



FAMILY GUIDE TO

# Special Education in Nebraska



## TABLE OF CONTENTS

- 3 What is special education?
- 3 Who is entitled to receive special education?
- 4 How does the special education process begin?
- 4 What happens when a referral to the student assistance team (SAT) is made?
- 5 What happens if the SAT decides to evaluate for special education eligibility?
- 5 What does a special education evaluation include?
- 6 Who will test your child?
- 6 What happens after the evaluation?
- 7 What happens if my child is eligible for special education?
- 7 What is an IEP?
- 7 Who is the IEP Team?
- 8 Where will my child receive services?
- 8 How often is an IEP reviewed?
- 8 How can I best work with my child's IEP Team?
- 8 What questions can you ask to learn more about special education?
- 9 What if I don't agree with the evaluation, IEP, or placement decisions?
- 9 Additional Resources
- 10 Sources

### LEGEND

When you see these icons throughout the document, click for more information.

 **Tip Sheet**

 **Video/Audio Presentation**

 **Legal Guidance**

# Special Education in Nebraska

Parents play an essential role in their child's education. When a child has a disability and needs special education, parents are the child's most powerful advocates. If you believe that your child has a disability and needs special education, it is important to learn more about the special education process.

This booklet provides a brief overview of Nebraska's special education process. By gaining knowledge and skills, you will be able to participate more effectively in meetings and make informed decisions for your child. This guide includes questions you can ask your child's school district staff about special education. At the end of this booklet, there is a listing of resources where you can find more information.

The Parent Training and Information Center (PTI Nebraska) provides training, information and support to Nebraska parents and professionals who have an interest in children ages birth through twenty-six, who receive or should receive special education or special health related services. PTI will enable parents and students, creating the capacity for them to improve their educational outcomes. For more information, go to [pti-nebraska.org](http://pti-nebraska.org).

## What is special education?

Schools are for all children, helping them to develop socially, emotionally, physically, and academically. For some children with disabilities, school can be very challenging. However, with specially designed programs, they too can succeed.

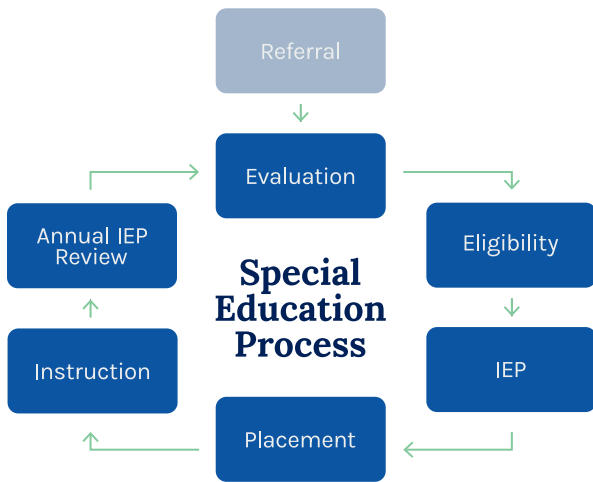
Special education is specially designed instruction and related services to meet the unique needs

of a child with a disability. The purpose of special education is to ensure that children with disabilities receive a Free Appropriate Public Education (FAPE). If a child is tested and found to need special education, schools must provide the student with special education services at no cost to the parents.

## Who is entitled to receive special education?

Not all children who have a disability are entitled to special education. Children ages 3-21 who have a disability and have not received a regular high school diploma are eligible for special education. Children younger than age three may be eligible for early intervention services through the Early Development Network. For more information on early intervention support, see the Early Development Network's website at [edn.ne.gov](http://edn.ne.gov).

A child must be eligible for special education using Nebraska's special education eligibility process. This process determines whether a child is eligible for special education but also helps design a program that meets the child's unique needs. It is good for families to know what to expect so that they can be active and equal team members. Below is a visual representing the Nebraska special education process.



## How does the special education process begin?

If your child is struggling in the classroom, they may be referred to the Student Assistance Team (SAT) or another comparable problem-solving team. If your child needs help with social or emotional support, is having behavioral problems, or is having difficulty communicating, your child may also be referred.

Anyone with concerns for your child can make a referral to the SAT - including a parent, teacher, counselor, or administrator. If someone else refers your child, you are to be immediately informed in writing so that you can be involved in the process from the beginning.

## What happens when a referral to the student assistance team (SAT) is made?

Once the child is referred to the SAT, you may receive an invitation to attend a meeting to discuss the referral. If you would like to be involved in your child’s SAT discussion, contact your child’s classroom teacher. Your information about your child’s strengths, preferences, interests, and needs is important in the intervention process.

The SAT uses a tiered framework for supporting student learning and addressing concerns for your child. Using this tiered framework, the SAT tries a variety of problem-solving and intervention strategies with your child.

Nebraska law does not specify the length of time or number of strategies to be attempted by the SAT. This allows school districts to tailor the activities to the individual student. Therefore, for some students, the intervention process may be very short. In other cases, interventions may cover a longer period. If the strategies chosen by the SAT do not meet the needs of your child in a timely manner, the SAT may make a referral for a special education evaluation. This evaluation is called a multidisciplinary team (MDT) evaluation.

Parents can make a written request for a special education evaluation at any time during the

district’s attempt to provide interventions/support. The school district needs your written consent to complete this evaluation. The MDT is the team that gathers more information and determines if a child is eligible for special education services and supports. Want to make a request for your child to be evaluated to determine if they are eligible for special education support? Go to <https://www.education.ne.gov/sped/parent-information/> to download a sample form.

The school must provide you with Prior Written Notice (specific information in writing) that explains why they propose to conduct an evaluation for special education or are refusing the request to evaluate your child. Prior Written Notice (PWN) will also explain how the SAT came to a decision and what information they used as a basis for making that choice. For more information on prior written notice, see the fact sheet at <https://www.education.ne.gov/sped/parent-information/>.

Federal law states you have a reasonable time period to make any decisions and sign any documents. This means that you can tell the school that you would like to think about what was given to you before you sign anything. You may choose to provide consent (agree) to the proposal, provide partial

consent (agree with some of the decisions), or refuse consent (disagree). You should never feel pressured to sign anything right away.

For more information on the dispute resolution process, go to <https://www.education.ne.gov/sped/parent-information/>.

### What happens if the SAT decides to evaluate for special education eligibility?

When the SAT decides more testing is needed to determine if your child is eligible for special education, you will be asked for your written consent to evaluate. The consent form will include the kinds of tests that will be used.

Once the SAT has your written consent to test your child, the evaluation team (MDT) has 45 school

## IDEA

*Keep copies of your child's special education paperwork. Start a file at home!*

### What does a special education evaluation include?

The purpose of an evaluation is to:

- Determine eligibility for special education
- Gather information to determine your child's educational needs
- Guide decision making about how to meet your child's educational needs

Your child's evaluation must be individualized and assess all areas of suspected disability. The evaluation must gather information about your child's functional, developmental, and academic performance, and include information provided by you, the parent.

When conducting an evaluation, it is necessary to examine all areas that are impacted by your child's suspected disability, including social and emotional

**If you disagree with the school's decision, you have rights that allow you to take additional steps. You can:**

- Ask for another meeting to discuss the issues further
- Request mediation
- Gain more information on your dispute resolution rights

days or 60 calendar days, whichever is sooner, to complete the initial evaluation. Interruptions within school days, including holidays, summer vacation, etc., do not stop the 60-day calendar count. Once the evaluation is finished, the team will hold a meeting to discuss the test results and determine eligibility for special education. The time clock starts once the district receives your signed consent to evaluate.

development and behavior. It is also important that the evaluation is sensitive to cultural, racial, and language differences.

Evaluations are used to establish baseline information on your child and to recognize areas of strength and concern. This may include health, hearing, vision, social and emotional status (including behavioral needs), general intelligence, academic performance, communication, and motor abilities. For more information on evaluations, see the fact sheet at <https://www.education.ne.gov/sped/parent-information/>.

## Members of the MDT may include the following individuals:

- School Psychologist - may evaluate your child's general intelligence, social, emotional, and behavioral abilities. They interpret test results and help develop a plan for your child
- General Education Teacher - tries selected teaching strategies with your child in their regular classes, then reports to the evaluation team about what strategies work and what did not work
- Special Education Teacher (sometimes called a resource teacher) - may assess your child's academic abilities in math, reading, spelling, and writing
- Parents/Guardians - provide information about how your child is doing at home. Share your child's strengths and needs, and what their interests and preferences are at home and school. For a sample parent input form, go to <https://www.education.ne.gov/sped/parent-information/>.
- Related Service Providers/Specialists - specialists assess areas such as hearing, vision, speech-language, motor, mobility, and mental health.

## Who will test your child?

An evaluation team, called the multidisciplinary team (MDT), will be established to test your child. You are a member of the MDT. The MDT will gather information from a variety of sources. The consent to evaluate form will specify the types of tests that will be used in your child's evaluation.

## What happens after the evaluation?

Once the evaluation is complete, the MDT must hold a meeting to review the evaluation results. An individual who can interpret the evaluation information and what it means for your child's education is a required member of the MDT. A report summarizing the evaluation findings will be shared with you after the meeting.

The MDT will use the information from evaluations as well as any other available information to determine whether your child is eligible for special education services. This is your chance to ask questions about the evaluation. Sample questions to ask at an MDT meeting can be found at <https://www.education.ne.gov/sped/parent-information/>.

To be eligible for special education, your child must have an educational disability. Also, because

of that disability, your child must need special education, which may include related services such as speech and language therapy, physical therapy, etc. Your child will be identified in one or more of the disability categories listed in Rule 51. Rule 51 is a document that describes the regulations and standards that outline special education programs in our state.

If you disagree with the school's evaluations, you may request an independent educational evaluation (IEE) at public expense, or you may pay for one yourself. For more information on IEEs, see the independent educational evaluation tip sheet at <https://www.education.ne.gov/sped/parent-information/>.

## What happens if my child is eligible for special education?



Once your child is determined eligible for special education, the next step is to develop a plan to address your child's educational needs. This plan is called an Individualized Educational Program (IEP). The IEP Team must meet to build your child's IEP within 30 calendar days after your child's MDT

meeting. The school district may combine meetings and want to start drafting the IEP at your child's MDT meeting. If you do not feel comfortable writing the IEP at this meeting, you can ask to schedule another meeting to draft the IEP.

## What is an IEP?



The Individualized Educational Program (IEP) is the written document that describes the special educational services that your child will receive. The IEP should be written clearly so that you and your child's teachers/service providers understand the goals and services to be provided to your child.

The IEP includes measurable annual goals and short-term objectives or benchmarks. You may find these objectives helpful in understanding and monitoring your child's progress. The IEP also states how your child's progress will be measured. For more information on IEPs, see the fact sheet at <https://www.education.ne.gov/sped/parent-information/>.

The school must provide you with Prior Written Notice (PWN) that explains why they propose to

implement the new IEP for your child. If you disagree with the IEP, you may ask for another meeting to talk about the plan. You have a reasonable amount of time after the IEP team agrees upon services and the school district provides Prior Written Notice to review and give feedback regarding the actions proposed in the meeting. You can also refer to the Nebraska Department of Education's website to locate an IEP Facilitator to guide the IEP meeting. This is another way for the IEP Team to continue working together when there are disagreements or differences of opinion. For more information on alternative dispute resolution options, see the fact sheet on resolving disputes at <https://www.education.ne.gov/sped/parent-information/>.

**You are a valuable IEP Team member because you play a major role in your child's education. You will be with your child throughout the education process. You know:**

- your child's unique characteristics, strengths, needs, learning style, and preferences
- important information about your child, including family, medical and developmental history
- strategies that have worked for your child, and those that did not work

## Who is the IEP Team?



The IEP (Individualized Education Program) Team is a group of individuals, mostly school staff, related service providers, and the parent(s). This team is responsible for making all special education decisions. The IEP Team determines eligibility for special education, develops, reviews, or revises the IEP. The IEP team also decides placement. Your voice is important in this meeting.

Having this information will help other members of the IEP team get to know your child and make appropriate decisions. For more information on IEP team members, see the fact sheet entitled *IEP Overview for Parents* at <https://www.education.ne.gov/sped/parent-information/>

Beginning at age 14, or younger if deemed appropriate by the IEP team, the IEP must develop a plan to support your child's strengths, interests, preferences and needs for living, working, and

### **Where will my child receive services?**



Once the IEP is developed, and everyone agrees on the plan, the IEP Team decides where to provide special education services. This is called the Least Restrictive Environment (LRE) and is also your child's placement. LRE usually means your school will teach your child with his/her classmates in the regular education classroom in your neighborhood school.

learning through high school and beyond. This is called transition planning. For more information on transition planning, see the fact sheet at <https://www.education.ne.gov/sped/parent-information/>.

### **How often is an IEP reviewed?**



The IEP must be reviewed and revised once a year so that it continues to meet your child's needs. Any IEP Team member who has concerns about the child's plan may request that an IEP Team meeting be held at any time.

Your child will be taught outside the regular education classroom only if the IEP Team decides that your child's needs cannot be met in the regular classroom, even with extra support. If your child needs a different setting, the IEP Team may choose a placement from a range of options.

If you make a written request for an IEP meeting, a meeting must be held within a reasonable period of time, or the school must give you Prior Written Notice that states why they are declining to schedule a meeting.

### **How can I best work with my child's IEP Team?**



It's important for you to know about the special education process and how to be an active member of your child's IEP Team. Attending free PTI Nebraska webinars on special education topics is one way you can learn more about your role as an IEP team member.

Before an IEP meeting, make a list of any questions you may have or things that you want to share. Be prepared to share information you may have about your child and his/her disability. During an IEP meeting, listen carefully and try to be open to hearing what others on the IEP Team have to say. For a sample parent input form, go to <https://www.education.ne.gov/sped/parent-information/>.

### **What questions can you ask to learn more about special education?**



- How will I know if my child is making progress?
- Who is responsible for ensuring my child reaches all the goals in his/her IEP?
- If I am concerned with my child's progress in school, who do I contact?
- What if my child improves and does not need as much help?
- Will my child have to leave the regular classroom to receive services?

- How can we regularly communicate about how my child is doing?
- What can I do at home to help my child succeed in school?

You may have other questions and should feel comfortable asking anything. This is one way that you can be sure that you are well informed, and the school is aware of your concerns. Communicate your questions to your child's special educator.



## What if I don't agree with the evaluation, IEP, or placement decisions?

Parents may agree or disagree with their child's evaluation, IEP, or placement decision. Procedural Safeguards protect the rights of parents to be involved in their child's educational program. These rights also provide steps for parents and schools to try to reach an agreement (Nevada PEP, 2021).

For more options on resolving differences, go to <https://www.education.ne.gov/sped/parent-information/>.

For more information about the special education process, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and [pti-nebraska.org](http://pti-nebraska.org), or the Nebraska Department of Education at (402) 471-2471 and [education.ne.gov/sped/](http://education.ne.gov/sped/).

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: [https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51\\_2017.pdf](https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf).

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website:

[https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55\\_2012.pdf](https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf)

The Parent Guide to Special Education in Nebraska was jointly developed by the Nebraska Department of Education Office of Special Education and PTI Nebraska.

This document was adapted from Parent Information Center of New Hampshire's 2017

A Family Guide to Special Education in New Hampshire <https://www.nhced.org/links/FamilyGuideToSpecialEducation.pdf>

## Additional Resources

### Educational Service Units (ESUs) [esu.org](http://esu.org)

The Nebraska Educational Service Units (ESUs) provide supplementary educational services to school districts in Nebraska, including special education services.

### Tips for resolving differences include:

- Meet with school staff to discuss your ideas and concerns
- Present your ideas and concerns without pointing blame
- Focus on the issues, rather than opinions
- Listen respectfully to the views of others
- Brainstorm ways around differences
- Celebrate progress made toward an agreement

## SOURCES

National Center for Learning Disabilities (2006). IDEA Parent Guide

<https://www.nclld.org/wp-content/uploads/2014/11/IDEA-Parent-Guide.pdf>

Nebraska Department of Education (2018). Least Restrictive Environment Guidance Document

<https://cdn.education.ne.gov/wp-content/uploads/2017/09/Least-Restrictive-Environment-LRE-Guidance-Document-Aug-2018.pdf>

Nebraska Department of Education (2017). Prior Written Notice Guidance Document

<https://cdn.education.ne.gov/wp-content/uploads/2017/09/Prior-Written-Notice-Guidance-Combined-Final-2017.pdf>

Nebraska Department of Education (2017). Topic: Referral - Student Assistance Team

<https://www.education.ne.gov/wp-content/uploads/2017/07/Referral-to-SAT.pdf>

Nebraska Department of Education (2014). Setting Goals...Achieving Results: Nebraska IEP Technical Assistance Guide

<https://www.education.ne.gov/wp-content/uploads/2017/07/Setting-Goals-Achieving-Results-3-11-14.pdf>

Nevada PEP. Special Education: What Do I Need to Know? A Brief Overview for Parents.

<https://nvpep.org/wp-content/uploads/2020/06/Special-Education-What-Do-I-Need-to-Know-book.pdf>

Office of Special Education Programs (2010). Question and Answer Guide on Individualized Education Programs (IEPs), Evaluations, and Reevaluations.

[https://sites.ed.gov/idea/files/policy\\_speced\\_guid\\_idea\\_iep-qa-2010.pdf](https://sites.ed.gov/idea/files/policy_speced_guid_idea_iep-qa-2010.pdf)

Texas PTI (2021). Notice of Procedural Safeguards.

[https://www.spedtex.org/default/assets/File/Feb%202021%20Pro\\_Safeguards\\_ENG.pdf](https://www.spedtex.org/default/assets/File/Feb%202021%20Pro_Safeguards_ENG.pdf)