

1 Great Falls School District

2
3 **INSTRUCTION**

2161R

4
5 Special Education

6
7 Child Find

8
9 The District shall be responsible for the coordination and management of locating, identifying,
10 and evaluating all disabled children ages birth through twenty-one (21). Appropriate staff will
11 design the District's Child Find plan in compliance with all state and federal requirements, and
12 with assistance from special education personnel who are delegated responsibility for
13 implementing the plan.

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

- 23
24 1. Procedures used to annually inform the public of all child find activities, for children zero
25 through twenty-one;
- 26 2. Identity of the special education coordinator;
- 27 3. Procedures used for collecting, maintaining and reporting data on child identification;
- 28 4. Procedures for Child Find Activities (including audiological, health, speech/language,
29 and visual screening and review of data or records for students who have been or are
30 being considered for retention, delayed admittance, long term suspension or expulsion or
31 waiver of learner outcomes) in each of the following age groups.:
- 32 a. Infants and Toddlers (Birth through age 2)
33 Procedures for referral of infants and toddlers to the appropriate early intervention
34 agency or procedures for conducting child find.
- 35 b. Preschool (Ages 3 through 5)
36 Part C Transition planning conferences; Frequency and location of screenings;
37 Coordination with other agencies; Follow-up procedures for referral evaluation;
38 and Procedures for responding to individual referrals.
- 39 c. In-School (Ages 6 through 18)
40 Referral procedures include teacher assistance teams, parent referrals and referrals
41 from other sources; and follow-up procedures for referral and evaluation.
- 42 d. Post School (Ages 19 through 21)
43 Individuals who have not graduated from high school with a regular diploma and
44 who were not previously identified. Describe coordination efforts with other
45 agencies.
- 46

1 e. Private Schools (This includes home schools.)
2 Child find procedures addressing the provisions of ARM 10.16.3125(1); Follow-
3 up procedures for referral and evaluation.

4 f. Homeless Children

5 g. Dyslexia

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

10
11 A. A child in the first year that the child is admitted to a school of the
12 District and up to grade 2; and

13 B. A child who has not been previously screened by the District and who
14 fails to meet grade-level reading benchmarks in and grade.

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

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

25
26 Procedures for Evaluation and Determination of Eligibility

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

- 31
32 • 10.16.3320 - Referral
33 • 10.60.103 - Identification of Children with Disabilities
34 • 10.16.3321 - Comprehensive Educational Evaluation Process

35
36 Procedural Safeguards and Parental Notification

37
38 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 -
39 300.530.

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

- 44
45 • Upon initial referral or parent request for evaluation;

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

8
9 A public agency also may place a current copy of the procedural safeguard notice on its internet
10 website, if a website exists. [34 C.F.R. 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

11
12 The referral for special education consideration may be initiated from any source, including
13 school personnel. To initiate the process, an official referral form must be completed and signed
14 by the person making the referral. The District shall accommodate a parent who cannot speak
15 English and therefore cannot complete the District referral form. Recognizing that the referral
16 form is a legal document, District personnel with knowledge of the referral shall bring the
17 referral promptly to the attention of the Evaluation Team.

18
19 The District shall give written notice to the parent of its recommendation to evaluate or not to
20 evaluate the student. The parent will be fully informed concerning the reasons for which the
21 consent to evaluate is sought. Written parental consent will be obtained before conducting the
22 initial evaluation or before re-evaluating the student.

23
24 The recommendation to conduct an initial evaluation or re-evaluation shall be presented to the
25 parent in their native language or another mode of communication appropriate to the parent. An
26 explanation of all the procedural safeguards shall be made available to the parents when their
27 consent for evaluation is sought. These safeguards will include a statement of the parents' rights
28 relative to granting the consent.

29 30 Evaluation of Eligibility

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32 Evaluation of eligibility for special services will be consistent with the requirements of 34 C.F.R.
33 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility;
34 and shall also comply with A.R.M. 10.16.3321.

35 36 Individualized Education Plan (IEP)

37
38 The District develops, implements, reviews and revises the IEP in accordance with the
39 requirements and procedures of 34 C.F.R. 300.320 – 300.328.

40 41 Independent Educational Evaluations

42
43 The parents of a child with a disability have the right to obtain an independent educational
44 evaluation of the child in accordance with law. Independent educational evaluation means an
45 evaluation conducted by a qualified examiner who is not employed by the District at District
46 expense.

1 If the parents request an independent educational evaluation, the District will provide
2 information about where an independent educational evaluation may be obtained and the criteria
3 applicable for independent educational evaluations. The District may also ask for the parent's
4 reason why he or she objects to the public evaluation.

5
6 A parent is entitled to only one independent educational evaluation at the public expense each
7 time the public agency conducts an evaluation with which the parent disagrees. If the parent
8 obtains an independent educational evaluation at District expense or shares with the public
9 agency an evaluation obtained at private expense, the results of the evaluation will be handled in
10 accordance with law.

11
12 If an independent educational evaluation is at District expense, the criteria under which the
13 evaluation is obtained, including the location of the evaluation and the qualifications of the
14 examiner, must be the same as the criteria that the public agency uses when it initiates an
15 evaluation.

16
17 Least Restrictive Environment

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

27
28 Children in Private Schools/Out-of-District Placement

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

33
34 As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private
35 school or facility by parents do not have an individual right to special education and related
36 services at the District's expense. When services are provided to children with disabilities placed
37 by parents in private schools, the services will be in accordance with the requirements and
38 procedures of 34 C.F.R. 300.130 through 300.144, and 300.148.

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40 Impartial Due Process Hearing

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

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45 Special Education Records and Confidentiality of Personally Identifiable Information

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1 A. Confidentiality of Information

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

5 B. Access Rights

6 Parents of disabled students and students eighteen (18) years or older, or their
7 representative, may review any educational records which are designated as student
8 records collected, maintained, and used by the District. Review shall normally occur
9 within five (5) school business days and in no case longer than forty-five (45) days.

10 Parents shall have the right to an explanation or interpretation of information contained in
11 the record. Non-custodial parents shall have the same right of access as custodial parents
12 unless there is a legally binding document specifically removing that right.

13 C. List of Types and Locations of Information

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

21 D. Safeguards

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

24 E. Destruction of Information

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

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38 Children's Rights

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

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1 Discipline

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 3 Students with disabilities may be suspended from school the same as students without disabilities
 4 for the same infractions or violations for up to ten (10) consecutive school days. Students with
 5 disabilities may be suspended for additional periods of not longer than ten (10) consecutive
 6 school days for separate unrelated incidences so long as such removals do not constitute a
 7 change in the student’s educational placement. However, for any additional days of removal over
 8 and above ten (10) school days in the same school year, the District will provide educational
 9 services to a disabled student, which will be determined in consultation with at least one (1) of
 10 the child’s teachers, determining the location in which services will be provided. The District
 11 will implement the disciplinary procedures in accordance with the requirements of C.F.R.
 12 300.530 – 300.537.

13
 14 Cross Reference:

15 Policy 2161 Special education
 16 Policy 3125 Homeless

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 18 Legal References:

19 34 C.F.R. 300.1, et seq. Individuals with Disabilities Act (IDEA)
 20 34 C.F.F. 300.502 Independent Educational Evaluation
 21 § 20-1-213, MCA Transfer of School Records
 22 10.16.3122, ARM Local Educational Agency Responsibility for Students with
 23 Disabilities
 24 10.16.3129, ARM Procedural Safeguards
 25 10.16.3220, ARM Procedural Narrative
 26 10.16.3321, ARM Comprehensive Educational Evaluation Process
 27 10.16.3322, ARM Composition of a Child Study Team
 28 10.16.3340, ARM Individualized Education Program and Placement Decisions
 29 10.16.3342, ARM Transfer Students: Intrastate and Interstate
 30 10.16.3560, ARM Special Education Records
 31 10.60.103, ARM Identification of Children with Disabilities
 32 37.85.414, ARM Maintenance of Records and Auditing (Medicaid)
 33 Chapter 227 (2019) Montana Dyslexia Screening and Intervention Act

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 35 Policy History:

36 Adopted on: July 1, 2000
 37 Revised on: June 25, 2001
 38 Revised on: March 12, 2018
 39 Revised on: March 22, 2021
 40 Revised on: May 23, 2022