project. (1998). Integrating technology into the standard curriculum. *Research Connections in Special Education*, No. 3, 1-13.

ERIC/OSEP Special Project. (1999). Universal design. *Research Connections in Special Education*, No. 5, 1-19.

French, N. K., & Pickett, A. L. (1997). Paraprofessionals in special education: Issues for teacher educators. *Teacher Education and Special Education, 20*, 61-73.

Gee. K. (1996). Least restrictive environment: Elementary and middle school. In *Improving the implementation of the Individuals with Disabilities Education Act: Making schools work for all of America's children* (pp. 395-425). Washington, DC: National Council on Disability

Hasazi, S. B., & Furney, K. (1996). Least restrictive environment: Overview and upper school. In *Improving the implementation of the Individuals with Disabilities Education Act: Making schools work for all of America's children* (pp. 342-372). Washington, DC: National Council on Disability.

Hendrickson, J. M., Mohsen, S-Y., & others. (1996). Middle and high school students' perceptions on being friends with peers with severe disabilities. *Exceptional Children, 63*(1), 19-28.

Hunt, P., & Goetz, L. (1997). Research on inclusive educational programs, practices, and outcomes for students with severe disabilities. *Journal of Special Education, 31*, 3-29. ERIC Document Reproduction Services No. EJ 542 837

Janney, R. E., & Snell, M. E. (1997). How teachers inclu students with moderate and severe disabilities in element classes: The means and meaning of inclusion. *JASH, 22*(3), 159-169.

Klingner, J. K., & Vaughn, S. (1999). Students' perceptions of instruction in inclusion classrooms: Implications for students with learning disabilities. *Exceptional Children, 66*(1), 23-37.

Lieber, J., & others. (2000). Key influences on the initiation and implementation of inclusive preschool programs. *Exceptional Children, 67*, 83-98.

McCann, W. S. (1998). *Science classrooms for students with special needs: ERIC Digest.* Columbus, OH: ERIC Clearinghouse for Science, Mathematics, and Environmental Education. ERIC Document Reproduction Service No. ED 433 185

Meyer, L. (1996). Social relationships. In *Improving the implementation of the Individuals with Disabilities Education Act: Making schools work for all of America's children* (pp. 427-443). Washington, DC: National Council on Disability.

Office of Special Education Programs. (1999). Paraprofessionals in the education work force. *Twenty-first annual report to Congress on the implementation of IDEA* (pp. III-1 thru III-17) Washington, DC: U.S. Department of Education. http://www.ed.gov/about/reports/annual/osep/1999/index.html

Office of Special Education Programs. (2000). Educational environments for students with disabilities. *Twenty-second annual report to Congress on the implementation of the IDEA* (pp. III-1 through III-6). Washington, DC: U.S. Department of Education. http://www.ed.gov/about/reports/annual/osep/2000/index.html

Schumm, J. S., & Vaughn, S. (1995). Getting ready for inclusion: Is the stage set? *Learning Disabilities Research and Practice*, 10(3), 169-179.

Scruggs, T. E., & Mastropieri, M. A. (1996). Teacher perceptions of mainstreaming/inclusion, 1958-1995: A research synthesis. *Exceptional Children, 63*, 59-74.

Soodak, L. C., Podell, D. M., & Lehman, L. R. (1998). Teacher, student, and school attributes as predictors of teachers' responses to inclusion. *Journal of Special Education, 31*, 480-497.

Special Education Elementary Longitudinal Study (SEELS), SRI International and Research Triangle Institute http://www.seels.net

Trump, G. C., & Hange, J. E. (1996). *Concerns about and effective strategies for inclusion: Focus group interview findings from Tennessee teachers, West Virginia teachers, teachers from a regional perspective* (four reports). Charleston, WVA: Appalachia Educational Laboratory. ERIC Document Reproduction Service. Nos: Tennessee EJ 397 576; West Virginia EJ 397 578; Virginia EJ 397 577; Regional Perspective EJ 397 574.

U.S. Senate. (1997, May 9). *Individuals with Disabilities Education Act Amendments: Report from the Senate Committee on Labor and Human Resources.* Washington, DC: 105th Congress of the United States.

ED469442 2002-08-00 The Least Restrictive Environment Mandate: How Has It Been Defined by the Courts? ERIC Digest.

ERIC Development Team

www.eric.ed.gov

Table of Contents

If you're viewing this document online, you can click any of the topics below to link directly to that section.

The Least Restrictive Environment Mandate: How Has It Been Defined by the Courts? ERIC Digest..... 1
HOW TO FIND THE COURT CASES IN THIS DIGEST..... 6
-----..... 6

ERIC Identifier: ED469442
Publication Date: 2002-08-00
Author: Douvanis, Gus - Hulsey, David
Source: ERIC Clearinghouse on Disabilities and Gifted Education Arlington VA.

The Least Restrictive Environment Mandate: How Has It Been Defined by the Courts? ERIC Digest.

THIS DIGEST WAS CREATED BY ERIC, THE EDUCATIONAL RESOURCES INFORMATION CENTER. FOR MORE INFORMATION ABOUT ERIC, CONTACT ACCESS ERIC 1-800-LET-ERIC

To the maximum extent appropriate, children with disabilities... should be educated with children who are not disabled, and... special classes, separate schooling, or other

removal of children with disabilities from the regular educational environment should occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 20 U.S.C. 1412(a)(5)(B)

In 1972, there were eight million children with disabilities in the United States, and fully one-half were receiving no educational services. Students were being evaluated for suspected disabilities without notice to parents or due process; parents were able to exclude their children from compulsory attendance regulations; and many children with disabilities who were in schools were being excluded from any meaningful educational services. The Pennsylvania State Court took note of these facts in Pennsylvania Association of Retarded Citizens (PARC) v. Commonwealth of Pennsylvania (1972). This ruling created the right to an education for disabled Pennsylvania children and expressed a clear preference for mainstreaming, with homebound instruction or residential placements used in only the most rare circumstances. Mainstreaming to the maximum extent appropriate was adopted by the US Congress when it enacted the Education of All Handicapped Children Act of 1975 (P.L. 94-142), the precursor to the Individuals with Disabilities Education Act (IDEA). However, P. L. 94-142 did not "define" the least restrictive environment (LRE), nor did it use the term "mainstreaming."

The law that governs special education is derived from different sources. The first source is statute law, which is enacted by legislatures-in the case of special education, the IDEA. The second source of law is case law or judge-made law. It is the right and duty of the courts to interpret statutory law and discern the meaning the legislators intended. This can cause problems in several ways. First, the courts may interpret the law in a manner contrary to what the legislature meant, in effect creating new laws. Second, different courts may interpret the same law differently, so the law that governs you is determined by where you happen to live. These situations are extremely evident in defining the LRE. It is also important to understand that the US Supreme Court has refused to hear any appeals on this issue, leading to a situation where the LRE considered appropriate for a student may vary depending on the interpretation of the law of the court of highest jurisdiction in his or her geographical area.

This digest examines how the concepts of least restrictive environment, mainstreaming, and inclusion have been developed by Congress and the courts. Because Congress has elected not to define the concept of LRE, under our system of government it is left to the courts to shape a definition. There are varying definitions of what constitutes compliance with the least restrictive environment mandate and the concepts of mainstreaming and inclusion. Further complicating the issue is that people frequently use the terms least restrictive environment, inclusion, and mainstreaming interchangeably when they are, in fact, not synonymous concepts.

The concept of the least restrictive environment refers to the IDEA's mandate that children with disabilities be educated to the maximum extent appropriate with

nondisabled peers. Inclusion contemplates the placement of students with disabilities in the regular classroom with nondisabled students as a right and implies that the right is an absolute. Mainstreaming implies that the child will be educated with nondisabled peers when appropriate, but not necessarily exclusively in general education. In an attempt to define mainstreaming, the Fourth Circuit Court of Appeals stated:

Under the IDEA, mainstreaming is a policy to be pursued so long as it is consistent with the Act's primary goal of providing disabled students with an appropriate education. Where necessary for educational reasons, mainstreaming students assumes a subordinate role in formulating an educational program.

Following are abstracts of some of the more important cases that helped to shape these concepts:

RONCKER V. WALTER, 700 F.2D 1058 (6TH CIR. 1983)

The court developed the following two-part test to guide the appropriate placement for a student with a disability: (1) Can the educational services that make the segregated setting superior be feasibly provided in a nonsegregated setting? (If so, the segregated placement is inappropriate.) (2) Is the student being mainstreamed to the maximum extent appropriate? (Standard in KY, MI, OH, & TN).

DANIEL R. R. V. STATE BOARD OF EDUCATION, 874 F.2D 1036 (5TH CIR. 1989)

This court, relying on Roncker, also developed a two- part test for determining if the LRE requirement is met. The test poses two questions: (1) Can an appropriate education in the general education classroom with the use of supplementary aids and services be achieved satisfactorily? (2) If a student is placed in a more restrictive setting, is the student "integrated" to the "maximum extent appropriate"? (Standard in AL, DE, GA, FL, LA, MS, NJ, PA, TX).

GREER V. ROME, 950 F.2D 688 (1LTH CIR. 1991)

In this case Christy Greer, who had an IQ of 40, was to be placed in a self-contained kindergarten classroom. The parents objected, arguing that the appropriate placement should have been in a classroom at her neighborhood school. In finding for Christy and her parents, the court determined that the school had failed to consider any less restrictive setting prior to making the decision for a self-contained environment. From this case, the concept of the "continuum of placement options" was developed. Before moving down the continuum to a more restrictive placement, the IEP committee must at least consider, discuss, and justify not placing a student in the general education classroom.

OBERTI V. CLEMENTON, 995 F.2D 1204 (3RD CIR. 1993)

This is the case that begins the change from the IDEA's "mainstreaming" approach to the concept of "inclusion." Clearly, inclusion is judge-made law, not legislative action. Rafael Oberti was an autistic student who was disruptive in his general classroom placement, and the school wanted to move him to a more restrictive placement. The court held that "inclusion is a 'right,' not a privilege for a select few. Success in special schools and special classes does not lead to successful functioning in integrated society, which is clearly one of the goals of the IDEA." Remember that the word "inclusion" did not appear in the IDEA; it is a judge-made law.

SACRAMENTO V. RACHEL H. 14 F.3D 1398 (9TH CIR. 1994)

Rachel Holland was a third-grade student with an IQ of 44. Her parents argued that with appropriate aids and services, she could be educated in the general classroom. The court ruled that in determining the appropriate placement, the educational benefits of the general education classroom with supplemental aids and services must be compared to the educational benefits of the special classroom. The nonacademic benefits of interaction with nondisabled students also must be considered. Further, the effect of the student's presence on the teacher and on other students must be evaluated. This three-pronged test is often called the Holland test. This case is the high-water mark of the inclusion movement. (Standard in AS, AR, CA, HI, ID, MT, NV, OR, & WA).

LIGHT V. PARKWAY 41 F.3RD 1223 (8TH CIR. 1994)

Lauren Light was "violent, dangerous, and disruptive" in her general classroom placement. Her school behavior included 30 incidents of violence that caused her classmates to seek medical attention from the school nurse. In rejecting the parents' request for a "stay-put" and a return to the general classroom, the court held, "A student who is violent, dangerous, and disruptive of the education of others is never properly placed in a regular classroom setting." This case marked a turn in the judicial belief that inclusion is a right. Further, the court indicated that all of the circumstances surrounding a student must be taken into account when determining the proper placement. For some students, a general classroom may not be appropriate even with aids and services.

CLYDE K. V. PUYALLUP 35 F.3D 1396 (9TH CIR. 1997)

Applying the Holland test, the court found that the student was not receiving academic benefits in the general education classroom and actually had regressed academically. Although appropriate aids and services had been provided, the student was socially isolated and therefore nonacademic benefits were minimal. The court acknowledged that the student's presence in the classroom had negative effects on the teacher and the student's peers. The language of the court's decision included the statement, "Disruptive behavior that significantly impairs the education of others strongly suggests

a mainstream placement is no longer appropriate."

HARTMANN V. LOUDOUN, 118 F. 3D 996 (1997)

Mark Hartmann was an 11-year old who had autism and disruptive behavior. His IEP team found that he was making no academic progress in the regular classroom and proposed moving him to a smaller class specifically structured for students who had autism. His parents argued that his placement would violate IDEA's LRE provision. A lower court decision in the parents' favor was reversed. Hartmann is important because of the court's admonishment of the lower court for substituting its judgment for that of educators. In rendering its decision, the court held for the following: (1) Mainstreaming is not required when a student with a disability will not receive an educational benefit from it. (2) Any marginal benefit from mainstreaming would be outweighed by benefits that could only be obtained in a separate educational setting; (3) A determination of whether the student is a disruptive force in the general education classroom is a legitimate issue; and (4) Any IDEA preference for mainstreaming is only that, and the receipt of social benefits is a subordinate goal to receiving educational benefits. (Standard in MD, NC, SC, VA, & WV).

HUDSON V. BLOOMFIELD HILLS, 108 F.3D 112 (6TH CIR. 1997)

This court upheld the school's decision to place a 14- year-old girl in special education with an emphasis on "life skills" rather than the parent's preference for a general education placement. The court said that the appropriate purpose of her education was to give her the skills she needed to "function as an independent woman in society." In the judgment of the court, the student was not receiving those skills in her general classroom placement.

DOE V. ARLINGTON COUNTY, 41 F.SUPP. 599 (ED. VA. 1999)

The court upheld a segregated setting with some mainstreaming for a 10-year-old with mental retardation and ADHD rather than the full-inclusion program the parents advocated. The court found a lack of meaningful educational benefits in the general classroom setting.

From these most recent cases, it is possible to see that the courts are moving away from defining the LRE as an inclusive placement as a matter of right and a matter of law. Rather, the courts seem to be defining least restrictive environment in accordance with the language of the IDEA-namely, that students with disabilities should be educated with their nondisabled peers to the maximum extent appropriate.

Gus Douvanis, J.D., Ed.D., is University Advisor for Legal Services and Associate Professor of Educational Leadership at the University of West Georgia, Carrollton Georgia.

David Hulsey, Ph.D., is Assistant Professor of Educational Leadership at the University of West Georgia, where he teaches Administration of Special Education.

HOW TO FIND THE COURT CASES IN THIS DIGEST

Cases in this digest are referenced to the Federal Reporter or the Federal Supplement, both published by the West Publishing Company. For example, Oberti v. Clementon 995 F.2nd 1204 (3rd Cir. 1993) would be found in the Federal Reporter, Second Series (F.2nd), volume 995, page 1204. The case was decided by the Third Circuit Court of Appeals in 1993. The case of Doe v. Arlington County, 41 F.Supp. 599 (ED.Va. 1999) is reported in the Federal Supplement, volume 41, page 599. The case was decided by a district court in Virginia in 1999. For further information on finding court cases, see Rothstein, L. F. (1995). Special education law (2nd ed.). White Plains, NY: Longman Publishers.

ERIC Digests are in the public domain and may be freely reproduced and disseminated, but please acknowledge your source. This digest was prepared with funding from the Office of Educational Research and Improvement (OERI), U.S. Department of Education, under Contract No. ED-99-C0-0026. The opinions expressed in this publication do not necessarily reflect the positions of OERI or the Department of Education.

—

Title: The Least Restrictive Environment Mandate: How Has It Been Defined by the Courts? ERIC Digest.
Note: Digest number E629.
Document Type: Information Analyses---ERIC Information Analysis Products (IAPs) (071); Information Analyses---ERIC Digests (Selected) in Full Text (073);
Available From: ERIC Clearinghouse on Disabilities and Gifted Education, Council for Exceptional Children, 1110 North Glebe Rd., Arlington, VA 22201-5709. Tel: 800-328-0272 (Toll Free); Fax: 703-620-2521; e-mail: ericec@cec.sped.org; Web site: http://www.ericec.org. For full text: http://ericec.org/digests/prodfly.html.
Descriptors: Compliance (Legal), Court Litigation, Definitions, Disabilities, Educational Legislation, Elementary Secondary Education, Federal Legislation, Inclusive Schools, Mainstreaming
Identifiers: ERIC Digests, Individuals with Disabilities Education Act
###

—

[Return to ERIC Digest Search Page]

The Special Ed Advocate It's Unique ... and Free!

Enter your email address below:

Subscribe!

Questions and Answers on Least Restrictive Environment (LRE) Requirements of the IDEA

U. S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS)

Print this page

Introduction

The least restrictive environment (LRE) requirements of Part B of the Individuals with Disabilities Education Act (IDEA) have been included in the law in their present form since 1975. However, these requirements continue to generate complex and interesting questions from the field. In particular, questions have been raised about the relationship of IDEA's LRE requirements to "inclusion."

Consistent with our attempt to provide you and your staff with as much current information as possible and to ensure that the applicable requirements of IDEA that govern the education of students with disabilities are accurately understood and properly implemented, guidance on IDEA's LRE requirements is being provided in a question and answer format.

In most cases, this question and answer document consolidates the prior policy guidance that the Department has provided in this area. We encourage you to disseminate this document to a wide range of individuals and organizations throughout your State. Any further questions should be directed to the contact person named at the beginning of this document or to Dr. Joleta Reynolds at (202) 205-5507.

We hope that the above questions and answers are of assistance to you and your staff as you carry out your responsibilities to ensure that disabled students are provided a free appropriate public education in the least restrictive environment.

Questions and Answers

1. What are the least restrictive Environment (LRE) requirements of Part B of IDEA?

ANSWER: In order to be eligible to receive funds under Part B of IDEA (IDEA), States must, among other conditions, assure that a free appropriate public education (FAPE) is made available to all children with specified disabilities in mandated age ranges.

The term "FAPE" is defined as including, among other elements, special education and related services, provided at no cost to parents, in conformity with an individualized education program (IEP).

The IEP, which contains the statement of the special education and related services to meet each disabled students' unique needs, forms the basis for the entitlement of each student with a disability to an individualized and appropriate education.

IDEA further provides that States must have in place procedures assuring that, "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 that 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 is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

This provision, which states IDEA's strong preference for educating students with disabilities in regular classes with appropriate aids and supports, is found in the statute at 20 U. S. C. §1412 (5) (B) and is implemented by the Department's regulations at 34 CFR §§300.550-300.556. Copies of the relevant statutory and regulatory provisions are attached to this question and answer document.

2. Does IDEA define the term "inclusion?"

ANSWER: IDEA does not use the term "inclusion"; consequently, the Department of Education has not defined that term. However, IDEA does require school districts to place students in the LRE.

LRE means that, to the maximum extent appropriate, school districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services, " along with their nondisabled peers in the school they would attend if not disabled, unless a student's IEP requires some other arrangement. This requires and individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the students's placement in the regular educational environment before a more restrictive placement is considered.

In implementing IDEA's LRE provisions, the regular classroom in the school the student would attend if not disabled is the first placement option considered for each disabled student before a more restrictive placement is considered.

If the IEP of a student with a disability can be implemented satisfactorily with the provision of supplementary aids and services in the regular classroom in the school the student would attend if not disabled, that placement is the LRE placement for that student. However, if the student's IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services, the regular classroom in the school the student would attend if not disabled is not the LRE placement for that student.

3. How can IDEA requirements be implemented to ensure that consideration is given to whether a student with a disability can be educated in the regular educational environment with the use of supplementary aids and services before a more restrictive placement is considered?

ANSWER: The relationship of IDEA's LRE requirements to the IEP process is key, since under IDEA, the student's IEP forms the basis for the student's placement decision.

IDEA requires that the IEP of each disabled student must contain, among other components, a "statement of the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs." 34 CFR §300.346 (a) (3).

At the student's IEP meeting, the extent that the student will be able to participate in regular educational programs is one of the matters to be addressed by all of the participants on the student's IEP team before the student's IEP is finalized. In addressing this issue, the team must consider the range of supplementary aids and services, in light of the student's abilities and needs, that would facilitate the student's placement in the regular educational environment. As discussed in question 4 below, these supplementary aids and services must be described in the student's IEP.

4. Does IDEA define the term "supplementary aids and services?"

ANSWER: No. However, in determining the educational placement for each disabled student, the first line of inquiry is whether the student's IEP can be implement satisfactorily in the regular educational environment with the provision of supplementary aids and services. This requirement has been in effect since 1975 when the education of the Handicapped Act (EHA), the predecessor to the IDEA, originally became law.

Consistent with this requirement, any modifications to the regular educational program, i. e. , supplementary aids and services that the IEP team determines that the student needs to facilitate the student's placement in the regular educational environment must be described in the student's IEP and must be provided to the student. Appendix C to 34 CFR Part 300 (question 48). While determinations of what supplementary aids and services are appropriate for a particular student must be made on an individual basis, some supplementary aids and services that educators have used successfully include modifications to the regular class curriculum, assistance of an itinerant teacher with special education training, special education training for the regular teacher, use of computer-assisted devices, provision of notetakers, and use of a

resource room, to mention a few.

5. How frequently must a disabled student's placement be reviewed under IDEA?

ANSWER: Under IDEA, each disabled student's placement must be determined at least annually, must be based on the student's IEP, and must be in the school or facility as close as possible to the student's home.

Under IDEA, each student's placement decision must be made by a group of persons, including persons knowledgeable about the student, the meaning of evaluation data and the placement options. While the student's IEP forms the basis for the placement decision, a student's IEP cannot be revised without holding another IEP meeting, which the scholl district is responsible for convening.

If either the student's parent or teacher or other service provider wishes to initiate review of the student's IEP at a point in the school year that does not correspond with the annual IEP review, that individual can request the school district to hold another IEP meeting. If the IEP is revised, following the meeting, the placement team would need to review the student's IEP to determine if a change in placement would be needed to reflect the revised IEP.

6. If a determination is made that a student with a disability can be educated in regular classes with the provision of supplementary aids and services, can school districts refuse to implement the student's IEP in a specific class because of the unwillingness of a particular teacher to educate that student in his or her classroom or the teacher's assertion that he or she lacks adequate training to educate that student effectively?

ANSWER: Under IDEA, lack of adequate personnel or resources does not relieve school districts of their obligations to make FAPE available to each disabled student in the least restrictive educational setting in which his or her IEP can be implemented.

Exclusion of a student from an appropriate placement based solely on the student's disability is prohibited by Section 504 of the Rehabilitation Act of 1973.

However, placement in a particular regular class based on the qualifications of the particular teacher is permissible under both statutes.

The public agency has an affirmative responsibility to ensure the supply of sufficient numbers of teachers who are qualified, with needed aids and supports, to provide services to students with disabilities in regular educational environments, and to provide necessary training and support services to students with disabilities. The Department encourages States and school districts to develop innovative approaches to address issues surrounding resource availability. Factors that could be examined include cooperative learning, teaching styles, physical arrangements of the classroom, curriculum modifications, peer mediated supports, and equipment, to mention a few.

7. Once a determination is made that a disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision of supplementary aids and services, what considerations govern placement?

ANSWER: IDEA does not require that every student with a disability be placed in the regular classroom regardless of individual abilities and needs.

This recognition that regular class placement may not be appropriate for every disabled student is reflected in the requirement that school districts make available a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of students with disabilities. This requirement for the continuum reinforces the importance of the individualized inquiry, not a "one size fits all" approach, in determining what placement is the LRE for each student with a disability. The options on this continuum must include "the alternative placements listed in the definition of special education under § 300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions). " 34 CFR §300.551 (b) (1).

These options must be available to the extent necessary to implement the IEP of each disabled student. The placement team must select the option on the continuum in which it determines that the student's IEP can be implemented. Any alternative placement selected for the student outside of the regular educational environment must maximize opportunities for the student to interact with nondisabled peers, to the extent appropriate to the needs of the student.

It also should be noted that under IDEA, parents must be given written prior notice that meets the requirements of §300.505 a reasonable time before a public agency implements a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Consistent with this notice requirement, parents of disabled students must be informed that the public agency is required to have a full continuum of placement options, as well as about the placement options that were actually considered and the reasons why those options were rejected. 34 CFR §§300.504-300.505; Notice of Policy Guidance on Deaf Students Education Services, published at 57 Fed. Reg. 49274 (Oct. 30, 1992).

8. What are the permissible factors that must be considered in determining what placement is appropriate for a student with a disability? Which factors, if any, may not be considered?

ANSWER: The overriding rule in placement is that each student's placement must be individually-determined based on the individual student's abilities and needs. As noted previously, it is the program of specialized instruction and related service contained in the student's IEP that forms the basis for the placement decision. In determining if a placement is appropriate under IDEA, the following factors are relevant:

the educational benefits available to the disabled student in a traditional classroom, supplemented with appropriate aids and services, in comparison to the educational benefits to

the disabled student from a special education classroom;

the non-academic benefits to the disabled student from interacting with nondisabled students; and the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the disabled student.

However, school districts may not make placements based solely on factors such as the following:

- category of disability;
- severity of disability;
- configuration of delivery system;
- availability of educational or related services;
- availability of space; or
- administrative convenience.

9. To what extent is it permissible under IDEA for school districts to consider the impact of a regular classroom placement on those students in the classroom who do not have a disability?

ANSWER: IDEA regulations provide that in selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs.

If a student with a disability has behavioral problems that are so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the disabled student cannot be met in that environment.

However, before making such a determination, school districts must ensure that consideration has been given to the full range of supplementary aids and services that could be provided to the student in the regular educational environment to accommodate the unique needs of the disabled student. If the placement team determines that even with the provision of supplementary aids and services, that student's IEP could not be implemented satisfactorily in the regular educational environment, that placement would not be the LRE placement for that student at the particular time, because her or his unique educational needs could not be met in that setting.

While IDEA regulations permit consideration of the effect of the placement of a disabled student in a regular classroom on other students in that classroom, selected findings from Federally funded research projects indicate that:

(1) achievement test performance among students who were classmates of students with significant disabilities were equivalent or better than a comparison group (Salisbury, 1993);

(2) students developed more positive attitudes towards peers with disabilities (CRI, 1992); and

(3) self concept, social skills, and problem solving skills improved for all students in inclusive settings (Peck, Donaldson, & Pezzoli, 1990, Salisbury & Palombaro, 1993). 1

10. Are there any resources that the Department is aware of that have proven helpful to educators and paraprofesionals in implementing inclusive educational programs?

ANSWER: The Department has supported a variety of professional development and training projects (e. g., preservice, inservice, school restructuring projects) that address the needs of students with disabilities in inclusive educational programs.

In addition, the Department has financed Statewide Systems Change projects which support changing the setting for the delivery of educational services from separate settings to general educational settings in the school that the student would attend if not disabled.

Numerous materials and products have been developed by these projects which have focused on the strategies that support collaborative planning and problem solving, site based control, curriculum and technological adaptations and modifications, parent and family involvement, and the creative use of human and fiscal resource. These projects have underscored the importance of timely access to resources (e.g., people, materials, information, technology) when they are needed.

TO: Chief State School Officers

FROM: Judith E. Heumann, Assistant Secretary
Office of Special Education and Rehabilitation Services

Thomas Hehir, Director
Office of Special Education Programs

Date: November 23, 1994

---

1. California Research Institute. (1992). Educational practices in integrated settings associated with positive student outcomes. Strategies on the Inclusion on the integration of the Students with Severe Disabilities, 3, (3) , 7, 10. San Francisco State University. San Francisco, California.

Peck C. A., Donaldson, J., Pezzoli, M. (1990). Some benefits non-handicapped adolescents perceive for themselves from their social relationships with peers who have severe disabilities. Journal of the Association for Persons with severe Handicaps, 15 (4), 241-249.

Salisbury, C. L. (1993, November). Effects of inclusive schooling practices: Costs to Kids and organizations. Presentation at the 1993 Conference of the Association for Persons with Severe Handicaps, Chicago, Illinois.

Salisbury, C. L. , & Palombaro, M. M. (Eds.) (1993). "No problem." Working things out our way. State University of New York - Binghamton, Binghamton, New York.

Links:

National Information Center for Children and Youth with Disabilities
P. O. Box 1492
Washington, D. C. 20013-1492
Telephone: 1-800-695-0285
(Deaf and hearing-impaired individuals may also call this number for TDD services)

Consortium on Inclusive Schooling Practices
Allegheny Singer Research Institute
320 E. North Avenue
Pittsburgh, PA 15212
Telephone: (412) 359-1600
http://www.asri.edu/CFSP/brochure/abtcons.htm

California Research Institute on the Integration of Students with Severe Disabilities
San Francisco State University
1415 Tapia Drive
San Francisco, California 94132
Telephone: (415) 338-7847-48
(Deaf and hearing-impaired individuals may also call the California Relay Service at 1-(800)-735-2922

The Special Ed Advocate: It's Free!

Submit

Privacy by SafeSubscribe℠

Copyright © 1998-2007, Peter W. D. Wright and Pamela Darr Wright. All rights reserved.

Individuals with Disabilities Education Act (IDEA) 2004

The Least Restrictive Environment

A Primer for Parents and Educators

Legal Requirements and Best Practices

2006

Prepared by:
John Copenhaver
Mountain Plains Regional Resource Center
1780 North Research Parkway, Suite 112
North Logan, Utah 84341
(435) 752-0238 Extension 16
E-mail: cope@cc.usu.edu

This document was developed by the Mountain Plains Regional Resource Center, an affiliate of the Center for Persons with Disabilities, a University Affiliated Program at Utah State University.

The Mountain Plains Regional Resource Center operates under Grant No. H326R040006 with the Office of Special Education Programs (OSEP), U.S. Department of Education. Partial support is also provided by Utah State University. The content of this document does not necessarily reflect the position or policy of OSEP or USU and no official endorsement should be inferred.

This information could be made available in alternative format, including large print, Braille, audio, tapes, or computer diskette.

LEAST RESTRICTIVE ENVIRONMENT

"To the maximum extent appropriate, students with disabilities are to be educated with students who are not disabled."

SPECIAL EDUCATION IS NOT A PLACE; IT IS SERVICES AND SUPPORT FOR GENERAL EDUCATION.

The general education curriculum can be delivered in other educational environments.

Inclusion and mainstreaming are not addressed in federal regulations

Contents

Overview of the Least Restrictive Environment ----------1

Least Restrictive Environment Baker's Dozen ---------- 6

Standards for Determining Placements ----------7

Placement is Based on the IEP ----------7

Full Continuum of Service Options ----------8

Continuum of Service and Least Restrictive Environment -------- 9

Justification Statements and Sample Cases ---------- 13

LRE Questions and Answers ---------- 15

Learning Opportunities in the General Classroom ---------- 18

12 Principles for Inclusive Schools ---------- 20

LRE Letter from OSEP ----------22

Overview of the Least Restrictive Environment

Since the Education for All Handicapped Children Act—now known as the Individuals with Disabilities Education Act 2004—was passed in 1975, States have been required to make available to students with disabilities a free appropriate public education (FAPE) in the Least Restrictive Environment (LRE). The LRE standard that each school district must establish includes

> STANDARD
>
> "procedures to assure that, 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 that special classes, separate schooling, or other removal of children with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" (IDEA 2004).

"Supplementary aids and services" means accommodations and modifications that ensure success in the general education classroom. LRE differs for each student with a disability receiving special education and related services. **Basically, a student's LRE is the environment where the student can receive an appropriate education designed to meet his or her special educational needs, while still being educated with nondisabled peers to the maximum extent appropriate.** Depending on the student's individual needs, the LRE could be the general classroom, with or without supplementary aids and services; a pull-out program for part of the day with the remainder of the day being spent in the general classroom or in activities with students who do not have disabilities; a special education class within the student's neighborhood school; or even a separate school specializing in a certain type of disability. Thus, one student's **least restrictive environment—where that student can get the education he or she needs while still interacting with nondisabled peers—may** be very different from another student's.

Determining the Student's LRE

In a November 23, 1994 memorandum to the Chief State School Officers, the U.S. Department of Education offered clarification regarding IDEA's LRE provisions, which state **the strong preference for educating students with disabilities in general classes with disabilities in general classes with appropriate aids and supports** (Heumann & Hehir, 1994, p. 3) (IDEA 97 refers to "supplementary aids and services"). This memo made it clear that a student's placement in the general education classroom is the *first* option the IEP team must consider.

An integral part of deciding whether or not the student will be educated within the general education classroom is an IEP team inquiry into the possible range of supplementary aids and services that are needed to ensure that the student can be satisfactorily educated in that environment. If the IEP team determines that the student can be education satisfactorily in the general education classroom, "that placement is the LRE for that student" (Heumann, 1994, p. 2).

However, the IEP team may determine that the student cannot be educated satisfactorily in the general education classroom, even when supplementary aids and services are provided. An alternative placement must then be considered. Accordingly, schools have been, and still are, required to ensure that "a continuum of alternative placements is available to meet the needs of students with disabilities for special education related services." This continuum includes a range of alternative placements such as "instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions." (Committee on labor and Human Resources, 1997, p. 11).

The required continuum of alternative placements reinforces the importance of the individualized inquiry, not a "one size fits all" approach in determining what placement is the LRE for each student with a disability. As such, the requirement for a continuum of alternative placements supports the fact that determining LRE must be done on an individual basis, considering the student in question and his or her special needs.

State's Obligation to Ensure LRE

IDEA 2004 maintains the presumption that students with disabilities are most appropriately educated with their nondisabled peers, and that special classes, separate schools, or other removal of students with disabilities from the general 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." Generally, students with disabilities are educated in the same school and in the same classes that they would normally attend if they did not have a disability, unless the student's IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services.

**IDEA 2004 LRE PROVISIONS*

LEAST RESTRICTIVE ENVIRONMENT.–

> IN GENERAL. 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.**" *20 U.S.C. §1412(a)(5)(A).*

Placement-neutral Funding

If a State uses a funding mechanism that distributes State funds on the basis of the type of setting in which a student is served, the funding mechanism must not result in placements that violate the requirements of least restrictive environment. Further, if the State does not have policies and procedures in place to ensure compliance, the State is required to provide the Secretary of Education with an assurance that it will revise its funding mechanism as soon as is feasible. Funding formulas should not be designed to reward school districts for "numbers served" in special education.

Supplementary Aids and Services

"Supplementary aids and services," can be a critical part of enabling students with disabilities to succeed within the general education setting. The IDEA provides a definition of supplementary aids and services, as follows:

> "The term 'supplementary aids and services' means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate."

LRE and General Education

Many familiar components of the IEP have been modified to weave in an emphasis upon student involvement in the general curriculum, and an entirely new IEP component has been added. The IEP must now include

> "an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii)" [extracurricular and nonacademic activities].

Prior to the enactment of EHA in 1975, the opportunity and indication to educate students with disabilities was often in separate programs and schools away from students without disabilities. IDEA 2004 contains a presumption that students with disabilities are to be educated in general classes. Therefore, the legislation requires that the IEP include an explanation of the extent, if any, to which a student with a disability will not participate with nondisabled student in the general class and in the general education curriculum, including extracurricular and nonacademic activities.

Every decision made for a student with a disability must be made on the basis of what that individual student needs. Nonetheless, when the decision is made to educate the student separately, an explanation of that decision will need, at a minimum, to be stated

as part of the student's IEP.

Permissive Use of Funds and Incidental Benefit

When the students with disabilities are educated in the general education classroom, the possibility exists that a nondisabled student might benefit from the special education and related services being provided to a student with a disability. A school district may now use Part B funds to pay for special education and related services and supplementary aids and services provided in a general class or other education-related setting to a student with a disability in accordance with the IEP of the student, even if one or more students without disabilities benefit from the services. This effectively removes one of the roadblocks in the way of educating students with disabilities in the general education classroom.

Participation in Assessments

In keeping with IDEA's intent to strengthen student involvement in general education, the legislation requires that students with disabilities be included in State and district-wide assessment programs. Modifications may be made to facilitate students' participation. For those students with disabilities whose participation is not appropriate, States must develop alternate ways of assessing their progress.

Additionally, each student's IEP must now include a statement of how the administration of State or district-wide assessments will be modified for the student so that he or she can participate. If the IEP Team determines that the student cannot participate in such assessments, then the IEP must include a statement of (a) why the assessment is not appropriate for the student, and (b) how the student will be assessed.

Performance Goals and Indicators

IDEA also requires States to establish performance goals for students with disabilities and to develop indicators to judge the students' progress. Interestingly, the performance goals must be "consistent, to the maximum extent appropriate, with other goals and standards for students established by the State." Indicators must address, at the very least, the performance of students with disabilities on assessments, drop-out rates, and graduation rates,

While not on LRE issue per se, the principle of LRE runs beneath this new requirement of law. Again, the law would place student with disabilities as much as possible alongside their peers without disabilities—in this case, we need to expect things of them, establish goals for them, and these need to be consistent, to the maximum extent appropriate, with what is expected of other students.

Early Intervening

IDEA allows school districts to use up to 15 percent of their total federal IDEA funding to provide services to students before they are identified as having a disability. This will allow districts to use their funds with flexibility and creativity to address difficulties

young students may have, prevent a disability from developing, reduce the severity of any potential disability, or identify students earlier as needing to undergo the evaluation process of IDEA.

School districts can choose whether or not to used 15 percent for early intervening. Before the 15 percent can be used, all eligible students with disabilities must receive FAPE/LRE; if funds are still available, up to 15 percent can be used for early intervening. Districts can use early intervening funds to support professional development activities, educational supports and services, positive behavioral supports and evaluations, or other activities to help children succeed in the general education curriculum.

LEAST RESTRICTIVE ENVIRONMENT (LRE) BAKER'S DOZEN

1. *Full inclusion is not a legal mandate;* LRE regulations are the standard for determining where services will be provided.

2. Placement decisions must be made on an *individual basis* by the IEP team.

3. Each school will have *alternative placements* available in order to ensure that each student with a disability receives an education that is appropriate to his or her individual needs.

4. LRE also *applies to all preschool students* (3- to 5-year-olds) with disabilities who are entitled to receive FAPE. Public schools that provide preschool programs for non-disabled preschool students must meet LRE requirements. Schools that do not operate programs for non-disabled preschool students are not required to initiate such programs solely to satisfy the requirements regarding placement in the LRE.

5. The school must ensure that each student's placement is in the LRE where the unique needs of that student can be best met, *based upon the student's IEP.*

6. School districts may use up to *15 percent* of their total federal funds to provide services to students before they are identified as having a disability.

7. When a student with a disability is so *disruptive* in a general classroom that the education of other students is significantly impaired, the needs of the student with a disability cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs.

8. When placing a student with a disability in an alternate setting, a factor to be considered is the need to place the student *as close to home as possible*—in the neighborhood school.

9. Students with disabilities must also be provided *nonacademic services* in as integrated a setting as possible.

10. Sometimes the *general education classroom* is the most restrictive environment.

11. Sometimes *social benefit* is more important than academic benefit.

12. LRE does not always apply to *Extended School Year services* (ESY).

13. The *general education curriculum* **is not a "place"; it can be taught in other settings.**

Standards for Determining the Least Restrictive Environment

Standard—Services are provided in the appropriate educational environment.

1. The student's educational placement is *based upon the unique needs* of the student and made by the IEP team.

2. The *parents receive notice and are involved* in the placement decision.

3. To the maximum extent appropriate, students with disabilities are *educated with students who do not have disabilities.*

4. A *full continuum of placement options* is made available to each eligible student with a disability.

5. The student is *placed in the school he or she would attend* if not disabled, unless the IEP requires otherwise.

6. The student's placement is determined *at least annually.*

7. The use of *supplementary aids and services* should always be considered to get the student in the general education classroom—educational accommodations and modifications.

Placement is Based on the IEP

Standard—The IEP team should ensure that the placement decision is determined individually and is based on unique needs outlined in the IEP.

Avoid decision-making that is influenced by the following:

- Types of established programs
- Availability of space and qualified staff
- Type of disability
- Severity of disability
- Budget factors
- Availability of related services staff
- A school mandate for full inclusion

Consider the following:

- Present levels of academic achievement and functional performance
- The IEP annual goals
- Unique needs of the student
- Health and safety factors
- Impact of placement on other students
- Parent input

Full Continuum of Service Options

Standard—Each school shall offer a full continuum of service options starting with the general education classroom.

General education should be the first environment to consider before moving to a more restrictive placement.

Avoid decision-making that is influenced by the following:

- Budgetary factors
- Severity of the disability
- Past school programs
- Administrative conveniences
- Teacher preferences

Consider the following:

- Justification of service option starting with the general education classroom.
- A discussion of supplementary aids and services that will assist the student in staying within the least restrictive environment and having access to the general education curriculum.
- If a more restrictive placement is suggested, the services should be at the neighborhood school.
- Provide training for general education teachers lacking skills in working with students with disabilities.

Continuum of Services and Least Restrictive Placement

Students with disabilities may be in a variety of program options. Below are some of the program options for serving students with disabilities:

Full Time General Classroom	**Least Restrictive**
General Classroom with Accommodations	↓
General Classroom and Resource Room Services	↓
Part-time Resource Room with Limited General Class Time	↓
Full Time, Separate Special Class General School Setting	↓
One-on-one Paraeducator	↓
Special Day School In A Separate Facility	↓
Homebound with Support	↓
Residential Program in a Separate Facility	↓
	Most Restrictive

Note: As we move from restrictive settings to more general class placements, researchers have reported positive gains in the overall school performance. Better attendance, positive attitudes, peer relationships, and higher achievement were some of the benefits.

ACCOMMODATIONS AND MODIFICATIONS

Examples of Accommodations that assist in keeping a student with a disability in the general education classroom

A. Examinations	
___ Reduce the number of exams.	___ Provide open-book exams.
___ Allow more time for exams.	___ Reduce the length of exams.
___ Use more objective items.	___ Provide options to give same exam orally.
___ Student provides answers on tape.	___ Reduce the reading level of exams.
___ Write down exam items for student.	___ Read exam items to student.
___ Give take-home exams.	___ Substitute assignments for exams.
___ Tape record answers for exams and quizzes.	___ Paraphrase questions.
___ Peer helper	___ Use paraeducators to read tests
B. Classroom Assignments	
___ Repeat instructions/provide more detailed directions/paraphrase.	___ Provide course outline.
___Use individual learning packages with clearly stated objectives.	___ Use progress charts, informal individual feedback interviews.
___ Give instructions through several channels (written, oral).	___ Provide materials that are programmed/self-checking.
___ Brief student on key points before starting an assignment.	___ Cooperative learning
___ Use paraeducators to assist student.	___ Other (specify) _____

C. Adapt the assignments.	
___ Require fewer correct responses in order to receive a specific grade.	___ Allow more time for assignments.
___ Reduce the length of assignments.	___ Reduce the reading level of the assignment.
___ Underline/outline major points in the assignment.	___ Change the format of the instructional materials (fewer problems).
___ Use a highlighter to identify key words, phrases, or sentences for the student to read.	___ Make a bright construction paper border for the student to place around reading materials in order to maintain his/her attention to the task.
___ Rearrange problems on the page (e.g., if crowded, create more space between the problems).	___ Use graph paper to math problems, handwriting, etc.
Other (specify) _____	

D. Use alternative supplementary materials to the text (workbook).	
___ Use differently formatted materials to teach the same content.	___ Break the assignment into a series of smaller assignments.
___ Use handouts, transparencies, maps, and/or charts to emphasize major points.	___ Allow classroom peer to make carbon copies of notes for the student.
___ Allow teacher aide/volunteer to take notes for the student.	___ Use individualized learning centers, contracts, or learning packages.
___ Use visual/audio materials.	___ Use adaptive equipment/facilities (jigs, ramps, etc.).
___ Share remediation or reinforcement materials from other teachers.	___ Other (specify) _____
___ Provide study aids (hints, cues, spelling lists, calculators).	

E. Use alternatives to written/reading assignments.	
___ Performance/"hands-on" activities, physical assignments (puzzle, games, tapes, manipulatives)	___ Use high interest/motivating materials along with drill materials.
F. Alternatives in Presenting Content	
___ Provide class outline before lecture.	___ Make cassette recording of the lecture for individual feedback.
___ Provide laboratory "hands-on" learning by discovery experience.	___ Use programmed learning, self-checking materials.
___ Use independent study.	___ Oral presentations, reports, projects, role play, etc.
___ Other (specify) _____	___ Speak at a slower pace.
G. Organizational Skills	
___ Weekly grade checks	___ Use assignment notebook.
___ Provide set of complete notes.	___ Strategic tutoring, study hall
___ Provide structured time for organization of materials.	___ Other (specify) _____
___ Use a school/home communication process.	

LRE JUSTIFICATION STATEMENTS AND SAMPLE CASES

The following are areas where justification can be used to serve a student with a disability in a more or less restrictive environment. An example justification statement is included for each area.

1. **Nature and Severity of the Disability**

   Example: Jaime is an eighth grade female student with severe health care problems. Jaime requires a respirator for breathing and needs to be catheterized several times during the day. Jamie has requested that any health care procedures be conducted in a private location.

2. **Diverse Learning Style**

   Example: Sara learns best using a kinesthetic or tactile approach. The visual/auditory approach used in the general classroom has not worked in the past. A resource room setting would be more appropriate for using a tactile approach, with manipulatives for all academic areas.

3. **Need for Specially Designed Materials, Supplies, or Equipment that would Prohibit Access to the Curriculum and Goals of the General Classroom**

   Example: Mike is a fourth grade student who is visually impaired and needs access to a Braille writer. Mike requires a setting with few distractions to complete written language assignments and a place that won't interfere with the learning of other students. The IEP team agrees that the resource room study area would provide such a setting, where a Braille writer could be used and Mike would not be distracted by other students.

4. **Significant Modification to the General Curriculum that would have an Adverse Effect on the Educational Program and Learning Environment of Other Students**

   Example: Billy is a sixth grade student functioning at a readiness level in all academic areas. The modifications to the general education curriculum would be so great as to make it unrecognizable. It is, therefore, the recommendation of the IEP team for Billy to receive academic instruction in a self-contained setting where one-on-one instruction and appropriate materials are available at his present academic level.

5. **Extent to which the Student is Distractible**

   Example: Jodi is a sixth grade student with a history of distractibility and off-task

behavior. During her fifth grade year, several attempts were made to include her in the general education reading groups. Behavior management plans and reinforcement techniques had little effect on her distracting behaviors. It is the recommendation of the IEP team that Jodi complete her reading IEP objectives in a resource room setting to reduce distractions for other students and increase Jodi's ability to master reading.

6. **Inability to Engage Appropriately with Other Students**

   Example: Jason exhibits inappropriate social skills in his classrooms. He often uses profanity and inappropriately touches other students. The IEP team recommends that Jason's IEP goal for social skills be implemented in a resource room setting with one-on-one and small group role playing until Jason has demonstrated the ability to interact appropriately in a classroom setting.

7. **Potentially Harmful Effects on the Student or on the Quality of Services that the Student Needs**

   Example: John is a tenth grade student experiencing difficulties in math. His skills are at a seventh grade level. John is extremely sensitive and values his time with non-disabled peers. It is the recommendation by the IEP team that John receive help with his math IEP goals in the general education class with the supplementary aids and services listed on the IEP. The social factors of general education placement outweigh the benefits of moving him to a resource room setting.

8. **Significant Disruptions that would occur in the General Classroom having a Negative Effect on the Education of Other Students**

   Example: Tim is a third grade student who has frequent grand mal epileptic seizures (4-5 times each day). The violent nature of the seizures is disrupting for other students, embarrassing for Tim, and are a safety risk because of the many physical obstacles in the classroom. It is the recommendation of the IEP team that Tim receive his IEP academic instruction in a setting that is safer and reduces disruptions to others.

9. **Degree to which the Student Would Not Benefit from Services Provided in the General Classroom**

   Example: Margaret is a fourth grade student who is recovering from traumatic brain injury and requires homebound instruction and nursing services. At this point, she is unable to benefit from the general education program because of her fragile medical condition. It is recommended she remain homebound until she is physically and psychologically able to succeed in a general classroom environment.

LRE QUESTIONS AND ANSWERS

1. Q. *What are some factors for determining the location of services for students with disabilities?*

   A. The following are some of the factors:
   - Present levels of academic achievement and functional performance
   - Goals on the IEP
   - Severity of disability
   - Full continuum of options
   - Health and safety factors
   - Access to general curriculum

2. Q. *Why should the location of services be determined individually by the IEP team and based upon the student's IEP?*

   A. Each student is has unique needs.

3. Q. *What elements of the IEP could influence the location of services?*

   A. These items might come into play:
   - Present levels of academic and functional performance
   - Annual goals
   - Amount of services and types of services
   - Modifications needed
   - Health and safety factors
   - Unique needs
   - Access to general curriculum

4. Q. *Should the school offer a full continuum of placement decision?*

   A. Yes, a full continuum offering is a legal requirement.

5. Q. *How do supplementary aids and services influence the location of services?*

   A. Supplementary aids and services must be considered and attempted before moving to a more restrictive environment. They enable the student to participate in the general curriculum.

6. **Q.** *What is the relationship between inclusion and the LRE?*

   A. Inclusion refers to a placement option on the continuum. Only offering a full inclusion model is contrary to federal regulations and violates the full continuum of options.

7. **Q.** *How often does the IEP team review the location of services? Opportunities to participate with students without disabilities?*

   A. At least annually.

8. **Q.** *Should students placed in a separate facility be given the general classroom and curriculum?*

   A. Yes, integration should occur whenever appropriate.

9. **Q.** *Who determines the location of services: IEP team or school administration office?*

   A. IEP team, including the parent(s).

10. **Q.** *How is the amount of time a student spends in special education and related services determined?*

    A. The following are considered:
    - Present levels of academic achievement and functional performance
    - Goals on the IEP
    - Severity of disability
    - Full continuum of options
    - Health and safety factors
    - Impact on other students

11. **Q.** *What non-academic activities should students with disabilities participate in with other students?*

    A. These are some possibilities:
    - Recess
    - Lunch
    - Transportation
    - PE
    - Assemblies
    - Drama/Music
    - Field trips

12. Q. *How are related services for special education students delivered?*

A. Location of services should be based on the IEP and the unique needs of the students. Related services should be delivered in or as close to the general education environment as possible.

13. Q. *When is location of services of a student with a disability determined?*

A. After the IEP is developed and at least annually.

14. Q. *Are services for students in special education located to the maximum extent possible in the general classroom environment?*

A. Yes, with the use of supplementary aids and services.

15. Q. *Does least restrictive environment apply to extended school year services?*

A. LRE is always determined on a case-by-case basis, including ESY. LRE is not always possible during ESY.

Learning Opportunities in the General Classroom

The Benefits of Inclusive Education for All Students

- The best preparation for adult life in a diverse society is education in a diverse classroom.

  Inclusive classrooms can build understanding around human differences.

  Are our classrooms artificially homogeneous?

  Are our students socially inept at being with people who have some type of difference?

  Are our students growing up with a narrow definition of "who is okay?"

- Inclusive schools can assist in the development of future citizens who value people—regardless of learning, physical, or emotional characteristics.

Benefits from learning together:

Friendships. Friendships between students with disabilities and typical students are most likely to develop and be maintained when students are members of the same class and have opportunities to interact with one another during academic, extracurricular, and social activities. Friendships between students are based on knowledge of one another's strengths as well as one's vulnerabilities.

Academic Skills. For too long, students with disabilities have been denied exposure to interesting and demanding coursework. Should we really be surprised when students with disabilities surpass our academic expectations when they enroll in general education classes? Effective educational strategies for typical students—outcomes-based instruction, process reading and writing, hands-on learning, prescriptive teaching, and cooperative learning—are also effective for students with disabilities. Perhaps it is even more critical for students with disabilities to incorporate learning of reading and math skills within meaningful contexts than to isolate those skills through rote or repetitive practice.

Learning to Interact in Cooperative Groups. When teachers structure classrooms for cooperation and interdependence, all students are seen as having something to contribute and no one has to "lose" so another can "win." Cooperative learning activities more nearly represent the challenges that people face working with one another in

adulthood. We all know that the "smartest" of our colleagues are not necessarily the most successful. People who have "social skills" and who can work as team members have the most flexibility in the kind of job they get and are more likely to succeed in the social aspects of the work world.

Organizational and Process Skills. Every activity, whether it is designed for students working independently, in small groups, or in a large group, has process components such as initiating, preparing materials, socializing, communicating, and terminating. The ability to carry out those tasks independently or in collaboration with others has many applications to home, work, leisure, and community living activities.

Special Interests. When students with disabilities are placed in separate classes, their curriculum is sometimes less varied than when they are members of a general class. Opportunities to participate in science, social studies, fine arts, and applied arts (home economics and industrial arts) can lead to the development of lifelong leisure and vocational interests for students with disabilities.

Communication, Movement, and Social Skills. A general education class in which communication skills are recognized as important for all students will provide many opportunities for students with disabilities to learn these skills as well. Physical Education class is an obvious place for students to develop lifetime fitness habits, learn how to play individual and group games and sports, and at the same time, work on more basic motor skills such as balance, agility, motor planning, and so forth. When students' IEPs call for professionals to provide those services to students before or after school, the learning opportunities in the general class are not compromised.

Functional Life Skills. It was once thought that students with disabilities should spend most of their school day out in the community learning shopping, street crossing, work, and other "functional skills" very early in life. For all students, there are many opportunities to learn these skills within the general class or other school environments without having to remove them from opportunities to interact with their age peers. Arrival and dismissal time, snack and lunch time, physical education and extracurricular activities, and classroom and other school jobs all provide opportunities for students to learn "life skills." When students get into high school, after-school and summer jobs, co-op work experiences, and summer camp, these experiences can provide them with the opportunity to learn and practice skills together with their peers.

12 Principles for Successful Inclusive Schools

Inclusive schools have the following characteristics:

1. **Vision**
   Inclusive schools begin with a philosophy and vision that all students belong and can learn in the mainstream of school and community life. Diversity is valued and celebrated. It is believed that this diversity strengthens the class and offers all of its members greater opportunities for learning.

2. **Leadership**
   The building principal plays an active, positive, and supportive leadership role in the development and implementation of inclusive schooling practice and strategies, meaningfully involving the entire school staff in the planning and implementation.

3. **High Standards/High Quality Staff**
   All students within an inclusive school, including those with disabilities, work toward similar educational outcomes based on high standards; what will differ is the level at which these outcomes are achieved, the degree of emphasis placed on them, and the content and manner in which these outcomes are achieved. Strategies for pursuing excellence without sacrificing equity are pursued.

4. **Sense of Community**
   Within inclusive schools, everyone belongs, is accepted, and is supported by his or her peers and other members of the school community while educational needs are being met. This sense of community helps to foster self-esteem, pride in individual accomplishments, mutual respect, and a sense of belonging and self-worth among all students.

5. **Array of Services**
   An array of services is provided within an inclusive school that are coordinated across and among educational and community agency personnel.

6. **Flexible Learning Environments to Meet Student Needs**
   Inclusive schools utilize flexible groupings, authentic and meaningful learning experiences, and developmentally appropriate curricula accessible to all students. Even though full inclusion is a goal, a continuum of educational options is present.

7. **Research-based Strategies**
   Research-based practices are implemented to support inclusive schools for all

students—cooperative learning, curriculum adaptations, peer-mediated learning approaches, direct instruction, reciprocal teaching, social skills training, study skills training, mastery learning, etc.

8. **Collaboration and Cooperation**
Inclusive schools foster natural support networks across students and staff. Strategies are implemented such as peer tutoring, buddy systems, circles of friends, cooperative learning, and other ways of connecting students in natural, ongoing, and supportive relationships. In addition, all school personnel work together and support each other through professional collaboration, team teaching, co-teaching, teacher and student assistance teams, and other collaborative arrangements.

9. **Changing Roles and Responsibilities**
Transformation within inclusive schools will result in changing roles and responsibilities. Teachers become facilitators of learning—they provide support and work together in collaborative arrangements. School psychologists work more with teachers, parents, and students and spend less time testing students. Building-based problem-solving teams work together to solve individual student problems.

10. **New Forms of Accountability**
New forms of accountability and assessment are developed within inclusive schools to assess on-going student progress toward identified educational goals.

11. **Access**
Technology and necessary physical modifications are made to assure full access and participation of all students.

12. **Partnerships with Parents**
Within inclusive schools, parents are embraced as equal partners and are involved in the planning and implementation of inclusive school strategies.

LRE LETTER FROM OSEP

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

November 23, 1994

Contact Person		
Name	:	Rhonda Weiss
Telephone	:	(202) 205-5503

OSEP – 95-9

TO : Chief State School Officers

FROM : Judith E. Heumann
Assistant Secretary
Office of Special Education and Rehabilitation Services

: Thomas Hehir
Director
Office of Special Education Programs

SUBJECT : Questions and Answers on the Least Restrictive Environment Requirements of the Individuals with Disabilities Education Act

Introduction

The least restrictive environment (LRE) requirements of Part B of the Individuals with disabilities Education Act (IDEA) have been included in the law in their present form since 1975. However, these requirements continue to generate complex and interesting questions from the field. In particular, questions have been raised about the relationship of IDEA's LRE requirements to "inclusion." Consistent with our attempt to

provide you and your staff with as much current information as possible and to ensure that the applicable requirements of IDEA that govern the education of students with disabilities are accurately understood and properly implemented, guidance on IDEA's LRE requirements is being provided in a question and answer format. In most cases, this question and answer document consolidates the prior policy guidance that the Department has provided in this area. We encourage you to disseminate this document to a wide range of individuals and organizations throughout your State. Any further questions should be directed to the contact person named at the beginning of this document or to Dr. JoLeta Reynolds at (202) 205-5507.

We hope that the above questions and answers are of assistance to you and your staff as you carry out your responsibilities to ensure that disabled students are provided a free appropriate public education in the least restrictive environment.

Attachment

cc: State Directors of Special Education
RSA Regional Commissioners
Regional Resource Centers
Federal Resource Center
Special Interest Groups
Parent Training Centers
Independent Living Centers
Protection and Advocacy Agencies

QUESTIONS AND ANSWERS

1. What are the Least Restrictive Environment (LRE) requirements of Part B of IDEA?

ANSWER:

In order to be eligible to receive funds under Part B of IDEA (IDEA), States must, among other conditions, assure that a free appropriate public education (FAPE) is made available to all students with specified disabilities in mandated age ranges. The term "FAPE" is defined as including, among other elements, special education and related services, provided at no cost to parents, in conformity with an individualized education program (IEP). The IEP, which contains the statement of the special education and related services to meet each disabled student's unique needs, forms the basis for the entitlement of each student with a disability to an individualized and appropriate education. IDEA further provides that States must have in place procedures assuring that, "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 that 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 is such that education in regular classes with the use of supplementary aids and supports, is found in the statute at 20 U.S.C. §1412 (5) (B) and is implemented by the Department's regulations at 34 CFR §§300.550-300.556. Copies of the relevant statutory and regulatory provisions are attached to this question and answer document.

2. Does IDEA define the term "inclusion?"

ANSWER:

IDEA does not use the term "inclusion"; consequently, the Department of Education has not defined that term. However, IDEA does require school districts to place students in the LRE. LRE means that, to the maximum extent appropriate, school districts must educate students with disabilities in the regular classroom with appropriate aids and supports, referred to as "supplementary aids and services," along with their nondisabled peers in the school they would attend if not disabled, unless a student's IEP requires some other arrangement. This requires an individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the student's placement in the regular educational environment before a more restrictive placement is considered.

In implementing IDEA's LRE provisions, the regular classroom in the school the student would attend if not disabled is the first placement option considered for each disabled student before a more restrictive placement is considered. If the IEP of a student with a disability can be implemented satisfactorily with the provision of supplementary aids and services in the regular classroom in the school the student would attend if not disabled, that placement is the LRE placement for that student. However, if the student's IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services, the regular classroom in the school the student would attend if not disabled is not the LRE placement for that student.

3. How can IDEA requirements be implemented to ensure that consideration is given to whether a student with a disability can be educated in the regular educational environment with the use of supplementary aids and services before a more restrictive placement is considered?

ANSWER:

The relationship of IDEA's LRE requirements to the IEP process is key, since under IDEA, the student's IEP forms the basis for the student's placement decision. IDEA requires that the IEP of each disabled student must contain, among other components, a "statement of the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs." 34 CFR §300.346(a) (3). At the student's IEP meeting, the extent that the student will be able to participate in regular educational programs is one of the matters to be addressed by all of the participants on the student's IEP team before the student's IEP is finalized. In addressing this issue, the team must consider the range of supplementary aids and services, in light of the student's abilities an needs, that would facilitate the student's placement in the regular educational environment. As discussed in question 4 below, these supplementary aids and services must be described in the student's IEP. Appendix C to 34 CFR Part 300 (question 48)

4. Does IDEA define the term "supplementary aids and services?"

ANSWER:

No. However, in determining the educational placement for each disabled student, the first line of inquiry is whether the student's IEP can be implemented satisfactorily in the regular educational environment with the provision of supplementary aids and services. This requirement has been in effect since 1975 when the Education of the Handicapped Act (EHA), the predecessor to the IDEA, originally became law.

Consistent with this requirement, any modifications to the regular educational program, i.e., supplementary aids and services that the IEP team determines that the student needs to facilitate the student's placement in the regular educational environment must be described in the student's IEP and must be provided to the student. Appendix C to 34 CFR Part 300 (question 48). While determinations of what supplementary aids and services are appropriate for a particular student must be made on an individual basis, some supplementary aids and services that educators have used successfully include modifications to the regular class curriculum, assistance of an itinerant teacher with special education training, special education training for the regular teacher, use of computer-assisted devices, provision of notetakers, and use of a resource room, to mention a few.

5. How frequently must a disabled student's placement be reviewed under IDEA?

ANSWER:

Under IDEA, each disabled student's placement must be determined at least annually, must be based on the student's IEP, and must be in the school or facility as close as possible to the student's home. Under IDEA, each student's placement decision must be made by a group of persons, including persons knowledgeable about the student, the meaning of evaluation data, and the placement options. While the student's IEP forms the basis for the placement decision, a student's IEP cannot be revised without holding another IEP meeting, which the school district is responsible for convening. If either the student's parent or teacher or other service provider wishes to initiate review of the student's IEP at a point during the school year that does not correspond with the annual IEP review, that individual can request the school district to hold another IEP meeting. If the IEP is revised, following the meeting, the placement team would need to review the student's IEP to determine if a change in placement would be needed to reflect the revised IEP.

6. If a determination is made that a student with a disability can be educated in regular classes with the provision of supplementary aids and services, can school districts refuse to implement the student's IEP in a specific class because of the unwillingness of a particular teacher to educate that student in his or her classroom or the teacher's assertion that he or she lacks adequate training to educate that student effectively?

ANSWER:

Under IDEA, lack of adequate personnel or resources does not relieve school districts of their obligations to make FAPE available to each disabled student in the least restrictive

educational setting in which his or her IEP can be implemented. Exclusion of a student from an appropriate placement based solely on the student's disability is prohibited by Section 504 of the Rehabilitation Act of 1973. However, placement in a particular regular class based on the qualifications of a particular teacher is permissible under both statutes. The public agency has an affirmative responsibility to ensure the supply of sufficient numbers of teachers who are qualified, with needed aids and supports, to provide services to students with disabilities in regular educational environments, and to provide necessary training and support services to students with disabilities. The innovative approaches to address issues surrounding resource availability. Factors that could be examined include cooperative learning, teaching styles, physical arrangements of the classroom, curriculum modifications, peer mediated supports, and equipment, to mention a few.

7. **Once a determination is made that a disabled student cannot be educated satisfactorily in the regular educational environment, even with the provision of supplementary aids and services, what considerations govern placement?**

ANSWER:

IDEA does not require that every student with a disability be placed in the regular classroom regardless of individual abilities and needs. This recognition that regular class placement may not be appropriate for every disabled student is reflected in the requirement that school districts make available a range of placement options, known as a continuum of alternative placements, to meet the unique educational needs of students with disabilities. This requirement for the continuum reinforces the importance of the individualized inquiry, not a "one size fits all" approach, in determining what placement is the LRE for each student with a disability. The options on this continuum must include "the alternative placements listed in the definition of special education under §300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions)." 34 CFR §300.551 (b) (1). These options must be available to the extent necessary to implement the IEP of each disabled student. The placement team must select the option on the continuum in which it determines that the student's IEP can be implemented. Any alternative placement selected for the student outside of the regular educational environment must maximize opportunities for the student to interact with nondisabled peers, to the extent appropriate to the needs of the student.

It also should be noted that under IDEA, parents must be given written prior notice that meets the requirements of §300.505 a reasonable time before a public agency implements a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Consistent

with this notice requirement, parents of disabled students must be informed that the public agency is required to have a full continuum of placement options, as well as about the placement options that were actually considered and the reasons why those options were rejected. 34 CFR §§300.504 - 300.505; Notice of Policy Guidance on Deaf Students Education Services, published 57 Fed. Reg. 49274 (Oct. 30, 1992).

8. **What are the permissible factors that must be considered in determining what placement is appropriate for a student with a disability? Which factors, if any, may not be considered?**

ANSWER:

The overriding rule in placement is that each student's placement must be individually-determined based on the individual student's abilities and needs. As noted previously, it is the program of specialized instruction and related services contained in the student's IEP that forms the basis for the placement decision. In determining if a placement is appropriate under IDEA, the following factors are relevant:

- the educational benefits available to the disabled student in a traditional classroom, supplemented with appropriate aids and services, in comparison to the educational benefits to the disabled student from a special education classroom;

- the non-academic benefits to the disabled student from interacting with nondisabled students; and

- the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the disabled student.

However, school districts may not make placements based *solely* on factors such as the following:

- category of disability;
- severity of disability;
- configuration of delivery system;
- availability of educational or related services;
- availability of space; or
- administrative convenience.

9. **To what extent is it permissible under IDEA for school districts to consider the impact of a regular classroom placement on those students in the classroom who do not have a disability?**

ANSWER:

IDEA regulations provide that in selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs. If a student with a disability has behavioral problems that are so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the disabled student cannot be met in that environment. However, before making such a determination, school districts must ensure that consideration has been given to the full range of supplementary aids and services that could be provided to the student in the regular educational environment to accommodate the unique needs of the disabled student. If the placement team determined that even with the provision of supplementary aids and services, that student's IEP could not be implemented satisfactorily in the regular educational environment, that placement would not be the LRE placement for that student at that particular time, because her or his unique educational needs could not be met in that setting.

While IDEA regulations permit consideration of the effect of the placement of a disabled student in a regular classroom on other students in that classroom, selected findings from Federally-funded research projects indicate that:
(1) achievement test performance among students who were classmates of students with significant disabilities were equivalent or better than a comparison group (Salisbury, 1993); (2) students developed more positive attitudes towards peers with disabilities (CRI, 1992); and (3) self concept, social skills, and problem solving skills improved for all students in inclusive settings (Peck, Donaldson, & Pezzoli, 1990, Salisbury and Palombaro, 1993). [1]

---

[1] California Research Institute. (1992). Educational practices in integrated settings associated with positive student outcomes. Strategies on the Inclusion on the Integration of Students with Severe Disabilities, 3, (3), 7, 10. San Francisco State University. San Francisco, California.

Peck C.A., Donaldson, J., & Pezzoli, M. (1990). Some benefits non-handicapped adolescents perceive for themselves from their social relationships with peers who have severe disabilities. Journal of the Association for Persons with Severe Handicaps, 15 (4), 241-249.

Salisbury C.L. (1993, November). Effects of inclusive schooling practices: Costs to kids and organization. Presentation at the 1993 Conference of the Association for Persons with Severe Handicaps, Chicago, Illinois.

10. Are there any resources that the Department is aware of that have proven helpful to educators and paraprofessionals in implementing inclusive educational programs?

ANSWER:

The department has supported a variety of professional development and training projects (e.g., preservices, inservices, school restructuring projects) that address the needs of students with disabilities in inclusive educational programs. In addition, the Department has financed Statewide Systems Change projects which support changing the setting for delivery of educational services from separate settings to general education settings in the school that the student would attend if not disabled. Numerous materials and products have been developed by these projects which have focused on strategies that support collaborative planning and problem solving, site based control, curriculum and technological adaptations and modifications, parent and family involvement, and the creative use of human and fiscal resources. These projects have underscored the importance of timely access to resources (e.g., people, materials, information, technology) when they are needed.

Educators can obtain further information regarding these programs by contacting:

National Information Center for Children and Youth with Disabilities
P.O. Box 1492
Washington, D.C. 20013-1492
Telephone: 1-800-695-0285
(Deaf and hearing-impaired individuals may also call this number for TDD)

Consortium on Inclusive Schooling Practices
Allegheny Singer Research Institute
320 E. North Avenue
Pittsburgh, PA. 15212
Telephone: (412) 359-1600
(Deaf and hearing-impaired individuals may also call the Pennsylvania Relay Service number at 1-(800) -654-5984)

Salisbury, C.L., & Palombaro, M. M. (Eds.) (1993). "No problem." Working things out our way. State University of New York-Binghamton, Binghamton, New York.

California Research Institute on the Integration of Students with Severe Disabilities
San Francisco State University
1415 Tapia Drive
San Francisco, California 94132
Telephone: (415) 338-7847-48
(Deaf and hearing-impaired individuals may also call the California Relay Service number at (800) 735-2922)

Lincoln Public Schools
Department of Special Education • 5901 O Street • Lincoln NE 68510 • (402) 436-1905 • (Fax) 436-1899

LEAST RESTRICTIVE ENVIRONMENT:

"To the Maximum Extent Appropriate"

Rule 51 provides clear guidance for LRE requirements. Lincoln Public Schools takes seriously the letter and spirit of federal and state special education laws that require that:

008.01A The school district shall establish policies and procedures to assure that, *to the maximum extent appropriate*, children with disabilities including children in public and non public schools and approved services agencies are educated with children who are not disabled, and that 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 is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

and

007.07B2a The IEP shall include a statement of measurable annual goals, including academic and functional goals, designed to enable the child *to be involved in and make progress in the general education curriculum*; (i.e., the same curriculum as for nondisabled children)...

There are many good reasons why school districts are required to pursue the least restrictive environment "to the maximum extent appropriate" for children with disabilities. Researchers such as Kochhar, West, and Taymans (2000), Walther-Thomas et al. (1996), and Hunt (2000) have concluded that education in the least restrictive environment benefits children with disabilities in the following ways:

- Facilitates more appropriate social behavior because of higher expectations in the general education classroom.
- Promotes levels of achievement higher or at least as high as those achieved in self-contained classrooms.
- Offers a wide circle of support, including social support from classmates without disabilities.
- Improves the ability of students and teachers to adapt to different teaching and learning styles.

The same researchers concluded that children without disabilities also benefit:

- Leads to greater acceptance of students with disabilities.
- Offers the advantage of having an extra teacher or aide to help them with the development of their own skills.
- Promotes better understanding of the similarities among students with and without disabilities.

In summary, the provision of services in the least restrictive environment is not simply compliance with a cold, hard law, but it is a living, warm value that permeates a school environment. In such a setting, children with disabilities are not merely physically present, but they are truly valued members of a classroom community who are making progress in the general education curriculum.

Least Restrictive Environment

Millard Public Schools

Charlene Snyder
Director of Special Education
August 28, 2007

Students with Disabilities

- .... are Millard Public Schools students first and disabled second
- .... are more similar to their peers without disabilities than they are different from them
- .... have the same hopes and dreams as their age peers, and so do their parents

How Is LRE Defined in IDEA?

- Legal Definition: To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are [1] educated with children who are not disabled, and [2] 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.

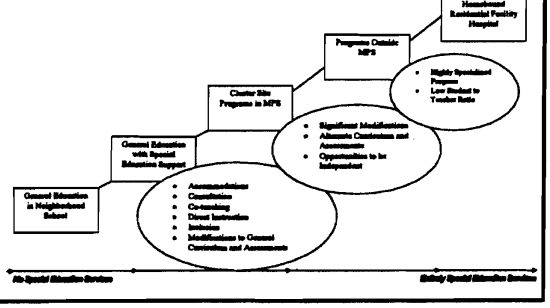
What Do MPS Parents and Staff Members Think LRE Is?

- LRE is where students with disabilities are required to be educated
- LRE is a general education classroom at the student's neighborhood school
- LRE is a place, i.e., a 3rd classroom or 9th grade Algebra class
- LRE is the same for every student

What LRE Is and Is Not in MPS

- LRE in MPS is
  - a set of special education and related services, including supplementary aids, designed to provide the student with a free appropriate public education
  - an individually determined placement
  - a multi-factored decision by the members of the student's IEP Team
  - a continuum of services available to all students
- LRE In MPS is not
  - a place
  - a classroom
  - a school
  - the same for every student

What Does the Continuum of Services Look Like in MPS?



How Does MPS Implement LRE?

- The LRE decision is always made for an individual student by IEP Team members who know the student and his/her educational needs
- The LRE decision is always based on the student's IEP goals
- If an IEP Team concludes that a student's needs cannot be appropriately met at the neighborhood school, a District administrator must be a part of the discussion about a more restrictive placement

How Do MPS IEP Team Members Determine LRE?

- Focus on the student and his/her unique educational needs
- Identify the strengths demonstrated by the student that enhance his/her performance
- Identify the effect the student's disability has on his/her involvement and progress in the general curriculum

What Do MPS IEP Team Members Consider When Determining LRE?

- Instructional accommodations and adaptations through the use of specialized instructional techniques, materials and/or equipment
- Degree of modification to the general education curriculum and assessments
- Need for an alternate curriculum and assessments
- Other supplementary aids and services necessary to provide FAPE to the student

What Else Do MPS IEP Team Members Consider When Determining LRE?

- Student's rate of progress in current placement
- Degree of structure and routine necessary for the student to be successful
- Need for intense behavioral support
- Opportunity for the student to be independent and practice skills of independence

What Other Things Do MPS IEP Team Members Consider When Determining LRE?

- Rate of skill acquisition
- Overall functioning level
- Need for social interaction, vocational and community access skills
- Need for limited distractions
- Balance of general education content area instruction with functional, social, and community skills training
- Structure of non-academic and extracurricular activities

Core Questions That IEP Team Members Consider

- In the student's educational environment, what accommodations, modifications, and adaptations does the student require to be successful?
- How will participation in the general education environment impact the student?
- How will the student's participation in the general education environment impact other students?
- What specific/systemic supports are needed to assist the teacher and other personnel to provide these accommodations, modifications, and adaptations?
- Will the required curriculum modifications be so significant as to alter the curriculum beyond recognition?
- Will the student's educational placement lead to greater independence for the student?

What Does This Mean for MPS Staff and Students?

- Special and general education staff must make innovative and systematic efforts to provide appropriate special education services in the least restrictive environment appropriate for the individual student
- LRE looks different for each student in MPS
  - Some MPS students are in a 'full inclusion' placement
  - Some MPS students are in an 'inclusion' placement
  - Some students receive 'inclusion' special education services
  - Some MPS students are in 'co-taught' classes
  - Some MPS students receive 'pull-out' services
  - Some MPS students are in a 'cluster-site' program
  - Some MPS students are in an 'out-of-district' program
  - Some MPS students receive consultative or other support in a general education classroom
  - Some MPS students.....

What Do MPS Parents and Staff Say About Cluster Site Programs?

- Works great for all students
- Works great for some students
- Love it
- Hate it
- May not want their child in it
- May demand their child be placed in it
- May be scared of it
- May believe it doesn't provide enough opportunities for independence
- Believe it's what life outside of school is like
- Believe it doesn't prepare the student adequately for life after the student leaves school

What Do MPS Parents and Staff Say About Full Inclusion?

- Works great for all students
- Works great for some students
- Love it
- Hate it
- May not want their child in it
- May demand their child be placed in it
- May be scared of it
- May believe it doesn't provide enough opportunities for independence
- Believe it's what life outside of school is like
- Believe it doesn't prepare the student adequately for life after the student leaves school

What Do MPS Parents and Staff Say About Other Special Education Programs?

- Works great for all students
- Works great for some students
- Love it
- Hate it
- May not want their child in it
- May demand their child be placed in it
- May be scared of it
- May believe it doesn't provide enough opportunities for independence
- Believe it's what life outside of school is like
- Believe it doesn't prepare the student adequately for life after the student leaves school

Why Does MPS Provide Services to Some Students with Disabilities in a Cluster Site Program?

- Provides the support necessary to meet the educational needs of some students with disabilities
- Provides opportunities for some students with disabilities to have more opportunities for independent application of academic and other skills than in other educational placements
- Provides appropriate space, materials, curriculum and assessments for some students with disabilities
- It is an appropriate model to meet the needs of some, but not all, students with disabilities

Does MPS Provide the Following Service Delivery Options .....

- Co-teaching?
  - Yes
- Pullout Services?
  - Yes?
- Inclusion?
  - Yes
- Full Inclusion?
  - Yes
- Consultative Services, Accommodations and Modifications in Gen Ed Classes?
  - Yes
- Cluster Site Programs?
  - Yes
- Out of District Placements?
  - Yes

PTI NEBRASKA

The Mission

The mission of PTI Nebraska is to provide training, information and support to parents in Nebraska who have a child birth through twenty six with special needs. Resources are provided for parents, other family members, school personnel and interested others.

"I am concerned about a student in my class. This information was very helpful and will be given to parents if a child is diagnosed with a disability."

~ Classroom Teacher

"This was one of the most informative presentations I have been to in years! I found the presenter's personal experiences with her own child interesting and enlightening."

~Special Education Teacher

"Thank you for all the help in finding ways to resolve issues with the school system. You are doing a super job!"

~Parent

Our Programs

Family to Family Health Information and Education: is developing and maintaining a statewide health network to help families gain the knowledge, skills and experience to be advocates for their own children and to be supportive of other parents and family members who are struggling to negotiate health care and related financial supports for their children and youth who have special health care needs.

Family Voices: PTI Nebraska is the organizational host for Family Voices in Nebraska. The partnership benefits families and professionals by fostering collaboration and leveraging the expertise in early intervention, special education and health services to children with special medical needs.

Learn more at our web site:
www.pti-nebraska.org

Least Restrictive Environment: Step by Step

Step 1

Have my child's educational goals and objectives been developed prior to the placement recommendation? Are the goals clearly stated and are the objectives measurable?

if YES proceed to the next step!

if NO this is a **VIOLATION** of IDEA.

Inform team members of this and state that it is unacceptable, and that you expect clear and measurable goals and objectives for your child before any decision of placement.

Step 5

Have ALL possible services and supports been considered to meet the individual needs of my child in the regular classroom?

if YES regular class placement must be available as an option, proceed to the next step!

if NO, this is a **VIOLATION** of IDEA.

Look at all aids and services that exist that can provide support. In-district resources are not the only resources to be considered. Plan for your child to be placed in the regular class with whatever supports the team can envision to enable the student to succeed.

Step 6

In comparison to a special class, have the benefits of the regular class placement been examined? What benefits are there to my child with a disability? What benefits are there to the non-disabled children?

if YES regular class placement must be available as an option, proceed to the next step!

if NO, this is a **VIOLATION** of IDEA.

The child with the disability does not have to learn what the other children are learning. Interaction with non-disabled peers is a legitimate benefit.

Step 2

Have my child's educational needs (as expressed in the evaluation) been accurately addressed by the proposed educational goals and objectives?

if YES proceed to the next step!

if NO this is a **VIOLATION** of IDEA.

Clarify educational needs and goals. Inform team members that these must be determined before a specific placement is considered.

Step 3

Have the special education, related services and assistive technology devices or services my child needs been determined prior to the placement decisions?

if YES proceed to the next step!

if NO this is a **VIOLATION** of IDEA.

Identify the special education, related services and assistive technology devices or services your child needs. Make sure there is a *"direct relationship between the present levels of educational performance ... and the specific education and related services to be provided."*

Step 4

Has the regular class with appropriate supports been examined as the first possible placement option? Has it been examined, not as it currently exists, but as it might be modified?

YES proceed to the next step!

if NO, this is a **VIOLATION** of IDEA.

According to the state's LRE policy memorandum, *"Each placement option is examined not only as it currently exists, but as it might be modified. Regular class placement is examined as the first option...*

Step 7

Unless there is a clear cut reason why my child's needs cannot be met, my child should be placed in the regular class with supports. Are the supports being provided? Are there opportunities for interactions with children without disabilities?

if YES continue to monitor the program for increased opportunities, especially considering supports that may help increase interaction.

if NO, this is a **VIOLATION** of IDEA.

Examination of all areas of the daily school environment should be made to identify opportunities for academic and nonacademic interactions, and written into the IEP.

Other LRE Resources

ARC of Nebraska
www.arcnebraska.org

Nebraska Advocacy Services (NAS)
www.nebraskaadvocacyservices.org

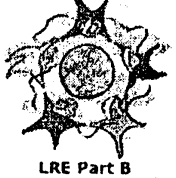
Nebraska Department of Education (NDE)
www.nde.state.ne.us

National Dissemination Center for Children with Disabilities (NICHCY)
www.nichcy.org

Office of Special Education Programs (OSEP)
www.ed.gov/about/offices/list/osep/index.html

Munroe Meyer Parent/Consumer Project
www.unmc.edu/dept/mmi/index.cfm?

Guide to Resources for Promoting Least Restrictive Environment (LRE) Practices



About this Guide

As a component of its continuous improvement and focused monitoring process, the Office of Special Education Programs (OSEP) requires that every state report annually on the performance of each of its local education agencies with regard to the targets in its State Performance Plan (with 20 U.S.C. 1416(2)(C)(ii)). This report is called the Part B Annual Performance Report (APR). States are required to provide information on many indicators, including an indicator of Least Restrictive Environment (LRE) practices.

OSEP established a technical assistance delivery strategy called Communities of Practice, to address the needs of state and local education agencies. Six communities (Early Identification, Preschool LRE Part B/619, Settings Part C, Data, LRE-Part B, and Exiting) were formed and facilitated by staff from Regional Resource Centers, Parent Training & Technical Assistance Centers, and TA Specialty Centers. Communities, whose members represent states, districts, parent organizations, TA organizations, and institutions of higher education, are engaged in a variety of activities. *Promoting LRE Practices* represents the work of the LRE Part B Community of Practice. Community Facilitators developed this guide to assist state personnel to identify federal resources (and those developed with federal funding) to address LRE. Educators can use *Promoting LRE Practices* in conjunction with the State Performance Plan Guide previously developed by the LRE Part B Community of Practice Facilitators. This guide is organized into seven topical areas: instructional capacity, leadership, resource availability, perceptions, parent and family support, integration with schoolwide reform, and self-determination. These topics were identified by the facilitators based on a review of research and literature, and our experience in providing technical assistance. These topics are not exhaustive of the variety of factors that may impact LRE, and state personnel are encouraged to carefully review their own circumstances to identify additional variables that may affect the participation and progress of students with disabilities in general education settings.

Promoting LRE Practices includes suggestions regarding centers that are supported by OSEP and whose work is most aligned with the topical areas that can impact LRE. Suggestions are provided regarding the information and materials offered by each center as a way to help state personnel target their requests for technical assistance. This list of suggested centers is not exhaustive of the large number of national, regional, and local organizations that may be helpful in supporting the work of state and local education agencies to implement activities to address LRE. Readers are encouraged to review materials developed by and/or shared through:

- OSEP's Regional Resource, Regional Parent TA Center, and Federal TA&D Network, (http://www.rrfcnetwork.org)
- The Office of Elementary and Secondary Education's Comprehensive Center Network(http://www.ed.gov/rschstat/research/pubs/oieresearch/edresources_5.html)
- The Office of Elementary and Secondary Education's Equity Assistance Center Network (http://www.edgateway.net/pub/docs/262)

There are many ways that states can use the resources provided in this guide to prepare APRs and to implement related activities. These activities may vary by intensity, required resources, cost, and may include: disseminating materials at professional development events; featuring materials in publications; conducting training; requesting direct technical assistance from federally funded centers; and using these materials to build state-specific and customized resources. The Technical Assistance Matrix, a database of TA activities, provides descriptions of TA activities across states and may offer ideas regarding ways in which states can use TA materials.

The LRE Part B Community of Practice Facilitators expect that *Promoting LRE Practices* will be updated as we receive feedback, as centers change, or as technical assistance providers continue to develop services aligned with state needs. We thank our advisory committee who offered us support in developing this resource. We encourage your feedback and request that all comments, updates, or questions be directed to Cynthia Glimpse, Federal Resource Center, cglimpse@aed.org

LRE Part B Community of Practice Facilitators: Amanda Sullivan, National Institute for Urban School Improvement, Amanda.L.Sullivan@asu.edu; Diana Autin, Region I Parent TA Center, Parent Training & Information Center, Diana.autin@spannj.org; Cynthia Glimpse, Federal Resource Center, cglimpse@aed.org; Vicki Hornus, Northeast Regional Resource Center, vhornus@wested.org and Judy Shanley, OSEP, judy.shanley@ed.gov

12-15-2006

I. Instructional Capacity and Skill of Educators	
Providing high quality instruction that enables, and, excites students to learn, requires **instructional capacity and skill by educators.** Capacity and skill includes knowledge, tools, and a repertoire of strategies to instruct a diverse range of students. This capacity can impact whether a student has access to the general education curriculum.	
Strategy, Tool, or Resource	**Description**
Instructional capacity /teaching methods research articles http://research.nichcy.org/subject.asp?SubID=x10x	Twenty-one research articles on Teaching Methods
Review of Progress Monitoring Tools: Tools, Area, Foundational Psychometric Standards, and Progress Monitoring Standards http://www.studentprogress.org/chart/chart.asp	This is a standard process to evaluate the scientific rigor of commercially available tools to monitor student's progress
Frequently Asked Questions on Curriculum-Based Measurement in Math http://www.studentprogress.org/progressmonitoring_math_faq.asp	FAQ on math and CBM
Frequently Asked Questions on Curriculum-Based Measurement in Reading http://www.studentprogress.org/faq.asp	FAQ on reading and CBM
Crafting Curricular Aims for Instructionally Supportive Assessment http://education.umn.edu/nceo/Presentations/CraftingCurricula.pdf	This analysis describes how state curriculum can be optimally configured to foster instructionally supportive assessment; that is, assessment intended to promote more effective classroom instruction.
Preparing Educators to Teach Students with Disabilities in an Era of Standards-based Reform and Accountability http://education.umn.edu/nceo/OnlinePubs/EPRRITR5.pdf	This report puts forth key skills and knowledge that all educators need to increase the participation and performance of students with disabilities in standards-based environments
Online Professional Development Modules http://iris.peabody.vanderbilt.edu/resources.html	Modules use a combination of a challenge, interactive activities, and multiple opportunities for sharing, assessment, and revision. The aim of the modules is to ensure that general education teachers, school administrators, school nurses, and school counselors are well prepared to work with students who have disabilities and with their families.
A Few Steps to Better Data http://www.ndpc-sd.org/assistance/docs/A_Few_Steps_to_Better_Data.pdf	Strategies to improve the quality of dropout-related data
Dropout Prevention for Students with Disabilities: Recommendations for Administrators http://www.ndpcsd.org/assistance/docs/Recommendations_for_Administrators--20060920.pdf	Strategies for administrators – power point presentation

Strategy, Tool, or Resource	Description
Inclusive Schooling – Professional Learning Module http://www.urbanschools.org/professional/mod_3.html	This module introduces the inclusive model of education, which proposes that, with support structures in place, all students are able to successfully learn in the general education classroom
Collaborative Teaching – Professional Learning Module http://www.urbanschools.org/professional/mod_4.html	This module introduces the many faces of co-teaching relationships, exemplars and non-exemplars of successful co-teaching strategies, approaches for developing co-teaching skills, and opportunities to co-plan lessons.
Assessment – Professional Learning Module http://www.urbanschools.org/professional/mod_5.html	This module looks at the construction of both quality assessments and student learning outcomes, examines multiple ways to assess learning, explores the use of rubrics for assessing student work, and highlights key elements of performance assessment tasks.
Instructional Programs and Practices http://www.k8accesscenter.org/training_resources/programsandpractices.asp	Variety of products, training guides, and archived video materials related to adapting instruction to meet the needs of diverse learners.
Universal Design for Learning http://www.k8accesscenter.org/training_resources/universal_design.asp	Materials include research based products and practical guides. Administrators and educators can use these materials to modify instruction to enhance the participation of students with disabilities in grade level content.
Content Specific Materials, in language arts, reading, math, and science http://www.k8accesscenter.org/training_resources/default.asp	Materials can assist educators to modify instruction and materials to improve student participation in rigorous academic curriculum.

II. School Culture and Leadership that Supports LRE	
School culture and leadership that supports LRE provides the context for an educational setting in which high expectations for student learning in the least restrictive environment exist. This belief is realized in settings that provide resources and opportunities for educators, and students and their families, to implement high quality services that promote learning through general education curriculum.	
Strategy, Tool, or Resource	**Description**
School Self- Assessment Guide for Culturally Responsive Practice http://www.nccrest.org/publications/tools.html	An instrument that allows schools to conduct a self-assessment of their programs and practices in five domains: (a) School Governance, Organization, Policy and Climate, (b) Family Involvement, (c) Curriculum, (d) Organization of Learning, and (e) Special Education Referral Process and Programs.
Rubric for Looking at District Practice http://www.nccrest.org/publications/tools.html	The tool is designed to examine knowledge, skills and dispositions as well as contextual factors that may lead to institutionalized practices that manifest themselves in disproportionate identification.

Strategy, Tool, or Resource	Description
Urban Schools OnPoint Series http://www.urbanschools.org/publications/on_point.html	21 research that discuss critical issues in urban education and inclusive schooling practices
Self-Assessment: Focused Monitoring Implementation Checklist (FMIC) http://www.monitoringcenter.lsuhsc.edu/PDF%20Word/FMIC_Revised_03122005.pdf	The tool is a means by which states/lead agencies and local programs/districts can assess the • Comprehensiveness of their data system and activities, • involvement and participation of stakeholders in the development, implementation, and evaluation of the monitoring system, and • monitoring procedures within a focused monitoring process.
Selection or Programs for On-site Monitoring http://www.monitoringcenter.lsuhsc.edu/PDF%20Word/Selection_Monitoring_Draft2.pdf	Provides guidance on how to select districts for comprehensive monitoring
Focused Monitoring: A model for the present http://www.monitoringcenter.lsuhsc.edu/PDF%20Word/071902a%20FOCUSED%20MONITORING.pdf	The model outlined herein sets forth a focused monitoring system to be utilized by the Office of Special Education Programs (OSEP). This model focuses on a small number of outcome-oriented priorities and has clearly defined accountability actions, including sanctions, for failure to meet objective, data-supported standards.
Understanding Culture and Cultural Responsiveness–Professional Learning Module http://www.nccrest.org/professional.html	This module explores cultural responsitivity, creating equitable opportunities for all students, as it applies to educators and education.
Background Materials on Access to the General Education Curriculum http://www.k8accesscenter.org/training_resources/background.asp	These resources provide leaders and administrators with a framework for understanding why access to the general education curriculum and LRE issues are important.

III. Availability of Accessible Materials	
Classroom materials and curricular that are adapted to fit the learning styles and needs of students with disabilities enable students to engage in general education content. When materials are adapted, without compromising their reliability or validity, students may be able to remain in the general education setting, and thereby, impact LRE.	
Strategy, Tool, or Resource	**Description**
Research articles on accessible materials http://research.nichcy.org/search.asp (enter accessible materials in search box)	To find research on accessible materials

Strategy, Tool, or Resource	Description
Universal Design Online Manual http://education.umn.edu/nceo/UDmanual/default.html	This tool outlines steps that states can take to ensure universal design of assessments. The recommendations can be used for both computer and paper-based assessments.
A State Guide to the Development of Universally Designed Assessments http://education.umn.edu/nceo/OnlinePubs/StateGuideUD/default.htm	The purpose of this guide is to provide states with strategies for designing tests from the very beginning, through conceptualization and item construction, field-testing, item reviews, statewide operationalization, and evaluation.
National Center for Educational Outcomes Technical Reports and Policy Directions http://education.umn.edu/nceo/overview/overview.html	A series of research based articles and policy directives related to standards, assessments, and students with disabilities.
National Center for Educational Outcomes Special Topics http://www.education.umn.edu/NCEO/TopicAreas/	Provide in-depth information on the specified topics, including frequently asked questions, links to state policies, and topic-specific publications that you can download
Instructional Programs and Practices http://www.k8accesscenter.org/training_resources/programsandpractices.asp	Variety of products, training guides, and archived video materials related to adapting instruction to meet the needs of diverse learners.

IV. Integration In School Wide Reform or Improvement Initiatives	
To fully offer students with disabilities opportunities to participate in rigorous academic curriculum in least restrictive environments, schools and districts must promote the **integration of school wide reform and improvement strategies.** School improvement approaches, often considered general education initiatives, offer educators, and students and their families, additional opportunities to benefit from practices and strategies that affect academic achievement.	
Strategy, Tool, or Resource	**Description**
A Few Steps to Better Data http://www.ndpc-sd.org/assistance/docs/A_Few_Steps_to_Better_Data.pdf	Strategies states can use to improve the quality of their dropout-related data and get the greatest utility from those data
School Self- Assessment Guide for Culturally Responsive Practice http://www.nccrest.org/publications/tools.html	An instrument that allows schools to conduct a self-assessment of their programs and practices in five domains: (a) School Governance, Organization, Policy and Climate, (b) Family Involvement, (c) Curriculum, (d) Organization of Learning, and (e) Special Education Referral Process and Programs.

Strategy, Tool, or Resource	Description
A Self-Study Guide to Implementation of Inclusive Assessment and Accountability Systems http://education.umn.edu/nceo/OnlinePubs/workbook.pdf	The purpose of the workbook is to focus and clarify stakeholder discussion on essential components of inclusive systems state by state and district by district and to provide an impetus for revisiting basic assumptions and beliefs about emerging state and district systems.
Collaborative Leadership Teams – Professional Learning Module http://www.nccrest.org/professional/leadership_teams.html	This module is designed to promote inclusive systems and schools by coaching Collaborative Leadership Team members in both leadership skills and team collaboration.
Resources to improve student performance and thereby affect school accountability and improvement activities http://www.k8accesscenter.org/training_resources/default.asp	Materials produced by the Access Center and its partners address student performance in the least restrictive setting. As instruction is adapted to meet the needs of a broad range of learners, student achievement, and participation and performance in assessments may be impacted. As student achievement improves, so does the potential positive impact of other school improvement efforts.
Schoolwide Instructional Programs Across Curricula http://www.ideapartnership.org/rkr2.cfm?rkrpageid=6	Schoolwide instructional programs or curricula that cover a range of subjects/skills are briefly described, with links to evidence of effectiveness. Links to the developer's research and/or other evaluations by independent reviewers are included. Links to available information on assistance with adoption/implementation from the developer are included in these annotations. This section also includes web-based resources across curricula.
Academic Enhancements and Differentiated Instruction http://www.ideapartnership.org/rkr2.cfm?rkrpageid=9	• Instructional Programs and Curricula: Academic Enhancements and Differentiated Instruction • Tools, Strategies, Supplements, and Opportunities: Academic Enhancements and Differentiated Instruction • Reports, Commentaries, and Guides: Academic Enhancements and Differentiated Instruction • Reports, Commentaries, and Guides: Response to Intervention (RTI) • Web-Based Resources for Practitioners: Academic Enhancements and Differentiated Instruction • Web-Based Resources for Practitioners: Response to Intervention (RTI)
MANY VOICES: Citations from Web-Based Journals and Other Periodicals http://www.ideapartnership.org/report.cfm?reportid=82	Section on Reform/Restructuring
IDEA and NCLB Collaboration Community of Practice http://www.ideapartnership.org/work4.cfm?communityid=6	These materials can provide information on how to begin or strengthen a process of integrating special education improvement with NCLB and other overall school reforms and strategies that have or have not worked effectively in various states
No Child Left Behind and Students with Disabilities http://www.taalliance.org/publications/index.htm	This curriculum addresses components of the No Child Left Behind Act (NCLB) such as assessments, school choice, supplemental services, and teacher qualifications in the context of students with disabilities. Approved by the U.S. Department of Education.

Strategy, Tool, or Resource	Description
School-Wide PBS Blueprint: http://www.pbis.org/search.asp?search=+blueprint&submit=Search+%3E%3E&mode=allwords	The purpose of this blueprint is to provide implementers with definitions, descriptions, and guidelines that allow for accurate and durable implementation of school-wide positive behavior support (SW-PBS) practices and systems.
PBS Evaluation Tool: http://www.pbis.org/districtwide.htm	This document is prepared for individuals who are implementing School-wide Positive Behavior Support (PBS) in Districts, Regions or States. The purpose of the document is to provide a formal structure for evaluating if School-wide PBS implementation efforts are (a) occurring as planned, (b) resulting in change in schools, and (c) producing improvement in student outcomes.

V. Student Empowerment or Self-determination	
Student knowledge and involvement with their parents, school, and peers is important to their having access to the general curriculum. Students who understand their own strengths and needs can be more active partners in developing and implementing their I.E.P. They become a vital part of the team that ensures their education is delivered in the least restrictive environment. The following TA&D Network projects have information that supports the involvement of students and their families in LRE and access to the general curriculum.	
Strategy, Tool, or Resource	**Description**
School-Based Interventions to Enhance the Self-Concept of Students with Learning Disabilities: A Meta-Analysis http://research.nichcy.org/subject.asp?SubID=x8x	Provides research interventions for enhancing student self-concept
Effects of Interventions to Promote Self-Determination for Individuals with Disabilities http://research.nichcy.org/subject.asp?SubID=x9x	Research on self-determination
National Community of Practice in Support of Transition (2004 and ongoing) http://www.ideapartnership.org/work4.cfm?communityid=4	State and local agencies in several states came together in this Community in 2004 to improve interagency transition initiatives and promote the role of youth in this effort. Scroll down to view states committed to using the community of practice approach. Click on state name to look at their documents and resources.
Heidi's Inclusion in Junior High: Transition and Educational Planning for a Student with Deaf-Blindness http://www.tr.wou.edu/tr/dbp/pdf/may95.pdf	
Transition to Adult Life Packet for Students with Deaf-Blindness http://dblink.org/lib/transition-pkt.htm	
Engaging staff and students to implement PBS in their High school http://www.pbis.org/	

VI. Parent and Family Support	
Parents and families are critical partners with schools in including students with disabilities and ensuring their access to the general curriculum through development and implementation of inclusive IEPs. Parents bring critical knowledge of their children's strengths and needs, strategies that have worked, and the desire to maximize their children's learning, development and school and community inclusion. The following TA&D Network projects have information that supports the involvement of families in LRE and access to the general curriculum.	
Strategy, Tool, or Resource	**Description**
Student Progress Monitoring Resources for Families http://www.studentprogress.org/family/default.asp	For families and educators looking for ways to communicate about student progress monitoring and how and why it is used in schools. Explains the benefits of implementing student progress monitoring for the student, the teacher and the family.
Family School Linkages Products http://www.urbanschools.org/publications/family_school.html	Resources and activities for engaging families in the school community. Publications that you download here have come from ideas generated by families and school professionals working together.
NCLB and IDEA: What Parents of Students with Disabilities Need to Know and Do http://education.umn.edu/nceo/OnlinePubs/Parents.pdf	Discusses four key ways that NCLB and IDEA work together to improve the academic performance of students with disabilities.
NCSEAM Parent/Family Involvement Measures http://www.monitoringcenter.lsuhsc.edu/parent_family_involvement.htm	Part B and C, Preschool 619 parent surveys
Positive Behavioral Interventions (E, S) http://www.taalliance.org/publications/index.htm	This curriculum introduces families to a new way of thinking about their child's behaviors and about the need to advocate for behavioral instruction. Professionals find very useful. Approved by the U.S. Department of Education. 1999.
Parent Center SIG Product Directory http://www.taalliance.org/SIGDirectory.htm	Materials Developed by or in Collaboration with Parent Centers under State Improvement Grants including LRE, parent involvement, access to general curriculum, positive behavior supports, transition to adult life & self-determination
Delaware's Inclusive Schools Initiative (ISI) http://www.picofdel.org/related/inclusive_schools.htm	The Parent Information Center of Delaware, in collaboration with the Delaware Department of Education, is providing information for families to introduce inclusive schooling and the benefits of inclusion to students and communities. Site includes parent training module on inclusion, inclusive schools checklist for parents, information for parents on universal design for learning, and other resources.

Questions Parents Can Ask About Spelling, Writing, & Testing: Literacy & Reading Improvement for Students with Disabilities http://www.ecac-parentcenter.org/readingandliteracy/readingquestions.pdf;	Materials to share with parents on spelling, writing, testing, literacy and reading improvement
Strategy, Tool, or Resource	**Description**
Center on Positive Behavior Interventions & Supports Parent and Family Support Materials http://www.pbis.org/ http://www.pbis.org/families/htm	Use to develop or reshape strategies to engage families in planning, implementing and assessing the use of positive behavior interventions and their impact • Powerpoint presentation for families • Family engagement checklist • Planning matrix • Team implementation checklist
Family Center on Technology and Disability http://www.fctd.info/resources/fig_summary.php	Use to develop and shape strategies to assist families in planning, implementing and assessing the use of assistive technology in their child's educational settings. Available in Spanish also (online). Single copies will be sent (in English) upon request.

VII. Perceptions Regarding the Implications of Particular Disabilities on Instructional Services	
Students with particular disabilities, such as emotional disabilities, significant cognitive disabilities, multiple disabilities, autism, or deaf-blindness, are much less likely to be included in general education classrooms or to be provided with access to the general curriculum. This is due in part to stereotypical views about those disabilities and a presumption that students with those disabilities cannot be included successfully. Increasing and enhancing the inclusion of students with these disabilities requires targeted intervention. The following TA&D Network projects have information that support the inclusion of students with particular disabilities in general education.	
Strategy, Tool, or Resource	**Description**
Disabilities That Qualify Infants, Toddlers, Children, and Youth for Services under the IDEA http://www.nichcy.org/pubs/genresc/gr3.htm	Describes eligibility, broad disability categories, and links for NICHCY's disability fact sheets
The Effects of Cognitive-Behavioral Interventions on Dropout for Youth with Disabilities http://www2.edc.org/ndpc-sd/cognitive/report.pdf	Strategies for instruction for students with cognitive-behavioral issues
Star Legacy Training Modules http://iris.peabody.vanderbilt.edu/onlinemodules.html	Offer educators and administrators guidance regarding curricular and instructional modifications for students with visual disabilities.

VIII. Miscellaneous Resources	
Strategy, Tool, or Resource	**Description**
Matrix: Mapping Technical Assistance & Dissemination (TA&D) Activities across the States http://matrix2.rrfcnetwork.org You can find information on the categories we have defined for this guide but putting the terms into the Search section of the Matrix	The Matrix can be used to find out what TA&D projects are doing within the states. You can search by project, by state, and by keywords.
2005 State Special Education Outcomes: Steps Forward in a Decade of Change http://education.umn.edu/nceo/OnlinePubs/2005StateReport.htm	The purpose of this report is to make public the trends and issues facing states, as well as the innovations states are using to meet the demands of Federal legislation.
District/LEA Data Profiles – Part B http://www.monitoringcenter.lsuhsc.edu/data.htm	This page is intended to provide a means of learning more about data resources and to provide a method of distance networking for those wishing to learn about data activities of states, lead agencies, and others.

12-15-2006
This guide can be accessed online at www.tacommunities.org

This guide was produced by the Facilitators of the LRE Part B Community representing the Northeast Regional Resource Center, the National Institute for Urban School Improvement, the Region I Parent Technical Assistance Center and the Federal Resource Center. These projects are funded through cooperative agreements or contracts with the U.S. Department of Education. Anne Smith and Margaret Romer from the Office of Special Education Programs, provide guidance to the LRE Part B Community. The views expressed herein do not necessarily represent the positions or policies of the Department of Education. No official endorsement by the U.S. Department of Education of any product, commodity, service or enterprise mentioned in this publication is intended or should be inferred.

Appendix I: Use of Private Providers

- Jill Weatherly, Department of Education
  Service Agencies and Individual Providers

- Mary Fraser Meints, Uta Halee Girls Village and Cooper Village
  Providing Educational Services as an Interim Program School
  Nebraska's Rule 18..., National Evaluation and Technical Assistance
  2006-07 Rule 18 Schools

- Pat Connell, Girls and Boys Town
  Providing Education Services in an Integrated System of Care

- Section 79-215 (Student Residency and Financial Responsibility)

Service Agencies and Individual Providers

Overview of the Approval Process

August 28,2007
Jill Weatherly

Overview of the Approval Process

- Application
- Rate Limit Sheet
- Personnel/ Licensure

Application

- Paperwork
  - System of the Past
- Website for 2007-2008
  - http://csp.nde.state.ne.us/Special_Education_Main.aspx
  - See the new changes

Rate Limit Sheet

- Rates for Related Services
  - This is the reimbursable amount for districts.
  - Districts can hire individuals or agencies that do not have a provider number or rate but districts will not be reimbursed.
  - Rates are increased annually by the percentage state employees receive.

Personnel/ Licensure

- Personnel
  - Must be checked with Teacher Certification, HHS or other organizations that are responsible for licensure.
  - Agencies must also meet licensure for building, fire marshal and safety.

- Receiving a provider rate is not a judgement on the quality of the program.
- The district extending the contract is responsible for checking the quality of services provided by an agency or individual.

- Totals for the 2006-2007 School Year
- Individuals- 400
- Agencies- 191

- Time for Questions

Providing Educational Services as an Interim Program School

Mary Fraser Meints
Uta Halee Girls Village
Cooper Village
Omaha, NE

Uta Halee and Cooper Village

- Residential care for 60 girls and 48 boys
- Day services for 25 youth – coed
- Temporary treatment setting
- Interim Program School through Uta Halee for girls, through Cooper Village for boys and Day School (coed Level III program and IPS)

Uta Halee and Cooper Village

- 90% involved with Juvenile Court
  - Abuse, neglect, dependency
  - Status offenders
  - Juvenile offenders
- Average Length of Stay varies
- Multiple placements and many school districts
- Discharged based on treatment, not school calendar.

Uta Halee and Cooper Village

- Diagnoses: major depression, oppositional defiant disorder, post traumatic stress disorder, conduct disorder, impulsive disorder, Attention Deficit Hyperactivity Disorder. Need high level of structure and supervision.
- Many also have substance use or abuse disorder: alcohol, meth, cocaine, marijuana.

What is an Interim Program School?

Rule 18, Interim Program Schools

- Temporary educational programs offered by residential programs and county detention centers.
- Students aren't able to attend public schools so attend IPS for reasons of treatment and safety.
- 26 programs across the state.
- Serve about 1000 students on any given day.

Challenges Faced by IPS

Student Functioning

- Behind in school. Low reading level.
- Intense treatment needs and safety issues get in way of learning.
- Multiple placements and multiple school districts.
- May be expelled or suspended. Enrolled or enrolled and not attending. May be attending.

Challenges Faced by IPS

- Serve students from many school districts across the state.
  - Various graduation requirements.
  - Different assessment processes, tools, requirements.
  - Curriculum meets state standards but not the same as any public school.
  - Curriculum is individualized for student. Many focus and earn needed credits. Smaller classrooms with more individual interaction allows for this.

Challenges Faced by IPS

- Transitioning Students
  - Improved with Rule 18.
  - Challenging- ownership of student, especially SPED students.

Challenges Faced by IPS

- Responsibility for IEP
  - Public school retains responsibility.
  - May not be interested until student returns.
  - Transition planning helps.

Challenges Faced by IPS

- Obtaining an Appropriate Rate to cover cost of education
  - SPED Approved rate
  - Covers salaries, curriculum.
  - Doesn't cover operating costs.

Challenges Faced by IPS

- Payment for Students Who Aren't Wards of State or Court
  - Rule 19 regarding residency
  - Responsibility
  - Recommendation
    - Change statute to have payment to IPS rather than public school where IPS is located
      - School district isn't responsible for Rule 18 program.
      - Process will be clearer. Easier to track.
      - Schools are responsible for students.

Challenges Faced by IPS

- Examples
- Questions and Answers

The National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC)

Nebraska's Rule 18 Establishes Accreditation Process for Juvenile Justice Program Schools

By Angeline Spain | aspain@air.org

For Nebraska , effectively transitioning youth from interim-program schools (nonpublic school education programs in county detention homes, institutions, and juvenile emergency shelters) back to local community schools has some unique challenges. Unlike many other States, Nebraska local education agencies do not run interim-program schools. Instead, the Department of Health and Human Services' Protection and Safety Division oversees juvenile corrections and pays educational costs for juveniles in the out-of-home placements.

This divide between the interim-program school and public school education systems can lead to coordination challenges when transitioning students back to public schools, especially in terms of transferring credits earned during out-of-home placements toward high school graduation. Add to this a highly decentralized educational system where each local education agency locally develops its own standards and assessments, and the complexity of developing a seamless transfer of credits from out-of-home placements to public school is apparent..

By providing interim-program schools an accreditation process parallel to public and private school accreditation (Rules 10 and 14, respectively), Nebraska's Rule 18 attempts to do just that.

What is Rule 18?

Rule 18 establishes regulations for interim-programs, purposely pulling from the accreditation rules for public and private schools, and outlining the role of the education liaison in ensuring the student's progress toward promotion or graduation when transitioning back to the local educational agency.

A Rule is a part of the Education Code which defines responsibilities and regulations for public and private schools.

The outlined requirements for accreditation cover

- legal operations;
- components of an interim-program school system;
- the goals and requirements for the instructional program;
- number, preparation, and assignment of staff members;
- special education requirements; and
- regulations for the instructional programs offering elementary, middle, and high school programs.

As extra encouragement, interim-program schools must be Rule 18 accredited to receive Title I funds. Since Rule 18 was introduced in December 2003, 24 schools have become accredited, including Nebraska's 4 detention facilities, as well as staff secure detention centers, residential treatment centers, group homes, and programs serving students who have been expelled from school.

How Do Schools Become Accredited?

To become Rule 18 accredited, interim-program schools apply to the Nebraska Department of Education for initial approval. After a school site visit from an accreditation team that includes representatives of the Title I program and special education, a recommendation is made to the State Board. Renewal of approval is based on compliance with the requirements of Rule 18 during the previous school year.

Transition Liaisons

With the purpose of actively improving the transition of students from interim-program schools to their public schools, Rule 18 specifies that the "school liaison of the interim-program school initiates contact with the appropriate accredited school to develop an academic advancement plan intended to achieve academic progress leading to grade promotion or to graduation of students." Each accredited interim-program school must have a designated liaison; part of this role is to work to secure grade promotion or diplomas for students who have met their local education agency's requirements as well as ensure that special education services are provided by the responsible school district.

Why Did Rule 18 Come About?

The motivation behind Nebraska's Rule 18 dates back to the Hawkins-Stafford Act [P.L. 100-297], which was the 1988 reauthorization of the Elementary and Secondary Education Act. This reauthorization was the first attempt Congress made to tie accountability to student performance, a dominant theme of the current No Child Left Behind Act. Dr. Marilyn Peterson, Nebraska's Part D coordinator at that time, conducted an evaluation of services for children served in the juvenile correctional system and called together a team of interested individuals to look at these issues. Both the evaluation and the team found that children involved in the system have plenty of plans and teams, but the lack of interagency coordination seriously impacted the ability of these children to become educated. At this point, the team was most concerned with how to keep children in school.

How Did Rule 18 Come About?

1. A multiagency task force was formed:

The Multi-Agency Task Force on the Education of Children in Out of Home Placements was chartered through the statewide Workforce Development Committee to continue the team's work.

2. Enlisted support from the State Legislature:

Senator Debra Suttle, from District 10 of the State Legislature, became a co-leader of the task force. Her involvement helped gain top-level support from agencies such as Health and Human Services, Jail Standards, the Crime Commission, the Probation Office, and Education Department, among others. The combination of the senator's leadership and top-level agency commitment gave the multiagency task force an authority that the original team lacked.

3. Determined the values and understood the systems of each agency involved:

Establishing the task force was only the initial step, however. The task force met once a month and had to work through understanding each agency's values and goals for serving children, such as children's education, safety, and health. It took several years for the task force members to understand each other's systems, which was the most challenging part of the process. At the same time, there were funding crises, and a State reorganization that brought juvenile corrections under the oversight of Health and Human Services.

4. Developed a protocol for transition:

The task force first developed a protocol for transition in the form of a guidebook containing information such as legal requirements for special education, immunization, and information needed by the student's community school. To tackle the issue of transferring credits to ensure completed work led toward graduation requirements, one model the task force looked to was the Portable Assisted Study Sequence (PASS). PASS, a National Center formed through the Geneseo Migrant Center, allows migrant students to earn credits across States by completing a portable, centrally-accredited middle and secondary school curriculum through independent study and is used in 29 States. The task force experimented with this system for its neglected and delinquent students, but decided to structure credit transfer as a responsibility of the education programs, rather than place responsibility on students (which PASS does).

To establish a system for credit transfer, the task force decided that a Rule would be well-suited for helping to maintain responsibility at the school rather than student level. To emphasize this point, they titled education programs for students in out-of-home placements "interim-program schools" to stress that students do return to more permanent education programs.

While the development process was lengthy, task force stakeholders participated from the ground up in shaping the accreditation design to meet the needs of the many agencies involved in serving children transitioning from Nebraska 's out-of-home placements. Because the way Rule 18 was formed and because of incentives like only Rule 18 accredited schools receiving Title I funds, there was no need to convince stakeholders that interim-program school accreditation would improve student transition and progress toward graduation. One interim-program school director reported to Dr. Peterson that seven students graduated in 2004, more than doubling the previous maximum of three in an academic year. The school director credited this success to the changes made by Rule 18, notably the work now done by the educational liaison.

For further information on Rule 18 and the Accreditation Process:

Dr. Marilyn Peterson, Federal Programs Director for the Nebraska Department of Education, first began working with the Part D program in 1987 and has participated throughout the development of Rule 18.
Email: mpeterso@nde.state.ne.us
Phone: (402) 471-3504

Ms. Pat Frost, Title I Consultant, has been the Part D Coordinator since 2001.
Email: pfrost@nde.state.ne.us
Phone: (402) 471-2478

Published January/February 2005

2006-07 RULE 18 SCHOOLS

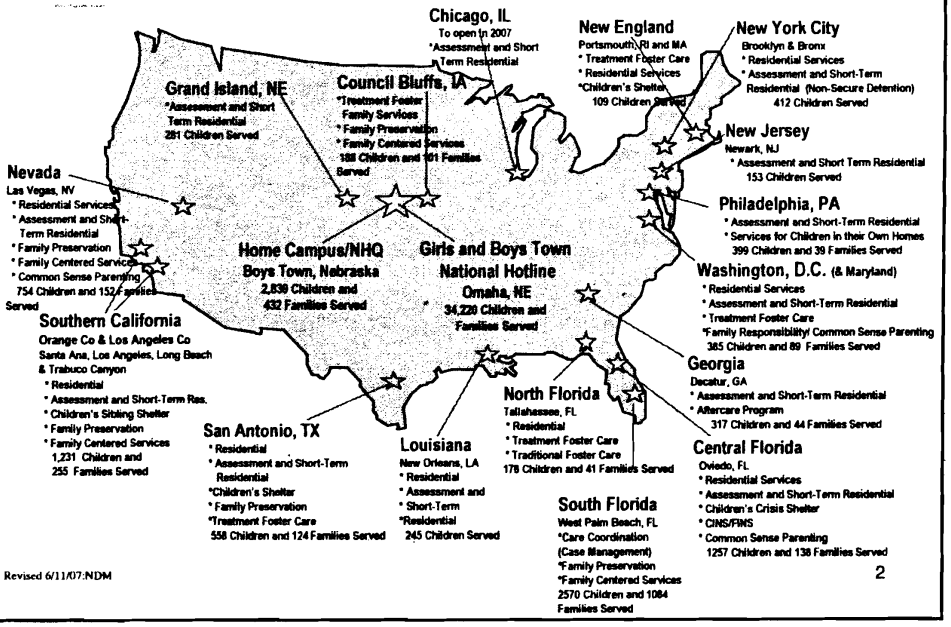
SCHOOL	ADDRESS	CITY	ZIP	CONTACT PERSON	PHONE
Boys and Girls Home South Sioux City	100 Futures Drive	South Sioux City	68776	Marcy Hahn	712-293-4785
Boys & Girls Home – Columbus	3020 18th Street Suite 11	Columbus	68601		402-564-4949
Boys & Girls Home – Kearney	1755 Prairie View PL	Kearney	68845		308-234-6977
Boys & Girls Home – North Platte	2300 E 2nd Street	North Platte	69103		308-532-2229
Boys Town Grand Island Shelter	3230 Wildwood Rd	Grand Island	68801	Tanya Wright	402-498-1898
Boys Town Intensive Residential Treatment Center	555 North 30th Street	Omaha	68131	Tanya Wright	402-498-1898
Boys Town Treatment Group Home	178 Suelyka	Boys Town	68001	Tanya Wrifht	402-498-1898
CEDARS Turning Point	1430 South Street	Lincoln	68504	Susan Safarik	402-436-1918
Child Guidance Center Residential Treatment Center	904 Sumner	Lincoln	68502	Susan Buchanana-Safarik	402-436-1918
Douglas County Youth Center	1301 S 41st Street	Omaha	68105	Cindy Burns	402-444-4767
Envisions Level III School Program	407 Norfolk Ave.	Norfolk	68701	Sue Kasper-Beckman	402-371-1147
Epworth Village Learning Center	1822 Iowa Avenue, Box 503	York	68467	Ron Mindt	402-362-2625
I Believe In Me Ranch, Inc.	2041 E 56th Street	Kearney	68847	Shannon Murray	308-236-7145
Journeys/Alternatives Academy	**815 Dorcas Street**	**Omaha**	**68108**	**Kellly Lewis**	**402-898-4135**
Midlands Residential Treatment Center	11111 S 84th Street	Papillion	68046	Dottie Heffernen	402-593-3706
Morton School	Box 94949	Lincoln	68509	Carol Wierda	402-471-1647
Nebraska Youth Academy	**4200 W 2nd, Bldg 7**	**Hastings**	**68901**	**Roger Hammond**	**402-462-1971**
Northeast NE Juvenile Services	120 Clara Davis Drive	Madison	68748	Dave Erb	402-454-3955
NOVA Alternative School	3483 Larimore Ave	Omaha	68111	Susan Harder	402-455-8303
PACES	480 Kimball Avenue	Gering	69341	Kurt Bigley	308-436-2204
Pathfinder Educ Prog Lancaster Co Youth Services Cntr	1200 Radcliff Street	Lincoln	68512	Richard Krause	402-441-6817
Residential Treatment School	1755 Prairie View Place	Kearney	68848	Pam Peterson	308-865-2245
Patrick J Thomas Juvenile Justice Center	1303 W 6th Street	Papillion	68128	Dick Shea	402-537-7000
UTA HALEE COOPER VILLAGE	10625 Calhoun Rd	Omaha	68112	Paul Weber	402-453-0803
Cooper Village Day ~~Care~~ School +	8502 Morman Bridge Rd	Omaha	68152		
Uta Halee Residence School	106625 Calhoun Rd	Omaha	68112		

Providing Education Services in an Integrated System of Care

Pat Connell RN, MBA, CHE, CBHE, CIP, CHC
Girls and Boys Town, Boys Town, Nebraska
October 29, 2007

1

Girls and Boys Town Youth Care Programs
46,096 Children Served in 2006



Revised 6/11/07:NDM

2

Integrated System of Care Key Features

- Integrated System of Care Across Treatment Programs and Education Services
  - Common treatment philosophy across programs which shortens time in treatment and improves outcomes
  - Data driven and evidence-based treatment
- Comprehensive elementary through high school accredited programs
- Proven success record with treatment resistant youths

3

Boys Town Integrated System of Care

- Intensive Residential Treatment Center – IRTC
- Specialized Treatment Group Homes – STGH
- Specialized Treatment Foster Care – STFC
- Treatment Foster Care - TFC
- Boys Town Family Homes
- Family Centered and Home Based Services
- Specialty Outpatient Services
  - Psychology
  - Psychiatry
  - Substance Abuse
- Comprehensive Medical Care

4

Youth Profile

- Youths from ages 7 to 17
- Serve girls and boys
- From 40 plus states and 5 countries
- Child welfare, mental health, substance abuse, juvenile justice and family referrals
- Trends in Referrals:
  - More complex cases
  - History of failed multiple prior placements

5

Youth Profile

- Education Profile
  - Residential Services Referrals
    - 1 to 2 years behind peers
  - Behavioral Health Referrals
    - 3 years behind peers in math
    - 3.5 years behind peers in reading
- School Programs (SPED & Regular)
  - 9 months plus half day summer school
  - 12 months full day school program

6

Girls and Boys Town's National Model for School Improvement

- Over 10,000 schools trained nation-wide
- Culturally relevant, teacher delivered, able to be replicated
- Improves student performance and teacher satisfaction

7

Providing Academic Support and Research Based Training Programs

- Well Managed Classroom (classroom management)
- Administrative Intervention (school-wide management)
- Comprehensive School intervention (A school within a school)
- STAR-Plus (Learner centered academic monitoring)
- FAME – 2 years reading improvement for each school year

8

Senior Planning Process

- Begins with Boys Town High School students their junior year.
- Employability Skills class - introduce student to careers and focuses on personal strengths from ASVAB test results.
- Continuing Care Department provides a Senior Planner Book at the end of junior year. The workbook educates students on:
  - options to further education either through college, trade schools, or military
  - everyday independent living skills such as budgeting, time management, and job seeking.
- Continuing Care Department has ongoing meetings with seniors during the school year, along with a family-teacher, and the clinical specialist to give feedback to students about post-graduation plans. Parents are encourage to participate in this program.

9

Senior Planning Process (cont'd)

- Seniors with a qualifying ACT scores take field trips to University and Community Colleges in the Nebraska area.
- Seniors who don't meet college criteria will take several trips to the nearest Job Corps.
- Seniors interested in the military, with a qualifying ASVAB score, have opportunities to meet with military recruiters.
- Seniors from the 2006-2007 academic year continued as follows: 4 year college--15%, Trade School/Community College--35%, Job Corps--19% Military--19% Work--12%

10

Emerging Trends in Treatment and Education of Children and Adolescents

PolyPharmacy – (Youth on Multiple Medications)

- Substantial local and national increase of children and adolescents on multiple medications
- Complication of FDA "black box" warnings
- Delay in seeking out active mental health treatment

11

Emerging Trends (cont'd)

Growing Need to Serve Children

- Currently Boys Town has the only child Intensive Residential Treatment program in Nebraska ages 7-10
- Our Experience: more aggressive & property damage, need intense supervision, challenging to staff, and difficult to place
- Increase in reluctance by other behavioral health providers to serve these youth (bias against out-of-home treatment

12

Emerging Trends (cont'd)

Medically Fragile Youth

- History: Missed days from school
- Limited Research correlating Behavioral Health, Medical Care, & Education
- Complications with coordinating medical care
- Staffing challenges
- Reluctance by treatment providers and educators to effectively serve these youths
- Higher treatment costs and difficult to place

13

The Cost of One Lost Youth

Crime	
Juvenile Career (4 years @ 1-4 crimes/yr)	
Victim costs	$62,000-$250,000
Criminal justice costs	$21,000-$84,000
Adult Career (6 years @ 10.6 crimes/yr)	
Victim costs	$1,000,000
Criminal justice costs	$335,000
Offender productivity loss	$64,000
Total crime cost	***$1,482,000-$1,733,000***
Drug abuse	
Resources devoted to drug market	$84,000-$168,000
Reduced productivity loss	$27,000
Drug and medical treatment costs	$21,200
Premature death	$31,800-$223,000
Criminal justice costs for drug crimes	$40,500
Total drug abuse cost	***$205,100-$480,300***
Costs imposed by high school dropout	
Lost wage productivity and fringe benefits	$375,200
Non-market losses	$95,000-$375,000
Total dropout cost	***$470,000-$750,000***
Total loss	**$2,157,100-$2,963,300**

14

Snyder, H. N. & Sickmund, M. (1999). *Juvenile offenders and victims: 1999 national report.* Washington, DC: OJJDP.

Summary

Education can make the difference in a youth's future by helping the youth change from an "user of services" to a productive, citizen contributing to the economic and social welfare of the community.

15

Contact Information

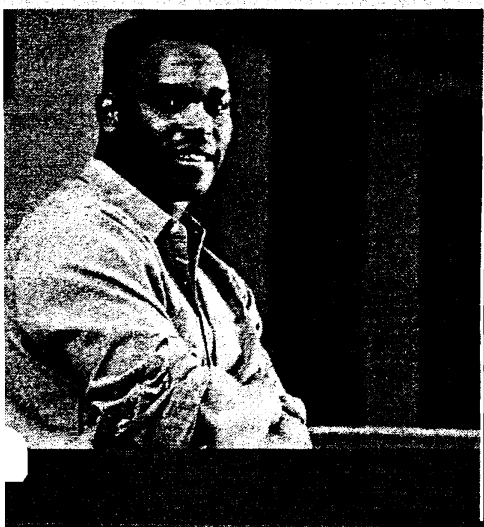
Pat Connell RN, MBA, CHE, CBHE, CIP, CHC
National Director of Government Relations for Father Flanagan's
Girls and Boys' Town
Administrator of Behavioral Health/ Research
& Compliance Programs for Boys Town National Research Hospital
Office: 402-498-6392
Fax: 402-452-5012

Email: connell@boystown.org
Mailing Address: Boys Town National Research Hospital
555 North 30th Street
Omaha, NE 68132

16

Quality Long-Term Residential Care Does Make a Difference

Results of a Girls and Boys Town 16-Year Follow-Up Study



National Research Institute
for Child and Family Studies

Girls and Boys Town

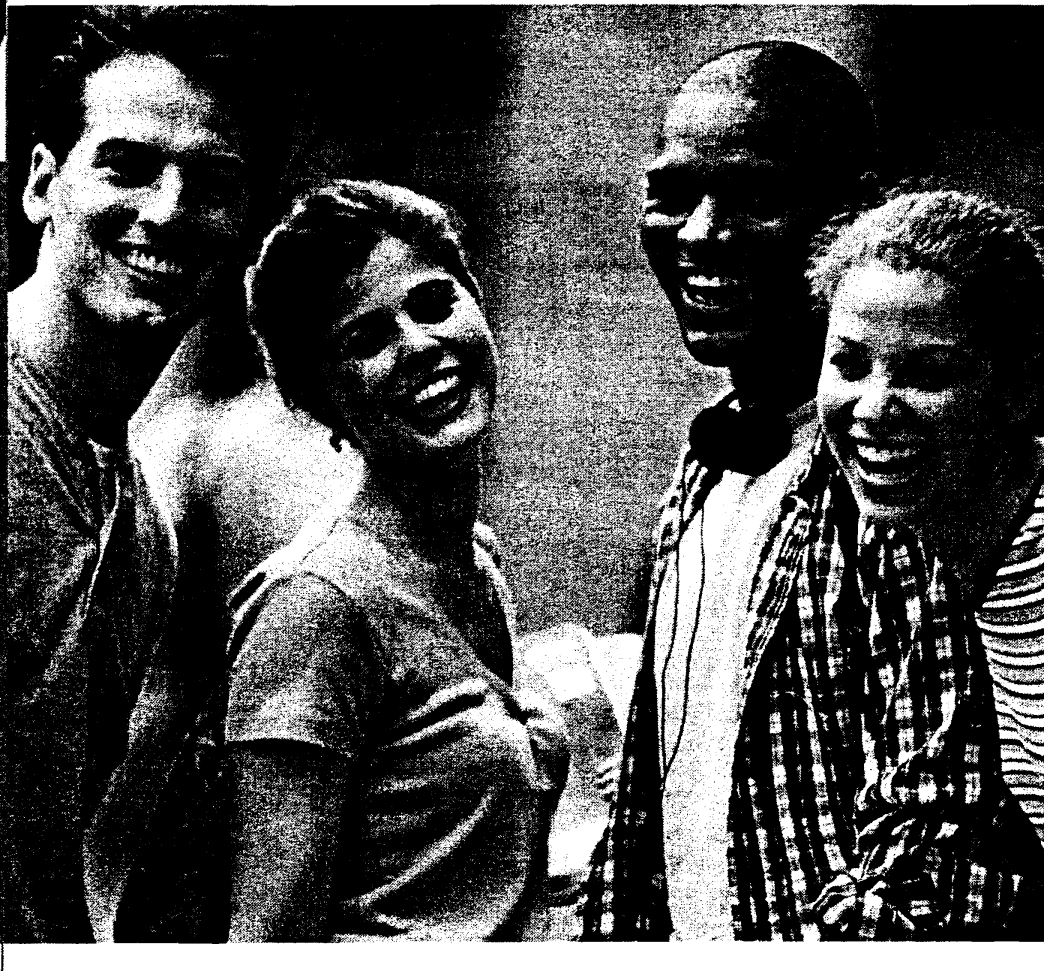
Girls and Boys Town Youth Become Good Citizens

Children who come in to residential care are at a crossroads in their lives. They can cost society in terms of lost talent and productivity or they can contribute as productive citizens. If these children are not helped, the cost to society will be much greater than the cost of their care. If quality residential care and education can help these children become productive citizens, it is well worth the investment.

In 2003, Girls and Boys Town completed an extensive follow-up study to measure the long-term outcomes of a number of its former residential program youth. The results of the study, highlighted in this booklet, produced two major findings:

- As adults, most study participants who received quality residential care and education in our program are productive, law-abiding citizens. They are involved socially, have jobs, value education, and contribute to society in positive ways.
- The longer youth stayed in the program, the more positive the long-term outcomes.

I would like to thank those at Boys Town who gave me a healthy, safe environment like no other. You people are truly the best.

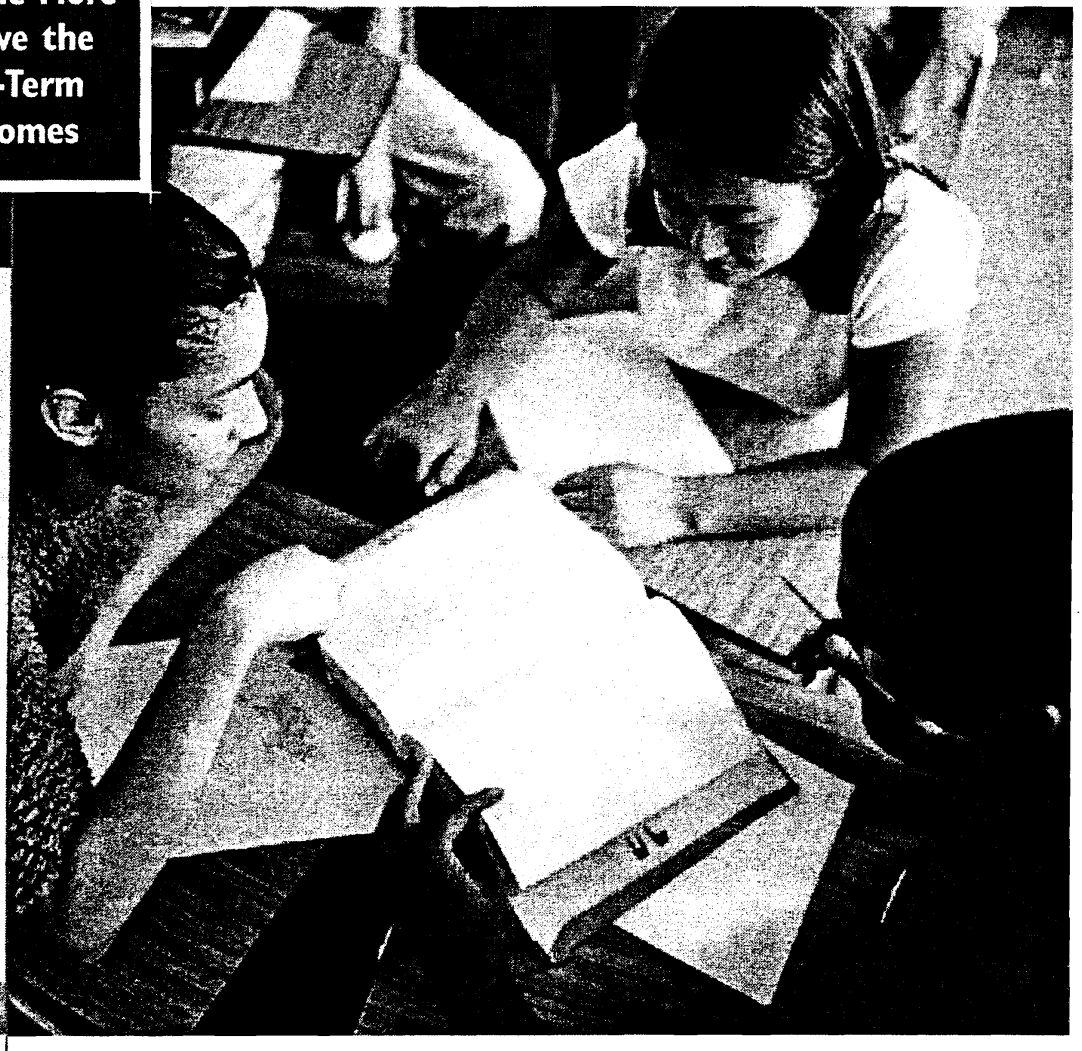


The study involved 250 participants who were between 27 and 37 years old, and had left Girls and Boys Town's residential program, on average, 16 years earlier.

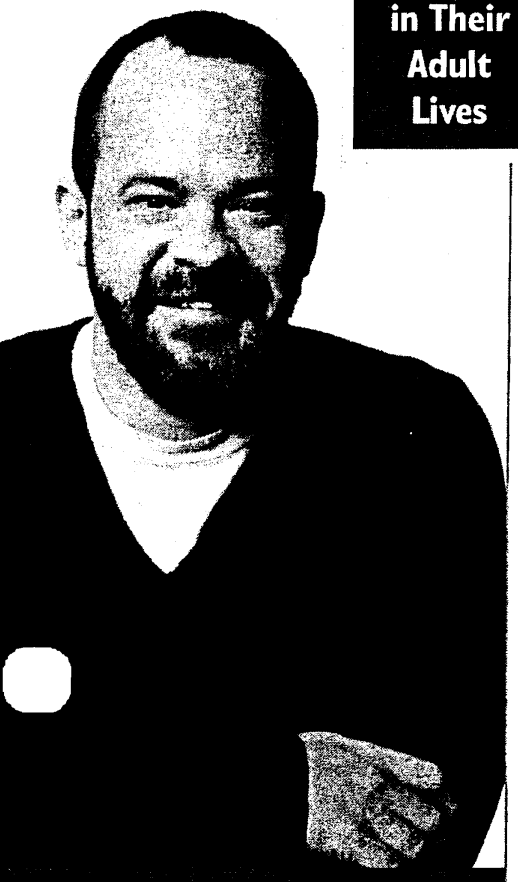
An important objective of the study was to compare the results from study participants with national data (information from the U.S. population at large). The national data mirrored the age, sex, and racial proportions of the participants in the LTFU study.

In the graphs that follow, the former Girls and Boys Town youth who participated in the study are divided into two length-of-stay groups: those who stayed in the program for six months or less, and those who stayed for 18 months or more. Each graph compares study results from these two groups as well as the national norm. In all but one area covered in the graphs, the group that received treatment for 18 months or more did better than the group that received treatment for six months or less. Members of the 18-month-or-more group also were similar to the general population (national norm) in most of those areas.

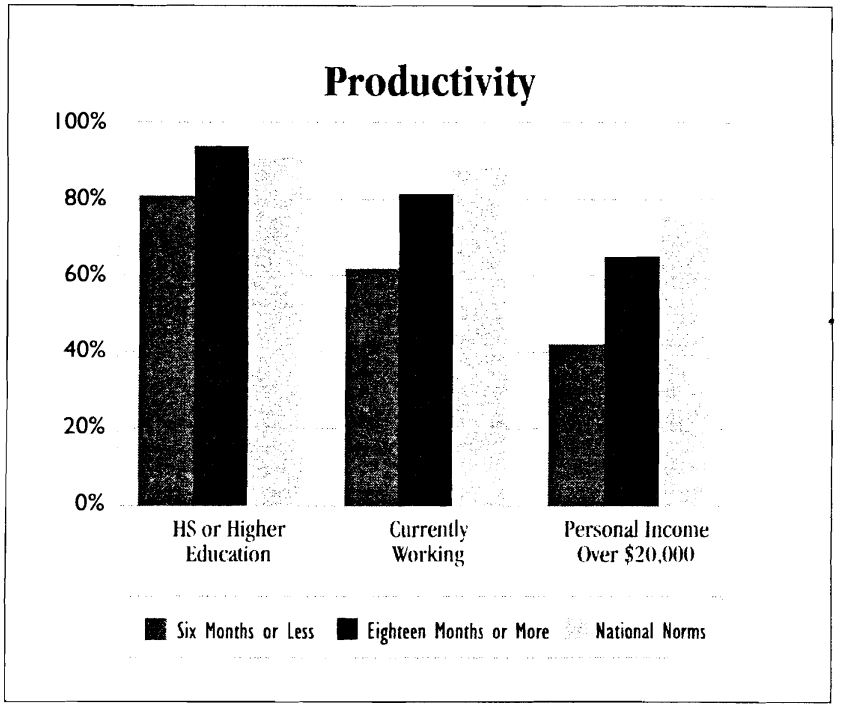
The Longer Youth Receive Care, the More Positive the Long-Term Outcomes



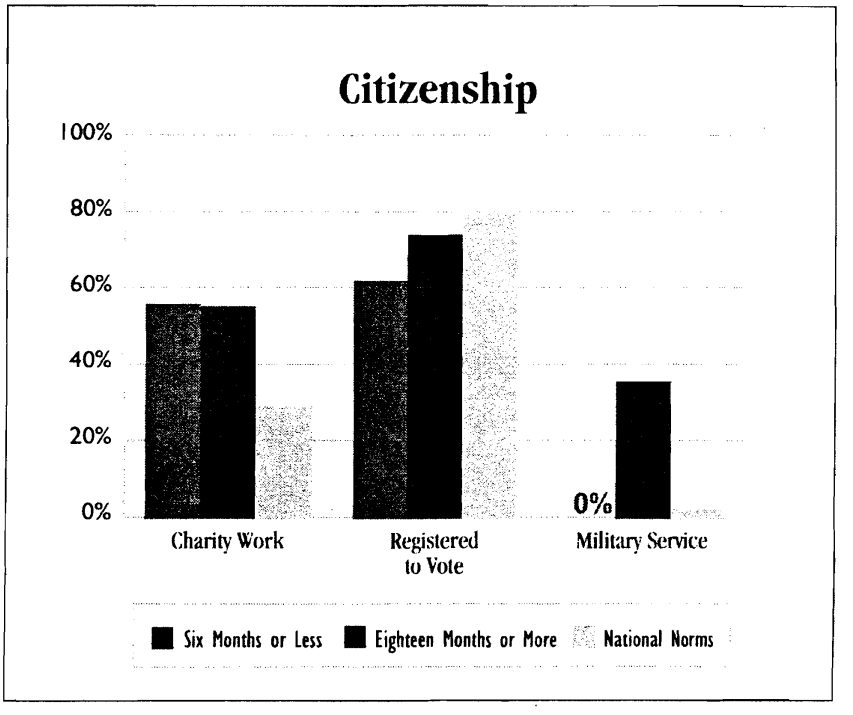
Our Youth Find Success in Their Adult Lives



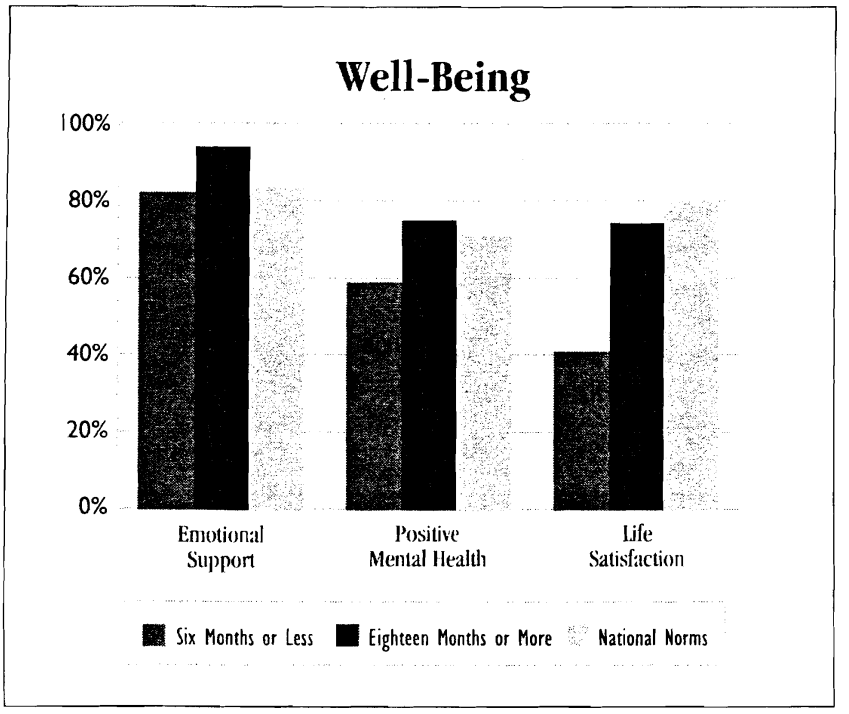
I pray Boys Town will always be here to help kids like I was. Thanks for taking me in when I had nowhere left to turn so long ago.



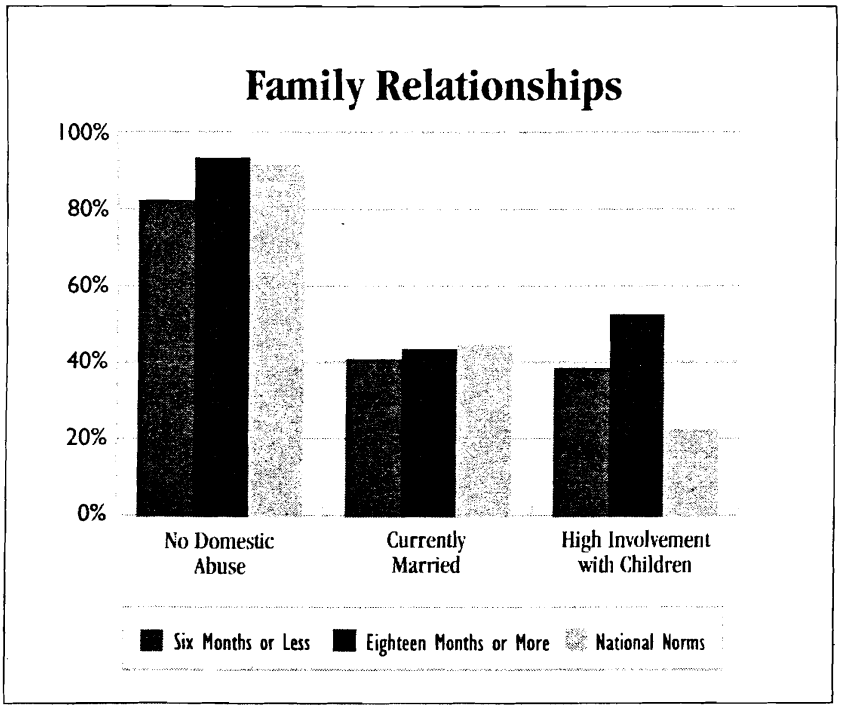
The group that received care for 18 months or more was similar to the national norms in the area of completing high school or higher education. That group was just slightly lower than the national norms in the areas of current employment and personal income of more than $20,000.



Both groups that received care exceeded the national norm in the area of charity work. The 18-months-or-more group exceeded the national norm in the area of military service, and was similar to the national norm in the area of voter registration.



In each of these three measures of well-being, the group that received care for 18 months or more slightly exceeded or was similar to the national norms.



The group that received care for 18 months or more was similar to the national norms in the areas of no domestic abuse and being currently married. That group reported a greater rate of high involvement with their children (helping with homework and playing with them) than the national norms. These results indicate that the intervention played a role in breaking the cycle of abuse that is common in this at-risk population.

Quality Residential Care and Education Leads to Positive, Long-Term Results

I feel that my proudest times would be the time I spent at Boys Town because it was there I received the tools to be the person I am and more importantly the person I am striving to be.

In December 1917, with the unwavering belief that children need love and guidance if they are to become productive citizens, Father Edward Flanagan opened a home for wayward youth that was later to become Boys Town.

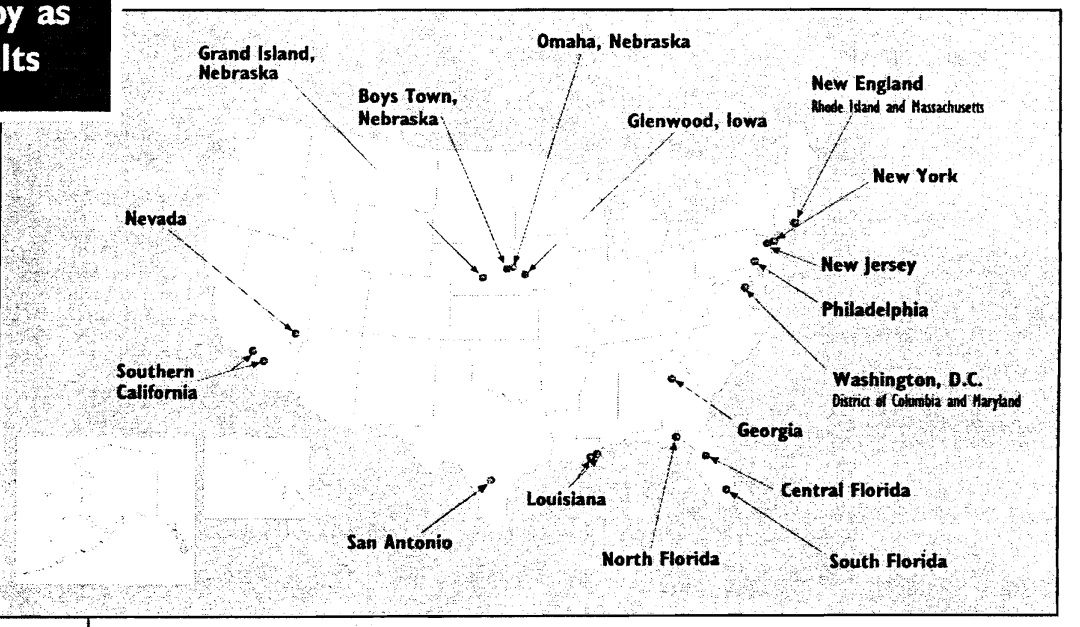
Since then, Girls and Boys Town has marched to the forefront of child care in America with its Teaching Model, which helps children change their lives for the better by learning social skills, self-empowerment, and how to build healthy relationships. New programs branched out from the Home Campus in Omaha, Nebraska, and now the organization has 19 sites in 14 states and the District of Columbia. Boys Town welcomed girls in 1979, and in 2000, the boys and girls voted to extend the Home's name to Girls and Boys Town.

Young people come to Girls and Boys Town battling combinations of serious emotional, social, academic, and behavioral problems. They face difficulties far more troubling than those of the average American youngster. For example, prior to admission:

- 51% of our youth have aggression problems
- 27% of our youth experience depression or withdrawal
- 42% of our youth have been physically and/or sexually abused, neglected, or abandoned
- 64% of our youth experience school problems
- 47% of our youth have substance abuse problems
- 36% of our youth are out of parental control
- 51% percent of our youth have been arrested

Troubled Youth Learn Values and Skills They Live by as Adults

But these youth do get better as a result of the competent, compassionate intervention Girls and Boys Town professionals are trained to provide. We teach kids how to meet their tough problems head-on, and help them find strength within themselves to overcome these challenges. With continued support after they leave our program, our youth are able to find success as adults as they make their way in the world.



Join with Girls and Boys Town to Bring Help, Healing, and Hope to Children

Girls and Boys Town has more than 100 long-term residential homes for girls and boys ages 10 to 18, featuring family-style living and individualized care from a professional married couple called Family-Teachers. These highly trained couples live with six to eight girls or boys and form a warm, caring family as they guide and instruct the children and see that their physical, spiritual, emotional, and treatment needs are met. More than 70 of these homes are located on our Home Campus in the historic Village of Boys Town, NE. Other homes are located at Girls and Boys Town sites in Brooklyn, NY.; Washington, D.C.; Tallahassee and Orlando, FL.; New Orleans, LA.; San Antonio, TX.; Las Vegas, NV.; and Los Angeles and Orange County, CA.

The goal of Girls and Boys Town's Long-Term Residential Program is to teach at-risk youth new and appropriate skills in a family setting, help them learn how to build healthy, positive relationships, empower them to maintain self-control and make good decisions in their lives, and encourage them to establish a strong spiritual foundation. These are true family homes where youth get better as a result of Girls and Boys Town's child-care experience and knowledge, and the love, care, and respect of dedicated caregivers.

Boys Town helped to save my life. You kept me safe and gave me a chance to build some personal esteem... Thanks.

The findings of the Long-Term Follow-Up Study suggest that a significant number of Girls and Boys Town youth who are served in out-of-home care have positive outcomes in adulthood. Current findings also show that a longer length of stay is associated with better long-term outcomes, where former residential youth are indistinguishable from the general population in several significant areas. These results suggest that a high-quality, comprehensive, family-style intervention with a focus on reunification can have lasting positive effects for youth who may have otherwise continued to struggle with problems throughout their lives.

Girls and Boys Town's quality residential care and education program can truly bring about long-lasting positive changes in at-risk young people. We hope you will consider us as we bring hope and healing to our nation's hurting children, one child at a time.

For more information on Girls and Boys Town's Long-Term Residential Program or for Admissions assistance and other services, contact us at:

1-800-989-0000

Or visit the following web site:
www.girlsandboystown.org

Father Flanagan's Boys' Home
Boys Town, NE 68010

Non-Profit Org.
U.S. Postage
PAID
Boys Town, NE
PERMIT NO. 1

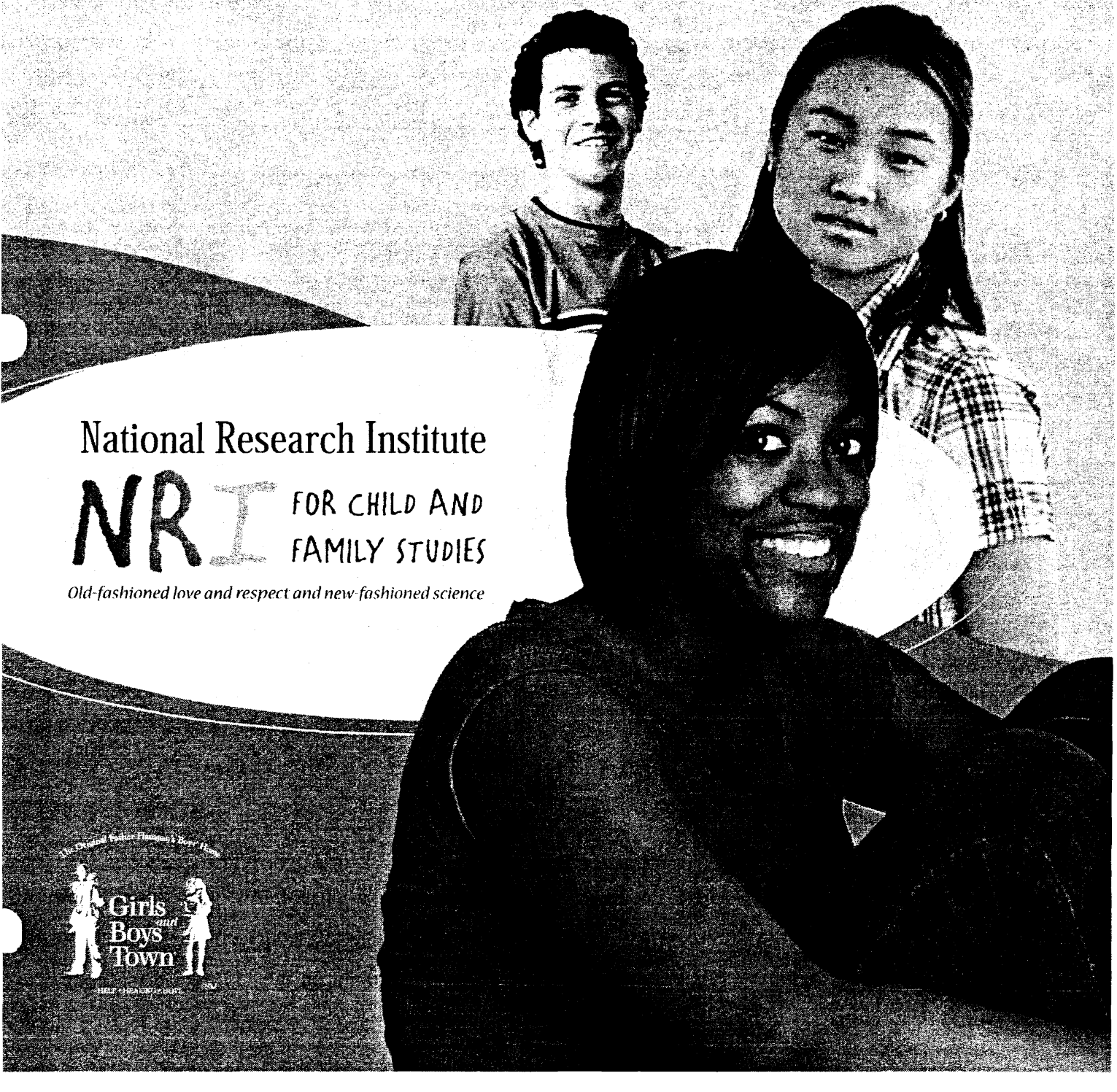
Take A Look Inside: Results of a Girls and Boys Town 16-Year Follow-Up Study

0405-0126

Want to Know
How We Help Troubled Kids
Become Productive Adults?

Long-Term
Residential Program

Lasting Results



National Research Institute

NRI FOR CHILD AND FAMILY STUDIES

Old-fashioned love and respect and new-fashioned science

The Original Father Flanagan's Boys' Home

Girls and Boys Town

HELP CHILDREN GROW

Who We Are

In December 1917, with a groundbreaking approach to addressing social ills and the unwavering belief that children need love and guidance if they are to become productive citizens, Father Edward Flanagan opened a home for wayward youth that was later to become Boys Town.

Since then, Girls and Boys Town has marched to the forefront of child care in America with its Family Teaching Model, which helps children learn social skills, self-empowerment, and how to build healthy relationships. New programs branched out from the Home Campus at the Village of Boys Town, Nebraska, and now the organization has 19 sites in 15 states and the District of Columbia. Boys Town welcomed girls in 1979, and in 2000, the boys and girls voted to extend the organization's name to Girls and Boys Town.

Today, as the largest private agency caring for severely at-risk youth, Girls and Boys Town continues to bring help, hope, and healing to young people. Every day, we keep our pledge to help more kids get better and to change the way America cares for her children and families.

Effective Care, Lasting Results

THROUGHOUT ITS LONG AND STORIED HISTORY, Girls and Boys Town has always recognized the importance of providing consistent, effective treatment and care for children while being open to innovative ideas and approaches for meeting the changing needs of at-risk youth.

Toward the end of the 20th century, the need for change in our Long-Term Residential Program – the cornerstone of modern-day Girls and Boys Town's system of care – became apparent. Significant revisions in the program were made at that time because we knew that boys and girls of all ages were facing more severe problems as the new millennium dawned – the further disintegration of families, aggression, out-of-control behavior, academic failure and the decline of school effectiveness, drug and alcohol abuse, and inability to get along with others.

Among these changes was a greater focus on teaching youth how to take personal responsibility for their actions, practice self-discipline, solve problems, and make decisions on their own. The overall goal was to better prepare youth to make positive choices after they left Girls and Boys Town.

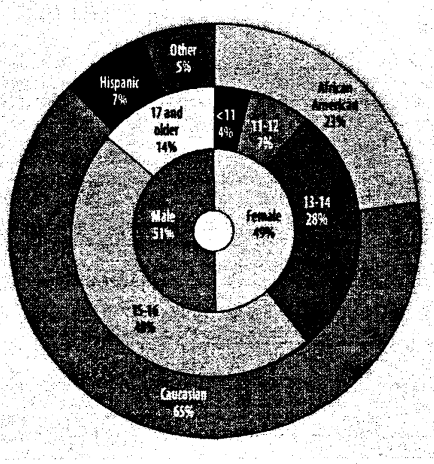
Young people come to Girls and Boys Town battling combinations of serious emotional, social, academic, and behavioral problems. Having failed in foster homes, schools, and other programs, they bring issues far more challenging than those of the average American youngster.

We understand that in order to help these young people overcome their problems and become productive citizens, we must provide them with a healthy, safe, family environment where they can learn and grow.

At Girls and Boys Town, family-style living in a safe community and a focus on education are essential elements of growth and change. Many youngsters improve in their problem areas because they feel like they belong, and can participate in the kinds of positive activities that should be a part of every child's life. Simply put, we would rather see a youth get better by being able to play sports or mow the lawn than by having to go to individual therapy.

Our Youth

Admission Age, Race, and Gender of 5-Year Follow-Up Study Participants



Average age of youth completing the 5-Year Follow-Up Survey = 21.45

Research Documents Long-Term Success

CONDUCTING RESEARCH ON RESIDENTIAL CARE is a hallmark of Girls and Boys Town. Through research, we measure the results of the care and treatment we provide children, determine what's working and what's not, and decide when changes are necessary.

In 2006, the Girls and Boys Town National Research Institute completed a Five-Year Follow-Up Study. The goal was to measure the results and effectiveness of our Long-Term Residential Program as it was revised in the late 1990s. The study drew on responses from nearly 200 former Girls and Boys Town youth who had departed our Family Home Program. We especially wanted to know how these young adults were doing compared to other young people in the United States who were similar in age, gender, and ethnicity. The respondents included youth from both our Home Campus and our residential sites around the country.

Seven Key Content Areas

The average age of the respondents in the study was 21 years. We surveyed them about seven key content areas to measure their continuing progress:

- Living environment
- Family, relationships, and social supports
- Religion, health, and well-being
- Crime and legal system
- Substance use
- Education
- Employment and income

The study's results – presented in this booklet – show that our former kids, as young adults, are much like others in their age group across the country. In several significant categories that define good citizenship and being a productive member of society, our former residents match or exceed the national norms for 21-year-olds. Most importantly, these findings indicate that our kids were empowered to maintain significant and lasting change in their lives long after they left Girls and Boys Town.

Long-Term Residential Program

In our Long-Term Residential Program, children ages 10 to 18 live with a married couple called Family-Teachers. At more than 100 family homes across the country (70 of which are located on our Home Campus in the Village of Boys Town, Nebraska), these highly-trained couples care for six to eight girls or boys and form a warm, caring family as they guide and instruct the youth and see to their physical, spiritual, emotional, and treatment needs.

Our youth attend school, have daily chores, participate in a variety of extracurricular activities, and work hard each day to meet the expectations of their treatment goals. They also develop strong (and therapeutic) relationships with their Family-Teachers and other staff members, and most importantly, with their Girls and Boys Town "brothers" and "sisters."

The goals of Girls and Boys Town's Long-Term Residential Program include:

- Teaching youth new and appropriate skills in a family setting
- Helping them learn how to build healthy, positive relationships
- Empowering them to maintain self-control and make good decisions in their lives
- Encouraging them to establish a strong spiritual foundation

Besides our "flagship" Home Campus program, residential sites are located in Las Vegas, NV.; Brooklyn, N.Y.; Washington, D.C.; Portsmouth, R.I.; Tallahassee, FL. and Orlando, FL.; New Orleans, LA. (two sites); San Antonio, TX.; and Los Angeles and Orange counties in California. In 2005, these sites were home to 1,327 youth.

Stevie's Story

Stevie was a child nobody wanted. When he was small, his parents gave him up, and he started bouncing from one foster care home to another. As a teen, he ran away a lot. He lived on the streets, scavenging for food, sleeping in alleys, and stealing or panhandling. He rarely went to school, so his reading and writing skills were minimal. Stevie depended on his street smarts for survival. For a long time, no one paid much attention to him.

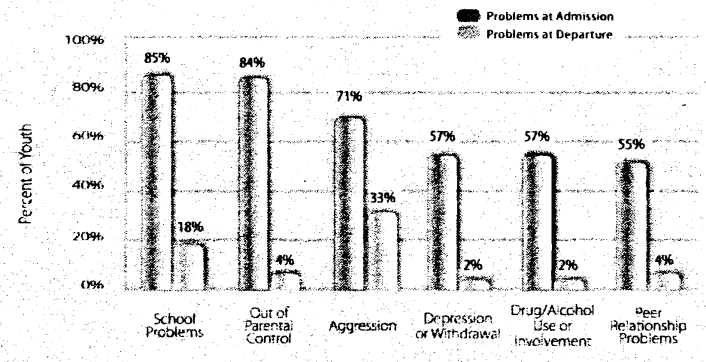
When Stevie came to Girls and Boys Town, he found a loving home and family where he felt he belonged. He's trying hard to catch up in school, and he's making progress. He's hoping to graduate from high school in the next few years, and Girls and Boys Town will be there to help him make plans for his future.

At Stevie's first Christmas with us – his first in many years not spent on the streets – he received and gave presents, went to church, ate a turkey dinner, and got a hug from Santa Claus – all the things he had missed as a child without a loving home. It was a wonderful, joyous time!

Despite facing seemingly overwhelming obstacles, youth show remarkable resiliency and progress in our programs. For most of these young people, that success carries over into life after Girls and Boys Town.

Kids with Tough Problems Get Better

THE SIGNIFICANT PROGRESS OUR YOUTH MAKE during their time in our programs is the true measure of how effective our treatment is. As we've stated before, kids do get better. From admission to departure, the percentages of youth who suffer from school problems, aggression, being out of parental control, and depression or withdrawal decrease far beyond just statistical significance.



Additional serious problems youth are commonly experiencing at the time of admission:

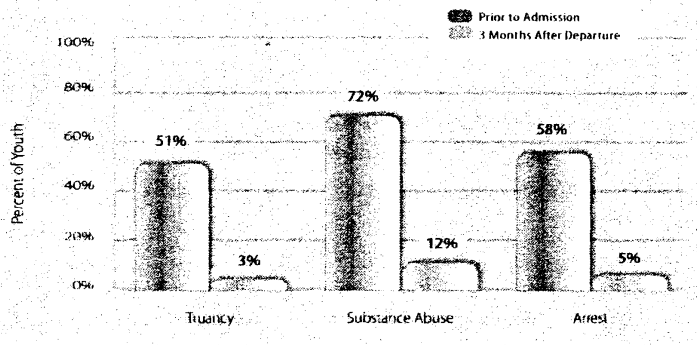
- **71%** have been physically and/or sexually abused, neglected, or abandoned.
- **63%** were diagnosed with a mental health concern. Of these, **38%** were diagnosed with disruptive behavior disorder, **16%** were diagnosed with anxiety disorder, and **9%** were diagnosed with depressive disorder.

Besides living in a safe, structured family, youth in our Long-Term Residential Program enjoy many other benefits that contribute to their success. They attend state-accredited schools, and many have access to programs like Reading Is FAME®, a specialized reading instruction course for students who have fallen behind or are struggling in the classroom. Youth who have been diagnosed with mental health disorders receive counseling and treatment through our Behavioral Health Services program. We also provide individual and group counseling for youngsters with alcohol or drug problems.

Girls and Boys Town Youth Are Good Citizens

THE MOST IMPORTANT MEASURE OF OUR SUCCESS when youth leave Girls and Boys Town programs is how they fare as productive members of society. Across a variety of dimensions, we find that the majority of our youth exemplify good citizenship by continuing their education or getting a job, developing strong family and marital relationships, maintaining good physical and mental health, and serving in the military, registering to vote, avoiding involvement in criminal activity, and practicing moral and spiritual values.

Delinquency Before and After



Many of the children who are placed in Girls and Boys Town's Long-Term Residential Program come from the juvenile court system. Some have been on probation or have spent time in jail or detention for serious criminal charges like assault, theft, and drug possession.

Juvenile court judges often send youngsters to Girls and Boys Town as an alternative to incarceration.

A big part of the progress we see in our boys and girls is due to our ecological approach to treatment, where different sources of influence in a child's environment play a major role in developing the most effective Treatment Plan. Specifically, these sources include the child, his or her family, peers, school, and the neighborhood or community. By identifying and working with a youth's strengths, weaknesses, skill deficits, needs, and wants, caregivers help him or her make real progress toward healing.

At Girls and Boys Town, we teach kids how to meet their tough problems – problems that can ruin lives – head-on, and help them find within themselves the strength to overcome these challenges.

National Research Institute for Child and Family Studies

Located at the Village of Boys Town, Nebraska, the Girls and Boys Town National Research Institute conducts applied research that is focused on understanding the nature of problems children and their families face in today's world and identifying the most effective ways to help them. This research has included conducting both short-term and long-term follow-up studies of youth and their families served by Girls and Boys Town programs, developing sound assessment instruments to identify strengths and treatment needs (e.g., child suicide risk assessments), and designing strategies to assess the implementation of interventions that have shown to be effective.

This important work ranges from evaluating specific intervention programs to discovering new knowledge and methods for helping children grow up to be happy, healthy, and productive adults. As the landscape of child care and family assistance is constantly altered, the Institute continues to seek the best possible ways to bring lasting, positive, and significant change to the lives of those who are most vulnerable and in need.

In order to disseminate its research findings, the Institute offers an Applied Research Bibliography, which includes an annotated listing of more than 175 published research papers and reports regarding the majority of research conducted at Girls and Boys Town since 1990.

Girls and Boys Town
National Research Institute
NRI FOR CHILD AND FAMILY STUDIES
13603 Flanagan Blvd. Boys Town, NE 68010 • (402) 498-3042
nri@girlsandboystown.org • www.girlsandboystown.org/nri

Tanya's Story

Girls and Boys Town means a lot to me, but most of all, it means help.

Nothing was going right in Tanya's life before she came to Girls and Boys Town. Her mom was in and out of her life when she was young. For several years, Tanya moved from placement to placement. She skipped school a lot and ran with a crowd that always found trouble.

Tanya often let her anger get the best of her. She did what she felt like doing, and anyone who tried to stop her became the enemy. She never really learned to control her emotions. That usually led to bigger and more serious problems. Tanya didn't think anyone cared for or about her, and had all but given up hope that anyone ever would.

When Tanya was first admitted to Girls and Boys Town, her old habits made life rough for her and those with whom she lived. But her Family-Teachers never gave up. Behind Tanya's anger and despair, they saw goodness and a promising future. They knew she had to learn how to live life differently. With hope and encouragement, Tanya gradually came to understand that she was worthy of love and could have a good life.

Today, Tanya is an excellent Girls and Boys Town student with a list of achievements and awards. She plays sports and is involved in other school activities. She is hoping to someday reunite with her mother. Most importantly, she has learned to respect others and herself, and to make good decisions about what she wants to do with her life.

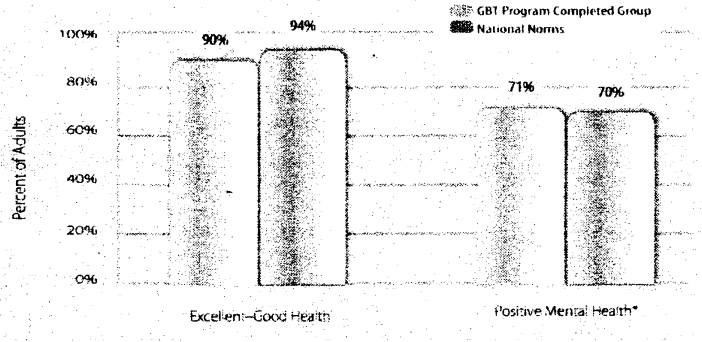
Girls and Boys Town Five-Year Study Measures Success on Many Fronts

FOR THE YOUTH WHO LEAVE OUR Long-Term Residential Program, using what they've learned at Girls and Boys Town to assimilate into society as productive citizens is the ongoing test of whether new skills and problem-solving strategies have become a permanent part of their lives.

The graphs from the Five-Year Follow-Up Study on this and the next page illustrate how our former youth compare with national norms in areas that reflect good citizenship, good character, and healthy relationships. These comparisons provide proof of the transformation our youth experience in our program and of how they are empowered to make better decisions as young adults. In other words, empowering youth means creating empowered adults. The tremendous progress our troubled youth make while they are in our Long-Term Residential Program, and the strides they continue to make after they leave, are a credit to their courage and resiliency, and to the effectiveness of the program and its caring staff members.

Well-Being

5 Years After Departure

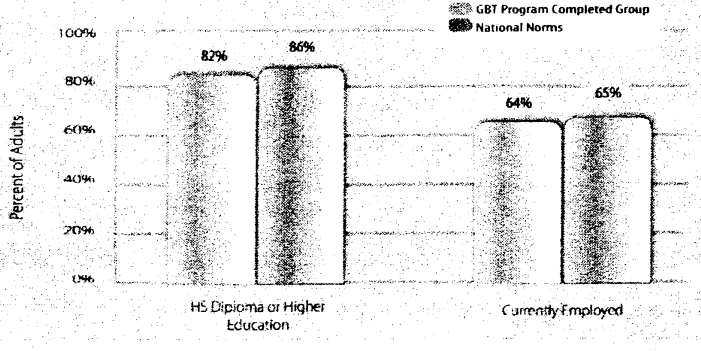


Also, more than **90%** of the former youth surveyed are living on their own in a house, apartment, dorm, or military facility (service personnel), or are living in the home of a parent or relative.

* Positive Mental Health – been nervous, sad, hopeless some of the time or none of the time.

Education and Employment

5 Years After Departure

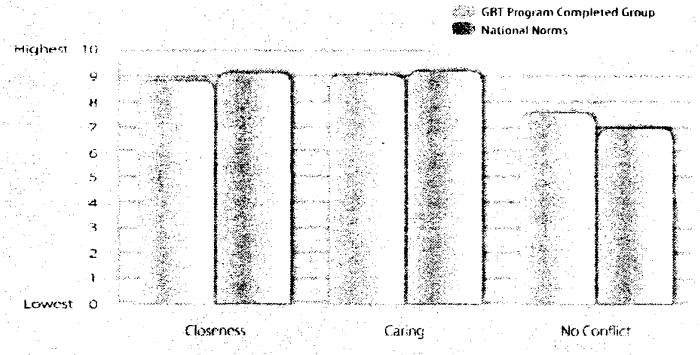


At admission, **53%** of youth were not attending school regularly and **85%** were having school difficulties (attendance, behavior, learning/academic).

Three months after departure, **97%** were attending school regularly or had graduated.

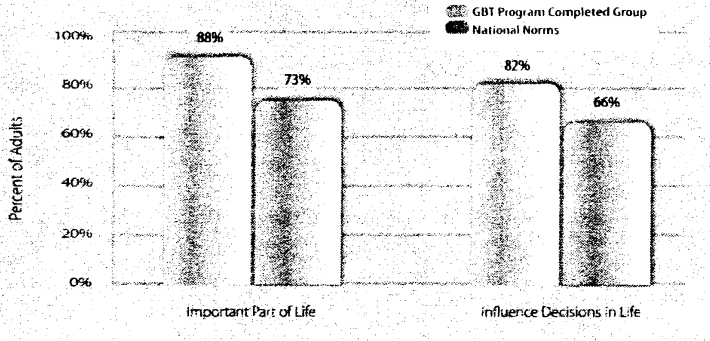
Helping Kids Take the Next Positive Step

Spouse/Partner Relationships
5 Years After Departure



Nearly **80%** of former youth surveyed reported no physical arguments in their spouse/partner relationships.

Religious Beliefs
5 Years After Departure



Helping youth build a strong spiritual foundation in their lives is an essential part of treatment at Girls and Boys Town.

Youth are encouraged to attend church services and contribute their time and money to charitable causes.

FOR MANY YOUTH, treatment in a Girls and Boys Town program is just one step on the road to healing. The problems youth bring with them are complex and confusing, and there is no "cure-all" way to solve them. The antisocial behavior many of our youth relied upon in the past to get what they wanted or to simply shut out the world often seriously damaged relationships with family members and friends. How effective they have been in mending those relationships and in preparing themselves to take the next step usually determines where they go when they leave a program. Most youth return to their parents' or a relative's home, or live independently. Other youth remain in out-of-home placements, often at a lower level of care.

Where youth go after departure from our programs is a good indicator of how far they have come. No matter where they go – back home, to work or school, into the military – they don't go alone. Girls and Boys Town continues to provide support and assistance through its Continuing Care/Aftercare Program. This program's staff members help youth with career and financial planning, scholarship assistance, finding jobs and housing, and in other areas related to making a smooth transition to living on their own. An old saying sums it up best: "The boy or girl may leave the Home, but the Home never leaves the boy or girl."

Kyle's Story

Kyle is one of thousands of former Girls and Boys Town youth who have distinguished themselves through military service to their country. Many of our boys and girls enter the military upon graduation because it provides the structure and discipline they still need to have in their lives once they leave Girls and Boys Town.

I was 14 when I went to Girls and Boys Town. I didn't have any respect for authority or leadership skills. I didn't even know what taking initiative was or how important it was to the success of your career. Girls and Boys Town showed me that and taught me how to use these tools in my life. I am a sergeant in the Marine Corps, and without the help of Girls and Boys Town, I would not be able to lead my Marines in the same fashion as I do now.

Helping Children in Other Ways

Assessment and Short-Term Residential Program – This program offers assessment and short-term emergency care in a family-like environment for girls and boys ages 10 to 18. Many youth who are served through this program are abused, neglected, runaways, or from troubled families. Services may include a staff-secure detention center, emergency shelter, or short-term residential center. In 2005, the program served 3,493 youth nationwide.

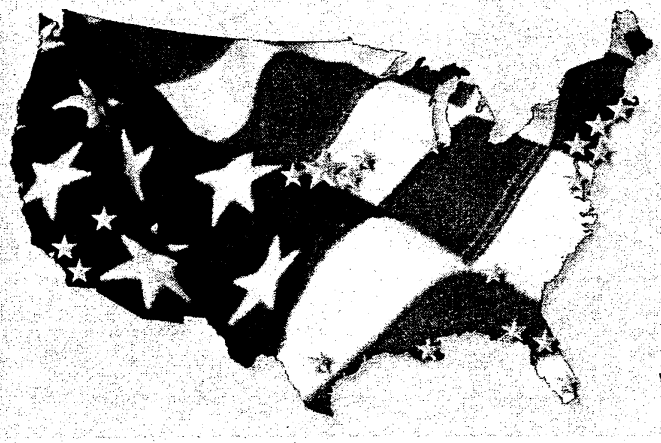
Ecological Family-Based Services Program – Girls and Boys Town's Ecological Family-Based Services Program provides in-home counseling and support for families in need. The two primary services provided by this program are Family Preservation Services and Family-Centered Services. Family Preservation Services provides intensive short-term in-home counseling for families in crisis that need help to safely stay together. Family-Centered Services is a longer-term in-home treatment approach that focuses on helping children in families that are having difficulties but that have not reached a crisis stage. In 2005, the Ecological Family-Based Services Program assisted 4,425 youth nationwide.

Ecological Treatment Foster Care Program – This program provides treatment and care to children of all ages, from infancy through adolescence, who for one reason or another cannot live at home or need more care and attention than they can receive in traditional foster care. Treatment Foster Parents learn the same child-care methods as those taught to Family-Teachers in residential homes, with an emphasis on teaching, building relationships, and self-control. Girls and Boys Town carefully trains foster parents, who take children into their homes and provide treatment in supportive, nurturing, and safe environments. In 2005, the Ecological Treatment Foster Care Program cared for 315 youth nationwide.

The Girls and Boys Town National Hotline (1-800-448-3000) – This toll-free telephone crisis, resource, and referral service for children and parents operates 24 hours a day, seven days a week, and is staffed by highly trained professional counselors. In 2005, the National Hotline received 495,791calls from children and parents. In 2006, the Hotline received its 7 millionth call.

Coast to Coast

Serving youth at 19 sites in 15 states and the District of Columbia



In 2005, Girls and Boys Town provided help, healing, and hope for 46,297 children from New York to California.

Our groundbreaking work is helping change the way America cares for her children and families.

Learn more about our sites by visiting us online at: www.girlsandboystown.org

Girls and Boys Town Facts

The incorporated Village of Boys Town is national headquarters for all Girls and Boys Town programs. It is the organization's largest treatment facility, with 70 Family Homes, a middle school and high school, Catholic and Protestant churches, a U.S. Post Office, a working farm, and fire and police departments. A Village Board is responsible for maintaining roads, buildings, utilities, and public safety.

On average, about 450 to 550 girls and boys live at the Village of Boys Town at any one time during the year.

More than 19,000 students have attended schools and lived in the Village of Boys Town since Father Flanagan first opened his home for youth.

In 2005, Girls and Boys Town touched more than 1.5 million lives nationwide through its direct-care, training, and outreach programs, and its National Hotline.

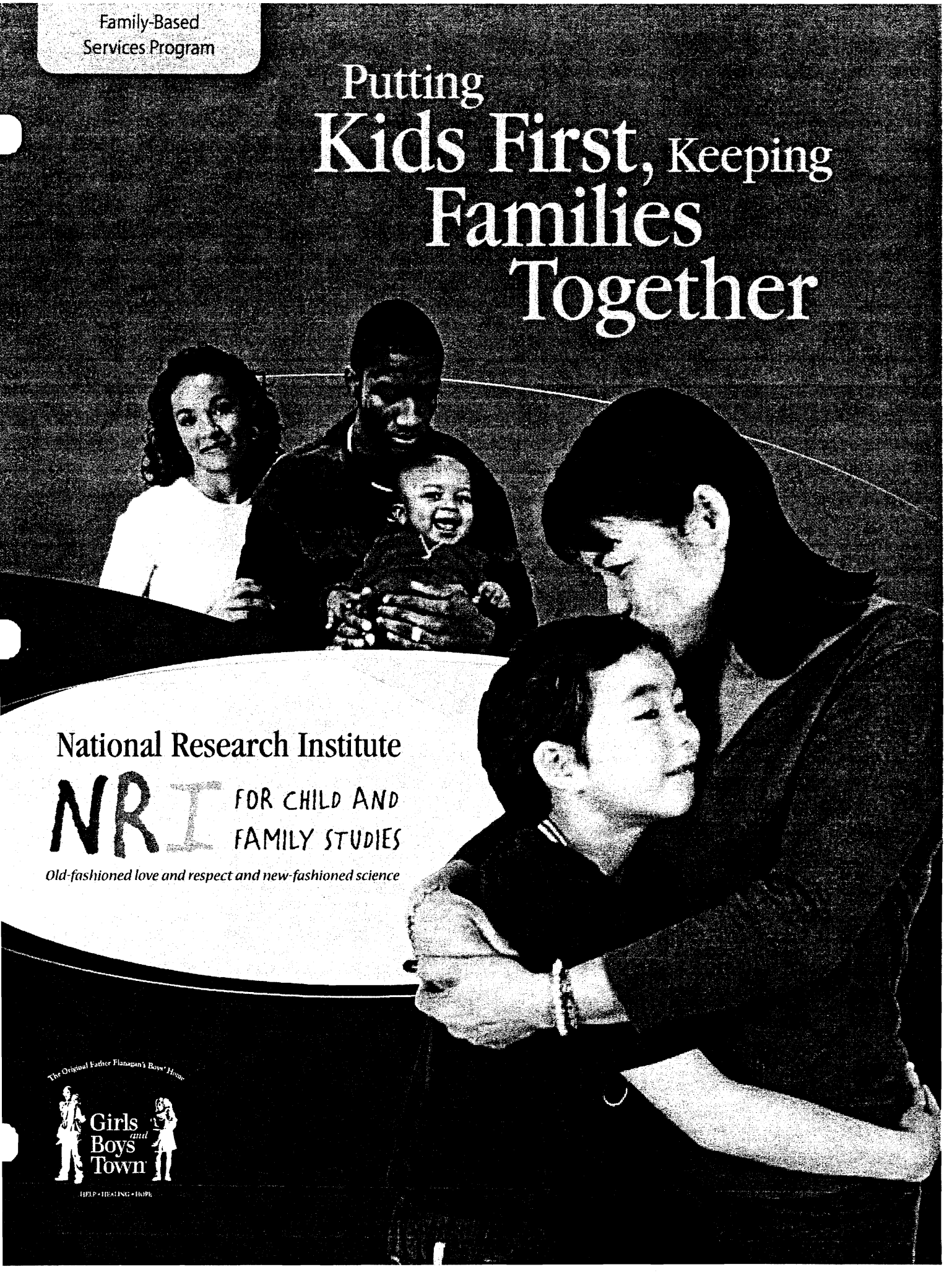
The Original Father Flanagan's Boys' Home

Girls and Boys Town

Father Flanagan's Boys' Home
13603 Flanagan Blvd.
Boys Town, NE 68010
www.girlsandboystown.org

Family-Based Services Program

Putting Kids First, Keeping Families Together



National Research Institute

NRI FOR CHILD AND FAMILY STUDIES

Old-fashioned love and respect and new-fashioned science

The Original Father Flanagan's Boys' Home

Girls and Boys Town

HELP • HEALING • HOPE

Who We Are

In December 1917, with a ground-breaking approach to addressing social ills and the unwavering belief that children need love and guidance if they are to become productive citizens, Father Edward Flanagan opened a home for wayward youth that was later to become Boys Town.

Since then, Girls and Boys Town has marched to the forefront of child care in America with its Family Teaching Model, which helps children learn social skills, self-empowerment, and how to build healthy relationships. New programs branched out from the Home Campus in Omaha, Nebraska, and now the organization has sites in 15 states and the District of Columbia. Boys Town welcomed girls in 1979, and in 2000, the boys and girls voted to extend the Home's name to Girls and Boys Town.

Today, as the largest privately funded agency in the country caring for severely at-risk youth, Girls and Boys Town continues to bring help, hope, and healing to young people. Every day, we keep our pledge to help more kids get better and to change the way America cares for her children and families.

Putting Kids and Families First

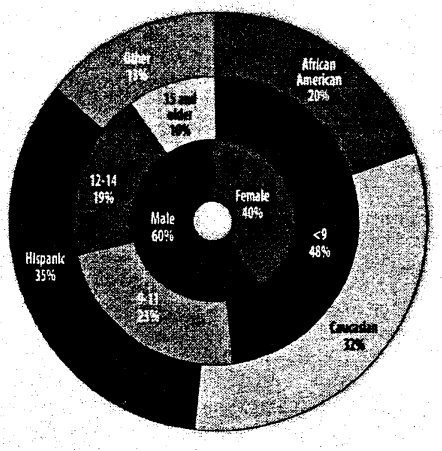
EVERY FAMILY HAS ITS PROBLEMS. There are always bills to pay. Parents may worry about how their children are doing in school. The pressures of the workplace sometimes find their way into the home. And keeping the peace among family members can often be a daunting challenge.

Most families find a way to deal with the pressures and obstacles of everyday life. Through communication and cooperation, they work through problems and maintain a healthy, positive family atmosphere. But when problems reach a point where they threaten the safety and security of the home environment, putting children at risk and bringing a family to the brink of crisis, help and support from outside the home may be necessary.

In those sometimes chaotic times, Girls and Boys Town's Family-Based Services Program provides a caring, strength-based approach to calm the turmoil and create a stable, cooperative environment where children can be safe and families can be happy again. Most importantly, the program's in-home intervention components give families the confidence, support, and knowledge they need to work through their problems, even long after the intervention ends.

Our Youth

Age, Race and Gender of Youth at admission into Family-Based Services



We put families first by having a highly trained Family Consultant provide services right in the home and the community, where children and parents (and other caregivers) are most comfortable and receptive to the help and hope we offer. Through personal visits and ongoing communication with the family, the Family Consultant helps family members to build a safe, healthy environment for their children by focusing on strengths, improving parenting methods, developing problem-solving skills, and connecting them to informal and formal sources of support.

Serious Family Problems Require Effective Treatment

FAMILIES THAT ARE REFERRED to our Family-Based Services Program usually are experiencing one of three scenarios:

1) One or more of the children are engaged in behaviors that are considered illegal, unhealthy, or unsafe, or in some way violate the expectations of parents or other significant adults involved in their ecology.
2) The parents or other significant adults in the home are engaging in behaviors that put the child or children at risk or are failing to adequately protect the children from risks in the environment.
3) Families face problems they cannot solve on their own and need additional support and guidance.

Our main goal is to keep children safe, now and in the future, and teach parents and other adults positive ways to nurture, discipline, and care for their children. By doing this, we keep families together and prevent out-of-home placements. To accomplish this goal, Girls and Boys Town Consultants help parents and caregivers in the home:

- Learn how to draw on their strengths and build a network of formal and informal supports in their ecology to bring about positive changes
- Learn new skills and positive approaches to change their children's negative behavior
- Consistently and effectively discipline their children
- Strengthen parent-child relationships
- Become empowered to meet problems head-on
- Learn family management skills

The Family-Based Services Program utilizes an ecological approach, which examines and includes elements of the family's environment (ecology) in the intervention. These elements include the individual (child or adult), the family, school, peer groups, and the community. Everything the family does affects its environment and everything that happens in its environment affects the family.

Regardless of a family's situation, our interventions address needs the family members dentify and make their ecology an integral part of the treatment plan.

Family-Based Services Program

Girls and Boys Town's Family-Based Services Program provides in-home counseling and support for families through two primary approaches: Family Preservation Services and Family-Centered Services. In both, Family Consultants work directly with families in their homes to:

- Assess problems that pose the biggest threat to children
- Identify a family's strengths
- Teach parenting skills
- Locate and access formal and informal supports
- Motivate family members to use new skills to resolve issues on their own
- Keep children in the home and keep the family together

Family Preservation Services is an intensive, short-term (six to eight weeks) in-home counseling service that is designed to prevent placement of children outside the family home or to reunify children who have been removed from the home.

Family-Centered Services is a longer-term, early-intervention in-home treatment approach that focuses on helping families that have not reached a crisis stage but are in need of supportive services to address high-risk situations. The length of intervention depends on the family's needs, but typically lasts three months to a year.

The Family-Based Services Program is currently offered at eight sites around the country. Under our five-year plan, the program will expand and more children and families will receive the help they need. In 2006, the program provided assistance to 4,909 youth nationwide.

Consultants Partner with Families to Help Kids

Tonya's Story

The deck was stacked against Tonya. She was a 17-year-old high school student and single mother with an infant son. She tried to stay in school and work part-time to pay for day care, but when her baby got sick, she started missing classes. Eventually, she dropped out. Then she lost her job. Worst of all, there was a good chance her son would be removed from her home.

Tonya had little support. Her son's father was not a part of her life. Tonya's mother had kicked her out of the house long before.

Just when things were at their bleakest, a child welfare worker who knew Tonya called the Girls and Boys Town Family Preservation Program in her community. Program staff helped her build a network of support in her environment. They helped her find an apartment and daycare for her son. A Consultant taught Tonya parenting and independent-living skills. In addition, staff members got Tonya enrolled in a community program that would help her find a job and get her high school diploma.

Girls and Boys Town gave Tonya a renewed sense of confidence by eliminating some of the barriers that were keeping her from her goals.

"I want to be a good mother and put my son first in my life," Tonya said. *"I won't have my baby grow up unloved and uncared for like I was."*

WHEN A GIRLS AND BOYS TOWN CONSULTANT FIRST MEETS with a family in need, he or she reviews referral information, assesses the family's situation, and identifies significant risk factors in the family's environment. In making an assessment of treatment priorities, the Consultant attempts to discover the family's agenda – the issue or issues the family believes pose the biggest threat to the children in the home and cause the most difficulties or pain. The family members' agenda is what they most want to change.

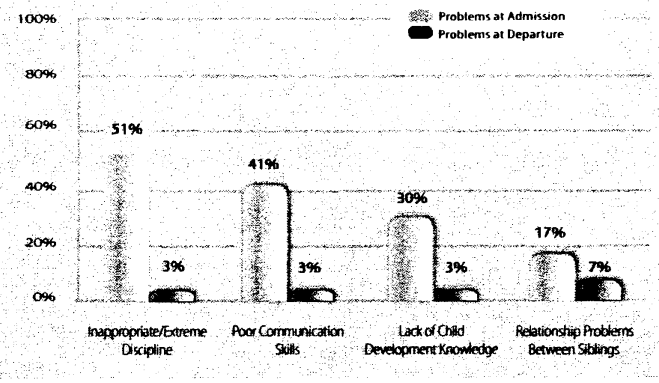
The Consultant and family members then develop a service plan. Service plans guide intervention activities through four stages:

- Identifying people, agencies, and systems that can provide ongoing support to the family
- Motivating the child and others in the child's environment to make needed changes
- Teaching skills, expanding support systems, and reinforcing behavior change
- Promoting independent use of new skills and prosocial behaviors

Ideally, the Consultant earns the right to be a valuable resource to the family, establishes a working relationship with family members, presents the reality that change needs to take place, and teaches the skills that will enable the family to make necessary changes.

In any intervention, family members are viewed as the experts on their own issues and relationships in the home. Consultants must understand the family members' strengths and work within that context in order to bring about positive results.

Family Problems Decrease



At departure, families we help achieve **92-95%** of their intervention goals.

Preparing Children for Success

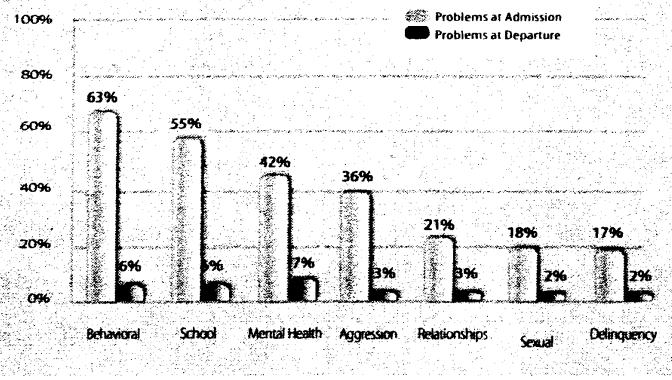
WHILE OUR FAMILY-BASED SERVICES PROGRAM focuses primarily on the safety and welfare of a child in his or her home and community, families and children also receive many other benefits.

As you can see in the chart on page 3, from the time a Consultant enters a home to the time services end, families served show amazing improvement in the areas of appropriate discipline, communication skills, knowledge of child development, and sibling relationships. As a result, youth in these families also make dramatic improvements across a wide variety of indicators. (See chart below.)

These successes indicate that boys and girls are using the community supports available to them and are applying the positive skills and behaviors they learn at home during interventions to other situations and settings in their environment (e.g., at school, at work, with peers, in social activities, with authority figures). Similarly, the marked improvement in family and peer relationships demonstrates a family's ability to get along with others, resolve conflicts in a positive way, and become closer as a family. These are skills that serve families for a lifetime.

Overall, the impact our interventions have on these and other areas of a child's life prepares youngsters to meet the challenges they will face everyday – at home, at school, and in the community – and make good decisions that keep them on the path to success.

Youth Problems Decrease



At departure, youth in families we help achieve **90-95%** of their goals.

National Research Institute for Child and Family Studies

Located at the Village of Boys Town, Nebraska, the Girls and Boys Town National Research Institute conducts applied research that is focused on understanding the nature of problems children and their families face in today's world and identifying the most effective ways to help them. This research has included conducting both short-term and long-term follow-up studies of youth and their families served by Girls and Boys Town programs, developing sound assessment instruments to identify strengths and treatment needs (e.g., child suicide risk assessments), and designing strategies to assess the implementation of interventions that have shown to be effective.

This important work ranges from evaluating specific intervention programs to discovering new knowledge and methods for helping children grow up to be happy, healthy, and productive adults. As the landscape of child care and family assistance is constantly altered, the Institute continues to seek the best possible ways to bring lasting, positive, and significant change to the lives of those who are most vulnerable and in need.

In order to disseminate its research findings, the Institute offers an Applied Research Bibliography that includes an annotated listing of more than 200 published research papers and reports regarding the majority of research conducted at Girls and Boys Town since 1990.

Girls Boys Town
National Research Institute
NRI FOR CHILD AND FAMILY STUDIES
13603 Flanagan Blvd. Boys Town, NE 68010 • (402) 498-3042
nri@girlsandboystown.org • www.girlsandboystown.org/nri

The Bakers' Story

Judi and Larry Baker hadn't planned on becoming parents again. But when substance abuse left their daughter unable to care for her kids, the couple opened their hearts and their home to their three grandsons.

The decision to adopt the three boys – Brandon, 11, Zachary, 9, and Gavin, 8 – carried a heavy burden.

three had behavior problems, mainly because they'd never had to follow rules. Gavin talked about hurting himself, and the three constantly argued, lied, fought, and destroyed items in the home.

On a visit with the counselor at the boys' school, Judi complained that she and her husband were having serious problems at home with the boys' behavior.

That's when Girls and Boys Town stepped in. While a Consultant worked with the children on skills like staying calm, solving problems, and accepting consequences, a therapist counseled them to address the underlying issues that sparked their negative behaviors.

Girls and Boys Town also got Judi and Larry into a support group and taught them parenting skills they could use at home with the boys. It took time, but the family slowly began to make progress.

The Bakers know they still have a long journey ahead of them. But they know they can count Girls and Boys Town to be with them every step of the way.

Research Shows that Our Program Helps Families

RESEARCH IS THE FOUNDATION OF EVERY PROGRAM and every treatment method we use at Girls and Boys Town. By consistently measuring results and making adjustments to our services, we're able to develop the most effective methods to provide care and treatment.

Follow-up interviews are conducted with each family six months after participation in our Family-Based Services Program. Families are asked questions about family and youth functioning across a variety of domains and about the impact Girls and Boys Town's intervention has had on their lives. A three-year nationwide review of nearly 2,000 family interviews provided us with valuable information about the impact our in-home services had on the lives of those families' members.

Key Content Areas of the Survey

- Family Living Environment
- Placement Stability
- Education
- Employment/Military
- Youth Relationships
- Impact of Girls and Boys Town Services

Overall, the interview results presented in this booklet show that Girls and Boys Town's interventions brought about lasting and significant changes in children, their families, and their home environments.

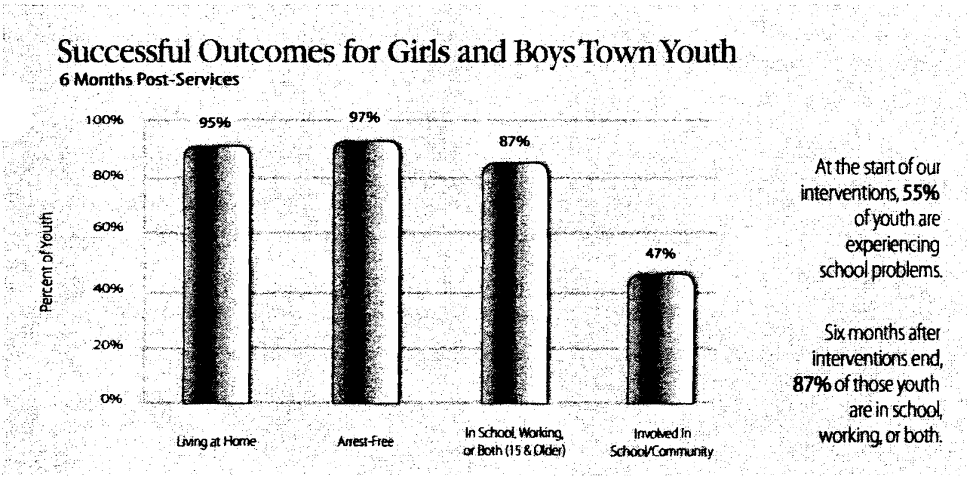
Ninety-eight percent of the youth interviewed said that the help Girls and Boys Town provided had a positive impact on their life. In the areas of school, relationships, home life, and behaviors, they reported consistent positive improvements. Most importantly, the interviews showed that **95 percent of youth** in families with whom we worked were able to stay in their home when services ended and were still living with their families six months later.

Children Stay in the Home, Families Stay Together

THE TRUE MEASURE OF OUR WORK with families in or approaching a crisis situation is how well they use what they've learned once treatment ends. Ideally, families find success and show lasting improvement in the areas tied to our primary treatment goals:

- Keeping children safe
- Preventing out-of-home placement for children
- Expanding a family's support network
- Strengthening a family through teaching skills and home management strategies

The graph from our Family-Based Services follow-up survey on this page shows just how well youth and families in our care respond. These results indicate that children, their parents, and other family members are empowered to meet the challenges they face and do so with more confidence and commitment.



Our Family-Based Services Program began in 1989 as an adaptation of our proven, research-based, results-oriented Family Home Program. In the Family Home Program, highly trained married couples called Family-Teachers develop a strong bond with children as they teach and care for them in a family-style setting. That same focus on family unity and ensuring that children have a safe, healthy home environment where they are loved and nurtured is at the heart of the effective treatment we provide through our Family-Based Services Program.

At Girls and Boys Town, we are constantly looking for opportunities to help more children and families in need. In 2007, we completed a major assessment of our leadership role in the child-care field. The result was a five-year plan that re-energizes our mission of changing the way America cares for her children and families with a renewed vision and direction. A key part of those efforts will involve expanding our Family-Based Services Program so that more children and families can overcome their problems and have an opportunity for a brighter future.

Andrea's Story

Climbing, rough-housing, and fighting with his 3-year-old brother were common behaviors for Trevor. His mom, Andrea, thought her son's rowdy behavior was just "a boy thing."

But this rough-and-tumble boy was having more trouble than the other kids at daycare. Teachers said his behavior was getting out of control. Trevor was not following instructions, and was beginning to hit or kick his young friends to show when he was angry.

Just as Andrea, a single, divorced mom, was trying to help her son, she was dealt another blow: breast cancer. With the extra burdens of surgery, chemotherapy, and radiation, she eagerly accepted the help Girls and Boys Town had to offer.

A Girls and Boys Town Family Consultant began an intensive six-week home program, working with Andrea and Trevor's daycare to get Trevor on the right track. He spent 8 to 12 hours a week with Trevor at school and at home, observing and teaching.

The Consultant also worked with Andrea, teaching her how to help her son express his feelings without violence. Trevor learned how to talk to his teacher about problems instead of trying to handle them himself with anger.

The extra support Girls and Boys Town provided helped Andrea get through her toughest days. While her fight against cancer continues, she knows she now has the tools to help Trevor change his behaviors.

Most importantly, Andrea knows that Girls and Boys Town saved her family and gave her what she needed most – hope.

Helping Children in Other Ways

In our Long-Term Residential Program, children ages 10 to 18 live with a married couple called Family-Teachers. At more than 100 family homes across the country (70 of which are located on our Home Campus in the Village of Boys Town, Nebraska), these highly trained couples care for six to eight girls or boys and form a warm, caring family as they guide and instruct the youth and see that their physical, spiritual, emotional, and treatment needs are met. In 2006, 10 sites around the country provided homes for 2,574 youth.

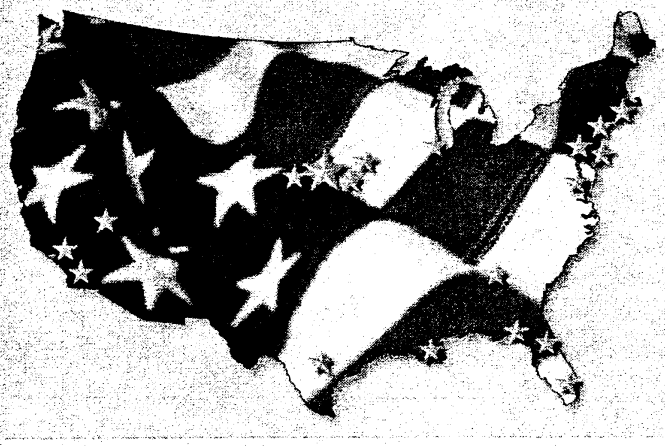
The Assessment and Short-Term Residential Program offers assessment and short-term emergency care in a family-like environment for girls and boys ages 10 to 18. Many youth who are served through this program are abused, neglected, runaways, or from troubled families. Services may include a staff-secure detention center, emergency shelter, or short-term residential center. This program served the needs of 3,286 youth at 12 sites nationwide in 2006.

The Treatment Foster Care Program provides treatment and care to children of all ages, from infancy through adolescence, who for one reason or another cannot live at home or need more care and attention than they can receive in traditional foster care. Treatment Foster Parents learn the same child-care methods as those taught to Family-Teachers in residential homes, with an emphasis on teaching, building relationships, and self-control. This program is currently offered at multiple sites nationwide. Under our five-year plan, the number of programs will increase, providing hope and help to more children. In 2006, the Treatment Foster Care Program cared for 309 youth at five sites.

The Girls and Boys Town National Hotline (1-800-448-3000) is a toll-free telephone crisis, resource, and referral service for children and parents. It operates 24 hours a day, seven days a week, and is staffed by highly trained professional counselors. In 2006, the National Hotline received more than 450,000 calls from teens and adults. That total included more than 34,000 calls from youth where counselors intervened to save the caller's life or provide intense therapeutic counseling. Over the past decade, the Hotline has received more than 7 million calls.

Coast to Coast

Serving youth at sites in 15 states and the District of Columbia



In 2006, Girls and Boys Town provided help, healing, and hope for more than 47,000 children from New York to California.

Our ground-breaking work is helping change the way America cares for her children and families by providing and promoting a continuum of care that strengthens them in body, mind, and spirit.

Learn more about our sites by visiting us online at: www.girlsandboystown.org.

Girls and Boys Town Facts

The incorporated Village of Boys Town is national headquarters for all Girls and Boys Town programs. It is the organization's largest treatment facility, with 70 Family Homes, a middle school and high school, Catholic and Protestant churches, a U.S. Post Office, a working farm, and fire and police departments. A Village Board is responsible for maintaining roads, buildings, utilities, and public safety.

On average, about 450 to 550 girls and boys live at the Village at any one time during the year.

More than 22,000 boys and girls have attended schools and lived in the Village of Boys Town since Father Flanagan first opened his home for youth.

In 2006, Girls and Boys Town provided direct care for more than 47,000 young people nationwide and touched 1.5 million more lives through its training and outreach programs, and its National Hotline.

The Original Father Flanagan's Boys' Home

Girls and Boys Town

HELP • HEALING • HOPE

Father Flanagan's Boys' Home
13603 Flanagan Blvd.
Boys Town, NE 68010
www.girlsandboystown.org

0707-177

UNIVERSAL
Spencer Daily Reporter
Spencer, IA
Cir. D. 3,500

SEP 3 0 2004
Universal Information Services, Inc.

47

'FAME' program bolsters students' reading skills

By Kris Todd
Daily Reporter Staff

Foundation, Achievement, Mastery, and Exploration are four new semester-length courses being offered in Spencer.

Girls and Boys Town's "Reading is FAME" (FAME) program is designed for students in grades seven through 12 who are reading significantly below their grade level. The program helps students to improve their vocabulary and comprehension skills.

"It's for those students in particular who need a chance to still expand and to practice some strategies for reading," explained Julie Finnern, Spencer's new district reading specialist. "Because they're at the point now where they're reading increasingly complex text, and they still need some chance to have those strategies demonstrated and to practice those strategies."

Implemented in Spencer's public schools this fall, FAME is a research-based program.

"We see this as a piece of a larger picture for us," said Kathy Elliott, assistant superintendent. "It is one component of a larger one that works on reading comprehension for all students. It is based on the belief that students may have missed out on some learning someplace along the way."

Developed at and taught by the National Resource and Training Center, a division of Girls and Boys Town in Omaha, the FAME program is an example of a "content-specific staff development program" that increases student achievement.

It's estimated that students enrolled in the FAME program typically gain two years of reading ability for each year of FAME instruction.

"The research supports that 90-some percent of kids can read and learn the same way as everyone else does. It's just that they may need more intensity or a different approach," Elliott said. "To me, the advantage of FAME is that it's particularly designed for students at that middle school and high school level, *which a lot of* other programs are not. And so, for those students who are missing some of those key components for reading that other kids got in their elementary years, it's probably motivating for them because the materials are designed for them."

Spencer students were tested this summer to gauge their individual needs, which resulted in each being placed in the class best fitting those specific needs as they related to reading.

"None of the classes by themselves would be comprehensive. They're all taking part of the picture that we need as readers," said Finnern. "In many of those portions, just the fact that we're reading more is very heavily emphasized. That's so important because there is such a strong relation to the time spent reading and responding to what you read; it's related to reading success, to attitudes about reading, and to knowledge of the world. As you expand your reading, you expand your knowledge. And, all of that is very helpful for empowering kids to make a difference in their own personal world and in the world in general."

Of the approximately 60 to 70 Spencer students enrolled in FAME classes, several middle school students are currently participating in the "Foundation" coursework. It is anticipated they will be able to proceed to the "Achievement" section at second semester.

High school students, on the other hand, are taking part in a "Foundation" section, several "Achievement" classes, and one "Mastery" course.

The fast-paced lessons include "high-interest," age-appropriate reading materials, a computer module, and weekly pre- and post-tests, which gauge not only students' competence levels, but also their abilities to read.

"All of the activities for the week go to work on those very specific skills, so that from the Monday pre-test to the Friday post-test, all of the things that they do during that week are tied to that, from the activity on the computer to the games they're playing," said Elliott.

"It's really pushing what we're already doing K-6, right on up through middle school and up into the high school," she added. "Our hope is, eventually we're going to have the vast majority of our students as we've now done some different things K-6, we're going to see fewer students who may need that, especially the lowest levels of it, because we're going to have already attended to those things.

"It really goes back to differentiating instruction for students at their level of where they are. That's an entire change in philosophy, and not just for us. And, perhaps, No Child Left Behind then somewhat has us looking at that more closely, but it really is just a better practice in general for all our areas in that we have to decide what do students already know when they come to us and what do they not know. And, that *means individualizing things for students.*"

Research over the last 10 to 20 years has shown that the largest challenge for classroom teachers is taking and then addressing the diversity in student learners.

FAME Program
continued on Page 6A

FAME Program

continued from Page 1A

"This program gives us one way to work with those students who need some additional attention," said Elliott. "And, I think that's why the parents we've had contact with are so excited."

A combination of nine special and regular education teachers from Spencer participated in the either two or four full days of training offered on the FAME program this summer. Staff from Spirit Lake, Cherokee, LeMars and Storm Lake also attended the training sessions.

Storm Lake started FAME at the high school last year. Pleased with the results seen within a year's time, the Buena Vista County school district has now also incorporated the FAME reading program at its middle school level.

"We did take a team of teachers to visit and witness their program last spring," Elliott said. "We'd been looking at it the year before, but wanted to make sure that it really was going to be something we felt was going to make a difference. So, we waited a year and did a little bit more research on it."

Regarding Spencer's recent implementation of this program, Elliott said, "For no other reason, it's just saying to students we're not going to give up on students who have struggled with reading in the past. We're saying we're going to continue to work with them until we have every student ready to walk out of here with being literate and comfortable reading and able to do that easily."

Training staff from the Boys Town program, meanwhile, are scheduled to arrive locally sometime in October to provide support and make certain the direct reading instruction program is being implemented fully.

"They'll come into classrooms when the kids are in there, watch what's going on, and then help us to make sure that we're not missing something," Elliott said.

Section 79-215

Students; admission; tuition; persons exempt; department; duties.

(1) Except as otherwise provided in this section, a student is a resident of the school district where he or she resides or any school district where at least one of his or her parents reside and shall be admitted to any such school district upon request without charge.

(2) A school board shall admit any homeless student that requests admission without charge.

(3) A school board may allow a student whose residency in the district ceases during a school year to continue attending school in such district for the remainder of that school year.

(4) A school board may admit nonresident students to the school district pursuant to a contract with the district where the student is a resident and shall collect tuition pursuant to the contract.

(5) A school board may admit nonresident students to the school district pursuant to the enrollment option program as authorized by sections 79-232 to 79-246, and such admission shall be without charge.

(6) A school board may admit a student who is a resident of another state to the school district and collect tuition in advance at a rate determined by the school board.

(7) When a student as a ward of the state or as a ward of any court (a) has been placed in a school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Health and Human Services or a foster home maintained or used pursuant to section 83-108.04 or (b) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the district in which he or she resided at the time he or she became a ward, the cost of his or her education and the required transportation costs associated with the student's education shall be paid by the state, but not in advance, to the receiving school district or approved institution under rules and regulations prescribed by the Department of Health and Human Services and the student shall remain a resident of the district in which he or she resided at the time he or she became a ward. Any student who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Health and Human Services or a foster home maintained or used pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located.

(8) When a student is not a ward of the state or a ward of any court and is residing in a residential setting located in Nebraska for reasons other than to receive an education and the residential setting is operated by a service provider which is certified or licensed by the Department of Health and Human Services or is enrolled in the medical assistance program established pursuant to the Medical Assistance Act and Title XIX or XXI of the federal Social Security Act, as amended, the student shall remain a resident of the district in which he or she resided immediately prior to residing in such residential setting. Upon request by a parent or legal guardian, the resident school district shall contract with the district in which such residential setting is located for the provision of all educational services, including all special education services. If the parent or legal guardian has requested that the resident school district contract with the district in which such residential setting is located, the district in which such residential setting is located shall contract with the resident district and provide all educational services, including all special education services, to the student. If the two districts cannot agree on the amount of the contract, the State Department of Education shall determine the amount to be paid by the resident district to the district in which such residential setting is located based on the needs of the student, approved special education rates, the department's general experience with special education budgets, and the cost per student in the district in which such residential setting is located. Once the contract has been entered into, all legal responsibility for

special education and related services shall be transferred to the school district in which the residential setting is located. The resident district for a student who is not a ward of the state or a ward of any court does not change when the student moves from one residential setting to another.

(9) In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of the district in which he or she resided at the time he or she became a ward, to the agency or institution which: (a) Is selected by the county board with jurisdiction over such detention home; (b) has agreed or contracted with such county board to provide educational services; and (c) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education.

(10) No tuition shall be charged for students who may be by law allowed to attend the school without charge.

(11) On a form prescribed by the State Department of Education, an adult with legal or actual charge or control of a student shall provide the name of the student, the name of the adult with legal or actual charge or control of the student, the address where the student is residing, and the telephone number and address where the adult may generally be reached during the school day. If the student is homeless or if the adult does not have a telephone number and address where he or she may generally be reached during the school day, those parts of the form may be left blank and a box may be marked acknowledging that these are the reasons these parts of the form were left blank. The adult with legal or actual charge or control of the student shall also sign the form.

(12) The department shall adopt and promulgate rules and regulations to carry out the department's responsibilities under this section.

Source:

Laws 1881, c. 78, subdivision V, § 4, p. 352;

Laws 1883, c. 72, § 11, p. 293;

Laws 1901, c. 63, § 10, p. 440;

R.S.1913, § 6784;

Laws 1921, c. 64, § 1, p. 250;

C.S.1922, § 6325;

Laws 1927, c. 88, § 1, p. 257;

C.S.1929, § 79-504;

R.S.1943, § 79-504;

Laws 1947, c. 273, § 1, p. 877;

Laws 1949, c. 256, § 84, p. 720;

Laws 1972, LB 1219, § 1;

Laws 1974, LB 43, § 1;

Laws 1979, LB 128, § 1;

Laws 1980, LB 770, § 1;

Laws 1980, LB 839, § 1;

Laws 1982, LB 642, § 1;

Laws 1984, LB 286, § 1;

Laws 1984, LB 768, § 1;

Laws 1985, LB 592, § 1;

Laws 1985, LB 725, § 1;

Laws 1991, LB 511, § 29;

Laws 1992, LB 245, § 34;

Laws 1992, Third Spec. Sess., LB 3, § 1;

Laws 1994, LB 858, § 5;

R.S.1943, (1994), § 79-445;

Laws 1996, LB 900, § 19;

Laws 1996, LB 1044, § 814;

Laws 1997, LB 307, § 212;

Laws 2000, LB 1243, § 2;

Laws 2001, LB 797, § 5;

Laws 2002, LB 1105, § 503;

Laws 2006, LB 1248, § 87.

Cross References:

Medical Assistance Act, see section 68-901.

Annotations:

The permissive language in subsection (8) of this section pertaining to a "request by a parent or legal guardian" does not affect a student's residency determination and does not narrow the scope of the section to the minor students only. Jefferson Cty. Bd. of Ed. v. York Cty. Bd. of Ed., 270 Neb. 407, 703 N.W.2d 257 (2005).

Pursuant to subsection (2) (now subsection (7)) of this section, the unambiguous language of this section obligates the state to pay the cost of both regular and special education received by state wards placed in Boys Town schools. Subsection (2) of this section does not violate Neb. Const. Art. VII, section 11. Father Flanagan's Boys Home v. Dept. of Soc. Servs., 255 Neb. 303, 583 N.W.2d 774 (1998).

Domicile of child normally follows that of parent who has custody by virtue of decree of divorce.

State ex rel. Frasier v. Whaley, 194 Neb. 703, 234 N.W.2d 909 (1975).

Cited in determining whether tuition had been paid for two or more consecutive years. Pischel v. Kreycik, 184 Neb. 332, 167 N.W.2d 388 (1969).

Agreement on part of parents to pay high school tuition will not be implied. School District No. 15 of Furnas County v. Wilson, 101 Neb. 683, 164 N.W. 709 (1917).

Nonresident pupil must pay tuition. State ex rel. Vale v. School Dist. of City of Superior, 55 Neb. 317, 75 N.W. 855 (1898).

Child, for school purposes, may have separate residence from parent. Mizner v. School Dist. No. 11 of Sherman County, 2 Neb. Unof. 238, 96 N.W. 128 (1901).

~Revised Statutes Cumulative Supplement, 2006

Appendix J: Funding of Education for State Wards

- Margaret Bitz, Department of Health and Human Services
  Data on State Wards and Reasons for Out of State Placements

- Kris Valentin, Senator Raikes' Office
  Custody of Student...Financial Responsibility

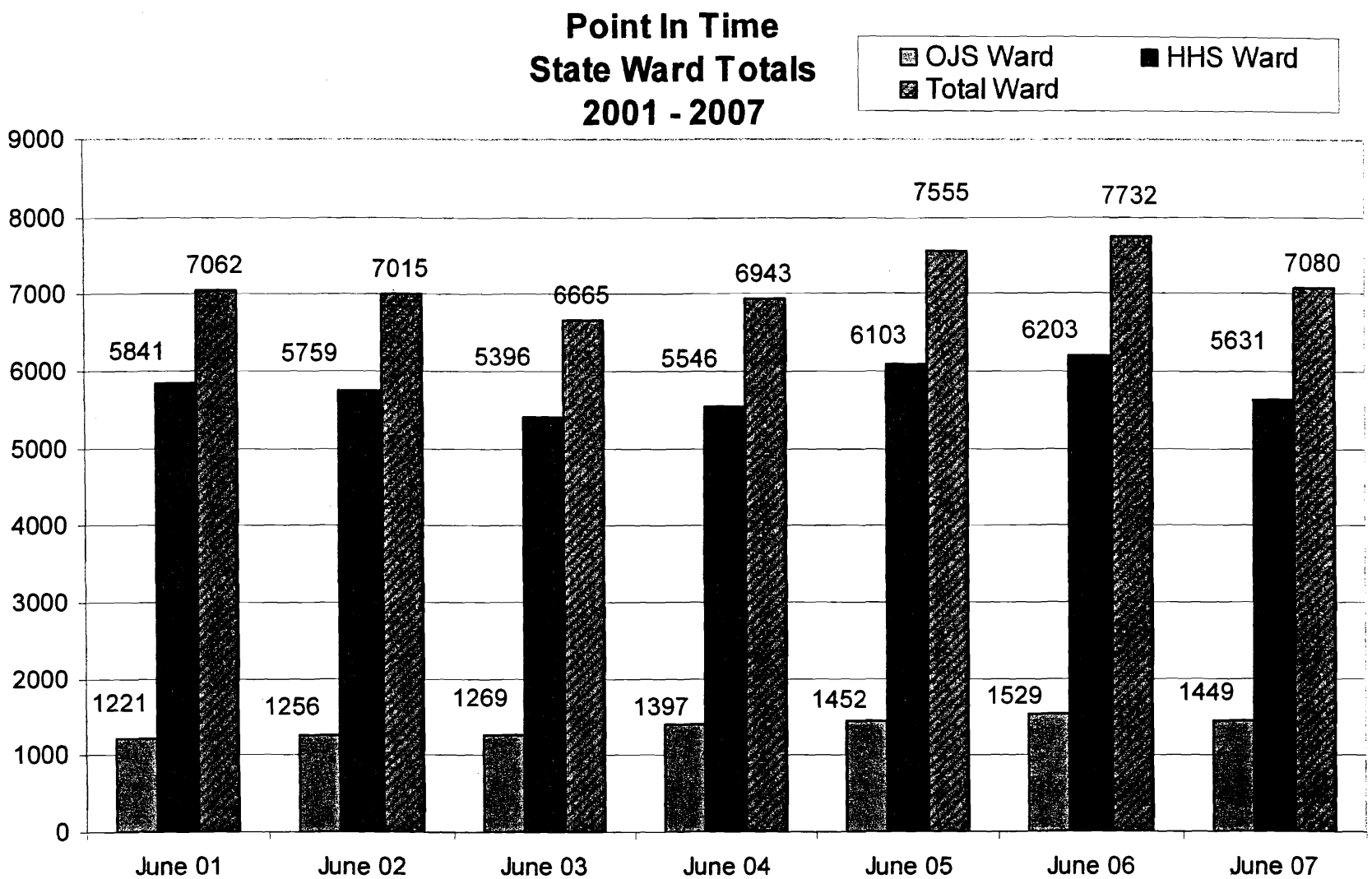
- Chris Hanus, Department of Health and Human Services
  Reimbursement Under Current Law for State Ward Education Funds
  Information Provided by the Department of Health and Human Services
  NDHHS Education Funds Program for State and County Wards
  Summary of Education Fund Program for Wards in Surrounding States
  Derived Placement Data by Service Area and State

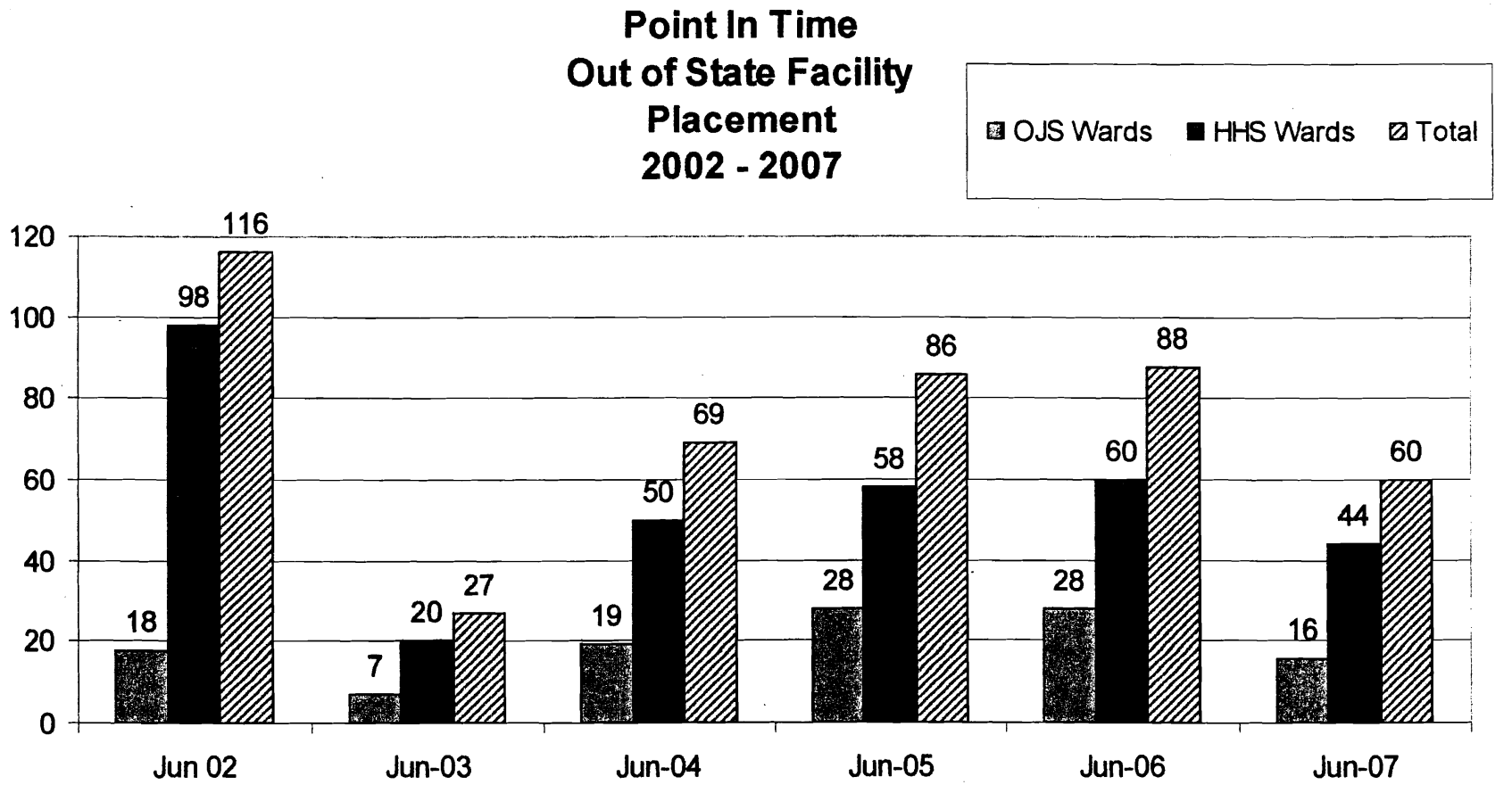
- Tom McBride, Epworth Village
  Special Education Services Task Force: Rule 18 Interim Program School

- Gregg Wright, Center on Children, Families, and the Law
  State Wards & Special Education

- Terry Kenealy, York Public Schools
  Special Education Services Task Force/State Wards

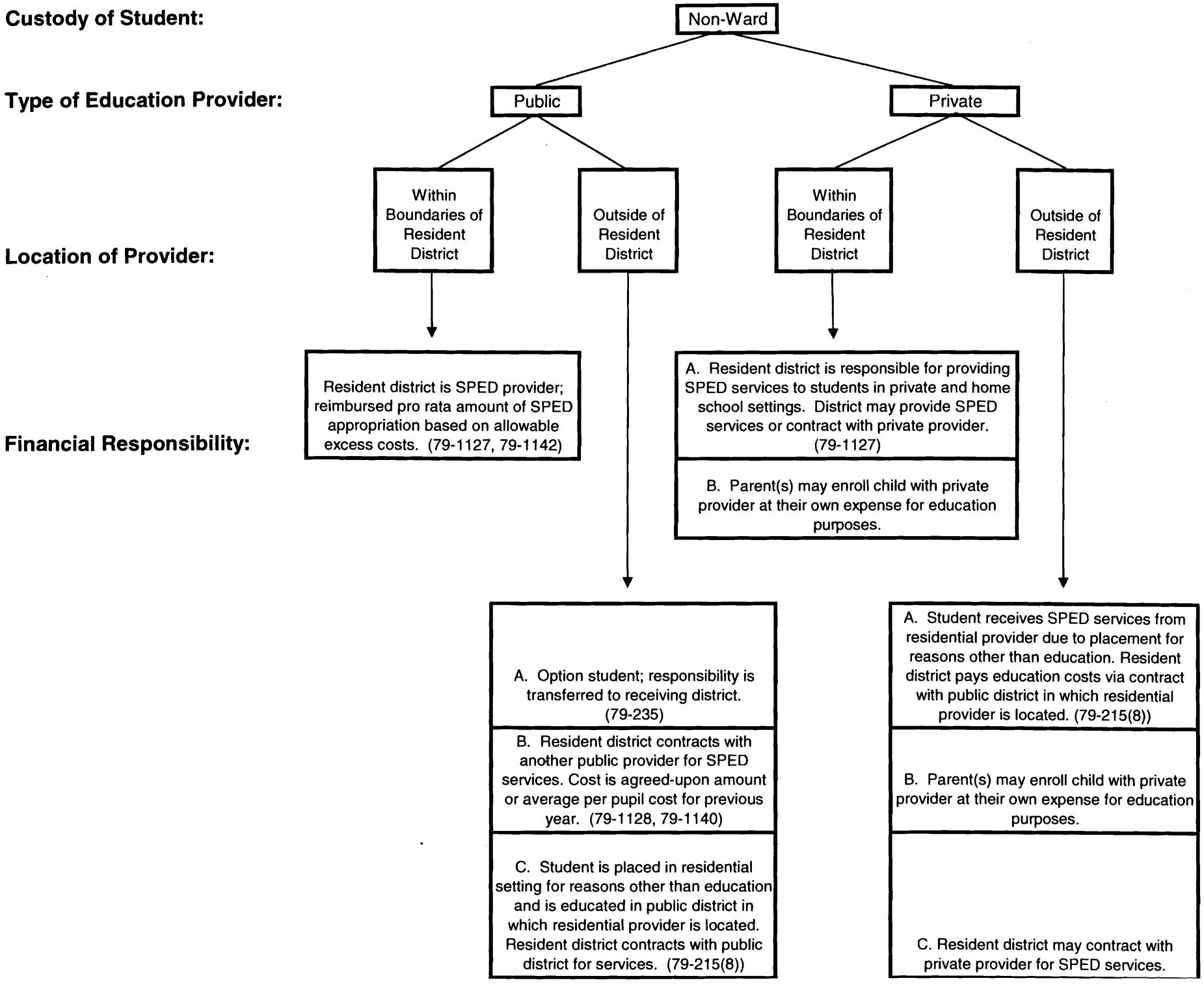
See Also Appendix I: Use of Private Providers

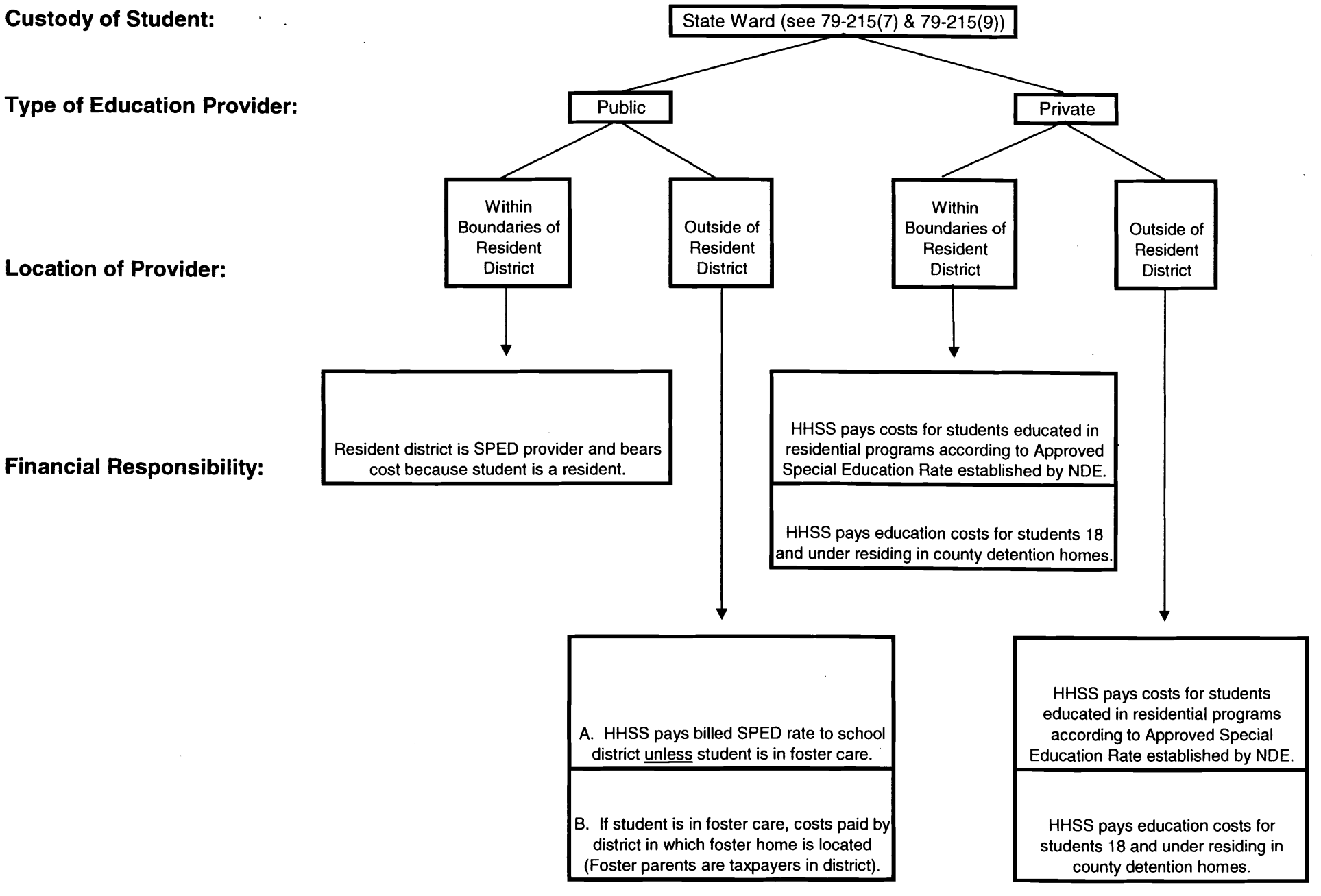

Point In Time
State Ward Totals
2001 - 2007
OJS Ward
HHS Ward
Total Ward
9000
8000
7000
6000
5000
4000
3000
2000
1000
0
1221
5841
7062
1256
5759
7015
1269
5396
6665
1397
5546
6943
1452
6103
7555
1529
6203
7732
1449
5631
7080
June 01
June 02
June 03
June 04
June 05
June 06
June 07


Point In Time
Out of State Facility
Placement
2002 - 2007
OJS Wards
HHS Wards
Total
120
100
80
60
40
20
0
18
98
116
7
20
27
19
50
69
28
58
86
28
60
88
16
44
60
Jun 02
Jun-03
Jun-04
Jun-05
Jun-06
Jun-07

Reasons for Out of State Placements

- Out of State Placements made by HHS are <u>not</u> due to a lack of Special Education services in NE
- The majority of Out of State Placements are for treatment purposes, due to lack of appropriate treatment in NE (children who are low-functioning, have aggressive behaviors, sexually acting out behaviors)
- Some placements are made into facilities in border states, allowing proximity to family and community


Custody of Student:
Non-Ward
Type of Education Provider:
Public
Private
Location of Provider:
Within Boundaries of Resident District
Outside of Resident District
Within Boundaries of Resident District
Outside of Resident District
Financial Responsibility:
Resident district is SPED provider; reimbursed pro rata amount of SPED appropriation based on allowable excess costs. (79-1127, 79-1142)
A. Resident district is responsible for providing SPED services to students in private and home school settings. District may provide SPED services or contract with private provider. (79-1127)
B. Parent(s) may enroll child with private provider at their own expense for education purposes.
A. Option student; responsibility is transferred to receiving district. (79-235)
B. Resident district contracts with another public provider for SPED services. Cost is agreed-upon amount or average per pupil cost for previous year. (79-1128, 79-1140)
C. Student is placed in residential setting for reasons other than education and is educated in public district in which residential provider is located. Resident district contracts with public district for services. (79-215(8))
A. Student receives SPED services from residential provider due to placement for reasons other than education. Resident district pays education costs via contract with public district in which residential provider is located. (79-215(8))
B. Parent(s) may enroll child with private provider at their own expense for education purposes.
C. Resident district may contract with private provider for SPED services.


Custody of Student:
State Ward (see 79-215(7) & 79-215(9))
Type of Education Provider:
Public
Private
Location of Provider:
Within Boundaries of Resident District
Outside of Resident District
Within Boundaries of Resident District
Outside of Resident District
Financial Responsibility:
Resident district is SPED provider and bears cost because student is a resident.
HHSS pays costs for students educated in residential programs according to Approved Special Education Rate established by NDE.
HHSS pays education costs for students 18 and under residing in county detention homes.
A. HHSS pays billed SPED rate to school district unless student is in foster care.
B. If student is in foster care, costs paid by district in which foster home is located (Foster parents are taxpayers in district).
HHSS pays costs for students educated in residential programs according to Approved Special Education Rate established by NDE.
HHSS pays education costs for students 18 and under residing in county detention homes.

Attachment B (1/03)

Reimbursement Under Current Law for State Ward Education Funds

Where does Child Live?	Where is child educated?	Who is Reimbursed by SWED through HHS?	Resident School District (Neb. Rev.Stat. 79-215, NDE Rule 19)	When are they reimbursed?
Residential Setting operating educational program ("Institution")	Educational Program operated by residential program	Institution	School district where child lived when s/he became a ward	Child resides in residential setting and attends education program operated by such program, regardless of school district where child lived when s/he became a ward. Rate is the Approved Special Education Rate regardless of child's SPED status.
Residential Provider operating educational program ("Institution")	Public School where residential program is located	Public School	School district where child lived when s/he became a ward	Child resides in residential setting, attends the school district where the residential provider is located and the child is placed outside the school district where s/he lived when s/he became a ward. Payment is Per Pupil Cost for Regular Education, billed rate for SPED.
Residential Provider without an educational program	Public School where residential program is located	Public School where residential program is located	School district where child lived when s/he became a ward	Child is placed outside of school district where child lived when s/he became a ward. Payment is Per Pupil Cost for Regular Education, billed rate for SPED.
County Detention Home	County Detention Home Education Program	County Detention Center	School district where child lived when s/he became a ward	Program is reimbursed for all wards. Programs are reimbursed the cost of education for education program provided at County Detention Center

Approved School (under NDE Rule 14) operated by a residential program ("Institution")	Residential Program operating Approved School	Residential program operating the Approved School.	School district where child lived when s/he became a ward	Child resides in residential program & attends NDE Approved School operated by residential program, regardless of school district where child lived at time of wardship. Rate is the Approved Special Education Rate regardless of child's SPED status.
Foster Family Home	Public School	No reimbursement from HHS state ward education funds	School district where the foster family home is located	No reimbursement to school districts from HHS State Ward Education funds. Count child as other students. Per pupil cost
YRTC	YRTC Education Program	No reimbursement from state ward education funds	School district where child lived when s/he became a ward	No reimbursement to school districts from HHS State Ward Education funds.
Child lives at home	Public School	No reimbursement from state ward education funds.	School district where parent resides	No reimbursement to school districts from HHS State Ward Education funds. Count child as other students. Per pupil cost

NDE = Nebraska Department of Education
SWED = Special Education
YRTC = HHS Youth Rehabilitation and Treatment Centers
at Kearney(boys) and Geneva(girls)

INFORMATION PROVIDED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE SPECIAL EDUCATION TASK FORCE REGARDING EDUCATIONAL FUNDS FOR WARDS PROGRAM

SEPTEMBER, 2007

Note: This program is generally referred to as the "State Ward Education Program". However, the program provides payment for education of Wards of the Court (generally those youth on Probation or in detention facilities) as well as Wards of NDHHS or NDHHS/OJS.

History of the State Ward Education Fund Program

- LB 43 in 1974 established the State Ward Education Fund within the Department of Education. At that time the fund covered the cost of education for State Wards and Wards of the Court placed in foster homes, detention facilities and institutions. The term "institution" is used broadly to define any group residential setting for children including treatment facilities and group home settings (attachment-Current Nebraska Statute).

- LB 725 in 1985 transferred the program from the Department of Education (NDE) to the Department of Social Services (DSS). Prior to that time, NDE experienced continued annual expenditures over the authorized budget and would be in a position to make a deficit request. It was felt that transfer of the program would result in cost savings because DSS would be better able to manage expenditures since the costs related primarily to DSS wards. Although the program was transferred, the bill did not include the transfer of responsibility for rate setting (attachment-Matrix: Reimbursement Under Current Law for State Ward Education Funds).

- LB 3, Third Special Session, in 1992, eliminated funding of education for wards residing in a foster family home.

- On September 4, 1998, the Nebraska Supreme Court ruled that HHSS must reimburse "approved institutions" for the cost of education of children who are wards attending the educational programs of these institutions (referred to as the "Boystown Lawsuit"). Approved institutions are residential settings which operate an educational program for students in their setting. Before the Supreme Court decision, HHSS only reimbursed these programs the NDE Approved Special Education Rate for students verified as Special Education. Since these decisions, HHSS has paid the NDE Approved Special Education Rate of these education programs in institutions regardless of the student's verification for Special Education.

- HHSS provides regulations for the operation of the Educational Funds for Wards Program. The most recent update of the regulations is dated November 10, 1998, to incorporate changes resulting form the lawsuit.

1999 to 2005 History of Legislative Proposals

- LB 636 (Raikes), 2005, Change provisions relating to the calculation of costs for ward's education. Similar to LB 1220, 2004. Indefinitely postponed.
- LB 1220 (Raikes), 2004, and LB 1124 (Price), 2004, Change provisions relating to the calculation of costs for ward's education. Both bills were killed in Committee.
- LB 417 (Speaker Bromm, at request of the Governor) 2003, Eliminate the State and County Ward Education program. Indefinitely postponed.
- LB 14 (Wehrbein), Special Session 2002, Define Interim Education Schools and when youth are educated in these schools; assure acceptance of credit hours from these schools and allow HHS to set the rates for these schools, Indefinitely postponed.
- LB 650 (Wehrbein), 2001, Define and provide special-purpose education programs, establish educational standards for these programs, define program requirements and authorize HHS, in consultation with NDE to set rates for educational services provided by these programs. Indefinitely postponed.
- LB 1406 (Bohlke), 2000, Require NDE to establish Special Purpose Education Programs for education in institutions, emergency shelters and county operated detention homes and provide for HHS and NDE to jointly establish rates for reimbursement of education provided to state wards in these programs. Indefinitely postponed.
- LB 684 (Wehrbein), 1999, Expand reimbursement to school districts for state wards to include wards that are placed outside their resident school district and who reside in a foster home maintained or used by the Dept. of Corrections. Indefinitely postponed.

Multi-Agency Task Force on Education of Wards

- Formed in 1997 by the Nebraska Department of Education (NDE), the Health and Human Services System (HHSS), the Crime Commission and Voices for Children.
- First product: "A Model Protocol for Transitioning Children and Youth Into School" (Jan. 1999).
- Chaired by NDE with representatives of HHSS, residential providers (Epworth, Uta Hallee/Cooper Village), detention centers (Omaha, Lincoln and Madison County), and schools (Norfolk).
- Instrumental in development of standards for "Interim Education Schools".
- Primary purpose of task force has been to address educational issues related to wards of the state or county. Limited discussion about financing.
- In May, 1999, Senators Bohlke, Wehrbein and Jensen asked HHSS and NDE for recommendations for possible legislative changes. Ron Ross and Doug Christensen asked the Multi-Agency Task Force to provide them with recommendations. A Memo to Ron Ross and Doug Christensen (October, 1999) recommended, in part, that HHSS have the authority, working in conjunction with NDE, to establish statewide rates for institutions and for detention facilities (attachment-letter from Multi-Agency Task Force to Doug Christensen, NDE Commissioner, and Ron Ross, HHS Director).

Rule 18 "Interim-Public Schools in County Detention Home, Institutions and Juvenile Emergency Shelters"

- Developed by Multi Agency Task Force on Education of Wards
- Presented by Task Force to providers for input in June of 2002 with over 50 provider representatives in attendance.
- Accepted by NDE Board of Commissioners for public hearing and incorporated in final form as Rule 18 on January 3, 2003, as "Interim-Program Schools in County Detention Home, Institutions, and Juvenile Emergency Shelters" (attachment-Rule 18).
- Prior to Rule 18 most educational programs within detention centers, institutions or emergency shelters did not have a formal recognition from NDE as schools. Because there was no formal relationship between NDE and facility schools, there was no assessment of quality of education. In addition, without formal recognition of facility educational programs as schools, children who attended the facility's educational program were technically "truant". Truancy did not become an issue. However, a significant issue considered in the development of Rule 18 was that, without formal recognition by NDE of facility educational programs as schools, the educational credits that a child received while attending educational programs in the facility might not transfer to the child's next public school. This would place the child further behind educationally. Although transfer of credits was generally worked out between the facility school and the public school, Rule 18 assured acceptance of the credits received while in the facility school.

Expenditure Information

State Fiscal Year	Est. Youth Served During FY-Unduplicated	Increase/Decrease From Prior Year	Expenditures	Increase/Decrease From Prior Year
1996	No data available	-	$ 3,684,704.41	
1997	1,333	-	$ 4,531,441.62	+22.9%
1998	2,847	+113.6%	$ 6,774,333.28	+49.5%
1999	4,703	+ 65.2%	$19,404,611.61 *	+52.6% **
2000	4,965	+ 5.6%	$ 9,252,647.91	-10.5%
2001	4,276	- 13.9%	$ 9,318,742.04	+ .7%
2002	4,651	+ 8.9%	$11,079,915.29	+18.9%
2003	4,903	+ 5.4%	$14,479,625.28	+30.7%
2004	5,154	+ 5.1%	$15,036,289.45	+ 3.8%
2005	4,431	- 14.0%	$12,199,349.99	-18.8%
2006	5,906	+ 33.0%	$16,360,219.44	+34.0%
2007	info not finalized	NA	$21,241,057.00 (est.)	+22.9%

* This figure includes settlement of the "Boys Town Lawsuit" of $9,069,775.07.

** This percentage excludes the amount of the "Boys Town Lawsuit" settlement.

- For FY 2006, of the total $16,360,219.44 the data shows that 33.3% ($5,458,335.20) was for the education of children who were verified as Special Education, 57.6% ($9,426,603.54) was for Regular Education and 9.1% ($1,475,280.70) was for youth in detention. This is an increase from FY 2005 in the percentage of youth verified as Special Education and in the percentage of youth in detention. In FY 2005, of the total $12,199,349.99, 30%($3,657,913.36) was for the education of children who were verified as Special Education, 57% ($6,961,691.42) was for Regular Education and 13% ($1,579,817.21) was for youth in detention.

- Expenditures increased by 34% (approximately $4,160,870) from FY 2005 to 2006. The number of youth served increased 33% from 4,431 to 5,906. This followed a decrease between FY 2004 and FY 2005 in expenditures and in youth served. Expenditures decreased by 18.8% (approximately $2,836,940) from FY 2004 to FY 2005. The number of youth served also decreased by 14%.

Rate Information

- Rates to schools in residential settings in state for FY 2005-06 ranged from $76.33 to $174.22 per day or $17,175 to $43,554 per year. Rates to schools in residential settings out of state for FY 2004-05 averaged $64.00 per day and $13,426 per year. The average per pupil rate for public education for the same year was $8,509.86. Rates to schools in residential settings in state for FY 2004-05 ranged from $81.01 to $194.13 per day or $17,012 to $48,532. Rates to schools in residential settings out of state for FY 2003-04 averaged $59.18 per day and $12,219 per year. The average per pupil rate for public education for the same year was $8,012.88.

Summary of how other Midwest States handle payment for education of wards (Information gathered in 2003)

- Contacts were made with Iowa, Kansas, Missouri, South Dakota and Colorado.
- No other state in this area handles payment for education of wards like Nebraska. In other midwest states local school districts have some share of responsibility for the education of wards in residential programs and most states have limitations on costs.
- In all of the states the education and/or funding of education for wards is the responsibility of the school district either entirely or in some fashion. For example, in Kansas, school districts are entirely responsible; in Missouri, school districts are primarily responsible with the state supporting costs over the schools per pupil cost for special education although payment is prorated based on the states' allocation.
- In South Dakota, payment is shared by their Department of Education and Health and Human Services (50/50) for the education of children in Residential Treatment Centers and group homes only but payment is only made for education provided by public school staff on the facility's premises. No payments are made directly to residential treatment or group home programs.
- Iowa pays directly for special education only and the funds are deducted from the state education budget before the distribution of the remaining budget to schools.

- Three of the states limit the amount of money to be paid for the education of a wards and related the limitation to the average public per pupil cost (Colorado limits payment to the states average per pupil cost-$5,795.54 year; Kansas and South Dakota limit payment to twice the per pupil cost- a total of $7,726 for Kansas and $7,789.50 for South Dakota).

Other Sources of Funding

State Ward Education fund payments represent one source of funding for institutions and detention facilities serving wards of the State and wards of the Court. Institutions providing treatment receive payment for eligible wards of the State or wards of the Court through Medicaid. Institutions or detention facilities providing non-treatment residential care for wards of the State receive payment through contracts with the State and through agreements with the County for Wards of the Court.

Rates for Residential Programs (non-treatment paid through Child Welfare funds

- Shelter - $114.08 per day
- Group Home B - $68.45 per day
- Group Home A - $94.45 per day

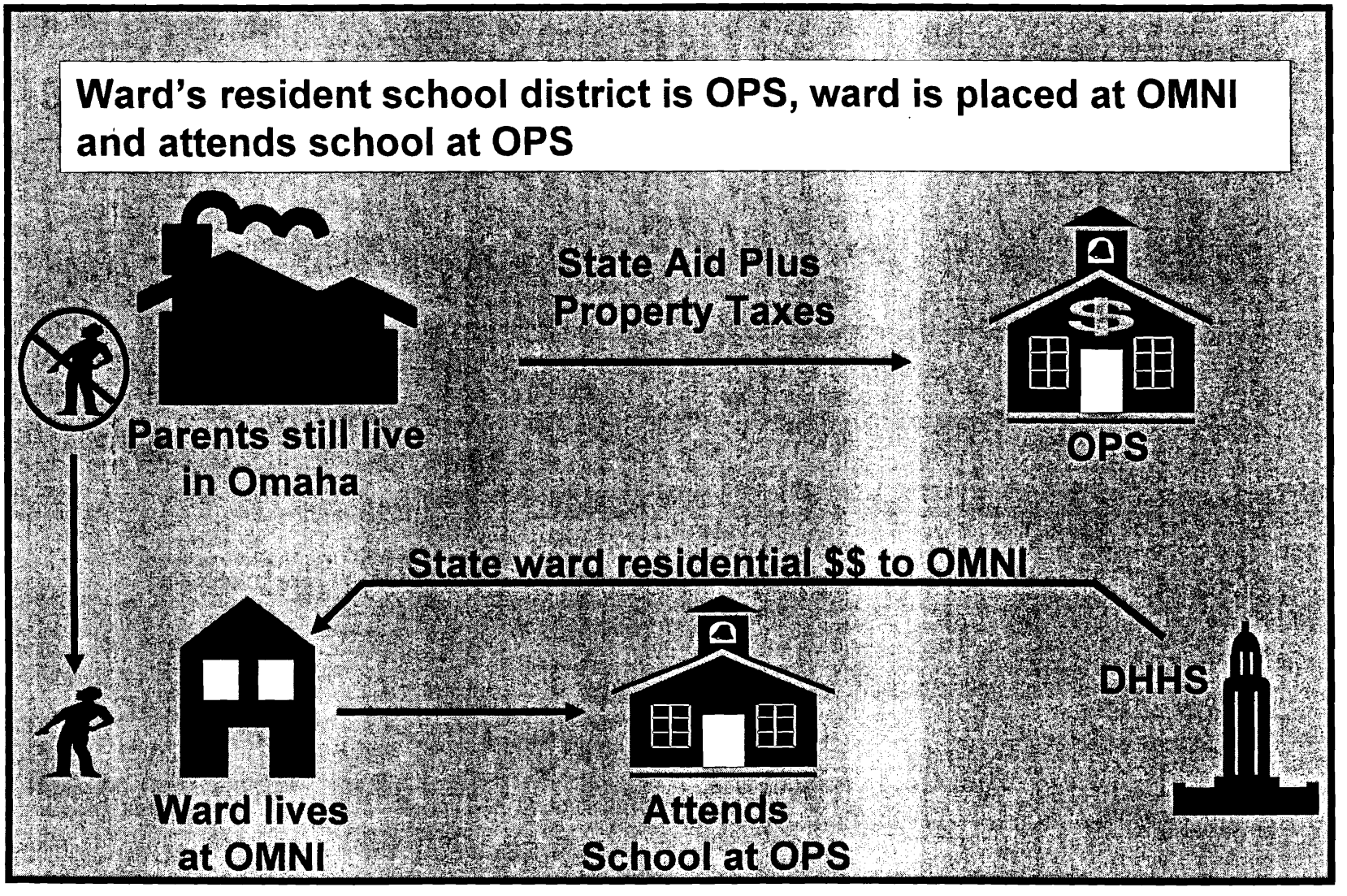
Rates for Residential Treatment Programs (paid through Medicaid funds):

- Residential Treatment - $210.77 to 327.12
- Enhanced Treatment Group Home - $205.50
- Treatment Group Home – 159.29 to 186.13

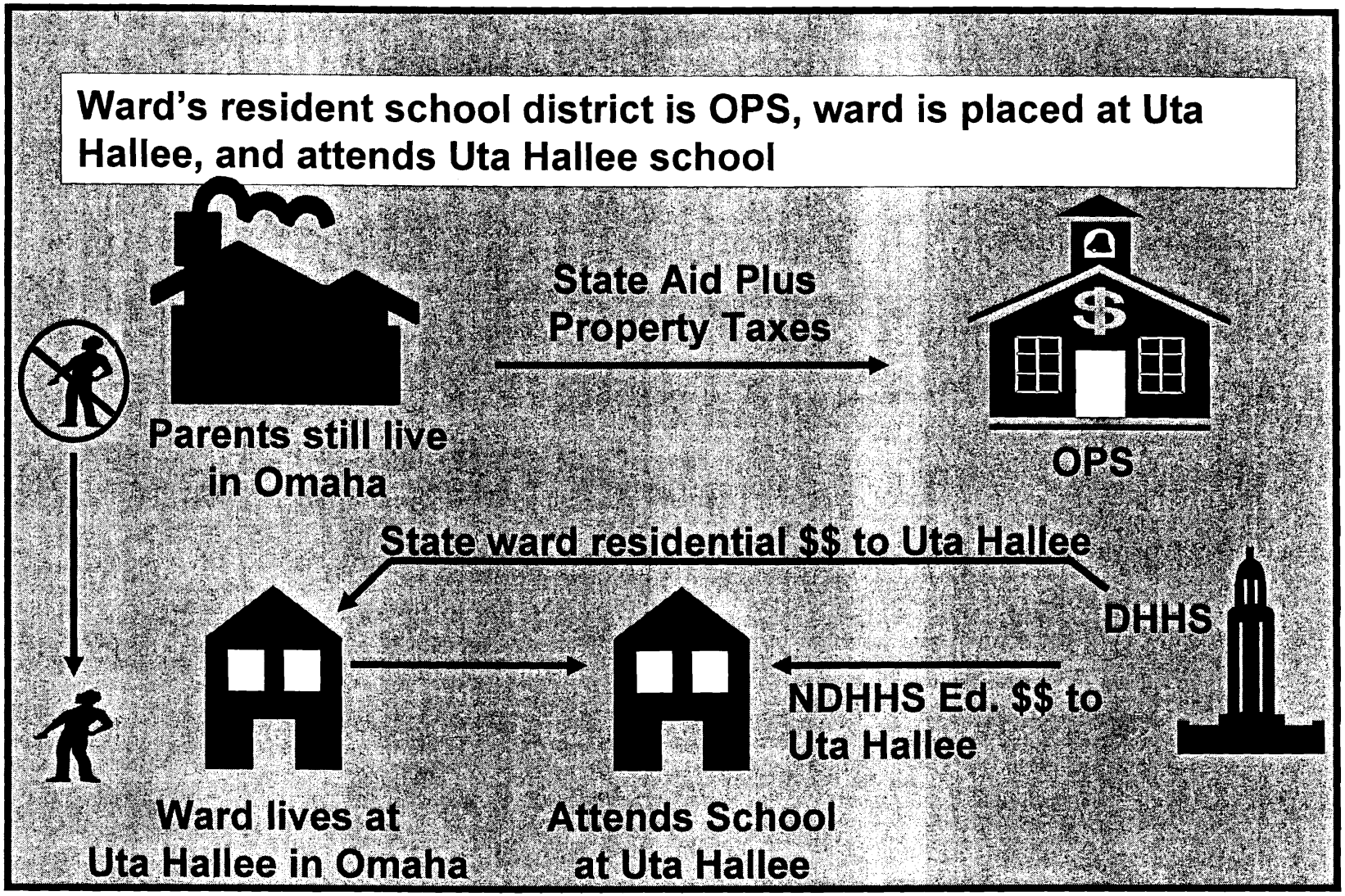
NDHHS Education Funds Program for State and County Wards (1)

Child's resident school district is Omaha, child is <u>not</u> a state or county ward and attends public school in Omaha

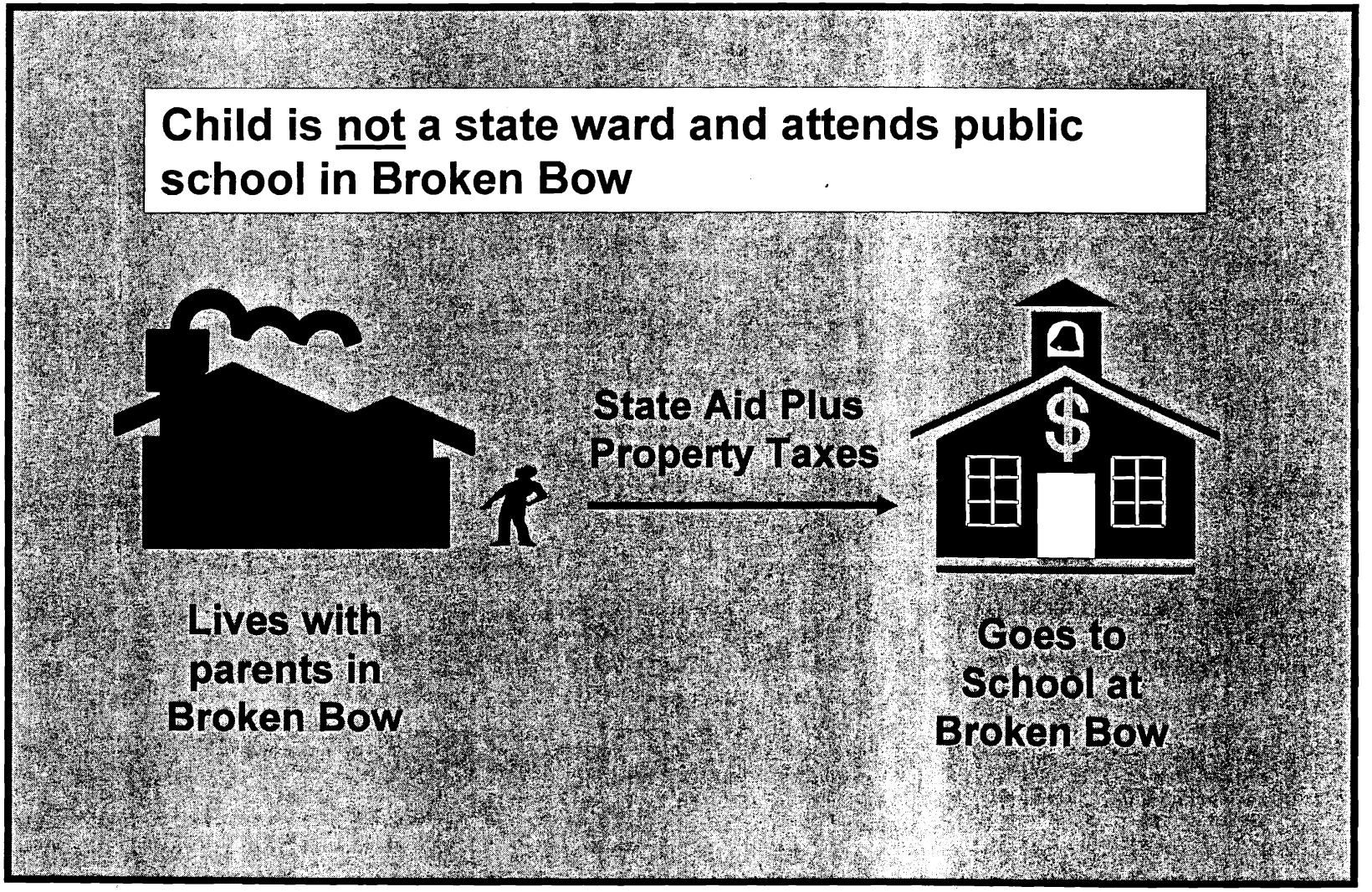
Key: school facility home State or County ward attends school here



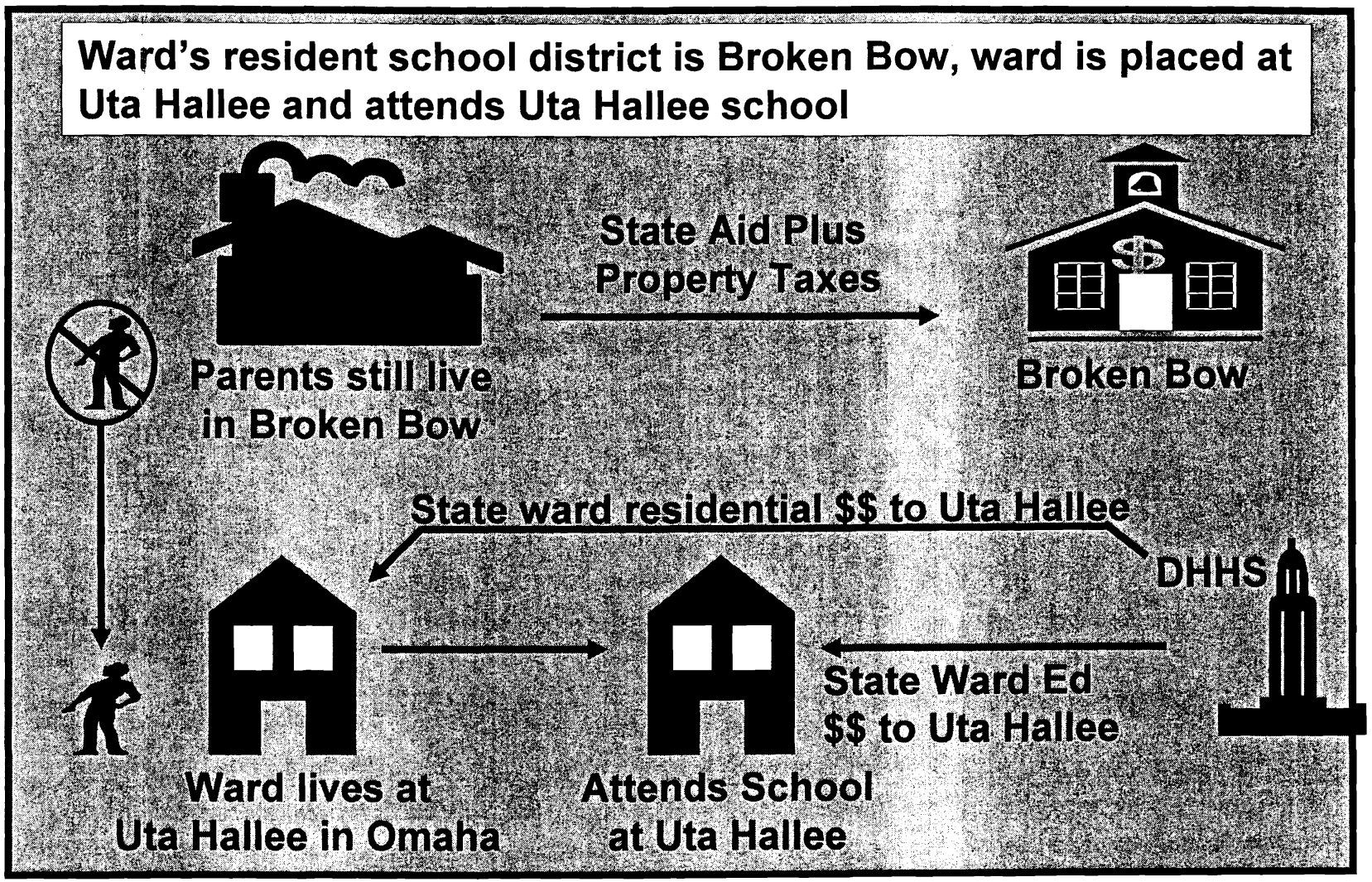
Key: school facility home State or County ward attends school here



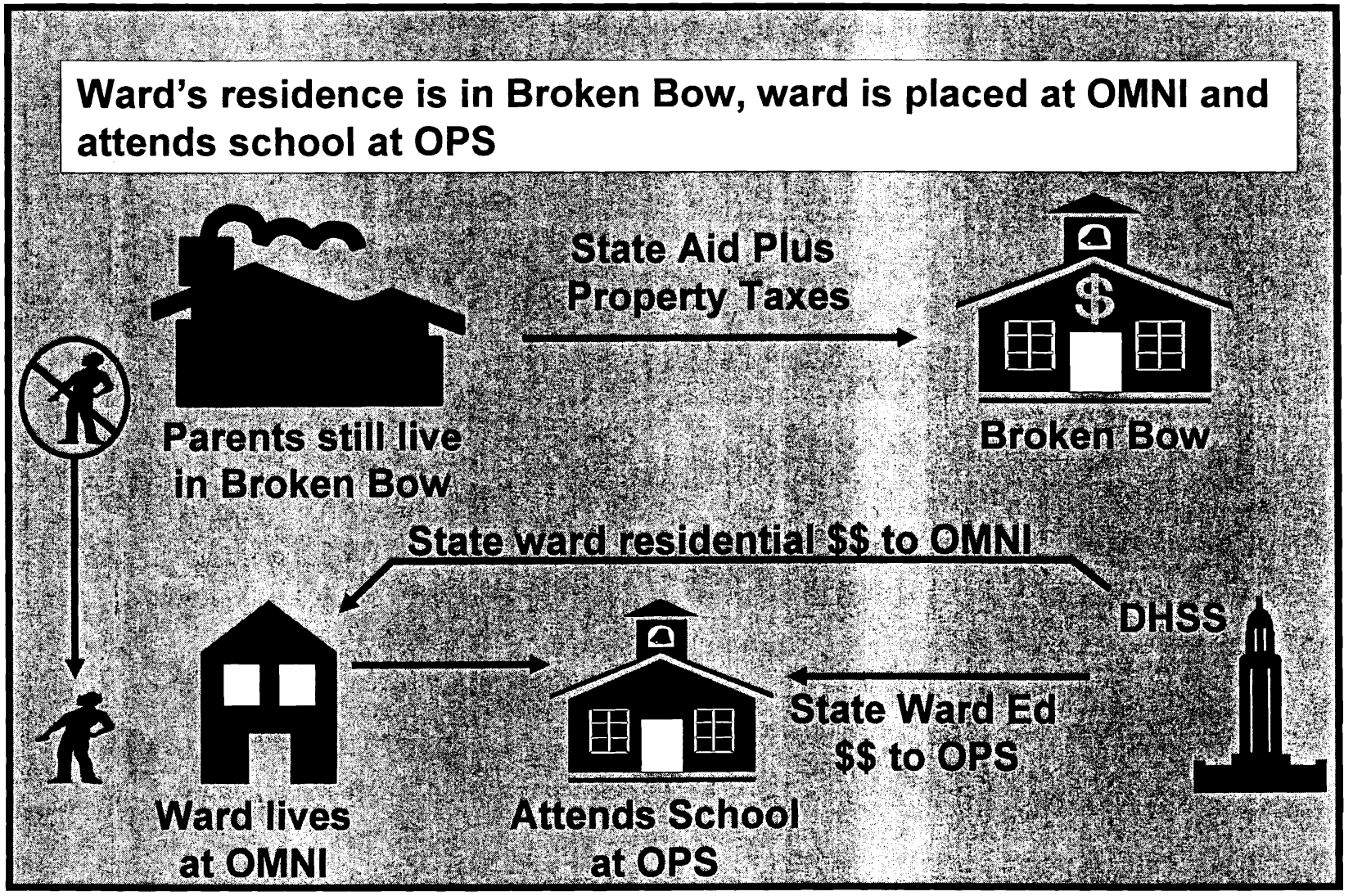
Key: school facility home State or County ward attends school here



Key: school facility home State or County ward attends school here



Key: school facility home State or County ward attends school here



Key: school facility home State or County ward attends school here

Summary of Education Fund Program for Wards in Surrounding States

Nebraska		Iowa		Kansas	Missouri	South Dakota	Colorado
		Special Education Only -- Parental Rights Have Been Terminated	*Special Education Only – Parental Rights Have Not Been Terminated*			*Residential Treatment Centers and Group Homes only, if public school staff used*	
Residential / Residential School --- Home District	HHSS	Dept of Ed unless student was counted	Home District if known, Dept of Ed unknown	School District where served	Home District	Education pays half, HHSS pays half ($7,789.50 total a year)	Home District
Residential / Public School -Home District	Home District	Dept of Ed unless student was counted	Home District if known, Dept of Ed unknown	School District where served	Home District	School District where served	Home District
Residential / Residential School - Different School District	HHSS	Dept of Ed unless student was counted	Home District if known, Dept of Ed unknown	School districe can bill Dept. of Ed up to 2 times base state aid ($7,726 total)	School District where served	Education pays half, HHSS pays half ($7,789.50 total a year)	Money in a reserve fund- Schools only bill Dept of Ed average rate ($5,795.54 total)
Residential / Public School -Different School District	HHSS	Dept of Ed unless student was counted	Home District if known, Dept of Ed unknown	School District where served	Home District pays Serving District for costs beyond per pupil cost	School District where served	Home District
	Actual Cost	**Actual Cost**	**Actual Cost**				

Statewide Totals

In Home

	HHS Ward*	HHS/OJS Ward	Total
With Parent/Caretaker Following Plmnt	1,053	365	1,418
Never Placed Out of Home	522	179	701
No Current Placement	2	2	4
Total	**1,577**	**546**	**2123**
Percentage of In-Home	**22.07%**	**7.76%**	**30.19%**

Runaway

	HHS Ward*	HHS/OJS Ward	Total
Runaway-whereabouts Unknown	70	63	133
Total	**70**	**63**	**133**
Percentage of Runaway	**1.00%**	**0.90%**	**1.89%**

Independent Living

	HHS Ward*	HHS/OJS Ward	Total
Independent Living	54	29	83
Total	**54**	**29**	**83**
Percentage of Independent Living	**0.77%**	**0.41%**	**1.18%**

Out of Home

	HHS Ward*	HHS/OJS Ward	Total	Percentage of Out of Home
Adoptive Home	38	1	39	0.83%
Adoptive Home (Licensed)	57	0	57	1.21%
Foster Home-Relative	999	34	1,033	22.01%
Relative Foster Home (Licensed)	46	0	46	0.98%
Emergency Shelter Foster Home	133	4	137	2.92%
Foster Home-Child Specific	205	12	217	4.62%
Foster Home-Agency-Based	706	96	802	17.09%
Foster Home - Traditional	885	32	917	19.54%
Group Home for Adults	2	0	2	0.04%
Emergency Shelter Center	52	17	69	1.47%
Group Home A	61	67	128	2.73%
Group Home	103	87	190	4.05%
Nursing Home	2	1	3	0.06%
Jail	4	3	7	0.15%
School	3	0	3	0.06%
Assisted Living	7	0	7	0.15%
Center for Developmentally Disabled	50	6	56	1.19%
Detention Facilities	62	66	128	2.73%
Youth Rehabilitation Treatment Center	29	185	214	4.56%
Medical Hospital	3	2	5	0.11%
Mental Health Facility	1	1	2	0.04%
Enhanced Treatment Group Home	45	50	95	2.02%
Foster Home-Treatment	32	7	39	0.83%
Psychiatric Hospital	15	9	24	0.51%
Group Home-Treatment	66	63	129	2.75%
Residential Treatment Facility	117	115	232	4.94%
Winnebago Tribal Relative FH (Licensed)	111	1	112	2.39%
Total	**3,834**	**859**	**4693**	
Percentage of Out of Home	**54.08%**	**12.22%**	**66.74%**	
Combined Total	**5,535**	**1,497**	**7032**	

Special Education Services Task Force

Rule 18 Interim Program School

Epworth Village, Inc.
York, Nebraska

Presented September 21, 2007

Epworth Village
a change for the better

Epworth Village, Inc.
Epworth Village Learning Center

- 1982 Began as a State Approved Level III Center
- Active in committee work moving towards Rule 18 Schools
- We have been a Rule 18 school ever since this rule has been in effect
- We Continue as a member of the Rule 18, Ad Hoc Committee

Epworth Village Learning Center

- One (1) "Lead Teacher"
  Twelve (12)Classroom Teachers
- 10.5 Paraprofessionals
- 2.5 Administration Support
- Life Skills Trainers on-site
- One Teacher at Alt. Ed program
- Teachers are all fully licensed and certificated by NE-DOE

Who are our Students

- K-12 regular and Special Education
  - Elementary = 14
  - Middle School = 28
  - High School = 33

****

- Residential students
- Day Treatment students
- Contracted students

****

- Education takes place in a former York Elementary building

- All Residential/Day Treatment students have an Axis I disorder
- Contracted students have a verified Special Education Handicapping Condition
- Many students have both an Axis I and a SPED verification
- State wards and Non-state wards
- Serve entire state of Nebraska
- From within commuting distance

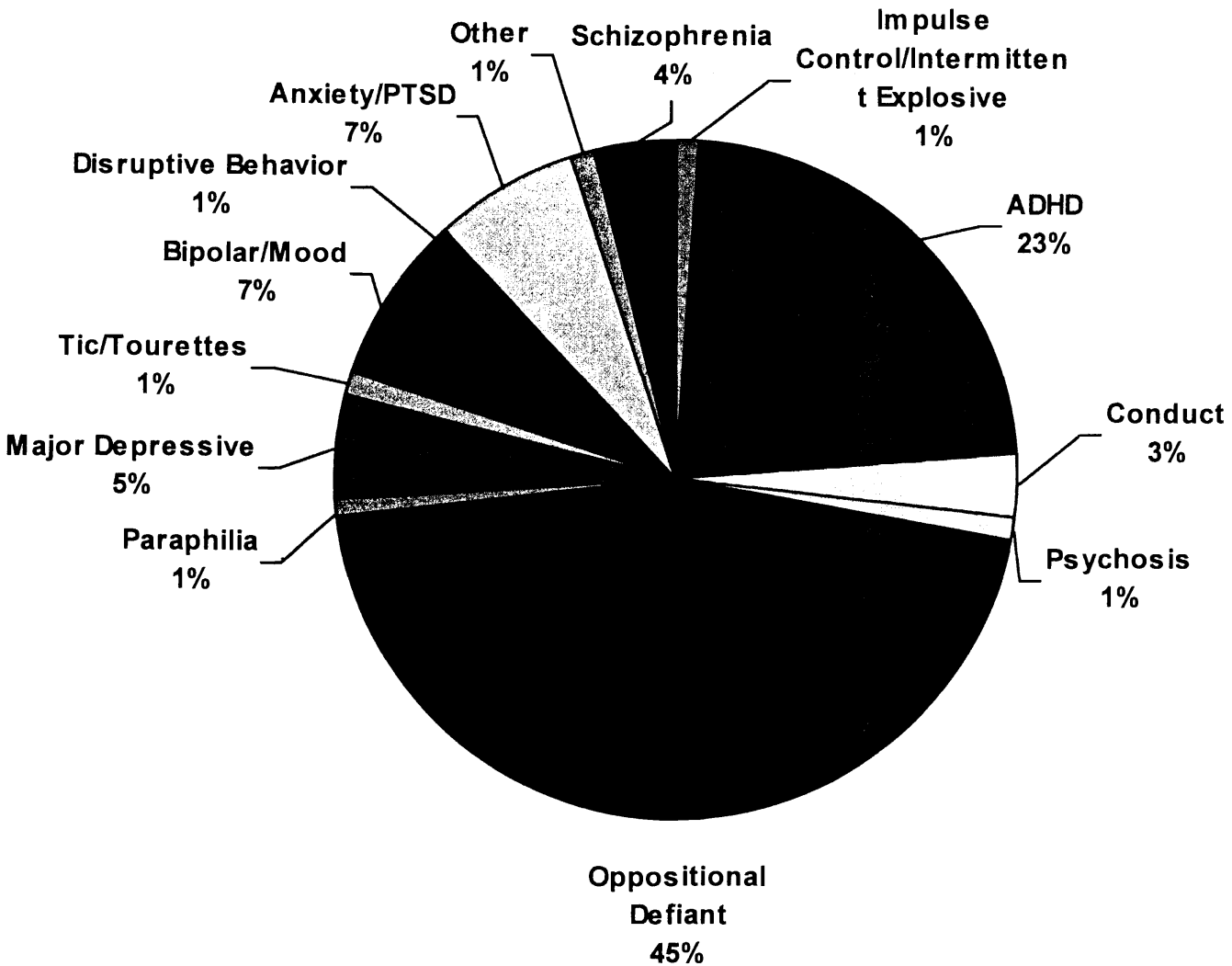
Axis I

Clinical Disorders and other conditions that may be a focus of clinical attention

Major groups of disorders to be reported on Axis I are:

- Delirium, Dementia
- Schizophrenia and other Psychotic Disorders
- Mood Disorders
- Anxiety Disorders
- Dissociative Disorders
- Impulse – Control Disorders
- Adjustment Disorders

Axis I Diagnosis - All Clients served Jan - June 2007



State Ward Average Daily Population

- 2006-2007 school year = 69 attending
- 2007-2008 school year = 77 attending

- Maximum number of students in our current configuration = 89

- Treatment services are integrated within Education, Residential services and Home.

Curriculum

- 7 periods per day
- 218 days of school per year
- SPED and IEP services per Rule 51
- Social Skills, English, Math, Science, Physical Science, Geography, Western Civilization, Consumer Science, Art, Human Relations, English Foundations, Social Studies, Biology, Study Skills, Computer, and elementary grade level curriculum.

Assessments/Progress

2005		
	Non-State Wards	**State Wards**
Clients	38 (24 admit in 2005)	98 (44 admit in 2005)
Average Age	12	13
Chronological Grade Level	7	8
Average Assessed Grade Level (Admission)	5.6	5.8
Average Assessed Grade Level (Discharge)	6.5	6.9
Percentagage of SPED Students	92%	74%

- 2 non-state wards were assessed an average of five grades or more below their chronological grade level.
- 11 state wards were assessed an average of five grades or more below their chronological grade level.

Assessment/Progress

2006		
	Non-State Wards	**State Wards**
Clients	60 (37 admit in 2006)	95 (50 admit in 2006)
Average Age	12	13
Chronological Grade Level	7	8
Average Assessed Grade Level (Admission)	6	6
Average Assessed Grade Level (Discharge)	7	7.2
Percentagage of SPED Students	68%	77%

- 6 non-state wards were assessed an average of five grades or more below their chronological grade level.
- 7 state wards were assessed an average of five grades or more below their chronological grade level.

Assessment/Progress

2007		
	Non-State Wards	**State Wards**
Clients	55 (26 admit in 2007)	85 (40 admit in 2007)
Average Age	12	14
Chronological Grade Level	7	9
Average Assessed Grade Level (Admission)	5	6
Average Assessed Grade Level (Discharge)	6.7	7.8
Percentagage of SPED Students	74%	72%

- 6 non-state wards were assessed an average of five grades or more below their chronological grade level.
- 19 state wards were assessed an average of five grades or more below their chronological grade level.

Can we show Success?

Figures are One Year After Discharge

Year	Home or Lower Level	In School
2005	84%	80%
2006	75%	96%
2007	83%	100%

Cost Comparison

Does not include Administrator, Paraprofessionals or Support Staff

Degree + hrs	Years at EV	Basic Salary	Public Base Salary	
BA + 3	2	$27,353	$30,580	**($3,227)**
BA + 9	5	$28,512	$35,862	**($7,350)**
BS + 6	1	$26,800	$27,800	**($1,000)**
BS	2	$27,371	$30,580	**($3,209)**
BA + 6	11	$28,228	$34,750	**($6,522)**
BS + 15	13	$30,962	$37,252	**($6,290)**
BS +16	4	$27,511	$34,472	**($6,961)**
BS + 49	7	$28,432	$41,422	**($12,990)**
MEd + 27	2	$31,827	$38,364	**($6,537)**
BA + 13	1	$26,800	$28,912	**($2,112)**
BA + 9	13	$30,461	$37,252	**($6,791)**
BS + 18	8	$32,302	$39,754	**($7,452)**
Total Salary & Dif		$346,559	$417,000	**($70,441)**
Add Total Comp		$78,455.37	$189,992.38	**($111,537.01)**
Total & Total Dif.		$425,014.37	$606,992.38	**($181,978.01)**

State Approved Rates

- EVLC

  hourly $17.32

  daily $121.27 7 hour school day

  annual $26,436 218 day school year

- HHS/Nebraska Youth Academy

  hourly $24.77

  daily $123.86 5 hour school day

  annual $27,372 221 year school day

Observations

- Do we bill for mainstream hours? NO
- Does Epworth pay public schools? Yes, when non-wards attend mainstream classes and not a resident of this district.
- Have you had public school districts contract with you? Yes i.e. York, Heartland, Aurora, Fremont, Columbus, Fillmore Central, Hebron, Grand Island and others.

Observations

- Are there costs in the formula process that you incur that you can not figure in? Yes, Staff related computer equipment, office supplies and furniture, telephone and all occupancy expenses including depreciation, property insurance, fire detection, etc. Auto gas, maintenance of school vehicles and insurance.

Without State Ward Education?

- Our Rule 18 school closes.
- Children in care receive no education during the treatment process, thereby putting them even further behind.
- The public system might be tasked with educating our students. This would necessitate a new program area to be created.
- Increased load on local taxes by increasing a 'Special Population" student base of 80 to 90. The resultant public opinion I would project to be very negative.

Our goal is to fully integrate both treatment and educational services so that the student can experience success in a mainstream school environment.

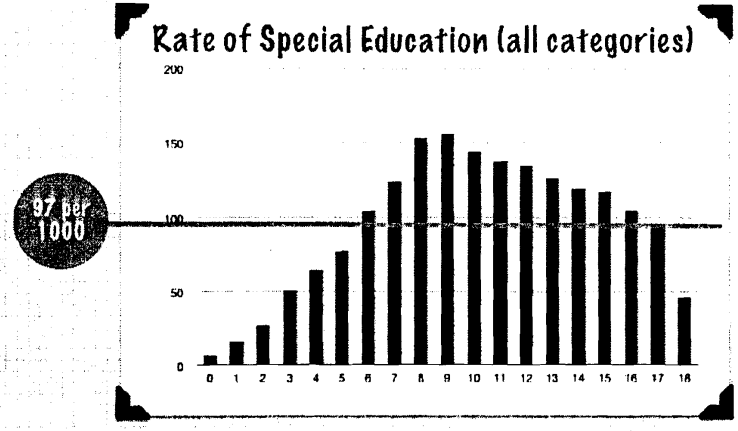
May I address any questions from the Committee?

State Wards & Special Education

Nebraska Data, 2006
Presented by Gregg Wright, M.D., M.Ed.
UNL - Center on Children, Families, and the Law
Special Education Services Task Force
September 21, 2007

NE Special Education

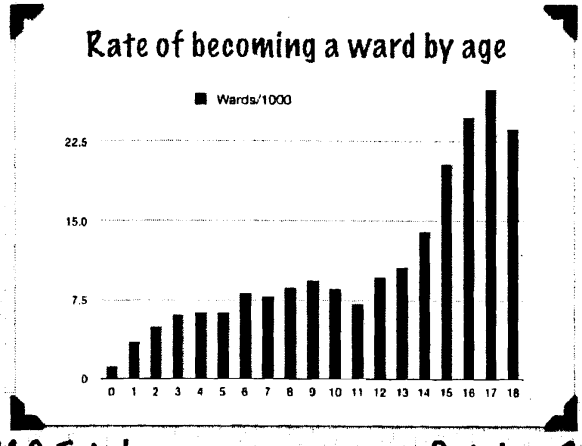
Rate per 1000 children



45,635 Total (Birth-18)

December 2006

Nebraska State Wards

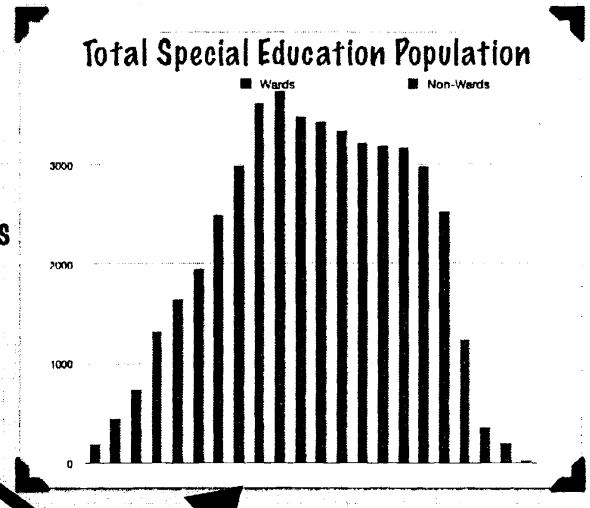


5210 Total

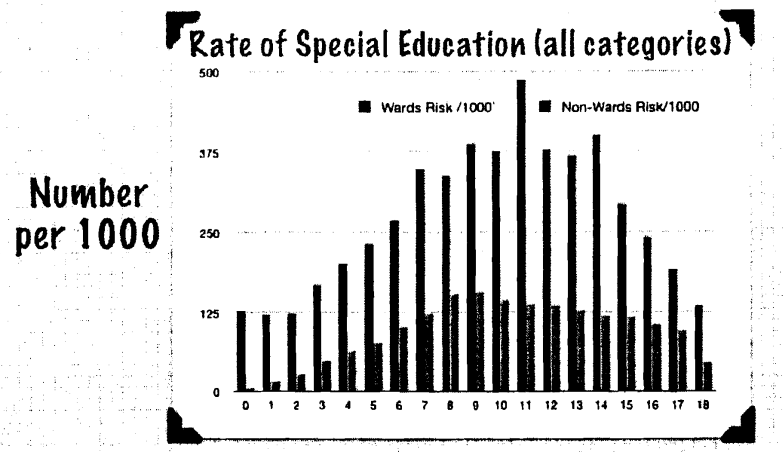
October 2006

Foster children look like a small part of special education

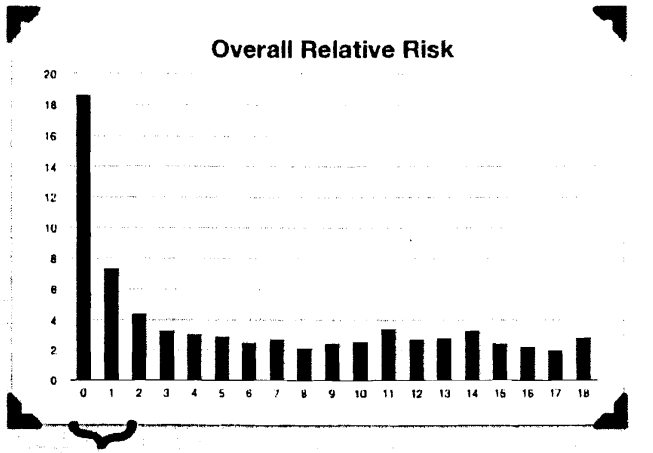
1,436 State Wards in Special Education



But the risk of special education is much higher for foster children.

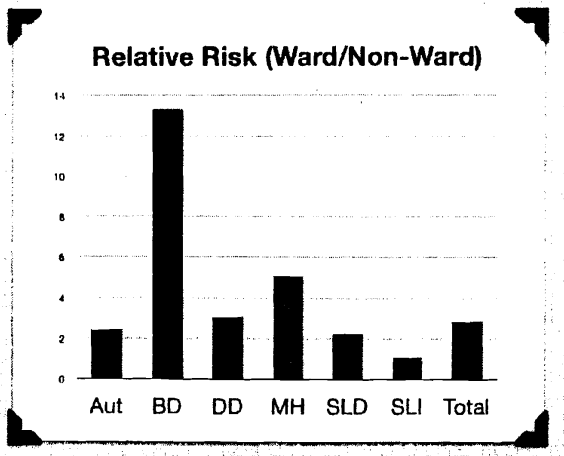


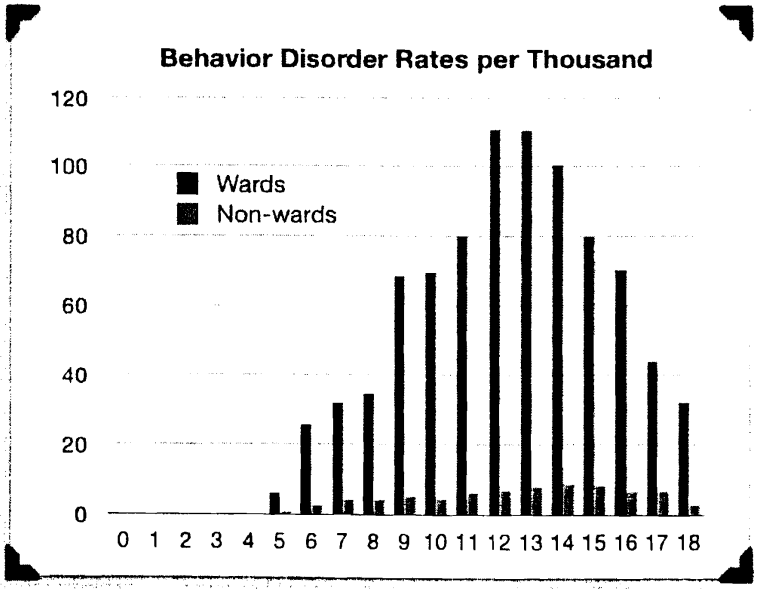
Relative risk: Foster children are between 2 and 4 times more likely to be in special education in most age groups.



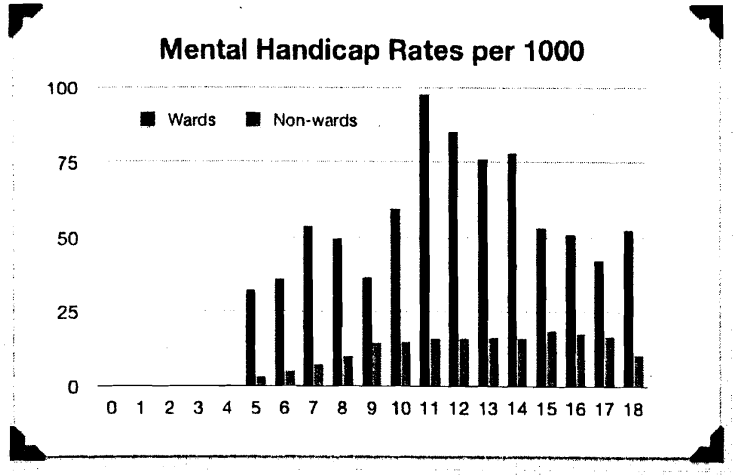
Small numbers

The relative risk is unevenly distributed.

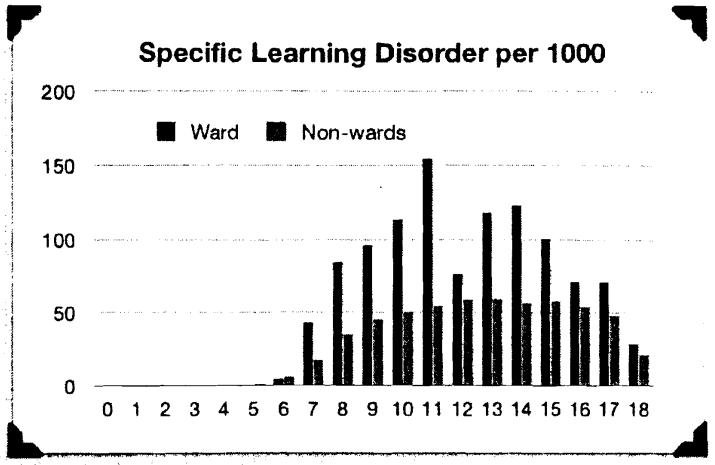




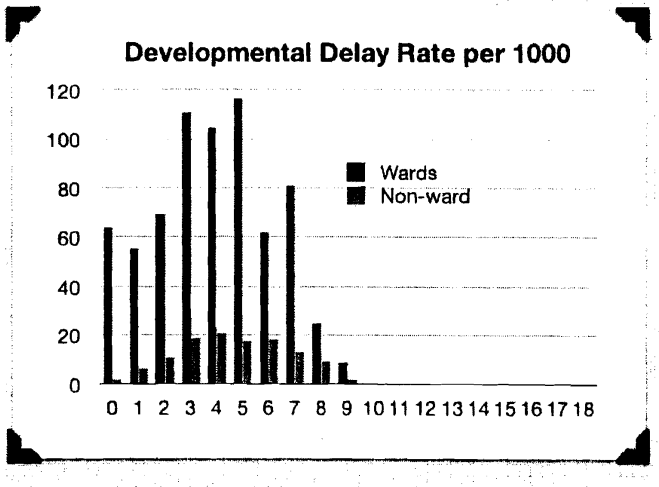
Relative risk is between 6x and 15x (13x overall)



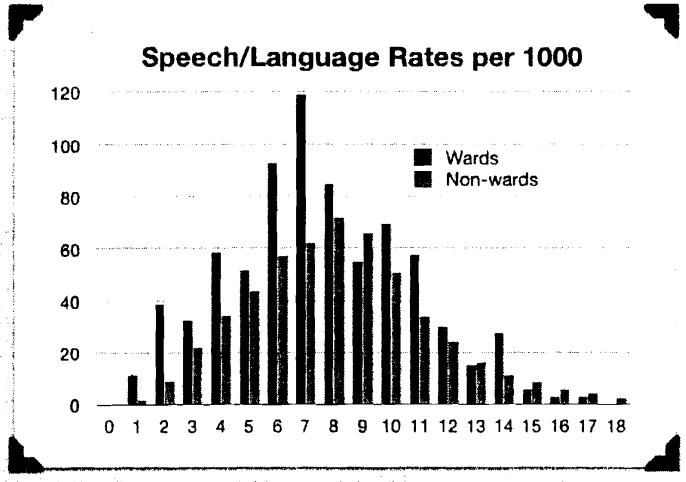
Relative risk is between 2x and 9x (5x overall)



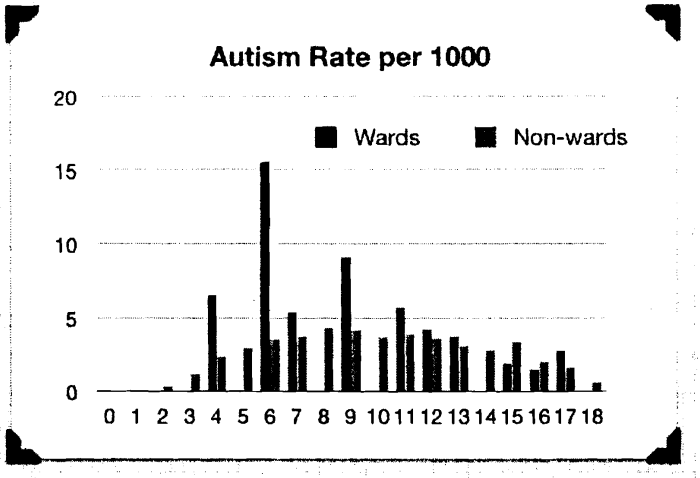
Relative risk is up to 2.8x (2.3x overall)



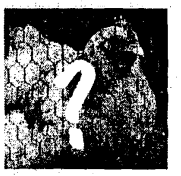
Overall 5.6x Relative Risk



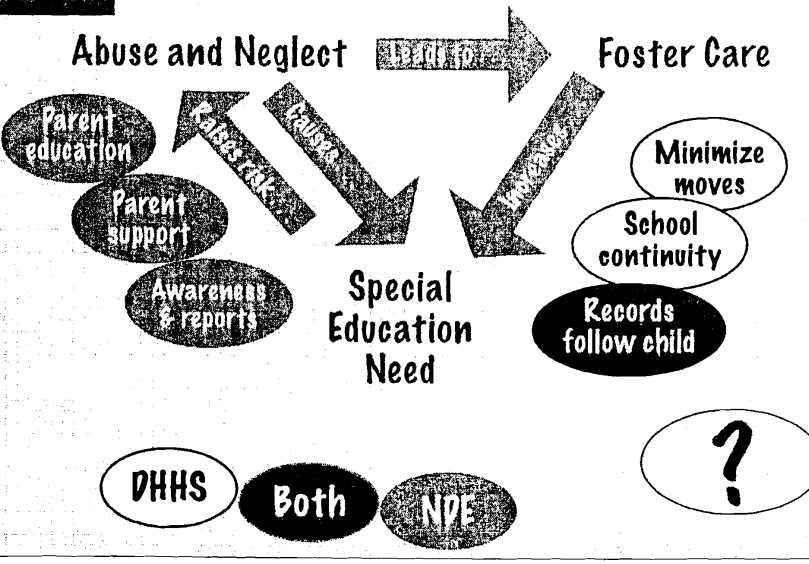
Overall 1.1x Relative Risk



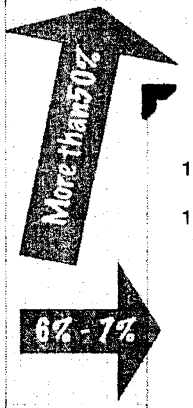
Overall 1.1x Relative Risk

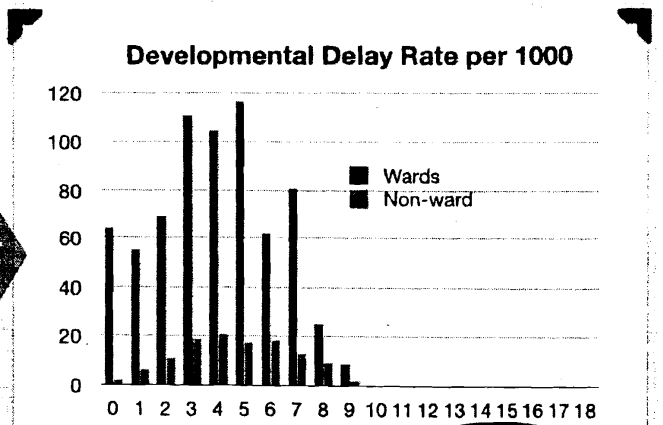


A Cycle . . .

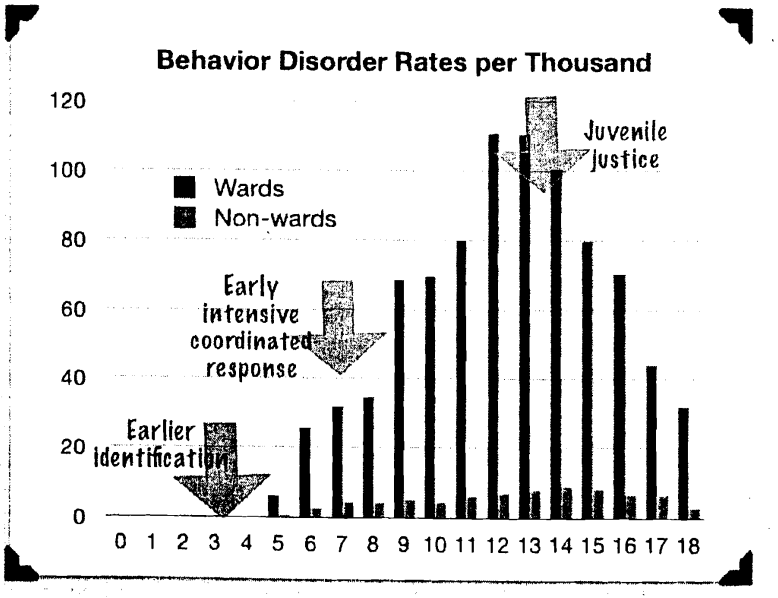


The correlation is probably not large enough!

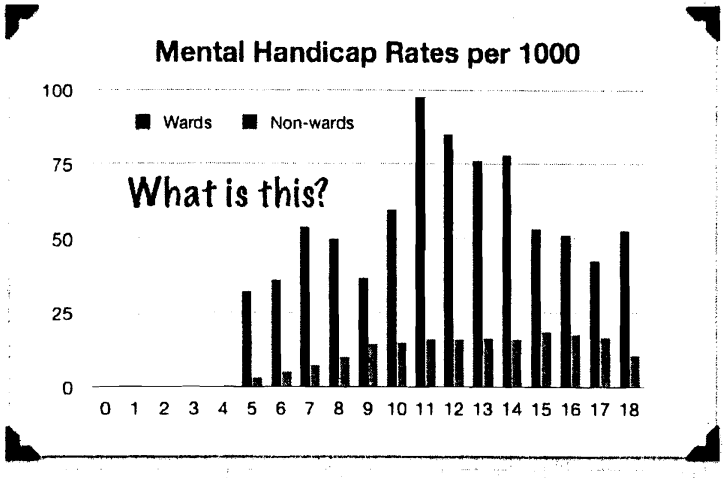




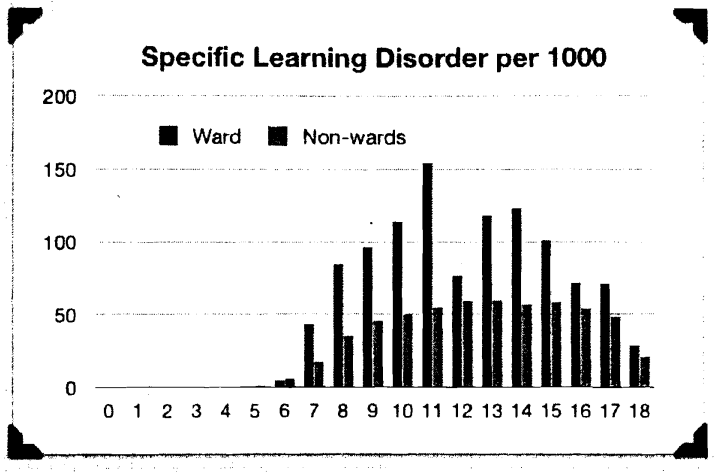
CAPTA | Better Childfind | Educate MDs/hospitals



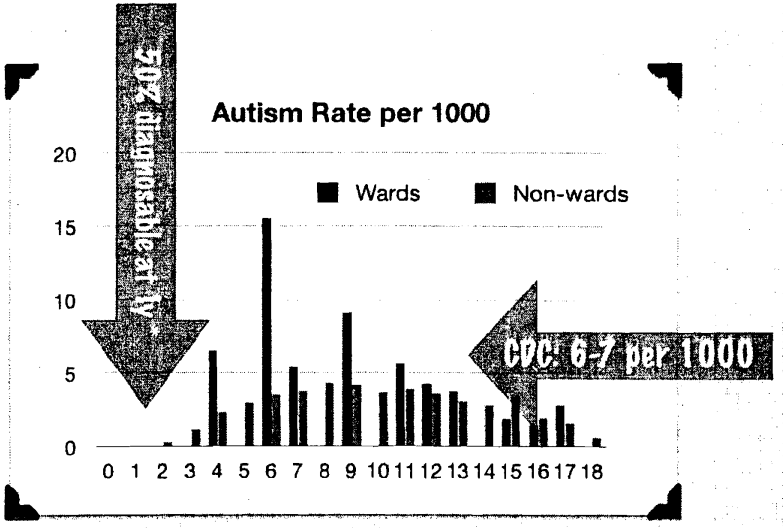
Relative risk is between 6x and 15x (1.3x overall)



Relative risk is between 2x and 9x (5x overall)



Relative risk is up to 2.8x (2.3x overall)



Overall rate of 2.5 per 1000

* Kennedy Krieger Institute

402-362-6655
402-362-6943 FAX

2918 North Delaware Ave.
York, Nebraska 68467

OFFICE OF THE SUPERINTENDENT

September 21, 2007

Re: Special Education Services Task Force/State Wards

York Public Schools served the following number of state wards over the past five years:

2007-2008: (Current year)

35 students Epworth Village (9) Other (26)

2006-2007:

41 students Epworth Village (21) Other (20)

2005-2006:

54 students: Epworth Village (26) Other (28)

2004-2005:

48 students: Epworth Village (31) Other (17)

2003-2004:

25 students: Epworth Village (16) Other (9)

Over the past five years:

203 students Epworth Village (103) Other (100)

Appendix K: Special Education Funding

- Tom Parrish, Center for Special Education Finance
  Overview of Special Education Finance Across the Nation

- Greg Prochazka, Department of Education
  Special Education Graphs
  Special Education Finance
  Program 448 – Special Education Aid Worksheet
  NDE Financial Services SPED: Reimbursement Rates

- Sandy Sostad, Legislative Fiscal Office
  Nebraska Special Education Finance
  Special Education Childcount
  Estimated Local, State and Federal Share ...
  Growth in School District Disbursements and Revenues
  Special Education Expenditures as a Percentage of Total Disbursements
  Special Education Instruction as a Percentage of Total Instruction
  School District Revenues

- Jon Sterns, Department of Health and Human Services
  Medicaid in Public Schools (MIPS)

- John Street, Nebraska Association of Special Education Supervisors
  Special Education Services Task Force

Overview of Special Education Finance Across the Nation

Nebraska Special Education Taskforce

September 21, 2007

Tom Parrish, Ed.D.

Center for Special Education Finance (CSEF)

AMERICAN INSTITUTES FOR RESEARCH®

Policy Issues in Special Education Funding

- **Why of interest?**
  - Nearly 14% of public school students are in special education
  - Spending on special education services constitutes 14% of total spending on elementary and secondary education
- **Funding formulas vary across the states**
  - Some are based on special education characteristics; others are not.

Criteria for Evaluating State Special Education Funding Formulas

- Understandable
- Equitable
- Adequate
- Predictable
- Flexible
- Identification Neutral
- Reasonable Reporting Burden
- Fiscal Accountability
- Cost-Based
- Cost Control
- Placement Neutral
- Outcome Accountability
- Connection to Regular Education Funding
- Political Acceptability

Special Education Enrollments in the U.S., 1976-77 to 2004-05

School Year	Total Public and Private Enrollment	Total Special Education Population (ages 3-21)	SE as a % of Total Pub and Private Enr	SE as a % of Total Pub Enr
76-77	49,477,966	3,691,833	7.5%	8.3%
-78	48,717,373	3,755,354	7.7%	8.6%
78-79	47,634,893	3,893,611	8.2%	9.2%
-80	46,650,712	4,010,109	8.6%	9.6%
80-81	46,208,481	4,146,424	9.0%	10.1%
-82	45,544,093	4,202,831	9.2%	10.5%
82-83	45,164,610	4,259,642	9.4%	10.8%
-84	44,967,308	4,303,630	9.6%	11.0%
84-85	44,908,252	4,320,458	9.6%	11.0%
-86	44,978,961	4,322,084	9.6%	11.0%
86-87	45,205,172	4,379,004	9.7%	11.0%
-88	45,486,581	4,413,943	9.7%	11.0%
88-89	45,429,690	4,492,643	9.9%	11.2%
-90	45,740,707	4,598,568	10.1%	11.3%
90-91	46,451,000	4,717,086	10.2%	11.4%
-92	47,322,000	4,881,041	10.3%	11.6%
92-93	48,145,000	5,042,356	10.5%	11.8%
-94	48,812,697	5,222,736	10.7%	12.0%
94-95	49,609,166	5,385,543	10.9%	12.2%
-96	50,502,481	5,580,773	11.1%	12.4%
96-97	51,375,046	5,737,600	11.2%	12.6%
-98	51,967,897	5,911,604	11.4%	12.8%
98-99	52,474,585	6,054,266	11.5%	13.0%
-00	52,876,149	6,203,147	11.7%	13.2%
00-01	53,358,219	6,303,897	11.8%	13.4%
-02	53,991,523	6,409,849	11.9%	13.4%
02-03	54,603,675	6,532,142	12.0%	13.6%
-04	54,531,711*	6,642,076	12.2%	13.8%
04-05	54,593,127*	6,726,670	12.3%	13.9%

AMERICAN INSTITUTES FOR RESEARCH

* Total enrollmen projected.

Policy Issues in Special Education Funding

Overarching SE formula goals:

- **Adequate – How much funding is needed to reach the education goals set for the state's SE students?**
- **Equitable – Are these funds being fairly distributed based on variations in student needs?**
- **Efficient – Are funds distributed to:**
  - Produce reasonable reporting burden?
  - Foster best practice?

Special Education – Federal vs State/Local Roles

- Federal IDEA is the major blueprint for special education policy and law.
- However, implementation and funding come mostly from states and localities.
- National averages mask substantial variations in implementation at the state and local level.

Estimated Share of Special Education Funds Across States

- Local share ranges from zero to 80 percent. Average: 40 percent
- State share ranges from 3 to 90 percent. Average: 50 percent
- Federal share ranges from 4 to 21 percent. Average: 10 percent

As reported by 37 states (Center for Special Education Finance Survey, 1999-2000)

Federal Special Education Funding

- **Dramatic Increases at the Federal Level: 1999-2004**
  - From $4.3 billion in FY 1999* to $10.6 billion in FY 2006, Part B funds – a 146% increase.
  - Approximately $1 billion increase annually from 2000 to 2004.
  - However, this has slowed in recent years: a $0.5 billion increase in 2005 and a decrease of $7 million in 2006

*FY 1999 represents the 1999-2000 school year

Special Education Finance
State Funding Formulas

- Funding formulas vary considerably in their general orientation as well as in the detailed provisions.
- There are five basic types of funding formulas.
- In addition, there are multiple types of allocation methods.

State Funding Formulas: Across the US in 1999-2000

- Pupil weights: 19 states
- Census-based: 10 states
- Resource-based: 7 states
- Percentage reimbursement: 7 states
- Variable block grant: 4
- Other: 3 states

State Funding Formulas: SE Funding in Nebraska

- The Nebraska system is percentage reimbursement of allowable excess costs.
- In calculating excess costs, special education students are categorized into Levels I, II, and III.

Policy Issues in Special Education Funding

- **Policy issues vary by state**
  - There is no silver bullet
  - Priorities may differ across states
- **Recent state studies on special education funding**
  - Georgia
  - North Dakota
  - Washington
  - Oregon
  - District of Columbia

State Special Education Finance Systems and Expenditures Report

- **Survey of states (1999)**
- **"Quality Counts" (2003)**
- **These State Reports contain:**
  - Descriptions of the mechanisms used by states to fund special education services for school-age children with disabilities and
  - State-reported estimates of the total amounts of spending on these services from state, local, and federal funds.

Special Education Expenditure Project (SEEP)

- **What is SEEP?**
  - *A national study of special education expenditures*
  - *The State SEEPs*
- **Who is our sponsor?**
  - *U.S. Department of Education, Office of Special Education Programs (OSEP)*
  - *A Congressionally Mandated Study*
- **What do they want to know?**
  - *Total special education spending*
  - *How funds are used*
  - *Relationship to general and total education spending*
- **What is the purpose?**
  - *Inform Congress & for reauthorization of IDEA*

Special Education Expenditure Project (SEEP) Surveys

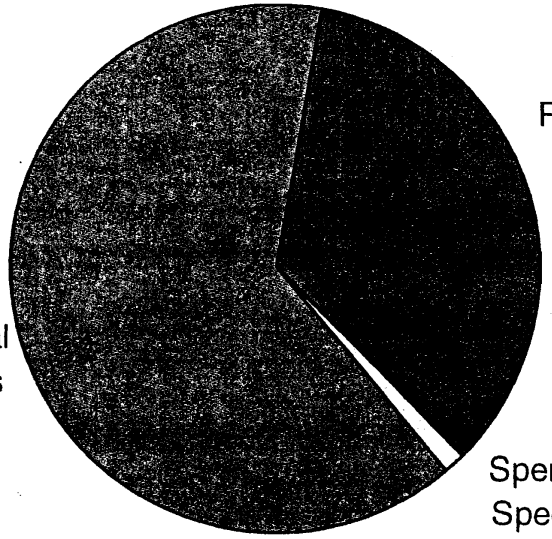
SEEP included 23 different surveys to collect data at the state, district, and school levels.

SEEP created databases from a sample of:

- 10,000 students with disabilities
- 5,000 special education teachers & related service providers
- 5,000 regular education teachers
- 1,000 schools
- 300 local education agencies

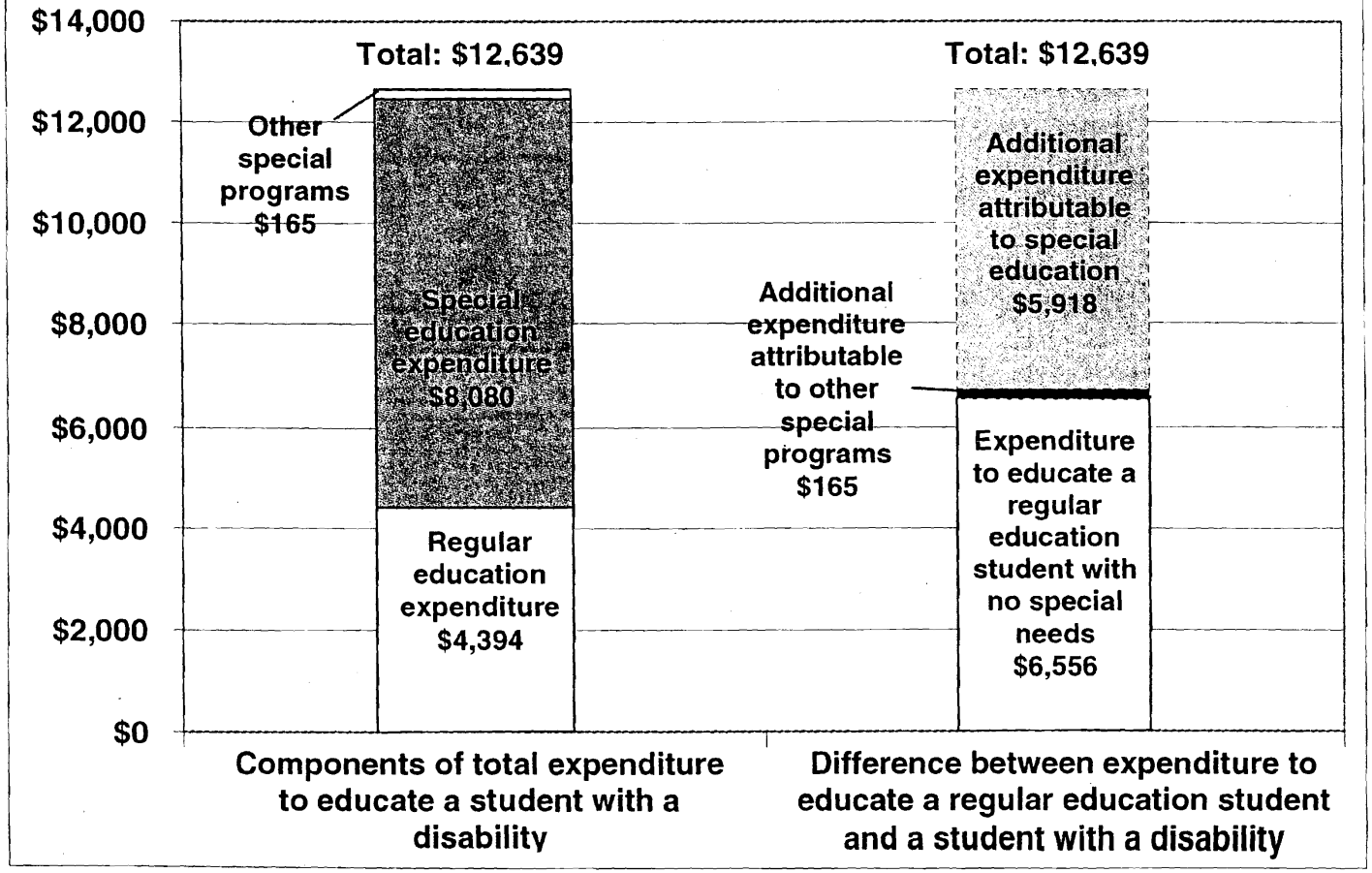
Special Education Expenditure Project (SEEP)

Total Spending On Students With Disabilities Who Are Eligible For Special Education Services in the U.S., 1999-2000



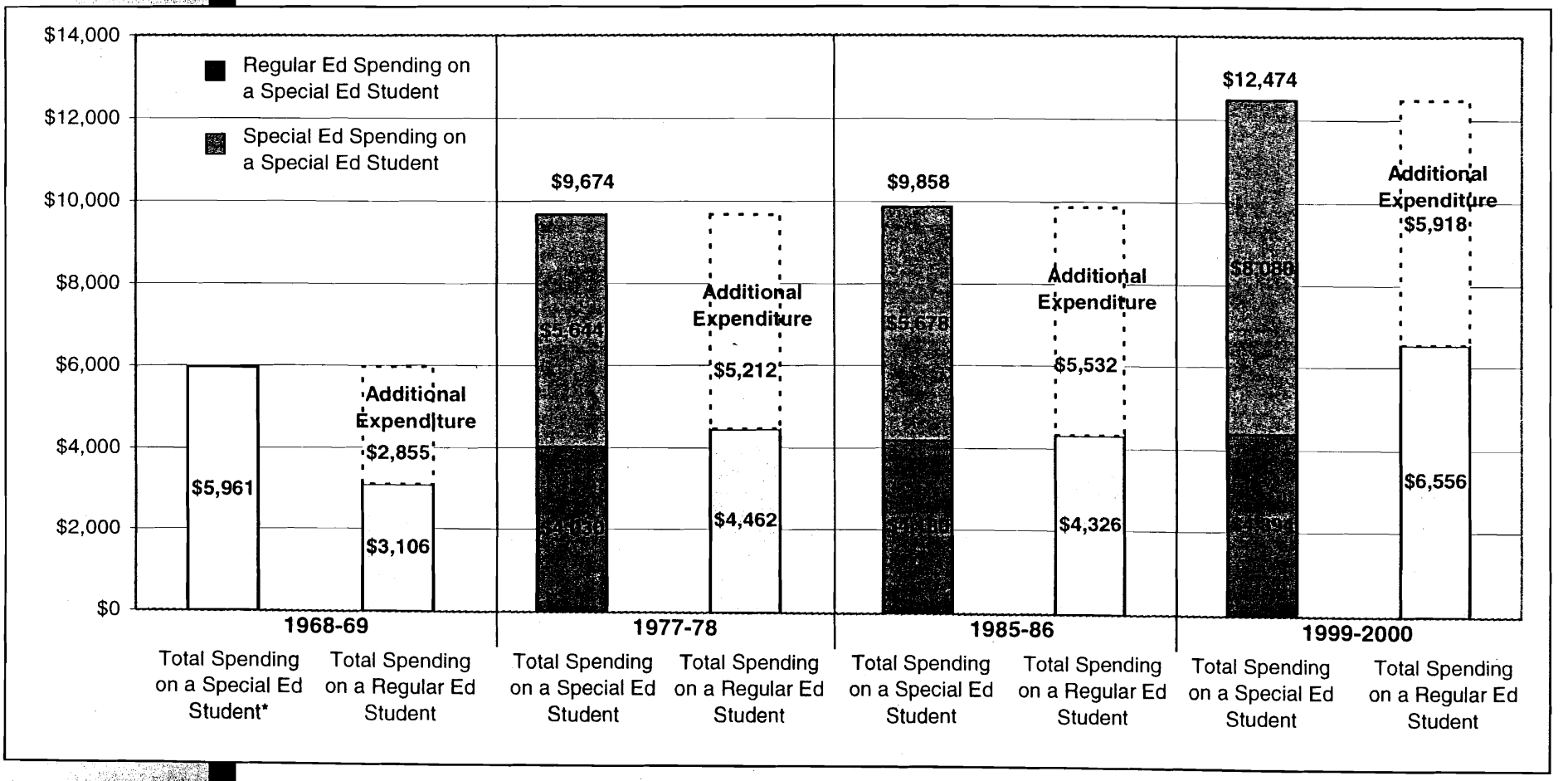
Special Education Expenditure Project (SEEP)

Calculation of Additional Expenditure on a Student With a Disability, 1999-2000

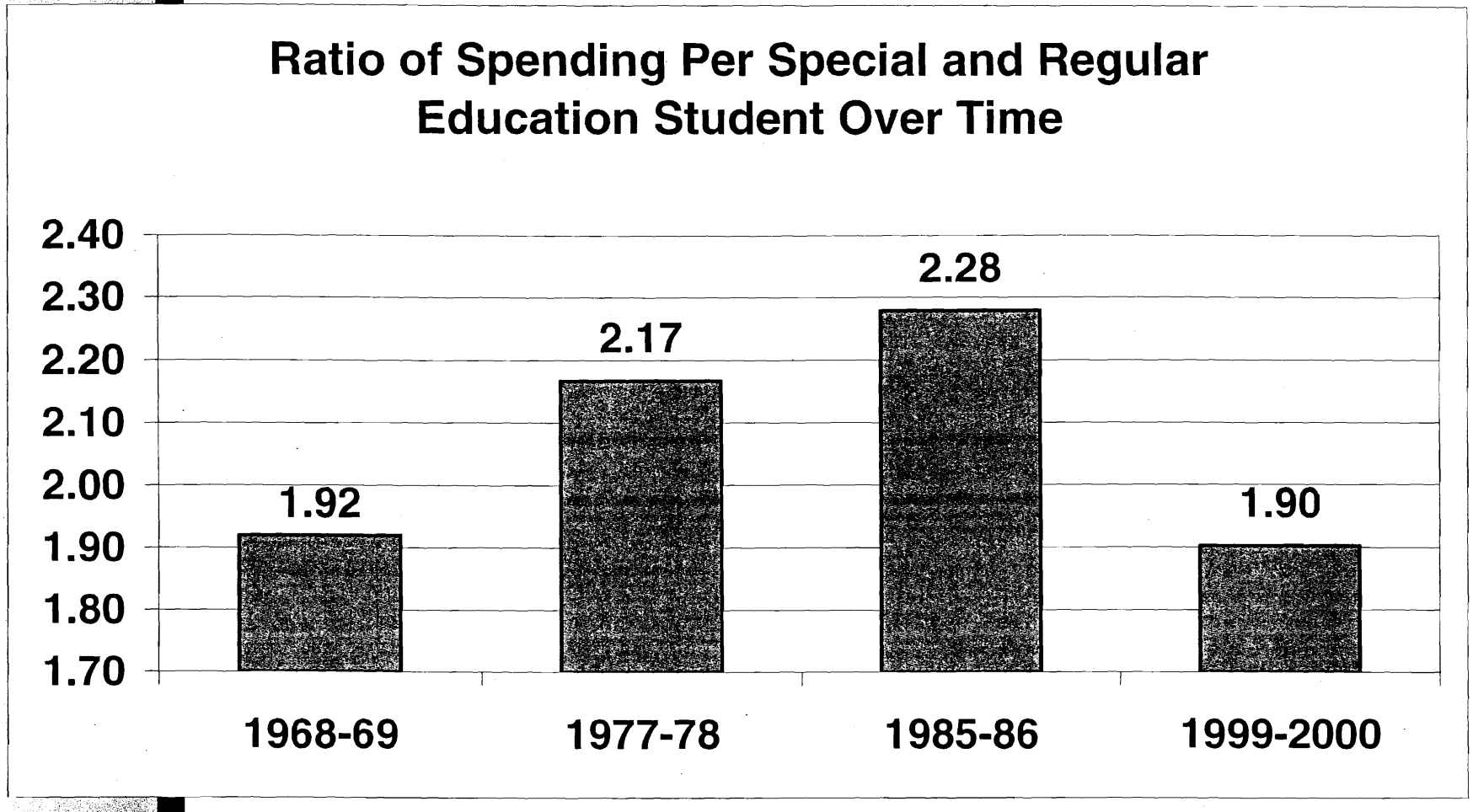


AMERICAN INSTITUTES FOR RESEARCH

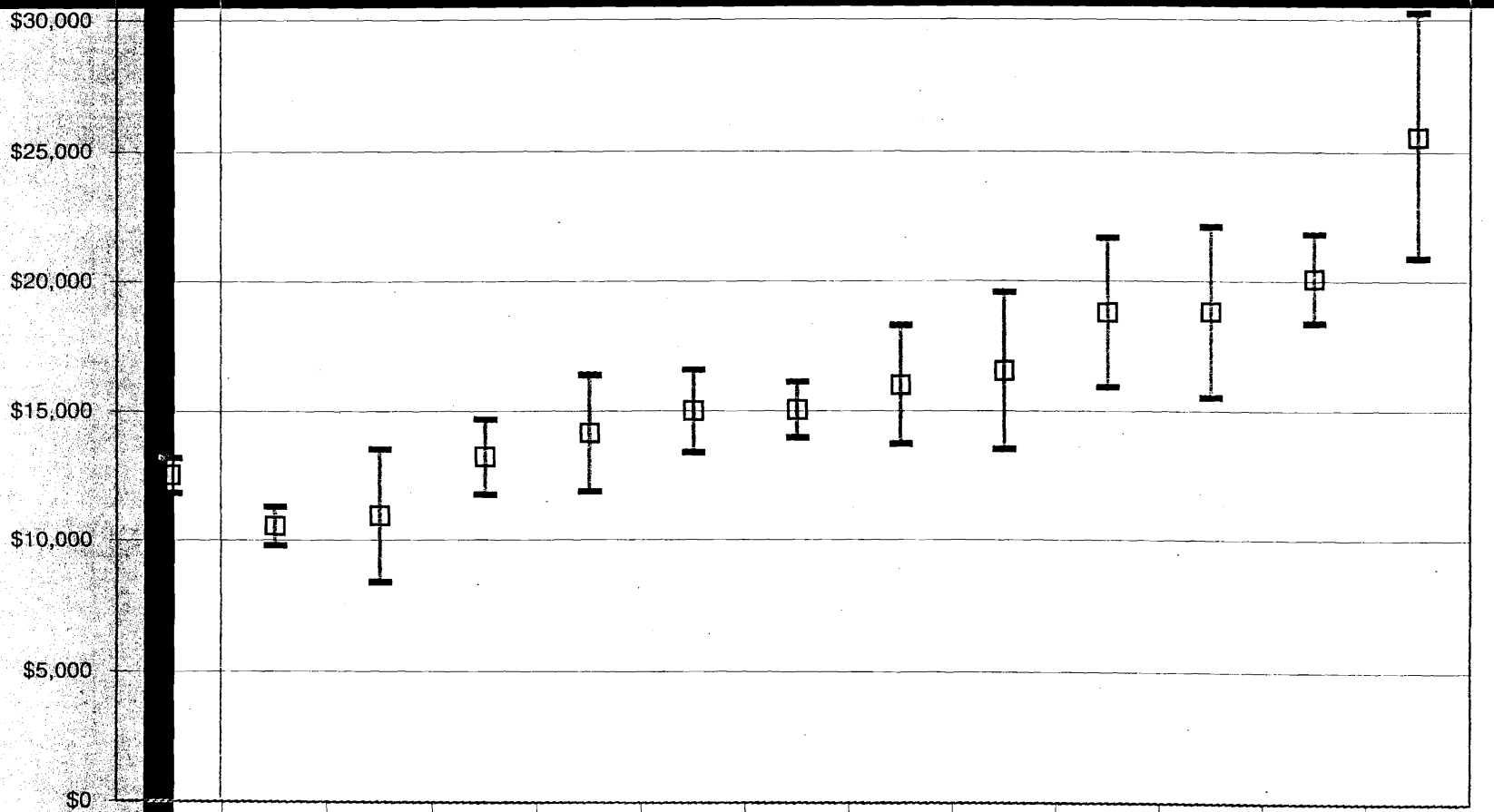
Changes Over Time in 1999-2000 Dollars



Special Education Expenditure Project (SEEP): Changes Over Time



Special Education Expenditure Project (SEEP): Average Expenditure by Disability Category



	Overall	SLD	SLI	OHI	ED	OI	MR	HI/D	TBI	AUT	VI/B	MD	NPS
upper bound	$[illegible]193	$11,309	$13,528	$14,677	$16,389	$16,588	$16,128	$18,281	$19,562	$21,671	$22,108	$21,826	$30,264
average	$[illegible]525	$10,558	$10,958	$13,229	$14,147	$14,993	$15,040	$15,992	$16,542	$18,790	$18,811	$20,095	$25,580
lower bound	$[illegible]857	$9,807	$8,388	$11,781	$11,905	$13,398	$13,952	$13,703	$13,522	$15,909	$15,514	$18,364	$20,896

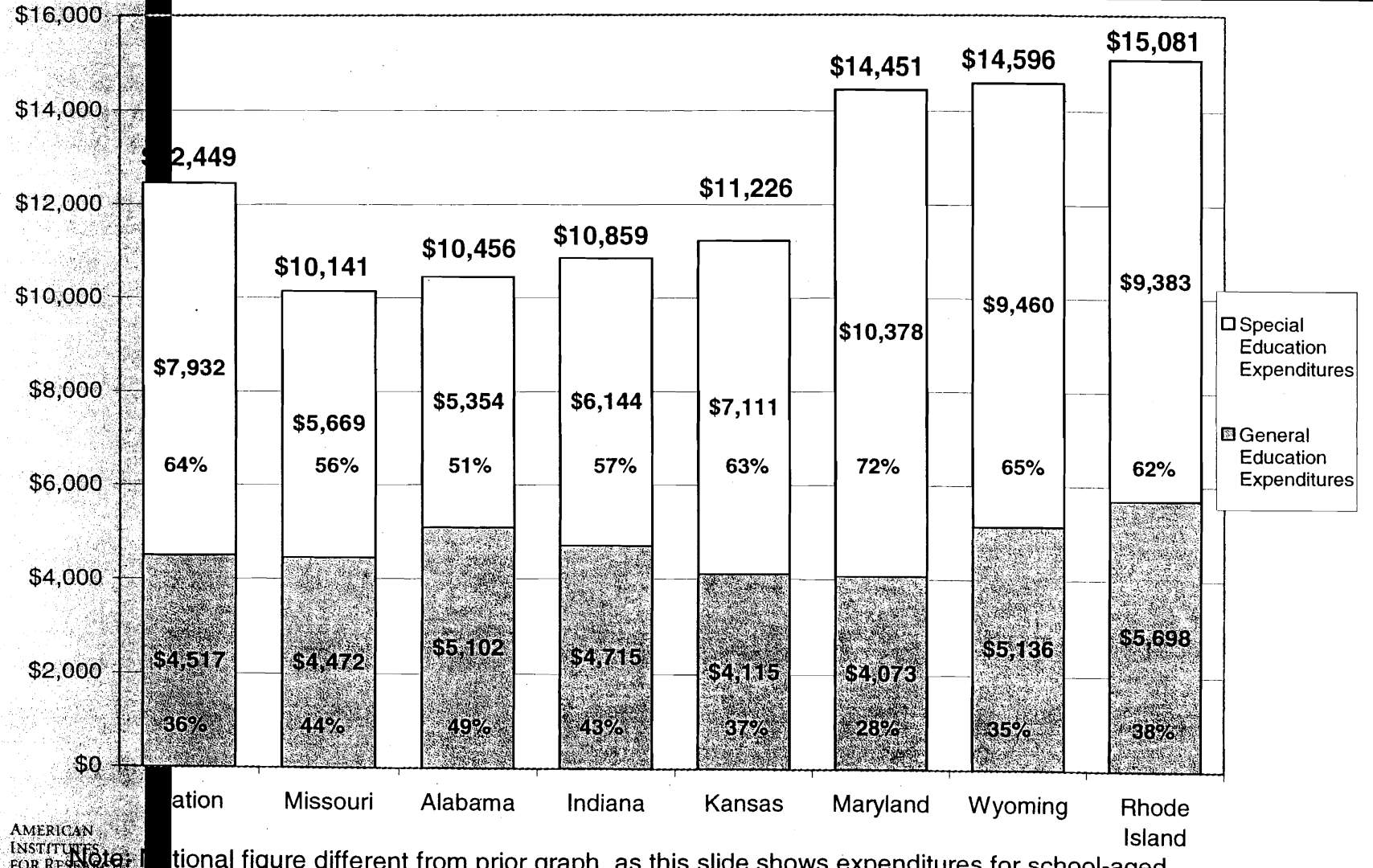
Note: The overall average expenditure ($12,525) differs from the amount in the prior slide due to excluding students served in the home or hospital.

AMERICAN INSTITUTES FOR RESEARCH

State SEEP Studies

- **All 50 states were invited to have their own SEEP study**
- **Expanded samples allow for reporting on individual state expenditures**
- **States in initial study:**
  - Alabama, Delaware, Indiana, Kansas, Missouri, New Jersey, New York, Ohio and Rhode Island
- **States/districts in second study:**
  - Maryland, Wyoming, Milwaukee Public School District

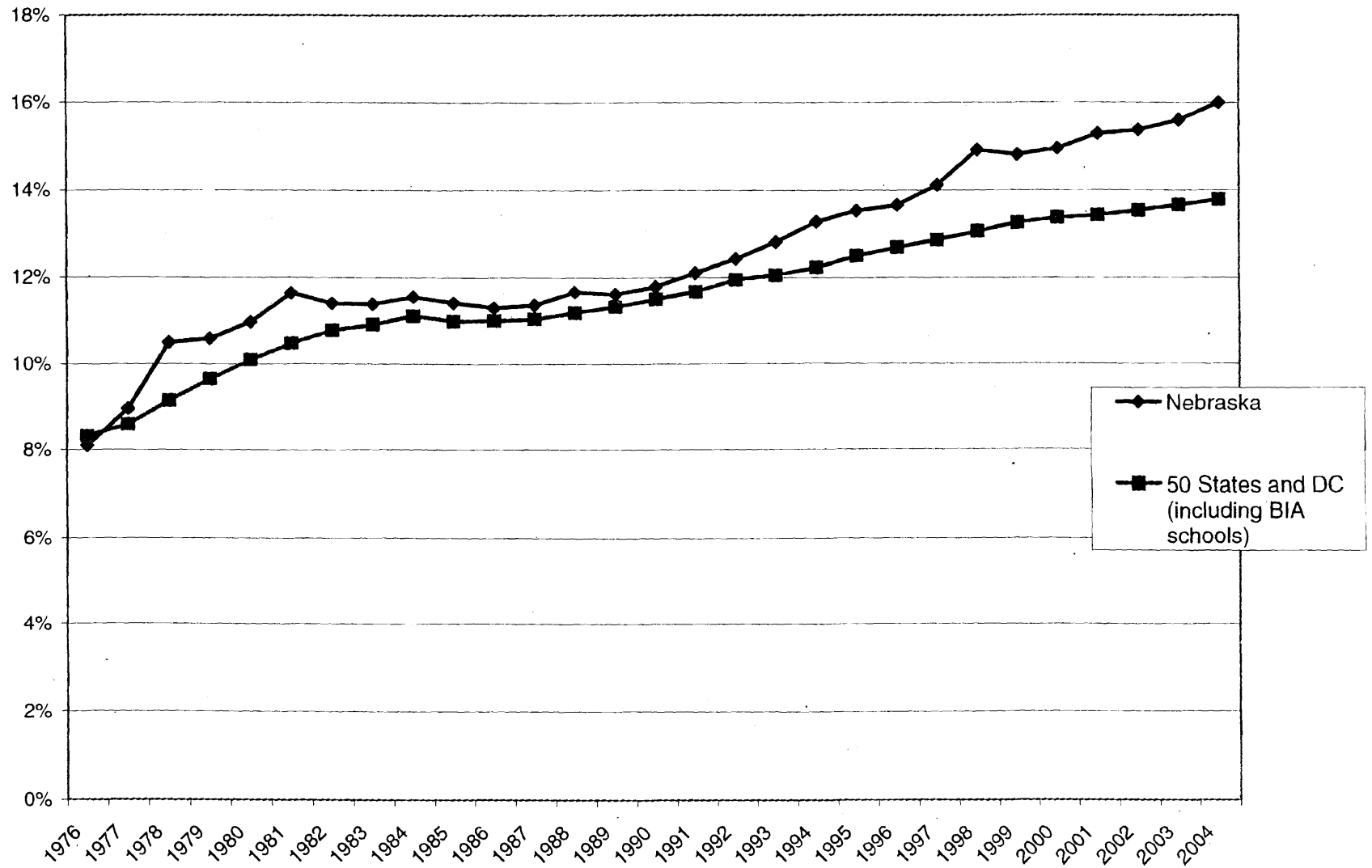
Total Expenditures for Special Education Students Across SEEP States, 1999-2000 (Ages 6-21)



Note: [illegible]tional figure different from prior graph, as this slide shows expenditures for school-aged students. Figures include Expenditures for Capital and Transportation

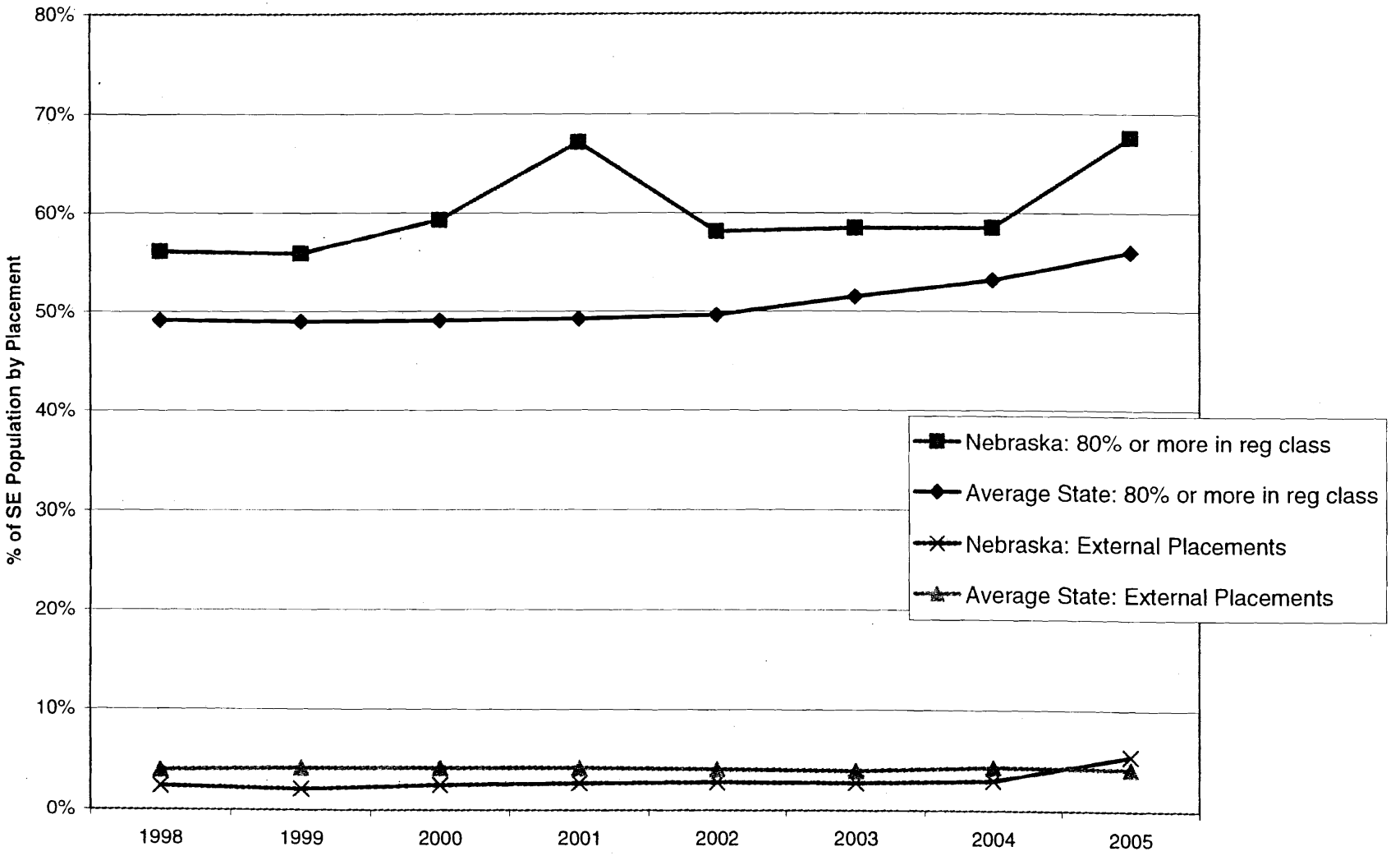
AMERICAN INSTITUTES FOR RESEARCH

SE identification rates in Nebraska and the Nation: % of Total Enrollment, 1976 - 2004



Source: From data derived from http://www.ideadata.org/docs/PartBTrendData/B1.xls.

Percentage of SE Students (ages 6 - 21) Spending Less than 20% Outside Regular Ed Classrooms and Those in External Placements, 1998 - 2005



External placements in this graph includes private and public separate day or residential facilities and home-hospital.

S ce: Longitudinal files obtained from www.IDEAdata.org

Number of SE students per FTE SE Staff, 2004-05 (based on total SE enrollment)

	SE Teachers	SE Teacher Aides*	SE Related Service Providers
50 States & DC Unweighted	16.0	18.7	39.8
50 States & DC Weighted	15.1	17.0	30.1
Nebraska	18.1	15.1	58.5

* Includes interpreters

Note: The higher numbers in Nebraska implies that the state has fewer SE teachers in relation to the nation.

Source: These ratios were calculated from IDEA personnel and child count data from www.ideadata.org; Child Count (ages 3-21) and Personnel FTE Counts from the Annual Report to Congress on the Implementation of the Individuals with Disabilities.

Index of Estimated SE Personnel Spending per Student, 2004-05, 50 States and DC

	2004-05	Index
1	New York	2.18
2	Hawaii	1.80
3	Vermont	1.63
4	New Hampshire	1.51
5	New Jersey	1.40
6	Rhode Island	1.33
7	Minnesota	1.29
8	Virginia	1.24
9	New Mexico	1.23
10	Kansas	1.17
11	Louisiana	1.12
12	Illinois	1.12
13	Iowa	1.12
14	Maine	1.08
15	Arizona	1.08
16	Maryland	1.07
17	Connecticut	1.07
18	Delaware	1.03
19	Wyoming	1.02
20	Pennsylvania	1.01
21	South Dakota	1.01
22	North Dakota	1.01
23	Massachusetts	0.99
24	Wisconsin	0.98
25	Colorado	0.97
26	Georgia	0.93
27	Alabama	0.89
28	Nevada	0.87
29	North Carolina	0.86
30	Florida	0.86
31	Kentucky	0.86
32	Missouri	0.84
33	Texas	0.82
34	West Virginia	0.82
35	Oregon	0.81
36	Michigan	0.81
37	Washington	0.81
38	Mississippi	0.81
39	California	0.79
40	Nebraska	0.79
41	Arkansas	0.79
42	Alaska	0.79
43	Ohio	0.78
44	Montana	0.74
45	District of Columbia	0.74
46	Tennessee	0.73
47	Utah	0.71
48	Indiana	0.70
49	Idaho	0.69
50	Oklahoma	0.68
51	South Carolina	0.64

Contact Information:

American Institutes for Research

Tom Parrish tparrish@air.org

AMERICAN INSTITUTES FOR RESEARCH

NEBRASKA DEPARTMENT OF EDUCATION

Douglas D. Christensen, Commissioner
Polly Feis, Deputy Commissioner

301 Centennial Mall South ▪ P.O. Box 94987 ▪ Lincoln, Nebraska 68509-4987
Telephone (Voice/TDD): 402-471-2295 ▪ Fax: 402-471-0117 ▪ www.nde.state.ne.us

RECEIVED
JUL 13 2007
LEGISLATIVE FISCAL

TO: Sandy Sostad
Legislative Council

FROM: Greg Prochazka 7/12/07
Nebraska Department of Education

RE: SPECIAL EDUCATION GRAPHS

Per our discussions I have updated the eight graphs that were previously used for a prior project a few years ago.

Statewide School Age SPED Costs Expenditures Compared to Reimbursement
Statewide Excess School Age SPED Costs Compared to Reimbursement
Statewide SEA & LEA Share of School Age SPED Costs
Statewide SEA & LEA Percentage Share of School Age SPED Costs
Statewide SEA & LEA Share of Excess School Age SPED Costs
Statewide SEA & LEA Percentage Share of Excess School Age SPED Costs
Statewide SEA & LEA Share of Allowable Excess School Age SPED Costs
Statewide SEA & LEA Percentage Share of Allowable Excess School Age SPED Costs

Note the distinction between total costs (amount districts report), excess costs (costs less per pupil costs) and allowable excess costs (costs allowable for a percentage reimbursement per NDE Rule 51).

These graphs do not reflect any IDEA federal flow-through dollars to school districts. The first priority of the IDEA school district grants is to cover the costs of Below Age Five Special Education and any remaining IDEA monies can be used by school districts to pay for School Age Special Education costs not previously reimbursed or for new/expanded services.

As noted previously, adjustments were made to Special Education expenditures reported on the Annual Finance Reports (AFR) to adjust for IDEA funding beginning in 2004-05, caution should be taken when comparing the fiscal years.

We can discuss further if you want to try to include IDEA Funding in these or new graphs.

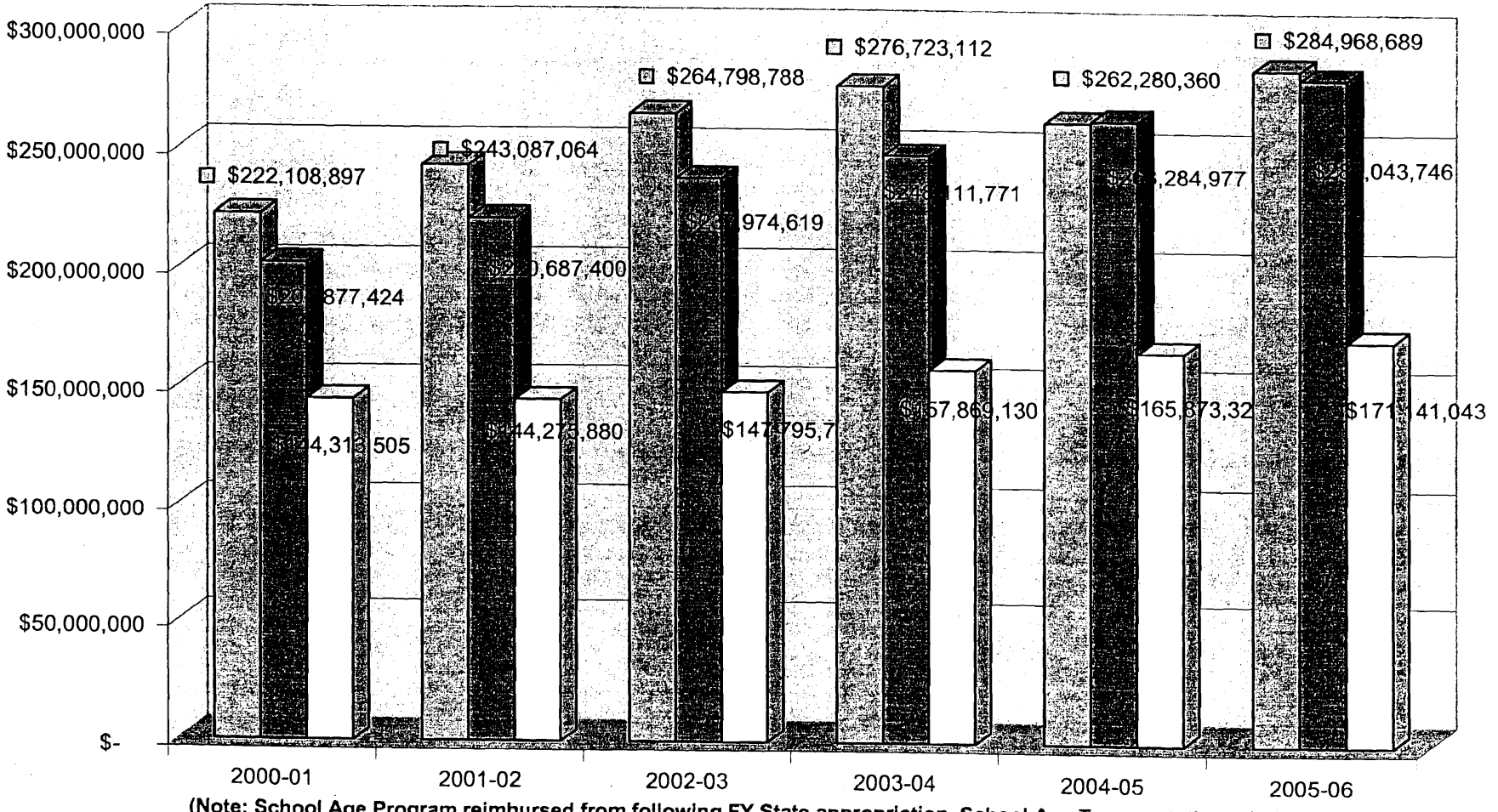
cc: Gary Sherman

State Board of Education

l Meyer ident rict 6) Highway 281 'aul, NE 68873	Kandy Imes Vice President District 7 1850 20th Street Gering, NE 69341	Robert Evnen District 1 301 South 13th Street Suite 500 Lincoln, NE 68508	Ann Mactier District 2 3811 North Post Road Omaha, NE 68112	Jim Scheer District 3 P.O. Box 16 Norfolk, NE 68702	Carole Woods Harris District 4 5404 Ellison Avenue Omaha, NE 68104	Patricia H. Timm District 5 1020 North 21st Street Beatrice, NE 68310	Joe Higgins District 8 5067 South 107th Street Omaha, NE 68127

an equal opportunity agency

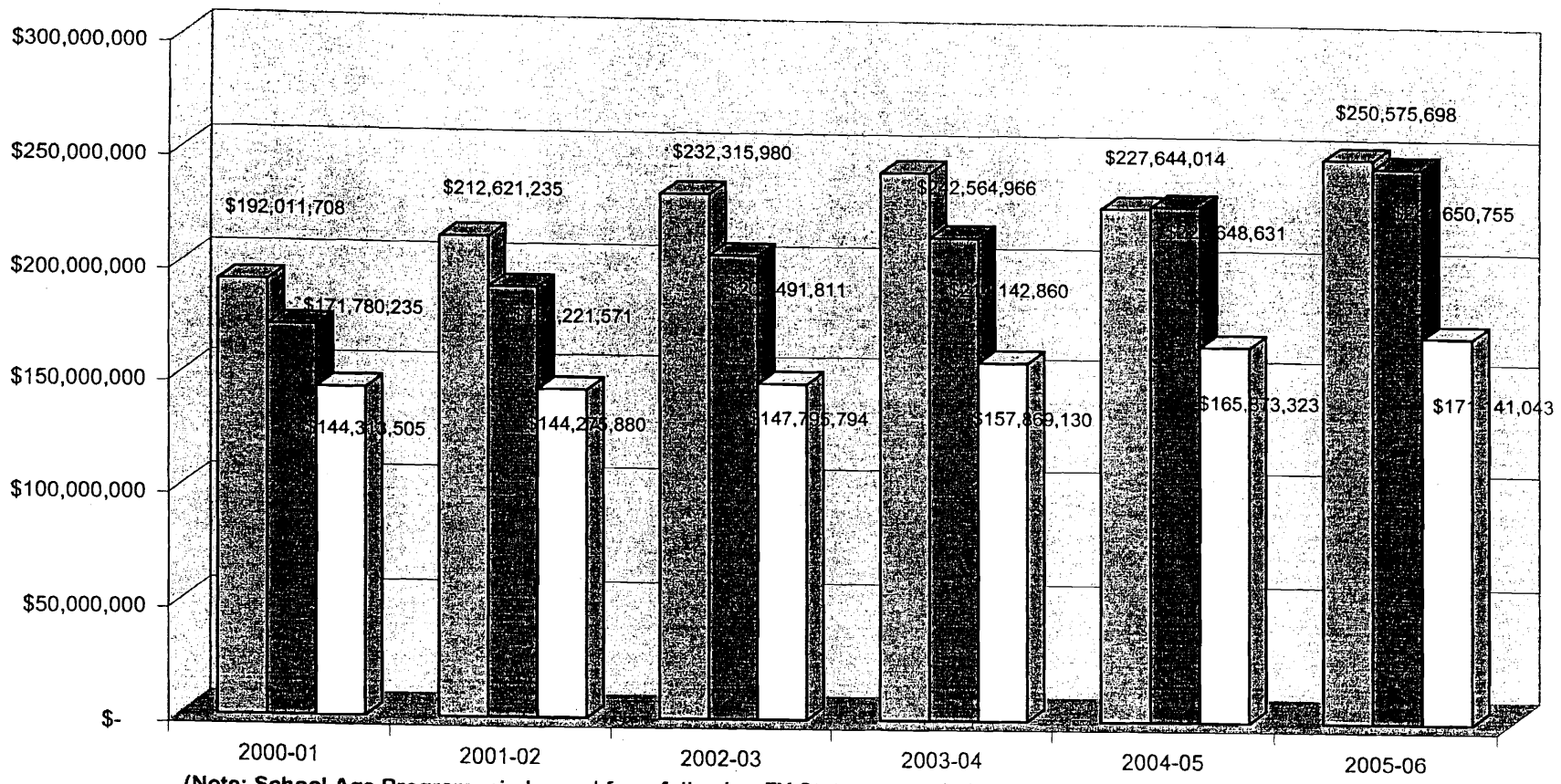
Statewide School Age Special Education Costs Compared to Reimbursement



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

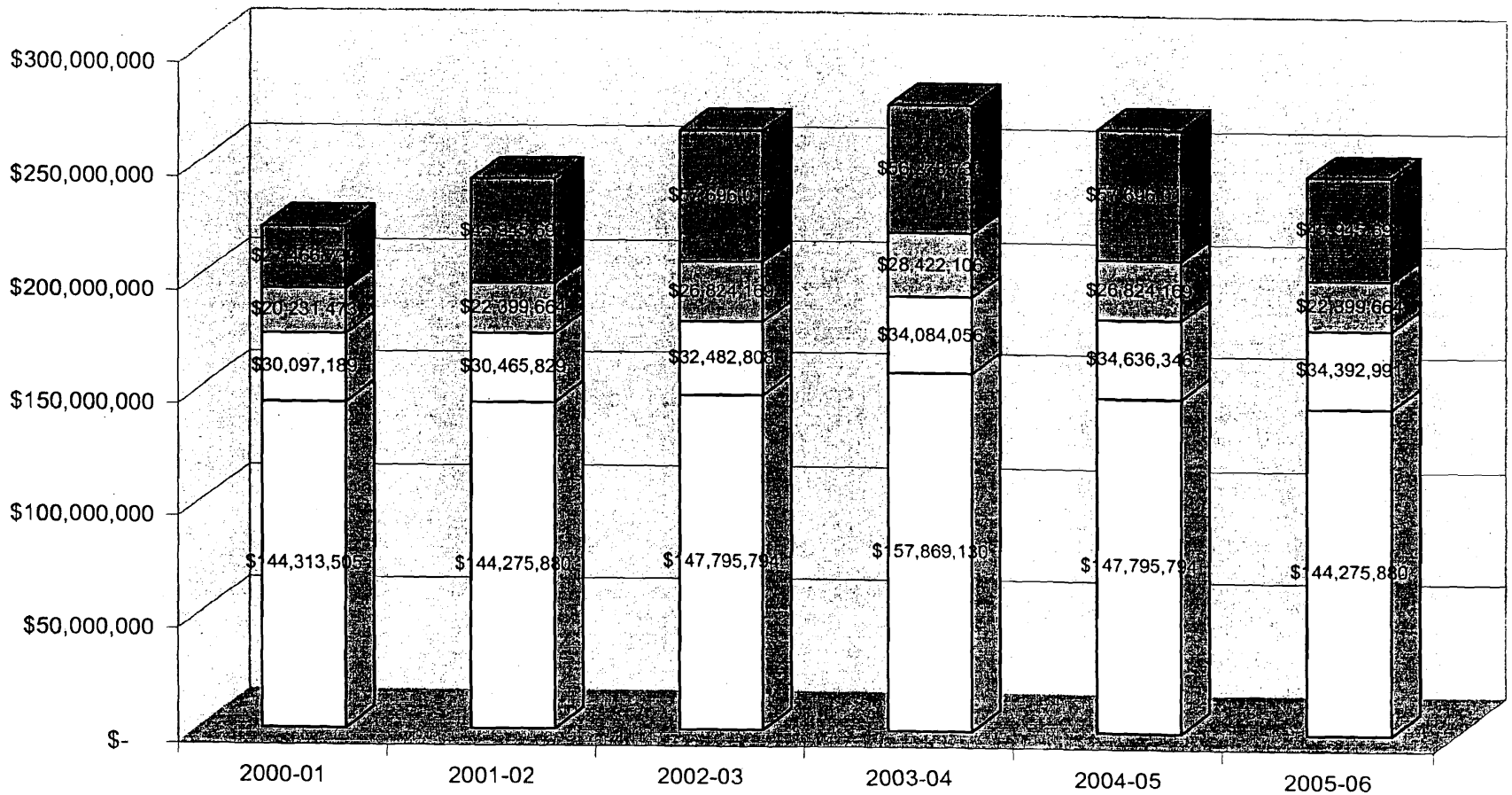
Annual Finance Report | SPED Final Financial Report | Reimbursment

Statewide Excess School Age Special Education Costs Compared to Reimbursment



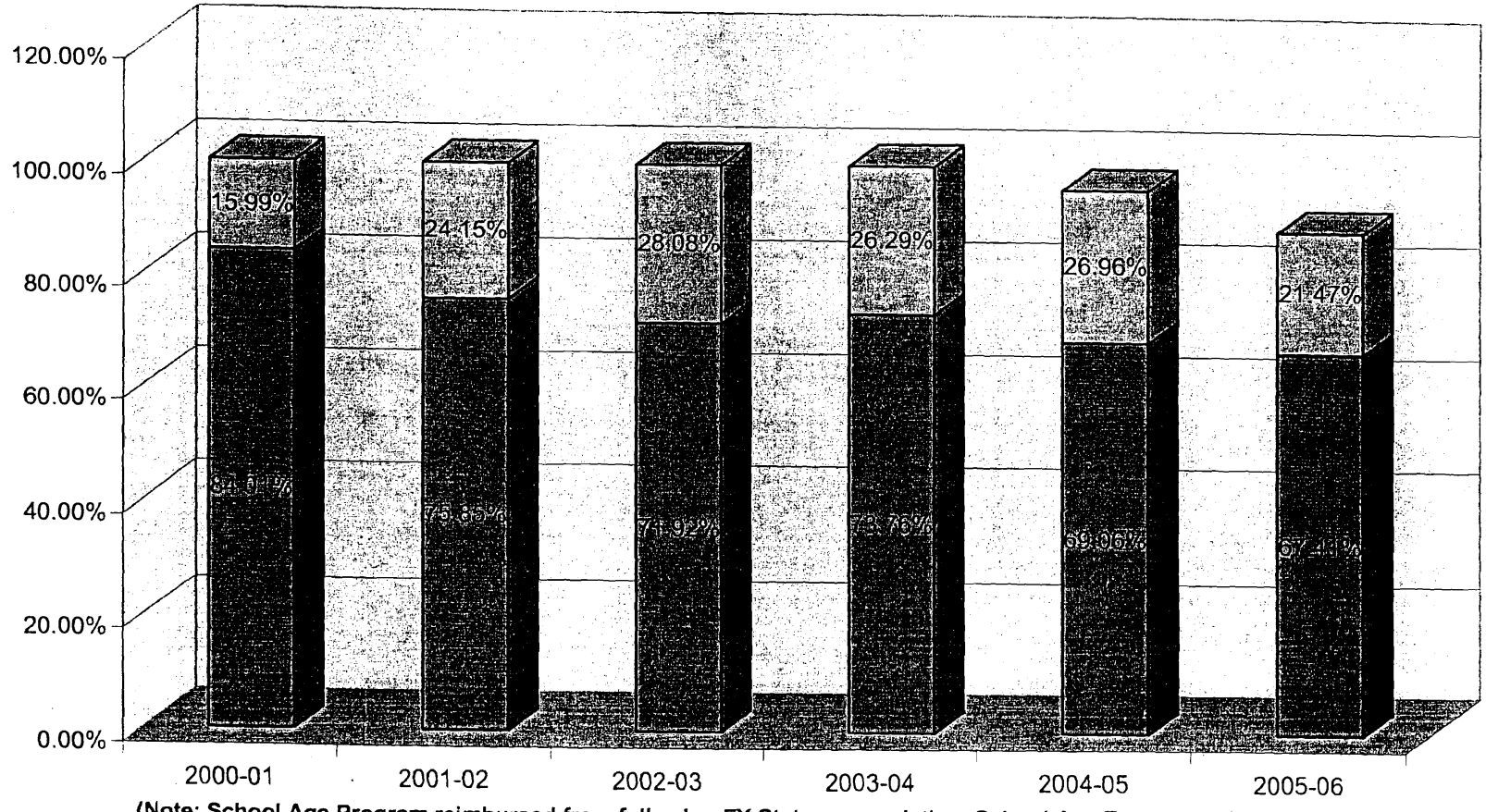
(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

Statewide SEA & LEA Share of School Age Special Education Costs



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

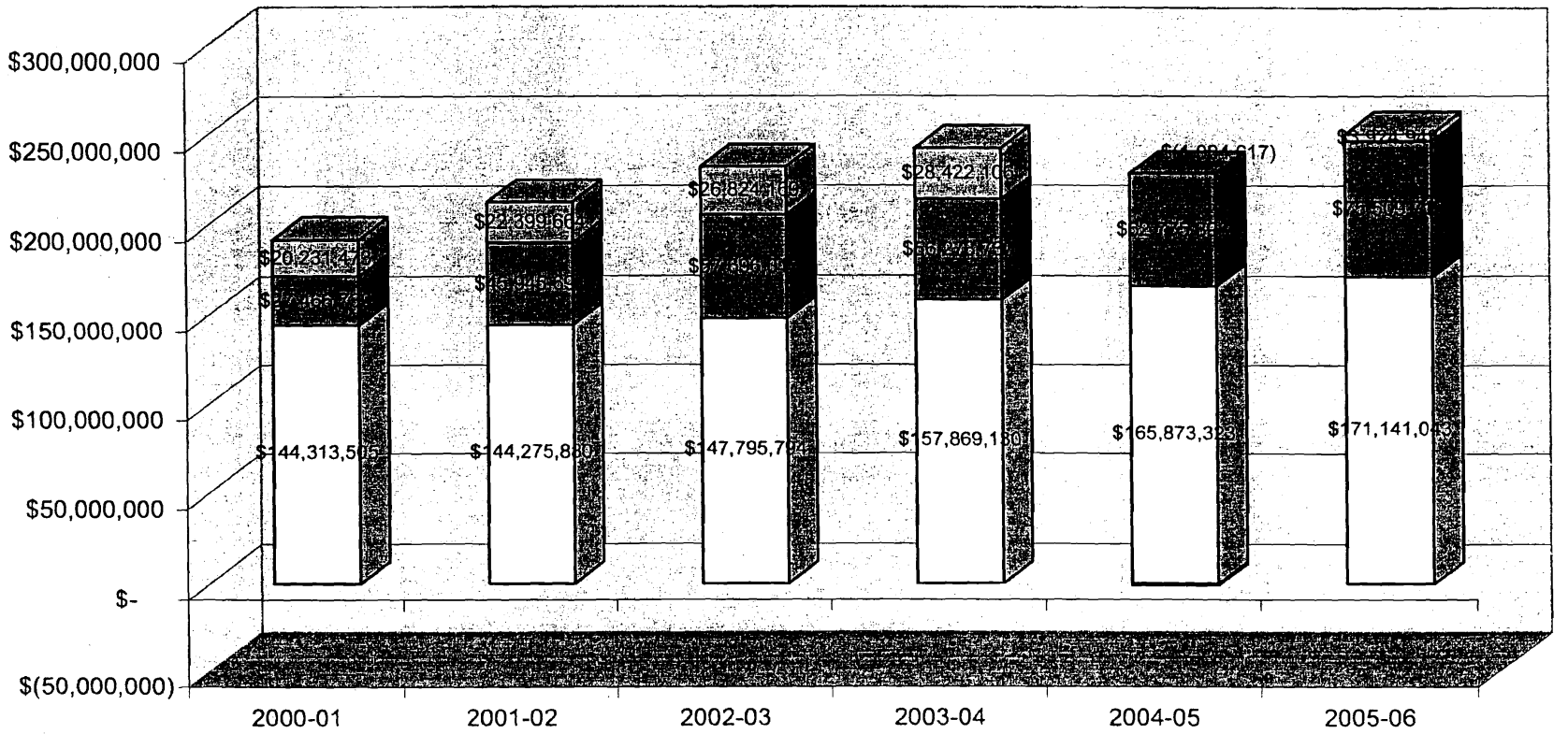
Statewide SEA & LEA Percentage Share of Allowable Excess School Age Special Education Costs



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

General Fund Reimbursement-SEA Share | District Share of Excess Costs-LEA Share

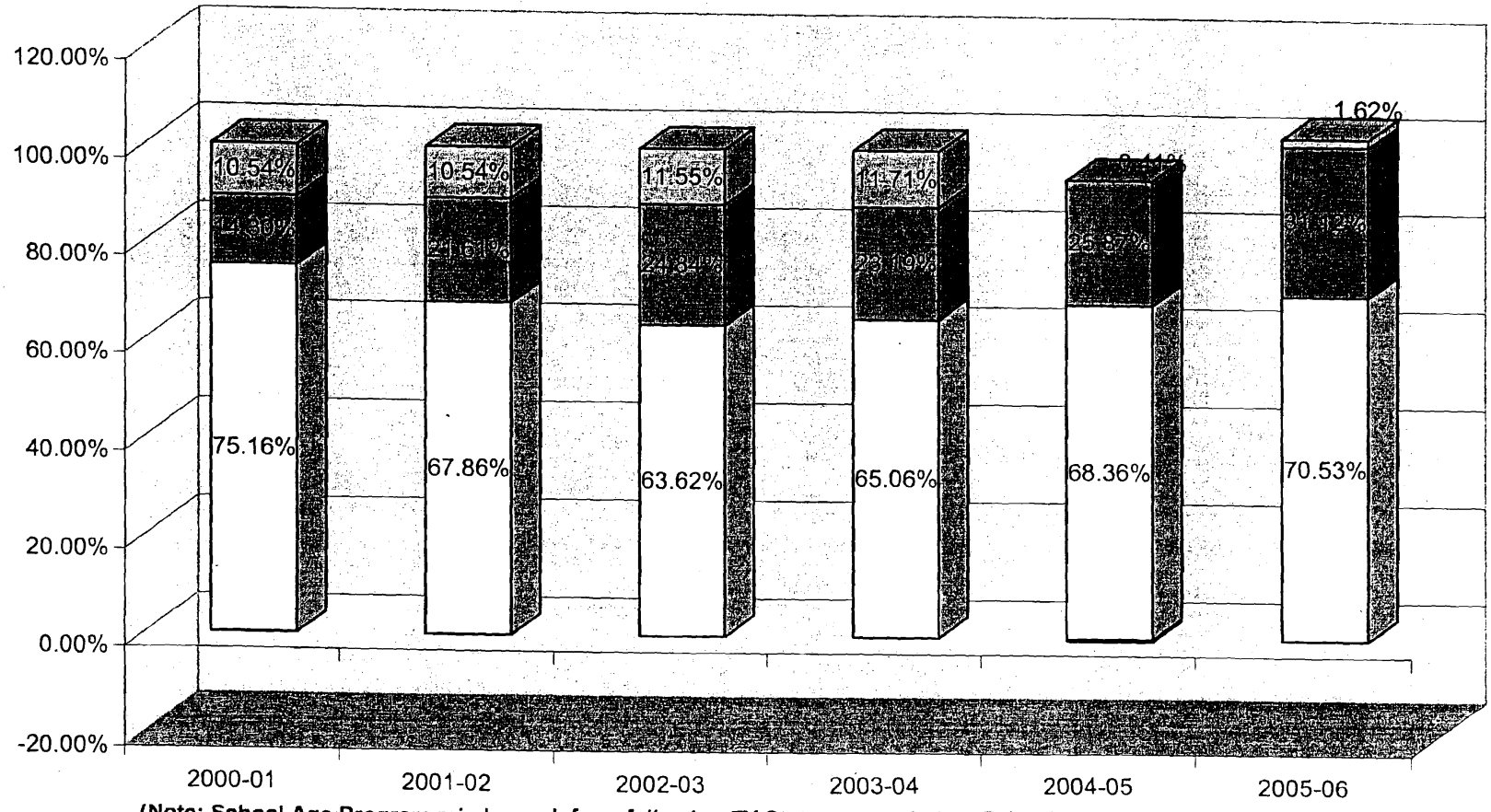
Statewide SEA & LEA Share of Excess School Age Special Education Costs



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

General Fund Reimbursement-SEA Share | District Share of Excess Costs-LEA Share | Non-reimbursable Excess Costs-LEA Share

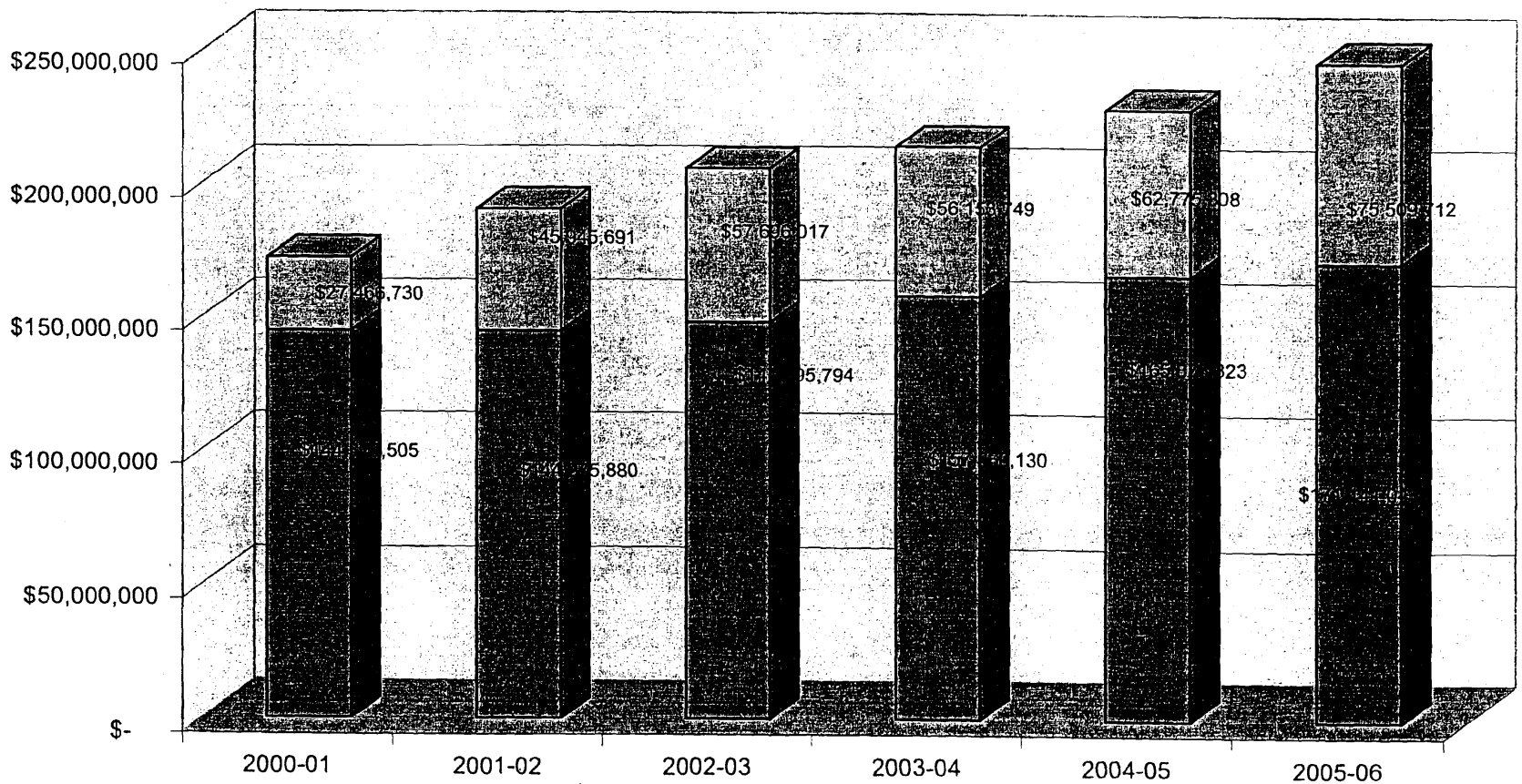
Statewide SEA & LEA Percentage Share of Excess School Age Special Education Costs



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

General Fund Reimbursement-SEA Share | District Share of Excess Costs-LEA Share | Non-reimbursable Excess Costs-LEA Share

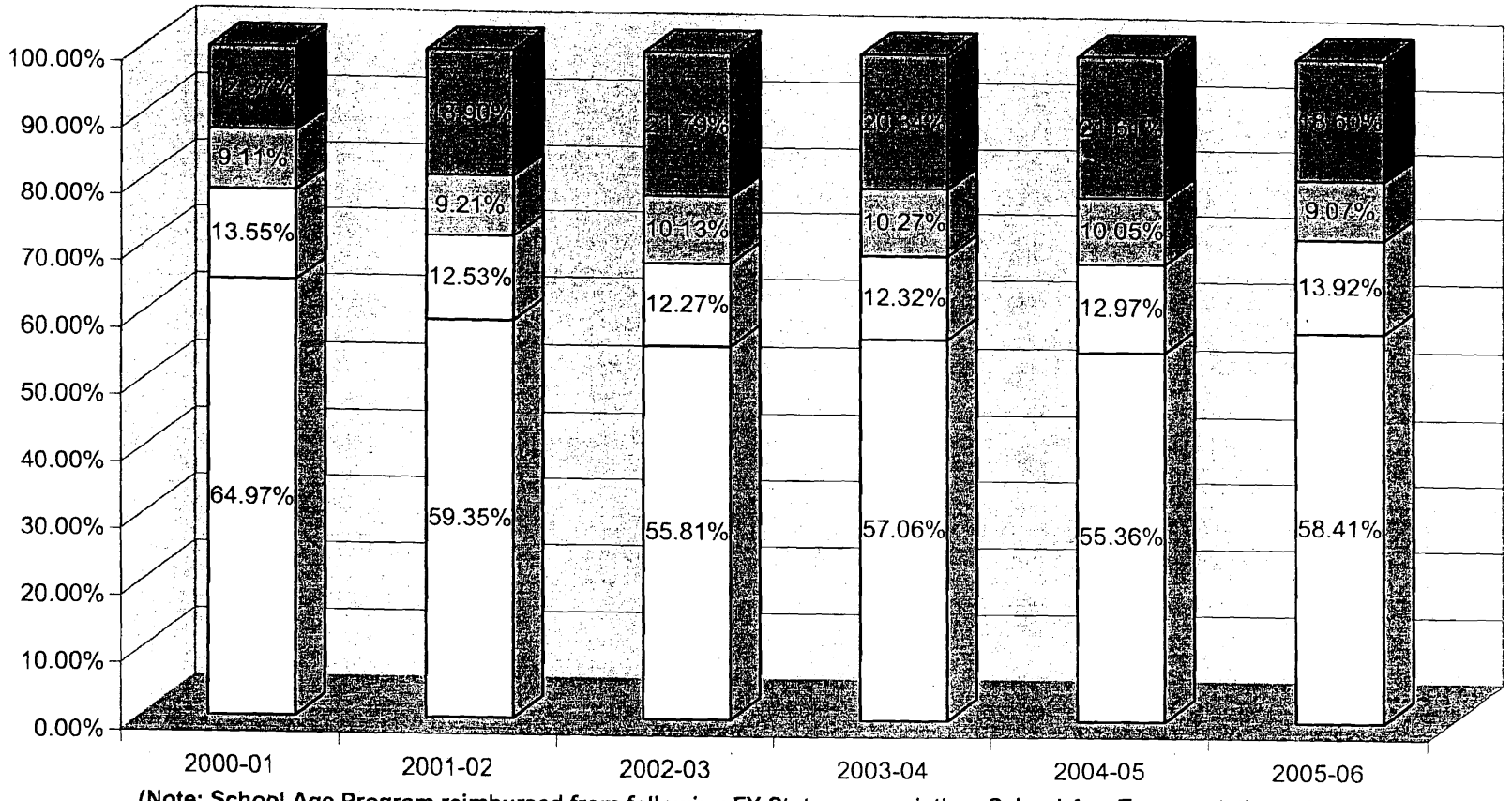
Statewide SEA & LEA Share of Allowable Excess School Age Special Education Costs



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

General Fund Reimbursement-SEA Share | District Share of Excess Costs-LEA Share

Statewide SEA & LEA Percentage Share of School Age Special Education Costs



(Note: School Age Program reimbursed from following FY State appropriation, School Age Transportation reimbursed from current FY State appropriation)

- General Fund Reimbursement-SEA Share
- Per Pupil Cost-LEA Share
- Non-reimbursable Excess Costs-LEA Share
- District Share of Excess Costs-LEA Share

SPECIAL EDUCATION FINANCE

FUNDING 2007-2008	SOURCE	PURPOSE	FORMULA	ACCESSING FUNDING/REPORTS	PAYMENTS
STATE GENERAL FUNDS $178,519,425	NEBRASKA STATE LEGISLATURE	SCHOOL AGE (5-21) SPECIAL EDUCATION PROGRAM COSTS	PERCENTAGE REIMBURSEMENT OF ALLOWABLE EXCESS COSTS (RULE 51)	FINAL FINANCIAL REPORT SUBMISSION AFTER SCHOOL YEAR END	YEAR-IN-ARREARS REIMBURSEMENT MONTHLY PAYMENTS DEC.-JUNE
		SCHOOL AGE FLEXIBLE FUNDING PROJECTS (DISTRICT OPTION)	PERCENTAGE REIMBURSEMENT OF APPROVED TOTAL PROJECT COSTS LIMITED AT 5% OF TOTAL SCHOOL AGE SPED COSTS	COMPONENT OF FINAL FINANCIAL REPORT	INCLUDED IN YEAR-IN-ARREARS MONTHLY PAYMENTS DEC. - JUNE
		SCHOOL AGE TRANSPORTATION	PERCENTAGE REIMBURSEMENT OF ALLOWABLE COSTS	1st SEMESTER & YEAR-END TRANSPORTATION CLAIMS	REIMBURSEMENT FOLLOWING REPORT SUBMISSION/APPROVAL
		RESIDENTIAL SERVICES	REIMBURSEMENT OF ALLOWABLE COSTS	MONTHLY COST REPORTS	REIMBURSEMENT FOLLOWING REPORT SUBMISSION
		BIRTH TO AGE 5 FLEXIBLE FUNDING PROJECTS (DISTRICT OPTION)	PERCENTAGE REIMBURSEMENT OF APPROVED TOTAL PROJECT COSTS LIMITED AT 5% OF TOTAL BIRTH TO AGE 5 SPED COSTS	BIRTH TO AGE FIVE FINAL FINANCIAL REPORT SUBMISSION AFTER SCHOOL YEAR END	REIMBURSEMENT FOLLOWING REPORT SUBMISSION/APPROVAL
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) LEA BASE ALLOCATION $24,115,073	FEDERAL GOVERNMENT	BIRTH TO AGE FIVE PROGRAM & TRANSPORTATION COSTS	ALLOCATION BASED ON 1997/1998 SPED STUDENT COUNT	BIRTH TO AGE FIVE FINAL FINANCIAL REPORT, 1st SEMESTER & YEAR-END TRANSPORTATION CLAIMS	ALLOCATION PAID MONTHLY PAYMENTS DEC.-JUNE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) ENROLLMENT/POVERTY (E/P) ALLOCATION $39,969,012	FEDERAL GOVERNMENT	SPECIAL EDUCATION PROGRAM & TRANSPORTATION COSTS (AGES BIRTH TO AGE 21)	ALLOCATION: 85% BASED ON PREVIOUS YEAR MEMBERSHIP 15% BASED ON PREVIOUS YEAR POVERTY	UPON ESTABLISHMENT OF MAINTENANCE-OF-EFFORT; APPLICATION TO USE ALLOCATION FOR: "EXCESS COSTS" (REIMBURSEMENT FOR ON-GOING ACTIVITIES)	"EXCESS COST" ALLOCATION PAID IN 3 PAYMENTS
				"EXPANDED COSTS" (COST OF NEW/EXPANDED ACTIVITIES); SUBMIT COST REPORTS	REIMBURSEMENT FOLLOWING REPORT SUBMISSION/APPROVAL
		EARLY INTERVENING SERVICES	DISTRICT OPTION TO USE 15% OF BASE & E/P ALLOCATION	EARLY INTERVENING SERVICES: SUBMIT COST REPORTS	REIMBURSEMENT FOLLOWING REPORT SUBMISSION/APPROVAL
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) DISCRETIONARY SUPPLEMENTAL	FEDERAL GOVERNMENT	BIRTH TO AGE 5 PROGRAM & TRANSPORTATION COSTS	EXCESS AMOUNT OF THRESHOLD % OF COSTS THAT EXCEED AVAILABLE BASE & E/P ALLOCATION	BIRTH TO AGE 5 FINAL FINANCIAL REPORT, 1st SEMESTER & YEAR-END TRANSPORTATION CLAIMS	ELIGIBLE ONLY DISTRICTS - REIMBURSEMENT FOLLOWING REPORT SUBMISSION/APPROVAL

PROGRAM 448 - Special Education Aid Worksheet

SCHOOL AGE PROGRAM (Ages 5 to 21)	03-04	04-05	05-06	06-07	07-08	08-09
1 Total General Funds Paid	135,437,337$_a$	143,687,943$_b$	150,737,547$_c$	155,757,724$_d$		
2 Estimated Payment (Request)					160,192,955$_f$	165,125,360$_f$
SCHOOL AGE TRANSPORTATION (Ages 5 to 21)						
3 General Funds Paid	14,181,179$_a$	15,135,776$_b$	15,383,321$_c$			
4 Estimated Payment (Request)				15,175,539$_d$	15,615,629$_f$	16,068,482$_f$
RESIDENTIAL SERVICES						
5 General Funds Paid	337,680$_a$	285,266$_b$	312,726$_c$			
6 Estimated Payment (Request)				13,350$_d$	100,000$_f$	100,000$_f$
Subtotals (School Age - General Funds):						
7 General Fund Aid Payments	149,956,196	159,108,985	166,433,594	170,946,613	175,908,584	181,293,842
BELOW AGE FIVE (Ages 0 to 5)						
8 Program Paid	22,025,943$_g$	22,564,941$_h$	21,221,265$_h$	21,221,265$_b$		
9 Estimated Program Payment (Request)					21,221,265$_i$	21,221,265$_i$
10 Transportation Paid	2,892,860$_g$	2,999,299$_h$	2,893,808$_h$	2,893,808$_h$		
11 Transportation Est. Payment (Request)					2,893,808$_i$	2,893,808$_i$
12 Actual/Estimate Subtotal:	24,918,803	25,564,240	24,115,073	24,115,073	24,115,073	24,115,073
13 Total IDEA Paid 0-5	24,918,803	25,564,240	24,115,073$_h$	24,115,073$_h$		
14 IDEA LEA Base Allocation					24,115,073$_j$	24,115,073$_j$
BAF Flexible Funding General Fund Paid$_k$	259,336$_a$	162,904$_b$	183,571$_c$			
16 General Fund Request$_k$				224,461$_d$	400,000$_f$	400,000$_f$
17 BAF Project General Funds Paid$_l$	65,045$_a$	64,991$_b$	65,045$_c$			
18 General Fund Request$_l$				65,045$_d$		
IDEA ENROLLMENT/POVERTY (Ages 3 to 21)						
19 IDEA Enrollment/Poverty Paid	34,886,467$_m$	36,345,274$_m$	39,490,030$_m$			
20 IDEA Enrollment/Poverty Est. Payment (Request)				45,331,004$_n$	39,969,012$_o$	38,159,900$_o$
SUMMARY (Ages 0 to 21)						
21 Total General Fund Appropriation (Request)	153,473,068$_a$	161,146,721$_b$	169,204,057$_c$	174,280,179$_d$	179,508,584$_e$	184,893,842$_e$
22 MIPS Transfer to HHS Actual/Estimate	3,192,491	1,809,787	2,521,847	3,044,060	3,200,000	3,200,000
23 Total General Funds Paid/Estimate	150,280,577	159,336,880	166,682,210	171,236,119	176,308,584	181,693,842
24 General Funds Difference between Actual and Appropriation	0$_q$	54$_q$	0$_q$	0$_p$	0$_p$	0$_p$
25 Total IDEA Funds Paid/Estimate	59,805,270	61,909,514	63,605,103	69,446,077	64,084,085	62,274,973
26 General and IDEA Funds Grand Total of Actual and/or Estimated Total Costs Ages 0-21	210,085,847	221,246,394	230,287,313	240,682,196	240,392,669	243,968,815

FFR: Final Financial Report
MIPS: Medicaid in Public Schools
IDEA: Individuals with Disabilities Education Act
BAF: Below Age Five
SEAC: Special Education Advisory Council
HHS: Nebraska Department of Health and Human Services
IDEA E/P: Enrollment/Poverty Dollars

a LB407 (2003 Legislature): Total General Fund increase limited to 5% increase over 02-03 total appropriation less MIPS program adjustment (Line 22). Minimum appropriation necessary to meet federal maintenance of efforts; reimbursement for school age programs and transportation was approximately 68%.

b LB407 (2003 Legislature): Total General Fund increase limited to 5% increase over 03-04 total appropriation less MIPS program adjustment (Line 22). Reimbursement for School Age Programs and Transportation was approximately 68%.

c LB425 (2005 Legislature): Total General Fund increase limited to 5% increase over 04-05 total appropriations less MIPS program adjustment (Line 22). Reimbursement for School Age and Transportation was approximately 67%.

d LB425 (2005 Legislature): Total General Fund increase limited to 3% increase over 05-06 total appropriation less estimated MIPS program adjustment (Line 22). Reimbursement for School Age and Transportation is estimated at 64%.

e General Fund appropriation request increase of 3% per State Statute 79-1145; $174,280,179 minimum appropriation necessary to meet federal maintenance of effort in 2007-08.

f Amounts represent estimated allocation among categories. Appropriation will be reduced by MIPS program adjustment (see Line 22).

g Below Age Five Program and Below Age Five Transportation costs represent approved claims at approximately 72% less various adjustments (i.e. 03-04 MIPS $578,283)

h Below Age Five Program and Below Age Five Transportation costs (estimated allocation for 06-07, reports due Oct. 1, 2007) represent approved claims funded by IDEA base flow through allocations, supplemental funding for eligible districts to achieve Below Age Five funding threshold, and available IDEA carryover funds.

i First priority for use of IDEA base flow through allocation remains Below Age Five. Base allocation is capped and will not increase. IDEA E/P dollars (Line 20) are to be used in addition to "base" allocation (Line 14) to achieve the annual threshold for Below Age 5 funding (at least the same percentage funding as is available through state general funds for school age services).

j Federal estimates contingent upon total amounts appropriated by Congress; Part B: $22,507,423 and Preschool: $1,607,650; grant funds which are not reflected on this worksheet will also be used for Nebraska Department of Education administration costs including due process, and operation of SEAC; discretionary projects which are not reflected on this worksheet will be funded to carry out requirements of IDEA, Parts B (including Preschool) and C; based on funds available, some discretionary dollars will be used to provide supplemental funding to achieve the annual Below Age 5 funding threshold for those districts that through a combination of "base" and "E/P" dollars cannot reach the threshold. Refer to "i".

k Below Age Five Support Services Funding (Flex Funding) per state statute 79-1142.

l State funded early childhood project (Program 444).

m IDEA funds in addition to the base year follow-through allocation (Line 13) are made available through grant payments to school districts via federal enrollment/poverty formula to assist school districts with meeting the costs of providing special education and related services; school districts must demonstrate maintenance of effort to be eligible for these IDEA funds and the funds are to be used to supplement not supplant the costs or providing special education and related services (03-04 and 04-05 includes previous grant carryover).

n Estimated balance of available IDEA Part B and Sec 619 Enrollment/Poverty funding ($38,896,371 plus previous grant carryover of estimated $6,434,633). Line 13 plus these dollars are to be used to achieve the annual threshold for Below Age 5 funding; once the annual Below Age 5 funding threshold has been achieved, any remaining funds may be used by the school district to supplement School Age and/or Below Age 5 costs not covered by state or federal payments (i.e., increase the percentage of excess costs being paid for School Age or Below Age 5) or to expand special education services (Birth to Age 21); school districts will be receiving varying percentages of excess costs.

o Federal estimates contingent upon total amounts appropriated by Congress. Refer to "n".

p General Fund balance, if any, will be used to reimburse Residential Services and prorated reimbursement of the School Age Program and School Age Transportation.

q Lapse to state general fund.

9/19/2007
4:28 PM

NDE Financial Services
SPED Reimbursement Rates

	ESTIMATE							
SCHOOL YEAR:	2006-2007	2005-2006	2004-2005	2003-2004	2002-2003	2001-2002	2000-2001	1999-2000
School Age (Paid year in arrears)	61.00%	64.01%	66.878%	68.67%	68.30%	70.98%	77.90%	81.91%
BAF	*	*	*	72.35%	82.20%	100.00%	100.00%	100.00%
SA Transportation	64.00%	65.42%	67.81%	68.84%	70.98%	78.38%	85.60%	90.59%
BAF Transportation	*	*	*	72.73%	82.00%	100.00%	100.00%	90.00%
*	Below Age Five Program and Transportation beginning in 2004-05 is funded with							
	IDEA Base and IDEA Enrollment/Poverty funds.							

Nebraska
Special Education Finance

Special education is funded through a categorical program that provides a percentage reimbursement of the allowable excess costs of the prior year program for school-age children.

Formula*
Allowable SPED Costs
(- SPED FTE x AAPC)
Excess Costs
* based on prior yr. costs/pupils

Allowable SPED Costs:
Salaries and benefits of SPED staff
Inservice costs for SPED progs.
Travel costs for delivery of SPED progs.
Instruct. equip., supplies & publications for SPED progs.
Contracted SPED services
Costs of mobile units used to deliver services
Costs for support services - flexible funding option

$$\frac{\text{Total Instruct. Exps. - SPED Instruct. Exps.}}{\text{Avg, Daily Membership}} = \textbf{AAPC}$$

	Services	
Level I	not more than 3 hrs per week	No AAPC deduction
Level II	> 3 hrs per week	Deduct proportional AAPC
Level III	> 3 hrs per week - contracted	Deduct proportional AAPC

Section 79-1145 provides that the General Funds appropriated for SPED reimbursement shall not exceed the amount appropriated in the prior fiscal year, plus 5%.

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
General Fund Appro.	132,575,807	139,204,597	146,164,827	146,164,827	153,473,068	161,146,721	169,204,057	174,280,179	179,508,584
% Inc. in Appropriation	3%	5%	5%	0%	5%	5%	5%	3%	3%
Reimbursement %*									
School-age Programs	81.91%	77.90%	70.98%	68.30%	68.67%	66.88%	64.01%	61.00%	
School-age Transp.	90.59%	85.60%	78.38%	70.98%	68.84%	67.81%	65.42%	64.00%	
Pre-school Programs	100.00%	100.00%	100.00%	82.20%	72.35%	**	**	**	
Pre-school Transp.	80.00%	100.00%	100.00%	82.00%	72.73%	**	**	**	

*School-age progs reimbursed on a year in arrears basis.
**Funded with IDEA Base & IDEA Enrollment/Poverty federal funds.

SPED expenditures that are not reimbursed through the categorical funding formula are included in the computation of cost group costs in the state aid formula.

State Aid Formula
NEEDS - RESOURCES = EQUALIZATION

NEEDS
SPED exps. are included as an allowance* in the same amount as is reimbursed by the state - so the district incurring the SPED cost is allowed to claim it as an expenditure in the formula
SPED exps. in excess of the amount reimbursed by the state are included in the computation of an average cost group cost per student which is the basis for the allocation of state aid - so these expenditures are used to determine overall aid, but are not directly attributed to districts with SPED programs

*Allowance - Special receipts allowance, includes special education, and is determined separately for each school district

RESOURCES
SPED General Fund reimburse. is a resource

BUDGET LID
Increases in SPED expenditures are an exception to the budget lid for school districts

SPECIAL EDUCATION CHILDCOUNT
Birth to Age 21

Disability	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	Change
Autism	375	461	547	660	660	838	995	1,197	822
Behav. Disorder	2,674	2,527	2,490	2,405	2,406	2,504	2,357	2,273	-401
Deaf/Blind	12	11	12	13	13	12	11	13	1
Develop. Delay	481	1,138	1,669	2,046	2,046	2,460	2,808	3,042	2,561
Hearing Impair.	694	608	717	717	717	743	713	722	28
Mental Handicap/Mild	5,037	4,763	4,706	4,560	4,560	4,538			
MH-Moderate	966	870	872	845	845	866			
MH-Severe/Prof.	218	209	197	166	167	144			
Total MH	6,221	5,842	5,775	5,571	5,572	5,548	5,333	5,101	-1,120
Multiple Impair.	415	393	397	379	379	362	361	386	-29
Other Health Impair.	3,225	3,856	3,998	4,429	4,430	5,026	5,210	5,540	2,315
Orthopedic Impair.	682	675	623	575	575	568	526	491	-191
Spec. Learn. Disab.	16,117	15,856	15,612	15,375	15,376	15,252	14,742	14,349	-1,768
Speech/Lang. Impair.	12,614	12,909	12,777	13,191	13,191	13,257	12,970	12,659	45
Traumatic Brain Injury	208	226	208	217	217	227	232	225	17
Visual Impair.	253	205	240	245	245	253	259	250	-3
TOTAL	43,971	44,707	45,065	45,823	45,827	47,050	46,517	46,248	2,277

Disability as a % of Total Disabilities

Disability	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	Change
AU	0.85%	1.03%	1.21%	1.44%	1.44%	1.78%	2.14%	2.59%	1.74%
BD	6.08%	5.65%	5.53%	5.25%	5.25%	5.32%	5.07%	4.91%	-1.17%
DB	0.03%	0.02%	0.03%	0.03%	0.03%	0.03%	0.02%	0.03%	0.00%
DD	1.09%	2.55%	3.70%	4.47%	4.46%	5.23%	6.04%	6.58%	5.48%
HI	1.58%	1.36%	1.59%	1.56%	1.56%	1.58%	1.53%	1.56%	-0.02%
MH	14.15%	13.07%	12.81%	12.16%	12.16%	11.79%	11.46%	11.03%	-3.12%
MULTI	0.94%	0.88%	0.88%	0.83%	0.83%	0.77%	0.78%	0.83%	-0.11%
OHI	7.33%	8.63%	8.87%	9.67%	9.67%	10.68%	11.20%	11.98%	4.64%
OI	1.55%	1.51%	1.38%	1.25%	1.25%	1.21%	1.13%	1.06%	-0.49%
SLD	36.65%	35.47%	34.64%	33.55%	33.55%	32.42%	31.69%	31.03%	-5.63%
SLI	28.69%	28.87%	28.35%	28.79%	28.78%	28.18%	27.88%	27.37%	-1.32%
TBI	0.47%	0.51%	0.46%	0.47%	0.47%	0.48%	0.50%	0.49%	0.01%
VI	0.58%	0.46%	0.53%	0.53%	0.53%	0.54%	0.56%	0.54%	-0.03%

SPED Membership as a % of Total Membership

Membership	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	Change
Total	331,360	329,502	327,886	327,160	326,513	326,116	326,153	326,827	-1.37%
SPED	43,971	44,707	45,065	45,823	45,827	47,050	46,517	46,248	5.18%
% of Total	13.27%	13.57%	13.74%	14.01%	14.04%	14.43%	14.26%	14.15%	6.64%

9/20/2007
Prepared by: Legislative Fiscal Office from information provided by the State Dept. of Education

Estimated Local, State and Federal Share of School Expenditures for Special Education

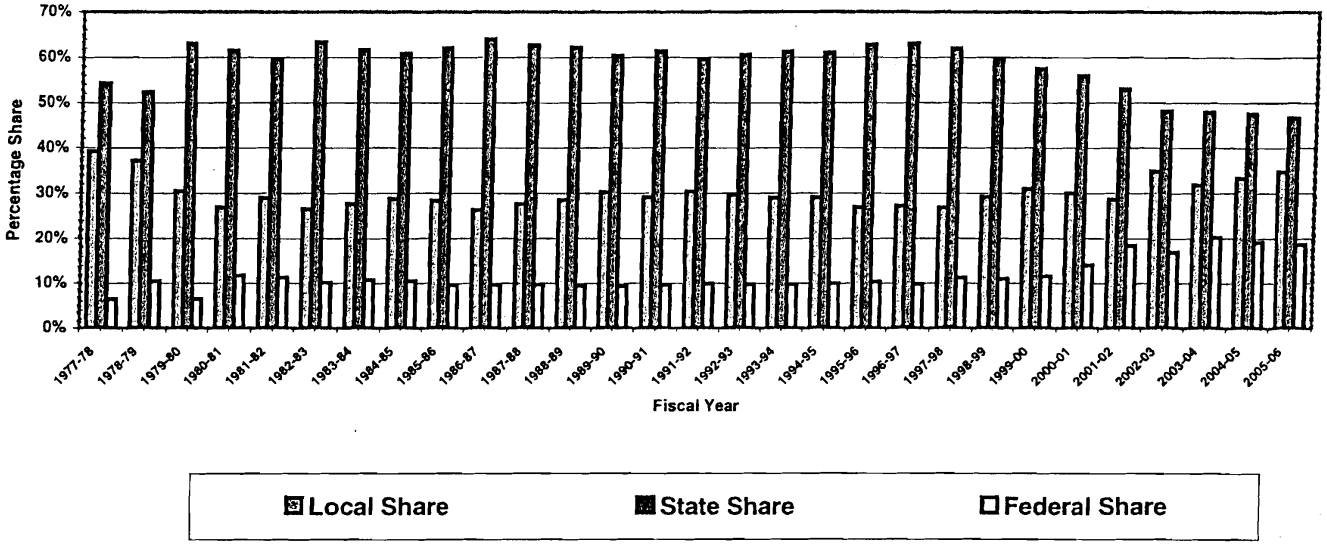
	SPED Student Count	Total SPED Budget	Local Share	%	State Share	%	Federal Share	%	% Increase Total Budget	% Change Students
1977-78	28,602	32,067,042	12,589,836	39.3%	17,417,109	54.3%	2,060,097	6.4%		
1978-79	31,145	37,552,629	13,950,808	37.2%	19,664,406	52.4%	3,937,415	10.5%	17.1%	8.9%
1979-80	28,763	45,376,757	13,840,654	30.5%	28,597,729	63.0%	2,938,374	6.5%	20.8%	-7.6%
1980-81	30,991	50,923,229	13,650,827	26.8%	31,328,090	61.5%	5,944,312	11.7%	12.2%	7.7%
1981-82	31,716	58,949,426	17,041,309	28.9%	35,257,770	59.8%	6,650,347	11.3%	15.8%	2.3%
1982-83	30,695	63,880,739	16,905,254	26.5%	40,485,218	63.4%	6,490,267	10.2%	8.4%	-3.2%
1983-84	30,450	70,381,398	19,450,119	27.6%	43,411,540	61.7%	7,519,739	10.7%	10.2%	-0.8%
1984-85	30,734	77,838,044	22,363,758	28.7%	47,313,903	60.8%	8,160,383	10.5%	10.6%	0.9%
1985-86	30,943	84,554,345	23,954,913	28.3%	52,454,880	62.0%	8,144,552	9.6%	8.6%	0.7%
1986-87	30,696	87,704,665	23,071,913	26.3%	56,137,851	64.0%	8,494,901	9.7%	3.7%	-0.8%
1987-88	31,015	93,356,852	25,800,268	27.6%	58,518,661	62.7%	9,037,923	9.7%	6.4%	1.0%
1988-89	30,358	102,869,967	29,264,121	28.4%	63,920,355	62.1%	9,685,491	9.4%	10.2%	-2.1%
1989-90	31,845	113,569,672	34,378,885	30.3%	68,557,205	60.4%	10,633,582	9.4%	10.4%	4.9%
1990-91	32,796	124,658,335	36,192,325	29.0%	76,492,886	61.4%	11,973,124	9.6%	9.8%	3.0%
1991-92	34,172	139,817,449	42,389,603	30.3%	83,552,873	59.8%	13,874,973	9.9%	12.2%	4.2%
1992-93	35,668	154,648,190	45,892,505	29.7%	93,663,865	60.6%	15,091,820	9.8%	10.6%	4.4%
1993-94	37,199	167,515,130	48,561,834	29.0%	102,520,242	61.2%	16,433,054	9.8%	8.3%	4.3%
1994-95	38,763	180,024,797	52,233,044	29.0%	109,790,088	61.0%	18,001,665	10.0%	7.5%	4.2%
1995-96	39,926	185,998,413	49,979,721	26.9%	116,796,099	62.8%	19,222,593	10.3%	3.3%	3.0%
1996-97	40,570	193,797,061	52,699,866	27.2%	122,075,715	63.0%	19,021,480	9.8%	4.2%	1.6%
1997-98	42,193	199,675,177	53,526,855	26.8%	123,630,894	61.9%	22,517,428	11.3%	3.0%	4.0%
1998-99	44,554	212,482,532	61,999,110	29.2%	127,117,099	59.8%	23,366,323	11.0%	6.4%	5.6%
1999-00	43,971	227,588,804	70,480,640	31.0%	130,864,641	57.5%	26,243,523	11.5%	7.1%	-1.3%
2000-01	44,707	245,540,504	73,648,698	30.0%	137,342,772	55.9%	34,549,034	14.1%	7.9%	1.7%
2001-02	45,065	272,024,613	77,897,252	28.6%	144,216,282	53.0%	49,911,079	18.3%	10.8%	0.8%
2002-03	45,823	299,808,307	104,663,233	34.9%	144,389,192	48.2%	50,755,882	16.9%	10.2%	1.7%
2003-04	45,827	313,459,324	99,764,511	31.8%	150,280,577	47.9%	63,414,236	20.2%	4.6%	0.0%
2004-05	47,050	334,942,779	111,650,503	33.3%	159,336,880	47.6%	63,955,396	19.1%	6.9%	2.7%
2005-06	46,517	357,179,881	124,041,735	34.7%	166,682,210	46.7%	66,455,936	18.6%	6.6%	-1.1%
2006-07 est.	45,248	380,753,753	136,630,386	35.9%	171,236,119	45.0%	72,887,248	19.1%	6.6%	-2.7%
2007-08 est.	45,700	405,883,501	153,251,267	37.8%	176,308,584	43.4%	76,323,650	18.8%	6.6%	1.0%
2008-09 est.	46,157	432,671,812	171,241,156	39.6%	181,693,842	42.0%	79,736,814	18.4%	6.6%	1.0%

Impact of 3% Cap on Growth

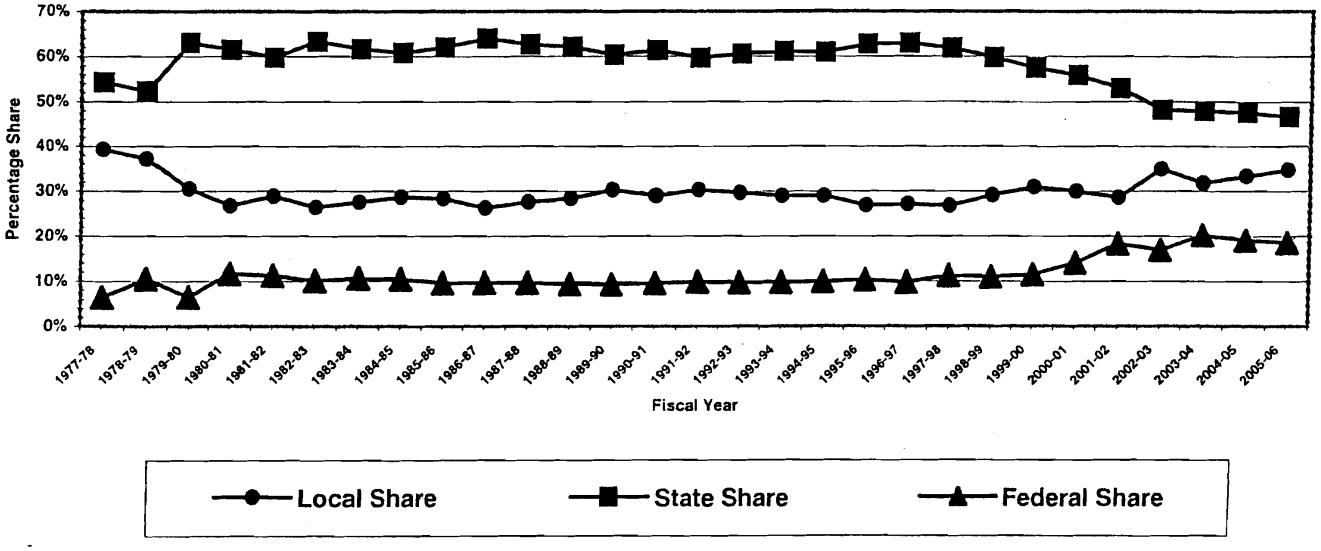
Impact of 5% Cap on Growth

Flexible Funding Contributing to Growth

Estimated Local, State and Federal Share of Special Education Expenditures



Estimated Local, State and Federal Share of Special Education Expenditures



Growth in School District Disbursements and Revenues

FY 78 to FY 06

	Disbursements				Revenues			
	Total SPED	Total Non-SPED	Total School Disbursements		Local Receipts	State Receipts	Federal Receipts	Total Revenue
1977-78	32,067,042	473,884,703	505,951,745		369,815,973	107,183,271	25,715,300	502,714,544
1978-79	37,552,629	506,224,089	543,776,718		385,414,848	121,821,380	30,018,482	537,254,710
1979-80	45,376,757	539,484,570	584,861,327		402,755,289	142,612,513	31,383,132	576,750,934
1980-81	50,923,229	581,667,436	632,590,665		408,826,996	197,117,404	36,730,253	642,674,653
1981-82	58,949,426	624,875,535	683,824,961		446,193,762	203,395,996	34,746,577	684,336,335
1982-83	63,880,739	669,188,147	733,068,886		477,865,149	219,643,639	32,354,869	729,863,657
1983-84	70,381,398	717,283,560	787,664,958		512,516,160	225,058,102	35,330,929	772,905,191
1984-85	77,838,044	759,387,267	837,225,311		564,896,509	224,825,018	40,753,785	830,475,312
1985-86	84,554,345	798,882,282	883,436,627		603,841,306	227,576,179	38,295,519	869,713,004
1986-87	87,704,665	848,333,338	936,038,003		679,493,381	225,779,682	37,779,621	943,052,684
1987-88	93,356,852	900,031,988	993,388,840		701,829,440	228,418,199	51,135,496	981,383,135
1988-89	102,869,967	940,719,672	1,043,589,639		745,886,756	243,765,283	50,693,011	1,040,345,050
1989-90	113,569,672	1,049,123,366	1,162,693,038		798,873,679	312,622,940	54,090,827	1,165,587,446
1990-91	124,658,335	1,113,033,432	1,237,691,767		747,423,555	453,640,578	57,195,988	1,258,260,121
1991-92	139,817,449	1,167,918,894	1,307,736,343		697,012,781	515,329,771	62,616,208	1,274,958,760
1992-93	154,648,190	1,197,753,006	1,352,401,196		762,744,537	523,781,192	63,978,761	1,350,504,490
1993-94	167,515,130	1,252,803,111	1,420,318,241		807,719,813	542,949,253	66,290,992	1,416,960,058
1994-95	180,024,797	1,320,153,428	1,500,178,225		869,898,437	577,076,671	63,761,216	1,510,736,324
1995-96	185,998,413	1,366,043,888	1,552,042,301		923,260,222	585,984,608	64,226,377	1,573,471,207
1996-97	193,797,061	1,407,885,888	1,601,682,949		948,562,132	620,365,878	74,131,946	1,643,059,956
1997-98	199,675,177	1,449,644,175	1,649,319,352		914,637,260	645,943,891	82,631,518	1,643,212,669
1998-99	212,482,532	1,516,407,178	1,728,889,710		938,859,983	780,180,738	98,824,655	1,817,865,376
1999-00	227,588,804	1,593,827,873	1,821,416,677		977,382,349	788,893,874	92,956,447	1,859,232,671
2000-01	245,540,504	1,682,869,586	1,928,410,090		1,038,467,862	776,425,813	107,889,311	1,922,782,986
2001-02	272,024,613	1,781,272,629	2,053,297,242		1,096,027,759	853,967,483	128,958,471	2,078,953,713
2002-03	299,808,307	1,851,038,916	2,150,847,223		1,134,258,367	860,131,232	154,850,068	2,149,239,667
2003-04	313,459,324	1,924,893,271	2,238,352,595		1,259,322,154	848,567,314	168,191,227	2,276,080,695
2004-05	334,942,779	1,995,576,707	2,330,519,486		1,303,096,794	850,790,624	213,810,227	2,367,697,645
2005-06	357,179,881	2,112,917,620	2,470,097,501		1,367,609,647	921,897,069	224,272,918	2,513,779,634

Avg. Growth								
FY78 to FY88	11.28%	6.62%	6.98%		6.62%	7.86%	7.12%	6.92%
FY88 to FY98	7.90%	4.88%	5.20%		2.68%	10.95%	4.92%	5.29%
FY98 to FY06	7.54%	4.82%	5.18%		5.16%	4.55%	13.29%	5.46%

9/20/2007
Legislative Fiscal Office

Special Education Expenditures
as a Percentage of Total Disbursements

	Total School Disbursements	% Change	Total SPED	% Change	Total Non-SPED	% Change	SPED as a % of Disburse.	Non-SPED as a % of Disburse.
1977-78	505,951,745		32,067,042		473,884,703		6.34%	93.66%
1978-79	543,776,718	7.48%	37,552,629	17.11%	506,224,089	6.82%	6.91%	93.09%
1979-80	584,861,327	7.56%	45,376,757	20.84%	539,484,570	6.57%	7.76%	92.24%
1980-81	632,590,665	8.16%	50,923,229	12.22%	581,667,436	7.82%	8.05%	91.95%
1981-82	683,824,961	8.10%	58,949,426	15.76%	624,875,535	7.43%	8.62%	91.38%
1982-83	733,068,886	7.20%	63,880,739	8.37%	669,188,147	7.09%	8.71%	91.29%
1983-84	787,664,958	7.45%	70,381,398	10.18%	717,283,560	7.19%	8.94%	91.06%
1984-85	837,225,311	6.29%	77,838,044	10.59%	759,387,267	5.87%	9.30%	90.70%
1985-86	883,436,627	5.52%	84,554,345	8.63%	798,882,282	5.20%	9.57%	90.43%
1986-87	936,038,003	5.95%	87,704,665	3.73%	848,333,338	6.19%	9.37%	90.63%
1987-88	993,388,840	6.13%	93,356,852	6.44%	900,031,988	6.09%	9.40%	90.60%
1988-89	1,043,589,639	5.05%	102,869,967	10.19%	940,719,672	4.52%	9.86%	90.14%
1989-90	1,162,693,038	11.41%	113,569,672	10.40%	1,049,123,366	11.52%	9.77%	90.23%
1990-91	1,237,691,767	6.45%	124,658,335	9.76%	1,113,033,432	6.09%	10.07%	89.93%
1991-92	1,307,736,343	5.66%	139,817,449	12.16%	1,167,918,894	4.93%	10.69%	89.31%
1992-93	1,352,401,196	3.42%	154,648,190	10.61%	1,197,753,006	2.55%	11.44%	88.56%
993-94	1,420,318,241	5.02%	167,515,130	8.32%	1,252,803,111	4.60%	11.79%	88.21%
1994-95	1,500,178,225	5.62%	180,024,797	7.47%	1,320,153,428	5.38%	12.00%	88.00%
1995-96	1,552,042,301	3.46%	185,998,413	3.32%	1,366,043,888	3.48%	11.98%	88.02%
1996-97	1,601,682,949	3.20%	193,797,061	4.19%	1,407,885,888	3.06%	12.10%	87.90%
1997-98	1,649,319,352	2.97%	199,675,177	3.03%	1,449,644,175	2.97%	12.11%	87.89%
1998-99	1,728,889,710	4.82%	212,482,532	6.41%	1,516,407,178	4.61%	12.29%	87.71%
1999-00	1,821,416,677	5.35%	227,588,804	7.11%	1,593,827,873	5.11%	12.50%	87.50%
2000-01	1,928,410,090	5.87%	245,540,504	7.89%	1,682,869,586	5.59%	12.73%	87.27%
2001-02	2,053,297,242	6.48%	272,024,613	10.79%	1,781,272,629	5.85%	13.25%	86.75%
2002-03	2,150,847,223	4.75%	299,808,307	10.21%	1,851,038,916	3.92%	13.94%	86.06%
2003-04	2,238,352,595	4.07%	313,459,324	4.55%	1,924,893,271	3.99%	14.00%	86.00%
2004-05	2,330,519,486	4.12%	334,942,779	6.85%	1,995,576,707	3.67%	14.37%	85.63%
2005-06	2,470,097,501	5.99%	357,179,881	6.64%	2,112,917,620	5.88%	14.46%	85.54%

Special Education Instruction
as a Percentage of Total Instruction

	Total Instruction	% Change	Non-SPED	% Change	SPED	% Change	SPED as a % of Instruction	Non-SPED as a % of Instruction
1977-78	294,388,915		266,315,173		28,073,742		9.54%	90.46%
1978-79	314,977,086	6.99%	282,338,243	6.02%	32,638,843	16.26%	10.36%	89.64%
1979-80	334,361,155	6.15%	296,278,712	4.94%	38,082,443	16.68%	11.39%	88.61%
1980-81	361,846,900	8.22%	319,939,984	7.99%	41,906,916	10.04%	11.58%	88.42%
1981-82	401,518,132	10.96%	353,272,942	10.42%	48,245,190	15.12%	12.02%	87.98%
1982-83	430,946,489	7.33%	377,983,655	6.99%	52,962,834	9.78%	12.29%	87.71%
1983-84	461,763,441	7.15%	404,186,482	6.93%	57,576,959	8.71%	12.47%	87.53%
1984-85	500,476,480	8.38%	436,141,209	7.91%	64,335,271	11.74%	12.85%	87.15%
1985-86	528,813,297	5.66%	459,584,015	5.38%	69,229,282	7.61%	13.09%	86.91%
1986-87	553,835,601	4.73%	482,549,650	5.00%	71,285,951	2.97%	12.87%	87.13%
1987-88	591,801,173	6.86%	515,731,175	6.88%	76,069,998	6.71%	12.85%	87.15%
1988-89	637,545,324	7.73%	553,391,328	7.30%	84,153,996	10.63%	13.20%	86.80%
1989-90	714,819,774	12.12%	621,354,869	12.28%	93,464,905	11.06%	13.08%	86.92%
1990-91	765,838,148	7.14%	663,709,789	6.82%	102,128,359	9.27%	13.34%	86.66%
1991-92	805,278,085	5.15%	691,413,271	4.17%	113,864,814	11.49%	14.14%	85.86%
1992-93	852,764,227	5.90%	724,672,099	4.81%	128,092,128	12.49%	15.02%	84.98%
1993-94	902,250,061	5.80%	763,593,516	5.37%	138,656,545	8.25%	15.37%	84.63%
1994-95	958,148,036	6.20%	808,159,066	5.84%	149,988,970	8.17%	15.65%	84.35%
1995-96	985,693,517	2.87%	830,221,367	2.73%	155,472,150	3.66%	15.77%	84.23%
1996-97	1,009,978,802	2.46%	847,238,712	2.05%	162,740,090	4.67%	16.11%	83.89%
1997-98	1,027,491,496	1.73%	859,874,345	1.49%	167,617,151	3.00%	16.31%	83.69%
1998-99	1,066,615,845	3.81%	888,135,935	3.29%	178,479,910	6.48%	16.73%	83.27%
1999-00	1,122,555,293	5.24%	931,285,253	4.86%	191,270,040	7.17%	17.04%	82.96%
2000-01	1,177,289,664	4.88%	972,046,095	4.38%	205,243,569	7.31%	17.43%	82.57%
2001-02	1,260,704,279	7.09%	1,036,362,109	6.62%	224,342,170	9.31%	17.79%	82.21%
2002-03	1,324,604,637	5.07%	1,079,491,678	4.16%	245,112,959	9.26%	18.50%	81.50%
2003-04	1,368,180,495	3.29%	1,112,298,648	3.04%	255,881,847	4.39%	18.70%	81.30%
2004-05*	1,376,073,955	0.58%	1,136,337,510	2.16%	239,736,445	-6.31%	17.42%	82.58%
2005-06	1,456,331,231	5.83%	1,195,597,033	5.21%	260,734,198	8.76%	17.90%	82.10%

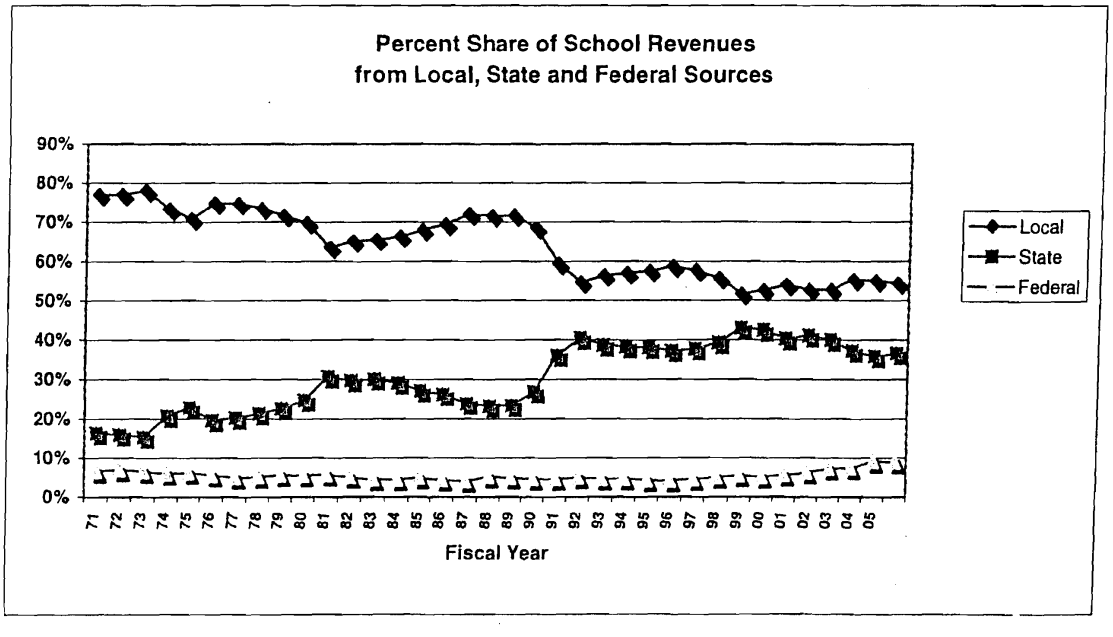
Total instructional expenditures are obtained from the Annual Finance Report and do not include the costs of residental care, transportation and preschool instruction and transportation.

*Enrollment/Poverty expenditures shown as federal expenditure instead of SPED instructional expenditure on the AFR's - so SPED instructional expenditures decreased

School District Revenues*

	Local	State	Federal	Total	% of Total Receipts Local	State	Federal
1970-71	208,358,315	44,084,297	17,746,688	270,189,300	77.12%	16.32%	6.57%
1971-72	228,226,873	47,249,702	20,546,962	296,023,537	77.10%	15.96%	6.94%
1972-73	243,835,126	48,000,504	20,499,772	312,335,402	78.07%	15.37%	6.56%
1973-74	245,673,242	69,286,188	19,842,905	334,802,335	73.38%	20.69%	5.93%
1974-75	261,476,615	84,547,021	22,862,850	368,886,486	70.88%	22.92%	6.20%
1975-76	306,863,600	80,359,218	22,584,046	409,806,864	74.88%	19.61%	5.51%
1976-77	355,230,430	96,035,460	23,348,719	474,614,609	74.85%	20.23%	4.92%
1977-78	369,815,973	107,183,271	25,715,300	502,714,544	73.56%	21.32%	5.12%
1978-79	385,414,848	121,821,380	30,018,482	537,254,710	71.74%	22.67%	5.59%
1979-80	402,755,289	142,612,513	31,383,132	576,750,934	69.83%	24.73%	5.44%
1980-81	408,826,996	197,117,404	36,730,253	642,674,653	63.61%	30.67%	5.72%
1981-82	446,193,762	203,395,996	34,746,577	684,336,335	65.20%	29.72%	5.08%
1982-83	477,865,149	219,643,639	32,354,869	729,863,657	65.47%	30.09%	4.43%
1983-84	512,516,160	225,058,102	35,330,929	772,905,191	66.31%	29.12%	4.57%
1984-85	564,896,509	224,825,018	40,753,785	830,475,312	68.02%	27.07%	4.91%
1985-86	603,841,306	227,576,179	38,295,519	869,713,004	69.43%	26.17%	4.40%
1986-87	679,493,381	225,779,682	37,779,621	943,052,684	72.05%	23.94%	4.01%
1987-88	701,829,440	228,418,199	51,135,496	981,383,135	71.51%	23.28%	5.21%
1988-89	745,886,756	243,765,283	50,693,011	1,040,345,050	71.70%	23.43%	4.87%
1989-90	798,873,679	312,622,940	54,090,827	1,165,587,446	68.54%	26.82%	4.64%
1990-91	747,423,555	453,640,578	57,195,988	1,258,260,121	59.40%	36.05%	4.55%
1991-92	697,012,781	515,329,771	62,616,208	1,274,958,760	54.67%	40.42%	4.91%
1992-93	762,744,537	523,781,192	63,978,761	1,350,504,490	56.48%	38.78%	4.74%
1993-94	807,719,813	542,949,253	66,290,992	1,416,960,058	57.00%	38.32%	4.68%
1994-95	869,898,437	577,076,671	63,761,216	1,510,736,324	57.58%	38.20%	4.22%
1995-96	923,260,222	585,984,608	64,226,377	1,573,471,207	58.68%	37.24%	4.08%
1996-97	948,562,132	620,365,878	74,131,946	1,643,059,956	57.73%	37.76%	4.51%
1997-98	914,637,260	645,943,891	82,631,518	1,643,212,669	55.66%	39.31%	5.03%
1998-99	938,859,983	780,180,738	98,824,655	1,817,865,376	51.65%	42.92%	5.44%
1999-00	977,382,349	788,893,874	92,956,447	1,859,232,671	52.57%	42.43%	5.00%
2000-01	1,038,467,862	776,425,813	107,889,311	1,922,782,986	54.01%	40.38%	5.61%
2001-02	1,096,027,759	853,967,483	128,958,471	2,078,953,713	52.72%	41.08%	6.20%
2002-03	1,134,258,367	860,131,232	154,850,068	2,149,239,667	52.77%	40.02%	7.20%
2003-04	1,259,322,154	848,567,314	168,191,227	2,276,080,695	55.33%	37.28%	7.39%
2004-05	1,303,096,794	850,790,624	213,810,227	2,367,697,645	55.04%	35.93%	9.03%
2005-06	1,367,609,647	921,897,069	224,272,918	2,513,779,634	54.40%	36.67%	8.92%

*Non-revenue receipts shown as local revenue



MEDICAID IN PUBLIC SCHOOLS (MIPS)

MEDICAID

- Jointly administered and funded program to pay for medical services (Federal & State);

MIPS (Medicaid In Public Schools)

- Federal Medicaid funds to "free up" State funds directly appropriated for certain services;
- Generates additional funding for Early Intervention services;
- Does NOT Impact:
  - Total of payment(s) each school district;
  - Who receives Special Education service(s);
  - What Special Education related services students receive;
  - Intensity of those services to which students are entitled through FAPE (Free Appropriate Public Education) and related Nebraska Statutes.

FUNDING

- Nebraska Department of Education receives state general funds from the Legislature to reimburse districts for their Spec Ed costs
- Remainder of costs are provided locally by school district.

SERVICES

- Districts enroll as Medicaid providers and bill the State's Medicaid Agency (DHHS) for:
  - Special Education related Physical Therapy (PT);
  - Special Education related Occupational Therapy (OT); and
  - Special Education related Speech/Language Pathology/Therapy (ST).

CLAIMS

- Federal share (approximately 60%) of each claim is passed through to the responsible district;
- NDE/DHHS annually transfers funds already paid to the districts through MIPS from NDE to DHHS in order for DHHS to pay for Early Intervention (EI) services such as Services Coordination (SC);
- Through June 2006, MIPS has generated nearly $26million (since 1992-1993);
  - 2007 transfer will be $3-$4 million pushing total to almost $30 million over last 15 years all for administration and provision of EI SC.

November 27, 2007

Presented by:
John Street, President
Nebraska Association of Special Education Supervisors (NASES)
and
Director of Student Services for the Grand Island Public Schools and the
Central Nebraska Support Service Program (CNSSP)

SPECIAL EDUCATION CHILD COUNT NUMBERS BY PRIMARY DISABILITY

December 1 - Child Count (Birth to 21 yrs.)

STATE OF NEBRASKA

DISABILITY	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07
Autism	240	306	342	375	462	547	660	838	995	1197
Deaf-Blindness	6	8	9	12	11	12	15	12	11	13
Behavior Disorders	2929	3031	2881	2669	2647	2488	2405	2505	2357	2273
Developmentally Delayed	n/a	n/a	116	459	859	1669	2046	2459	2808	3042
Hearing Impairments	676	698	691	692	657	718	717	742	713	722
Specific Learning Disabilities	16006	16829	16367	16088	15954	15611	15376	15230	14742	14349
Mentally Handicapped	6358	6654	6366	6208	6046	5786	5571	5544	5333	5101
Multiple Disabilities	457	432	416	414	392	398	380	361	361	386
Other Health Impaired	2345	2741	2888	3218	3227	3999	4426	5025	5210	5540
Orthopedic Impairments	701	750	664	680	559	623	575	568	526	491
Speech-Language Impairments	12022	12645	12327	12590	12609	12763	13188	13250	12970	12659
Traumatic Brain Injury	176	193	199	208	217	208	217	227	232	225
Visual Impairments	277	267	265	253	224	240	245	253	259	250
TOTALS	42193	44554	43531	43866	44817	45062	45,821	47,014	46,517	46,248

Data provided by the NDE Special Populations Office

Required Related Services Under IDEA 1997 and 2004

Transportation
Speech-Language Pathology
Audiology Services
Interpreting Services*
Psychological Services*
Physical Therapy
Occupational Therapy
Recreation (including therapeutic recreation)*
Social Work Services*
School Nurse Services*
Counseling Services (including rehabilitation counseling)*
Parent Counseling and Training*
Orientation and Mobility*
Assistive Technology Devices and Services*
Medical Services

*Related service added and/or modified from the original federal requirements under PL 94-142
**As per Federal Regulations, this is not intended to be an exhaustive list.

Related/Additional Cost Factors

Assistive Technology (hardware and software)

- Student needs
- Staff needs

Early Childhood

- Community based PK services vs center based
- Services provided in natural environments versus having the families come to the providers in a "clinic" type fashion
- Continuous services regulation has resulted in increased costs

Hearing Impaired Programs - Local programs vs state run programs

- Hearing Impaired Interpreters
- Staff for the Deaf and Hard of Hearing

NCLB Requirements

- Academic Standards
- Highly Qualified

Related/Additional Cost Factors

Personnel Costs (Certification is determined at state level)

- Most if not all specialists have advanced degrees (MA, MS Ed.S), i.e. school psychologists, SLP, PT, OT, low incidence staff, etc.
- ELL Interpreters
- Nurses
- Paraprofessionals
- School Rehabilitation Counselors
- Social Workers

Professional Development

- Special Education Content Training
- Regular Education Content Training
- Specific Disability Area Training

Visually Impaired Programs - Local programs vs state run programs

- Large Print
- Braille
- Staff for the Visually Impaired

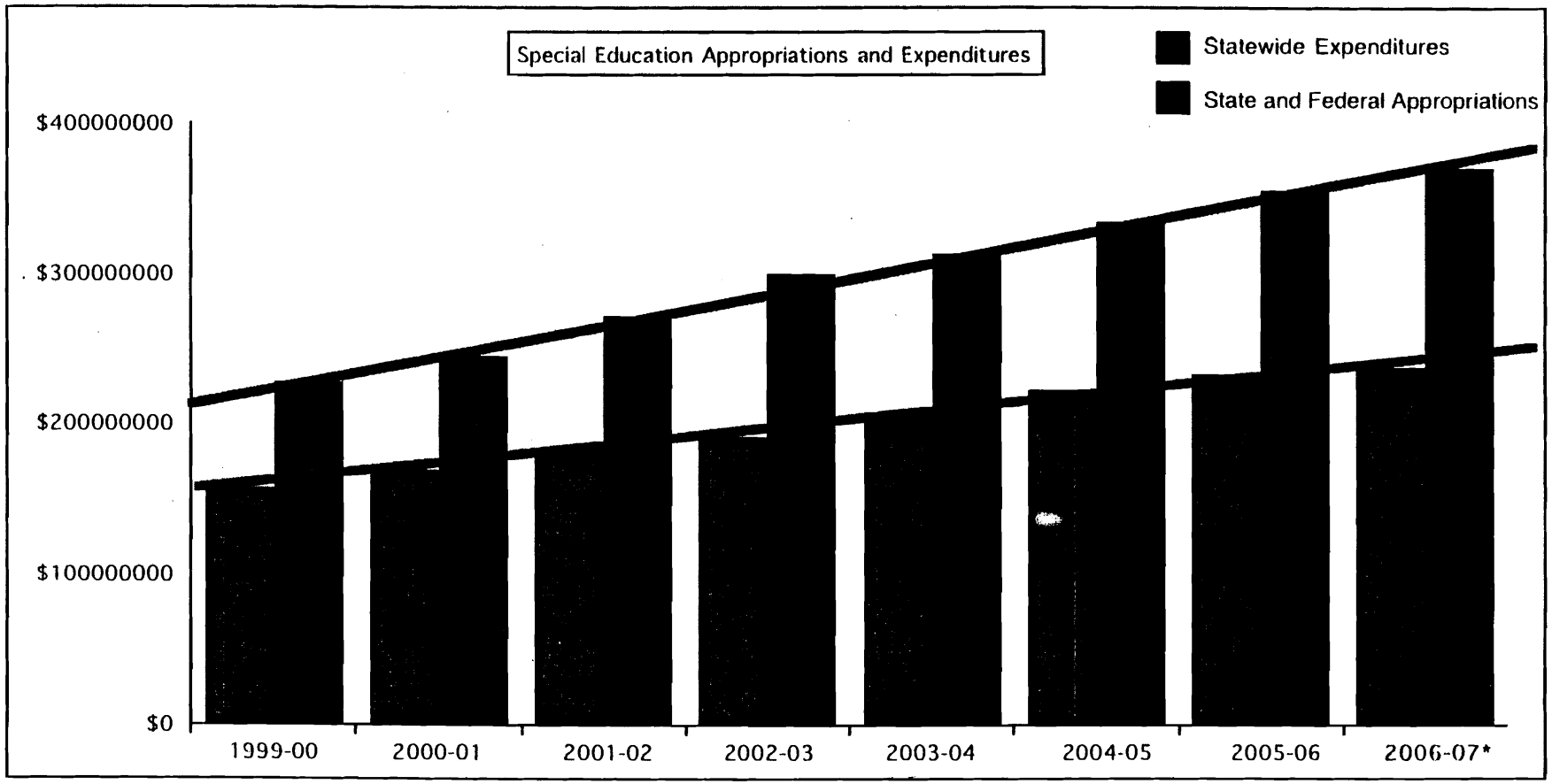
Section 79-1145 provides that the General Funds appropriated for SPED reimbursement shall not exceed the amount appropriated in the prior fiscal year, plus 5%.

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
General Fund Appro.	$132575807	$139204597	$146164827	$146164827	$153473068	$161146721	$169204057	$174280179	$179508584
% Inc. in Appropriation	3.00%	5.00%	5.00%	0.00%	5.00%	5.00%	5.00%	3.00%	3.00%
IDEA Funds	$24176570	$29813302	$37785142	$45449980	$53610160	$60840404	$63169945	$63011444	
Total State & Federal	$156752377	$169017899	$183949969	$191614807	$207083228	$221987125	$232374002	$237291623	
Statewide Expenditures	$227349383	$245404100	$271627133	$299979198	$312900667	$333754170	$355699595	$369985904	
Expenditures (-) Receipts	$70597006	$76386201	$87677164	$108364391	$105817439	$111767045	$123325593	$132694281	
						*Projected on past 3 yr. average expenditures			
Reimbursement %*									
School-age programs	81.91%	77.90%	70.98%	68.30%	68.67%	66.88%	64.01%	61.00%	NA
School-age Transp.	90.59%	85.60%	78.38%	70.98%	68.84%	67.81%	65.42%	64.00%	NA
Pre-school Programs	100.00%	100.00%	100.00%	82.20%	72.35%	**	**	**	NA
Pre-school Transp.	80.00%	100.00%	100.00%	82.00%	72.73%	**	**	**	NA

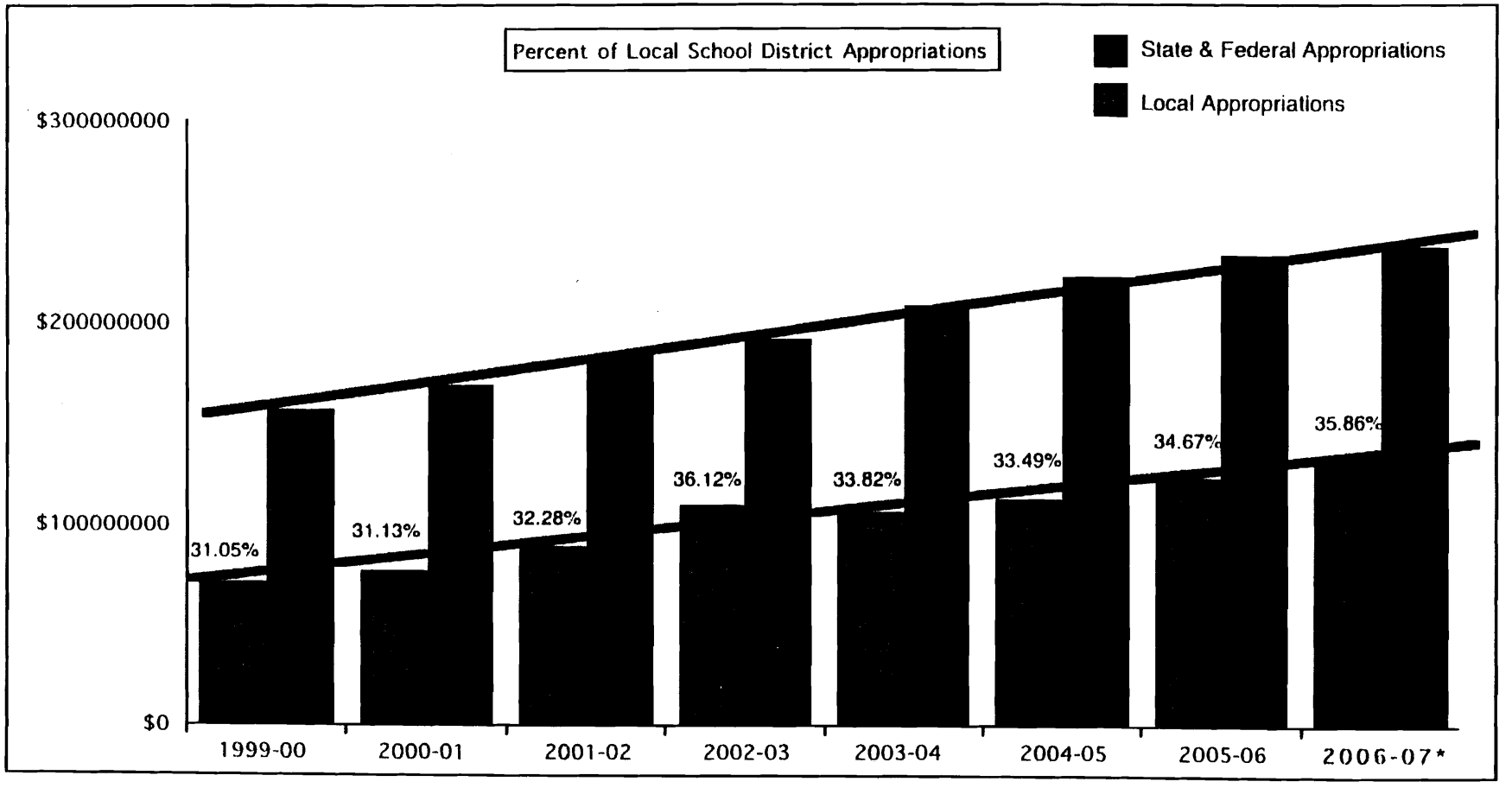
*School-age programs reimbursed on a year in arrears basis.

**Funded with IDEA Base & IDEA Enrollment/Poverty federal funds.

Data provided by the NDE Special Populations Office



Data provided by the NDE Special Populations Office



Data provided by the NDE Special Populations Office

Special Education Funding

Special education funding needs to be aligned with federal rules and regulations to meet the educational needs of students with disabilities in Nebraska. The state aid formula and special education funding is complex and a challenge for any experienced school official to understand. NASES would recommend that the Task Force Committee consider:

1. Establishing an Ad Hoc Committee with membership who are knowledgeable with school finance and special education funding, and
2. Provide guidance that any proposals should give consideration to the following:
   - Funding formula needs to be identification and placement neutral
   - Funding formula must not promote over-identification
   - Funding formula must promote LRE as required by federal and state laws
   - Funding formula must not reward placements that do not follow LRE requirements
   - SPED funding needs to be supplemental to adequate appropriation of general education state aid
   - Funding formula must be easy to understand and administer