

1 **2161R INSTRUCTION**

2 Special Education

3 Child Find

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

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

- 15 1. Procedures used to annually inform the public of all child find activities, for children zero  
16 through twenty-one;
- 17 2. Identity of the special education coordinator;
- 18 3. Procedures used for collecting, maintaining and reporting data on child identification;
- 19 4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual  
20 screening and review of data or records for students who have been or are being considered for  
21 retention, delayed admittance, long term suspension or expulsion or waiver of learner outcomes)  
22 in each of the following age groups.:
  - 23 a. Infants and Toddlers (Birth through age 2)  
24 Procedures for referral of infants and toddlers to the appropriate early intervention  
25 agency or procedures for conducting child find.
  - 26 b. Preschool (Ages 3 through Age 5)  
27 Part C Transition planning conferences; Frequency and location of screenings;  
28 Coordination with other agencies; Follow-up procedures for referral and evaluation; and  
29 Procedures for responding to individual referrals.
  - 30 c. In-School (Ages 6 through 18)  
31 Referral procedures including teacher assistance teams, parent referrals and referrals  
32 from other sources; and Follow-up procedures for referral and evaluation.
  - 33 d. Post-School (Ages 19 through 21)  
34 Individuals who have not graduated from high school with a regular diploma and who  
35 were not previously identified. Describe coordination efforts with other agencies.
  - 36 e. Private Schools (This includes home schools.)

1 Child find procedures addressing the provisions of ARM 10.16.3125(1); Follow-up  
2 procedures for referral and evaluation.

3 f. Homeless Children

4 Procedures for Evaluation and Determination of Eligibility

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

- 8 • 10.16.3320 – Referral
- 9 • 10.60.103 – Identification of Children with Disabilities
- 10 • 10.16.3321 – Comprehensive Educational Evaluation Process

11 Procedural Safeguards and Parental Notification

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

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

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

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

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

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

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

1 Evaluation of Eligibility

2 Evaluation of eligibility for special education services will be consistent with the requirements of 34 C.F.R.  
3 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility; and shall  
4 also comply with A.R.M. 10.16.3321.

5 Individualized Education Plan (IEP)

6 The District develops, implements, reviews and revises the IEP in accordance with the requirements and  
7 procedures of 34 C.F.R. 300.320-300.328.

8 Least Restrictive Environment

9 To the maximum extent appropriate, children with disabilities, including children in public or private  
10 institutions or other care facilities, are educated with children who are nondisabled and that special  
11 classes, separate schooling or other removal of children with disabilities from the regular educational  
12 environment occurs only if the nature or severity of the disability is such that education in regular classes  
13 with the use of supplementary aids and services cannot be achieved satisfactorily. Educational placement  
14 decisions are made in accordance with A.R. M. 10.16.3340 and the requirements of 34 C.F.R. 300.114 -  
15 300.120 and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

16 Children in Private Schools/Out-of District Placement

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

20 As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private school or  
21 facility by parents do not have an individual right to special education and related services at the District's  
22 expense. When services are provided to children with disabilities placed by parents in private schools,  
23 the services will be in accordance with the requirements and procedures of 34. C.F.R. 300.130 through  
24 300.144, and 300.148.

25 Impartial Due Process Hearing

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

28 Special Education Records and Confidentiality of Personally Identifiable Information

29 A. Confidentiality of Information

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

32 B. Access Rights

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

1 C. List of Types and Locations of Information.

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

9 D. Safeguards

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

12 E. Destruction of Information

13 The District will inform parents five (5) years after the termination of special education services that  
 14 personally identifiable information is no longer needed for program purposes. Medicaid  
 15 reimbursement records must be retained for a period of at least six years and three months from the  
 16 date on which the service was rendered or until any dispute or litigation concerning the services is  
 17 resolved, whichever is later. The parent will be advised that such information may be important to  
 18 establish eligibility for certain adult benefits. At the parent's request, the record information shall  
 19 either be destroyed or made available to the parent or the student if eighteen (18) years or older.  
 20 Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking  
 21 any action on destruction of records. Unless consent has been received from the parent to destroy  
 22 the record, confidential information will be retained for five (5) years beyond legal school age.

23 Children's Rights

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

27 Discipline

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

37 Cross Reference:

38 Policy 2161 Special Education

39 Policy 3125 Homeless

40 Legal Reference:

41 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)

- 1 § 20-1-213, MCA Transfer of school records
- 2 10.16.3122 ARM Local Educational Agency Responsibility for Students and Disabilities
- 3 10.16.3129 ARM Procedural Safeguards
- 4 10.16.3220 ARM Program Narrative
- 5 10.16.3321 ARM Comprehensive Educational Evaluation Process
- 6 10.16.3322 ARM Composition of a Child Study Team
- 7 10.16.3340 ARM Individualized Education Program and Placement Decisions
- 8 10.16.3342 ARM Transfer Students: Intrastate and Interstate
- 9 10.16.3560 ARM Special Education Records
- 10 10.60.103 ARM Identification of Children with Disabilities
- 11 Procedure History:
- 12 Adopted on: July 1, 2000
- 13 Revised on: June 25, 2001
- 14 Revised on: March 12, 2018