

IV. General Policy, Practices, and Procedural Requirements

It is important that district leadership and staff have knowledge regarding special education Federal regulations and guidance related to [IDEA Part B Section 300](#) as well as state regulations ([Nebraska Rule 51](#)). A side-by-side comparison of key areas is provided below to assist districts in their development of policy, procedures, and associated forms. After each side-by-side regulation comparison are relevant policy and procedure considerations. **As a reminder, each district should consult with its board attorney on its policy development as this is guidance and does not represent legal advice.**

IDEA Regulations	Nebraska Rule 51
<p>Section 300.201 Consistency with State policies.</p> <p>The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§300.101 through 300.163, and §§300.165 through 300.174.</p> <p>Section 300.646 Disproportionality</p> <p>(c) Review and revision of policies, practices, and procedures. In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities or the placement in particular educational settings, including disciplinary removals of such children, in accordance with paragraphs (a) and (b) of this section, the State or the Secretary of the Interior must —</p> <ol style="list-style-type: none">1. Provide for the annual review and, if appropriate, revision of the policies, practices, and procedures used in identification or placement in particular education settings, including disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements of the Act.	<p>92 NAC 51-004.08A</p> <p>School districts and approved cooperatives are required to develop, adopt, and have on file with the Nebraska Department of Education current policies, procedures, and forms for special education programs for all resident public and nonpublic school children with disabilities, in accordance with all applicable state and federal requirements. Policies and procedures shall govern identification, evaluation and verification, individualized education program, placement (least restrictive environment), confidentiality, procedural safeguards, comprehensive system of personnel development, transportation, and surrogate parents within the school district or approved cooperative. Additionally, policies and procedures shall govern free appropriate public education, child find, transition from Part C of the IDEA to preschool programs, children in nonpublic schools, personnel standards, performance goals and indicators, participation in assessments, reporting related to assessment results, and suspension and expulsion.</p>

IDEA Regulations	Nebraska Rule 51
<p>2. Require the LEA to publicly report on the revision of policies, practices, and procedures described under paragraph (c)(1) of this section consistent with the requirements of the Family Educational Rights and Privacy Act, its implementing regulations in 34 CFR part 99, and Section 618(b)(1) of the Act.</p>	

District Considerations for Policy and Procedure Development

District considerations

- What board policies are needed to ensure compliance with state and Federal law? Identify current special education policy and make sure it addresses all components of law. Review the following sections to determine additional areas needed.
- What additional district policies (policies not requiring board decisions to inform staff responsibilities) may be needed? For example, what is needed for staff accountability and to ensure procedural safeguards in order to implement board policy?
- Identify needed policy and procedures to address
 - » Child find
 - » Transition from Part C to B
 - » Identification
 - » Evaluation and verification
 - » Placement and LRE
 - » Confidentiality
 - » Procedural safeguards
 - » Comprehensive system for personnel development
 - » Transportation
 - » Surrogate parents
 - » FAPE
 - » Personnel standards
 - » Performance goals and indicators
 - » Participation in Assessments
 - » Reporting related to assessment results
 - » Suspension and expulsion or other disciplinary removals