CLINTON TOWNSHIP BOARD OF EDUCATION

Lebanon, New Jersey

Regulation

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SPECIAL EDUCATION

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the Clinton Township Board of Education shall assure compliance with the following regulations and related procedures below:

- 1. All students with disabilities, who are in need of Special Education and related services, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.
- 2. Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided Special Education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.
- 3. Students with disabilities are afforded the procedural safeguards required by <u>N.J.A.C.</u> 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at <u>N.J.A.C.</u> 6A:14-2.2, when appropriate.

A. Pursuant to 20 U.S.C. §1412(a)(3), Special Education Location, Identification and Referral:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending non-public schools, and highly mobile students such as migrant workers' children and homeless students, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

Procedures for Locating Students with Disabilities

- 1. The Director of Special Services will coordinate the Child Find activities to locate, identify and evaluate all children, ages three through twenty-one, who reside within the school district or attend nonpublic schools within the school district and who may be disabled.
- 2. By October 15th of each year, the Director of Special Services or his/her designee will conduct Child Find activities including but not limited to:
 - a. Development of Child Find materials for distribution.
 - b. Distribution of flyers for posting to all school buildings and offices.
 - c. Mailing of Child Find material to nonpublic schools in the area
 - d. Mailing of Child Find material to local pediatricians, hospitals and clergy.
 - e. Posting of Child Find information of the district website.
 - f. Public service announcement in local newspaper(s).
 - g. Mailing information letters to local physicians, hospitals, public and private social service agency locations, nursery schools, non-public schools, health departments, community centers, rescue squads, municipal offices, library and churches.
 - h. A guide to preschool services for potentially disabled children ages three to five is made available to family and non public schools.
 - i. Listings of agencies listed in (g) above are maintained by the Office of Special Services. The district maintains contact with Early Intervention Program (EIP) coordinator.
 - j. Information is distributed through the district's Parent Advisory Group (PAG).
 - k. Intervention and Referral Services (I&RS) committees have been established in all schools.

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3. No later than September of each school year the Director of Special Services will contact by mail the Director/Principal of the nonpublic school(s) to request input from nonpublic school officials suggestions to conduct Child Find activities for students attending nonpublic schools. The Child Find activities for nonpublic students shall be comparable to the Child Find activities for public school students.

B. Procedures for interventions in the general education program must ensure that:

A staff member or agency shall provide in writing a request for intervention services for students ages 5-14, to the building Principal or designee. The request shall contain the following:

- a. Reason for request (including parental request);
- b. Descriptive behavior of student performance; and
- c. Indication of the prior interventions.

Teachers and other school professionals, as appropriate, will be in-serviced annually by the building Principal or designee regarding the procedures for initiating and providing interventions in the general education program. The parent(s)/guardian(s) will be informed of the procedures to initiate interventions in the general education program.

The Superintendent or designee will oversee the district's implementation and effectiveness of the procedures for interventions in the general education program.

An Intervention and Referral Services (I&RS) committee will be in place in each school building pursuant to N.J.A.C. 6A: 16-8.1.

The building Principal or designee will be responsible for the following:

- a. The implementation and effectiveness of building level I&RS committee;
- b. Identifying the roles and responsibilities of building staff who participate in planning and providing intervention services; and
- c. Reviewing, assessing and documenting the effectiveness of the services provided in achieving the outcome identified in the intervention plan.
 - *Sample forms are located in the Resource Manual for I&RS published by the NJDOE.

The I&RS committee shall:

- a. Plan and provide appropriate intervention services;
- b. Actively involve the parent(s)/guardian(s) in the development and implementation of intervention plans:
- c. Develop an action plan for an identified student, which specifies specific interventions, resources, persons responsible, completion dates and date for review;
- d. Coordinate the services of community based social and health provider agencies;
- e. Process and complete the documentation forms;
- f. Review and assess the effectiveness of the services/interventions provided in achieving the outcomes identified in the I&RS plan; and
- g. Ensure the type, frequency, duration, and effectiveness of the interventions documented.

The building Principal will ensure that:

- a. I&RS committee receives in-service training by the building Principal or designee by November 1st of each school year;
- b. Staff receives information regarding intervention procedures by September 2nd;

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c. New instructional staff attends the district's orientation program commencing in the month of August, which includes information on I&RS.

d. Parent/student handbooks distributed in the month of September include information on intervention services.

C. Procedures for referral must ensure that:

1. Parental Notification of Referral Procedures

Referral procedures shall be posted on the district website and available to parents via a brochure, which is available in each building. These procedures and publications shall be updated annually.

2. Parent Initiated Referral

When a parent makes a written request for an evaluation to determine eligibility for services:

- a. The written request shall be immediately forwarded to the Office of Special Services.
- b. The written request shall be received and dated by the Director of Special Services;
- c. The building CST will initiate a file to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting;
- d. Upon receipt of the referral, the building CST will request a summary and review of health and medical information regarding the student from the school nurse, who will provide the information to the CST within 10 school days.
- e. The case manager assigned will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the Director of Special Services;
- f. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s)/guardian(s);
- g. The notice will contain "Parental Rights in Special Education (PRISE) Booklet; and
- h. The referral/identification meeting will be attended by the parent(s)/guardian(s), CST and general education teacher.

3. School Initiated Referral:

Referral of a student may be made by administrative, instructional and other professional staff to determine eligibility for special services when:

- a. It is determined through the I&RS that interventions in the general education program have not adequately addressed the educational difficulties and it is believed that the student may have a disability.
- b. It can be documented that the nature of the student's educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.
- c. The Director of Special Services, through in-service training, shall ensure that students who may be potentially disabled are referred even though they are advancing from grade to grade.

The following procedure will be followed for a school-initiated referral:

- a. Referring staff member will write a referral letter to the Director of Special Services;
- b. I&RS documentation (including, but not limited to, teacher reports, grades, intervention record, and other relevant data) shall be forwarded with the referral letter to the Director of Special Services:
- c. I&RS documentation does not need to be forwarded for direct referral when the nature of the student's problem is such that the evaluation is warranted without delay;

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- d. The referral letter should be dated upon receipt by the Director of Special Services or designee;
- e. Upon receipt of the referral, the building CST will request a summary and review of health and medical information regarding the student from the school nurse, who will provide the information to the CST within 10 school days.
- f. The Case Manager assigned will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date recorded on the referral letter:
- g. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s)/guardian(s);
- h. The notice will contain "Parental Rights in Special Education (PRISE) Booklet; and
- i. The referral/identification meeting will be attended by the parent(s)/guardian(s), CST and general education teacher.
- 4. Each evaluation of the student age 14 and above requires a determination of appropriate post-secondary outcomes as part of transition service planning.
- 5. Each evaluation team member is required to certify in writing whether the Evaluation Team report reflects his/her conclusions. In the event the Evaluation Team report does not reflect the team member's conclusion, the team member must submit a dissenting opinion in order to ensure the parent(s)/guardian(s) is aware of dissenting opinions regarding the determination of eligibility.
- 6. The parent(s)/guardian(s) must receive a copy of their child's evaluation report(s) and any documentation leading to a determination of eligibility not less than ten calendar days prior to the Eligibility Conference in order to ensure the parent(s)/guardian(s) has a reasonable amount of time to review documentation prior to an eligibility conference.
- 7. A student may be referred directly to the Child Study Team when warranted.

D. For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:

- 1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
 - a. The parent (as defined according to N.J.A.C.6A:14-1.3) of the student cannot be identified or located after reasonable efforts;
 - b. An agency of the State of New Jersey has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.
 - c. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
 - d. No parent can be identified for the student in accordance with <u>N.J.A.C.</u> 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student; and
 - e. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
- 2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student. If the district fails to appoint a surrogate parent for a ward of the State, a judge may appoint a surrogate parent if the judge determines a surrogate parent is necessary for such a student.
- 3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:

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- a. Determine whether there is a need for a surrogate parent for a student;
- b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
- c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
- 4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.
 - The Director of Special Services will be responsible to coordinate the training of surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, Individualized Education Program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.

5. The district will ensure that:

- a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
- b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
- c. All persons serving as surrogate parents are at least 18 years of age:
- d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
- e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the Board of Education or a public or non-public agency that is involved in the education or case of the child.

E. Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.

F An Individualized Education Program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

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Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:14-2.6 and 3.7, no additional written procedures are required.

G. To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:14-4.2, no additional written procedures are required.

H. Students with disabilities are included in statewide and district-wide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:14-4.10, no additional written procedures are required.

- I. A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.
- J. Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:
 - 1. School officials responsible for implementing suspensions/expulsions in the district are identified.
 - 2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.
 - 3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
 - 4. Suspension from transportation is counted as a day of removal if the student does not attend school.
 - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.
 - 5. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.
 - 6. If the district has an in-school suspension program, participation in the program is **not** considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:
 - a. Opportunity for the student to participate and progress in the general curriculum;
 - b. Services and modifications specified in the student's IEP;

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- c. Interaction with peers who are not disabled to the extent they would have in the current placement; and
- d. The student is counted as present for the time spent in the in-school suspension program.
- 7. When a series of short-term removals will accumulate to more than 10 school days in the year:
 - a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;
 - b. Written documentation of the consultation between school officials and the case manager is maintained:
 - c. If it is determined that there is no change in placement, school officials, the case manager and Special Education teacher consult to determine the extent to which services are necessary to:
 - 1. Enable the student to participate and progress appropriately in the general education curriculum; and
 - 2. Advance appropriately toward achieving the goals set out in the student's IEP; and
 - 3. Written documentation of the consultation and services provided is maintained.
- 8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.

Please refer to Regulation 5114 - Suspensions and Expulsions

K. Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:

Eligible preschool age children who are not participating in an early intervention program shall have an IEP in effect by their third birthday. Steps include:

- 1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)
- 2. Having a program in place no later than 90 calendar days from the date of consent to evaluate.
- L. Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:

A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

- 1. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and
- 2. The use of functional assessment information supports the IEP team's determination.
- M. Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an Individualized Education Program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

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- 1. A Child Study Team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
 - a. Review the Part C Individualized Family Service Plan for the child;
 - b. Provide the parent(s)/guardian(s) written district registration requirements;
 - c. Provide the parent(s)/guardian(s) written information with respect to available district programs for preschool students, including general education placement options; and
 - d. Provide the parent(s)/guardian(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.
- 2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.
- N. Full educational opportunity to all students with disabilities is provided.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.

O. The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:32-7, no additional written procedures are required.

P. Provision is made for the participation of students with disabilities who are placed by their parents in non-public schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:14-6.1 and 6.2, no additional written procedures are required.

Q. Students with disabilities who are placed in private schools by the Board of Education, are provided Special Education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1 and 7.5(b)3, no additional written procedures are required.

R. All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

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Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.

- S. The in-service training needs for professional and paraprofessional staff who provide Special Education, general education or related services are identified and that appropriate in-service training is provided. The Board of Education shall maintain information to demonstrate its efforts to:
 - 1. Prepare general and Special Education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
 - 2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others:
 - 3. Acquire and disseminate to teachers, administrators, school Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
 - 4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
 - 5. Provide for joint training activities of parents and Special Education, related services and general education personnel.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1,2(b)14, no additional written procedures are required.

T. Instructional materials will be provided to blind or print-disabled students in a timely manner.

Instructional materials will be provided in a timely manner to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

U. For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.

V. When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system

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and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.

W. The school district will provide teacher aides and the appropriate general or Special Education teaching staff time for consultation on a regular basis as specified in each student's IEP.

Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:14-4.5(d), no additional written procedures a re required.

X. The school district has a plan in effect to establish stability in Special Education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of Special Education services.

Procedures:

Due to the specificity of the requirements at <u>N.J.A.C.</u> 6A:14-3.7(c)4, no additional written procedures are required.

- Y. The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with <u>N.J.S.A.</u> 18A:40-5.1 <u>et seq.</u> The Board of Education shall maintain information to demonstrate its efforts to:
 - 1. Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;
 - Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;
 - 3. Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation:
 - 4. Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and
 - 5. Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.

Please refer to Policy 5120 - Assessment for Individual Needs

<u>Legal References</u>: N.J.S.A. 10:5-1 et seq. Law Against Discrimination

N.J.S.A. 18A:46-1 et seq. Classes and Facilities for Handicapped Children

See particularly: N.J.S.A. 18A:46-13

N.J.S.A. 18A:46A-1 et seq. Auxiliary Services

N.J.A.C. 5:23-1 et seq. Uniform construction code

N.J.A.C. 6A:7-1.7 Equality in school and classroom practices

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N.J.A.C. 6A:8-1.2 Scope
N.J.A.C. 6A:8-1.3 Definitions

N.J.A.C. 6A:8-3.1 Curriculum and instruction

N.J.A.C. 6A:8-4.1 et seq. Implementation of the Statewide Assessment

System

N.J.A.C. 6A:8-5.1 et seq. Implementation of Graduation Requirements

N.J.A.C. 6A:9B-1.1 et seq. State Board of examiners and certification

See particularly:

N.J.A.C. 6A:9B-11.4 Teacher of students with disabilities

N.J.A.C. 6A:14-1.1 et seq. Special Education

N.J.A.C. 6A:15-1.4 Bilingual programs for limited English proficient

students

N.J.A.C. 6A:23A-1.1 et seq. Fiscal accountability, efficiency and budgeting

See particularly: procedures

N.J.A.C. 6A:23A-17.4 to -17.7,

-18.1 et seq.

N.J.A.C. 6A:26-6.1 et seq. Planning and Construction Standards for School

Facilities

N.J.A.C. 6A:30-1.1 et seg. Evaluation of the Performance of School

Districts

N.J.A.C. 6A:32-7.1 et seq. Student Records
N.J.A.C. 6A:32-8.3 School attendance
N.J.A.C. 6A:33-1.1 et seq. School attendance

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

20 <u>U.S.C.A.</u> 1400 <u>et seq.</u> - <u>1990 Individuals With Disabilities Education Act</u>, P.L. 101-476 (formerly <u>Education for All Handicapped Children Act</u>--Part B)

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

34 CFR 76.1 et seg. - General Administrative Regulation EDGAR

34 CFR 77.1 et seq. - General Administrative Regulation EDGAR

34 <u>CFR</u> 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)

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<u>Agostini v. Felton, 521 U.S.</u> 203 (1997), overruling <u>Aguilar v. Felton, 473 U.S.</u> 402 (1985)

Honig v. Doe, 484 U.S. 305 (1988)

Oberti v. Board of Education of Clementon School District, 995 F.2d 1204, 1216-17 (C. A.3 1993)

Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)

Possible

Cross References: *1120 Board of Education meetings

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*4112.2	Certification
*4131/4131.1	Staff development; in-service education/visitations/conferences
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5125	Pupil records
*5131	Conduct/discipline
*5200	Non-public school pupils
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities
*6151	Class size
*6164.2	Guidance services
*6164.4	Child Study Team
*9322	Public and executive sessions

^{*}Indicates policy is included in the <u>Critical Policy Reference Manual</u>.

