



### **Indicator 13 Frequently Asked Questions**

**Q:** When/if NDE requests a file of a student that has recently exited special education due to graduating, moving, being dismissed from special education, or dropping out, what items should be submitted to document this change?

**A:** If a student has graduated, moved, dropped out, or is no longer in special education, the individual file does not need to be re-convened but the systemic issue must be corrected through other means on the Corrective Action Plan (CAP) because the self-assessment findings were that this area of indicator 13 was noncompliant. Please indicate both the status of the individual student file and the method of systemic correction on your CAP. For example, student #123545 graduated in 2024. The district will provide guidance to the team by holding a training to address the area of non-compliance from student file #12345.

**Q:** How can a district determine whether it is appropriate to invite an outside agency to the IEP meeting?

**A:** In Nebraska, when a student with a disability turns 14, it is required to show documentation that the district has attempted to gain consent from the parent/guardian to invite an outside agency to attend the student's IEP meeting, regardless of his/her eligibility category in special education. Outside agencies are those that may assist in providing transition services. Outside agency representatives that could be invited to the IEP meeting may include: rehabilitation counselor, county social worker, employment agency staff (day training and habilitation), independent living center staff, county board of developmental disabilities staff, disability support staff from a postsecondary educational or technical school, person knowledgeable about assistive technology, person knowledgeable about financial benefits such as Supplemental Security Income (SSI) and Medicaid or Medical Assistance (MA), personal care or health care providers, including mental health care providers, probation officer or teacher from a juvenile justice center, community park and recreation staff, and



transportation agency staff.) Students can and should begin planning toward their postsecondary goals at this time. Transition services are designed to assist in this process for any student that qualifies.

**Q:** How do school districts document when a parent refuses consent for an outside agency to be invited to the IEP?

**A:** Every year, the district must request to the parent or guardian that an outside agency be invited to the student's IEP meeting. If a parent or guardian refuses consent for an outside agency, this should be documented on the consent form that is included in the Notice of Meeting or other IEP documentation. Districts may also document consent requests/refusals in the communication log on the first page of an IEP, or on a separate notes page that is included in the students file.

**Q:** Can a district/case manager ask a parent for consent for an outside agency to attend an IEP via phone call?

**A:** While best practice would be to obtain any type of consent in person, a case manager may document that consent was accepted/refused via phone call. However, that communication must be documented somewhere in the child's IEP.

**Q:** What does it mean when NDE states that districts should review district policies/procedures for indicator 13 as part of the corrective action plan (CAP)?

**A:** Federal laws like the Individuals with Disabilities Education Act (IDEA) require schools to provide a free appropriate public education (FAPE) to students with disabilities. Having clear policies ensures that a district complies with these legal requirements and avoids potential lawsuits. Established procedures provide a consistent approach to identifying, assessing, and serving students with disabilities. Regular review of policies and procedures allows districts to assess the effectiveness of their special education programs and make necessary improvements. This ongoing evaluation helps enhance the quality of education for students with disabilities. A school district should be able to



produce the policies and procedures they utilize to provide guidance for teachers, administrators, and support staff on how to handle specific situations, from classroom management to individualized education plans (IEPs). The [Indicator 13 checklist from NTACT](#) is a good example of a procedure for transition age IEPs.

**Q:** If a file is submitted that is compliant in the area indicated, but out of compliance in a different area, will this trigger a further corrective action or other directive?

**A:** Yes. Per OSEP's updated general supervision guidance for SEA's, the state must determine that "the review of updated data and information did not reveal any continued non compliance." The state's general supervision responsibilities clearly define that "an SEA may not establish a threshold of less than 100% for determining an LEA or EIS program or providers compliance. If a state determines that an LEA's or EIS program or provider's compliance level is less than 100%, the state must issue a finding and require correction of the noncompliance..."