

**Special Education**

The District shall provide a free, appropriate, public education and necessary related services to all children with disabilities residing within the District, as required under the Individuals with Disabilities Education Act (hereinafter "IDEA") and implement provisions in Montana law, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act. It is the intent of the District to ensure that students who are disabled within the definitions of state and federal laws are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act, even though they do not require services pursuant to the IDEA. The District will work with its Special Education Staff to develop specific procedures consistent with state and federal laws and District philosophy.

Should the District choose at some future date to participate in a Special Education Cooperative, the District will review and approve the policies and standards of the Special Education Cooperative at a public meeting and the Board Chairperson will sign off on the acceptance of those policies and guiding the Special Education Program of the District.

**Child Identification**

The District is responsible for ensuring that all children with disabilities within its jurisdiction are identified, located, and evaluated, including children in all public and private agencies and institutions within that jurisdiction. Child find activities shall be conducted in collaboration with the Special Education Staff or Special Education Cooperative to which the District may belong. Collection and use of data are subject to state and federal confidentiality requirements.

**Confidentiality of Personally Identifiable Information**

The District, in accordance with the Program Narrative submitted to the Office of Public Instruction, agrees to adhere to the regulations regarding confidentiality found in the Family Educational Rights and Privacy Act (FERPA), as well as in "Guidelines for Student Records," a technical assistance manual of the Office of Public Instruction.

**Full Educational Opportunity Goal**

It is the goal of the District to provide full educational opportunity to all students with disabilities, aged birth through twenty-one, consistent with the timetable in the Montana State Plan under Part B of the Individuals with Disabilities Education Act.

**Personnel Development**

Each disabled student is entitled to appropriate instruction and services by professionally trained and competent personnel. All employees with responsibility for the education of disabled students shall be provided opportunities to increase pertinent skills and competence beyond that ordinarily gained through job performance. The Board shall develop a plan for personnel development in cooperation with the District employees, parents and the Special Education Staff.

**Parent or Legal Guardian Involvement**

The District recognizes that cooperation and communication between parent and school is essential to the development and implementation of the education program for disabled students.

This cooperation and communication shall be designed by the District to assure that the rights of disabled children and their parents or guardians are protected and to assess and assure the effectiveness of efforts to educate disabled children.

**Participation in Regular Education**

A continuum of alternative placements is available which consists of instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when 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 the policies and principles as identified in the Placement in the Least Restrictive Environment special education technical assistance document published by the Office of Public Instruction.

### **Protection in Evaluation Procedures**

Evaluation and identification of students is conducted in accordance with the following administrative rules (ARMS): 10.16.113 Comprehensive Educational Evaluation Process, 10.16.114 Composition of a Child Study Team, and 10.16.1101 Protection in Evaluation Procedures.

### **Individualized Education Program**

The District has adopted the Individualized Education Program technical assistance manual published by the Office of Public Instruction as the policy and procedures manual for the development of individualized education programs (IEP) for children with disabilities.

### **Procedural Safeguards**

Children with disabilities and their parents will be afforded the procedural safeguards as required in Section 615 of IDEA '97. To that end, the District will provide a copy of the brochure, Parental Rights in Special Education, to the parent or guardian a reasonable time before the District:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provisions of free, appropriate public education to the child; or
2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of free, appropriate public education to the child.

### **Disciplinary Issues for Children with Disabilities**

The District recognizes that free, appropriate public education shall be available to all children with disabilities including children with disabilities who have been suspended or are expelled from school. Suspension and expulsion of students with disabilities will be conducted in accordance with the IDEA 1997 amendments and with procedures identified in the Suspension/Expulsion Manual published by O.P.I. The District may place the child in an alternative education setting, another setting, or suspension for not more than 10 days. If the child brings a weapon to school or to a school function or possesses/uses/sells illegal drugs, the appropriate interim for an alternative educational setting can be up to 45 days.

### **Forms**

The District agrees to submit all required forms used to document the provision of free, appropriate public education to children with disabilities to the Office of Public Instruction.

Legal Reference: Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.  
Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.  
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.  
§ 20-7-Part Four, MCA Special Education for Exceptional Children  
10.16.1201, ARM  
10.16.2303, ARM

Policy History:  
Adopted on: 2008-09  
Revised on: 09-2018