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3 **INSTRUCTION**

4
5 Special Education

6
7 Child Find

8
9 The District shall be responsible for the coordination and management of locating, identifying, and
10 evaluating all disabled children ages zero (0) through twenty-one (21). Appropriate staff will design the
11 District’s Child Find plan in compliance with all state and federal requirements and with assistance from
12 special education personnel who are delegated responsibility for implementing the plan.
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14 The District’s plan will contain procedures for identifying suspected disabled students in private schools
15 as identified in 34 CFR 530.130 and 530.131(f), students who are home schooled, homeless children, as
16 well as public facilities located within the geographic boundaries of the District. These procedures shall
17 include screening and development criteria for further assessment. The plan must include locating,
18 identifying, and evaluating highly mobile children with disabilities and children who are suspected of
19 being a child with a disability and in need of special education, even though the child is and has been
20 advancing from grade to grade. The District’s Child Find Plan must set forth the following:
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- 22 1. Procedures used to annually inform the public of all child find activities, for children zero through
23 twenty-one;
- 24 2. Identity of the special education coordinator;
- 25 3. Procedures used for collecting, maintaining, and reporting data on child identification;
- 26 4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual
27 screening and review of data or records for students who have been or are being considered for
28 retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes)
29 in each of the following age groups:
 - 30 A. Infants and Toddlers (Birth through Age 2)
31 Procedures for referral of infants and toddlers to the appropriate early intervention
32 agency, or procedures for conducting child find.
 - 33 B. Preschool (Ages 3 through 5)
34 Part C Transition planning conferences; frequency and location of screenings;
35 coordination with other agencies; follow-up procedures for referral and evaluation; and
36 procedures for responding to individual referrals.
 - 37 C. In-School (Ages 6 through 18)
38 Referral procedures, including teacher assistance teams, parent referrals, and referrals
39 from other sources; and follow-up procedures for referral and evaluation.
 - 40 D. Post-School (Ages 19 through 21)
41 Individuals who have not graduated from high school with a regular diploma and
42 who were not previously identified. Describe coordination efforts with other
43 agencies.
 - 44 E. Private Schools (This includes home schools.)
45 Child find procedures addressing the provisions of ARM 10.16.3125(1); follow-up
46 procedures for referral and evaluation.
 - 47 F. Homeless Children

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4 G. Dyslexia

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

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

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

13
14 The screening instrument shall be administered by an individual with an understanding
15 of, and training to identify, signs of dyslexia designed to assess developmentally
16 appropriate phonological and phonemic awareness skills.

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

23
24 Procedures for Evaluation and Determination of Eligibility

25
26 Procedures for evaluation and determination of eligibility for special education and related services are
27 conducted in accordance with the procedures and requirements of 34 CFR 300.301-300.311 and the
28 following state administrative rules:

29
30 10.16.3320 - Referral;

31 10.60.103 - Identification of Children with Disabilities;

32 10.16.3321 - Comprehensive Educational Evaluation Process;

33
34 Procedural Safeguards and Parental Notification

35
36 The District implements the procedural safeguard procedures as identified in
37 34 CFR 300.500 - 300.530.

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

- 41
42 • Upon initial referral or parent request for evaluation;
- 43 • Upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and upon receipt
44 of the first due process complaint under 34 CFR 300.507 in a school year;
- 45 • In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on which the
46 decision is made to make a removal that constitutes a change of placement of a child with a
47 disability because of a violation of a code of student conduct, the LEA must...provide the parents
48 the procedural safeguards notice); and
- 49 • Upon request by a parent.
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4 A public agency also may place a current copy of the procedural safeguard notice on its internet website,
5 if a website exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]
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7 The referral for special education consideration may be initiated from any source, including school
8 personnel. To initiate the process, an official referral form must be completed and signed by the person
9 making the referral. The District shall accommodate a parent who cannot speak English and therefore
10 cannot complete the District referral form. Recognizing that the referral form is a legal document,
11 District personnel with knowledge of the referral shall bring the referral promptly to the attention of the
12 Evaluation Team.
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14 The District shall give written notice to the parent of its recommendation to evaluate or not to evaluate the
15 student. The parent will be fully informed concerning the reasons for which the consent to evaluate is
16 sought. Written parental consent will be obtained before conducting the initial evaluation or before
17 reevaluating the student.
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19 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the parents in
20 their native language or another mode of communication appropriate to the parent. An explanation of all
21 the procedural safeguards shall be made available to the parents when their consent for evaluation is
22 sought. These safeguards will include a statement of the parents' rights relative to granting the consent.
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24 Evaluation of Eligibility

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26 Evaluation of eligibility for special education services will be consistent with the requirements of
27 34 CFR 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility;
28 and shall also comply with ARM 10.16.3321.
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30 Individualized Education Programs

31
32 The District develops, implements, reviews, and revises individualized education programs (IEP) in
33 accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.
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35 Least Restrictive Environment

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37 To the maximum extent appropriate, children with disabilities, including children in public or private
38 institutions or other care facilities, are educated with children who are nondisabled, and special classes,
39 separate schooling, or other removal of children with disabilities from the regular class occurs only if the
40 nature or severity of the disability is such that education in regular classes, with the use of supplementary
41 aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in
42 accordance with A.R.M. 10.16.3340 and the requirements of 34 CFR 300.114 - 300.120, and a continuum
43 of alternate placements is available as required in 34 CFR 300.551.
44

45 Children in Private Schools/Out-of District Placement

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47 Children with a disability placed in or referred to a private school or facility by the District, or other
48 appropriate agency, shall receive special education and related services in accordance with the
49 requirements and procedures of 34 CFR 300.145 through 300.147 and ARM 10.16.3122.
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4 As set forth under 34 CFR 300.137, children with a disability placed in or referred to a private school or
5 facility by parents do not have an individual right to special education and related services at the District's
6 expense. When services are provided to children with disabilities placed by parents in private schools, the
7 services will be in accordance with the requirements and procedures of 34. CFR 300.130 through
8 300.144, and 300.148.
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10 Impartial Due Process Hearing

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12 The District shall conduct the impartial hearing in compliance with the Montana Administrative Rules on
13 matters pertaining to special education controversies.
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15 Special Education Records and Confidentiality of Personally Identifiable Information

16 17 A. Confidentiality of Information

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19 The District follows the provisions under the Family Educational Rights and Privacy Act and
20 implements the procedures in 34 CFR 300.610-300.627, § 20-1-213, MCA, and ARM 10.16.3560.
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22 B. Access Rights

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24 Parents of disabled students and students eighteen (18) years or older, or their representative, may review
25 any educational records which are designated as student records collected, maintained, and used by the
26 District. Review shall normally occur within five (5) school days and in no case longer than forty-five
27 (45) days. Parents shall have the right to an explanation or interpretation of information contained in the
28 record. Non-custodial parents shall have the same right of access as custodial parents, unless there is a
29 legally binding document specifically removing that right.
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31 C. List of Types and Locations of Information.

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33 A list of the records maintained on disabled students shall be available in the District office. Disabled
34 student records shall be located in the school, where they are available for review by authorized District
35 personnel, parents, and adult students. Special education teachers will maintain an IEP file in their
36 classrooms. These records will be maintained under the direct supervision of the teacher and will be
37 located in a locked file cabinet. A record-of-access sheet in each special education file will specify the
38 District personnel who have a legitimate interest in viewing these records.
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40 D. Safeguards

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42 The District will identify in writing the employees who have access to personally identifiable
43 information, and provide training on an annual basis to those staff members.
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45 E. Destruction of Information

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47 The District will inform parents five (5) years after the termination of special education services that
48 personally identifiable information is no longer needed for program purposes. Medicaid reimbursement
49 records must be retained for a period of at least six years and three months from the date on which the
50 service was rendered or until any dispute or litigation concerning the services is resolved, whichever is
51 later. The parent will be advised that such information may be important to establish eligibility for certain

adult benefits. At the parent’s request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. Children’s Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student’s educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (1) of the child’s teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.

Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
	§ 20-1-213, MCA	Transfer of school records
	10.16.3122 ARM	Local Educational Agency Responsibility for Students with Disabilities
	10.16.3220 ARM	Program Narrative
	10.16.3321 ARM	Comprehensive Educational Evaluation Process
	10.16.3340 ARM	Individualized Education Program and Placement Decisions
	10.16.3560 ARM	Special Education Records
	10.60.103 ARM	Identification of Children with Disabilities
	37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)
	Chapter 227 (2019)	Montana Dyslexia Screening and Intervention Act

Procedure History:

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