



Legislative Report
Reporting on Neb. Revised Statute
§ 79-11,157.01

September 2024

Introduction

Pursuant to Nebraska Revised Statute §79 -11, 157.01, on or before July 1 of each year, each school district shall provide to the State Department of Education, information relating to dyslexia. Such information shall include, but not be limited to, the number of students in each public school district:

- (a) Tested¹ for a specific learning disability in the area of reading, including tests that identify characteristics of dyslexia and the results of such tests;
- (b) Identified as having a reading issue, including dyslexia, pursuant to the assessment administered under the Nebraska Reading Improvement Act; and
- (c) Identified as described in subdivision (b) of this subsection that have shown growth on the measure used to identify the reading issue.

This report is the first report to satisfy the Nebraska Revised Statute §79 - 11, 157.01 legislative reporting requirements.

Data Collection, Reporting Requirements and Limitations

Beginning July 1, 2024, data was collected via the Consolidated Data Collection (CDC) within the NDE Portal system for the 2023-2024 school year. It will be reported in the CDC in subsequent school years as well. Each year, the data collection will be available on May 1st and will close on June 15th. This year's report captures data from July 1, 2023 to June 30, 2024.

According to the law, reported information includes "...the number of students in each public school in such district." Nebraska public school districts must report the required data at the district level. The school district then compiles the data to share with NDE. The Nebraska Reading Improvement Act requires districts to screen students in grades K-3, three times per year. Data must also be collected and reported on students ages three to 21 who have been evaluated (tested) for a specific learning disability in reading.

Tested for a specific learning disability in the area of reading, including tests that identify characteristics of dyslexia and the results of such tests:

The reporting requirement to collect data on specific learning disabilities does not directly match the disability determination process or support as outlined in other statutes. In Nebraska, dyslexia is defined as a specific learning disability ([79.1118.01](#)). For students with dyslexia to be eligible for special education under the eligibility category of [Specific Learning Disability \(SLD\)](#), data must be used to demonstrate that the disability has a significant educational impact. Under IDEA (2006) and [Nebraska Department of Education Rule 51](#) (92 NAC 51-006.04K1), to qualify for special education services in the category of specific learning disability, the child must have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, manifesting itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The category includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The evaluation process analyzes data to determine if a student meets the criteria for a Specific Learning Disability (SLD). For more information on criteria for eligibility for a specific learning disability, refer to [Determining Special Education Eligibility for Specific Learning Disabilities](#).

Additional pathways exist to support students with dyslexia. As noted previously, the Nebraska Reading Improvement Act requires districts to screen students in grades Kindergarten through 3rd grade, three times each year for reading difficulties. Many of these screeners include information related to characteristics of dyslexia and the NDE is seeking ways to increase the use of high-quality screeners that would assure that all students receive screening for characteristics of dyslexia in grades K-3. As a result of screening and subsequent evaluation, a student who is found to have characteristics of dyslexia may receive an individualized reading improvement plan (K-3), or they may be eligible for a 504 plan (to provide appropriate accommodations) or be

¹ The word tested is used in the state statute, however, in terms of determining eligibility for special education, students are evaluated using multidisciplinary tools and not tested.

found eligible for an Individualized Education Program (IEP) and receive specially designed instruction and related services. The culmination of the evaluation process is a written report that includes evidence of whether specific criteria are met for special education eligibility and clearly states recommendations for specially designed instruction, as mandated by federal law. The written report also details accommodations such as providing additional time for assessments or having tests read to the student.

If a student is determined to be eligible for special education, regardless of the eligibility category, they may have goals within the IEP related to progress in reading. If the student has goals related to reading, he or she would not be placed on an IRIP; rather, the team would support the student through the IEP. If the student is on an IEP that does not contain goals related to supporting reading progress, he or she could also be placed on an Individual Reading Improvement Plan as required.

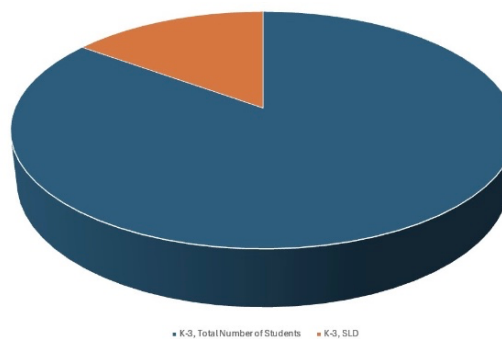
<p>The number of students in each public school (building) tested for a specific learning disability (SLD) in the area of reading, including tests that identify characteristics of dyslexia, ages 3 to 21</p>	<p>Total Number of Students: 10,225</p>
<p>The results of the testing to determine eligibility under the category of specific learning disability (SLD) in the area of reading, including tests that identify characteristics of dyslexia, ages 3 to 21</p>	<p>The number of students determined eligible: 4,747</p>
	<p>The number of students determined not eligible: 5,478</p>

When comparing this report to data collected through the Office of Special Education, significant discrepancies exist, suggest *the figures in the table to not accurately reflect the number of students identified with a specific learning disability in grades K-3.*

This information does not accurately reflect the number of students who are identified with a specific learning disability in grades kindergarten through 3rd grade as it was evident when comparing data collected annually by the Nebraska Department of Education, Office of Special Education that the numbers were not correctly reflecting the grade levels that would align to the Individualized Reading Improvement Plan (IRIP) collection.

Specific learning disabilities encompass eight areas a child may need additional support to meet age- or grade-level state standards: oral expression, written expression, basic reading skills, reading fluency, reading comprehension, mathematics calculation, and mathematics problem solving. The data below *do not* delineate the area of specificity for the disability, and therefore *cannot* be used to determine if a specific learning disability is in reading. The data below does not delineate the area(s) of specificity to determine if the specific learning disability is in reading. In sum, there is currently not a clean and clear way to fully identify the number of students with a specific learning disability in reading.

Grade	Number of Students with Specific Learning Disability
Kindergarten	69
First	420
Second	1205
Third	1793
Total Students, K-3, with disabilities	19,765



(Source: 2023 Nebraska - IDEA Federal Child Count)

The initial data reported in 2024 should be interpreted with caution. The NDE worked to assure that data collection accurately reflected legislative requirements. Although concerns that lead to evaluation for a specific learning disability often include reading, there are other factors that lead to evaluation. Due to federal reporting requirements, districts have, in the past, provided information to the NDE about the number of students identified with a Specific Learning Disability, but not the number of students evaluated. This was the first time that districts were asked to provide information that was specific only to student evaluations with reading as a primary concern and specific to dyslexia.

Similarly, there are several limitations and challenges in collecting data specific to understanding the number of students with dyslexia under a specific learning disability eligibility category within special education. These include:

- Variability in definitions and diagnoses within dyslexia which leads to inconsistent criteria being used.
- Lack of a universal screener of dyslexia across districts, leading to variability in how dyslexia is diagnosed and identified.
- Students that move into Nebraska from other states may have experienced different eligibility criteria under their previous state's statutes, which can cause frustration.
- Dyslexia often overlaps with other learning disabilities, making it difficult to isolate as a distinct condition within the broader SLD category.
 - An example of this, in Nebraska, is the identification of students ages three to eight years of age within the eligibility category of Developmental Delay.
 - To qualify for special education services in the category of developmental delay, the child must have a significant delay as measured by appropriate diagnostic instruments and procedures in one or more of the following areas and, by reason thereof needs special education and related services: cognitive development, physical development, communication development, social or emotional development, 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.
 - Developmental delay may be considered as one possible eligibility category for children ages three through the school year in which the child reaches age eight. Students in kindergarten through 2nd grade who exhibit characteristics of dyslexia could be eligible for special education under the eligibility category of Developmental Delay. For more information on criteria for eligibility for a developmental delay, refer to [Determining Special Education Eligibility – Developmental Delay](#).

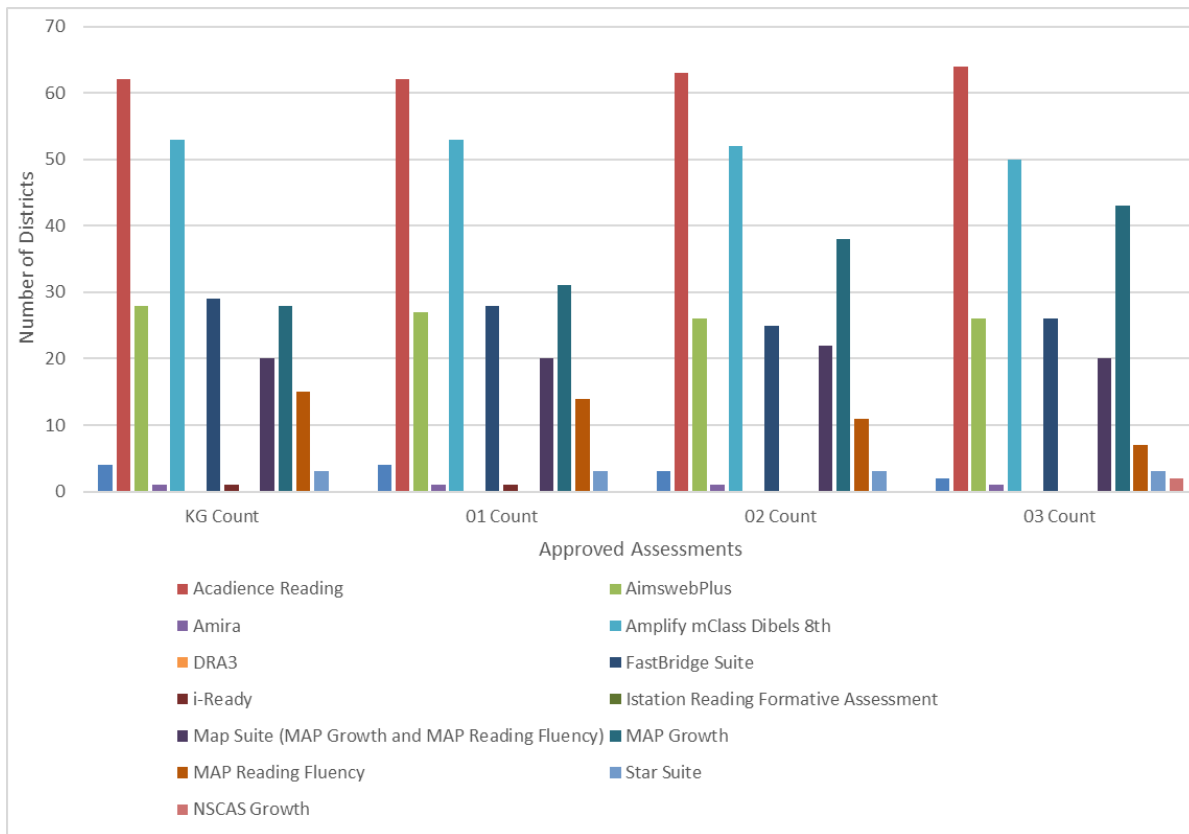
Identified as having a reading issue, including dyslexia, pursuant to the assessment administered under the Nebraska Reading Improvement Act:

Beginning with the 2018-2019 school year, students that show characteristics of dyslexia are required to receive “evidence-based structured literacy instruction implemented with fidelity using a multisensory approach” ([79-11,156](#)). Under the Nebraska Reading Improvement Act, approved assessments have been selected to help identify students at risk for reading difficulties, such as dyslexia. Schools may choose to add an additional dyslexia-specific screener, but it is not required under this law. Additional information is available in the NDE's [Dyslexia Guide](#).

Per the requirements of the Nebraska Reading Improvement Act, kindergarten through 3rd grade students are identified as having a reading issue if they perform below the threshold level determined pursuant to section [79-2603](#) on an approved reading assessment. Student growth toward proficiency should be measured according to appropriate progress monitoring tools utilized as part of a student's Individualized Reading Improvement Plan (IRIP). The number of students who have shown growth on the approved screeners (assessments) used to identify a reading deficiency during the screening cycle are reported to the NDE.

A universal screener for reading functions within the [Nebraska's Multi-tiered System of Support framework](#) (NeMTSS) to support students' reading success as a service provided through the Nebraska Reading Improvement Act (Section 79-2601- 79-2607). Following the NeMTSS best-practice model, school districts implement universal screening of reading for all students (K-3) at various points in the beginning, middle, and end of the school year, regardless of the student's performance in the classroom. Universal screening focuses on specific skills that are highly correlated with broader measures of reading achievement resulting in the identification of those students potentially "at-risk" for future reading failure, including those with developmental reading disabilities. This information can also provide districts with information regarding the effectiveness of their core instructional program. The Nebraska Department of Education has created an [IRIP Guidance](#) document for more information surrounding Universal Screening.

Below is a graph of the approved universal screeners used in Nebraska, by grade level.



The Nebraska Reading Improvement Act states that a reading deficiency is determined when any student in kindergarten, grade one, grade two, or grade three performs below the threshold level determined pursuant to section 79-2603 on an approved reading assessment. A student identified as having a reading deficiency pursuant to this subsection shall remain identified as having one until the student performs at or above the threshold level on an approved reading assessment.

For students identified as needing Individualized Reading Improvement Plans, districts were asked to collect the number of students placed on an IRIP during the reporting period. For students identified as needing Individualized Reading Improvement Plans, districts will count the student when placed on the IRIP during that time period. As a result, students who move between Nebraska districts during this time period may be counted in multiple district collections. The progress of that student was measured by the district that had the student in membership on the reporting period's date. The difference in numbers is a result of a child either making no progress or moving out of the district before the next assessment period.

<p>The number of students identified as having a reading deficiency and placed on an IRIP (K-3)</p>	<p>Total Number of Students: 23,814</p>
<p>The number of students (K-3) who have shown growth on the approved screeners (assessments) used to identify a reading deficiency during the screening cycle</p>	<p>Total Number of Students: 22,538</p>

A limitation of the initial data collection in 2024 would include the fact that information about growth, although very positive, must be interpreted with caution. Districts select from a range of assessments and growth of one point on one screener likely does not equate to growth of one point on another assessment. The assessments use different scales and scoring processes. It is difficult to interpret the significance of the reported student growth based upon the 2024 data collection. The NDE has been in discussion with districts about data collection methods that could be more actionable at the classroom level. There have also been discussions about reporting the number of students who meet approved reading assessment thresholds. Each fall and spring for each grade level K-3 for the 2025 collection. This would allow teachers and administrators to monitor significant gains for students and it could promote school-level goals around reducing the number of students who require an IRIP. One concern for this proposed change in data collection would be that it will not be sensitive to growth that may occur for students who remain on an IRIP. This would set a much higher bar for reporting of growth.

Conclusion

Nebraska educators are actively identifying and supporting students with reading difficulties beginning at age three through their entire educational experience, including those exhibiting characteristics of dyslexia. This is evident by 94.64% of all students (K-3rd grade) who have shown growth on the approved assessments used to identify a reading deficiency during the screening cycle.

The comprehensive analysis of the literacy data collection highlights critical areas for continued focus and improvement in our educational system. The data underscores the importance of early intervention, consistent assessment, improved data quality and collection, and targeted support to ensure that all students, regardless of background or ability, achieve literacy proficiency.

Early Intervention

Early intervention is crucial in supporting students with reading difficulties, especially those students who exhibit characteristics of dyslexia for several reasons. Dyslexia primarily affects reading, writing, and spelling. By identifying and addressing these challenges early, students can receive targeted instruction that helps them develop foundational literacy skills before they fall behind their peers. Without early support, the gap between dyslexic students and their peers can widen, making it harder to catch up later. The use of appropriate universal screeners is a core component of the Nebraska Reading Improvement Act. The data collected will assist the Nebraska Department of Education in identifying districts who are experiencing higher percentages of students on Individualized Reading Improvement Plans and target supports both individually to districts and through a regional approach.

Consistent Assessment

Consistent assessment is essential for providing timely, individualized, and effective support to students struggling with reading and especially to students who exhibit characteristics of dyslexia, ensuring that they can achieve their full potential in the classroom and beyond. The data collected will assist the NDE in developing universal guidance around evaluations specific to specific learning disabilities and developmental delays. It will also allow the NDE to target support to regions who have a higher percentage of students being evaluated and not being found eligible.

Improved Data Quality and Collection

Like any report of this nature, enhancements and changes can be made to future iterations. To improve data quality and accuracy in the future, the NDE is considering:

- **Redefining the reporting criteria for Specific Learning Disabilities (SLD)**
 - Adding clear language to specify the total number of students evaluated (initial and reevaluation) for any form of a SLD. Many districts had questions regarding which students would need to be included in this collection.
 - Implementing clear guidelines for categorizing students identified with a SLD. The total number of students will be broken down into three distinct categories:
 - Number of students identified with having a primary disability in reading
 - Number of students in from three years of age to third grade
 - Number of students in fourth grade to 21 years of age
 - Number of students evaluated but not identified as having a disability in reading
 - Number of students identified with having a disability in another area
- **Enhancing data on student progress on Individual Reading Improvement Plans (IRIP)**
 - Collecting data on the number of students meeting approved reading screener thresholds. This would be accomplished by requesting fall numbers and spring numbers for all kindergarten through third grades.

Targeted Support

Coupled with this data reporting, the Nebraska Department of Education is actively developing and implementing a professional learning system as required in Nebraska Revised Statute §79-2607, to provide sustained professional learning and training regarding evidence-based reading instruction for teachers who teach children from four years of age through third grade at an approved or accredited school and teachers employed by an early childhood education program approved by the State Board of Education (SBOE). The professional learning system will also include information and tips for teachers related to helping children and families work with local family literacy centers. The NDE, as part of professional learning system, is also working with educational service units to provide regional coaches to approved or accredited elementary schools to provide assistance and job-embedded training relating to evidence-based reading instruction to teachers who teach students in kindergarten through third grade. The targeted professional learning of educators who teach children from four years of age through third grade will ensure students receive evidence-based reading instruction to effectively instruct students in reading.

The legislation requires regional literacy coaches to provide job-embedded training and support for evidence-based reading instruction. Regional literacy coaches will play a vital role in supporting evidence-based literacy instruction in numerous ways. The Department will ensure that the literacy coaches are experts in evidence-based instructional strategies and practices. They will provide teachers with the knowledge and tools needed to implement these approaches effectively in their classrooms. Their expertise will ensure that instructional methods align with the latest research on literacy development, particularly for students with reading difficulties like dyslexia. The literacy coaches will offer ongoing professional development to teachers, helping them stay current with new literacy research, instructional strategies, and interventions. This continuous learning process will enable teachers to refine their practice, ensuring they are equipped to meet their students' diverse literacy needs. Even when teachers are trained in evidence-based literacy practices, implementing these strategies can be challenging. The literacy coaches will provide hands-on support, modeling instructional techniques, co-teaching lessons, and offer feedback. This on-the-ground assistance will help teachers translate theory into effective classroom practice.

The regional literacy coaches will help create consistency in literacy instruction across schools and districts. By working with multiple schools within a region, they will ensure that evidence-based practices are implemented uniformly, reducing disparities in the quality of literacy instruction that students receive. They will also help coach educators in how to use data from student assessments to inform instruction. By analyzing assessment results together, coaches and teachers can identify students' specific needs and adjust instruction, accordingly, ensuring that it is both targeted and effective. Literacy coaches will facilitate teachers' ability to differentiate instruction to meet the needs of all students, including English language learners, students with disabilities, and those with reading difficulties like dyslexia. They will provide strategies for reaching these diverse learners, ensuring that every student has access to effective literacy instruction. The NDE, in partnership with ESUs, will build out regional literacy coaches in the Nebraska Literacy Project as this, along with the professional learning, is essential for bridging the gap between research and practice, ensuring that evidence-based literacy instruction is consistently and effectively implemented across schools and districts.

Moving forward, policymakers, educators, and stakeholders must collaborate to address the gaps identified in this report. By refining data collection processes, enhancing instructional strategies, and providing adequate resources, we can better support our students and advance literacy outcomes across the state. The recommendations outlined in this report provide a pathway to achieving these goals, fostering an equitable and effective educational environment for every learner.