PROGRAM NARRATIVE

POLICIES AND PROCEDURES FOR THE CONDUCT OF SPECIAL EDUCATION TO ADDRESS THE REQUIREMENTS OF 34 CFR 300.201 OF IDEA

Review/Revision Date: 4/28/2026
District/Cooperative Name: Hellgate Elementary School District
Completed by: Brendan Brown, Director of Special Services

If this Program Narrative is written by a cooperative, it is the responsibility of the cooperative to provide a copy to each of its member districts. Each cooperative is responsible for ensuring that the districts adhere to these written procedures.

If the applicant applies for IDEA Part B funds for multiple districts (e.g., cooperative or consortium), the written procedures of the individual member district must identify what, if any, additional procedures are implemented by that district.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

Table of Contents

Program Narrative 3
SECTION I: Free and Appropriate Public Education (FAPE) 4
SECTION II: Full Educational Opportunity Goal (FEOG) 6
SECTION III: Child Find 7
SECTION IV: Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements 12
- Parental Consent 12
- Evaluations and Reevaluations 13
  - Evaluation Procedures 13
  - Screening 13
  - Initial Evaluations 13
  - Reevaluations 14
  - Additional Requirements for Evaluations and Reevaluations 15
  - Determination of Eligibility 15
  - Individualized Education Programs and Development of IEP 16

SECTION V: Procedural Safeguards, Due Process, Procedures for Parents and Children 18
- Procedural Safeguards 18
- Due Process 18

Assurances 22

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Entity Description

☐ Local Educational Agency (LEA)

Hellgate Elementary is a unified PreK–8 program on one campus with four stand-alone buildings. Building #2 (PreK–1) is at 2365 Flynn Lane, Missoula, MT 59808. Building #1 (2–3) is at 2355 Flynn Lane, Missoula, MT 59808. Building #3 (4–6) is at 2375 Flynn Lane, Missoula, MT 59808. Building #4 (7–8) is at 2381 Flynn Lane, Missoula, MT 59808. The District enrolls about 1,489 students with a student–teacher ratio of approximately 14:1.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Program Narrative

34 CFR 300.201

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under CFR 300.101 through 300.163, and 300.165 through 300.174.

ARM 10.16.3220

(1) Each local educational agency or education cooperative must have on file with the Superintendent of Public Instruction a written program narrative that describes policies and procedures used for the provision of special education and related services within the local educational agency or education cooperative. The policies, procedures, and services in the narrative shall be consistent with state policies and address the requirements of CFR 300.101 through 300.163, and 300.165 through 300.174.

(2) If a local educational agency participates in an education cooperative under 20-7-451 and 20-7-457, MCA, the local educational agency must submit a single program narrative through the cooperative.

Each cooperative must attach/include individual district policies and procedures.

Authorizing statute(s): 20-7-402
MCA Implementing statute(s): 20-7-403, 20-7-414

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

SECTION I: Free and Appropriate Public Education (FAPE)

Definition of Free Appropriate Public Education (FAPE) 34 CFR 300.101

Limitation – an exception to FAPE for certain ages as defined in 34 CFR 300.102

The IDEA requires that a FAPE is available to all eligible children with disabilities residing in the state, between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school. 34 CFR 300.101. Pursuant to the August 13, 2025 Order from the United States District Court for the District of Montana and OPI's

Updated Graduation Guidance Regarding FAPE, Montana is obligated to ensure a FAPE is made available to students with disabilities until they turn 22 years old. Therefore, Montana LEAs must make a FAPE available to students with disabilities until they turn 22 years old.

- 34 CFR 300.104 Residential placement (ARM 10.16.3341, 10.20.106, MCA 20-7-436)
- 34 CFR 300.105 Assistive technology (MCA 20-7-411(6))
- 34 CFR 300.106 Extended School Year Services (ARM 10.16.3324)
- 34 CFR 300.107 Nonacademic services (34 CFR 300.113)
- 34 CFR 300.108 Physical Education (34 CFR 300.114, 34 CFR 300.117)
- 34 CFR 300.110 Program options (art, music, industrial arts, etc.)
- 34 CFR 300.113 Routine checking of hearing aids and external components of surgically implanted medical devices (ARM 10.16.3122)

Hellgate Elementary School District ensures that a Free Appropriate Public Education (FAPE) is provided to all children with disabilities within District boundaries who are between the ages of 3 and 21, in accordance with IDEA and the Montana Office of Public Instruction (OPI).

Residential Placement: If a residential facility as defined in MCA 20-7-436, or a children's psychiatric hospital, is unable or unwilling to provide an appropriate education as required under IDEA, the Hellgate Elementary School District is responsible for ensuring that any student placed in such a facility receives FAPE. If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non medical care and room and board, must be at no cost to the parents of the child.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Assistive Technology: The Hellgate Elementary School District provides assistive technology when it is required as part of a child's special education, related services, or supplementary aids and services.

Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's—

(1) Special education under §300.39;

(2) Related services under §300.34; or

(3) Supplementary aids and services under §§300.42 and 300.114(a)(2)(ii).

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

Extended School Year (ESY) Services – Hellgate School District

The Hellgate School District is committed to providing Extended School Year (ESY) services when the child's IEP team determines that such services are necessary for a Free Appropriate Public Education (FAPE). ESY services are considered when evidence shows that a prolonged break in a student's educational program would significantly hinder the student's ability to maintain previously learned skills or make reasonable progress toward their IEP goals.

Eligibility for ESY is based on hard data collected by the IEP team and may include factors such as:

- **Regression & Recoupment:** The likelihood a student will lose critical skills during a break and the length of time needed to regain them.
- **Emerging Skills:** Whether an interruption would prevent the student from acquiring a critically developing skill.
- **Interfering Behaviors:** Behaviors (e.g., aggression, self-injury) that impede learning and may worsen without continued support.
- **Severity and Nature of Disability:** How the disability affects the student's ability to maintain skills.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

- **Progress Toward Goals:** Evidence of slow progress or risk of significant loss of progress without continued services.

An ESY program is based on the unique needs of the student and is considered when a break in services would create a serious obstacle to achieving established IEP goals or would result in unreasonable loss of previously learned skills. ESY is not intended to teach new skills but to maintain those already acquired. Teaching new skills during summer months remains the responsibility of the parent.

The district will inform parents and/or surrogates when data indicates that ESY services may be needed. Final eligibility decisions are made by the IEP team with concurrence from the district administrator and students must demonstrate a conclusive need for special education and related services beyond the regular school year.

Nonacademic Services: Hellgate Elementary School District provides necessary steps—including supplementary aids and services determined appropriate by the child's IEP team—to ensure students with disabilities have equal opportunities to participate in nonacademic and extracurricular services and activities offered to students without disabilities.

Nonacademic and extracurricular services and activities may include but are not limited to: counseling services, athletics, transportation, health services, recreational activities, school-sponsored clubs or groups, referrals to outside agencies supporting individuals with disabilities, and student employment opportunities both within the District and in the community.

Program Options and Physical Education:
Hellgate Elementary School District ensures that children with disabilities have access to the same variety of educational programs and services available to nondisabled students. Each student with a disability is provided the opportunity to participate in regular physical education unless they require specially designed physical education as outlined in their IEP. Hellgate Elementary will take steps to ensure that children with disabilities served by their schools have available to them the variety of education programs and services available to non-disabled children, including art, music, industrial arts, family consumer science, and vocational education. Each child with a disability is afforded the opportunity to participate in general education programs available to non-disabled children, unless the child is in need of specially designed instruction, as described in the child's IEP.

Routine Checking of Hearing Aids and Implanted Devices:
Through routine checks Hellgate Elementary School District ensures that hearing aids and external components of surgically implanted medical devices worn by students with hearing impairments are functioning properly.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

SECTION II: Full Educational Opportunity Goal (FEOG)

34 CFR 300.107
34 CFR 300.109
34 CFR 300.110
34 CFR 300.201

Section 300.123-124 Full Educational Opportunity
School Board Policies: 3100-3110

Hellgate Elementary School District ensures that all its children with disabilities have access to the variety of educational programs and services available to non disabled children. Hellgate School District also provides supplementary aids and services, as determined appropriate and necessary by the child's individualized education program (IEP) team, to ensure that children with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities. Hellgate Elementary School District ensures the availability of a continuum of placements to provide each student with a disability the opportunity for education in the least restrictive environment (LRE). Any removal of a student with a disability from the regular education environment may occur only when the nature and severity of the child's needs dictate that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The district ensures the provision of program options, nonacademic and extracurricular services are available to the student eligible for services under IDEA through the development of an IEP.

The Hellgate Elementary School District Trustees will enroll and admit a child to a school in the district when the child is 5 years of age or older on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age who is a resident of the District, *unless the child is a student with a disability under IDEA and has not met graduation requirements for a regular diploma.* Parents may request a waiver of the age requirement. All waivers are granted at the sole discretion of the Trustees. Non-resident students may be admitted at the discretion of the Trustees. Children will be enrolled in the grade identified in accordance with District policy or at the discretion of the administration in consultation with the student's parents or guardians. The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision. Students with disabilities as defined by the IDEA have a right to a FAPE until they meet graduation requirements or reach the maximum age of 22.

Furthermore, the administration shall ensure admission, enrollment and assignment of all qualifying children under the age of 5, referenced under board policy 3100 *Early Childhood Enrollment Exceptional Circumstances*. This policy ensures provision of a free appropriate public education (FAPE) in the least restrictive environment possible, pursuant to terms of each student's individualized education program, for all children enrolled under this policy who are qualified for services under the Individuals with Disabilities Education Act.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

Students with disabilities under the Individuals with Disabilities Education Act (IDEA) are entitled to a Free Appropriate Public Education (FAPE) until they meet graduation requirements for a regular diploma or reach the maximum age of 22. In accordance with Board Policy 3100 *Early Childhood Enrollment – Exceptional Circumstances*, Hellgate Elementary will ensure the admission, enrollment, and appropriate educational placement of qualifying children under 5 who require early childhood special education services. These students will be educated in the least restrictive environment as determined by their Individualized Education Program (IEP), ensuring access to the full educational opportunities required under 34 CFR §300.109.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

SECTION III: Child Find

34 CFR 300.111

ARM 10.16.3125 ; 10.60.101, 10.60.103

34 CFR 131

Authorizing statute(s): Sec. 20-2-121, MCA

Implementing statute(s): Sec. 20-7-402, MCA

Child find is the affirmative, ongoing obligation of states to identify, locate, and evaluate all children with disabilities residing within the jurisdiction who require special education and related services. 34 CFR 300.111(a)(1)(i).

Each program narrative must include written procedures that ensure that all children with disabilities residing within the boundaries of the LEA, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are required special education and related services are identified, located, and evaluated. The requirements apply to 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 they are advancing from grade to grade.

Each local educational agency shall establish procedures consistent with the requirements under the Individuals with Disabilities Education Act (IDEA) and state administrative rules to ensure that all students with disabilities living within the boundaries of the local educational agency regardless of the severity of their disability are identified, located, and evaluated including a practical method to determine which students are currently receiving needed special education and related services. ARM 10.16.3125(1)

In the space provided, insert a detailed description of local implementation. Include the following Areas:

- Annual procedures used to inform the public of child find activities for children age 3 through age 21 (include the job title of coordinator)
- Procedures and practices used for collecting, maintaining, and reporting data on child identification.
- Take into account 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, describe the procedures for child find activities in each of the following age groups. Include in the description the role and responsibilities, if any, of other public or private agencies.

Section 300.111 Child Find

Hellgate Elementary School District is responsible for the coordination and management of locating, identifying, and evaluating all children with disabilities ages 3 through 21.

Hellgate Elementary School District maintains policies and procedures to ensure all children ages 3 through 21 residing within District boundaries who may have disabilities—and who may be in need of special education or related services—are identified, located, and evaluated, regardless of the severity of the disability. Child Find activities include children in public and private schools, home schools, daycare centers, residential facilities, and children experiencing homelessness. The District follows the McKinney-Vento Act to ensure equitable access to services.

The Hellgate Elementary School District's plan includes procedures for identifying students with suspected disabilities in private schools, as specified in 34 C.F.R. 300.130 and 300.131(f), as well as home-schooled students, homeless children, and children in public facilities within the geographic boundaries of the District. The plan also addresses the identification of highly mobile children and children who are suspected of having a disability and needing special education, even if the child has been advancing from grade to grade. These procedures include screening and developmental criteria to determine the need for further assessment.

Annual Child Find Activities

The Director of Special Education coordinates Child Find for children birth to age 5. The District provides broad public notice through flyers, community postings, daycare centers, newsletters, and its website. Families of students not enrolled in Hellgate Elementary but residing within District boundaries are notified through district-wide publications.

All Child Find data is maintained in secure storage and handled in accordance with confidentiality requirements. Each December 1st, the District submits an annual Special Education Child Count to the Montana Office of Public Instruction.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

Director of Special Services

The Hellgate Elementary School District employs a 1.0 FTE Special Education Director with a Class 3 endorsement in Leadership and or Special Education Supervision.

The Director of Special Services, in collaboration with appropriate staff, designs the District's Child Find plan in compliance with all state and federal requirements. In cooperation with fellow administrators, the Director of Special Services supervises special education personnel, contracted specialists, and other staff responsible for implementing the Child Find plan. The name of the Director of Special Services is identified on school letterhead, in staff directories, student handbooks, on the school's website, and in correspondence with private schools/home schools.

Infants and Toddlers (Birth–Age 2)

Children birth through age two are referred to appropriate community agencies, including Benchmark Human Services (Part C Services). Benchmark participates in early childhood screenings and notifies the District of potentially eligible children transitioning from Part C services. With parent consent, transition meetings occur prior to the child's third birthday to plan evaluation and potential services under Part B.

Hellgate Elementary School District is responsible for providing special education services once an eligible child with a disability turns 3, Child Find activities to identify and locate these children begin prior to the child's third birthday. There are three primary means of conducting Child Find for children under age 3: Notification and transition of children from Part C Early Intervention Program Agencies Preschool Screening Activities Parent Referral

a. Notification and Transition of Children from Part C of IDEA provides funding and services for infants and toddlers (under age 3) through Early Intervention Program agencies. These agencies notify school districts annually of potentially eligible children. In Montana, Part C agencies provide two notifications per year: Children turning 3 between September and the following August Children turning 3 between February and January Parents may "opt out" of the notification; therefore, not all potentially eligible children may be included. The purpose of the notification is planning; the District may not contact families directly because responsibility remains with the Part C agency. Not less than 90 days before the child's third birthday, the Part C agency may convene a transition meeting, inviting the District only with parental consent. If parents do not consent, the District has no obligation to attend, evaluate, or provide services until a separate referral is made after the child turns 3. If parents consent, a District representative attends to provide information about Hellgate Elementary's special education services. The District is not responsible for running the transition meeting. Its role is to provide information to parents about potential K–12 services. With parental consent, the District may obtain early intervention service records and initiate a referral for special education evaluation if

appropriate. Child Find activities may include assessments of hearing, vision, physical skills, speech/language, cognitive functioning, adaptive skills, and social/emotional functioning. If evaluation is appropriate, the District proceeds with a formal referral and offers an evaluation plan to the parents/guardians.

b. Infant/Toddler Screening The Hellgate Elementary School District coordinates community Child Find activities for children birth through age 2 in collaboration with Part C agencies and representatives of the Hearing Conservation Project for audiology. These agencies participate in the District's community screening events. Parents may also be referred to these agencies for private screenings throughout the year.

c. Parent Referral Parents may refer their child to the District at any time. Standard procedures for evaluation are then followed.

Preschool Child Find (Ages 3–5)

Hellgate Elementary conducts annual preschool screenings and offers monthly screening opportunities during the school year. Children ages 3–5 are screened in:

- Fine and gross motor
- Speech, language, and hearing
- Vision
- Cognitive concepts
- Social/emotional skills

Screenings are conducted by qualified professionals (e.g., preschool special education teacher, SLP, nurse, OT, PT, audiologist, school psychologist). Parents receive explanations of procedures and results, and children needing further evaluation are referred for additional assessment. Children turning three during the school year or transitioning from Part C may be screened and evaluated at parent request.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

In-School Child Find (Ages 6–14)

Referrals may be made by parents, teachers, administrators, medical professionals, community agencies, or any concerned individual.

Hellgate Elementary implements a Student/Child Assistance Team process to identify concerns and develop interventions. If difficulties persist, the team may recommend referral for special education evaluation. Parents are notified of the referral, provided procedural safeguards, and asked for written consent for evaluation.

Evaluations are multidisciplinary and completed within 60 days of signed consent. Team members document tools used, summarize results, and participate in eligibility determination. If a child is found eligible and requires special education, services are implemented through an IEP within 30 days. The District currently uses the discrepancy model for identifying Specific Learning Disabilities.

Preschool Screening (Ages 3–5)

Hellgate Elementary School District provides screening activities for children ages 3–5 to identify developmental delays in speech and language, vision, hearing, motor coordination, social/emotional functioning, and intellectual development. Screenings are conducted by professionals knowledgeable in each area and typically include:

- Language delays – screened by a speech-language pathologist
- Intellectual delays – screened by a school psychologist or special education preschool teacher
- Fine and gross motor delays – screened by a physical therapist and/or occupational therapist
- Hearing – screened by an audiologist
- Vision – screened by the school nurse

Parents provide information about the child's general health, development, social/emotional functioning, and adaptive skills through questionnaires. If screening results suggest a possible developmental delay, parents are notified and next steps are explained. Depending on the severity and nature of the concern, the preschool team may recommend: additional screening, an in-depth special education evaluation, or wait for additional records before making a decision.

All decisions regarding referral and evaluation for special education eligibility are made by the team in consultation with the parent/guardian on an individual basis.

Parents/guardians of children potentially eligible for Hellgate Elementary School District's special education preschool services are informed of the District's continuum of available specialized services. If a formal referral to special education is made, the District provides and discusses the Parental Rights and Procedural Safeguards brochure with parents.

In-School Screening (Ages 6–18)

The District continually monitors its student population to identify children who may have a disability and require special education services. Monitoring includes universal screenings, response to tiered interventions, and general pre-referral processes.

For identifying specific learning disabilities, the District uses a severe discrepancy model, defined as a 50% or greater probability of a two-standard-deviation or more difference between the student's intellectual ability and academic achievement in one or more areas: basic reading skills, reading comprehension, reading fluency, listening comprehension, oral expression, written expression, mathematics calculation, and mathematics problem solving.

If school staff suspect that a student may have a disability, or if a parent requests an evaluation or provides documentation indicating a disability, the District must promptly initiate a referral for evaluation. Pre-referral interventions or procedures may not be used to delay or deny an evaluation when there is reason to suspect the student may meet eligibility criteria under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

If the District determines that an evaluation is not warranted—based on a review of available data and other relevant information—it may refuse the evaluation. In such cases, the District must document its decision and provide the parent or guardian with a Prior Written Notice explaining the reasons for the refusal and the data used to support that determination.

Child Find obligations also apply to students who are being considered for retention, delayed admittance, long-term suspension or expulsion, waiver of learner outcomes, or chronic absenteeism.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

Referral Procedures

When a student is suspected of having a disability, a Referral for Comprehensive Educational Evaluation form is completed by a school psychologist, speech-language pathologist, or the special services coordinator. The referral must include:

- The reason(s) for the referral
- Documentation of general education interventions and results
- Signature of the person making the referral (including parents, if applicable)

If a parent initiates the referral, District staff assist in completing the form and obtaining parental signature. All parent/guardian requests for evaluation must be considered. If the District has no reason to suspect a disability, it may decline the request but must provide Prior Written Notice.

Once informed consent is obtained, the District completes the evaluation within 60 days of receiving the signed Evaluation Plan. Compliance with federal, state, and District regulations is overseen by the District's Special Services Coordinator, building administrators, and the superintendent.

Post-School (Ages 19–21)

The District coordinates with outside agencies to assist students transitioning to post-secondary or adult services. With consent, agency representatives may participate in IEP meetings. Child Find responsibilities continue through age 21.

Private School and Home School Students

School aged private school and home school students have the same right to an evaluation as public school students, and the district will evaluate private school students in the same manner and time frame as public school students. The district will ensure that eligible children with disabilities who are parentally placed in private schools, including religious schools, home school, or placed in schools or facilities that meet the state definition of elementary or secondary schools, will have access to free school based evaluations. Further, the district will engage in meaningful consultation with the private schools or County Superintendent within their boundaries, and determine what type and amount of services will be provided to private school students by the district. If the student/child is found to be eligible and qualifies for services, the public school district will be responsible for developing a service plan as required under IDEA. The district will provide services consistent with that plan. For most private school and home school children in the boundaries of the district, the district relies on the following methods to encourage parents to be aware of Child Find activities.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Hellgate Elementary identifies, locates, and evaluates children with suspected disabilities who either:

1. Reside within District boundaries, or

2. Attend a private or home school located within the District.

The District notifies private and home schools annually through newsletters, flyers, and direct communication. Private schools may refer students to the District for evaluation, and Hellgate Elementary contacts parents to initiate assessment. When a student attends a private school in the District but resides elsewhere, the District coordinates with the district of residence.

Students Experiencing Homelessness

Under Board Policy 3125 and the McKinney-Vento Act, homeless students receive equal access to education, including special education and related services. Lack of records cannot delay enrollment. A homeless liaison assists families, ensures support services are provided, and oversees dispute resolution.

Dyslexia Screening

Hellgate Elementary Dyslexia Screening and Intervention Procedures

Hellgate Elementary has established procedures to ensure that all resident children with disabilities, including specific learning disabilities resulting from dyslexia, are identified and offered evaluation for special education and related services as early as possible, in alignment with Montana law and federal requirements.

In accordance with **Montana Code Annotated (MCA) 20-7-469**, the Montana Dyslexia Screening and Intervention Act, Hellgate Elementary conducts universal screening for reading risk indicators associated with dyslexia. Screening includes assessment of developmentally appropriate phonological and phonemic awareness skills.

Screening is administered to:

- All students in kindergarten through second grade as part of universal screening; and
- Any student in grades beyond second who has not previously been screened and demonstrates difficulty meeting grade-level reading benchmarks.

All screening measures are administered by trained personnel who have an understanding of the characteristics and early indicators of dyslexia.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

If screening results suggest that a student may be at risk for dyslexia, or if a student has a medical diagnosis of dyslexia, Hellgate Elementary will take timely steps to:

- Identify the specific areas of need;
- Implement evidence-based interventions aligned to those needs; and
- Monitor student progress to determine the effectiveness of interventions.
- Offer Evaluation per Child Find and IDEA

This process may lead to consideration of a comprehensive evaluation to determine eligibility for special education services under the Individuals with Disabilities Education Act (IDEA), when appropriate.

Hellgate Elementary is committed to early identification, targeted intervention, and ongoing progress monitoring to support students with reading difficulties and ensure access to appropriate educational services.

As outlined, Hellgate Elementary School District ensures that the RTI/MTSS process does not delay the evaluation of a student with a suspected disability. The area(s) of suspected delay/concern are identified in the evaluation plan.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

SECTION IV: Evaluations, Eligibility Determinations, Individualized Education Programs,and Educational Placements

Procedures for Evaluation and Determination of Eligibility Procedure Section 300.126 2161-P(1)

Hellgate Elementary School District conducts procedures for evaluation and determination of eligibility in accordance with 34 CFR §§300.301–300.311, IDEA, and the following Montana Administrative Rules:

- ARM 10.16.3320 – Referral
- ARM 10.60.103 – Identification of Children with Disabilities
- ARM 10.16.3321 – Comprehensive Educational Evaluation Process

The District utilizes Montana Office of Public Instruction (OPI) special education forms available through Infinite Campus to ensure compliance with all state and federal requirements.

A. Referral Procedures (ARM 10.16.3320)

When a student is suspected of having a disability under IDEA, a referral for a comprehensive evaluation is initiated to determine eligibility and need for special education services.

The Referral for Comprehensive Educational Evaluation is completed by a qualified professional (e.g., school psychologist, speech-language pathologist, or special services administrator) and must include:

- A statement of the reason(s) for referral;
- Documentation of general education interventions and results;
- Signature of the individual making the referral (including parent referrals).

If the parent is making the referral, a designated District staff member should obtain the information to complete the form and have the parent sign the completed form. The District must consider all parent/guardian requests for an evaluation but can decline the request if the District has no reason to suspect the child has a disability. If the parent/guardian is denied a request for an evaluation, the District must provide them with Prior Written Notice.

B. Parental Consent (34 CFR §300.300)

Once a referral is completed (unless the District has refused to conduct an evaluation based upon a parent referral and provides prior written notice of such refusal), the District must seek consent from the parent to conduct the comprehensive special education evaluation within a reasonable time.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

Consent confirms the following:

- Parents/guardians have been fully informed in their native language or other mode of communication of all information relevant to the activity for which consent is sought
- Parents/guardians understand and agree in writing to the carrying out of the activity for which the consent was asked. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released
- Parents/guardians understand that the granting of consent is voluntary and may be revoked at any time

Written consent is obtained prior to an initial evaluation, providing initial special education and/or related services (does not apply to transfer students), re-evaluation, sharing of personally identifiable information to any person or entity not authorized to obtain those records in accordance with FERPA (or any additional occasions).

Written consent is not required with reviewing existing data as part of an evaluation or reevaluation or when administering a test or evaluation that is given to all children, unless consent is required of all parents/guardians.

Once a Referral has been made, an Evaluation Plan and Prior Written Notice are completed by the school psychologist, speech-language pathologist, or special services coordinator, in collaboration with other evaluation team members and the parent/guardian. The Evaluation Plan and Prior Written Notice provide the parent/guardian with notice of the District's intent to conduct an evaluation, specify the types of evaluations and procedures the District proposes to conduct, outlines the reasons for the proposed actions, lists out all sources of information that the proposed actions were based on, provides other options that were considered and why those options were rejected, and describes any other factors that influenced the District's proposed evaluation.

When the parent/guardian is presented with the Evaluation Plan and Prior Written Notice, the District also distributes and discusses the Parental Rights & Procedural Safeguards brochure with them. The recommendation to conduct an initial evaluation or reevaluation is presented to the parents in their native language or another mode of communication appropriate to the parent. An explanation of all the procedural safeguards are made available to the parents when their consent for evaluation is sought. These safeguards include a statement of the parents' rights relative to granting the consent.

Parent/guardian failure or refusal to provide consent
The Hellgate Elementary School District makes reasonable efforts to obtain written consent. This may include written correspondence, phone calls, electronic mail communication, in-person communication. Documentation of attempts is kept on file. If the District is unable to obtain consent the procedure is as follows:

Initial Evaluation: The District may request a due process hearing and engage in conflict resolution if needed, to attempt to have parents/guardians provide consent. The District may also choose to not pursue the initial evaluation and provide prior written notice of this decision.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Re-evaluation: The District and the parent/guardian may agree that the re-evaluation is unnecessary. If this agreement is reached, the 3-year re-evaluation need not be conducted, FAPE will continue.

If the District determines that a re-evaluation is necessary but the parent/guardian refuses to consent to the re-evaluation, the District may, but is not required to, request a due process hearing and engage in conflict resolution if needed, to attempt to have parents/guardians provide consent.

Once the parent/guardian signs consent and returns the Evaluation Plan to a District representative, all evaluations must be completed within 60 days of receipt.

Revocation of Consent: The parent/guardians may revoke consent for and remove the child from special education and related services. When The District receives written revocation of consent, prior written notice is provided and appropriate interventions continue to be provided through the regular education environment. The revocation is for all special education services. The parent/guardian may not revoke consent for a service only.

Evaluations and Reevaluations

Evaluation Procedures 34 CRF 300.304

The IDEA regulations require the Evaluation Team to assess the student in any area of suspected disability. This means that the Evaluation Team must conduct the assessments necessary to address the disability criteria for each suspected disability.

Screening 34 CFR 300.302

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

The Hellgate Elementary School District does not rely on screening as an evaluation tool to determine eligibility for special education and/or related services.

Initial Evaluations 34 CFR 300.301

Each public agency must conduct a full and individual initial evaluation before the initial provision of special education and related services to a child with a disability.

Within a reasonable amount of time from the receipt of a request for an evaluation, or identifying a child with a suspected disability, parental consent is obtained. An evaluation of the student must be conducted in accordance with the requirements of 34 CFR 300.301 through 300.311 and 34 CFR 300.321. For initial evaluations, the evaluation report must include the information necessary to address criteria established in ARM 10.16.3010 through 10.16.3022.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

The evaluation team consists of members of the LEA staff qualified to conduct such an evaluation and (if possible) who are most familiar with the student. The evaluation is conducted within the 60-day timeline and includes the following:

- Review of existing data
- Information provided by parents/guardians of the student
- Evaluation of student's identified areas of concern using
- Classroom-based assessment(s)
- Data pertaining to a student's progress in the general education curriculum as compared to peers.
- Data pertaining to the student's growth and development as compared to like aged students.
- Data from previous interventions
- Observations of the students.

The District must conduct a comprehensive evaluation in all areas of suspected disability. This does not mean that the student must be assessed in all areas and for all categories. Rather, the District's professionals must determine those assessments appropriate for those areas in which it is suspected the student may qualify. The staff members and specialists who participate in the evaluation process can vary depending on the area(s) of suspected disability. Staff members and specialists can include, but are not limited to: a school psychologist, speech/language pathologist, special education teacher, general education teacher, occupational therapist, and physical therapist.

The evaluation report includes statements of implications for educational planning in terms understandable to all team members. The evaluation report also includes a statement as to why the student needs special education and related services. All evaluation reports will identify a disability category or categories for each student. For an initial evaluation only, the following additional team members are required when a student is being evaluated in the specified category of disability:

(a) emotional disturbance, traumatic brain injury, specific learning disability, or cognitive delay requires a school psychologist;
(b) speech-language impairment, deaf/blindness, traumatic brain injury requires a speech-language pathologist;
(c) autism requires a school psychologist and speech-language pathologist; and
(d) deafness or hearing impairment requires a speech-language or audiologist

In determining eligibility for a specific learning disability, the District utilizes a severe discrepancy model. A "severe discrepancy" is defined as a 50% or greater chance of a two standard deviation or more discrepancy between the student's intellectual ability and academic achievement in one or more of the following areas: basic reading skills, reading comprehension, reading fluency skills, listening comprehension, oral expression, written expression, mathematics calculation, and mathematics problem solving.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Reevaluations 34 CFR 300.303

Reevaluations must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

Within a reasonable amount of time when the parent(s) and the District agree a re-evaluation is necessary, parental consent is obtained. Re-evaluations of a child with a disability occur at least once every three years, unless the parent and the District agree the reevaluation is unnecessary; if the District determines that the child's educational or related service needs, including improved academic achievement and functional performance, warrant a reevaluation; if the child's parent or teacher requests a reevaluation; or in order to make a change in the disability category.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and the District agree otherwise, and must occur at least once every three years, unless the parent and the Hellgate School District agree that a reevaluation is not necessary.

The District also reevaluates a child prior to discontinuing special education services under one or more disability categories or prior to discontinuing any related service (occupational therapy, physical therapy, counseling, etc). For example, if a child is receiving special education services under the categories of Autism and Speech-Language Impairment, a reevaluation must be conducted prior to discontinuing services under either or both categories of disability.

Additional Requirements for Evaluations and Reevaluations 34 CFR 300.305

The reevaluation determines whether the student continues to have a disability and needs special education; whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals and to participate, as appropriate, in the general education curriculum; or the parent has requested a reevaluation.

Determination of Eligibility 34 CFR 300.306

ARM 10.16.3007
ARM 10.16.3010-22

To be eligible under IDEA, the student must meet the criteria for a disability in one or more disability categories(ies) as defined in the Administrative Rules of Montana 10.16.3010-22 and demonstrate a need for special education and related services.

Additional procedures for identifying children with specific learning disabilities include the following:

- Specific learning disabilities 34 CFR 300.307
- Additional group members 34 CFR 300.308
- Determining the existence of a specific learning disability 34 CFR 300.309
- Observation 34 CFR 300.310

- Specific documentation for the eligibility determination 34 CFR 300.311

Upon completion of the evaluation, the Evaluation Team convenes a meeting with the parent/guardian to review the results.

For an initial evaluation only, the following additional team members are required when a student is being evaluated in the specified category of disability:

(a) emotional disturbance, traumatic brain injury, specific learning disability, or cognitive delay requires a school psychologist;

(b) speech-language impairment, deaf/blindness, traumatic brain injury requires a speech-language pathologist;

(c) autism requires a school psychologist and speech-language pathologist; and

(d) deafness or hearing impairment requires a speech-language pathologist or audiologist.

The Evaluation Team completes the Evaluation Report in Infinite Campus. The District encourages parent/guardian involvement in the evaluation process and considers all information they provide, including outside evaluations.

After the Evaluation Team has reviewed the assessments and testing results, the team—including the parent/guardian-- must conduct an eligibility determination. The Evaluation Team must review the student's eligibility for all categories of suspected disability. If the Evaluation Team determines that the student is eligible under one or more IDEA categories, the Evaluation Team must then identify recommendations for the special education and related services that the student's IEP Team should consider in developing an IEP. With the parent/guardian's request and permission, outside agencies are consulted and invited to team meetings.

If the Evaluation Team determines that the student is not eligible for services, the Evaluation Team should consider referring the student for an evaluation under Section 504.

Parents are explicitly told they have a right to dissent to any part of the evaluation, including the eligibility determination.

Additional Procedures for Specific Learning Disability Eligibility Determination

Specific Learning Disabilities: In determining eligibility for a specific learning disability, the District utilizes a severe discrepancy model. A "severe discrepancy" is defined as a 50% or greater chance of a two standard deviation or more discrepancy between the student's intellectual ability and academic achievement in one or more of the following areas: basic reading skills, reading comprehension, reading fluency skills, listening comprehension, oral expression, written expression, mathematics calculation, and mathematics problem solving.

Additional Group Members: In addition to the child's parent/guardian, the team includes the

regular classroom teacher, or teacher qualified to teach a child of that age (if no regular classroom teacher is assigned), for a child not of school age, an individual qualified by the state standards to teach a child of that age, and at least one person qualified to conduct individual diagnostic assessments (school psychologist, speech-language pathologist, remedial reading teacher for example).

Determining the existence of a specific learning disability: Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The student may not be identified as having a specific learning disability if the student's significantly low rate of progress in meeting age or grade-level based on state approved K-12 content standards is primarily the result of a visual, hearing, or motor impairment; cognitive delay; emotional disturbance; environmental or economic disadvantage; cultural factors; or a lack of appropriate instruction. ARM 10.16.3019

Observations: The Hellgate Elementary School District utilizes current observations in the student's learning environment that document the student's overall functional, behavioral and academic progress during the school year.

Individualized Education Programs and Development of IEP CFR 300.320-328 ARM 10.16.3340
ARM 37.98.1225

Definition of individualized education program:
As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320-300.324 and ARM 10.16.3340 and 37.98.1225 and
37.98.1225

- IEP team 34 CFR 300.321
- Parent participation 34 CFR 300.322
- When IEPs must be in effect 34 CFR 300.323
- Development, review and revision of IEP 34 CFR 300.324
- Private school placement by public agencies 34 CFR 300.325
- Education placements 34 CFR 300.327
- Alternative means of meeting participation 34 CFR 300.328

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Individualized Education Plans Procedure– 34 CFR 300.128

If the child meets disability criteria under the IDEA and demonstrates a need for special education, a meeting with the parents must occur within 30 days of the evaluation meeting to develop an *Individualized Education Plan (IEP).*

The IEP is an offer made by the district, outlining the means by which a Free and Appropriate Public Education (FAPE) is provided. 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.

The IEP is developed by a multi-disciplinary team familiar with the student and is based on the student's unique needs. Parents are considered an integral part of the team, and their participation in the development of the IEP is strongly encouraged. The IEP provides for the special education and related services that are implemented to meet the student's unique needs.

As listed and defined in IDEA, Related Services are provided, when necessary, in order for a student to benefit from special education. Related Services are based on the child's IEP and may include the following: speech/language services; occupational therapy, physical therapy, teacher/specialist consultation and collaboration, and transportation.

Transportation for eligible children with disabilities is made available if:

1) It is necessary for the child to benefit from or participate in special education

services AND

2) The need is identified as a related service in the IEP.

The IEP team completes the District IEP through the Infinite Campus system, including the provision of related services, if appropriate, and the determination of placement in the least restrictive setting based on the recommendations and evaluation results of the Evaluation Report. The Hellgate Elementary School District includes the following as members of the IEP team:

- The parent/guardian(s) of the student, or the adult student
- Not less than one general education teacher of the child, if the child is, or may be, participating in the general education environment. This must be a teacher who is or may be working with the child to ensure success in the general curriculum and implement portions of the IEP
- Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child

- An administrator or designee who
    1. Is qualified to provide or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
    2. Knows the general education curriculum
    3. Knows about the availability of resources of the school district
- An individual who can interpret the instructional implications of the evaluation results, who may be one of the team noted previously
- At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate
- The student, whenever appropriate
- To the extent appropriate, with consent of the parents or a student who has reached 18, a representative of any participating agency likely to be responsible for providing or paying for transition services

Parent Participation: The Hellgate Elementary School District takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate. Notification procedures are outlined in this document. Parents can participate in-person or virtual (e.g. Google Meet or phone).

IEP effective cycle: The Hellgate Elementary School District adheres to the state requirements such as: For initial IEPs, the IEP team meets within 30 days of the Evaluation Report meeting during which a determination was made that a student needs special education and related services. The IEP is implemented upon the parent providing written consent of the approval of the IEP. At the beginning of each school year the District has an IEP in effect for each student identified under IDEA within its jurisdiction. The IEP team meets at least annually to review the student's IEP. An IEP may have a duration of not more than 12 months. If the IEP team does not meet to review and revise the annual IEP, the district will not have a current IEP for that student. The student will continue to receive special education and related services. The student's last agreed upon IEP will continue to be implemented until the IEP team meeting takes place and written parental consent is obtained.

Development, review and revision of IEP: The Hellgate Elementary School District ensures that the IEP team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved revises the IEP, as appropriate, to address the following:

- Any lack of expected progress toward the annual goals and in the general education curriculum
- The results of any reevaluation
- Information about the child provided to, or by, the parents as part of an

- The child's anticipated needs; or
- Other matters that may be identified or of concern

Private school placement by public agencies: Prior to referring a child in need of special education or special education and related services to a private school, facility, or a contracting district, the District shall initiate and conduct an IEP team meeting to develop an individual educational program for the child in accordance with district procedures.

The District shall ensure that a representative of the private school or facility attends the IEP team meeting. If the representative of the private school or facility cannot attend the IEP team meeting, the district shall use other methods to ensure participation, including individual or conference telephone calls. After a child in need of special education or special education and related services enters a private school or facility, meetings to review and revise the child's individual educational program may be initiated by the private school or facility at the discretion of the District.

If the private school or facility initiates and conducts these meetings, the District shall ensure that the parents and a district representative are involved in any decision about the child's individual educational program and agree to any proposed changes in the program before those changes are implemented.

Even if a private school or facility implements a child's individual educational program, responsibility for compliance with this section remains with the Hellgate Elementary School District and the department of education.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

SECTION V: Procedural Safeguards, Due Process, Procedures for Parents and Children

Procedural Safeguards

The district/cooperative and all member schools/districts will ensure that all children with disabilities and their parents are afforded procedural safeguards required by 34 CFR 300.500 through 300.536, and consistent with Montana Administrative Rule 10.16.3501

Authorizing statute(s): 20-7-402
MCA Implementing statute(s): 20-7-403

34 CFR 300.121

34 CFR 300.500-536

A copy of the procedural safeguards must be made available to the parents of a child with a disability and must be given to the parents:

- At least one time per year.
- Upon initial referral or parental request for evaluation
- Upon request by a parent.
- Upon the first occurrence of the filing of a complaint with the OPI.
- Upon disciplining a student the decision is made to change the student's
- placement because of the student's violation of school code.

Due Process

Included in the Procedural Safeguards are the following:

- Opportunity to examine records; parent participation in meetings; 300.501(a)(b)(c)
- Independent educational evaluations; 34 CFR 300.502
- Prior written notice; content of notice; 34 CFR 300.503
- Procedural safeguards notice; 34 CFR 300.504
- Use of electronic mail; 34 CFR 300.505
- Availability of mediation; 34 CFR 300.506
- Filing of due process complaints; 34 CFR 300.507; 300.508; 300.509
- Resolution process; 34 CFR 300.510
- Impartial due process hearing; 34 CFR 300.511
- Hearing rights; 34 CFR 300.512
- Hearing decisions; 34 CFR 300.513; 300.514; 300.515; 300.516; 300.517

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

- Status of child during due process proceedings; 34 CFR 300.518;
- Surrogate parents; children who are wards of the state; homeless youth; 34 CFR 300.519
- Transfer of rights at age of majority; 34 CFR 300.520
- Discipline procedures and manifestation determination; 34 CFR 300.530
- Determination of setting; 34 CFR 300.531
- Right of appeal of the determination of setting; 34 CFR 300.532
- Placement during appeals; 34 CFR 300.533
- Protections for children not determined eligible for special education and related services; 34 CFR 300.534
- Referral to action by law enforcement and judicial authorities; 34 CFR 300.535

Change of placement due to disciplinary removals; 34 CFR 300.536. Additional information on Dispute Resolution can be found here: Dispute Resolution

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.

Access Rights

Parents of students with disabilities 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 forty-five (45) 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.

List of Types and Locations of Information.

Special education records are maintained on OPI's Infinite Campus system, where they are available for review by authorized District personnel, parents, and adult students. Special education teachers also maintain a special education file in their classrooms. These records are maintained under the direct supervision of the teacher and are 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.

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.

Independent Education Evaluations

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child in accordance with law. Independent educational evaluation means an

evaluation conducted at District expense by a qualified examiner who is not employed by the District. If the parents request an independent educational evaluation, the District will provide information about where an independent educational evaluation may be obtained and the criteria applicable for independent educational evaluations. The District may also ask for the parent's reason why he or she objects to the public evaluation.

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

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

Prior Written Notice – 34 CFR §300.503

The district provides Prior Written Notice (PWN) any time it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE for a student with a disability. PWN helps ensure parents are fully informed about important decisions before the district takes action.

The District ensures PWN is:

1. Provided in a Timely Manner
The district issues PWN before implementing any proposed change. Typically, PWN is sent immediately following an IEP meeting, eligibility meeting, evaluation planning meeting, or a parent request that results in district action or refusal.
The district documents the date the PWN was provided and keeps a copy in the student's special education file.

2. Complete and Understandable
The district writes PWN in clear, parent-friendly language and provides it in the parent's native language or primary mode of communication, using translation or interpreter services when necessary in accordance with **34 CFR §300.503(c)**.

A complete PWN explains:

- What the district is proposing or refusing
- Why the action is being proposed or refused
- What information or data the decision was based on (evaluation data, classroom observations, progress monitoring, etc.)
- Which procedural safeguards are available to the parent and how they can obtain a copy

- What resources are available to help understand provisions

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

- Which options the IEP team considered and why those were rejected
- Other relevant factors considered
- District staff are trained to ensure all elements are included before the notice is sent.

3. Delivered Using the Parent's Preferred Communication Method
If the parent prefers email, the district may send PWN electronically, consistent with **34 CFR §300.505**. If the parent prefers postal mail or an in-person copy at the IEP meeting, the district accommodates that preference.

4. Consistent With the Discussion and Data Presented to Parents
The district ensures the PWN accurately reflects the team's discussion, data reviewed, and decisions made during the meeting. Staff avoid jargon and ensure the notice aligns with what parents heard and understood during the IEP process.

5. Used When the District Refuses a Parent Request
If a parent requests an evaluation, service, placement change, or other action and the district determines it must refuse the request, the case manager prepares PWN explaining the refusal and the data supporting the decision. This helps prevent misunderstandings and ensures transparency.

6. Retained in the Student's Record
A copy of each PWN is placed in the special education file and stored according to district records management procedures. Staff ensure the date of delivery is documented to establish compliance with procedural timelines.

Procedural Safeguards (Sections 300.500-300.529)

Parents of children who receive special education have certain rights that are guaranteed by federal law, the Individuals with Disabilities Education Act (IDEA). These rights include the right to participate in meetings dealing with the identification, evaluation, and educational placement of their child and the provision of a free appropriate public education to their child. One of their rights is to be informed of all the rights available to them in writing, in their native language (unless it is clearly not feasible to do so), and at a level understandable to the general public. They are entitled to a copy of these procedural safeguards at least one (1) time per year, and: (1) upon initial referral or parental request for evaluation; (2) upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year; (3) upon request by a parent; (4) in accordance with the discipline procedures in 34 CFR 300.530(h) (…on the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must…provide the parents the procedural safeguards notice). The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.530.

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

Use of Electronic Mail – 34 CFR 300.505

The Hellgate Elementary School District may use email to provide parents with required notices—such as meeting invitations, evaluation reports, and procedural safeguards—but only if the parent chooses email as their preferred method of communication. The district documents the parent's preference and ensures that electronic communication is secure and accessible. Parents who prefer paper or in-person communication may continue to receive all notices in those formats.

Least Restrictive Environment 34 C.F.R 300.130

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with their peers, and special classes, separate schooling, or other removal of children with disabilities from the regular class 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 - 300.120, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

Children in Private Schools 34 C.F.R 300.133

Children with a disability placed in or referred to a private school or facility by the District, or other appropriate agency, shall receive special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122. As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private school or facility by parents do not have an individual right to special education and related services at the District's expense. When services are provided to children with disabilities placed by parents in private schools, the services will be in accordance with the requirements and procedures of 34. C.F.R. 300.130 through 300.144, and 300.148.

Due Process 34 C.F.R. 300.511

Should disagreements arise between a parent and the Hellgate Elementary School District, the District will try to utilize one of the dispute-resolution options provided by the Montana Office of Public Instruction (OPI). These processes range from informal problem-solving to formal legal proceedings. Parents and the District may choose the option that best fits the nature and seriousness of the disagreement.

1. Early Assistance Program (EAP)

The Early Assistance Program is often the first stop for families who have questions or concerns. Anyone involved in special education—including parents, educators, advocates, and service providers—may contact EAP.
This process is informal and voluntary, designed to help families understand IDEA requirements, improve communication with the school, and resolve concerns before they

grow. There are no timelines or strict procedures unless the concern becomes part of a written state complaint. The goal is simply to support collaboration and problem-solving.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

2. IEP Meeting Facilitation

If disagreements arise during the development of a student's IEP, either the parent or the school may request a facilitated IEP meeting, as long as both sides agree. A neutral facilitator attends the meeting to help keep the team focused, ensure all voices are heard, and guide the team toward consensus. This is not a legal process—rather, it's a structured meeting that supports communication and cooperation. There is no required timeline for resolving issues in this setting.

3. Written State Complaint

Any individual or organization may file a written complaint if they believe the school district has violated IDEA requirements or Montana special education law.

The complaint must be filed within one year of the alleged violation. Once filed, the Office of Public Instruction (OPI) investigates and issues a written decision within 60 calendar days unless an extension is approved. The decision may include corrective actions that the district must take. This option focuses on legal compliance, not on negotiating solutions, and the final decision cannot be appealed.

4. Mediation **34 CFR §300.506**

Mediation is a voluntary, confidential process that helps parents and schools work together to resolve disagreements on any matter related to IDEA. The district informs parents, at least annually through the procedural safeguards notice and upon request, that mediation is available at no cost to resolve disagreements related to identification, evaluation, services, or placement. When conflicts arise, school staff proactively offer mediation as a voluntary option and provide parents with contact information for the state's mediation coordinator. Mediation is never used to delay or deny a parent's right to a due process hearing. A trained, impartial mediator assists the parties in communicating and exploring solutions. If an agreement is reached, it is documented in a legally binding written agreement.

5. Due Process Complaint and Hearing

A due process hearing is the most formal dispute-resolution option. Either a parent or the school district may file a due process complaint, and the issue must relate to identification, evaluation, educational placement, or the provision of a FAPE (Free Appropriate Public Education). A complaint must be filed within two years of the time the parent or district knew (or should have known) of the problem. The district must hold a resolution meeting within 15 days, unless both parties agree to skip it. The hearing itself is conducted by an impartial hearing officer, and a written decision is issued within 45 days after the end of the

resolution period. This decision can be appealed to state or federal courts.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Filing of Due Process Complaints – 34 CFR §§300.507–300.509
When a parent requests information about filing a due process complaint, district staff provide the state's model complaint form and explain that either the parent or the district may initiate this process. The district ensures complaints are forwarded immediately to the state education agency and that all required components—such as a description of the problem and a proposed resolution—are clearly documented. Upon receipt of a complaint filed by a parent, the district promptly notifies its special education director and legal counsel to ensure compliance with all required timelines.

Resolution Process – 34 CFR §300.510
When a due process complaint is filed, the District schedules a resolution meeting within 15 days, inviting the parent, relevant IEP team members, and staff with authority to commit resources. The District prepares draft proposals, gathers student data, and attempts to resolve the dispute collaboratively. If the parties reach an agreement, it is put in writing and is legally binding. If the parent and the District both agree in writing to waive the meeting or choose mediation instead, the district documents this and follows the selected option.

Impartial Due Process Hearing – 34 CFR §300.511
The District cooperates fully with the state's appointment of an impartial hearing officer. Staff ensure no Hellgate Elementary School District employee with a conflict of interest participates in the hearing decision. The Hellgate Elementary School District provides necessary documentation, schedules witnesses, and ensures the hearing officer has access to relevant educational records while protecting student privacy under FERPA.

Hearing Rights – 34 CFR §300.512
The Hellgate Elementary School District informs parents of their rights in a due process hearing, including the right to be accompanied by counsel, present evidence, call witnesses, cross-examine district witnesses, and receive a written or electronic transcript. Prior to the hearing, Hellgate Elementary School District discloses all evaluations and evidence to the parent at least **five business days** in advance, as required.

Hearing Decisions – 34 CFR §§300.513–300.517
When a hearing occurs, the district adheres to all procedural requirements. The hearing officer issues a written decision with findings of fact and conclusions of law. The district promptly implements any required remedies and provides the parent a copy of the decision. If the decision is appealed, the Hellgate Elementary School District follows state procedures for civil action and ensures "stay-put" placement rights remain in effect (unless discipline rules create an exception).

Status of the Child During Proceedings ("Stay-Put") – 34 CFR §300.518
While a due process proceeding is pending, the Hellgate Elementary School District maintains

the student's current placement unless the parent and district agree to a change. If the dispute involves initial admission to special education, the district places the child in the general education setting unless otherwise agreed. When the issue concerns discipline and an interim alternative educational setting (IAES), the district follows the expedited hearing and placement rules outlined in §§300.530– 300.532.

6. Expedited Due Process Hearing

Parents may request this type of hearing when they disagree with discipline decisions or believe that their child's behavior was related to their disability. The District may also request an expedited hearing if it believes the child's behavior is dangerous.

Timelines are much faster:

- A resolution meeting must occur within **7 days**.
- If unresolved, the hearing occurs within **20 school days**.
- A decision is issued within **10 school days** after the hearing. Extensions are not allowed.

Surrogate Parents; Wards of the State; Homeless Youth – 34 CFR §300.519

The district appoints a surrogate parent within 30 days when a student has no available parent to represent them—for example, students who are wards of the state, in foster care, or unaccompanied homeless youth. The district maintains a roster of trained surrogate parents who understand special education procedures and student rights. A surrogate parent participates fully in evaluations, IEP meetings, and decisions regarding the child's education.

Transfer of Rights at Age of Majority – 34 CFR §300.520

Beginning at least one year before the student reaches the age of majority (usually age 18), the district informs both the student and parent that educational rights will transfer to the student unless guardianship or conservatorship arrangements state otherwise. The IEP includes documentation of this notification. After the transfer, all notices are provided directly to the adult student, while parents may continue to be involved at the student's discretion.

Discipline Procedures & Manifestation Determination – 34 CFR §300.530

Board Policy 3310-P(2)

Hellgate Elementary School District may remove a student with a disability who violates the student code of conduct from the student's current placement to an appropriate interim alternative educational setting, another educational setting, or suspension for not more than ten (10) school days within a school year, to the same extent that such actions would be applied to students without disabilities. Any removal or change of placement beyond ten (10) school days requires Hellgate Elementary School District to continue providing educational services to the student in accordance with the student's Individualized Education Program (IEP).

Within ten (10) school days of any decision to change the placement of a student with a disability

because of a violation of the student code of conduct, Hellgate Elementary School District, the parent, the Cooperative Director or school psychologist, and other relevant members of the student's IEP team (as determined by the parent and the District) will review all relevant information in the student's educational file, including the student's IEP, teacher observations, and any relevant information provided by the parent. The purpose of this review is to determine whether:

- The conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- The conduct was the direct result of Hellgate Elementary School District's failure to implement the student's IEP.

If the behavior is determined to be a manifestation of the student's disability:

- Hellgate Elementary School District must conduct a Functional Behavioral Assessment (FBA), unless one has already been completed, and develop a Behavior Intervention Plan (BIP); or
- If a BIP is already in place, the IEP team must review and modify the plan as necessary to address the behavior; and
- The student must be returned to the placement from which the student was removed unless the parent and Hellgate Elementary School District agree to a change of placement as part of the revised BIP, or unless special circumstances apply.

If the behavior is determined not to be a manifestation of the student's disability:

- Hellgate Elementary School District may apply the same disciplinary procedures and consequences that would apply to students without disabilities for the same duration;
- The student must continue to receive educational services to enable participation in the general education curriculum, although in another setting, and to make progress toward meeting IEP goals; and
- The District must conduct an FBA, unless one has already been completed, and develop or review and revise the BIP as necessary to address the behavior.

Special Circumstances

School personnel may remove a student with a disability to an interim alternative educational setting for up to forty-five (45) school days, regardless of whether the behavior is determined to be a manifestation of the student's disability, if the student:

- Carries or possesses a weapon at school, on school premises, or at a school function;
- Knowingly possesses, uses, sells, or solicits the sale of illegal drugs or a controlled substance while at school, on school premises, or at a school function; or
- Inflicts serious bodily injury upon another person while at school, on school premises, or at a school function.

When a student with a disability violates the student code of conduct, Hellgate Elementary

School District follows the same disciplinary procedures used for all students, while also ensuring IDEA-specific procedural protections in accordance with **34 CFR §§ 300.530–300.537** and **School Board Policy 3310-P(2).**

Whenever a disciplinary removal exceeds ten (10) school days and constitutes a change of placement, Hellgate Elementary School District will convene a manifestation determination meeting within ten (10) school days to determine whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability, or resulted from the District's failure to implement the IEP.

If the conduct is determined to be a manifestation of the student's disability, the District will conduct or review an FBA and develop or revise the student's BIP as appropriate.

If the conduct is determined not to be a manifestation of the student's disability, standard disciplinary consequences may be applied; however, Hellgate Elementary School District will continue to provide educational services to ensure the student can continue participating in the general education curriculum and progress toward meeting IEP goals. The District will also conduct or review an FBA and revise the student's BIP as necessary to address the behavior.

Determination of Setting – 34 CFR §300.531
For discipline cases that involve serious offenses warranting placement in an interim alternative educational setting (IAES), the district convenes the IEP team to determine the appropriate location where the student can continue to receive educational services, work toward IEP goals, and receive support to address the behavior. The IAES must meet IDEA requirements and cannot deny a FAPE.

Right of Appeal of Determination of Setting – 34 CFR §300.532
Parents may request an expedited due process hearing if they disagree with the manifestation determination or the IAES selected by the IEP team. The District informs parents of this right in writing whenever a qualifying disciplinary change in placement occurs. If a hearing is requested, the district cooperates in providing documentation and participates in the expedited timeline: hearing within 20 school days, decision within 10 school days.

Placement During Appeals – 34 CFR §300.533
During the appeal of a disciplinary placement, the student remains in the IAES determined by the IEP team, not their usual placement, until the hearing officer issues a decision or the placement expires (up to 45 school days). The District ensures the student continues receiving services as required by IDEA while the appeal is pending.

Providing Protections to Children not Found Eligible for Special Education 34 CFR § 300.534 If the District has reason to suspect that a child has a disability as defined under the IDEA, the child must be afforded the same protections as a student already found eligible under IDEA. The District makes every effort to expedite a special education evaluation and provides educational services while the evaluation is pending.

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

Reporting to Law Enforcement **34 CFR § 300.535**

The District must report to law enforcement or judicial authorities for crimes, which may include forwarding relevant educational and disciplinary records to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Special Education Forms

The Hellgate Elementary School District uses the Office of Public Instruction forms and the Infinite Campus special education module for all special education activities.

Assurances

The school has developed, adopted, and implemented policies and procedures that are consistent with all requirements of the Individuals with Disabilities Education Act (IDEA) and the State of Montana policies and procedures including, but not limited to, the following:

- ***The Hellgate Elementary School District*** has state-approved policies and procedures.
- Special education and related service staff are in place and
- appropriately certified/credentialed.
- Special education files are kept confidential, locked, up-to-date, accessible, and organized with appropriate information stored for the required length of time.
- The District maintains an up-to-date, confidential, and accurate database of students with IEPs.
- All IEPs are compliant.
- All evaluations (initial and reevaluations) have been conducted within
- appropriate timelines.
- Evaluations for initial eligibility are comprehensive, are conducted by a
- multidisciplinary team, and contain evidence of classroom-based assessments and observations.
- The RTI process does not delay the evaluation of a student with a suspected disability, and the area(s) of suspected delay/concern are identified in the
- evaluation plan.
- All active IEPs have documentation of progress monitoring at a minimum of twice per year or as described in the IEP.
- Students receive services in accordance with their IEPs and records of
- documentation of services are maintained.
- All parents are notified of their Procedural Safeguards in accordance with IDEA.
- Notices and other IDEA-required information are presented to parents in
- understandable language (written language understandable by the general public and in the native language of the parent or other mode of communication used by the parent).

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

- ***The Hellgate Elementary School District*** adheres to all requirements regarding parentally placed private school children
- The district/cooperative maintains an inventory of all equipment, materials, curriculum, etc. purchased with special education funds throughout the life of the equipment.

District Superintendent Molly Blakely Date 4.28.26

Special Education Director [signature] Date 4.28.26

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

-

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501

Phone: 406.444.3680
opi.mt.gov

-

Susie Hedalen, Superintendent
PO Box 202501
Helena, MT 59620-2501



Phone: 406.444.3680
opi.mt.gov