

2
3 **INSTRUCTION**

4
5 Special Education

6
7 The Superintendent shall place the annual application on the agenda of a regular meeting of the
8 Board, for action prior to submission to the state educational agency for final approval.

9
10 Child Find

11
12 The District shall be responsible for the coordination and management of locating, identifying,
13 and evaluating all disabled children ages zero (-0-) through twenty-one (21). Appropriate staff
14 will design the District’s Child Find plan in compliance with all state and federal requirements
15 and with assistance from special education personnel who are delegated responsibility for
16 implementing the plan.

17
18 The District’s plan will contain procedures for identifying suspected disabled students in private
19 schools as identified in 34 C.F.R. 530.130 and 530.131(f), students who are home schooled,
20 homeless children, as well as public facilities located within the geographic boundaries of the
21 District. These procedures shall include screening and development criteria for further
22 assessment. The plan must include locating, identifying, and evaluating highly mobile children
23 with disabilities and children who are suspected of being a child with a disability and in need of
24 special education, even though the child is and has been advancing from grade to grade. The
25 District’s Child Find Plan must set forth the following:

- 26
- 27 1. Procedures used to annually inform the public of all child find activities, for children zero
- 28 through twenty-one;
- 29 2. Identity of the special education coordinator;
- 30 3. Procedures used for collecting, maintaining, and reporting data on child identification;
- 31 4. Procedures for Child Find Activities (including audiological, health, speech/language,
- 32 and visual screening and review of data or records for students who have been or are
- 33 being considered for retention, delayed admittance, long-term suspension or expulsion or
- 34 waiver of learner outcomes) in each of the following age groups:
- 35 A. Infants and Toddlers (Birth through Age 2)
- 36 Procedures for referral of infants and toddlers to the appropriate early intervention
- 37 agency, or procedures for conducting child find.
- 38 B. Preschool (Ages 3 through 5)
- 39 Part C Transition planning conferences; frequency and location of screenings;
- 40 coordination with other agencies; follow-up procedures for referral and
- 41 evaluation; and procedures for responding to individual referrals.
- 42 C. In-School (Ages 6 through 18)
- 43 Referral procedures, including teacher assistance teams, parent referrals, and
- 44 referrals from other sources; and follow-up procedures for referral and evaluation.
- 45 D. Post-School (Ages 19 through 21)
- 46 Individuals who have not graduated from high school with a regular diploma and

47
48
49
50 who were not previously identified. Describe coordination efforts with other
51 agencies.

1 E. Private Schools (This includes home schools.)
2 Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-
3 up procedures for referral and evaluation.

4 F. Homeless Children

5
6 Procedures for Evaluation and Determination of Eligibility

7
8 Procedures for evaluation and determination of eligibility for special education and related
9 services are conducted in accordance with the procedures and requirements of 34 C.F.R.
10 300.301-300. 311 and the following state administrative rules:

- 11
12 10.16.3320 - Referral;
13 10.60.103 - Identification of Children with Disabilities;
14 10.16.3321 - Comprehensive Educational Evaluation Process;

15
16 Procedural Safeguards and Parental Notification

17
18 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -
19 300.530.

20
21 A copy of the procedural safeguards available to the parents of a child with a disability must be
22 given to the parents only one (1) time a school year, except that a copy also must be given to the
23 parents:

- 24
25 • Upon initial referral or parent request for evaluation;
26 • Upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and
27 upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
28 • In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on
29 which the decision is made to make a removal that constitutes a change of placement of a
30 child with a disability because of a violation of a code of student conduct, the LEA
31 must...provide the parents the procedural safeguards notice); and
32 • Upon request by a parent.

33
34 A public agency also may place a current copy of the procedural safeguard notice on its internet
35 website, if a website exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

36
37 The referral for special education consideration may be initiated from any source, including
38 school personnel. To initiate the process, an official referral form must be completed and signed
39 by the person making the referral. The District shall accommodate a parent who cannot speak
40 English and therefore cannot complete the District referral form. Recognizing that the referral
41

42 2161P
43 page 3 of 5

44
45 form is a legal document, District personnel with knowledge of the referral shall bring the
46 referral promptly to the attention of the Evaluation Team.

47
48 The District shall give written notice to the parent of its recommendation to evaluate or not to
49 evaluate the student. The parent will be fully informed concerning the reasons for which the
50 consent to evaluate is sought. Written parental consent will be obtained before conducting the
51 initial evaluation or before reevaluating the student.

1
2 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the
3 parents in their native language or another mode of communication appropriate to the parent. An
4 explanation of all the procedural safeguards shall be made available to the parents when their
5 consent for evaluation is sought. These safeguards will include a statement of the parents' rights
6 relative to granting the consent.
7

8 Evaluation of Eligibility 9

10 Evaluation of eligibility for special education services will be consistent with the requirements of
11 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of
12 Eligibility; and shall also comply with A.R.M. 10.16.3321.
13

14 Individualized Education Programs 15

16 The District develops, implements, reviews, and revises individualized education programs (IEP)
17 in accordance with the requirements and procedures of 34 C.F.R. 300.320-300. 328.
18

19 Least Restrictive Environment 20

21 To the maximum extent appropriate, children with disabilities, including children in public or
22 private institutions or other care facilities, are educated with children who are nondisabled, and
23 special classes, separate schooling, or other removal of children with disabilities from the regular
24 class occurs only if the nature or severity of the disability is such that education in regular
25 classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.
26 Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the
27 requirements of 34 C.F.R. 300.114 – 300.120, and a continuum of alternate placements is
28 available as required in 34 C.F.R. 300.551.
29

30 Children in Private Schools/Out-of District Placement 31

32 Children with a disability placed in or referred to a private school or facility by the District, or
33 other appropriate agency, shall receive special education and related services in accordance with
34 the requirements and procedures of 34 C.F.R. 300-145 through 300.147 and A.R.M. 10.16.3122.
35

36
37 2161P
38 page 4 of 5
39

40 As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private
41 school or facility by parents do not have an individual right to special education and related
42 services at the District's expense. When services are provided to children with disabilities
43 placed by parents in private schools, the services will be in accordance with the requirements and
44 procedures of 34. C.F.R. 300.130 through 300.144, and 300.148.
45

46 Impartial Due Process Hearing 47

48 The District shall conduct the impartial hearing in compliance with the Montana Administrative
49 Rules on matters pertaining to special education controversies.
50

51 Special Education Records and Confidentiality of Personally Identifiable Information

1
2 A. Confidentiality of Information

3
4 The District follows the provisions under the Family Educational Rights and Privacy Act and
5 implements the procedures in 34 C.F.R. 300.610-300. 627, § 20-1-213, MCA, and A.R.M.
6 10.16.3560.

7
8 B. Access Rights

9
10 Parents of disabled students and students eighteen (18) years or older, or their representative,
11 may review any educational records which are designated as student records collected,
12 maintained, and used by the District. Review shall normally occur within five (5) school days
13 and in no case longer than forty-five (45) days. Parents shall have the right to an explanation or
14 interpretation of information contained in the record. Non-custodial parents shall have the same
15 right of access as custodial parents, unless there is a legally binding document specifically
16 removing that right.

17
18 C. List of Types and Locations of Information.

19
20 A list of the records maintained on disabled students shall be available in the District office.
21 Disabled student records shall be located in the _____, where they are available for review
22 by authorized District personnel, parents, and adult students. Special education teachers will
23 maintain an IEP file in their classrooms. These records will be maintained under the direct
24 supervision of the teacher and will be located in a locked file cabinet. A record-of-access sheet
25 in each special education file will specify the District personnel who have a legitimate interest in
26 viewing these records.

27
28 D. Safeguards

29
30 The District will identify in writing the employees who have access to personally identifiable
31 information, and provide training on an annual basis to those staff members.

32 2161P
33 page 5 of 5
34

35 E. Destruction of Information

36
37 The District will inform parents five (5) years after the termination of special education services
38 that personally identifiable information is no longer needed for program purposes. The parent
39 will be advised that such information may be important to establish eligibility for certain adult
40 benefits. At the parent's request, the record information shall either be destroyed or made
41 available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be
42 made to provide the parent with notification sixty (60) days prior to taking any action on
43 destruction of records. Unless consent has been received from the parent to destroy the record,
44 confidential information will be retained for five (5) years beyond legal school age.

45
46 F. Children's Rights

47
48 Privacy rights shall be transferred from the parent to an adult student at the time the student
49 attains eighteen (18) years of age, unless some form of legal guardianship has been designated
50 due to the severity of the disabling condition.
51

1 Discipline

2
3 Students with disabilities may be suspended from school the same as students without disabilities
4 for the same infractions or violations for up to ten (10) consecutive school days. Students with
5 disabilities may be suspended for additional periods of not longer than ten (10) consecutive
6 school days for separate, unrelated incidents, so long as such removals do not constitute a change
7 in the student's educational placement. However, for any additional days of removal over and
8 above ten (10) school days in the same school year, the District will provide educational services
9 to a disabled student, which will be determined in consultation with at least one (1) of the child's
10 teachers, determining the location in which services will be provided. The District will
11 implement the disciplinary procedures in accord with the requirements of CFR 300. 530-
12 300.537.

13
14 Legal Reference: 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)
15 § 20-1-213, MCATransfer of school records
16 10.16.3122 ARM Local Educational Agency Responsibility for Students with Disabilities
17 10.16.3129 ARM Parental Involvement
18 10.16.3220 ARM Program Narrative
19 10.16.3321 ARM Comprehensive Educational Evaluation Process
20 10.16.3322 ARM Composition of a Child Study Team
21 10.16.3340 ARM Individualized Education Program and Placement Decisions
22 10.16.3342 ARM Transfer Students: Intrastate and Interstate
23 10.16.3560 ARM Special Education Records
24 10.60.103 ARM Identification of Children with Disabilities
25

26 Procedure History:

27 Promulgated on: March 8, 2006

28 Reviewed on:

29 Revised on: December 10, 2008