

Montana Parent's Handbook *to* Special Education

A GUIDE TO UNDERSTANDING SPECIAL EDUCATION
FOR SCHOOL-AGE CHILDREN IN MONTANA



David Scott Smith Photography ©



A publication of

Montana's Parent Center

Montana Parent's Handbook *to* Special Education

**A GUIDE TO UNDERSTANDING SPECIAL EDUCATION
FOR SCHOOL-AGE CHILDREN IN MONTANA**

Montana Parent's Handbook to Special Education
First Edition (1987) and Revised Second Edition (1994)
written by Katharin A. Kelker, Ed.D.

Newly revised text written and published by

PLUK
516 North 32nd St.
Billings MT 59101-6003
(406) 255-0540
plukinfo@pluk.org
<http://www.pluk.org>

Editor

Elisabeth M. Mills, Emerald Scribe Proofreading

Production

Roger Holt

Design and layout

Rosanna Buehl, QBMM Publishing

Printing

Midland Printing, Billings Montana

Special thanks

Doug Doty

Bob Runkel

Staff at the Montana Office of Public Instruction

© PLUK, 1987 Revised 1994, 2001, 2005

The contents of the first edition of this booklet were developed under a grant from the Department of Education; however, the contents do not necessarily represent the policy of the Department, and federal endorsement should not be assumed.

Introduction

This handbook, originally published in 1987, has been updated multiple times over the years. Many people have contributed and we wanted to extend a warm “thank you” to all parents, professionals and educators here in Montana and around the country whose contributions have assisted in producing this document.

The purpose of Special Education services for school-aged children is to provide what is needed for children with disabilities to succeed in school. The purpose of this publication is to describe how that process takes place from qualifying for services to designing an appropriate educational program for a child. The process can be quite confusing to families who have no experience as well as for those who have been utilizing Special Education services for their children for years. Rules and procedures change as your child gets older. Each state implements the law differently. The rules and regulations change as the Federal law is reauthorized every five years. We will try to present the relevant information for parents here in Montana.

The *Montana Parent’s Handbook to Special Education* will focus on the Special Education system for school-aged children in Montana. There are companion documents that cover services for birth through preschool (Part C) and for older children entering the adult world (Transition).

Table of Contents

Introduction	iii
1 Education is a Right For All Children	1
Access and Quality Education Guaranteed	1
Special Help is Available Beginning at Age Three	1
Steps in the Special Education Process	2
Parents are an Equal Partner in the Special Education Process.	2
Child Find and Referral for Evaluation	2
Testing, Assessment, and Evaluation	3
2 Child Study Team	4
Independent Educational Evaluation	4
Eligibility for Part B Special Education Services	5
Placement in Special Education	5
Least Restrictive Environment	5
3 Individualized Education Program	6
Members of the IEP Team	6
The IEP Meeting	6
Contents of the IEP.	7
Related Services To Help Children Learn.	7
Special Health Care Needs.	7
4 Key IEP Concepts	8
Supplementary Aids and Services	8
Program Modifications	8
Supports for School Personnel	8
Special Factors in the IEP.	8
Assistive Technology	9
Transition Planning and Services	10
Age of Majority	10
Participation in State and School District Assessment Programs.	10
Placement Considerations	11
Extended School Year	11
Getting Help with the IEP	11

Monitoring the IEP	12
Re-evaluation	12
5 Important Features of IDEIA 2004	13
Disciplining Students in Special Education	13
Private Schools and Home Schools	14
Confidentiality	14
6 Dispute Resolution	15
Disagreements	15
Complaints	15
Formal Mediation	15
Resolution Sessions	16
Due Process Hearing	16
Review Your Rights	16
Finding Out More about Your Rights	17
Glossary of Special Education Terms	18
APPENDIX A Sample Letters	22
Letter Requesting a Referral and Assessment	22
Letter Requesting a Parent-Teacher Conference	23
Letter Requesting an IEP Team Meeting	23
Letter to File a Complaint	24
Letter Requesting Due Process	25
APPENDIX B Resources.	26
Montana's Part C Early Intervention Resources.	26
Advocacy & Information for All Ages in Montana	26
State Resources	27
National Resources	27
APPENDIX C Summary of IDEIA Services for Children	28

CHAPTER 1

Education is a Right For All Children

The Education for All Handicapped Children Act (EHA Public Law 94-142) was originally authorized in 1975 and guaranteed the right of ALL children to receive a “free appropriate public education” (FAPE). Every five years or so the federal government reauthorizes the law, making updates, revisions and additions. In 2004, the reauthorized law was called the *Individuals with Disabilities Education Improvement Act of 2004* (IDEIA 2004).

The law basically states that no matter how complex the disability may be every child is entitled to an education at no cost to the family. Children with disabilities also have the right to a quality, individually designed, special education that will lead to appropriate outcomes for them (such as college, jobs, and community relationships) when they reach adulthood.

The information in this booklet will be limited Part B of IDEIA: Assistance for Education for All Children with Disabilities.

Access and Quality Education Guaranteed

Every child has the right to a free appropriate public education (FAPE).

- ▶ **Free** means that parents of children in special education do not have to pay extra fees for their children to receive services.
- ▶ **Appropriate** means that children in special education have the right to individually planned educational services that help them to make progress in their classes every year.

Appropriate services do not have to be the best services. Instead, special education must provide enough of the right type of services so the child’s disability is accommodated, the child can participate as completely as possible in the curriculum, and the child makes progress toward his or her individualized annual goals.

- ▶ **Public education** means that the special education and related services are provided at public expense, under public supervision and direction, and meet the standards set by Montana’s Board of Public Education and the Montana Office of Public Instruction (OPI).

Special Help is Available Beginning at Age Three

Parents are equal partners in their child’s education. If your child needs special help at school, services may be available through **special education**. Special education is instruction that is designed to meet your child’s unique needs.

Special education services are available for preschool children beginning at age 3 through age 5 years and school children aged 5 through age 18 years. Services can be provided beyond age 18 up through age 21 in Montana. If a district serves nondisabled students between 18 and 21 years old, then the district must also consider the needs of disabled students in the same age group.

IDEIA. Individuals with Disabilities Education Improvement Act guarantees an education to every child, no matter how complex the disability, without cost to the family.

Free means that parents do not have to pay extra fees for their children to receive special education services.

Appropriate means that children in special education receive services that help them to make progress in their classes every year.

Public education means that educational services are provided at public expense, under public supervision, and according to standards.

Children who qualify for special education and related services receive what they need to succeed in school. Each child has a program made just for him or her. Some children study academic subjects in special education. Other children learn skills like how to take care of themselves and live more independently. Still others may need technology or simple accommodations, like shortened assignments or oral testing.

Steps in the Special Education Process

The IDEA requires that a set process be followed so that students who need special services are properly identified and their parents are able to participate in all the decisions. The list below shows the basic steps in the process:

1. **Referral for testing.** Parent may make a written request to the school.
2. **Written Parent Consent** for testing.
3. **Testing/Evaluation/Assessment** by the school.
4. **Child Study Team (CST).** This is a meeting of parents and school staff to review the testing results, determine eligibility, and identify the student's educational needs.
5. **Individualized Education Program (IEP).**
6. **Parent participation** in the IEP development.
7. **Parent consent** for placement in special education.
8. **Program planning** and placement.
9. **Transition planning.**
10. **Monitoring** of the IEP.
11. **Annual review** of IEP.
12. **Re-evaluation.** Every three years students in special education must be reevaluated to determine if they continue to be eligible and in need of special services.

Parents are an Equal Partner in the Special Education Process

Parents are included in every step of the process.

The law says that school staff must include parents in every step of the special education process, including referral, assessment, program planning, placement, transition planning, and monitoring of the Individualized Education Program (IEP). As a parent, you have a responsibility to attend meetings, to take an active part in planning your child's program, and to participate in the education of your child.

Child Find and Referral for Evaluation

Child Find responsibilities include children who are not yet in school, who attend public school, and who are enrolled in private or parochial school.

The special education process begins with Child Find. Each public school district is required to locate, identify and evaluate all children with disabilities ages 3 through 21. Before a child can receive special education and related services, the child must be evaluated. Your local Child Find process will lead to an assessment by the Child Study Team (CST).

Early intervention programs and the public schools are responsible for carrying out Child Find activities. The early intervention programs are responsible for children from birth to 3 years old. The public schools are responsible for identifying children, from birth to age 21, who live within the district's boundaries and whom the school suspects may have disabilities.

This process includes children who attend private schools. Anyone can refer a child who may be in need of an evaluation of eligibility for special education and related services. The Child Find process works like this:

- ▶ If you feel that your child or another student needs services, you should contact the school principal and share your concerns. The principal will need to consider a number of things.
 - Has the child been referred in the past? If so, What did the school do?
 - Were any interventions successful?
 - Was the child ever referred for special education?
- ▶ If the child has not has been referred in the past for assistance, then the school will contact the parent to inform them that they will be working with their child's teacher to see what interventions they could do within the classroom to assist their child.
- ▶ The school will then monitor the child's progress to see if the interventions have helped the child. If the interventions do not help, it may be time to consider whether the child needs a comprehensive educational evaluation. The parents must give written permission before the school evaluates a child.

Testing, Assessment, and Evaluation

Testing, assessment, and evaluation are different words for the same thing; the public school's process for testing your child and discovering your child's unique educational needs. As a parent, you can ask your school for an evaluation and the district's special education personnel will help you plan your child's initial assessment. An assessment may include:

- ▶ Individualized testing
- ▶ Observation
- ▶ Review of records
- ▶ Collection of samples of your child's work
- ▶ Other types of information

Before starting any evaluation, school staff will help you to develop a plan to test your child. You must give your permission in writing before your child can be tested. You will have an opportunity to contribute to the assessment by providing information about how your child acts at home and in the community. Your school may ask you to release records of your child's education and other relevant information, especially if another agency refers your child. You may also want to supply copies of results of evaluations done outside of school, or letters from physicians.

Parents may request an evaluation or a re-evaluation at any time. Parent requests should be made in writing, and you should ask the district for a timely response to your request. ♻

Assessment considers the whole child from several perspectives.



CHAPTER 2

Child Study Team

A **Child Study Team (CST)** is a group made up of professionals from different disciplines, parents, and the student, if appropriate, that meets to determine if the student is eligible for special education and in need of special education and related services.

An **independent educational evaluation**, at the parent's request, can be provided by a qualified person outside of the school district.

A **due process hearing** involves legal steps and proceedings carried out according to established rules and principles; designed to protect individuals' constitutional and legal rights.

When the school district evaluation is completed, the results will be presented to a group called the Child Study Team (CST). The Child Study Team includes a special education teacher, a regular education teacher, an administrator, a person qualified to interpret the test results and others who may have contributed to the evaluation.

Parents are members of the Child Study Team. The CST looks at the results from the evaluation and decides if your child is eligible for special education. To qualify for special education, the child must have a particular disability and must need special services. These standards are written into regulations that the CST will use to determine whether your child is a child with disabilities under Federal and State law.

Independent Educational Evaluation

After members of the school staff share the evaluation results with you, you can decide if the results match your view of your child. If you do not think the evaluation results are correct, you can disagree with the CST results and request an independent educational evaluation by a qualified person outside of the school district.

The school district must pay for the independent educational evaluation done by a qualified examiner unless the district disagrees about the need for another evaluation. If the district disagrees with you, then the district can ask for a due process hearing and maintain that its evaluation was appropriate and that it should not have to pay for the independent educational evaluation. *For more information about how to handle disputes, complaints or disagreements, see Chapter 6: Dispute Resolution.*

If an independent evaluation is done, the Child Study Team or IEP team must consider the results. The results are crucial for the teams involved in making decisions about your child's identification, program, and school placement.



Eligibility for Part B Special Education Services

To be eligible for Part B special education, a child must have a disability and a need for special education. The eligibility categories for special education include:

- › Autism (AU)
- › Cognitive Delay (CD)
- › Deaf-Blindness (DB)
- › Deafness (DE)
- › Developmental Delay (DD)
- › Emotional Disturbance (ED)
- › Hearing Impairment (HI)
- › Orthopedic Impairment (OI)
- › Other Health Impairment (OHI)
- › Specific Learning Disability (LD)
- › Speech-Language Impairment (SI)
- › Traumatic Brain Injury (TBI)
- › Visual Impairment (VI) (*includes blindness*)

As a member of the Child Study Team, you have the right to be a part of the decision about whether your child has a disability. You have the right to challenge the decision about which term or word will be used to identify your child's disability. Once the CST team determines that a child is eligible for special education, the child's disability category is kept confidential. The terms are not used in the classroom or when talking to or about the child; they are used only to describe a disability, not to describe a child.

Placement in Special Education

You have the right to withhold your consent if you do not want your child to receive special education and related services—the school district cannot force you to accept those services—a refusal releases the district from any obligation to provide free appropriate public education.

If you believe that your child needs special education and services, your written consent is necessary before your child can be placed in special education. You also have the right to know where your child will receive his or her special instruction. You must give your written consent before your child is placed in a particular program or type of classroom.

Least Restrictive Environment

Every child in special education has the right to be educated in a way that is as normal as possible. IDEIA 2004 calls this placing the child in the least restrictive environment (LRE). For many children with disabilities, the least restrictive environment is the school that the child would attend if he or she did not have a disability, in a regular classroom, and using the curriculum offered for all students.

If a child can be successful in the regular classroom with supplementary aids and services, then the child has the right to be in the classroom. Removal from the regular classroom should occur only if it is necessary to meet the child's educational needs. No matter where a child receives special education services, every child in special education has the right to spend as much time as possible with other children who do not have disabilities. ✎

The Least Restrictive Environment is the educational setting that most closely resembles a regular school program and meets the child's special educational needs. For many students with disabilities, the regular classroom is the LRE; however, the LRE is a relative concept and must be determined annually and on an individual basis.

CHAPTER 3

Individualized Education Program

Once a child has been identified as eligible for special education, an IEP meeting must be held and the individualized education program must be written within 30 days of the date the child was determined eligible. The IEP tells what the child will be doing in their individualized special education program for a specific period, usually for one year.

Members of the IEP Team

The members of the team must include:

- › Parents
- › At least one regular education teacher if the student attends any regular education classes
- › At least one special education teacher
- › Someone who is qualified to supervise services (*an administrator*)
- › Someone who is knowledgeable about the general curriculum
- › Someone who is knowledgeable about the availability of resources
- › An individual who can interpret the instructional implications of the evaluation results
- › The student (*when appropriate*)

In most cases, the regular education teacher, special education teacher, and administrator will be knowledgeable about the general curriculum and availability of resources, and will be able to interpret evaluation results. Other people may be involved in writing the IEP if they know the child and have something to contribute to the IEP. As parents, you can invite an adviser or support person to be with you at the IEP meeting.

As parents, you can invite an adviser or support person to be with you at the IEP meeting.

The IEP Meeting

The IEP meeting must be held at a time and place that is convenient for both you and the school staff. You should receive written notice in reasonable time before the meeting so that you have time to prepare. During the meeting, your suggestions for your child's IEP will be very important. Bring your ideas for what you think should be in your child's goals and objectives.

Bring your ideas for what you think should be in your child's goals and objectives.



Contents of the IEP

The law requires that every IEP include the following parts:

- **Present Level of Performance**—How is your child doing academically and behaviorally?
- **Strengths and Needs**—What does your child do well and in what areas does your child need additional instruction?
- **Annual Goals**—What can your child accomplish in a specific area during the next school year?
- **Related Services**—What support services, if any, does your child need to benefit from special education?
- **Delivery of Services**—When will services begin? How long will they last? How frequently will they occur?
- **Placement**—Where will your child receive services? Is the placement in the least restrictive environment?
- **Transition**—(*Beginning at age 16*) What plans are you, your child, and the school district considering for graduation and beyond?

Keep in mind that the goals and objectives on your child's IEP must help your child make progress in the general curriculum. The general curriculum is the subjects and skills that all of the children are learning at a particular grade level. The IEP must also address your child's educational needs that result from his or her disability.

Keep in mind that the goals and objectives on your child's IEP must help your child make progress in the general curriculum.

Related Services To Help Children Learn

For some children, special education services are not enough to help them learn. These children also need support services called "related services." Common related services include:

- Audiology
- Speech therapy
- Psychological services and assessment
- Physical therapy
- Occupational therapy
- Special Transportation
- Counseling (*including rehabilitation counseling*)
- Social work services
- Orientation and mobility
- School nursing
- Other services, as needed

Your child has a right to these related services if they are necessary to help him or her learn. However, a student cannot receive just related services—related services are used only when combined with special education.

Special Health Care Needs

Students in special education who have special health care needs may have an Individual Health Care Plan attached to their IEP. This health care plan outlines specific health care that must occur during the school day and should include information about medications the student may be taking and procedures to follow in case there is a medical emergency during the school day or at a school event. ❧

CHAPTER 4

Key IEP Concepts

Supplementary aids and services are accommodations made for your child so that he or she can participate in the regular classroom

The IEP is most effective when it clearly spells out the supplementary aids, services, accommodations, and changes to the curriculum that may be necessary to allow children to participate fully in their educational programs. In the IEP document, there are specific places where the IEP supports can be listed.

Supplementary Aids and Services

Supplementary aids and services are accommodations made for your child so that he or she can participate in the regular classroom (instead of being removed to a separate environment). These accommodations might include: having tests read aloud, shortened assignments, extended time on tests or assignments, or receiving class notes from the teacher. Having an aide (teaching assistant) help your child in the classroom might also be a supplementary service. While the IDEA 2004 does not require assigning a specific teaching assistant to any child, the school district must ensure that enough assistance is available to meet your child's needs.

Program Modifications

Program modifications might include providing a special seating arrangement, raising the level of a child's desk, or supplying an assistive technology device.

Supports for School Personnel

Supports for school personnel refers to the specific supports a teacher (therapist or specialist) may need to serve your child. Examples of teacher supports might include training, special equipment (e.g., software), or a teaching assistant.

Special Factors in the IEP

In developing the IEP, the team is required to consider the following special factors:

- ▶ **Behavior.** In the case of a child whose behavior impedes his or her learning or that of others, the team must consider strategies, including Positive Behavior Plan (PBP) strategies and supports, to address the behavior.
- ▶ **Limited English Proficiency.** If a child is not proficient in the English language, the team must consider the language needs of the child as they relate to the services outlined in the IEP.
- ▶ **Instruction in Braille.** In the case of a child who is blind or visually impaired, the IEP Team must provide for Braille instruction as part of the IEP unless the team determines that instruction in Braille is not appropriate for a particular child.

A Positive Behavior Plan (PBP) is developed by the IEP team, including the child, when appropriate, to help the child maintain appropriate behavior in school settings. Generally, the plan should include positive intervention strategies that the child can learn and that all school personnel can use.

- ▶ **Communication.** The team must consider the child’s language and communication needs, and determine how the child will be provided opportunities for direct communication with peers and professional personnel in the child’s mode of communication. The IEP should include direct instruction in the child’s language and communication mode.

Assistive Technology

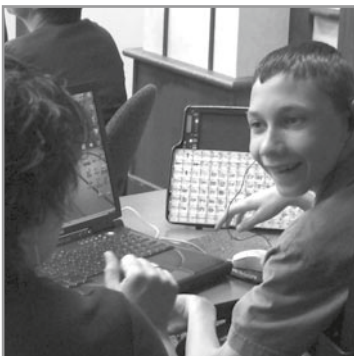
Assistive technology is another source of help for children with disabilities. Assistive technology can be anything used to help an individual perform some task of daily living (including educational tasks). The IDEA defines assistive technology service as “any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.” The meaning also includes “evaluating the needs of a child with a disability, including a functional evaluation of the child in the child’s customary environment” and:

- ▶ Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by a child with a disability;
- ▶ Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing an assistive technology device;
- ▶ Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- ▶ Training or technical assistance for a child with a disability or, if appropriate, training or technical assistance for that child’s family;
- ▶ Training or technical assistance for professionals, including individuals providing education or rehabilitation services, for employers, or for other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a child with a disability.

Types of assistive technology devices may include devices for: positioning, access, environmental control, augmentative communication, assistive listening, visual aids, mobility, or computer-based instruction. Assistive technology must be considered for any child receiving special education and related services. Assistive technology must be provided to a student when it is necessary to:

- Support placement in the least restrictive environment,
- Ensure that a student benefits from his or her education, or
- Implement the goals and objectives in the student’s IEP.

Assistive technology service is any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.



No later than age 16, planning for the student's movement from high school to post secondary education, employment, or adult services must begin.

Transition Planning and Services

Transition refers to the movement of a special education student from high school into post secondary education, employment, or adult services. Transition planning has to begin by the time a student turns 16 years old. Planning for a successful transition involves determining what skills and services the student will need in order to pursue his or her goals after graduation.

Transition services can include:

- › Work experience
- › Independent living training
- › Rehabilitation counseling, vocational testing, and instruction.

As part of the transition process, school personnel must invite to the IEP meetings a representative of any other agency who is likely to provide, or pay for, future transition services for students who will need adult services after graduation.

For more information on transition and transition services, please contact PLUK at (800) 222-7585.

Age of Majority

At age 18, the student assumes the rights previously given to the parent, regardless of the student's disabilities.

The right of consent for the IEP belongs to the parent until the child reaches age 18. The student's IEP must include a statement that the student has been informed of his or her rights under IDEIA and that these rights will be transferring to the student at age 18. At that point, the student assumes the rights previously given to the parent, regardless of the student's disabilities. Adult students (18 years old) have the right to consent or to withhold consent for the IEP. Public school personnel will tell you about this transfer of parental rights at least one year before your child turns 18. Even after the student turns 18, parents will receive written notice of IEP meetings and may participate as part of the IEP team.

Participation in State and School District Assessment Programs

In the past, many special education students have been exempted from participating in state and school district assessment programs. When IDEA was reauthorized in 1997, this practice changed. IDEIA 2004 now requires that special education students be included in assessments so that it is possible to determine how special education students are responding in relation to the general curriculum. Some students receiving special education services will not need accommodations when taking standardized achievement tests, but some students may receive accommodations that are outlined on their IEP (e.g., more time, directions read aloud).

Allowable accommodations change from test to test and year to year. Some accommodations you may see include:

Timing Accommodation—Changes duration of testing.

Setting Accommodation—Changes the place in which an assessment is given (allows for small groups or individuals, extra breaks).

Presentation Accommodation—Changes how an assessment is given (allows for large-print editions, communication support to understand directions, repeated directions, tests read aloud).

Response Accommodation—Changes how a student responds to an assessment (allows for answers recorded, transferred by an assistant, provision of English/Native language word-to-word dictionary, use of assistive technology, use of calculator—if specified in the student’s IEP).

Scheduling Accommodation—Changes when testing occurs (allows for rearranging subtest order, specific modification in the scheduling of tests).

Students who cannot participate in the standard assessments must be given alternative achievement tests that match the curriculum they have been studying. The IEP team must determine whether the student will be excluded from a state or district-wide test. If the assessment is not right for the child, the team must explain why, and include how the student will participate in a different mode of achievement testing, or whether he or she will participate using specific accommodations and modifications.

Placement Considerations

The decision about where students will receive their educational programs must be based on the students’ needs, not upon administrative convenience, or parental preference. The clear preference of the IDEIA is for students with disabilities to participate in the general curriculum and receive their instruction in the regular classroom. Removal of a special education student from the regular classroom should occur only when such removal is necessary for the student’s benefit. When children are going to receive all or part of their instruction in an environment other than the regular education setting, the IEP must contain an explanation of why that removal was necessary.

Extended School Year

Some children receiving special education require a longer school year in order to retain skills. Such students may receive an Extended School Year (ESY) if the IEP Team determines that an extended school year is necessary for the student’s free appropriate public education.

Extended school year services are provided to a child with a disability beyond the normal school year in accordance with the child’s IEP and at no cost to the parents of the child. In many cases, the need for extended school year depends on estimating:

- How much of what a student learned is lost when the student is not in school during scheduled breaks, and
- How much time it will take afterward to regain the performance that was lost during the break.

When considering ESY, the IEP Team may *not*:

- Limit extended school year services to particular categories of disability
- Limit the type, amount, or duration of those services.

Extended School Year (ESY) services are special education and related services provided to a student with a disability beyond the normal 180-day school year.

Getting Help with the IEP

The Individualized Education Program for a student in special education is an important document. You should not sign the IEP unless you understand it and are sure that it contains what you want it to say. If you need help with the IEP, you can take the unsigned document home with you and seek assistance from Montana’s parent training and information center, PLUK (call (800) 222-7585).

Monitoring the IEP

Once an IEP has been written and signed, the school district must give you a copy of your child's IEP at no cost to you. An IEP must be implemented by the school district as soon as the IEP is signed, unless otherwise specified. After the IEP is in place, you will need to monitor progress on the IEP to determine whether the services are being delivered and whether your child is receiving benefit from his or her program. You must be regularly informed of your child's progress, especially on the progress report dates specified in the IEP. You should expect a progress report at least as often as the school informs parents of other children about their progress. Progress reports must provide information about the child's progress toward their annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

School districts must make a good faith effort to assist the child to achieve the goals or objectives on the IEP. However, IDEA does not require that the school district be held accountable if a child does not achieve the growth projected in the annual goals or objectives.

If you find that the IEP is not being followed, services are not being delivered, or your child is not making reasonable progress, you can ask for a meeting of the IEP Team to review and, if appropriate, revise the Individualized Education Program. A child's IEP must be reviewed at least once a year. If you would like to review your child's IEP sooner than one year, you can ask for an IEP team meeting at any time. Your child's teacher may also request a meeting to review and, when needed, revise the IEP.

Re-evaluation

The purpose of the re-evaluation is to decide whether the child still needs special education. Every child in special education must be reevaluated every three years unless the IEP team decides that this is not necessary. Up to a year before the IEP meeting, using the Review of Existing Evaluation Data (REED), the IEP team will establish whether additional information is needed to determine:

- a) The student's continued disability, if any;
- b) The student's present levels of performance and educational needs;
- c) Whether the child needs special education and related services, and if the special education and related services should be modified to assist with annual goals and participation in general education curriculum.

The IEP team may conduct the REED without a formal meeting. If the review process reveals that additional information is needed, the IEP team will explain the reasons for the additional data and then collect the necessary information. Using the data from the review, the IEP team can determine what defines an appropriate re-evaluation for each student. For example, it is not necessary to conduct a complete evaluation if the child's disability does not warrant it (e.g. if a child is cognitively delayed, it may not be necessary to repeat the IQ test every three years). ❧

Review of Existing Evaluation Data (REED) is a fact finding data review method used to define an appropriate IEP re-evaluation for each student.

CHAPTER 5

Important Features of IDEIA 2004**Disciplining Students in Special Education**

Special education students are subject to the discipline policies of the school district unless their individualized education plans specifically outline a different discipline system related to the student's individual behavior plan. Students with disabilities are not to be punished for behavior that is out of their control and part of their disabling condition.

When a student has behaviors that interfere with the child's learning or the learning of other students, a positive behavior intervention plan should be included in the IEP. If the school district is considering removing a student from school for more than 10 days, the district must conduct a Functional Behavioral Assessment (FBA) and a manifestation determination IEP meeting during which a determination is made whether the student's misconduct is a result of the disability or not. Behavior is a manifestation of the child's disability only if the behavior was caused by or had a direct and substantial relationship to the disability, or if it was a direct result of the school district's failure to implement the IEP.

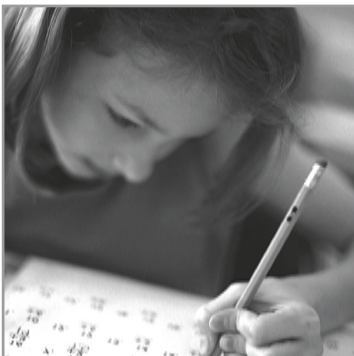
A student with disabilities may be subject to disciplinary procedures (e.g., long term suspension, expulsion) used with students who do not have disabilities, if the disabled student does one or more of the following:

- a. Possesses or uses illegal drugs, sells or solicits the sale of a controlled substance, while at school or a school function,
- b. Possesses or uses a weapon at school or a school function, or
- c. Inflicts "serious bodily injury."

Serious Bodily Injury is any injury involving substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

In determining whether to remove a child because maintaining the current placement is substantially likely to end in injury to self or to others, a hearing officer is no longer required to consider whether the school district's advised change in placement is based on a preponderance of the evidence. IDEIA no longer requires a hearing officer to consider whether the school dis-

Functional Behavioral Assessment (FBA) refers to a variety of assessments for determining the environmental variables that are setting the occasion for and maintaining challenging behaviors.



trict has made reasonable efforts (including the use of supplementary aides and services) to reduce the potential for harm.

Students with disabilities who are proven to be dangerous or disruptive can be removed from the regular school environment to an interim educational setting for up to 45 school days. However, a special education student must continue to receive the services and supports outlined in his or her IEP throughout an interim placement.

The IEP team will reconvene to make these important decisions, and the student with the disability must continue to have access to education. Special education services for students with disabilities cannot be stopped because of a disciplinary action.

Private Schools and Home Schools

Private schools (and home schools) are not required to provide special education services. Public schools must extend Child Find (the responsibility each public school district has for locating, identifying and evaluating all children with disabilities ages 3 through 21) to all children with disabilities living within their legal boundaries, including children who are enrolled in private schools and who need special education. Public schools do not have to provide special education for students on site at the private schools.

Public schools must work out agreements with private schools to use federal dollars generated by eligible private school students to provide some special services (e.g., assessment, speech therapy). Since only federal dollars are being spent on the special services for private schools, these services are going to be very limited when compared to services offered for special education students in public schools.

Parents who are home schooling their children may bring their children to the public schools to receive special education services for which they may be eligible.

Confidentiality

You have a right to expect that your child's school records will be kept confidential. No one should see your child's records except those who are implementing or monitoring the program. You have the right to review all of your child's school records and ask that the records be changed if you see errors in them. ♻️

Child Find is the responsibility each public school district has for locating, identifying and evaluating all children with disabilities ages 3 through 21.



CHAPTER 6

Dispute Resolution

Disagreements

From time to time parents and school staff may disagree about some special education issue. When there is a disagreement, the best thing to do is to try to work things out informally. For assistance with informal mediation, contact PLUK at (800) 222-7585 or the Early Assistance Program at the Office of Public Instruction at (406) 444-5664. If you cannot resolve issues, you have the right to ask for formal mediation or a due process hearing.

Complaints

If you think that your school district is violating state or federal special education law in some way, you can file a complaint with the Office of Public Instruction. In your letter, explain what your school district is doing that is a violation of law (e.g. not providing services in the IEP).

To file a complaint, you should write to:

Complaint Officer
Office of Public Instruction
PO Box 202501
Helena MT 59620-2501

Formal Mediation

If you have a serious disagreement with your school district over an important issue like evaluation, eligibility, program or placement, you can contact the Office of Public Instruction and ask for formal mediation. You have the choice of going to mediation before pursuing a due process hearing. For assistance with complaints, contact the Early Assistance Program, within the Office of Public Instruction, at (406) 444-5664. The Early Assistance Program will attempt to resolve the disagreement through dispute resolution. A trained mediator listens to your issues and those of the school district. The mediator then tries to work with both sides to create a mediation agreement that meets the needs of both parties. If the mediation is successful, the parties sign the agreement and the process ends at that point.

To resolve serious disagreements, the Office of Public Instruction provides mediation and assistance.



Resolution Sessions

A new element in IDEIA 2004, parents must go through a mandatory resolution session before due process. The school district will conduct a meeting with the parents and other relevant members of the IEP team within 15 days from the date the district receives the due process notice. The school district has 30 days from the date the notice is filed to resolve the complaint in a manner that satisfies parents, after this 30-day timeline, and in the absence of appropriate resolution, a due process hearing can occur.

Due Process Hearing

In situations where there is disagreement and after resolution sessions, early assistance, and mediation have not been helpful, parents (or school districts) can ask for a due process hearing. Due process hearings are like formal court proceedings with an impartial due process hearing officer presiding. Both sides can present evidence and call witnesses. At this stage in due process, parents are advised to have an attorney to assist them.

In your letter, explain that you and the school disagree about a special education issue. The Superintendent of Public Instruction will appoint an impartial hearing officer to hear the case. The impartial hearing officer has 45 days to reach a decision.

To request a due process hearing, you should write to:

Legal Counsel
Office of Public Instruction
PO Box 202501
Helena MT 59620-2501

Review Your Rights

- ▶ Your written consent is required before the school can evaluate your child or place your child in a special education program. You have the right to receive written notice before the school:
 - a. **Evaluates** your child individually
 - b. **Considers special education** for your child
 - c. **Changes** your child's placement in special education
 - d. **Refuses your request** for an evaluation or a change in placement
- ▶ You have the right to **inspect and review** all of your child's educational records.
- ▶ You have the right to **refuse to permit** a Child Study Team evaluation (although the school district may seek a due process hearing to express its need to gather necessary information).
 - a. An IEP meeting must be held at least once a year, unless the IEP team decides otherwise
 - b. The school must reevaluate your child's need for special education at least every three years
 - c. All tests must be given in the language the child knows best
- ▶ You have the right to **refuse Special Education** services and supports following the initial evaluation.

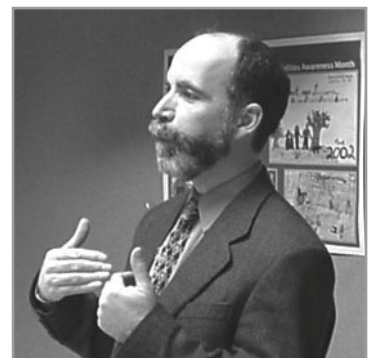
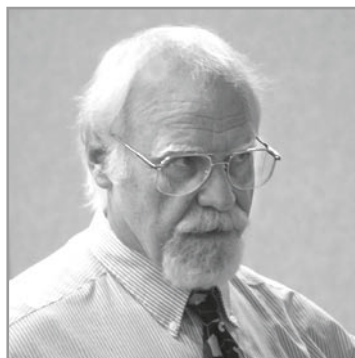
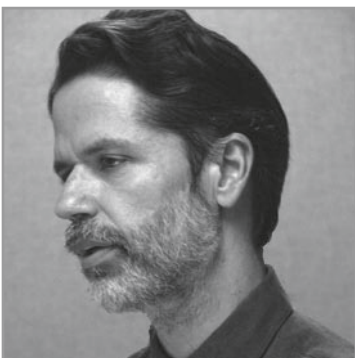
Due process hearings are like formal court proceedings with an impartial due process hearing officer presiding.

- You have the right to get an **Independent Educational Evaluation** if your child is evaluated and you think the evaluation is not adequate or you disagree with the CST decision.
- You have the right to be **fully informed** of the results of any evaluation and to have copies of all evaluation results before meetings.
- You have the right to **receive progress reports** detailing your child's progress on IEP goals and objectives.
- You have the right to **request an IEP meeting** at any time during the school year.
- You have the right to **refuse to sign and approve** the IEP, or to sign your approval "with exceptions." Whether you approve the IEP or not, be sure to sign for your participation in the IEP meeting.
- You have the right to be notified, at least one year before it occurs, of the "transfer of parental rights" (when your child turns 18 and reaches the age of majority, the right to consent to the IEP, and any other legal contract, then belongs to the child).
- You have the right to request help to resolve disputes (*see the OPI Early Assistance Program, above*).
- You have the right to resolve disputes through resolution and formal mediation before due process.
- You have the right to an impartial due process hearing if you disagree with the school district on a special education issue.

Your public school will present you with a written copy of a brochure, "Procedural Safeguards in Special Education."

Finding Out More about Your Rights

If you have questions about your rights in the special education process, you can contact Parents Let's Unite for Kids (PLUK). Family Support Consultants from PLUK can explain your rights and help you work with your school district. To talk with a Family Support Consultant, call toll-free (800) 222-7585. ♻️



Glossary of Special Education Terms

Adaptive Device Any piece of equipment designed to improve the function of a body part.

Adviser Someone who supports, informs, and empowers parents and children by offering tools and suggestions to help them organize and make educated decisions; also, a legal advocate, someone who pleads another person's case, especially in legal or administrative proceedings or public forums.

Annual Goals Statements outlining specific academic and non-academic (physical, behavioral, occupational, social) goals for a child with a disability, these goals are assessed, achieved, and rewritten as needed; and are a required element of the Individualized Education Program.

Assistive Technology Device Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

Assistive Technology Service Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- ▶ Evaluating the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- ▶ Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by a child with a disability;
- ▶ Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing an assistive technology device;
- ▶ Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- ▶ Training or technical assistance for a child with a disability or, if appropriate, training or technical assistance for that child's family;
- ▶ Training or technical assistance for professionals, including individuals providing education or rehabilitation services, for employers, or for other

individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a child with a disability.

Autism (AU) A developmental disability that significantly affects verbal and nonverbal communication and social interaction, that is generally evident before three years of age, and that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environment change or to change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has a serious emotional disturbance.

Child Study Team (CST) A group made up of professionals from different disciplines, parents, and the student, if appropriate, which meets to determine if the student is eligible for special education and in need of special education and related services; also, the acronym for the evaluation completed by the Child Study Team.

Cognitive Delay (CD) A condition characterized by significantly sub average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance. This means that the child has a lower than average IQ, and shows delays in normal behavioral development, that, when combined, significantly impair the child's ability to succeed in school.

Deaf-blindness (DB) Mutual hearing and visual impairments, the combination of which causes such severe communication problems and other developmental and educational problems that the problems cannot be accommodated in special education programs solely for children with deafness or for children with blindness.

Deafness (DE) A hearing impairment that is so severe that the child's ability to process linguistic information through hearing, with or without am-

plification, is significantly impaired and adversely affects the child's educational performance.

Developmental Delay (DD) A student 5 years of age or younger who, through both appropriate developmental assessments and observation, is determined to be two or more standard deviations below the norm in any *one* of the following areas of development (or 1.5 or more standard deviations below the norm in *two or more*):

- › Adaptive functioning skills
- › Communication development
- › Social and emotional development
- › Cognitive development
- › Physical development

Disability Condition characterized by functional limitations that impede typical development as the result of a physical or sensory impairment or difficulty in learning or social adjustment

Due Process Legal steps and proceedings carried out according to established rules and principles; designed to protect individuals' constitutional and legal rights

Emotional Disturbance (ED) A condition exhibiting one or more of the following characteristics, to a marked degree, and over a long period of time, that adversely affects educational performance:

- › An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- › An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- › Inappropriate types of behavior or feelings under normal circumstances;
- › A general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.

The term emotional disturbance includes schizophrenia. The term does not include social maladjustment, unless it is also determined that the child is emotionally disturbed.

Extended School Year (ESY) Extended school year services are special education and related services that are provided to a student with a disability beyond the normal 180-day school year. Extended school year services are provided to maintain identified skills and to prevent or avoid substantial loss of previously acquired or emerging skills or behaviors.

Free Appropriate Public Education (FAPE) Special education and related services that:

- › Are provided at public expense under public supervision and direction and without charge;
- › Meet the accreditation standards of the board of public education, the special education requirements of the superintendent of public instruction, and the requirements of the Individuals With Disabilities Education Improvement Act of 2004 (IDEIA);
- › Include preschool, elementary school, and high school education in Montana; and
- › Are provided in conformity with an individualized education program that meets the requirements of the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA).

Functional Behavioral Assessment (FBA) Refers to a variety of behavior assessments for determining the environmental variables that are setting the occasion for and maintaining challenging behaviors such as self-injury. A functional behavior analysis means that school personnel can observe the child's behavior in the classroom and use tests to determine what causes the challenging behaviors, this information helps the IEP team create a Positive Behavior Plan (PBP) to help the child manage his or her behavior.

Hearing Impairment (HI) Impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included within the definition of deafness.

Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) A reauthorized, revised, and amended version of the federal special education act (previously titled IDEA, Individuals with Disabilities Education Act), signed into law by President George W. Bush in December 2004; the law states that no matter how complex the disability may be, every child is entitled to an education at no cost to the family (FAPE) and that children with disabilities also have the right to a quality, individually designed, special education that will lead to appropriate outcomes for them (such as college, jobs, and community relationships) when they reach adulthood.

Individualized Education Program (IEP) Written document required by the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) for every child with a disability; includes statements of

present performance, annual goals, short-term instructional objectives, specific educational services needed, relevant dates, regular education program participation, and evaluation procedures; must be created by parents as well as educational personnel.

Learning Disability See *Specific Learning Disability* below.

Least Restrictive Environment (LRE) The educational setting that most closely resembles a regular school program and meets the child's special educational needs. For many students with disabilities, the regular classroom is the LRE; however, the LRE is a relative concept and must be determined annually and on an individual basis.

Manifestation Determination A review of the relationship between a student's misconduct and his or her disability conducted by the IEP Team and other qualified personnel; required by the IDEIA whenever school officials seek to discipline a student with disabilities in a manner that would result in a change of placement, suspension, or expulsion in excess of ten (10) days.

Orthopedic Impairment (OI) A severe orthopedic disability that adversely affects a child's educational performance. The term includes but is not limited to impairment caused by congenital anomaly (e.g., clubfoot or absence of some member), impairments caused by disease (e.g., poliomyelitis or bone tuberculosis), and impairments from other causes (e.g., fractures or burns that cause contractures, amputation, or cerebral palsy).

Other Health Impairment (OHI) A condition characterized by limited strength, vitality, or alertness because of chronic or acute health problems, such as a heart condition, attention deficit disorder, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning,

leukemia, or diabetes, that adversely affects a child's educational performance.

Positive Behavior Plan (PBP) A plan developed by the IEP team (and the child, when appropriate) to help the child maintain appropriate behavior in school settings. The PBP should include positive intervention strategies that the child can learn and can be used by all school personnel.

Related Services Developmental, corrective, and other supportive services required for a child with disabilities to benefit from special education. Includes special transportation services, speech and language pathology, audiology, psychological services, physical and occupational therapy, school health services, counseling and medical services for diagnostic and evaluation purposes, rehabilitation counseling, social work services, and parent counseling and training.

Resource Room A classroom in which special education students spend part of the school day and receive individualized special education services.

Review of Existing Evaluation Data (REED) A fact finding data review method used to define an appropriate IEP re-evaluation for each student, establishes whether additional information is needed to determine:

- ▶ The student's continued disability, if any;
- ▶ The student's present levels of performance and educational needs;
- ▶ Whether the child needs special education and related services, and if the special education and related services should be modified to assist with annual goals and participation in general education curriculum.

If the review process reveals that additional information is needed, the IEP team will explain the reasons for the additional data and then collect the necessary information to construct a re-evaluation.



Specific Learning Disability (LD) 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 an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

This means when your child is academically behind his or her peers, he or she may have a learning disability and require extra assistance.

The term includes, but is not limited to, such conditions as perceptual disabilities, brain injury, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor disabilities; cognitive delay; or environmental, cultural, or economic disadvantages.

Speech-Language Impairment (SI) A communication disorder, such as stuttering, impaired articulation, or a language or voice impairment, that adversely affects a person's interpersonal relationships or educational performance.

Special Education Individually planned, specialized, intensive, outcome-oriented instruction. When practiced most effectively and ethically, special education is characterized by the systematic use of research-based instructional methods, the application of which is guided by frequent measures of student performance. This is extra assistance your child can receive to improve their academic skills.

Transition The movement of a special education student from elementary school, middle school, and high school into post secondary education, employment, or adult services

Transition Services Services listed in the IEP and provided to help with the transition through school and into adult life. Common services include:

- Work experience
- Independent living training
- Rehabilitation counseling, and instruction

Traumatic Brain Injury (TBI) An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Visual Impairment (VI) An impairment that, even after correction, adversely affects a child's educational performance; the term includes both partial blindness and blindness. ♻



APPENDIX A

Sample Letters

Here are a few samples of letters you might want to write. Use these as a guide and include your information about your own situation. We've included the following sample letters:

- › Requesting a Referral & Assessment
- › Requesting a Parent-Teacher Conference
- › Requesting an IEP Team Meeting
- › File a Complaint
- › Requesting Due Process

Your Name
Address
Town, MT 59000

Date

Principal
School Address
Town, MT 59000

**Letter Requesting a
Referral and Assessment for
Special Education Services**

Dear Mr. or Ms. _____:

As parents, we are concerned about our [son's, daughter's] progress in school. [He, She] seems to be falling further and further behind in [reading, math, spelling, etc.]. Even though various interventions have been tried in the classroom, our child has not shown improvement in academic work.

[His, Her] academic history shows [specific academic issues/retention (held back)]; past requests for special education evaluations from parents/teachers; previous successes, if any, using special education services and supports in the past]. We are concerned about providing services for [him/her] in the following area(s): [examples: written language, math, staying on task, homework organization].

We would like to fill out a formal referral for our child and request a comprehensive assessment of [his/her] educational achievement and potential. We understand that we must sign evaluation consent forms before the process can start. Please send the forms to us as soon as possible so we can begin our [son's/daughter's] evaluation and help [him/her] succeed in school.

Thank you for your attention to this matter. We hope to hear from you within the next week.

Sincerely,

[signatures]

Your Name(s)

(406) 555-1212 (your telephone number)

Your Name
Address
Town, MT 59000

Letter Requesting a Parent-Teacher Conference

Date

Principal
School Address
Town, MT 59000

Dear Mr. or Ms. _____:

We would like to arrange a private conference with you to discuss our child's progress in your program. We have some questions about the curriculum and what we can do to support our child's learning.

We would like to meet as soon as possible. Good times for us would be: [provide several dates and times that are convenient].

Please call (list phone number) at work, or (list phone number) at home to confirm a meeting date and time. If we are not available, please leave a message on our answering machine. We hope to hear from you this week.

We look forward to talking with you and we appreciate your help.

Sincerely,

[signatures]
Your Name(s)
(406) 555-1212
(your telephone
number)

Your Name
Address
Town, MT 59000

Letter Requesting an IEP Team Meeting

Date

Principal
School Address
Town, MT 59000

Dear Mr. or Ms. _____:

Our [son, daughter] is an IDEIA-eligible student who is currently receiving special education services as part of an IEP. We realize that an IEP is usually reviewed on an annual basis, but we feel that we need to review our child's program sooner than that. We have noticed some changes in our [son's, daughter's] behavior and academic progress that may warrant making changes in the IEP.

In order to provide an appropriate program for our child, we are requesting that an IEP meeting be held within two weeks so that necessary changes can be made in a timely fashion.

Thank you for your help in this matter. We look forward to seeing you and the other members of the IEP Team soon.

Sincerely,

[signatures]
Your Name(s)
(406) 555-1212 (your telephone number)

Letter to File a Complaint

Your Name
Address
Town, MT 59000

Date

Complaint Officer
Office of Public Instruction Room 106, State Capitol
P.O. Box 202501
Helena, MT 59620-2501

Dear Sir or Madam:

We are filing a formal complaint against the _____ school district where our child is receiving a special education program under an IEP. Describe the problem and your specific complaint [example: Despite the fact that our child's IEP specifically states that our [son, daughter] will receive speech therapy daily for 30 minutes, our child has not received such therapy for over a month].

Describe the impact of the problem and why you've decided to issue a complaint [example: Our child has a hearing impairment. [His, Her] need for speech therapy has been properly assessed and documented. The amount of speech therapy needed is described in the IEP (see enclosed IEP), which school district personnel have signed].

We would appreciate your assistance in getting our school district to comply with the IEP and provide the services that are required by law.

Sincerely,

[signatures]
Your Name(s)

(406) 555-1212 (your telephone number)



Letter Requesting Due Process

Your Name
Address
Town, MT 59000

Date

Legal Counsel Office of Public Instruction
Room 106, State Capitol
P.O. Box 202501
Helena, MT 59620-2501

Dear Sir or Madam:

Our child is an IDEA-eligible student who is being served under an IEP at _____ public school. Currently, we disagree with school personnel about the appropriateness of our child's educational program and placement. We do not think that the current program is providing our child with educational benefits, even though the staff says that the program is working effectively.

Despite our efforts to come to an agreement, we find that we are still at odds with the school district. We are formally requesting a due process hearing to determine what is legally and educationally appropriate for our child. We would consider formal mediation and resolution sessions as interim steps to assist us with resolving these issues without resorting to a due process hearing.

We think our child's current program is detrimental and needs to be changed as quickly as possible. We would appreciate hearing from you soon.

Sincerely,

[signatures]

Your Name(s)

(406) 555-1212 (your telephone number)



APPENDIX B

Resources

Montana's Part C Early Intervention Resources (*Infants and Toddlers, Birth to Age 3*)

Family Support Services Advisory Council — Advises and assists the Developmental Disabilities Program on the implementation of birth through age 3 (Part C) services statewide.

<http://www.dphhs.mt.gov/fssac>

The following agencies serve different regions in the state. For a detailed map, visit this site on the web:

<http://www.dphhs.mt.gov/fssac>

AWARE, Inc., Missoula

(406) 549-6413 • (800) 914-4779 • <http://www.aware-inc.org>

Child Development Center (CDC), Missoula

(406) 549-6413 • (800) 914-4779 • <http://www.childdevcenter.org>

Developmental Educational Assistance Program (DEAP), Miles City

(406) 234-6034 • (800) 228-6034 • <http://www.deapmt.org>

Early Childhood Intervention (ECI), Billings

(406) 247-3800

Family Outreach, Helena

(406) 443-7370 • <http://familyoutreach.org>

Hi-Line Home Programs, Inc., Glasgow

(406) 228-9431 • (800) 659-3673 • <http://hilinehomeprograms.org>

Quality Life Concepts, Inc., Great Falls

(406) 452-9531 • (800) 761-2680 • <http://www.qlc-gtf.org>

Support and Techniques for Empowering People (STEP), Billings

(406) 248-2055 • (800) 820-4180 • <http://www.step-inc.org>

Advocacy & Information for All Ages in Montana

PLUK — Montana's Parent Training and Information Center provides information, training and support to families, individuals and professionals statewide.

(406) 255-0540 • (800) 222-7585 • <http://www.pluk.org>

Montana Advocacy Program (MAP) — Advocates and attorneys who advocate for the rights of Montanans with disabilities.

(406) 449-2344 • (800) 245-4743 • <http://www.mtadv.org>



State Resources

Children's Special Health Services

(406) 444-2596 • (800) 762-9891 • <http://www.dphhs.mt.gov>

Deaf-Blind Services, Office of Public Instruction (OPI)

(406) 444-4426 • (888) 231-9393 • <http://www.opi.mt.gov/DBServices/Index.html>

Disability Services Division Programs

(406) 444-2590 • (877) 296-1197 • <http://www.dphhs.mt.gov>

Early Assistance Program, Office of Public Instruction (OPI)

(406) 444-5664 • (888) 231-9393 • <http://www.opi.state.mt.us/SpecEd/EAP.html>

Head Start Services in Montana • <http://www.headstartmt.org>

Montana Child Care Resource & Referral Network

(406) 549-1028 • (866) 750-7101 • <http://www.montanachildcare.com>

Montana Children's Health Insurance Plan

(406) 444-6971 • (877) 543-7669 • <http://www.chip.mt.gov>

Montana School for Deaf & Blind Children

(406) 771-6000 • (800) 882-6732 • <http://msdb.mt.gov>

Office of Public Instruction (OPI)

(406) 444-3095 • (888) 231-9393 • <http://www.opi.state.mt.us>

Parents Page, Office of Public Instruction (OPI)

<http://www.opi.mt.gov/parents/>

Special Education, Office of Public Instruction (OPI)

(888) 231-9393 • <http://www.opi.state.mt.us/SpecEd>

National Resources

Information for Parents, U.S. Department of Education

<http://www.ed.gov/parents>

National Dissemination Center for Children with Disabilities

<http://www.nichcy.org>

Montana Yellow Pages for Kids with Disabilities

<http://www.yellowpagesforkids.com/help/mt.htm>



APPENDIX C

Summary of IDEIA Services for Children

Please note that your child may be referred for evaluation and may qualify for services at any age.

Age: Birth to age 3 (Part C Services)

Service: Home-based Early Intervention

How to qualify?

If you suspect a disability or delay

- Contact your local early intervention agency (see Appendix A)
Please note that some school districts have pre-school screening at this age and will refer to the Early Intervention Agency if needed.
- Sign consent for assessment
- The early intervention agency will conduct an assessment
- The early intervention agency will determine eligibility based on assessment results

If your child qualifies for early intervention services

- You and the early intervention agency will determine appropriate services within the Individualized Family Service Plan (IFSP). These services can include, but are not limited to: parent and family education or counseling, speech and audiology services, physical and occupational therapy, home visits, transportation and related costs.
- Before age 3, transition to preschool special education services begins.

Age: 3–5 years old (Part B Services)

Service: School-Based Preschool Special Education

How to qualify?

If you suspect a disability or delay

- Contact local school district.
- Sign consent for assessment.
- School personnel will conduct assessment
- You and the school personnel will review the assessment results and determine eligibility for preschool special education services within a CST (Child Study Team) meeting.

If the CST determines that your child qualifies for and would benefit from preschool special education services

- You and the school district personnel will convene an Individualized Education Program (IEP) meeting to:
 - Design an appropriate special educational program.
 - Determine placement.
 - Determine any needed related services.
- Upon your consent and approval the IEP is implemented.
- The IEP can be reviewed at any time as your child's needs change.
- Before age 6, transition to kindergarten and first grade begins.

Age: 6–18 years old (Part B Services)

Service: School-Based Special Education

How to qualify?

If you suspect a disability or delay

- Contact local school district.
- Sign consent for assessment.
- School personnel will conduct assessment.
- You and the school personnel will review the assessment results and determine eligibility for special education services within a Child Study Team (CST) meeting.

If the CST determines that your child qualifies for and would benefit from special education services

- You and the school district personnel will convene an Individualized Education Program (IEP) meeting to:
 - Develop the IEP.
 - Consent to placement in Special Education.
- Monitor and review IEP
- Re-evaluation, when needed.
- Transition planning to adulthood may begin at any time, but must begin by age 16.
- Graduation!!! Transition to adulthood.

Montana Parent's Handbook to Special Education

"This publication keeps me abreast of policies and laws. Also, it gives lots of good ideas for IEPs." —PROFESSIONAL

"I like everything about the handbook and appreciate the updated information and support for families and parents." —PROFESSIONAL

"You continue to inform parents about what they should be asking for, and about IEP meetings and CSTs. Parents need to be empowered!" —EDUCATOR

"[This is] helpful to me as an attorney, now in private practice, interested in this area of the law." —PROFESSIONAL

"Straightforward information and lots of it!" —PARENT, CONSUMER

The *Montana Parent's Handbook to Special Education* discusses several topics to help parents, teachers, and other professionals understand the Montana special education process:

- ▶ Definitions of "special education" and other common terms
- ▶ Necessary steps to qualifying for services
- ▶ How to design and monitor an appropriate educational program for a child
- ▶ Recognizing and protecting parents' and children's rights in special education
- ▶ Lists of valuable state and national resources

This newly revised guide provides essential information for families who have no experience advocating for appropriate special education, as well as those families who have been utilizing special education services for their children for years.

PLUK is a private, nonprofit Montana organization, founded in 1984 by parents of children with disabilities and special needs.

PLUK provides resources, training, and support for individuals with disabilities, their families, and the professionals who serve them.

If you enjoyed this handbook and would like more information about PLUK, please contact us.

PLUK
516 N 32nd Street
Billings, Montana 59101-6003

(406) 255-0540 Main Office
(800) 222-7585 Toll Free
(406) 255-0523 FAX

plukinfo@pluk.org
www.pluk.org

Montana Parent's Handbook
to Special Education
rev 2/2006



PLUK services are available throughout Montana and are free to individuals with special needs and their families.