

Livingston School District

INSTRUCTION

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Special Education

The Superintendent shall place the annual application on the agenda of a regular meeting of the Board, for action prior to submission to the state educational agency for final approval.

Child Find

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

The District's plan will contain procedures for identifying suspected disabled students in private schools, students who are home schooled, as well as public facilities located within the geographic boundaries of the District. These procedures shall include screening and development criteria for further assessment. The plan must include locating, identifying, and evaluating 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 the child is and has been advancing from grade to grade. The District's Child Find Plan must set forth the following:

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audio-logical, 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) in each of the following age groups:
 - A. Infants and Toddlers (Birth through Age 2)
Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
 - B. Preschool (Ages 3 through 5)
Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
 - C. In-School (Ages 6 through 18)
Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.
 - D. Post-School (Ages 19 through 21)
Individuals who have not graduated from high school with a regular diploma and

who were not previously identified. Describe coordination efforts with other agencies.

- E. Private Schools (This includes home schools.)
Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

Procedures for Evaluation and Determination of Eligibility

Procedures for evaluation and determination of eligibility for special education and related services are conducted in accordance with the procedures and requirements of 34 C.F.R. 300.530-300.536 and the following state administrative rules:

- 10.16.3320 - Referral;
- 10.60.103 - Identification of Children with Disabilities;
- 10.16.3321 - Comprehensive Educational Evaluation Process;
- 10.16.3322 - Composition of a Child Study Team

Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.529 and A.R.M. 10.16.3129 and provides a copy of the brochure "Parental Rights in Special Education" to the parent a reasonable time before the District:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision 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.

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

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

The recommendation to conduct an initial evaluation or reevaluation shall be presented to the parents in their native language or another mode of communication appropriate to the parent. An

explanation of all the procedural safeguards shall be made available to the parents when their consent for evaluation is sought. These safeguards will include a statement of the parents' rights relative to granting the consent.

Administrative Representative on Child Study Team

The Superintendent shall annually designate in writing the administrative representative for each Child Study Team in the District. The administrative representative shall be an individual employed by the trustees in a recognized administrative capacity.

Individualized Education Programs

The District develops, implements, reviews, and revises individualized education programs (IEP) in accordance with the requirements and procedures of 34 C.F.R. 300.342-300.350 and A.R.M. 10.16.3342.

Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment 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. 300.550 - 300.556, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

Children in Private Schools/Out-of District Placement

The District implements services to children enrolled in private schools by their parents in accord with the requirements and procedures in 34 C.F.R. 300.453 - 300.462 and A.R.M. 10.16.3122. If a child with a disability is placed in or referred to a private school or facility by the District, the District will provide special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.401 and A.R.M. 10.16.3122.

Impartial Due Process Hearing

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

Special Education Records and Confidentiality of Personally Identifiable Information

A. 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. 300.562-300.577, § 20-1-213, MCA, and A.R.M. 10.16.3560.

B. Access Rights

Parents of disabled students 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.

C. List of Types and Locations of Information.

A list of the records maintained on disabled students will be available in the District office. Disabled student records will be located in the office of the Park County Special Education Cooperative, where they are available for review by authorized District personnel, parents, and adult students. Special education teachers will maintain an IEP file in their classrooms. These records will be maintained under the direct supervision of the teacher and will be 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.

D. 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.

E. Destruction of Information

The destruction of special education records will occur according to the following guidelines and timelines:

For students who graduated from Park High School and who ...

- *did not* qualify for Medicaid reimbursement for related services, statute and policy require records to be retained for 5 years after graduation.
- *did* qualify for Medicaid reimbursement for related services, and who *did* generate Medicaid reimbursement, federal statute requires that records be kept for seven (7) years beyond graduation.

For students for whom services were terminated (terminated means the student is either no longer eligible for service or the parent denied special education services), and who ...

- *did not* qualify for Medicaid reimbursement for related services, statute and policy require records to be retained for 5 years after services were either terminated or parents denied special education service.
- *did* qualify for Medicaid reimbursement for related services, statute and policy require records to be retained for 7 years after services were either terminated or parents denied special education service.

For students who dropped, withdrew, transferred, or enrolled in home school, and who ...

- *did not* qualify for Medicaid reimbursement for related services, statute and policy require the records to be retained for 5 years after they dropped, withdrew, transferred, or enrolled in home school.
- *did* qualify for Medicaid reimbursement for related services, statute and policy require the records for these students to be retained for 7 years after they dropped, withdrew, transferred, or enrolled in home school.

The Park County Special Services Cooperative staff will provide the required notification to parents/adult students that records will be destroyed: 1) if they do not want the records; 2) if the parents/adult students do not respond to the letter advising them of their right to the records; 3) or if the parents/adult student cannot be located after two attempts to locate their current address.

In addition to mailing personalized notice to parents/student at their last known address by letter, an advertisement will be placed in the Livingston Enterprise notifying parents/adult students that they may claim their records prior to destruction.

F. Children's Rights

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

G. Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student's educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which placement and services will be determined by appropriate school personnel. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.519 - 300.529.

Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
	§ 20-1-213, MCA	Transfer of school records
	10.16.3122 ARM	Local Educational Agency Responsibility for Students with Disabilities
	10.16.3129 ARM	Parental Involvement
	10.16.3220 ARM	Program Narrative
	10.16.3321 ARM	Comprehensive Educational Evaluation Process
	10.16.3322 ARM	Composition of a Child Study Team
	10.16.3340 ARM	Individualized Education Program and Placement Decisions
	10.16.3342 ARM	Transfer Students: Intrastate and Interstate
	10.16.3560 ARM	Special Education Records
	10.60.103 ARM	Identification of Children with Disabilities

Procedure History:

Promulgated on: May 24, 2005

Revised on: May 8, 2007