

1 **Browning Public Schools**

2
3 Policy # 2161P

R

4 Policy Name: *Special Education*

5 Regulation: -----

6
7 **Child Find**

8 The District shall be responsible for the coordination and management of locating, identifying, and
9 evaluating all disabled children ages zero (-0-) through twenty-one (21). Appropriate staff will design the
10 District’s Child Find plan in compliance with all state and federal requirements and with assistance from
11 special education personnel who are delegated responsibility for implementing the plan.
12

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

21 **The District’s Child Find Plan must set forth the following:**

- 22 1. Procedures used to annually inform the public of all child find activities, for children zero through
23 twenty-one;
- 24 2. Identity of the special education coordinator;
- 25 3. Procedures used for collecting, maintaining, and reporting data on child identification;
- 26 4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual
27 screening and review of data or records for students who have been or are being considered for
28 retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in
29 each of the following age groups:
 - 30 A. Infants and Toddlers (Birth through Age 2): Procedures for referral of infants and toddlers to the
31 appropriate early intervention agency, or procedures for conducting child find.
 - 32 B. Preschool (Ages 3 through 5): Part C Transition planning conferences; frequency and location of
33 screenings; coordination with other agencies; follow-up procedures for referral and evaluation;
34 and procedures for responding to individual referrals.
 - 35 C. In-School (Ages 6 through 18): Referral procedures, including teacher assistance teams, parent
36 referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.
 - 37 D. Post-School (Ages 19 through 21): Individuals who have not graduated from high school with a
38 regular diploma and who were not previously identified. Describe coordination efforts with other
39 agencies.
 - 40 E. Private Schools (This includes home schools.): Child find procedures addressing the provisions of
41 A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.
 - 42 F. Homeless Children
 - 43 G. Dyslexia: The School District shall establish procedures to ensure that all resident children with
44 disabilities, including specific learning disabilities resulting from dyslexia, are identified and
45 evaluated for special education and related services as early as possible. The screening instrument
46 must be administered to:
 - 47 (A) a child in the first year that the child is admitted to a school of the district up to grade 2; and
 - 48 (B) a child who has not been previously screened by the district and who fails to meet grade-
49 level reading benchmarks in any grade;
50

1
2 The screening instrument shall be administered by an individual with an understanding of, and
3 training to identify, signs of dyslexia designed to assess developmentally appropriate
4 phonological and phonemic awareness skills.
5

6 If a screening suggests that a child may have dyslexia or a medical professional diagnosis a child
7 with dyslexia, the child's school district shall take steps to identify the specific needs of the child
8 and implement best practice interventions to address those needs. This process may lead to
9 consideration of the child's qualification as a child with a disability under this policy.
10

11 **Procedures for Evaluation and Determination of Eligibility**

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

- 16 10.16.3320 - Referral;
 - 17 10.60.103 - Identification of Children with Disabilities;
 - 18 10.16.3321 - Comprehensive Educational Evaluation Process;
- 19

20 **Procedural Safeguards and Parental Notification**

21 The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.5_
22 30.
23

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

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

35 A public agency also may place a current copy of the procedural safeguard notice on its internet website,
36 if a website exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]
37

38 The referral for special education consideration may be initiated from any source, including school
39 personnel. To initiate the process, an official referral form must be completed and signed by the person
40 making the referral. The District shall accommodate a parent who cannot speak English and therefore
41 cannot complete the District referral form. Recognizing that the referral form is a legal document, District
42 personnel with knowledge of the referral shall bring the
43 referral promptly to the attention of the Evaluation Team.
44

45 The District shall give written notice to the parent of its recommendation to evaluate or not to evaluate the
46 student. The parent will be fully informed concerning the reasons for which the consent to evaluate is
47 sought. Written parental consent will be obtained before conducting the initial evaluation or before
48 reevaluating the student.
49

1 The recommendation to conduct an initial evaluation or reevaluation shall be presented to the parents in
2 their native language or another mode of communication appropriate to the parent. An
3 explanation of all the procedural safeguards shall be made available to the parents when their
4 consent for evaluation is sought. These safeguards will include a statement of the parents' rights
5 relative to granting the consent.
6

7 **Evaluation of Eligibility**

8 Evaluation of eligibility for special education services will be consistent with the requirements of 34
9 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility;
10 and shall also comply with A.R.M. 10.16.3321.
11

12 **Individualized Education Programs**

13 The District develops, implements, reviews, and revises individualized education programs (IEP) in
14 accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.
15

16 **Independent Education Evaluations**

17 The parents of a child with a disability have the right to obtain an independent educational evaluation of
18 the child in accordance with law. Independent educational evaluation means an evaluation conducted by a
19 qualified examiner who is not employed by the District at District expense.
20

21 If the parents request an independent educational evaluation, the District will provide information about
22 where an independent educational evaluation may be obtained and the criteria applicable for independent
23 educational evaluations. The District may also ask for the parent's reason why he or she objects to the
24 public evaluation.
25

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

30 If an independent educational evaluation is at District expense, the criteria under which the evaluation is
31 obtained, including the location of the evaluation and the qualifications of the examiner, must be the same
32 as the criteria that the public agency uses when it initiates an evaluation.
33

34 **Least Restrictive Environment**

35 To the maximum extent appropriate, children with disabilities, including children in public or private
36 institutions or other care facilities, are educated with children who are nondisabled, and special classes,
37 separate schooling, or other removal of children with disabilities from the regular
38 class occurs only if the nature or severity of the disability is such that education in regular classes, with
39 the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement
40 decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.114 -
41 300.120, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.
42

43 **Children in Private Schools/Out of District Placement**

44 Children with a disability placed in or referred to a private school or facility by the District, or other
45 appropriate agency, shall receive special education and related services in accordance with the
46 requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.
47

48 As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private school or
49 facility by parents do not have an individual right to special education and related services at the District's
50 expense. When services are provided to children with disabilities placed by parents in private schools, the

1 services will be in accordance with the requirements and procedures of 34. C.F.R. 300.130 through
2 300.144, and 300.148.

3
4 **Impartial Due Process Hearing**

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

7
8 **Special Education Records and Confidentiality of Personally Identifiable Information**

9
10 A. Confidentiality of Information. The District follows the provisions under the Family Educational
11 Rights and Privacy Act and implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA,
12 and A.R.M. 10.16.3560.

13
14 B. Access Rights. Parents of disabled students and students eighteen (18) years or older, or their
15 representative, may review any educational records which are designated as student records collected,
16 maintained, and used by the District. Review shall normally occur within five (5) school days and in no
17 case longer than forty-five (45) days. Parents shall have the right to an explanation or interpretation of
18 information contained in the record. Non-custodial parents shall have the same right of access as custodial
19 parents, unless there is a legally binding document specifically removing that right.

20
21 C. List of Types and Locations of Information. A list of the records maintained on disabled students
22 shall be available in the District office. Disabled student records shall be located in the _____,
23 where they are available for review by authorized District personnel, parents, and adult students. Special
24 education teachers will maintain an IEP file in their classrooms. These records will be maintained under
25 the direct supervision of the teacher and will be located in a locked file cabinet. A record-of-access sheet
26 in each special education file will specify the District personnel who have a legitimate interest in viewing
27 these records.

28
29 D. Safeguards. The District will identify in writing the employees who have access to personally
30 identifiable information, and provide training on an annual basis to those staff members.

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

42
43 F. Children's Rights. Privacy rights shall be transferred from the parent to an adult student at the time
44 the student attains eighteen (18) years of age, unless some form of legal guardianship has been designated
45 due to the severity of the disabling condition.

46
47 **Discipline**

48 Students with disabilities may be suspended from school the same as students without disabilities for the
49 same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may
50 be suspended for additional periods of not longer than ten (10) consecutive school days for separate,
51 unrelated incidents, so long as such removals do not constitute a change in the student's educational

1 placement. However, for any additional days of removal over and above ten (10) school days in the same
2 school year, the District will provide educational services to a disabled student, which will be determined
3 in consultation with at least one (1) of the child’s teachers, determining the location in which services will
4 be provided. The District will implement the disciplinary procedures in accord with the requirements of
5 CFR 300.530-300.537.
6

7 **Legal Reference:** 34 CFR 300.1, et seq., Individuals with Disabilities Act (IDEA)
8 34 CFR 300.502 Independent educational evaluation
9 § 20-1-213, MCA Transfer of school records
10 10.16.3122 ARM Local Educational Agency Responsibility for Students with
11 Disabilities
12 10.16.3220 ARM Program Narrative
13 10.16.3321 ARM Comprehensive Educational Evaluation Process
14 10.16.3340 ARM Individualized Education Program and Placement Decisions
15 10.16.3560 ARM Special Education Records
16 10.60.103 ARM Identification of Children with Disabilities
17 37.85.414 ARM Maintenance of Records and Auditing (Medicaid)
18 Chapter 227 (2019) Montana Dyslexia Screening and Intervention Act
19
20

21 **Policy History**

22 Adopted on: 3/19/24

23 Reviewed on: 2/13/24, 2/28/24

24 Revised on: