



Question: Does a school district have to give a copy of 92 NAC 55 (rule 55) to parents at every IEP meeting?

Answer: The federal IDEA law promotes parents' involvement in the education of their child, and it incorporates parents' and children's rights as well as certain protections for these rights. These protections are embedded in the procedures that states are required to follow as they evaluate students and provide special education services. These protections are called procedural safeguards. Since state laws also govern special education services, procedural safeguards notices may be different across school districts. However, all procedural safeguards notices must include the safeguards of parents' and students' rights that are required by IDEA.

The Procedural Safeguards Notice, containing all of the information required by IDEA, must be provided to parents at very specific points along the way. IDEA 2004 changed the points at which the school must provide parents with the Procedural Safeguards Notice and reduced the number of times a parent must get the notice. However, parents may request a copy of the Procedural Safeguards Notice at any time.

Schools must provide a copy of the Procedural Safeguards Notice:

- Upon initial referral or parental request for evaluation
- Once each school year (for students eligible for IDEA services)
- When parents first file a complaint (either a state complaint or due process complaint)
- When the student is removed from his or her current educational placement because of a violation of a code of conduct
- Upon request by the parent.





The Procedural Safeguards Notice must be written in the native language of the parents (unless it is clearly not feasible to do so) and it must be written in a way that is easy to understand.

Nebraska Revised State Statute 79-1162 requires districts to provide a copy of the procedures regarding due process hearing and complaints to the parents upon initial consideration of the provision of special education services.

“A parent, guardian, competent student of the age of majority, or school district may initiate a hearing on matters related to the initiation, change, or termination or the refusal to initiate, change, or terminate the identification, evaluation, or educational placement of a child with a disability or the provision of a free appropriate public education or records relating thereto. A copy of the procedures specified in rules and regulations of the State Department of Education for complaints and hearings under this section shall be provided by school districts to all parents and guardians of children with disabilities upon initial consideration of the provision of services for their children with disabilities. Such hearings shall be initiated by filing a petition with the State Department of Education.” (Emphasis added)

92 NAC 51 (Rule 51) also contains requirements related to the provision of information regarding the due process system and complaint systems. Specifically, 92 NAC 51-009.06 states:

009.06 Procedural Safeguards Notice

009.06A A copy of the procedural safeguards available to the parents of a child with a disability shall be given by the school district or approved cooperative to the parents only one time a school year, except that a copy shall also be given to the parents:

009.06A1 Upon initial referral or parental request for evaluation;

009.06A2 Upon request by a parent;





009.06A3 Upon receipt by the school district or approved cooperative of the first occurrence of the filing of a complaint under 92 NAC 51-009.11 and the first occurrence of filing a special education due process case under 92 NAC 55; and

009.06B The procedural safeguards notice shall include a full explanation of all of the procedural safeguards relating to:

009.06B5 Opportunity to present and resolve disputes through the due process hearings and the state complaint procedures including;

009.06B5a The time period in which to file a state complaint or petition for a due process hearing;

009.06B5b The opportunity for the school district or approved cooperative to resolve the dispute; and

009.06B5c The difference between the due process system and the state complaint procedures; including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.

009.06B6 The child's placement during pendency of due process proceedings;

009.06B10 Due process hearings, including requirements for disclosure of evaluation results and recommendations;

009.06B11 Civil actions, including the time period in which to file such actions; and

009.06B12 Attorney's fees.

When The Procedural Safeguard (Parent's Rights Document) was updated in 2018, The NDE - Office of Special Education included the appeals procedures as defined under 92 NAC 55 (Rule 55). Thus, a separate copy of Rule 55 does not





need to be given since this information is included in the Procedural Safeguards unless the district wants to or a parent request this information separately.

You may access the IDEA Part B Parents' Rights in Special Education (Age 3-21) Procedural Safeguards Notice here:

<https://cdn.education.ne.gov/wp-content/uploads/2018/07/Parent-Rights-for-Special-Education-3-21.pdf>

