

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	118,000	0	0	0	118,000
FY2027-2028	118,000	0	0	0	118,000
FY2028-2029	118,000	0	0	0	118,000
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	0	0	0	0
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB841 amends §79-1139 & §79-1164 to require special education services, to require parental consent, & to assign the burden of proof & the burden of production for certain hearings.

Each school district will provide special education services to each student that has been identified & verified in the student's individualized education program.

No school district will implement a change to an individualized education program without consent from the student's parent, legal guardian, educational decisionmaker, or surrogate unless:

- the school district documents reasonable efforts to obtain that consent & no response is received from the student's parent, legal guardian, educational decisionmaker, or surrogate within ten calendar days following those efforts
- the school district obtains approval to implement such change through a hearing. The school district will responsible for the burden of proof & the burden of production

#### FISCAL IMPACT:

The Nebraska Department of Education (NDE) estimates the average cost of the Special Education due process hearings over the last three years to be approximately \$39,365 per year. With the increase of hearings due to LB841, NDE estimates that the annual costs of those hearing will increase to between \$157,000 & \$196,000 annually.

The Legislative Fiscal Office (LFO) estimates the costs of the hearings to be between \$79,000 to \$118,000 annually.

There could be additional expense at the district level to met the provisions of LB841, but those expenses cannot be determined at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: <b>841</b>	AM:	AGENCY/POLT. SUB: <b>Educational Service Unit Coordinating Council</b>
REVIEWED BY: Kimberly Burns	DATE: 01/13/2026	PHONE: (402) 471-4171
COMMENTS: Concur with the Educational Service Unit Coordinating Council's estimate of no direct fiscal impact from LB 841.		

Please complete ALL (5) blanks in the first three lines.

**2026**

**LB<sup>(1)</sup> 841**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Educational Service Unit Coordinating Council

Prepared by: <sup>(3)</sup> Larianne Polk Date Prepared: <sup>(4)</sup> 1/12/2026 Phone: <sup>(5)</sup> 402-597-4843

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2026-27</u>		<u>FY 2027-28</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

No direct fiscal impact. Any potential costs to ESUs would be indirect and would vary by ESU and are not readily quantifiable.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2026-27</u>	<u>2027-28</u>
	<u>26-27</u>	<u>27-28</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2026

LB<sup>(1)</sup> 841

FISCAL NOTE

State Agency OR Political Subdivision  
Name: <sup>(2)</sup>

Education

Prepared by: Lane Carr

<sup>(3)</sup>

Date Prepared: 1.13.26

<sup>(4)</sup>

Phone: 402.419.3012

<sup>(5)</sup>

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026-27		FY 2027-28	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$196,000		\$196,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$196,000		\$196,000	

Explanation of Estimate:

NDE anticipates an increase in the number of due process hearings, and the associated costs with those hearings. Each due process hearing involves the cost of hearing officer and preparation of transcripts of the proceedings.

Over the last three calendar years, NDE expended an average of \$39,365 per year for special education due process hearings. The NDE estimates an annual increase in costs between \$157,000 to \$196,000 for additional hearings brought about by LB841.

Additional costs will be incurred by school districts, but the NDE does not have data to calculate those costs.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27	2027-28
	26-27	27-28	EXPENDITURES	EXPENDITURES
Benefits.....				
...				
Operating.....				
....			\$196,000	\$196,000
Travel.....				
.				
Capital				
outlay.....				
Aid.....				
.				
Capital				
improvements.....				
TOTAL.....			\$196,000	\$196,000