TITLE 92 NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 71- PROCEDURES FOR FORMAL REVIEW OF VOCATIONAL REHABILITATION DETERMINATIONS

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TITLE 92 NEBRASKA DEPARTMENT OF EDUCATION
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001. General.

001.01. Purpose of this Chapter. This chapter provides procedures for the formal review of written determinations by Vocational Rehabilitation personnel concerning the provision, of vocational rehabilitation services. This chapter is intended to implement the requirements of 29 U.S.C. 701 et seq., 34 CFR Part 361 et seq., Neb.Rev.Stat. Sections 79-11,121 to 79-11,132 and the Nebraska Administrative Procedures Act.

001.02. Definitions. The following definitions shall apply as used throughout Chapter 71 of these rules and regulations.

001.02A. Director shall mean the Director for Vocational Rehabilitation of the Nebraska Department Education.

001.02B. Board shall mean the State Board of Education.

001.02C. Commissioner shall mean the State Commissioner of Education.

001.02D. Contested case shall mean a proceeding before the Department in which the legal rights, duties, or privileges of specific parties are required by Title I of the Vocational Rehabilitation Act of 1973, as amended, or by Neb.Rev.Stat. §79-11,128, to be determined after a hearing before a hearing officer.

001.02E. Department shall mean the Nebraska Department of Education, which is comprised of the Commissioner and the Board.

001.02F. Ex parte communication shall mean an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Ex parte communication shall not include:

001.02F1. Communications which do not pertain to the merits of a contested case;

001.02F2. Communications required for the disposition of ex parte matters as authorized by law;

001.02F3. Communications in a ratemaking or rulemaking proceeding; and

001.02F4. Communications to which all parties have given consent.

001.02G. Family member shall mean any relative by blood, adoption, or marriage of an individual with a disability and other individual living in the same household with whom the individual with a disability has a close interpersonal relationship.

001.02H. Hearing officer shall mean the person or persons conducting a hearing pursuant to this Chapter whether designated as the presiding officer, administrative law judge, or some other title designation.

001.02I. Individual with a disability shall mean any individual who has a physical or mental impairment which, for the individual, constitutes or results in a substantial impediment to employment, and can benefit in terms of an employment outcome (as defined in ~~Section 002.06 in~~ 92 NAC 72) from the provision of vocational rehabilitation services.

001.02J. Party means the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.

001.02K. Petition means the initial document filed with the Director that sets forth a claim and request for action by the Department.

001.02L. Petitioner shall mean an individual with a disability who is an applicant for, or recipient of, Vocational Rehabilitation Services who is dissatisfied with any written determination made by Vocational Rehabilitation personnel concerning the provision, of vocational rehabilitation services, and shall include the applicant's representative, if the applicant or recipient lacks capacity.

001.02M. Respondent shall mean the Division of Vocational Rehabilitation Services, Nebraska Department of Education.

001.02N. Vocational Rehabilitation personnel shall mean any Vocational Rehabilitation staff specialist assigned to work with the applicant or recipient.

002. Prohibitions against ex parte communications.

002.01. Prohibitions; when applicable. The prohibitions found in this section shall apply beginning at the time notice for hearing is given.

002.02. Prohibitions; to whom applicable.

002.02A. Parties and public. No party in a contested case or other person outside the Department having an interest in the contested case shall make or knowingly cause to be made an ex parte communication to the hearing officer.

002.02B. Persons in decision making roles. No hearing officer shall make or knowingly cause to be made an ex parte communication to any party in a contested case or other person outside the Department having an interest in the contested case.

002.02C. Investigators. The Director or employees engaged in the investigation or enforcement of a contested case shall not make or knowingly cause to be made an ex parte communication to a hearing officer.

002.03. Disclosure of contacts. The hearing officer who receives or who makes or knowingly causes to be made an ex parte communication set forth in subsections 002.02A through 002.02C shall file in the record of the contested case:

002.03A. All such written communications;

002.03B. Memoranda stating the substance of all such oral communications; and

002.03C. All written responses and memoranda stating the substance of all oral responses to all the ex parte communications.

002.03D. The filing shall be made within two working days of the receipt or making of the ex parte communication. Notice of the filing, with an opportunity to respond, shall be given to all parties of record.

002.03E. Filing and notice of filing provided under subsection 002.03D shall not be considered on the record and reasonable notice for purposes of the definition of ex parte communication.

003. Intervention in a contested case.

003.01. Intervention in a contested case shall be allowed when the following requirements are met:

003.01A. A petition for intervention must be submitted in writing to the hearing officer or designee at least five days before the hearing. Copies must be mailed by the petitioner for intervention to all parties named in the hearing officer's notice of the hearing;

003.01B. The petition must state facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

003.01C. The hearing officer or designee must determine that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

003.02. The hearing officer or designee may grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

003.03. If a petitioner qualifies for intervention, the hearing officer or designee may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Those conditions may include:

003.03A. Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

003.03B. Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

003.03C. Requiring two or more intervenors to combine their presentation of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

003.04. The hearing officer or designee, at least twenty-four (24) hours before the hearing, shall issue an order granting or denying each pending petition for intervention, specifying any conditions and briefly stating the reasons for the order.

003.04A. The hearing officer or designee may modify the order at any time, stating the reasons for the modification.

003.04B. The hearing officer or designee shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

004. Commencement of a contested case.

004.01. When an individual with a disability, who is an applicant for, or recipient of, Vocational Rehabilitation services, is dissatisfied with a written determination made by Vocational Rehabilitation personnel, they may obtain a review of the determination by filing a petition within thirty (30) calendar days from the date they received the written determination.

004.02. The contested case begins with the filing of a petition and request for hearing with the Director at his or her official office, at the Nebraska Department of Education, 301 Centennial Mall South, 6th Floor, Lincoln, Nebraska 68509-4987. Filing may be accomplished by personal delivery or mail and will be received during regular office hours of the Department, which are 8:00 a.m. to 5:00 p.m., Central Time, Monday through Friday, except state holidays. The petition is the initial document filed with the Director that sets forth a claim and request for action by the Department.

004.03. A party to a contested case shall be the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.

004.04. A party may appear on his or her own behalf in a contested case proceeding or may be represented by an attorney or other representative as permitted by law.

004.05. The pleadings in a contested case may include a petition, answer, reply, notice, motion, stipulation, objection or order or other formal written document filed in a proceeding before the Department. Any pleading filed in a contested case shall meet the following requirements:

004.05A. The pleading shall contain a heading specifying the name of the Department and the title or nature of the pleading, shall state material factual allegations and state concisely the action the Department is being requested to take, shall contain the name and address of the petitioner, and shall be signed by the party filing the pleading, or when represented by an attorney, the signature of that attorney. A sample petition is contained in Appendix A.

004.05A1. Attorneys shall also include their address, telephone number and bar number.

004.05A2. The initial petition shall also contain the name and address of the respondent and shall include as an attachment a copy of the written determination with which the petitioner is dissatisfied. The petition may be filed on an optional form provided in Appendix A.

004.05B. All pleadings shall be made on white, letter-sized (~~82~~ 8.5 x 11) paper and shall be legibly typewritten, photostatically reproduced, printed or handwritten. If handwritten, a pleading must be legibly written in ink.

004.06. If the petition appears to comply with the procedural requirements of 004.05, the Director shall appoint a hearing officer selected pursuant to Section 005 and Section 006 of this Chapter, to hear the contested case. The Director shall send a Notice of Appointment to the hearing officer with the petition attached and a copy to the petitioner and respondent.

004.07. All pleadings subsequent to the petition shall be filed with the hearing officer, with copies sent to the Director at his or her official office. Filing of pleadings and copies may be accomplished by personal delivery or mail to the hearing officer's address and to the Director for Vocational Rehabilitation, Nebraska Department of Education, 301 Centennial Mall South, 6th Floor, Lincoln, Nebraska 68509-4987 and will be received during regular office hours of the Department.

004.08. After appointment of the hearing officer, the Director shall serve a copy of the petition and a Notice to File Responsive Pleading on each respondent listed in the petition personally or by first-class or certified mail.

Written proof of such service shall be filed with the Director. Each respondent who chooses to file a responsive pleading must do so within 20 calendar days from the date of personal service or the date of Director mailing of the petition.

004.09. All pleadings subsequent to the initial petition shall be served by the party filing such pleading upon all attorneys of record or other representatives of record and upon all unrepresented parties. Service shall be made personally or by first-class or certified mail. Written proof of such service shall be filed with the hearing officer with a copy to the Director.

004.10. A hearing date shall be set by the Director so that the hearing shall be held within ~~forty-five (45)~~ sixty (60) calendar days of the filing of the petition unless the parties agree to a specific extension of time. A written notice of the time and place of hearing shall be served by the Director upon all attorneys of record or other representatives of record and upon all unrepresented parties. The notice must include a proof of such service and will be filed with the Director.

004.11. In computing time prescribed or allowed by this chapter of these rules and regulations or by any applicable statute in which the method of computing time is not specifically provided, days will be computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or state holiday, the period shall include the next working day.

004.12. Unless the individual with a disability so requests or, in an appropriate case, the representative of such individual so requests, pending a decision of the hearing officer under this Chapter, the Department shall not institute a suspension, reduction, or termination of services being provided for the individual at the time of the filing of the petition, including evaluation and assessment services and plan development, unless such services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the petitioner or his/her representative.

005. Hearing officer; criteria.

005.01. The Director shall appoint a hearing officer selected pursuant to 006. to conduct a prehearing conference and/or a hearing and submit a decision to the Director and the parties.

005.02. A person who has served as investigator, prosecutor, mediator or advocate in a contested case or in its prehearing stage may not serve as hearing officer or assist or advise a hearing officer in the same proceeding.

005.03. A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or advise a hearing officer in the same proceeding.

005.04. A person who is an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education) may not serve as a hearing officer.

005.04A. A person shall not be considered to be an employee of a public agency solely because the person is paid by the agency to serve as a hearing officer.

005.05. A member of the Nebraska Rehabilitation Council established pursuant to 29 U.S.C. 721 may not serve as a hearing officer.

005.06. A person who has been involved previously in the vocational Rehabilitation of the applicant or recipient who is the subject of the hearing may not serve as a hearing officer.

005.07. A person who has participated in a determination of probable cause or other equivalent preliminary determination in a contested case may serve as hearing officer or assist or advise a hearing officer in the same proceeding.

005.08. A person may serve as hearing officer at successive stages of the same contested case.

005.09. A hearing officer shall have knowledge of the delivery of Vocational Rehabilitation Services, the Nebraska State Plan for Vocational Rehabilitation, and the federal and state rules governing the provision of such services, and training with respect to the performance of official duties.

005.10. A hearing officer shall have no personal or financial interest that would be in conflict with the objectivity of the individual.

006. Selection of Hearing Officer

006.01. The hearing officer shall be selected by the Director to hear a particular case either:

006.01A. On a random basis, or

006.01B. By agreement between:

006.01B1. The Director and the individual with a disability who is the subject of the hearing; or

006.01B2. In an appropriate case, the Director and the authorized representative who may include a parent, a family member, a guardian, an advocate, or an authorized representative, of the individual.

006.02. The hearing officer shall be selected from among a pool of qualified persons identified jointly by:

006.02A. The division of Vocational Rehabilitation Services, Nebraska Department of Education; and,

006.02B. The members of the Nebraska Rehabilitation Council established pursuant to 29 U.S.C. 721.

007. Prehearing Procedures.

007.01. Prehearing conferences and orders. A hearing officer designated to conduct a hearing may hold a prehearing conference at the request of either party or on his or her own order. If a prehearing conference is not held, a hearing officer for the hearing may issue a prehearing order, based on the pleadings, to regulate the conduct of the proceedings.

007.01A. If a prehearing conference is conducted:

007.01A1. The hearing officer shall promptly notify the Director and the parties of the determination that a prehearing conference will be conducted. The Director may assign another hearing officer for the prehearing conference or the initial hearing officer may hold the pre-hearing conference; and

007.01A2. The hearing officer for the prehearing conference shall set the time and place of the conference and give reasonable written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The Director shall give notice to other persons entitled to notice.

007.01A3. The notice referred to in subsection 007.01A2 shall include the following:

007.01A3(a). The names and mailing addresses of all parties and other persons to whom notice is being given by the hearing officer;

007.01A3(b). The official file or other reference number, the name of the proceeding, and a general description of the subject matter;

007.01A3(c). A statement of the time, place, and nature of the prehearing conference;

007.01A3(d). A statement of the legal authority and jurisdiction under which the prehearing conference and the hearing are to be held;

007.01A3(e). The name, official title, mailing address, and telephone number of the hearing officer for the prehearing conference;

007.01A3(f). A statement that a party who fails to attend or participate in a prehearing conference, hearing, or other stage of a contested case or who fails to make a good faith effort to comply with a prehearing order may be held in default under the Administrative Procedure Act; and

007.01A3(g). Any other matters that the hearing officer considers desirable to expedite the proceedings.

007.01B. The hearing officer shall conduct a prehearing conference, as may be appropriate, to deal with such matters as exploration of settlement possibilities, preparation of stipulations, clarification of issues, rulings on identity and limitation of the number of witnesses, objections to proffers of evidence, determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form and the extent to which telephone, television, or other electronic means will be used as a substitute for proceedings in person, order of presentation of evidence and cross-examination, rulings regarding issuance of subpoenas, discovery orders, and protective orders, and such other matters as will promote the orderly and prompt conduct of the hearing. The hearing officer shall issue a prehearing order incorporating the matters determined at the prehearing conference.

007.01C. The hearing officer may conduct all or part of the prehearing conference by telephone, television, or other electronic means if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

007.02. Discovery in contested cases.

007.02A. The hearing officer or a designee, at the request of any party or upon the hearing officer's own motion, may issue subpoenas, discovery orders, and protective orders in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

007.02B. Any prehearing motion to compel discovery, motion to quash, motion for protective order or other discovery-related motion shall:

007.02B1. Quote the interrogatory, request, question, or subpoena at issue, or be accompanied by a copy of the interrogatory, request, subpoena or excerpt of a deposition;

007.02B2. State the reasons supporting the motion;

007.02B3. Be accompanied by a statement setting forth the steps or efforts made by the moving party or his or her counsel to resolve by agreement the issues raised and that agreement has not been achieved; and

007.02B4. Be filed with the hearing officer with a copy to the Director. The moving party must also serve copies of all such motions to all parties to the contested case.

007.02C. Other than is provided in subsection 007.02B4 above, copies of discovery materials need not be filed with the Director.

007.03. Continuances. Except for the time limitation in subsection 004.10, the hearing officer may, in his or her discretion, grant reasonable extensions of time or continuances of hearings at the timely request of any party for good cause shown. A party must file a written motion for continuance which states in detail the reasons why a continuance is necessary and serve a copy of the motion on all other parties.

007.03A. Good cause. Good cause for an extension of time or continuance may include, but is not limited to, the following:

007.03A1. Illness of the party, legal counsel, representative, or witness;

007.03A2. A change in legal representation; or

007.03A3. Settlement negotiations are underway.

007.04. Amendments.

007.04A. A petition may be amended at any time before an answer is filed or is due if notice is given to the respondent or his or her attorney. In all other cases, a petitioner must request permission to amend from the hearing officer.

007.04B. A hearing officer may also allow, in his or her discretion, the filing of supplemental pleadings alleging facts material to the case occurring after the original pleadings were filed. A hearing officer may also permit amendment of pleadings where a mistake appears or where amendment does not materially change a claim or defense.

007.05. Informal Disposition. Unless otherwise precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

008. Conducting a contested case hearing.

008.01. ~~Order.~~ Burdon of Proof. The Petitioner shall have the burden of proving that the written determination made by Vocational Rehabilitation cited in the petition was arbitrary or capricious or that the determination violates fundamental constitutional rights of the Petitioner. At the discretion of the hearing officer, the hearing may be conducted in the following order:

008.01A. The hearing is called to order by the hearing officer. Any preliminary motions, stipulations or agreed orders are entertained.

008.01B. Each party may be permitted to make an opening statement. Opening statements take place in the same order as the presentation of evidence.

008.01C. Presentation of evidence.

008.01C1. Evidence will be received in the following order:

008.01C1(a). Evidence is presented by the petitioner;

008.01C1(b). Evidence is presented by the respondent;

008.01C1(c). Rebuttal evidence is presented by the petitioner; and

008.01C1(d). Surrebuttal evidence is presented by the respondent.

008.01C2. With regard to each witness who testifies, the following examination may be conducted:

008.01C2(a). Direct examination conducted by the party who calls the witness;

008.01C2(b). Cross-examination by the opposing party;

008.01C2(c). Redirect examination by the party who called the witness; and

008.01C2(d). Recross-examination by the opposing party.

008.01D. After the evidence is presented, each party may have the opportunity to make a closing argument. Closing arguments shall be made in the same order as the presentation of evidence. The hearing officer may request that the parties submit briefs in lieu of closing arguments.

008.02. Evidence.

008.02A. In contested cases the hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

008.02B. Any party to a contested case from which a decision may be appealed to the courts of this state, may request that the hearing officer be bound by the rules of evidence applicable in district court by delivering to the hearing officer at least three (3) calendar days prior to the holding of the hearing a written request therefore.

008.02C. Documentary evidence may be received in the form of copies or excerpts or incorporated by reference.

008.02D. All evidence including records and documents in the possession of the hearing officer of which he or she desires to avail himself or herself shall be offered and made a part of the record in the case. No factual information or evidence other than the record shall be considered in the determination of the case.

008.02E. A hearing officer or designee may administer oaths and issue subpoenas in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

008.02F. The hearing officer shall give effect to the rules of privilege recognized by law.

008.02G. The hearing officer may take official notice of cognizable facts and in addition may take official notice of general, technical, or scientific facts within his or her specialized knowledge and the rules and regulations adopted and promulgated by the Department.

008.02G1. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of materials so noticed.

008.02G2. Parties shall be afforded an opportunity to contest facts so noticed.

008.02G3. The record shall contain a written record of everything officially noticed.

008.02H. The hearing officer may utilize his or her experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

008.03. Conducting the hearing by electronic means. The hearing officer may conduct all or part of the hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

008.04. Hearing Officer's Decision. Within thirty (30) calendar days of the completion of the hearing, the hearing officer shall make a decision and provide a full written report of the findings and grounds for the decision to the petitioner, his or her attorney of record and/or petitioner's representative, and the Director by U.S. certified mail return receipt requested.

008.04A. The written report shall meet the requirements of 009.

008.04B. The hearing officer's decision shall be based on the approved Nebraska State Plan for Vocational Rehabilitation, the Rehabilitation Act of 1973, as amended and the regulations promulgated pursuant to it, Neb.Rev.Stat. Sections 79-11,121 to 79-11,132 and 92 NAC 72.

008.04C. The hearing officer's decision is the final decision.

008.04D. For purposes of this section, "completion of the hearing" means when all proceedings and submissions from the parties to the hearing officer are completed. This includes any post-hearing briefs, written closing arguments and any other post-hearing submissions arranged for by the hearing officer.

008.05. Official record.

008.05A. The Department shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe the record of the proceedings unless requested for purpose of rehearing or appeal, in which event the transcript and record shall be furnished by the Department upon request and tender of the cost of preparation.

008.05B. The Department shall maintain an official record of each contested case under this Chapter for at least four years following the date of the final order.

008.05C. The Department record shall consist only of the following:

008.05C1. Notices of all proceedings;

008.05C2. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Department or hearing officer or Director pertaining to the contested case;

008.05C3. The record of the hearing before the Department, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the hearing officer during the proceeding, and all proffers of proof and objections and rulings thereon; and

008.05C4. The final order of the hearing officer.

008.05D. As provided in 92 NAC 71 Section 002.03 the hearing officer, who receives or who makes or knowingly causes to be made an ex parte communication as set forth in that subsection shall make the appropriate filings which shall be included in the official record of the contested case.

008.05E. Except to the extent that the Administrative Procedure Act or another statute provides otherwise, the Department record shall constitute the exclusive basis for Department action in contested cases under the act and for judicial review thereof.

008.06. Costs. Each party shall pay his or her own costs to appeal the final decision.

009. Decision and order in a contested case.

009.01. Every decision and order rendered by the hearing officer in a contested case shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

009.02. The decision and order of the hearing officer should include:

009.02A. The name of the hearing officer and name of the proceeding;

009.02B. The time and place of the hearing;

009.02C. The names of all parties or their attorneys who entered an appearance at the hearing;

009.02D. The findings of fact consisting of a concise statement of the conclusions upon each contested issue of fact;

009.02E. The conclusions of law consisting of the applications of the controlling law to the facts found and the legal results arising therefrom; and

009.02F. The order consisting of the action to be taken by the Department as a result of the facts found and the legal conclusions arising therefrom.

009.03. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or his or her attorney of record.

010. Appeals.

010.01. Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Administrative Procedure Act or to resort to such other means of review as may be provided by law.

010.02. Parties desiring to appeal a Department decision must file a petition for review in the district court of the county where the Department action is taken within thirty (30) days after the service of the final decision by the Department. The thirty (30) day period for appeal commences to run from the date of mailing of the notice of order and decision to the parties or their attorneys of record. Service of the petition and summons must be made in accordance with Nebraska law.

010.03. Unless otherwise provided by statute, the procedures of Neb. Rev. Stat. §84-917 govern the procedure for taking an appeal.

010.04. Decisions rendered under this Chapter are not appealable to the Commissioner of Education or State Board of Education under 92 NAC 61.

010.05. If any person appeals the final decision of the hearing officer, the final decision involved shall be implemented pending review by the court.

TITLE 92
CHAPTER 71

APPENDIX A: SAMPLE PETITION FORM

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION
STATE OF NEBRASKA

_____	)	CASE NO. _____
(Name)	)	
_____	)	
(Address)	)	
_____,	)	
	)	
Petitioner,	)	
	)	PETITION
vs.	)	
	)	
Division of Vocational Rehabilitation Services	)	
Nebraska Department of Education	)	
301 Centennial Mall South	)	
P.O. Box 94987	)	
Lincoln, NE 68509-4987	)	
	)	
Respondent.	)	

Petitioner, in accordance with Title 92, Chapter 71, of the Nebraska Administrative Code, states and alleges as follows:

1. (Explain in a short and general statement why you are dissatisfied with the written determination.)

2. (Explain why the Petitioner is entitled to the remedy requested.)

3. (Concisely set forth all material facts upon which the petition is based and attach, as an exhibit, a copy of the written determination.)

WHEREFORE, Petitioner requests that the Director ____(state remedy sought)_____.

Dated this _____ day of _____, _____.

_____
(Signature)
(If attorney for petitioner, list address)

APPENDIX A: Sample Petition Form, Page 2

VERIFICATION

State of Nebraska)
) ss
County of _____)

I, _____, being first duly sworn under oath, state that I have read the contents of the petition and that to the best of my knowledge, information, and belief such contents are true and there is reasonable cause for filing said petition.

Subscribed and sworn before me this _____ day of _____, _____, by

_____.
(Name of Petitioner)

_____
Notary Public