

## **Conversation Points for LB653-AM995**

### **Staffing:**

- Districts plan and staff annually based on projected enrollment and student needs.
  - This occurs in Dec/Jan of the prior year
  - Workforce shortages make hiring additional special education teachers and service providers difficult, especially that late in the school year.
- Currently 17% of students require special education services across Nebraska, staffing and resources are allocated accordingly.
  - Uncertain how the bill is written if this is the “state percentage capacity”??
- The leveled system in the bill is confusing as it does not mirror the leveling system in Rule 51.
- Unrestricted option enrollment creates unpredictability, straining staff capacity and resources.
- Unplanned influxes will strain teacher caseloads and support staff.

### **Impact of Universal Option Enrollment:**

- Disrupts the placement process, forcing open districts to accept students before verifying whether they have the staff, services, or appropriate programs to meet their needs.
- Risk of inappropriate placements in under-resourced settings, violating FAPE.
- Compliance risks if IEP services cannot be provided.
  - Could lead to complaints and/or due process
- Overburdens districts with students they can’t predict having, stretching all resources thin. This will affect ALL students, not just the ones optioning in.
- Financial strain: Level 3 placements often require contracting with costly outside providers, further stretching district budgets.
  - Range between \$30,000 and \$75,000 depending on the severity of the needs of the child. With the state covering 80% of all special education costs across the state it will be a financial burden to the state.
- Language does exist regarding closed district on page 10, lines 12-16.

### **Transportation:**

- Adding significant responsibility on school districts and financial strain to the district and subsequently the tax payers
- Conflicting statute with the option law now that states it’s the resident district’s responsibility to transport student to the receiving district - NebStat 79-241(4)
- DHHS currently provides financial assistance to foster families to aid in transportation - will that funding go to school districts?

### **Small District Impact**

- Services in small districts could be extremely expensive if the school district must make major changes to their special education.
- They also may have a very hard time making the maintenance of effort requirements within the federal government’s laws.

- A smaller district may have to let go of general education teachers to comply with the specific requirements of the new law. They just don't have the room in their budgets to comply with hiring new special education staff without letting go other staff.

**Recent Changes**

- The last legislative session passed a bill for districts to review the files of students in special education to determine if the district has the resources to support the students needs according to their IEP.
- That has only been in effect for the 24-25 school year
- This change is too soon. Let's wait and see if the change last year meets the concerns of senators with regard to option enrollment for students with IEPs