



**TOPIC: Procedural Safeguards -- Due Process Complaint/Resolution Meeting**

*“If a due process complaint has been filed, is the 15-day resolution session required if the parents agree to waive the resolution process? Must the waiver agreement be made within the 15-day timeline? “*

Nebraska’s 92 NAC 51 (Rule 51) contains requirements in section 009.13A specific to conducting a resolution meeting.

009.013A Resolution Meeting

009.13A1 Within 15 days of receiving notice of the parent’s due process complaint, and prior to the initiation of a due process hearing under 92 NAC 55, the school district or approved cooperative must convene a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint

009.13A2 The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the school district or approved cooperative has the opportunity to resolve the dispute that is the basis for the due process complaint.

Rule 51 further provides:

009.13A3 The meeting described in 009.13A1 and 009.13A2 need not be held if:

009.13A3a The parent and the school district or approved cooperative agree in writing to waive the meeting; or

009.13A3b The parent and the school district or approved cooperative agree to use the mediation process described in 92 NAC 51-009.12.

Therefore, districts are not required to convene a resolution meeting, as described under 009.13A, if there is written agreement between the parent and the school district to waive the meeting. This written agreement must be made within the 15-day timeline.