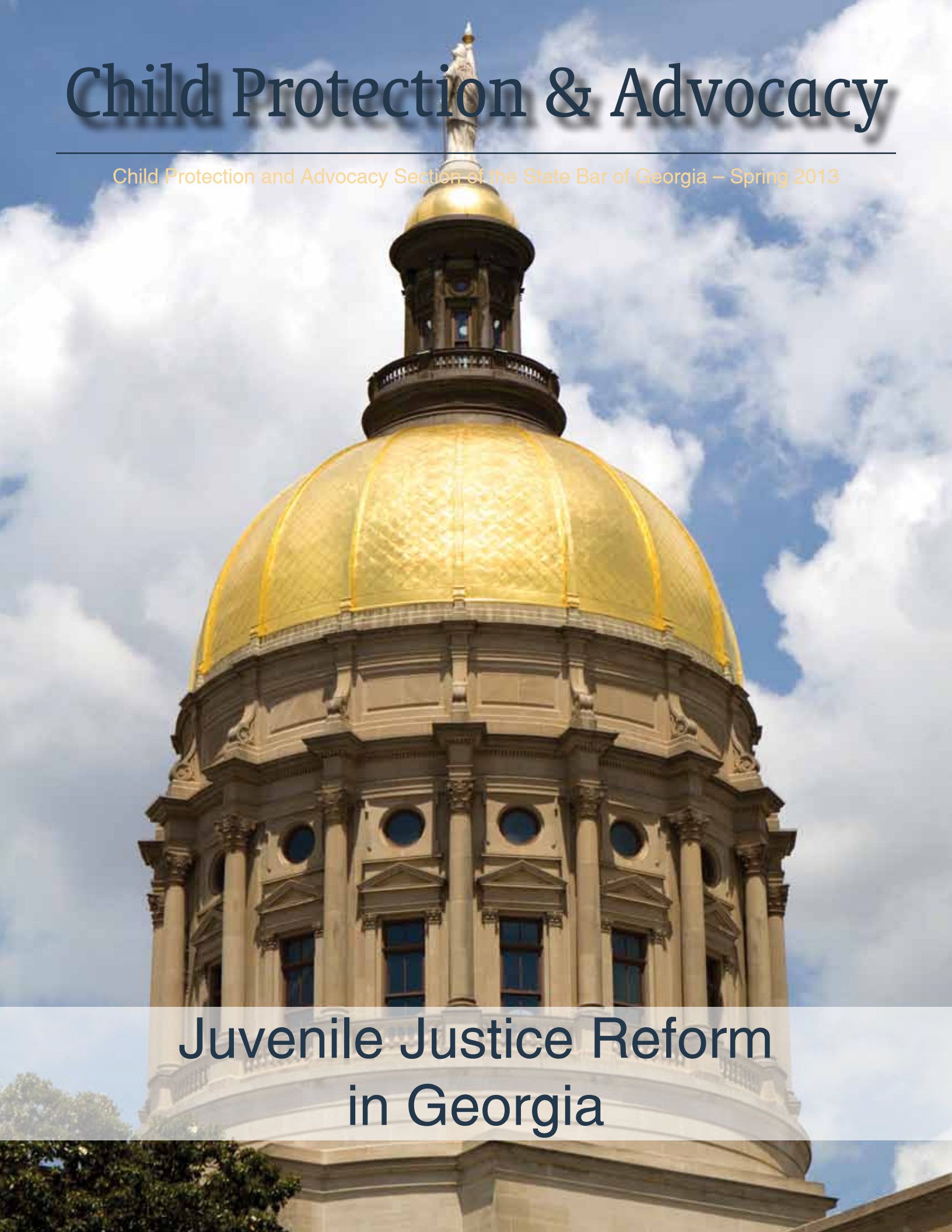
# Child Protection & Advocacy

Child Protection and Advocacy Section of the State Bar of Georgia – Spring 2013



## Juvenile Justice Reform in Georgia

# Inside This Issue







*If you would like to contribute articles to Newsletter or have any ideas or content suggestions for future issues, please contact Tonya Boga at tboga@oca.ga.gov*

# From the Chair

by Nicki Noel Vaughan

## WE STILL WANT AND NEED YOUR HELP AND INPUT

I am pleased to announce that we now have 270 members in the section – more than 30 new members since our last newsletter was published! If you are interested in becoming more involved in the section, please contact any of the Executive Committee members listed on the web page. You may notice that we still have not named the newsletter. Please give some thought to this matter and send in your suggestions. We're still offering a prize for the winning entry!

This quarter has been busy and has offered many opportunities for growth of the section:

### Show Me the Money CLE

The highlight of the quarter was the successful presentation of the CLE entitled "Show Me the Money," chaired by Rick Horder. The full-day seminar, which included programs on accessing financial and other services, the status of Georgia's children, educational resources, available adoption benefits, special needs trusts, and general child welfare policy, was attended by more than 90 people representing children, parents, school boards, schools, and addressing other areas of juvenile law. Feedback from attendees regarding both the subject matter and the presentations was extremely positive, with the overall assessment of the seminar rated as 4.3 (between Very Good and Excellent).

The Social Mixer held after the seminar at The Sidebar, although not as well attended as we had hoped, did draw seminar attendees, speakers, some Emory Law students and professors, and one of the Fulton County Juvenile Court judges. Those who came enjoyed a very nice time.

### Co-sponsorship of the Voices for Georgia's Children's Legislative Forum

This forum honored the members of the Special Council for Criminal Justice Reform. Many members of the section attended the Legislative Forum and were able to have meaningful conversations with the attendees who were, in addition to the Special Council members and the Governor, other legislators, child-serving agency representatives, lobbyists, policy-makers, and other members of the community who deal with children and children's issues. The Legislative Session began January 14, 2013. Many of our members have been at the Capitol regularly, and, on our State Bar web page, we have tried to provide regular updates on bills that are moving in both houses, including the Juvenile Code bill, HR 242, which passed the House with a unanimous vote and is now pending in the Senate.

### Co-sponsorship of the Georgia Association of Counsel for Children's Georgia Youth Law Conference

This conference will be held March 18-20 at the Holiday Inn, Atlanta Airport North, 1380 Virginia Ave., Atlanta 30344. Registration is available online at GACCchildlaw.org. Further information regarding this conference is also available on the section's web page at gabar.org/sections/Child Protection and Advocacy.

### Legislative Forum at State Bar Mid-Year Meeting

Several members of the section's leadership attended a formal two-hour Legislative Forum held as a part of the State Bar Mid-Year meeting. The Forum was followed by a reception attended by many of the lawyer-legislators and other people involved in the legislative process. The function provided an excellent opportunity to talk with legislators in an informal setting.

### State Bar Seminar

During this past quarter, I was invited to speak at a mandatory Beginning Lawyers Program (part of the TILLP training), and was able to talk about the Child Protection and Advocacy Section to more than 300 new members of the Bar. Vicky Kimbrell, a member of the Executive Committee, also spoke about opportunities for new lawyers to volunteer with Georgia Legal Services programs serving children's and teenagers' needs.

### Drafting New Legislation

The section has been asked to draft legislation for an expedited Juvenile Court appeal process. As any of you who have attempted to receive "expedited treatment" from the Court of Appeals, you are aware of the fact that you are still not likely to receive an opinion that will make any difference to your child, because the sentence is usually completed, or at least well-underway, before the case is decided. Karlise Grier has agreed to serve as chair of a committee to draft legislation to remedy this situation. We have also received a request to draft legislation regarding access to adoption records, which will be considered at the next meeting. If you are interested in assisting with this work, please contact Karlise or me.

## SHARE INFORMATION

Please share this newsletter and tell others about the section. Section membership for January-June is half-price ($10.00). It is only through our dues that we are able to support other child-serving agencies and programs.

Thank you all for your continued interest and support of the section. Please give us feedback about the newsletter and the web page, join a committee, and let us know how we can better respond to the needs and interests of all our members. Thanks again to Tonya Boga, Editor of the newsletter, and to the contributors for their efforts in making our newsletter informative and beneficial to the practice of law in the Juvenile Courts of our state.

# Juvenile Justice Reform in Georgia

by Amy V. Howell

Meaningful change takes courage and patience. It requires leadership to be steadfastly committed to a transformative vision. The long arc of juvenile justice reform in Georgia is proof of both points. The start to this reform was initiated in 2005 by the State Bar of Georgia Young Lawyers Division Juvenile Law Committee through the creation of a model juvenile code. Now, through the courageous leadership of ~~the~~ Gov. Nathan Deal, Lt. Gov. Casey Cagle, Speaker Ralston, Chief Justice Hunstein and the members of the Special Council on Criminal Justice Reform, juvenile justice reform is almost a reality. The recommendations of the Special Council on Criminal Justice Reform has resulted in data-driven legislation that will make efficient use of state resources and enable the children, families and communities throughout Georgia to be better served and witness improved outcomes. From his time on the juvenile court bench until now, the Governor's commitment to juvenile justice is evidenced through the Special Council to House Bill 242 introduced Feb. 8, 2013, by Chairman Wendell Willard.

As Chief Justice Carol Hunstein stated in the 2013 State of the Judiciary address, Georgia is "at a crossroads in juvenile justice history." Emerging from almost a decade of laws that criminalize adolescence and fail to prevent the creation of adult offenders, all the while giving rise to costly practices and ineffective policies, Georgia has the opportunity to lead the way in necessary course correction.

**Georgia is "at a crossroads in juvenile justice history."— Chief Justice Carol Hunstein**

Georgia's current juvenile justice policy is not unlike many others. In the early 1990's, with the goal of ensuring greater collateral consequences for delinquent behavior, many states revised their laws governing crimes committed by juveniles. These revisions took place against the looming threat of the juvenile "superpredator," as coined by Princeton professor John DiIulio in 1995. Although falsely predicted to be responsible for a surge in violent crime (which never came), the powerful myth of the superpredator replaced "juvenile delinquent" or "youthful offender" in the policy focus of juvenile legal systems. The negative public attention drawn to youthful offenders resulted in public policy premised on the removal of offending youth from communities and focused public spending on securing youth in detention facilities. These policies and practices reflected an emphasis on punishing all juvenile offenders rather than achieving rehabilitation for the appropriate youth and reducing the risk of future offending.

Despite the myth, a marked decline in juvenile arrests for serious violent crimes followed. In Georgia, the total juvenile arrest index has declined since 2008, as have the violent crime and property crime indices. However, years of fiscal challenges and resulting budget restrictions, forced prioritized spending on ~~the~~ detention and punishment. In practical terms, the multi-million dollar Department of Juvenile Justice budget was devoted almost entirely to the secure detention for juvenile felons as required by law, with considerable reduction in spending on community based programs that presented alternatives to detention for low risk offenders. Georgia's out-of-home delinquent population dropped from 2,973 in 2002 to 1,917 in 2011, and, in the same time period, the number of youth being supervised in the community dropped from 15,521 to 13, 807. Notwithstanding, and despite the declines in arrests and secured populations, the concentration on detention reduced the effectiveness of juvenile justice and recidivism remained high.

Declining trends in juvenile arrests, data demonstrating high recidivism rates, and important research regarding adolescent brain development prompted reconsideration of the focus on harsher sanctions and limited judicial discretion offered by current juvenile delinquency laws. As part of growing momentum, and based on expert research and professionally accepted best practices, the State Bar Juvenile Law Committee took on the challenge to develop a model juvenile code in 2005. In many aspects aspirational, the model code was intended to provide a research based framework for a revised juvenile code as a starting point for the larger discussion of needed policy change in Georgia. After releasing the Proposed Model Code for public comment in 2008, the Committee tendered the results to stakeholders who would pursue legislative reform. Those stakeholders evolved into the formation of a statewide juvenile justice coalition, the JUSTGeorgia Coalition, which has actively shepherded a legislative campaign to comprehensively revise Georgia's Juvenile Code since 2009.

The legislative proposal supported by the JUSTGeorgia Coalition gained significant support from members of the Georgia General Assembly, as demonstrated by a unanimous vote in support of passage by the House of Representatives last year. At the same time, Deal made adult criminal justice reform part of his signature platform, with juvenile justice system reform the logical next step, he reconvened the Special Council on Criminal Justice Reform. In doing so, he augmented the Special Council with prominent experts in juvenile justice, charging them to examine and recommend reforms that will improve system efficiencies and increase public safety.

With the assistance of the Pew Center on the States, the Governor's Special Council confronted a compelling data narrative revealing that Georgia expends considerable resources confining offenders who are at low-risk to re-offend. Indeed, while the preponderance of Department of Juvenile Justice dollars are expended ensuring the custody and punishment of youthful offenders, 71 percent of all juvenile dispositions involve minors

who were assessed as being low-risk. A higher concentration of serious offenders are in out-of-home placements, but, still, a notable 40 percent of those youth are deemed to be low-risk. Millions of dollars are spent each year maintaining the secure facilities required by the current juvenile code, and the operation of out-of-home facilities can cost more than $90,000 per bed, per year. Moreover, when they occur, interventions are not targeted to behaviors related to crime. The inevitable result is that these expensive and restrictive interventions are not effective. More than half of all youth in the juvenile justice system recidivate; that is 65 percent are re-adjudicated delinquent or convicted of a criminal offense within three years of their release.

The Special Council released its final report and recommendations in December 2012, largely focused on a series of policy recommendations keyed to the dual goals of increasing public safety by focusing the state's out-of-home facilities on higher risk, serious offenders and reducing recidivism by strengthening evidence-based community supervision and programs. The specific recommendations include creating a two-tier system for designated felonies, prohibiting detention of status offenders and certain misdemeanants, mandating the use of validated risk and needs assessment and detention assessment instruments prior to disposition, and a series of administrative and infrastructure changes to reinforce a performance-based system. The Council also recommends collection of specific data to enhance system accountability and monitoring of performance. And finally, the Council supports the implementation of a reinvestment strategy to incentivize local jurisdictions to develop and support evidence-based programs to serve children in the local community, rather than committing them to state custody.

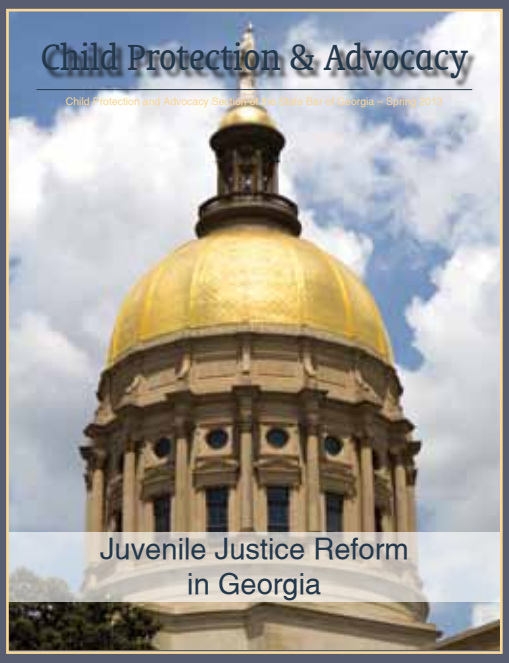
Those recommendations have been incorporated with a new legislative proposal to comprehensively revise the Juvenile Code, ultimately marrying system reform to statutory reform. The result, House Bill 242, is being considered by the General Assembly during the current legislative session. The 244-page bill holds promise for improvements to practice, ensuring justice and producing better outcomes for children and families involved with the state's child welfare and juvenile justice systems. House Bill 242 reorganizes the current Juvenile Code to create cohesive, integrated sections for ease of understanding and application, modernizes substantive law to reflect advances in research and practice, and ensures conformity of state law with federal laws that govern the State's response in cases of abuse, neglect, violations of law by children, and other circumstances warranting court intervention. Definitions and timelines are clarified, as are certain procedural mechanisms. Many substantive changes are made, including those based on the thoughtful recommendations of the Special Council, including a new statutory framework for designated felonies that separates less violent offenses (Class A) from more violent offenses (Class B). Additionally, Deal designated $5 million in his budget recommendation to support the reinvestment strategy.

The overall spirit of this reform reminds us that juvenile justice offers a unique opportunity, most youth are redeemable and that redemption is worthy of our resources. Georgia is taking this opportunity to create a statutory framework that targets resources to more effective interventions that will produce better results – from the system and for individual youth – and improve public safety for our all of our communities.

# Name our Newsletter!

**The executive committee of the Child Protection and Advocacy Section is soliciting names for our newsletter. If you have any suggestions, please forward them to Derrick Stanley at derricks@gabar.org.**

**The committee will select a name and give you credit in our next newsletter.**



# Useful Tidbits – Child Abuse Protocol

**by Cynthia Cartwright**

Viewing the child abuse protocol from an historical prospective, in 1990, legislation established a statewide child fatality review (CFR) panel[1] and county child abuse protocol (CAP) committees.[2] In 2001, a statutory amendment reestablished county child fatality review committees,[3] separating CFR committees from child abuse protocol committees. In 2003, the initial model protocol was written by the Office of the Child Advocate, the Department of Human Resources, and the Georgia Bureau of Investigations. The model was revised in 2008, and recently in 2013 to reflect the most current best practices in child abuse investigations. It can be found on the Office of the Child Advocate's website at oca.georgia.gov.

The purpose of the child abuse protocol is to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases, to minimize the stress created for the allegedly abused child by the legal and investigatory process and to ensure that more effective treatment is provided for the perpetrator, the family, and the child, including counseling.[4] The written county protocol topics include investigation procedures; prosecution procedures; methods used to coordinate treatment for the perpetrator, family and child; child abuse procedures for domestic violence; sexual abuse and exploitation procedures; and measures for the prevention of child abuse.[5] It shall include circumstances under which law enforcement officers will or will not accompany Division of Family and Children Services (DFCS) child abuse investigators on cases. The protocol cannot be inconsistent with the policies and procedures of DFCS.[6]

There are 11 mandated multidisciplinary state agencies and optional community child advocacy organizations.[7] Failure of a member to fulfill their obligations can result in punishment by a contempt of court order.[8] The committee is required to meet at least semiannually.[9]

Each CAP committee is responsible for submitting a report and an amended protocol each year. By law, on July 1 of each year the committee must submit a report which evaluates the extent to which child abuse investigations during the past twelve months have complied with the child abuse protocol, recommends measures to improve compliance, and describes which measures taken within the county to prevent child abuse were successful.[10] The report is transmitted to the county governing authority, the fall term grand jury, the Georgia Child Fatality Review Panel and the chief superior court judge.[11] The protocol is amended annually to specify procedures to ensure the protocol is followed.[12] The Office of the Child Advocate provides annual training and assists with preparing the protocols.

(Endnotes)

1 OCGA § 19-15-4.
2 OCGA § 19-15-2 .
3 OCGA § 19-15-3.
4 OCGA § 19-15-2 (f).
5 OCGA §§ 19-15-2 (e), (h), and (k).
6 OCGA § 19-15-2 (e).
7 OCGA § 19-15-2 (c) (1). Membership includes county representatives for the sheriff, Department of Family and Children Services, district attorney, juvenile court, magistrate court, board of education, mental health organization, county police, city police, physician, and the coroner or county medical examiner.
8 OCGA § 19-15-2 (c) (3).
9 OCGA § 19-15-2 (g).
10 OCGA § 19-15-2 (i).
11 Id.
12 OCGA § 19-15-2 (h).

# Case Law Update

**by Thomas L. Williams, Assistant District Attorney, Flint Judicial Circuit**

## In the Interest of M.A.I., 2013 Ga. App. Lexis 16 (1/13)

In an uncharacteristically long opinion, the Court of Appeals considered a Juvenile's right to credit for time served while awaiting disposition and the Court of Appeals duty to examine the efficacy of the Juvenile Court's orders of disposition. The child complained, inter alia, he was not given credit for time served after adjudication, but before disposition when the Court ordered a psychological evaluation to be completed prior to disposition. The Court continued the disposition one time as the evaluation was not prepared, but did hold a disposition the day following the issue of the report. The Court rejected an argument that O.C.G.A. 17-10-11 (credit for time served for criminal acts) as well as limit on detention as set by O.C.G.A. 15-11-66 preclude any length of detention beyond 30 days. The Court specifically noted that the Juvenile Code specifically has a provision that directs credit to be granted for time served AFTER disposition while awaiting placement in a youth development center. As the legislature considered the propriety of credit for time served, but did not extend that benefit to detention while awaiting disposition, M.A.I. was not entitled to credit for time served before an Order of Disposition.

Finally, the child alleged the Juvenile Court "failed to make treatment and rehabilitative efforts in violation of the purpose of the juvenile court." The Court of Appeals noted a brief history of the various interventions that had been ordered by the Court during the child's different referrals for numerous violations of probation and declined "to second guess every decision made by the juvenile court." Rather, the Court noted O.C.G.A. 15-11-66 provides a variety of dispositional options to the Court that are intended to be best suited for the treatment, rehabilitation and welfare. The discretion to craft an appropriate disposition is vested in the Juvenile Court and will not be disturbed absent an abuse of that discretion.

# Practitioner's Corner – My 34 Years in the Juvenile Court System

**by Diane Woods**

In 1979, I began night law school classes at Woodrow Wilson College of Law in Atlanta. To support my law school habit, I needed a day job. The Hon. Rex R. Ruff of the Juvenile Court of Cobb County needed a clerk, and thanks to my high school typing and shorthand classes, he offered me the job.

In those days, our most common offenses were theft by shoplifting and runaway. We really got excited when a burglary charge came through. Our most serious drug offense was V.G.S.A. (possession of marijuana) and we would have the occasional deprivation action.

I only planned on staying at the court for two years, but somehow two turned into 11. During this time, I had the opportunity to serve as intake officer, probation officer, associate judge (back then, they were called "referee") and director of court services.

No matter what the job, I felt a passion for my work that I had never felt. My co-workers felt the same and we held the conviction that we were making a difference in our little part of the world.

As the years rolled by, our client population increased significantly as did the severity of the offenses. Multiple deprivation actions were a daily event. Our budget could not keep up with the demands of our system, so our deputy director of court services, John Zoller, worked with other professionals around the county to develop a validated risk and needs assessment tool. We were better able to deliver services where they were most needed and allowed us to divert the less serious offenders to more cost effective programs. These were exciting times!

Even after leaving the court for the private practice, my favorite part of my job is when I am in juvenile court. There is a new batch of fresh faced clerks and probation officers who appear no less committed to the mission of the court than we were 34 years ago.

Many life lessons were learned along the way, but those that are most relevant to me are of working with children and their families.

The first would be "never underestimate the power of one." There is a story that has been told about a young boy who noticed thousands of live starfish washed upon the beach where he was playing. He busily went about throwing the starfish back into the ocean, one at a time. An older gentleman who was taking his morning stroll, watched the boy for a while and then walked up to him and said, "Son, there are thousand of starfish on this beach. What possible difference can you make?" The boy paused with a starfish in his hand, and said "it makes a difference to this one" as he threw the starfish into the surf.

Georgia's Juvenile courts are bursting at the seams and DFCS workers feel like they are drowning most days. Group homes are scrambling for funding and our supportive non-profits are stinging from the uncertain economy. It is very easy to feel hopeless.

I am reminded of a GAL case I had where a young, single mother was petitioning for the return of her five year old son. She was the product of our foster care system and became pregnant while in a foster home and, for a while, she and her son shared the same foster parents.

Upon her emancipation, she stumbled for a while but then went about finding permanent employment at a factory. She and her boyfriend rented an affordable apartment and bought a car. She had become involved in her son's PTSA program and volunteered at his school when her schedule permitted. I was very happy to recommend to the court that her son's custody be placed in her.

When I asked her what had inspired her to choose the path she had chosen, she smiled and said, "One of my caseworkers."

If we've helped one child pull themselves up to a life worth living, we have made a greater impact than many world leaders.

The second lesson I really learned from my grandmother, but it is so applicable to those who serve. It goes like this, "You catch more flies with honey than you do with vinegar." Things simply work better when we are professional, courteous and kind. Power over the lives of others does not give us permission to be rude. It is so very easy to be judgmental of co-workers and clients but my experiences have taught me that we're all doing the best we know how to do and we rarely are privy to the burden someone else is carrying. I don't particularly want to catch files, but if I did, a superior and sour attitude probably wouldn't net many.

The final lesson learned is that we who serve children and families are all in the same boat, so we might as well all row in the same direction. Juvenile offenders and deprived children are not revenue producing entities. All of us in the system are dependent upon the generosity of the legislature, other state and federal funding and private donations. To a certain extent, we are all competing for the same pot of gold, but that should not stop us from supporting one another, resolving our differences and collaborating where we can. Those who are passionate about our service to children and families have a lot of collective power which we may not have, to date, fully explored.

That is why I am particularly grateful to Justice Hines and Justice Benham for encouraging us to form a new Bar section which provides us with the opportunity to come together, discuss our commonalities and investigate the many ways we can row our boat in the same direction.

We had a few naysayers in the beginning who said the Child Protection and Advocacy Section was not needed but, given the more than 90 attendees at our first CLE, I would say we are on the right track. A special thanks to our section chair, Nicki Vaughan, for her persistence and leadership and to Derrick Stanley of the State Bar who is so supportive and available to help.

Finally, I want to thank Tonya Boga for serving as the newsletter's editor. Even though she is one of the busiest people I know, she finds the time to make sure our section's newsletter is top notch.

My first 34 years in serving children and families has been an enjoyable and meaningful adventure. There is no reason why the next 34 won't be better.

# Students/Juveniles in the Criminal Justice and Juvenile Justice System

**by Jonathan A. Zimring, Zimring Law Firm**

Studies have estimated that 60 to 70 percent of adolescents charged with crimes and admitted to juvenile detention have a learning impairment. Other statistical studies show that students with disabilities are twice as likely to be charged with school-based disciplinary infractions or have charges brought by schools or school resource officers to the juvenile courts. These numbers require examination as the student does not lose his/her special educational entitlement with detention or prison placement. These rights generally recognize a continuing entitlement under the IDEA[1], and the application of disability discrimination rights[2], tempered by the limitations on safety and LRE or placement required by the detention or incarceration.

1. IDEA Allows Referral to Law Enforcement But with Conditions.
    - Though IDEA has a specific procedure for addressing school tribunal discipline, these provisions do not limit a school's ability to report crimes to law enforcement or judicial authorities. If this is done, such agencies "must ensure that copies of special education and disciplinary records ... are transmitted for consideration" to such authorities. Yet this is "only to the extent this is permitted by [FERPA]."[3]
    - Students who reach the age of majority in adult prisons gain all the rights and privileges available under IDEA formerly provided to parents.[4] These include broad rights of notice, consent, participation in decision making and access to mediation and due process protections.[5] Students who are minors and wards of the state must be appointed a "surrogate" to act in their behalf and receive all notices and access their records.[6]
    - Students in adult prisons may have their "IEP Team" modify the "IEP or placement if the State has demonstrated a bona fide security or compelling penalogical interest that cannot otherwise be accommodated."[7] The exceptions are LRE or least restrictive environment protections or IEP content protections of §§300.112 and 300.320.[8] Rights to instruction and related services such as psychological counseling or vocational evaluation continue.
    - These limitations of IDEA rights are specific to students who have reached the age of majority in adult prisons. By application, placement in juvenile detention does not have the same exceptions, and the Georgia ~~the~~ Department of Youth Services operates as a school system. Thus students carry their special education rights into the juvenile justice system, and prior to actual transfer to a youth detention center that right is met by their local educational agency.
2. Limitations on Disciplinary Expulsions
    - Georgia law allows for school disciplinary codes and disciplinary charges, leading up to long term

suspension and expulsion. Federal courts have long extended due process protections to these procedures, with the recognition that the special education laws arose from a large population of students who had been expelled from school for behavior arising from their disability.[9] Suspension is therefore a unilateral change in placement implicating the "maintenance of placement" provisions of IDEA.

- IDEA requires a "manifestation determination." Schools may temporarily alter the student's placement subject to review in an expedited administrative hearing.[10] Schools cannot suspend or expel a student from special education services and may be required to provide a "functional behavioral assessment" to address their conduct.
- Some of the protections in this manifestation process do not apply if the student knowingly or intentionally uses or distributes drugs at school or school events, or possesses a weapon at school or at school events.[11]
- These protections can apply to students who were not eligible for special education if the agency "had knowledge" that the student was a child with a disability and had not completed the process or taken action to consider eligibility.[12] This includes if a teacher or other staff member had expressed concerns about an unusual pattern of conduct by the student.

The cumulative meaning of these provisions is that evaluation, notice and consent provisions, appropriate services and interventions, and parent participation follow the student with a disability through the school district's disciplinary system and into alternative placements and suspensions, but also into the juvenile court system. To ensure the rights of students who are wards of the state are protected, the "judge overseeing the child's case" may act to appoint a surrogate.[13]

(Endnotes)

1 The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300; Georgia Board of Education at Ga. Comp. R. & Reg. §§ 160-4-7-.01 et seq.
2 Discrimination based on a person's disability is prohibited by Section 504 of the Vocational Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; 34 C.F.R. Part 104, and by the American's with Disabilities Act, 42 U.S.C. §§ 12101-12213; 28 C.F.R. Part 35.
3 34 C.F.R. § 300.535 (2006). FERPA is the Federal Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99.
4 34 C.F.R. § 300.520(a)(2)(2006).
5 See e.g., 34 C.F.R. §§ 300.501, 300.502, 300.503, 300.504, 300.506, 300.507-508.
6 34 C.F.R. § 300.519(2006).
7 34 C.F.R. § 300.324(d)(2)(i)(2006).
8 34 C.F.R. § 300.324(d)(2)(ii)(2006).
9 See Goss v. Lopez, 419 U.S. 565 (1975) and Honig v. Doe, 484 U.S. 305 (1988).
10 20 U.S.C. § 1415(k)(2004); 34 C.F.R. § 300.552(2006).
11 34 C.F.R.§ 300.530(g) and (h)(2006).
12 34 C.F.R. § 300.534 (2006).
13 34 C.F.R. § 300.519(c) (2006).