

Special Education Procedures

*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). District 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, students who are home schooled, homeless children, as well as students who are wards of the state or in 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 audiological, 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)  
Individuals who have not graduated from high school with a regular diploma who were not previously identified. The Special Education Director shall coordinate these efforts with other agencies.
  - E. *Private Schools* (This includes home schools.)  
Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

- F. *Homeless Children* Procedures used to identify the role and responsibility of other public or private agencies.

*Procedures for Evaluation and Determination of Eligibility*

Procedures for evaluation and determination of eligibility for special education and related services are conducted in accordance with the procedures and requirements of 34 C.F.R. 300.328 and the following state administrative rules:

10.16.3320	Request for Initial Evaluation
10.16.3007-3022	Identification of Children with Disabilities;
10.16.3321	Comprehensive Educational Evaluation Process;

*Procedural Safeguards and Parental Notification*

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.529 and provides a copy of the brochure “Parental Rights in Special Education” to the parent a reasonable time before the District:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education to the child; or
2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education to the child.

Pre-referral and referral for special education consideration may be initiated from any source, including school personnel. To initiate the process, an official referral form must be completed and signed by the person making the referral. The District shall accommodate a parent who cannot speak English and therefore cannot complete the District referral form. Recognizing that the referral form is a legal document, District personnel with knowledge of the referral shall bring the referral promptly to the attention of the Evaluation Team.

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

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

*Administrative Representative on Evaluation Team*

The Superintendent has designated in writing the building principal as the administrative representative for each Evaluation Team in the District. The administrative representative shall be an individual employed by the trustees in a recognized administrative capacity.

### *Individualized Education Programs*

The District develops, implements, reviews, and revises individualized education programs (IEP) in accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328 and A.R.M. 10.16.3340.

### *Least Restrictive Environment*

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.114 - 300.118, and a continuum of alternate placements is available as required in 34 C.F.R. 300.115.

### *Children in Private Schools/Out-of-District Placement*

The District implements services to children enrolled in private schools by their parents in accord with the requirements and procedures in 34 C.F.R. 300.129 - 300.144 and A.R.M. 10.16.3122. If a child with a disability is placed in or referred to a private school or facility by the District, the District will provide special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.325 and A.R.M. 10.16.3122.

### *Impartial Due Process Hearing*

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

### *Special Education Records and Confidentiality of Personally Identifiable Information*

#### A. Confidentiality of Information

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

#### B. Access Rights

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

C. List of Types and Locations of Information.

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

D. Safeguards

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

E. Destruction of Information

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. 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.

Legal Reference:	34 CFR 300.1, et seq. § 20-1-213, MCA 10.16.SubChap 30, ARM 10.16.SubChap 31, ARM 10.16.SubChap 33, ARM 10.16.SubChap 35, ARM	Individuals with Disabilities Act (IDEA) Transfer of school records Definitions State and Local Eligibility Services Procedural Safeguards
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Procedure History:

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