



NEBRASKA

DEPARTMENT OF EDUCATION

June 9, 2020

To: Superintendents and Special Education Directors

From: The Nebraska Department of Education, Office of Special Education

CC: Deb Frison, Deputy Commissioner, Brian Halstead, Deputy Commissioner, Steve Milliken, Deputy Commissioner, and the NDE Office of Special Education

Re: General Liability Waivers and Hold Harmless Agreements – COVID 19

It has come to the attention of the Nebraska Department of Education (NDE), Office of Special Education that numerous school districts are circulating “General Liability Waiver and Hold Harmless” agreements to parents concerning “facility” usage in regard to COVID-19.

Neither state and/or federal law contain any provisions that would allow for any school district to require a student or parent to waive any rights that a student would otherwise have to participate in special education services at school. There should not be such a “waiver” for any regular or special education services as a condition to educational services.

The NDE would like to convey that services provided through the student’s Individualized Education Plan (IEP) need to be decided upon by the IEP Team and thus become the responsibility of the district as outlined within the plan. Should a family and school district disagree about a child’s IEP, federal law and Nebraska State Statute outline several ways to resolve the dispute. For more information around procedural safeguards and dispute resolution, please visit: www.education.ne.gov/sped/parent-information.

Matthew L. Blomstedt, Ph.D.
Commissioner of Education