

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

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

LB414 amends & revises several sections to change the provisions relating to the enrollment option program & special education services.

Capacity for special education services operated by an option school district will be determined on a case-by-case basis. If an application for option enrollment received by a district indicates that the student has an individualized education plan (IEP) under the Individuals with Disabilities Education Act or has been diagnosed with a disability as defined in §79-118.01,13, the application will be evaluated by the district’s director of special education services, on a case-by-case basis, who will then determine if the district has the capacity to provide the applicant the appropriate services & accommodations.

Prior to October 15 of each year, a district’s school board can declare a program, class, or a school unavailable to option students for the next school year due to lack of capacity.

If an application is rejected by the option district, the rejecting district will provide written notification to the parent or guardian stating the specific reasons for the rejection including, for students with an IEP, a description of services & accommodations required that the district does not have the capacity to provide.

**TECHNICAL NOTE:**

§79-238 requires the school board of each school district to adopt specific standards for acceptance or rejection of applications & for providing transportation for enrollment option students. LB414 amends that section to require the school board of each school district to adopt specific capacity standards for acceptance or rejection of applications & for providing transportation for enrollment option students therefor making it so that school districts would only be adopting standards for capacity & no other standards concerning acceptance or rejection.

**EXPENDITURES:**

Enrollment option students are a factor in the calculation of the Tax Equity & Educational Opportunities Support Act (TEEOSA). School districts that have a net number of students in their enrollment option program will receive funding from the state whether they are an equalized or unequalized school district.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>				
LB:	414	AM:	AGENCY/POLT. SUB: Department of Education	
REVIEWED BY:	Gary Bush	DATE:	1/26/23	PHONE: (402) 471-4161
COMMENTS: No basis to disagree with the estimate provided by the agency.				

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

**2023**

**LB<sup>(1)</sup> 414**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> NE Dept of Education

Prepared by: <sup>(3)</sup> Bryce Wilson Date Prepared: <sup>(4)</sup> 1/23/23 Phone: <sup>(5)</sup> 402-471-4320

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

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 414 changes how capacity for option enrollment is determined for students using special education services. This bill requires capacity for special education services to be determined by the special education director for each specific student requesting to use the option enrollment program on a case-by-case basis. Currently, capacity limits can be set by districts for all programs without specific guidance on how capacity can be determined. There would be minimal fiscal impact to NDE. School district fiscal impact cannot be determined at this time.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24 EXPENDITURES</u>	<u>2024-25 EXPENDITURES</u>
	<u>23-24</u>	<u>24-25</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>