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3 **INSTRUCTION**

4
5 Special Education

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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.

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10 Child Find

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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.

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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:

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- 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

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4 who were not previously identified. Describe coordination efforts with other
5 agencies.

- 6 E. Private Schools (This includes home schools.)
7 Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-
8 up procedures for referral and evaluation.
9 F. Homeless Children

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11 Procedures for Evaluation and Determination of Eligibility

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13 Procedures for evaluation and determination of eligibility for special education and related
14 services are conducted in accordance with the procedures and requirements of 34 C.F.R.
15 300.301-300.311 and the following state administrative rules:

- 16
17 10.16.3320 - Referral;
18 10.60.103 - Identification of Children with Disabilities;
19 10.16.3321 - Comprehensive Educational Evaluation Process.
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21 Procedural Safeguards and Parental Notification

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23 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -
24 300.530.

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26 A copy of the procedural safeguards available to the parents of a child with a disability must be
27 given to the parents only one (1) time a school year, except that a copy also must be given to the
28 parents:
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- 30 • Upon initial referral or parent request for evaluation;
31 • Upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and
32 upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
33 • In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on
34 which the decision is made to make a removal that constitutes a change of placement of a
35 child with a disability because of a violation of a code of student conduct, the LEA
36 must...provide the parents the procedural safeguards notice); and
37 • Upon request by a parent.
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39 A public agency also may place a current copy of the procedural safeguard notice on its internet
40 website, if a web site exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]
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42 The referral for special education consideration may be initiated from any source, including
43 school personnel. To initiate the process, an official referral form must be completed and signed
44 by the person making the referral. The District shall accommodate a parent who cannot speak
45 English and therefore cannot complete the District referral form. Recognizing that the referral
46 form is a legal document, District personnel with knowledge of the referral shall bring the

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4 referral promptly to the attention of the Evaluation Team.
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6 The District shall give written notice to the parent of its recommendation to evaluate or not to
7 evaluate the student. The parent will be fully informed concerning the reasons for which the
8 consent to evaluate is sought. Written parental consent will be obtained before conducting the
9 initial evaluation or before reevaluating the student.
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11 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the
12 parents in their native language or another mode of communication appropriate to the parent. An
13 explanation of all the procedural safeguards shall be made available to the parents when their
14 consent for evaluation is sought. These safeguards will include a statement of the parents' rights
15 relative to granting the consent.
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17 Evaluation of Eligibility 18

19 Evaluation of eligibility for special education services will be consistent with the requirements of
20 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of
21 Eligibility; and shall also comply with A.R.M. 10.16.3321.
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23 Individualized Education Programs 24

25 The District develops, implements, reviews, and revises individualized education programs (IEP)
26 in accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.
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28 Least Restrictive Environment 29

30 To the maximum extent appropriate, children with disabilities, including children in public or
31 private institutions or other care facilities, are educated with children who are nondisabled, and
32 special classes, separate schooling, or other removal of children with disabilities from the regular
33 class occurs only if the nature or severity of the disability is such that education in regular
34 classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.
35 Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the
36 requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is
37 available as required in 34 C.F.R. 300.551.
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39 Children in Private Schools/Out-of District Placement 40

41 Children with a disability placed in or referred to a private school or facility by the District, or
42 other appropriate agency, shall receive special education and related services in accordance with
43 the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.
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45 As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private
46 school or facility by parents do not have an individual right to special education and related

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4 services at the District's expense. When services are provided to children with disabilities placed
5 by parents in private schools, the services will be in accordance with the requirements and
6 procedures of 34 C.F.R. 300.130 through 300.144 and 300.148.

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8 Impartial Due Process Hearing

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

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13 Special Education Records and Confidentiality of Personally Identifiable Information

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15 A. Confidentiality of Information

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17 The District follows the provisions under the Family Educational Rights and Privacy Act and
18 implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M.
19 10.16.3560.

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21 B. Access Rights

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23 Parents of disabled students and students eighteen (18) years or older, or their representative,
24 may review any educational records which are designated as student records collected,
25 maintained, and used by the District. Review shall normally occur within five (5) school days
26 and in no case longer than forty-five (45) days. Parents shall have the right to an explanation or
27 interpretation of information contained in the record. Non-custodial parents shall have the same
28 right of access as custodial parents, unless there is a legally binding document specifically
29 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.
34 Disabled student records shall be located in the resource room, where they are available for
35 review by authorized District personnel, parents, and adult students. Special education teachers
36 will maintain an IEP file in their classrooms. These records will be maintained under the direct
37 supervision of the teacher and will be located in a locked file cabinet. A record-of-access sheet
38 in each special education file will specify the District personnel who have a legitimate interest in
39 viewing these records.

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41 D. Safeguards

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

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4 E. Destruction of Information
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6 The District will inform parents five (5) years after the termination of special education services
7 that personally identifiable information is no longer needed for program purposes. The parent
8 will be advised that such information may be important to establish eligibility for certain adult
9 benefits. At the parent's request, the record information shall either be destroyed or made
10 available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be
11 made to provide the parent with notification sixty (60) days prior to taking any action on
12 destruction of records. Unless consent has been received from the parent to destroy the record,
13 confidential information will be retained for five (5) years beyond legal school age.
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15 F. Children's Rights
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17 Privacy rights shall be transferred from the parent to an adult student at the time the student
18 attains eighteen (18) years of age, unless some form of legal guardianship has been designated
19 due to the severity of the disabling condition.
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21 Discipline
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23 Students with disabilities may be suspended from school the same as students without disabilities
24 for the same infractions or violations for up to ten (10) consecutive school days. Students with
25 disabilities may be suspended for additional periods of not longer than ten (10) consecutive
26 school days for separate, unrelated incidents, so long as such removals do not constitute a change
27 in the student's educational placement. However, for any additional days of removal over and
28 above ten (10) school days in the same school year, the District will provide educational services
29 to a disabled student, which will be determined in consultation with at least one (1) of the child's
30 teachers, determining the location in which services will be provided. The District will
31 implement the disciplinary procedures in accord with the requirements of CFR 300.530 -
32 300.537.
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34	Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
35		§ 20-1-213, MCA	Transfer of school records
36		10.16.3122 ARM	Local Educational Agency Responsibility for
37			Students with Disabilities
38		10.16.3129 ARM	Parental Involvement
39		10.16.3220 ARM	Program Narrative
40		10.16.3321 ARM	Comprehensive Educational Evaluation Process
41		10.16.3322 ARM	Composition of a Child Study Team
42		10.16.3340 ARM	Individualized Education Program and Placement
43			Decisions
44		10.16.3342 ARM	Transfer Students: Intrastate and Interstate
45		10.16.3560 ARM	Special Education Records
46		10.60.103 ARM	Identification of Children with Disabilities
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48 Procedure History:

49 Promulgated on:

50 Reviewed on: 12/09/08

51 Revised on: Winter 2009; 1/14/09