



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

DEC 22 2005

The Honorable Douglas D. Christensen
Commissioner of Education
Nebraska Department of Education
301 Centennial Mall, South 6th Floor
P.O. Box 94987
Lincoln, Nebraska 68509-4987

Dear Commissioner Christensen:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Nebraska. OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Parts B and C of the Individuals with Disabilities Education Act (IDEA). OSEP conducted the Part B visit to Nebraska during the week of October 17, 2005.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and Statewide assessment systems to assess and improve State performance and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Nebraska Department of Education (NDE), OSEP staff met with Gary Sherman, Director of the Bureau of Special Education and members of NDE's staff who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of student performance on Statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents,¹ including the following: (1) Nebraska's Part B Federal fiscal year (FFY) 2003 Annual Performance Report (APR); (2) the Biennial Performance Report for grant years 1999-2000 and 2000-2001 and the FFY 2002 APR; (3) NDE's Part B Monitoring Manual document; (4) descriptions of numerous Statewide initiatives; and (5) information on NDE's website regarding the Statewide assessment system.

The information that Mr. Sherman and other NDE staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of NDE's systems for general supervision, data collection and reporting, and Statewide assessment.

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

General Supervision

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

The Improving Learning for Children with Disabilities (ILCD) Process. OSEP learned that NDE implemented ILCD, the State's current monitoring system, in 2000. The system was data-driven, on-going and set the stage for the State's identification and dissemination of best practices. For each district, the State identified gaps between current results and desired outcomes. NDE reported that, beginning in the 2003-2004 school year, approximately 20% of the 477 districts were included in the self-assessment process each year.²

NDE staff reported that the following five ILCD phases must be completed by each school district in Nebraska within five years: first, planning and appointment of the steering committee; second, conducting the self-assessment; third, participating in a monitoring visit conducted by the State in the district to review and validate the self-assessment and to determine compliance with IDEA; fourth, improvement planning, monitoring progress and reporting back to the steering committee; and fifth, continuing to implement improvement strategies, follow-up monitoring and reporting back to the steering committee. At any time during the five phases, if the State or local district identified noncompliance, the State required the district to develop a corrective action plan and correct the noncompliance within one year of identification.

NDE program specialists were located in three areas (Omaha, Lincoln, and Scottsbluff) of the State to support ILCD activities. The regional centers provided leadership for technical assistance in each local school district and established formal partnerships between local and state governments to ensure compliance and improved student performance. To further ensure the monitoring system was comprehensive and on-going (rather than an episodic monitoring process), the regional centers also assisted districts to develop improvement strategies based on the contents of the self-assessment. The self-assessment was based, in part, on the School-based Teacher-led Assessment and Reporting System (STARS)³ and the Nebraska Framework for School Improvement. OSEP learned through staff interviews and record review that NDE provided technical assistance and training for each school district prior to the district's development of the self-assessment and the year prior to the development of the improvement plan. Technical assistance services included the provision of school district "data retreats," meetings, phone contacts and other methods to further enhance the quality of the district's self-

² The State has no charter schools.

³ The School-based Teacher-led Assessment and Reporting System (STARS) is the state education accountability system and meets the requirements of the No Child Left Behind Act.

assessment and improvement plan. To complement the self-assessment process, NDE also conducted a desk audit for each school district. The desk audit contained an analysis of 618 data and other State and local sources of data to ensure each of the districts presented complete, accurate and appropriate data in the self-assessment. If NDE determined that there were gaps in the self-assessment, State staff worked with the school district to revise and submit a more comprehensive self-assessment. At the conclusion of the self-assessment phase, each school in the district developed and implemented an improvement plan over multiple years. If the State identified noncompliance during the on-site monitoring visit (the third phase of ILCD) or if the district's self-assessment identified noncompliance with IDEA, the district implemented a corrective action plan with oversight by the State. NDE staff reported that noncompliance was corrected no later than one year after identification.

OSEP learned that NDE established a website to support ILCD data analysis to provide an additional technical assistance tool for ICLD teams. The website had two components, accessible solely by ILCD teams. The first component was the ILCD student file website, a source for ILCD teams to select files for review. The files were populated through the Special Education Student Information System (SESIS). Data were able to be disaggregated based on age, disability category, teacher, and building. The second component of the website housed aggregated data that the ILCD team used to analyze data at the districtwide level or school building level. Data for a specific inquiry in a given district were available for the team to review (dropout, graduation, parent survey results, and planned secondary transition post-school data). Each district had a link on the state's website for the ILCD process.

During the school year after a school district submitted its self-assessment, NDE reported that it conducted an on-site visit to: (1) validate the accuracy of the district's self-assessment; (2) determine the extent to which the school district has corrected any noncompliance that had been identified; and (3) identify any additional areas of noncompliance. NDE reported that the State's monitoring on-site review team now focuses on areas related to indicators found in the newly developed State Performance Plan, due to OSEP in December 2005. During the on-site visit NDE reviewed student files and interviewed administrators, teachers, service providers and parents to determine compliance with IDEA. The State used the same review protocols for each monitoring visit. At the conclusion of the review, NDE informed the special education director, superintendent and regional staff, as appropriate, about the review and followed up in writing with a copy of the results of the review.

NDE informed OSEP that it monitored compliance for children with disabilities who have been placed by a public agency in residential and private day schools. When the State conducted an on-site review at the local district, the State reviewed a random selection of files of children with disabilities who were in correctional facilities, out-of-district placements or nonpublic placements. The local district was responsible for all IDEA compliance when a child with a disability was placed in an out-of-district public or nonpublic placement.

In many school districts the Nebraska School Improvement Process and the ILCD has become an integrated activity. Components of the Nebraska Framework for School Improvement complemented the State's review of local special education programs. The State reported that many school districts chose to appoint a steering committee to develop a self-assessment for both

State processes. The Nebraska Framework for School Improvement also required all school districts to complete a self-assessment to provide the district with comprehensive and quantifiable district-wide and schoolwide profiles. At least one goal of the self-assessment focused on an academic, rigorous performance goal across all classrooms and schools in the district. The State permitted survey data to be used to determine goals in the self-assessment but would not permit the District or school's progress or student performance to be measured by attitudinal and anecdotal survey results. NDE shared several of the districts' self-assessments with OSEP staff.

Authority to Correct Noncompliance. As part of its general supervisory responsibility, NDE must ensure that all public agencies correct any identified deficiencies within a reasonable period of time, not to exceed one year from identification (20 U.S.C. 1232d(b)(3)(E)). NDE reported that it set timelines for correction, ranging from immediately to up to one year. For situations in which students were waiting for services, NDE required the school district to provide evidence that it initiated correction prior to the end of an NDE on-site monitoring visit. However, if the district did not complete correction of previously-identified noncompliance, NDE would conduct follow-up activities such as additional on-site visits and telephone consultations. NDE also reported that if it found that noncompliance continued at the time of the follow-up visit, it then required 30-day progress reports.

NDE shared with OSEP examples of its findings during on-site monitoring visits and corrective action plans developed and implemented by school districts. NDE required each school district to correct any noncompliance as quickly as possible and to submit a corrective action plan (timelines, resources, and strategies) with documentation that the corrective action plan was implemented and that the noncompliance was corrected in conformance with the corrective action plan's timelines. NDE conducted follow-up visits to districts that were required to implement a corrective action plan.

NDE informed OSEP that all districts that submitted self-assessments in 2003 to 2004 corrected all noncompliance identified in their self-assessments within one year from the date on which they submitted the self-assessments. As further evidence of the correction, NDE provided to OSEP the State's tracking system to ensure noncompliance was corrected within one year of notification by the State. NDE informed OSEP that, in some cases, it continued to work with a school district in subsequent years during the district's improvement planning even after the correction of noncompliance to further ensure that the district maintained compliance.

NDE informed OSEP that the State had several enforcement actions available under State law and regulation including: (1) conducting more frequent on-site visits and making telephone contacts; (2) requiring continued progress reports; (3) calling or meeting with the local superintendent; and (4) withholding State and Part B funding. Because NDE was a department created by the State's constitution, collaborative arrangements between agencies were written into regulations or State law. NDE staff believed the constitutional foundation of NDE made it easier to enforce arrangements that would have been typically enforced through interagency agreement in other states.

OSEP believes that NDE's monitoring procedures represent a reasonable approach to the identification and correction of noncompliance. However, without collecting data at the district level, OSEP cannot determine whether the State is fully effective in identifying and correcting noncompliance.

Follow-Up Information Required by OSEP's August 31, 2005 response letter to the State's FFY 2003 Annual Performance Report (APR)

NDE provided additional information during the verification visit to further explain information in the State's FFY 2003 APR in four areas: (a) early childhood transition from Part C to Part B programs; (b) early childhood settings; (c) suspension and expulsion; and (d) Statewide assessment.

Early Childhood Transition. OSEP's response letter to Nebraska's FFY 2003 Annual Performance Report required that the State provide additional information about early childhood transition from Part C to Part B during OSEP's verification visit. The State provided documentation to explain the status of 90 children who had not had Part B eligibility determined. The State accounted for 89 of the 90 children and explained that children eligible for Part C IDEA programs were also eligible for Part B at age three as the State was a birth mandate State. Thus, a child eligible for Part C was already eligible for Part B. In addition, the same definition for a child with developmental delay was used for Part B.

Early Childhood Settings – Part B. During 2004-2005 the State aligned early childhood educational settings in SESIS with the federal definitions for early childhood settings in order to report accurate data to OSEP. Training had occurred for data entry staff at the local and State levels. In the future the State will be able to report the percentage of preschool children in part-time early childhood or part time early childhood special education settings. The State used additional data sources to augment their data regarding early childhood settings. For example, at the conclusion of the Nebraska Personal Development Support Model Project for Providing Child and Family Supports in Natural and Inclusive Environments in accordance with IDEA, Parts B and C, representatives from 15 of the 29 planning regions reported that an average of 64% of the children three through five years of age received their special education and related services in natural learning environments as compared to 31% prior to the project. The State funded 38 regular education programs and 50 special education early childhood programs.

Suspension and Expulsion. NDE described the data gathering and accountability standards for reporting the State's suspension and expulsion data in the APR. The State's standard of 5.0% was established by broad stakeholder involvement, including input from the State's Special Education Advisory Council. If a district's suspension and expulsion rate exceeded the State standard of 5%, the State indicated that it would provide technical assistance through programs such as the State's Positive Behavior Intervention System (PBIS), a program funded by a grant from OSEP's General Supervision Enhancement Grant.

Statewide Assessment. In the APR, NDE submitted incorrect information on Attachment 3 of the APR, an attachment for reporting data about student participation and performance on the Statewide assessments of reading and mathematics. Specifically, the number of students

reported to participate in the assessments exceeded the number of children with disabilities reported. The State submitted a corrected copy of the attachment during the verification visit and also provided participation and performance data for 2003-2004.

Mediation

The Nebraska Dispute Resolution Act of 1994 established a system of five regional mediation centers and required mediators to meet State standards. Between July 2002 and July 2005, 42 requests for mediation were received and 33 full and partial agreements were reached. NDE informed OSEP that it disseminated information about the benefits of and procedures for mediation to parents, special education administrators and teachers, parent advocacy groups, and parent training centers. The Parent Training and Information Center staff and staff at one of the State’s medical centers confirmed that the State’s mediation system was helpful in meeting the needs of parents of children with disabilities.

Due Process Hearings

NDE must ensure that a decision is reached and mailed to the parties within 45 days from the date of receipt of a request for a hearing, unless the hearing officer grants a specific extension of the 45-day timeline at the request of either party (34 CFR §300.511(a) and (c)). NDE provided OSEP with a hearing log for the six hearing requests received between July 1, 2002 and June 30, 2005. As shown in the table below, NDE’s log showed that the State met the requirements of 34 CFR §300.511. One request was still open at the time of OSEP’s visit.

Status of 6 Hearing Requests Received between July 1, 2002 and June 30, 2005					
Consistent with 34 CFR §300.511				Not consistent with 34 CFR §300.511	
Decision issued within 45 days	Withdrawn, dismissed, settled within 45 days	Decision issued within extended timeline	Due date (initial or extended) beyond 10/18/05	Decision issued beyond extended timeline	Decision after 45 days and extended date not specified
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State Complaints

States must issue a decision for each State complaint within 60 calendar days after the complaint is filed, unless the State extends the timeline due to exceptional circumstances with regard to that particular complaint (34 CFR §300.661(a) and (b)(1)). NDE reported that, within seven days of receipt of a complaint, the complaint investigator sent a letter to the district and the parent explaining the State’s mediation process. The parent and the district had seven days to inform the complaint investigator that they chose to enter into mediation. During the visit OSEP reviewed the State’s Complaint Tracking Log. NDE provided a copy of a complaint investigation report that required corrective action to correct the noncompliance. NDE described the process followed by the State to ensure the corrective action was corrected as soon as possible but no later than one year. After the corrective action was completed, NDE continued to conduct additional monitoring to ensure continued compliance. NDE met the timeline requirements for all 10 Part B State complaints that NDE received between July 1, 2004 and June 30, 2005. NDE also provided a calendar of events that indicated two conferences and multiple workshops were held to assist parents and educators to understand the complaint process.

Collection of Data under Section 618 of the IDEA

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably and validly collect and report data under section 618.

OSEP met with NDE staff including the Special Education Data Manager and analysts from the NDE Data Center. OSEP learned that NDE developed the Special Education Student Information System (SEGIS), an electronic, web-based data collection system that allowed school districts to enter student data on-line at any time. School districts either submitted data directly to SEGIS or uploaded student data from their data systems to SEGIS. Approximately 87% of the State's 442 school districts used the Student Record System (SRS) to collect the data that is uploaded to SEGIS. SRS is an electronic database that included IFSP and IEP forms. SEGIS compiles individual student data for all children and students with disabilities, birth to age 21 including child count, settings data, exit data and services for Part C. NDE also maintained databases to collect assessment, discipline and personnel data. Data was entered on-line or uploaded for assessment and discipline but most personnel data was provided through hard copy. Data from the databases were used in the ILCD process to populate tables for reviews and for the ILCD website. Monitoring and trend data were also used for the State Performance Plan and for the State's Annual Performance Reports (APRs).

OSEP learned that NDE also developed the Nebraska Student and Staff Record System (NSSRS) for all students including special education students and public and nonpublic students. The NSSRS used unique individual student identifiers and is being piloted in 14 school districts in 2005-2006. NSSRS will be implemented Statewide in the 2006-2007 school year. Participation was mandated for accreditation. The NSSRS did not include SEGIS data, but students with disabilities were flagged so that data could be verified across SEGIS and NSSRS. Individual assessment and discipline data will also be available through NSSRS.

NDE reported that it provided comprehensive training to school districts, regions, parents and other groups who used SEGIS. OSEP reviewed the schedule of technical assistance activities. Many of the training sessions took place in computer laboratory classrooms, as all entries into SEGIS were made online to provide hands-on experience to data enterers at all levels. NDE also staffed a help desk available to local personnel to receive assistance with all of the NDE databases including SEGIS. NDE also provided several training opportunities for its IDEA data manager.

NDE reported to OSEP during staff interviews that several mechanisms were put in place to

ensure that data entered into the various databases were accurate. SESIS contained automatic data flags to ensure that all required data were entered and that data entered were appropriate for the fields into which they were entered. NDE reported that the implementation of such procedures have increased compliance. NDE adopted WESTAT's protocols to ensure the reliability and validity of data and reviewed data according to those protocols before submitting the data to OSEP. All databases included data definition edits and cross-field edits. When discrepancies were found, NDE contacted the school district to correct the data. If NDE found that data from a district was not corrected or if there were repeated instances of inaccurate or untimely data, the district would be required to submit a corrective action plan and possibly be subject to enforcement procedures and sanctions pursuant to Nebraska Rule 51. In addition, NDE required a signed certification by an authorized official of the school district submitting the data.

NDE staff identified a barrier in collecting accurate personnel data because it was difficult to tell whether personnel were licensed without doing further review outside of the database. NDE planned to integrate certification reviews with the personnel data system to ensure that accurate data were maintained in the personnel database. NDE reported that it planned to transition to the NSSRS as soon as possible to collect 618 data for federal reporting requirements in order to ensure accurate data. NDE also reported that it was attempting to integrate the new data requirements of section 618 and the State Performance Plan (SPP) into its databases. NDE also reported that it took steps to ensure the accuracy of Part C exiting data by redefining exiting definitions.

OSEP believes that that NDE's system for collecting and reporting data is reasonably calculated to ensure the accuracy of the data that NDE reports to OSEP under section 618.

Statewide Assessment

In looking at the State's system for Statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for Statewide assessments that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements.

Regular Assessments

NDE informed OSEP that NDE assessed all students through its School-based, Teacher-led Assessment and Reporting System (STARS), supported by NE Legislative Bill 812 that established learning requirements and general procedures for the implementation of standards, assessment, and accountability reporting for public school districts in Nebraska. OSEP met with the Director of the NDE Office of Assessment and Evaluation and staff from the Office of Special Populations responsible for the administration of STARS during the verification visit. Beginning in 2000, NDE required local school districts to adopt the State's curriculum content

standards or develop local standards more rigorous than the State standards. After such adoption NDE required each LEA to select and administer an assessment aligned with the standards that could be aggregated by the State. Each LEA was required to submit copies of its assessment and the policies and procedures for its administration annually for approval by the State. The State used rigorous criteria to review the assessments to ensure that they provided valid and reliable results. NDE informed OSEP that it collected assessment participation and performance data at the benchmark grades of 4, 8, and 11 prior to 2005. Beginning in 2005-2006 Statewide assessments will also be administered and reported at 3, 5, 6, and 7 as well. In addition, every student was required to participate in the Statewide writing assessment.

OSEP learned that NDE's assessment results for regular students and students with disabilities were publicly reported through the annual Nebraska State of the Schools Report as well as local report cards that report scores by building and by content standard. Student performance was reported at one of four proficiency levels: beginning, progressing, proficient, and advanced. State and district results were posted on the state website. Individual student results were held by the State on a secure website to permit individual assessment results to be tracked over time. Nebraska reported that during the 2005-2006 school year all local school districts would collect and report student participation and performance data at grades three through eight and eleven in the areas of reading and mathematics. The State anticipated that when NDE implemented its individual student record system in 2006, a more complete and accurate review of assessment participation and performance data would become available.

NDE presented extensive examples of determining the topics for technical assistance to general and special education teachers, including input from teachers and parents, regional staff development personnel, results of assessment results and monitoring results. For example, the results of an internal review of student files and assessment results from students who had accommodations revealed that students did not achieve expected performance within the proficiency levels. The State designed training programs to meet the needs identified in the internal review for those school districts. NDE drafted the *Nebraska Department of Education Accommodations Manual* and an accompanying training program that will provide guidance for the selection, administration, and evaluation of accommodations for assessing students with disabilities. The manual and training will be released by the State in 2005.

Alternate Assessment

NDE reported that "*An Alternate Assessment System for Students with Severe Disabilities*," was used by the State from 2000 until 2005 to assess students at the same grade levels and for the same subject areas as STARS. OSEP learned that 577 children with disabilities (less than 1% of the total number of children with disabilities) participated in the alternate assessment program across the State in 2003-2004. NDE provided technical assistance for educators and IEP team members to ensure that they made appropriate decisions about whether a child would participate in the regular assessment or in the appropriate alternate assessment. (The IEP team made the decisions for students to participate in the alternate assessment program.) Specific guidance was provided in the STARS Update #18 that was provided to districts in August 2005 regarding the levels of participation to ensure the inclusion of students with disabilities in Nebraska's assessment accountability system. NDE reported that in 2004-2005, the alternate assessment

was revised in collaboration with the NDE Offices of Assessment, Instruction and Curriculum, the Buros Institute for Testing, general and special education teachers and administrators, higher education representatives, and parent representatives from the Special Education Advisory Council. The committees aligned the alternate assessment with the Nebraska content standards, developed revised alternate standards for grades three through eight and eleven, and prepared the standards for external content validation. The new alternate assessment will be piloted in the 2005-2006 school year and will be fully implemented the following year. The alternate assessment will be subject to the same rigorous standards as STARS. The State reported that when a district conducted district-wide assessments, an alternate assessment was available.

Monitoring Compliance with Assessment Requirements

NDE reported to OSEP that the State monitored local districts for assessment-related issues through interviews of local directors and teachers and file reviews as part of the ILCD process. ILCD Inquiry #5 stated, "Is progress made by children and youth with disabilities, as demonstrated by their performance in the Nebraska STARS assessment and accountability system?" As part of the ILCD file reviews the State looked for statements that individualized accommodations or modifications were identified and provided when needed, and explanations of nonparticipation, if appropriate. The NDE Offices of Assessment and Special Populations conducted audits to verify that assessments were administered in accordance with Rule 10, the State's law that required school districts to administer assessments that meet rigorous standards and to publish assessment results. (In order to be accredited by the State, the school district must comply with Rule 10.) The NDE Office of Special Populations also reviewed adequate yearly progress reports to determine which schools did not meet annual yearly progress because of the performance results of children with disabilities. The schools that did not meet annual yearly progress were targeted for staff development and NDE required those districts to include procedures for improving student performance in the district's improvement plan. School-based improvement plans also addressed assessment issues identified through ILCD and other State and Education Service Unit reviews.

In its response to the State's FFY 2003 APR, OSEP stated that during the verification visit OSEP would "review data regarding participation and performance of children with disabilities on Statewide and districtwide assessments." OSEP expressed concern in the letter that Attachment 3 of the APR had been completed incorrectly. Nebraska provided OSEP with a revised FFY 2003 APR-Attachment 3 to correct the State's previous submission and explained the State's procedures and practices to ensure compliance with IDEA requirements at section 612 (a)(16).

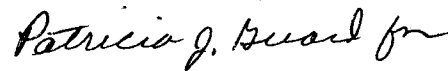
OSEP has determined, through its review of the State's written procedures for Statewide assessments and the State's reports to the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports are consistent with Part B requirements. OSEP cannot, however, without also collecting data at the local level, determine whether all public agencies in the State implement the State's procedures in a manner that is consistent with Part B.

Conclusion

During OSEP's verification visit NDE submitted documentation in response to OSEP's August 31, 2005 letter regarding the State's FFY 2003 APR. OSEP reviewed the documentation and accepts the State's explanation of its early childhood transition system, early childhood settings data, suspension and expulsion data, and the revision of APR Attachment 3, including data reporting participation and performance on Statewide assessments in 2003-2004.

We appreciate the cooperation and assistance provided by your staff during our visit, and look forward to our continued collaboration with Nebraska to support your work to improve results for children with disabilities and their families.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Mr. Gary Sherman