

## INSTRUCTION

2161P

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Special Education

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

Child Find

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

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audio logical, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:
  - A. Infants and Toddlers (Birth through Age 2)  
Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
  - B. Preschool (Ages 3 through 5)  
Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
  - C. In-School (Ages 6 through 18)  
Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.
  - D. Post-School (Ages 19 through 21)

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1 Individuals who have not graduated from high school with a regular diploma and  
2 who were not previously identified. Describe coordination efforts with other  
3 agencies.

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

7 F. Homeless Children

8 G. Dyslexia

9 The School District shall establish procedures to ensure that all resident children  
10 with disabilities, including specific learning disabilities resulting from dyslexia,  
11 are identified and evaluated for special education and related services as early as  
12 possible. The screening instrument must be administered to:

13 (A) A child in the first year that the child is admitted to a school of the  
14 district up to grade 2; and

15 (B) A child who has not been previously screened by the district and who  
16 fails to meet grade-level reading benchmarks in any grade;

17  
18 The screening instrument shall be administered by an individual with an  
19 understanding of, and training to identify, signs of dyslexia designed to assess  
20 developmentally appropriate phonological and phonemic awareness skills.

21  
22 If a screening suggests that a child may have dyslexia or a medical professional  
23 diagnosis a child with dyslexia, the child’s school district shall take steps to  
24 identify the specific needs of the child and implement best practice interventions  
25 to address those needs. This process may lead to consideration of the child’s  
26 qualification as a child with a disability under this policy.

27  
28 Procedures for Evaluation and Determination of Eligibility

29  
30 Procedures for evaluation and determination of eligibility for special education and related  
31 services are conducted in accordance with the procedures and requirements of 34 C.F.R.  
32 300.301-300.311 and the following state administrative rules:

- 33  
34 10.16.3320 - Referral;  
35 10.60.103 - Identification of Children with Disabilities;  
36 10.16.3321 - Comprehensive Educational Evaluation Process.

37  
38 Procedural Safeguards and Parental Notification

39  
40 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -  
41 300.530.

42  
43 A copy of the procedural safeguards available to the parents of a child with a disability must be  
44 given to the parents only one time a school year, except that a copy also must be given to the  
45 parents:

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- 1 • Upon initial referral or parent request for evaluation;
- 2 • Upon receipt of the first State complaint under 34 CFR 300.151 through 300.153 and
- 3 upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
- 4 • In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on
- 5 which the decision is made to make a removal that constitutes a change of placement of a
- 6 child with a disability because of a violation of a code of student conduct, the LEA
- 7 must...provide the parents the procedural safeguards notice); and
- 8 • Upon request by a parent.

9

10 A public agency also may place a current copy of the procedural safeguard notice on its internet

11 website, if a web site exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

12

13 The referral for special education consideration may be initiated from any source, including

14 school personnel. To initiate the process, an official referral form must be completed and signed

15 by the person making the referral. The District shall accommodate a parent who cannot speak

16 English and therefore cannot complete the District referral form. Recognizing that the referral

17 form is a legal document, District personnel with knowledge of the referral shall bring the

18 referral promptly to the attention of the Evaluation Team.

19

20 The District shall give written notice to the parent of its recommendation to evaluate or not to

21 evaluate the student. The parent will be fully informed concerning the reasons for which the

22 consent to evaluate is sought. Written parental consent will be obtained before conducting the

23 initial evaluation or before reevaluating the student.

24

25 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the

26 parents in their native language or another mode of communication appropriate to the parent. An

27 explanation of all the procedural safeguards shall be made available to the parents when their

28 consent for evaluation is sought. These safeguards will include a statement of the parents' rights

29 relative to granting the consent.

30

31 Evaluation of Eligibility

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33 Evaluation of eligibility for special education services will be consistent with the requirements of

34 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of

35 Eligibility; and shall also comply with A.R.M. 10.16.3321.

36

37 Individualized Education Programs

38

39 The District develops, implements, reviews, and revises individualized education programs (IEP)

40 in accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.

41

42 Least Restrictive Environment

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44 To the maximum extent appropriate, children with disabilities, including children in public or

45 private institutions or other care facilities, are educated with children who are nondisabled, and

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1 special classes, separate schooling, or other removal of children with disabilities from the regular  
2 class occurs only if the nature or severity of the disability is such that education in regular  
3 classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.  
4 Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the  
5 requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is  
6 available as required in 34 C.F.R. 300.551.

7

8 Children in Private Schools/Out-of District Placement

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10 Children with a disability placed in or referred to a private school or facility by the District, or  
11 other appropriate agency, shall receive special education and related services in accordance with  
12 the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.

13

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

19 Impartial Due Process Hearing

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

23

24 Special Education Records and Confidentiality of Personally Identifiable Information

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26 A. Confidentiality of Information

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28 The District follows the provisions under the Family Educational Rights and Privacy Act and  
29 implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M.  
30 10.16.3560.

31

32 B. Access Rights

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

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42 C. List of Types and Locations of Information.

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44 A list of the records maintained on disabled students shall be available in the District office.  
45 Disabled student records shall be located in the special education room, where they are available

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1 for review by authorized District personnel, parents, and adult students. Special education  
2 teachers will maintain an IEP file in their classrooms. These records will be maintained under  
3 the direct supervision of the teacher and will be located in a locked file cabinet. A record-of-  
4 access sheet in each special education file will specify the District personnel who have a  
5 legitimate interest in viewing these records.

6  
7 D. Safeguards

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

11  
12 E. Destruction of Information

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

22  
23 F. Children’s Rights

24  
25 Privacy rights shall be transferred from the parent to an adult student at the time the student  
26 attains eighteen (18) years of age, unless some form of legal guardianship has been designated  
27 due to the severity of the disabling condition.

28  
29 Discipline

30  
31 Students with disabilities may be suspended from school the same as students without disabilities  
32 for the same infractions or violations for up to ten (10) consecutive school days. Students with  
33 disabilities may be suspended for additional periods of not longer than ten (10) consecutive  
34 school days for separate, unrelated incidents, so long as such removals do not constitute a change  
35 in the student’s educational placement. However, for any additional days of removal over and  
36 above ten (10) school days in the same school year, the District will provide educational services  
37 to a disabled student, which will be determined in consultation with at least one of the child’s  
38 teachers, determining the location in which services will be provided. The District will  
39 implement the disciplinary procedures in accord with the requirements of CFR 300.530 -  
40 300.537.

41  
42 Legal Reference: 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)  
43 § 20-1-213, MCA Transfer of school records  
44 10.16.3122 ARM Local Educational Agency Responsibility for  
45 Students with Disabilities

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1	10.16.3129 ARM	Parental Involvement
2	10.16.3220 ARM	Program Narrative
3	10.16.3321 ARM	Comprehensive Educational Evaluation Process
4	10.16.3322 ARM	Composition of a Child Study Team
5	10.16.3340 ARM	Individualized Education Program and Placement
6		Decisions
7	10.16.3342 ARM	Transfer Students: Intrastate and Interstate
8	10.16.3560 ARM	Special Education Records
9	10.60.103 ARM	Identification of Children with Disabilities
10	37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)
11	Chapter 227 (2019)	Montana Dyslexia Screening and Intervention Act

12  
13 Procedure History:

14 Promulgated on: February 2007

15 Revised on: November 20, 2007, January 20, 2009, February 15, 2011, March 2020