

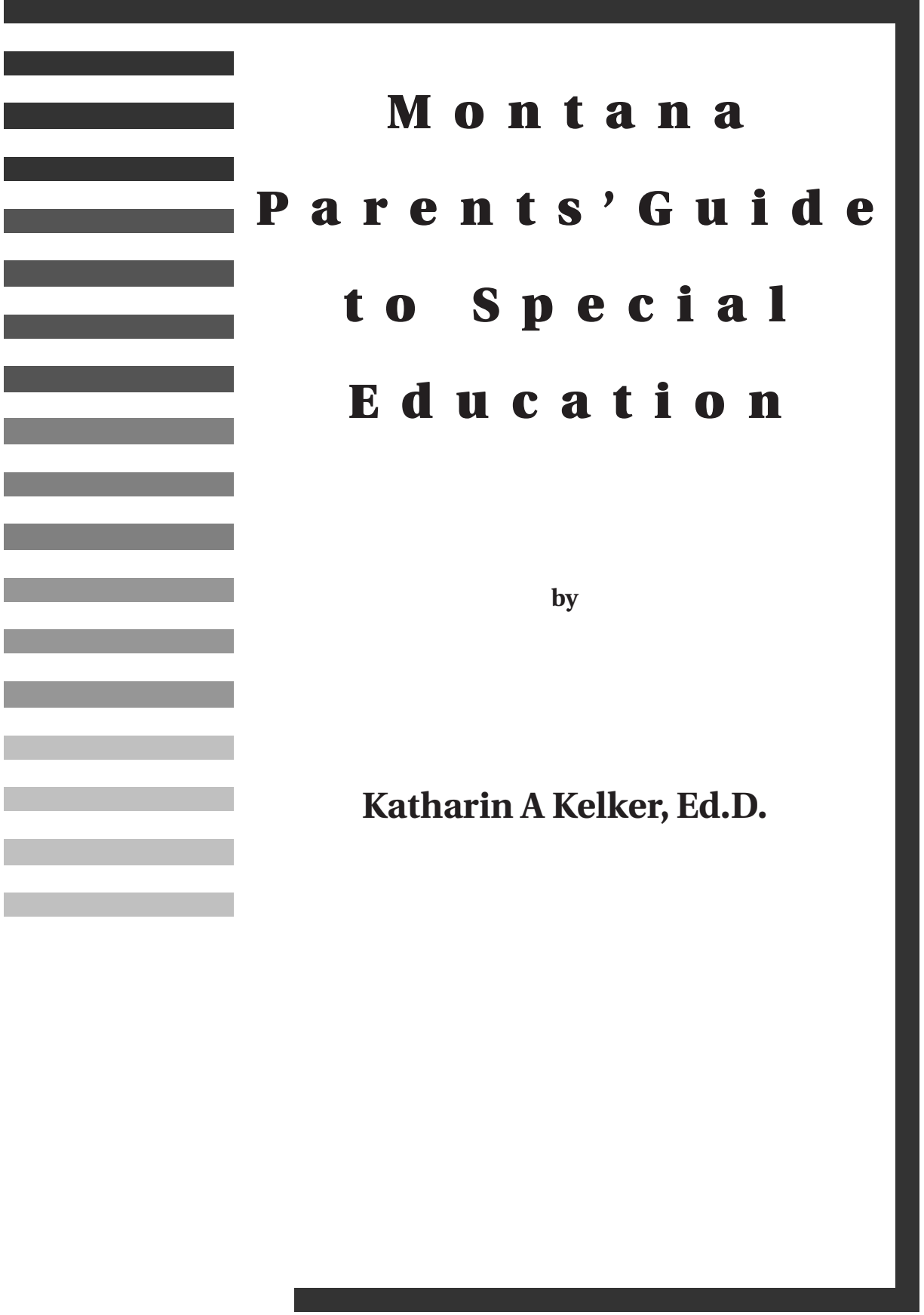
**M o n t a n a  
P a r e n t s '   
G u i d e  
t o S p e c i a l  
E d u c a t i o n**

By:

**Katharin A. Kelker Ed.D.**







**M o n t a n a**  
**P a r e n t s ' G u i d e**  
**t o S p e c i a l**  
**E d u c a t i o n**

by

**Katharin A Kelker, Ed.D.**

*Prepared By:*

Parents, Let's Unite for Kids **PLUK**

516 N 32ND ST

Billings MT 59101-6003

406 255-0540 • 800-222-7585 • 406 255-0523 FAX

plukinfo@pluk.org • www.pluk.org

Editor

**Nancy Staigmiller**

Production

**Roger Holt**

Proofing

**Elisabeth Mills**

**Molly Mills**

**Jan Duffy**

Layout

**Ambrose Taylor**

**Rosanna Buehl**

© Parents, Let's Unite for Kids, 1987

Revised 1994, 2001

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 of Education and endorsement by the Federal Government should not be assumed.

# Contents

## Chapter

- 1 Education is a Right ↻ 1**
  - Access and Quality Education Guaranteed :: 1
  - Special Help is Available :: 2
  - Two Kinds of Programs :: 2
  
- 2 Infants and Toddlers with Disabilities ↻ 3**
  - Eligibility for Early Intervention, Part C :: 3
  - Transition from Part C to Part B Services :: 4
  - Steps in Transition from Part C to Part B :: 4
  - Part C to Part B Transition Checklist :: 5
  - Helpful Hints for Families in Transition from Part C to Part B :: 6
  
- 3 Special Education ↻ 7**
  - Child Find :: 7
  - Special Education Process :: 8
  - Parents are Involved in Special Education :: 8
  - Assessment :: 8
  - Testing for Special Education Must Be Complete and Fair :: 9
  
- 4 Child Study Team ↻ 10**
  - Independent Educational Evaluation :: 10
  - Eligibility for Part B Services :: 10
  - Labeling :: 11
  - Placement in Special Education :: 11
  - Least Restrictive Environment :: 11
  
- 5 Individualized Education Program ↻ 13**
  - Members of the IEP Team :: 13
  - The IEP Team :: 13
  - Role of the Regular Education Teacher :: 14
  - The IEP Meeting :: 14
  - Contents of the IEP :: 14
  - Related Services Help Children Learn :: 15
  - Special Health Care Needs :: 15
  
- 6 Key IEP Concepts ↻ 16**
  - Supplementary Aids and Services :: 16
  - Program Modifications :: 16
  - Supports for School Personnel :: 16
  - Special Factors in the IEP :: 16
  - Assistive Technology :: 17
  - Transition Planning and Services :: 18
  - Age of Majority :: 18
  - Participation in State and School District Assessment Programs :: 18
  - Placement Considerations :: 20

Extended School Year :: 20  
Monitoring the IEP :: 20  
Re-evaluation :: 21  
Getting Help with the IEP :: 21

**7 Important Features of IDEA ↪ 22**  
Disciplining of Students in Special Education :: 22  
Private Schools :: 23  
Confidentiality :: 23

**8 Dispute Resolution ↪ 24**  
Disagreements :: 24  
Formal Mediation :: 24  
Due Process Hearing :: 24  
Complaints :: 25  
Review of Your Rights :: 25  
Finding Out More about Your Rights :: 25

## Appendix

**A Glossary of Special Education Terms :: 26**

**B Sample Letters ↪ 30**  
Letter Requesting a Referral and Assessment :: 30  
Letter Requesting a Parent-Teacher Conference :: 31  
Letter Requesting an IEP Team Meeting :: 31  
Letter Requesting Due Process :: 32  
Letter to File a Complaint :: 32

**C Agencies Serving Children with Disabilities in Montana ↪ 33**  
Early Intervention Service Agencies :: 33  
State Agencies :: 34  
Advocacy :: 34  
Special Education Cooperatives :: 35  
Special Education Directors :: 36

**D Web Sites ↪ 39**

## Chapter 1

# Education is a Right

**C**hildren with disabilities have the right to an education. Our state constitution ensures that all of Montana's children have the right to an equal educational opportunity. The federal law that guarantees an education for children with disabilities is the Individuals with Disabilities Education Act or IDEA (P.L. 105-17). Under IDEA, it does not matter what disability the child has or how severe the disability is, the child can receive an education.

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 in order for their children to receive special education services. "Appropriate" means that children in special education have the right to individually designed educational services that allow them to make "reasonable progress" in the curriculum from year to year.



Appropriate services do not have to be the best that are developed. Instead, special education must provide enough service so that the child's disability is accommodated, the child can participate as fully as possible in the curriculum, and the child makes progress toward the achievement on 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 Montana Office of Public Instruction (OPI).

### Access and Quality Education Guaranteed

The Individuals with Disabilities Education Act (IDEA) guarantees that children with disabilities will have access to public education. In other words, no matter how significant a child's disability may be, that child has the right to an education. In addition, children with disabilities have the right to receive a quality, individually designed, special education—one that will lead to appropriate outcomes for them, such as post secondary education, employment and participation in the community when they reach adulthood.

## Special Help is Available

As a parent, *you* can make sure that your child gets an appropriate education. You are an equal partner in planning your child's education.

If your child needs special help at school, services are available through *special education*. Special education is instruction that is designed to meet your child's unique needs.

## Two Kinds of Programs

The federal special education law provides services for two age groups.

**IDEA Part C** covers early intervention services for infants and toddlers from birth to the age of three. In Montana, Part C services are available from Child and Family Service Agencies that contract with the Developmental Disabilities Program (See Appendix for a list of Part C programs).

**IDEA Part B** program provides for the special education needs for children of school age, typically 5 through 18. Part B of the IDEA also provides for the needs of eligible children from age 3 to 5 in preschool special education. Part B special education services can be extended beyond age 18 up through age 21, but, in Montana, the decision to serve older students is made by individual school districts. Some districts elect to provide services after age 18; others do not. If the district serves nondisabled students between 18 and 21 the district must consider the needs of a disabled students (18–21) and whether his or her individual IEP goals have been met.



Chapter 2

# Infants and Toddlers with Disabilities

## Eligibility for Early Intervention, Part C

Children from birth up to age three with developmental delays are eligible for services in the Infant and Toddler Program. These services end when the child reaches three years of age. Montana has the following definition for program eligibility:

Children from birth through age two inclusive, are eligible for early intervention and family support services under Part C of the Individuals with Disabilities Education Act (IDEA) if they:

1. Have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay (e.g. sensory impairments, inborn errors of metabolism, microcephaly, fetal alcohol syndrome, epilepsy, Down syndrome or other chromosomal abnormalities), even though the delay may not exist at the time of diagnosis.



2. Are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:

- Cognitive development
- Physical development, including vision and hearing
- Speech and language development
- Social and emotional development
- Self-help skills

The criteria used in determining a child's eligibility, as a result of developmental delay, includes:

1. A minimum of 50% delay in any one of the above developmental areas, *or*
2. A 25% delay in two or more of the above areas.

An informed clinical opinion must be used in determining eligibility for services under Part C if there are no standardized measures, or the standardized measures and procedures available are not appropriate for a given age or developmental level.

Children under the age of six may receive a nonspecific label, *Child with a Disability*, which indicates that the child has developmental delays that affect learning, but it is too soon to determine a specific special education label.

### Transition from Part C to Part B Services

Part C early intervention programs for infants and toddlers with disabilities end when the child turns three, at that point, if the child is in need of special education services, he or she can go on to Part B special education services which are provided by local public schools under the IDEA.

The Infant and Toddler Program is the responsibility of the Developmental Disabilities Program (DDP). While the Office of Public Instruction (OPI), Division of Special Education, and local school districts administer the Preschool Special Education Program. These two systems—DDP and OPI—have differing procedures and eligibility criteria. Parents need to recognize the differences between the systems and to be prepared for some changes in how services are provided to their child.

The following chart is a brief comparison of Part C and Part B programs.

<i>Part C</i>	<i>Part B</i>
<i>Age Served</i>	<i>Age Served</i>
Birth to Age 3	Age 3 through 18 or 21
<i>Focus</i>	<i>Focus</i>
Early intervention Family support	Special education Related services
<i>Type of Plan</i>	<i>Type of Plan</i>
Individualized Family Service Plan (IFSP)	Individualized Education Program (IEP)
<i>Service Model</i>	<i>Service Model</i>
Home-based	School-based

### Steps in Transition from Part C to Part B

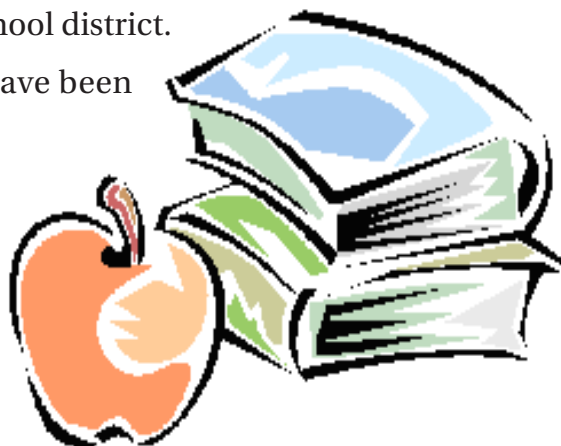
At least 90 days, and up to six months before a child's third birthday, the *Individualized Family Service Plan (IFSP)* team must hold a meeting to plan the child's transition from the present Part C program to the child's next step. Some children will need no further special services. Others will move into the Preschool Special Education Program provided by the local school district or special education cooperative. Still others may need services supported by other local programs such as Head Start or a community childcare center. Some families will continue to receive services from their early intervention agency; however, these state-funded services are limited, and not covered by the Individuals with Disabilities Education Act.

For children needing Preschool Special Education, a joint planning meeting (or meetings) must occur at least 90 days before the transition from Part C to Preschool Special Education. Since eligibility criteria are not exactly the same between the 0–2 and the 3–5 programs, combined meetings between the programs can set up a process for evaluating the child and determining eligibility for Preschool Special Education services.

### Part C to Part B Transition Checklist

The following is a checklist for parents to use as they are going through the transition period between Part C and Part B programs.

1. The transition meeting has been held and the transition plan is part of the child's current IFSP.
2. The child has been referred to the local school district.
3. The following records and information have been provided to the local school district:
  - Birth certificate
  - Current picture of the child
  - Shot (immunization) record
  - Social Security number
  - Medicaid number (if child has one)
  - Emergency contacts
  - Child's records from early intervention agency, including IFSPs identifying child-focused services provided
  - Other preschool or childcare program records
  - Follow Me Program records or other records from Special Health Services/ Follow Me Program
  - Hospital, clinic, or other medical records
4. Screenings and evaluations have been completed.
5. The Child Study Team meeting has been held with school staff and eligibility for special education has been determined.
6. Parents helped write the child's IEP.
7. Parents helped determine the child's school placement.
8. Transportation needs have been identified and met.
9. Parents have visited the local school district's preschool special education program.
10. Parents have met and talked with the child's new public school teacher(s).
11. The child has met with his or her new teacher(s).
12. If the child is not eligible for special education services from the local school district, other options have been discussed.



## Helpful Hints for Families in Transition from Part C to Part B

### → *Start early*

The infant and toddler years go by quickly. Begin to plan early for your child's next step at age three.

### → *Be part of the transition planning team*

Play an active role in the decisions made about your child's transition.

### → *Know and understand your child's educational rights*

When you sign the form to have your child evaluated, your school district will provide you with a copy of "Parents Rights in the Special Education Process." Read the booklet. If you do not understand these rights, ask your special education teacher or a consultant from PLUK (1-800-222-7585) for help.

### → *Know and understand the responsibilities of the school district*

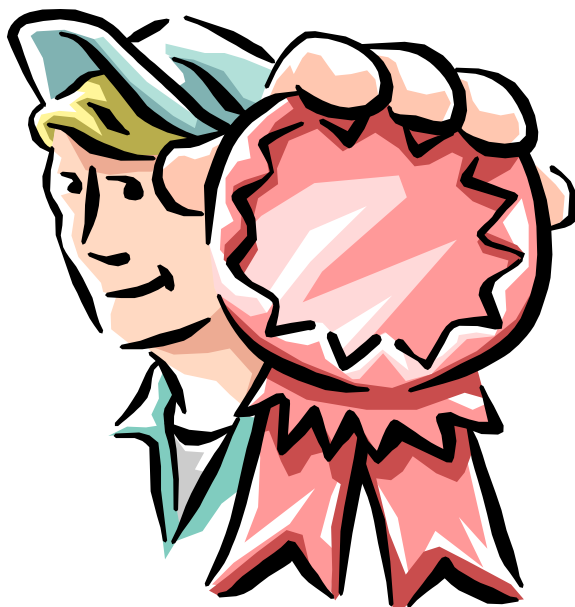
Preschool special education is quite different from the Part C program. It is important for you to understand the differences.

### → *Think about your child's strengths and abilities*

An important role for you at IEP meetings is to talk about your child's strengths. Sharing the things your child likes and dislikes with the team can help the school staff to understand and serve your child better.

### → *Remember that you are going through a transition, too*

The Part C program is very nurturing for families as well as for children. Preschool special education is focused on a child's educational needs and not on family needs. You will be saying good-bye to professionals who have been significant in your life and meeting a new group of professionals. Give yourself time to adjust to the change.



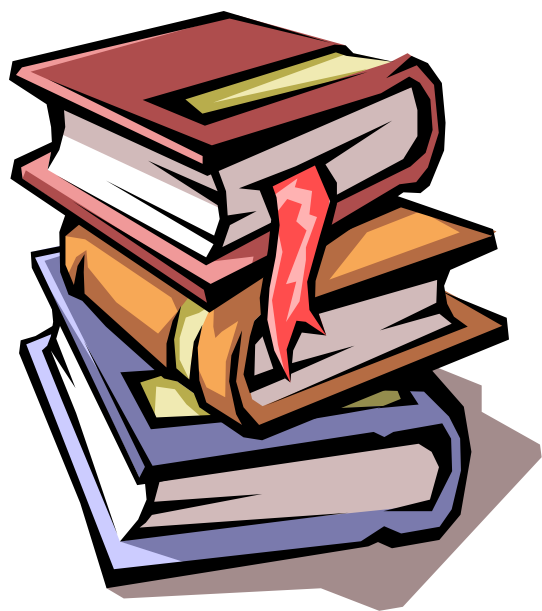
Chapter 3

# Special Education

**P**art B programs for preschoolers and school age children and youth emphasize education. Children receiving *special education* and related services are taught in special ways. Each child has a program uniquely designed just for him or her. Some children study academic subjects in special education. Other children learn functional skills like how to take care of themselves and live more independently. Preschool-age children with disabilities learn developmentally appropriate skills that prepare them for success in kindergarten and first grade. Depending on their individual needs, children can get a little or a lot of help through special education. Many children learn in regular education classrooms with supports and related services.

## Child Find

The special education process begins with *Child Find*. Child Find refers to the responsibility each public school district has for locating, identifying and evaluating all children with disabilities ages 3 through 21. Your school will refer children younger than age three to the appropriate Child and Family Service provider agency for evaluation and if appropriate, services under the IDEA Early Intervention program mentioned in Chapter 2.



If your child is three years old or older, your school will use its own procedures for taking a referral, planning an initial evaluation and getting your consent to proceed, conducting a Child Study Team evaluation, and meeting to discuss the results of the evaluation. If it is determined that your child have an IEP, the school will have its own procedures when holding a meeting to develop the plan for your child. Child Find for school-age children takes into account “pre referral” activities, that are the result of school based interventions conducted as a part of regular classroom

instruction to address your student’s learning needs. For a student with disabilities of any age, Child Find begins the education process and results in a referral for evaluation.

## Special Education Process

The special education law requires that a prearranged process be followed so that students who need special services are properly identified and their parents are able to participate in all the decisions being made. The following list shows the steps in the special education process.

### *Special Education Process*

- Referral
- Written Parent Consent for Testing
- Multidisciplinary Assessment
- Child Study Team  
(The CST determines eligibility and the student's educational needs)
- Individualized Education Program (IEP)
- Parent Participation in IEP Development
- Parent Consent for Placement in Special Education
- Program Placement
- Monitoring of the IEP
- Annual Review of IEP
- Re-evaluation (Every three years a student in special education is reevaluated to determine if the student is still eligible and in need of special services)

## Parents are Involved in Special Education

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 parents, you have a responsibility to attend meetings and take an active part in planning your child's program.

### Assessment

Before a child can receive special education and related services, the child must be evaluated. Your local Child Find process will lead to an evaluation by the *Child Study Team*. 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 evaluation.



An evaluation 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 work with 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 functions 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

You, as a parent, 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.

### **Testing for Special Education Must Be Complete and Fair**

*“In conducting an evaluation of a child to eventually be used in the development of the IEP, the local educational agency shall use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent. Information related to enabling the child to be involved in and progress in the general education curriculum must be considered. No single procedure should be used as the sole criterion for determining an appropriate educational program for the child. The law requires the use of technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.”*

— 20 U.S. C. Section 1414 (b) (2) (A) (B) (C)

## Chapter 4

# Child Study Team

**W**hen 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 the school psychologist, a special educator, a regular educator, an administrator and others who may have contributed to the evaluation.

You, as parents, also 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 the characteristics of a particular disability and must be in need of special services. These characteristics are written into regulations that the CST team will use to determine whether your child is, in fact, a child with disabilities under Federal and State law.

### Independent Educational Evaluation

After members of the school staff have shared the evaluation results with you, you can decide if the results seem to match your perception of your child. If you do not think the evaluation or assessment results are correct, you can have an *independent educational evaluation* by a qualified person outside of the school district. To specify your opinion, indicate that you disagree with the results of the Child Study Team report. Your school district will help you locate a qualified independent evaluator.

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, then it 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. In any case, if an independent evaluation is done, the results must be considered by the Child Study Team or IEP team. The results are crucial for the teams involved in making decisions about your child's identification, program, and school placement.

### Eligibility for Part B Services

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

- ❖ Cognitive Delay (mental retardation)
- ❖ Hearing Impairments (includes deafness)
- ❖ Speech or Language Impairments
- ❖ Visual Impairments (includes blindness)

- Emotional Disturbance
- Orthopedic Impairments
- Autism
- Traumatic Brain Injury
- Other Hearth Impairments
- Multiple Disabilities
- Deafness/Blindness
- Specific Learning Disabilities



### **Labeling**

You may be worried about labeling your child for special education, but labeling need not be a concern. Neither Federal nor state regulations use the term, “label.” For most people, label and diagnosis mean the same thing. Labels are not necessary for making a child eligible for services. What is necessary is a Child Study Team evaluation that considers specific criteria that defines each of IDEA’s disability categories.

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 set of criteria defines your child who has a disability. You have the right to know what your child’s “label” is. You also have the right to question your child’s label. Once the CST team acknowledges (determines) that a child is eligible for special education, the child’s disability category should be kept confidential. Labels should not be used in the classroom or in talking to or about the child.

### **Placement in Special Education**

You must give your consent in writing before your child can be placed in special education. In addition, you 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. The IDEA 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 and the regular classroom and 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.

*“Each state must ensure to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. Thus, special classes, separate schooling, or other removal of children with disabilities from the regular education environment should occur 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.”*

— 20 U.S.C. 1412 (a) (5)



## Chapter 5

# Individualized Education Program

**O**nce a child has been identified as eligible for special education, an IEP meeting must be held and the *individualized education plan* 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 parents of a student with a disability, and whenever appropriate, the student, must be included on the IEP team along with at least one special education teacher or provider of special education services. One regular education teacher must be on the team if the child is, or even just may be, participating in the regular education environment. The local educational agency needs to ensure that a representative knowledgeable about special education services, the general curriculum, and the availability of resources is a part of the team. If the special education teacher, regular education teacher or local educational agency representative is not able to interpret the instructional implications of evaluation results (such as standardized assessments), then an individual with this ability must be added to the IEP team. Finally, it should be understood, that at the discretion of the parents or the local educational agency, other individuals who have knowledge or special expertise regarding the child (such as individuals who provide related services) might be added to the IEP Team.”*

—20 U.S.C. Section 1414 (d) (1) (B)

### The IEP Team

The members of the team who write the IEP must include:

- Parents
- At least one regular education teacher
- 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 plan. As parents, you can invite an advocate or support person to be with you at the IEP meeting.

### **Role of the Regular Education Teacher**

When IDEA was reauthorized and changed by Congress in 1997, one of the most significant additions to the law was the inclusion of a regular education teacher as part of the IEP Team. The law says...

*“The regular education teacher of the child, as a member of the IEP team, shall, to the extent appropriate, participate in the development of the child’s IEP. This includes participating in the determination of appropriate behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel.”*

— 20 U.S.C. Section 1414 (d) (3) (C)

### **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 of the meeting in a reasonable time beforehand 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.

### **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 child need additional instruction in?
- Annual Goals  
What can your child accomplish in a specific area during the next school year?
- Measurable Objectives  
What are the steps that will lead to accomplishment of the goals and how will progress be measured?
- 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?

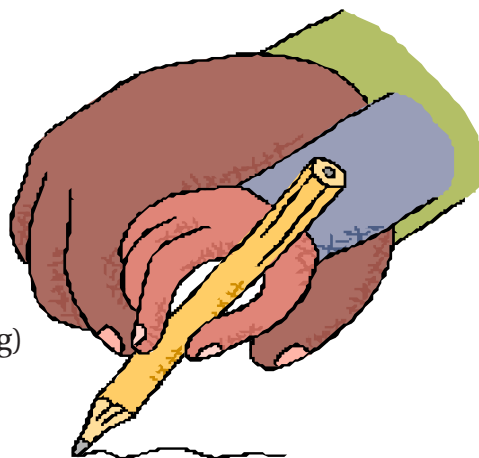
- Placement  
Where will your child receive services? Is the placement in the least restrictive environment?
- Transition  
What plans are you, your child, and the school district considering for graduation and beyond?

Keep in mind that the goals and objectives on your child's IEP must be related (if at all possible) to helping 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.

### **Related Services Help Children Learn**

For some children, educational instruction is not enough to help them learn. These children also need support services called "related services." These related services may be:

- Audiology
- Speech therapy
- Psychological services (assessment)
- Physical therapy
- Occupational therapy
- 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.

### **Special Health Care Needs**

Students in special education who have special health care needs may have an Individualized 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 6

# Key IEP Concepts

**T**he IEP is most effective when it clearly spells out the supplementary aids, services, accommodations, and modifications 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 supports needed to implement the IEP 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) assist your child in the classroom might also be a supplementary service. While the IDEA does not require assigning a specific instructional assistant to any child, the district must ensure that sufficient 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 considerations:

➤ 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 behavioral intervention strategies and supports to address that 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.

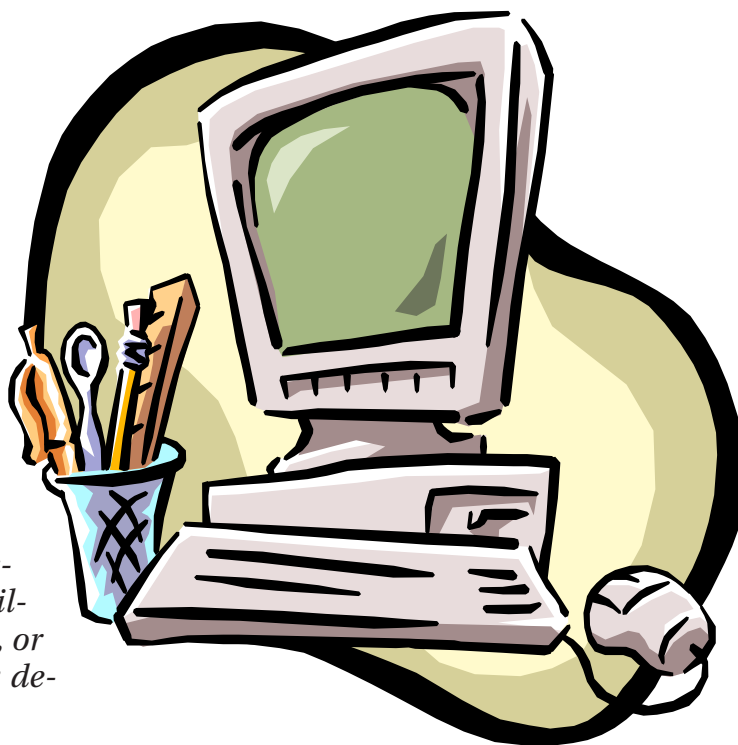
➤ Communication.

In the case of a child who is deaf or hard of hearing, 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 homemade, purchased off the shelf, modified, or commercially available which is used to help an individual perform some task of daily living (including educational tasks). The Individuals with Disabilities Education Act (IDEA), defines *assistive technology service* as...

*"...Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device."*



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 should be considered as an option for any child in special education. 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.

## Transition Planning and Services

*Beginning at age 14, and updated annually, every IEP must contain a statement of the transition service needs of the child. Beginning at age 16 (or younger if determined appropriate by the IEP team) the IEP must also contain a statement of the interagency responsibilities or any linkages between and among the local educational agency and the various other agencies providing services.*

— 20 U.S.C. Section 1414 (d) (1) (A)

Transition refers to the movement of a special education student from high school into post secondary education, employment, or adult services. 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. When a student is 14, the IEP must contain a statement of the anticipated transition service needs of that student. In addition, no later than when a student reaches the age of 16, the student's IEP must include a statement of needed transition services.

Transition services can include

- Work experience
- Independent living training
- Training in the use of compensatory skills
- Rehabilitation counseling, and instruction

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

## Age of Majority

The right to consent for the IEP is the parent's right until the child reaches age 18. At 18 years old, the age of majority, the student assumes the special education rights previously given to the parents. Adult students, then have the right to consent or withhold consent for the IEP. Public school personnel will inform the parent about this transfer of parental rights at least one year before a student reaches the age of majority. The student's IEP must include a statement that the student has been informed of his or her rights under IDEA that will be transferring to the student at age 18. Even after the student turns 18 though, parents will receive written notice of IEP meetings and may participate as part of the IEP team. Parents may want to consider guardianship.

## 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. IDEA now requires that special education students be included in assessment programs so that it is possible to determine how special education students are doing 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).

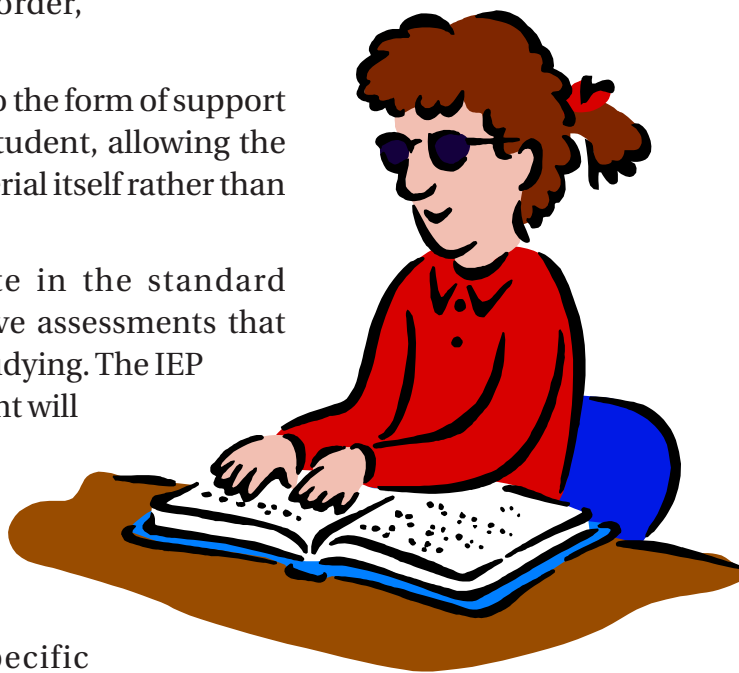
The following are allowable accommodations:

- Timing Accommodation  
Changes in duration of testing
- Setting Accommodation  
Changes in the place in which an assessment is given  
(allows for small groups or individuals, extra breaks)
- Presentation Accommodation  
Includes changes in 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 in when testing occurs  
(allows for rearranging subtest order, modification in time of testing)

In conclusion, the focus has shifted to the form of support that places the least demands on the student, allowing the student to focus on the assessment material itself rather than on processing or response demands.

Students, who cannot participate in the standard examinations, must be given alternative assessments 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 and why that test is not right for the child, how he/she will participate in a different mode of achievement testing, or whether he/she will participate with specific accommodations and modifications. This alternative test

is a skill checklist tool that includes math, science, reading, language arts and social studies. Now parents can see how it is possible to creatively access the performance of students with disabilities whose instruction program emphasizes more basic skill that provide a foundation for performance in all curricular content areas. This will also serve to offer all students improved outcomes and greater access to general education curriculum.



## Placement Considerations

The decision about where students will receive their educational programs is the last decision to be made in the IEP. This decision must be based on the students' needs, not upon administrative convenience, or parental preference. The clear preference of the IDEA 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 child'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 learn and retain the skills. Such students may receive an extended school year (ESY) if the IEP Team determines that ESY is necessary for the provision of a free appropriate public education to the child. When considering ESY, the IEP Team may not:

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

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.

## Monitoring the IEP

*“The IEP for each child must include a statement of how the child's progress toward annual goals will be measured. The IEP must also contain a statement of how the child's parents will be regularly informed of their child's progress. Schools must notify parents of children with disabilities of their child's progress at least as frequently as nondisabled children's parents are notified. The information given to parents must describe the child's progress toward the annual goals described in the IEP and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the school year.”*

—20 U.S. C. Section 1414 (d) (1) (A)

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. A signed IEP must be implemented by the school district as soon as possible following the IEP meeting. After the plan 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 should be regularly informed (through such means as periodic report cards) of your child's progress. You

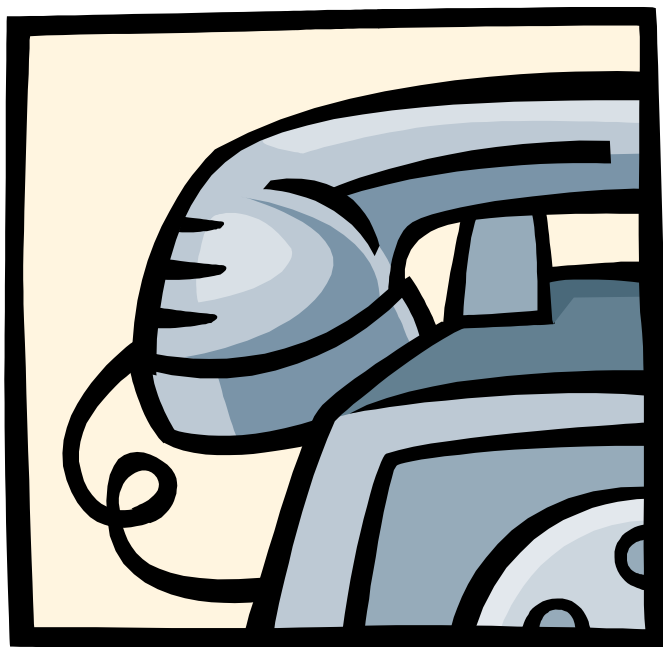
should expect a progress report at least as often as your school informs parents of other children about their progress. Special education progress reports must provide information about the child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child 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 and 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, if appropriate, revise the IEP.

### **Re-evaluation**

Every child in special education must be reevaluated every three years. The purpose of the re-evaluation is to decide whether the child still needs special education. The IEP team will determine what information it will need up to a year before the Child Study Team meeting. It is not always necessary to do a complete psychoeducational evaluation if the child's disability does not warrant it. For example, if a child is cognitively delayed, it may not be necessary to repeat the IQ test every three years. The IEP team will determine what is an appropriate re-evaluation for each student every three years.



### **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— at 1-800-222-7585.

Chapter 7

# Important Features of IDEA

## Disciplining of Students in Special Education

Special education students are subject to the discipline policies of the school district unless their IEPs 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 others, a positive behavior intervention plan should be included in the IEP. When a student in special education misbehaves, and the school district is considering removing that student from school for more than 10 days, the district is obligated to conduct a *functional behavioral assessment* (FBA) and a *manifestation hearing* during which a determination is made whether the student's misbehavior is a result of the disability or not.

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:

- Possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function
- Carries a weapon to school or to a school function

Students with disabilities who are proved to be dangerous or disruptive can be removed from the regular school environment to an interim educational setting for up to 45 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 determine these important decisions, and the student with disability must continue to have access to education.

Under no circumstances can special education services for students with disabilities be stopped because of a disciplinary action.

### **Private Schools / Home Schools**

Private schools (and home schools) are not required to provide special education services. Public schools must extend Child Find to all children with disabilities living within their legal boundaries, including children who are enrolled in private schools and who need special education. The district will conduct a meeting to develop an IEP, and offer those special education and related services in the public school. 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 as a parent have the right to review your child's school records and ask that the records be changed if you see errors in them.



Chapter 8

# 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 1-800-222-7585 or the Early Assistance Program of the Office of Public Instruction at 1-406-444-4402.

*If you cannot resolve issues, you have the right to ask for formal mediation or a due process hearing.*

## 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 a due process hearing. 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 1-406-444-4402.

The Early Assistance Program will attempt to resolve any issue related to a potential complaint or due process hearing through alternate dispute resolution. Formal mediation involves having a trained mediator listen to your issues and those of the school district. The mediator then tries to work with both sides of the disagreement to hammer out a mediation agreement that meets the needs of both parties. If the mediation is successful, the parties sign the agreement and due process ends at that point.

## Due Process Hearing

In situations where there is disagreement and neither Early Assistance nor mediation have been successful, parents (or school districts) can ask for a due process hearing. Due process hearings are conducted 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.

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

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

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.

## Complaints

If you think that your school district is violating the special education law in some way, you can file a complaint with the Office of Public Instruction.

To file a complaint, you should write to:

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

In your letter, explain what your school district is doing that is a violation of law (e.g. not providing services in the IEP).

## Review of Your Rights

Here is a list of your rights in the special education process.

1. 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
2. You have the right to inspect and review all of your child's educational records.
3. You must give written consent before the school can evaluate your child or place your child in a special education program.
4. It is important to understand the following about evaluations:
  - You may 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 to develop an appropriate IEP.
  - If your child is evaluated and you think the evaluation is not adequate and you disagree with the CST decision, you have the right to get an *Independent Educational Evaluation*.
  - Your school must reevaluate your child at least every three years.
  - All tests must be given in the language the child knows best.
  - You have the right to be fully informed of the results of the evaluation.
5. 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, Parental Rights in Special Education, when you plan an evaluation, re-evaluations, and when you plan with the CST/ IEP team for your child's special education at each IEP meeting.

## 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). Parent Support Consultants from PLUK can explain your rights and help you work with your school district. Call toll-free 1-800-222-7585.

Appendix A

# Glossary of Special Education Terms

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

**Advocate** Someone who pleads the case of a person with disabilities or group of people with disabilities, especially in legal or administrative proceedings or public forums.

**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.

**Audiologist** A professional who specializes in the evaluation of hearing ability and the treatment of impaired hearing.

**Autism** 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** 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 services.

**Child with a Disability** A child evaluated in accordance with the regulations of the Individuals With Disabilities Education Act as having cognitive delay; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments; deaf-blindness; multiple disabilities; or specific learning disabilities and who because of those impairments needs special education and related services. A child who is 5 years of age or younger may be identified as a child with a disability without the specific disability being specified.

**Cognitive Delay** 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.

**Continuum of Services** The range of different placement and instructional options that a school district can use to serve children with disabilities. Typically depicted as a pyramid, ranging from the least restrictive placement (regular classroom) at the bottom to the most restrictive placement (residential school or hospital) at the top.

**Deaf-blindness** Concomitant 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** A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, in a manner that adversely affects the child's educational performance.

**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** Set of legal steps and proceedings carried out according to established rules and principles; designed to protect individuals' constitutional and legal rights.

**Emotional disturbance** 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 determined that the child is emotionally disturbed.

**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 Act (IDEA),
- 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 Act (IDEA).

**Functional Behavioral Analysis** Refers to a variety of behavior assessment methodologies for determining the environmental variables that are setting the occasion for and maintaining challenging behaviors such as self-injury.

**Hearing impairment** An 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.

**Individualized Education Program (IEP)** Written document required by the Individuals with Disabilities Education Act (IDEA) 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.

**Individualized Family Services Plan (IFSP)** A requirement of the Individuals with Disabilities Education Act (IDEA) for the coordination of early intervention services for infants and toddlers with disabilities from birth to age three. Similar to the IEP, which is required for all school-age children with disabilities.

**Least Restrictive Environment** 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.

**Mainstreaming** The process of integrating children with disabilities into regular schools and classes.

**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 IDEA Amendments of 1997 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.

**Occupational Therapist** A professional who programs and/or delivers instructional activities and materials to help children and adults with disabilities learn to participate in daily life activities (e.g., feeding, dressing, writing).

**Orthopedic impairment** 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** 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.

**Physical Therapist** A professional trained to help people with disabilities develop and maintain muscular and orthopedic capability and make correct and useful movement.

**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.

**Screening** A procedure in which groups of children are examined and/or tested in an effort to identify children who are most likely to have a disability; identified children are then referred for more intensive examination and assessment.

**Self-Contained Class** A special classroom, usually located within a regular public school building, includes only children in special education.

**Specific learning disability** 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. The term includes but is not limited to such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, 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** A communication disorder, such as stuttering, impaired articulation, or a language or voice impairment, that adversely affects a child'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.

**Supported Employment** Providing ongoing, individualized supports to persons with disabilities to help them find, learn, and maintain paid employment at regular work sites in the community.

**Traumatic brain injury** 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** An impairment that, after correction, adversely affects a child's educational performance. The term includes both partial blindness and blindness.

Appendix B

# Sample Letters

**H**ere we offer a few samples of letters you might find occasion to write. Use them as a guide and include your information about your own situation. You will find the following sample letters:

- Requesting a referral and assessment
- Requesting a parent-teacher conference
- Requesting an IEP Team meeting
- Requesting Due Process
- File a complaint



## Letter Requesting a Referral and Assessment

Your Name  
Address  
Town, MT 59000

Date

Principal  
School  
Address  
Town, MT 59000

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.

We would like to fill out a formal referral on our child and to request a comprehensive assessment of [his, her] educational achievement and potential.

Thank you for your attention to this matter. We hope to hear from you within the next week because it is so important to begin helping our child with [his, her] academic problems.

Yours truly,

[signature]

Your Name  
406/555-1212 (your telephone number)

## Letter Requesting a Parent-Teacher Conference

Your Name  
Address  
Town, MT 59000

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 in [his, her] learning.

Good times for us would be: [provide several dates and times that are convenient].

We hope to hear from you this week because we would like to meet as soon as possible. We look forward to talking with you.

Yours truly,

[signature]

Your Name  
406/555-1212 (your telephone number)

## Letter Requesting an IEP Team Meeting

Your Name  
Address  
Town, MT 59000

Date

Principal  
School  
Address  
Town, MT 59000

Dear Mr. or Ms. \_\_\_\_\_:

Our [son, daughter] is an IDEA-eligible student who is currently receiving special education services under an IEP. We realize that an IEP is typically reviewed on an annual basis, but we feel the need of reviewing our child's program sooner than that. We have noticed some changes in our [son's, daughter's] behavior and academic progress which 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,

[signature]

Your Name  
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 as parents are in disagreement 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 benefit, and the staff says that the program is working effectively.

Despite our efforts to come to an agreement on a satisfactory IEP, 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 mediation as an interim step to assist us with resolving the issues without having to go into a formal due process hearing.

We would appreciate hearing from you in a timely fashion because we think our child's current program is detrimental and needs to be changed as quickly as possible.

Sincerely,

[signature]

Your Name  
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. 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 (See 300.341).

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,

[signature]

Your Name  
406/555-1212 (your telephone number)

Appendix C

# Agencies Serving Children with Disabilities In Montana

## *Early Intervention Service Agencies*

### **Comprehensive Developmental Center (CDC)**

T-214 Fort Missoula  
Missoula MT 59804 ..... 406-549-6413  
406-542-0143 (fax)  
800-914-4779  
cdcmsla@montana.com

CDC Satellite Office  
945 4th Ave E  
Kalispell MT 59901 ..... 406-755-2425  
406-755-2426 (fax)  
cdckal@digisys.net

CDC Satellite Office  
410 1st St. E, PO Box 236  
Polson MT 59860 ..... 406-883-2636  
406-883-8083 (fax)

### **Developmental Educational Assistance Program (DEAP)**

2200 Box Elder St.  
Miles City MT 59301 ..... 406-232-6034  
406-232-7018 (fax)  
800-224-6034 (in MT)  
deapa@midrivers.com

DEAP Satellite Office  
PO Box 750  
Colstrip MT 59323 ..... 406-748-4629

DEAP Satellite Office  
218 W Bell  
Glendive MT 59330 ..... 406-365-4909  
800-578-4909 (in MT)  
406-365-6927 (fax)

DEAP Satellite Office  
PO Box 972  
Lame Deer MT 59043 ..... 406-477-8002  
406-477-8006 (fax)

### **Family Outreach**

1212 Helena Ave  
Helena MT 59601 ..... 406-443-7370  
406-449-6062 (fax)

Family Outreach Satellite Office  
2411 W Main Unit #1  
Bozeman MT 59718 ..... 406-587-2477  
406-587-9526 (fax)

### **Family Outreach Satellite Office**

641 Sampson  
Butte MT 59701 ..... 406-494-1242  
406-494-1979 (fax)

### **Quality Life Concepts, Inc.**

PO Box 2506  
600 6th St. NW  
Great Falls MT 59403 ..... 406-452-9531  
406-453-5930 (fax)  
800-761-2680 (in MT)

Quality Life Concepts Satellite Office  
PO Box 527  
845 5th St.  
Havre MT 59501 ..... 406-265-2620  
406-265-2670 (fax)

Quality Life Concepts Satellite Office  
PO Box 1122  
24 W Main  
Cut Bank MT 59427 ..... 406-873-4131  
406-873-4132 (fax)

### **Hi-Line Home Programs, Inc.**

90 Hwy 2 East  
Glasgow MT 59230 ..... 406-228-9431  
406-228-2984 (fax)  
800-659-3673  
rickhlhp@nemontel.net

Hi-Line Home Programs Satellite Office  
PO Box 486  
Malta MT 59538 ..... 406-654-2993

Hi-Line Home Programs Satellite Office  
PO Box 909  
Miles City MT 59301 ..... 406-232-4925  
406-232-4943 (fax)

Hi-Line Home Programs Satellite Office  
PO Box 349  
Sidney MT 59270 ..... 406-482-6061  
406-482-7429 (fax)  
800-628-8618  
hlhpsid@lyrea.com

Hi-Line Home Programs Satellite Office  
PO Box 26  
Plentywood MT 59254 ..... 406-765-1282  
406-765-1280 (fax)  
800-322-4175  
2hilinep@nemontel.net

Hi-Line Home Programs Satellite Office  
220 3rd Ave S  
Wolf Point MT 59201 ..... 406-653-1219

**Early Childhood Intervention (ECI)**  
Billings Public Schools  
415 N 30th St.  
Billings MT 59101 ..... 406-247-3817  
406-247-3800  
406-247-3773 (fax)  
heiserk@billings.k12.mt.us

**Support and Techniques for Empowering People (STEP)**  
1501 14th St. W Suite 210  
Billings MT 59102 ..... 406-248-2055  
406-248-1493 (fax)  
800-820-4180 (in MT, CO, ID, ND & SD)  
pattyp@step-inc.org

STEP Satellite Office  
26 W 6th  
Hardin MT 59034 ..... 406-665-2982

STEP Satellite Office  
224 W Main St. Suite 504  
Lewistown MT 59457 ..... 406-538-9759  
406-538-9759 (fax)

STEP Satellite Office  
PO Box 2251  
Red Lodge MT 59068 ..... 406-446-3436  
406-446-3436 (fax-call first)

### **State Agencies**

**Office of Public Instruction (OPI)**  
Special Services  
PO Box 202501  
Helena MT 59620 ..... 406-444-4429  
toll free: 888-231-9393  
<http://www.metnet.state.mt.us/SpecialEd/>

**Developmental Disabilities Program/DPHHS**  
DPHHS Building  
111 Sanders  
PO Box 4210  
Helena MT 59604 ..... 406-444-2995  
406-444-0230 (fax)  
toll free: 877-296-1197  
<http://www.dphhs.state.mt.us/dsd/>

**Mental Health Ombudsman**  
PO Box 200804  
Helena MT 59620-0804 ..... 888-444-9669

**Montana School for the Deaf and the Blind**  
3911 Central Ave  
Great Falls MT 59405-1697 ..... 406-771-6000  
800-882-6732  
<http://www.sdb.state.mt.us>

### **Federal Agencies**

**U.S. Department of Education**  
400 Maryland Ave SW  
Washington DC 20202-0498 .....  
800-USA-LEARN (800-872-5327)  
<http://www.ed.gov>

**U.S. Department of Health and Human Services**  
200 Independence Ave SW  
Washington DC 20201 ..... 877-696-6775  
<http://www.hhs.gov>

**The National Information Center for Children and Youth with Disabilities - NICHCY**  
PO Box 1492  
Washington DC 20013 ..... 800-695-0285  
<http://www.nichcy.org>

**The National Information Center for Children and Youth with Disabilities - NICHCY**  
PO Box 1492  
Washington DC 20013 ..... 800-695-0285  
<http://www.nichcy.org>

### **Advocacy**

**Parents, Let's Unite for Kids (PLUK)**  
516 N 32nd St.  
Billings MT 59101 ..... 406-255-0540  
406-255-0523 (fax)  
800-222-7585 (in MT)  
plukinfo@pluk.org  
<http://www.pluk.org>

**Montana Advocacy Program - MAP**  
PO Box 1681  
400 North Park 2nd Floor  
Helena MT 59624 ..... 406-449-2334  
800-245-4743  
advocate@mtadv.org  
<http://www.mtadv.org>

### ***Special Education Cooperatives***

#### **Bear Paw Co-op**

Dick Slonaker  
PO Box 1449  
Chinook MT 59523-1449 ..... 406-357-2269  
406-357-2517 (fax)

#### **Big Country Special Education Co-op**

Robert Richards  
PO Box 668  
Miles City MT 59301-0668 ..... 406-232-1957  
406-232-6687 (fax)

#### **Big Sky Special Needs Co-op**

Judith Gosnell Lamb  
215 S Maryland  
Conrad MT 59425-2017 ..... 406-278-7558  
406-278-5959 (fax)  
raylamb@marsweb.com

#### **Bitterroot Special Education Co-op**

Tim Miller  
PO Box 137  
Stevensville MT 59870-0687 ... 406-777-2494  
406-777-2495 (fax)  
tmiller@metnet.mt.gov

#### **Central Montana Learning Resource Center**

Charlie Brown  
215 7 Ave S  
Lewistown MT 59457 ..... 406-538-7454  
406-538-7292 (fax)  
cbrown@tein.net

#### **Chouteau County Joint Service**

Carl Somers  
PO Box 399  
Fort Benton MT 59442-0399 ... 406-622-3761  
406-622-5691 (fax)

#### **Eastern Yellowstone Special Education Co-op**

Leonard Orth  
1932 Hwy 87 E  
Billings MT 59101-6699 ..... 406-252-4022  
406-259-2502 (fax)  
leonard\_orth@metnet.mt.gov

#### **Flathead County Special Education Co-op**

Sue Paulson  
18 W Evergreen  
Kalispell MT 59901 ..... 406-751-1113  
406-751-1112 (fax)  
strong@digisys.net

#### **Gallatin-Madison Special Education Co-op**

Ron Laferrier  
PO Box 162  
Belgrade MT 59714 ..... 406-388-6508  
406-388-4824 (fax)  
galmad@mcn.net

#### **Great Divide Educational Services Co-op**

Jim McDonald  
PO Box 48  
Deer Lodge MT 59722-0048 .... 406-846-2147  
406-846-2154 (fax)

#### **Missoula Area Education Co-op**

Fred Appelman  
438 W Spruce  
Missoula MT 59801 ..... 406-523-4861  
406-523-4731 (fax)  
fappelman@metnet.mt.gov

#### **North Central Learning Resource Center**

Elaine Colie Spindler  
1601 2nd Ave N Suite 234  
Great Falls MT 59401 ..... 406-727-6303  
406-727-6304 (fax)  
espin@mcn.net

#### **Park County Special Education Co-op**

Lori Ruffier  
129 River Dr.  
Livingston MT 59047 ..... 406-222-6600  
406-222-6601 (fax)

#### **Prairie View Special Services**

Diane Fladmo  
30 Hwy 200 S  
Glendive MT 59330 ..... 406-365-5446  
406-365-8928 (fax)

#### **Prickly Pear Special Education Co-op**

PO Box 1280  
East Helena MT 59635-1280 ... 406-227-5033  
406-227-8039 (fax)

#### **Roose-Valley Special Education Co-op**

Carmen Goetz  
PO Box 177  
409 Tubmen  
Bainville MT 59212-0117 ..... 406-769-2255  
406-769-2155 (fax)  
carmen@nemontel.net

#### **Sanders County Educational Services Co-op**

Mary Rocco  
PO Box 129  
Thompson Falls MT 59873-0129 406-827-3007  
406-827-3020 (fax)

#### **Sheridan/ Daniels Special Education Co-op**

Arlyn Sunsted  
100 E Laurel  
Plentywood MT 59254 ..... 406-765-1803  
406-765-1195 (fax)  
2wildcat@nemontel.net

**Stillwater/Sweet Grass Education Co-op**

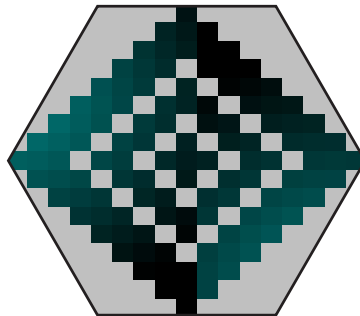
Lanny Stene  
PO Box 669  
Columbus MT 59019-0899 ..... 406-322-5298  
406-322-5376 (fax)  
ssg@wtp.net

**Yellowstone-West/Carbon County Special Education Co-op**

Barb Stefanic  
410 Colorado Ave  
Laurel MT 59044-2714 ..... 406-628-7903  
406-628-7935 (fax)  
ywccscc@yahoo.com

**Tri-County Special Education Co-op**

Charlotte Miller  
PO Box 718  
Broadus MT 59317-0300 ..... 406-436-2488  
406-436-2151 (fax)



***Special Education Directors***

**Anaconda**

Bill Hickey  
PO Box 1281  
Anaconda MT 59711-1281 ..... 406-563-5101  
406-563-7763 (fax)

**Butte**

Chuck Uggeti  
1050 S MT  
Butte MT 59701 ..... 406-496-2150  
406-496-2020 (fax)

**Beaverhead County High School**

Wyatt Tustin  
104 N Pacific  
Dillon MT 59725 ..... 406-683-2361  
406-683-5263 (fax)

**Colstrip**

Judy Anderson  
PO Box 159  
Colstrip MT 59323-0159 ..... 406-748-4301  
406-748-2517 (fax)  
janderson@colstrip.k12.mt.us

**Belgrade**

Laurie Salo  
PO Box 166  
Belgrade MT 59714-0166 ..... 406-388-6951  
406-388-0122 (fax)

**Columbia Falls**

Bill Johnson  
PO Box 1259  
Columbia Falls MT 59912-1259 406-892-6562  
406-892-6565 (fax)  
bscjohn@bigsky.net

**Billings**

Special Education Director  
415 N 30th St.  
Billings MT 59101 ..... 406-247-3813  
406-247-3773 (fax)

**Corvallis**

Ginny Haines  
PO Box 700  
Corvallis MT 59828-0700 ..... 406-961-3962  
406-961-5144 (fax)  
ginnyh@corvallis.k12.mt.us

**Bozeman**

Ron LaFerriere  
PO Box 520  
Bozeman MT 59715-0520 ..... 406-522-1546

**Deer Lodge**

Patrick Rogers  
444 Montana Ave  
Deer Lodge MT 59722-1547 .... 406-846-1684  
406-846-1599 (fax)  
pc\_rogers@yahoo.com

**Eureka**

Cynthia Worrall  
PO Box 2000  
Eureka MT 59917-2000 ..... 406-296-2921  
mdoyle@pchs.dl.k12.mt.us

**Evergreen**

Sue Paulson  
18 W Evergreen  
Kalispell MT 59901 ..... 406-751-1111  
406-751-1112 (fax)

**Glasgow**

Gary Martin  
PO Box 28  
Glasgow MT 59230-0028 ..... 406-228-2406  
406-228-2407 (fax)

**Glendive**

Steve Meyer  
PO Box 701  
Glendive MT 59330-0701 ..... 406-377-4629  
406-377-8206 (fax)

**Great Falls**

915 1st Ave S  
Great Falls MT 59405 ..... 406-268-6025  
406-268-6002 (fax)

**Hardin**

Keith Fletcher  
631 W 5th  
Hardin MT 59034 ..... 406-665-1939  
406-665-2784 (fax)

**Havre**

Karla Wohlwend  
PO Box 7791  
Havre MT 59501-7791 ..... 406-265-4356  
406-265-8460 (fax)  
karlaw@hi-line.net

**Helena**

Joe Furshong  
55 S Rodney  
Helena MT 59601 ..... 406-447-8585  
406-447-8572 (fax)  
jfurshong@helena.k12.mt.us

**Kalispell**

Larry Robert  
233 1st Ave E  
Kalispell MT 59901 ..... 406-751-3408  
406-751-3416 (fax)

**Lame Deer**

Bernadette Charette

PO Box 96  
Lame Deer MT 59043-0096 ..... 406-477-8213  
406-477-8594 (fax)

**Libby**

John Kratofil  
111 E Lincoln Blvd.  
Libby MT 59923 ..... 406-293-8815  
406-293-8814 (fax)  
sped@libby.org

**Lodge Grass**

Anne Whiteman  
PO Box 810  
Lodge Grass MT 59050-0810 .. 406-639-2333  
406-639-2375 (fax)

**Lolo**

Carolyn Kindrick  
11395 Hwy 93 W  
Lolo MT 59847-9600 ..... 406-273-6686  
406-273-2628 (fax)

**Miles City**

Margaret Tryon  
1604 Main St.  
Miles City MT 59301 ..... 406-232-3812  
406-232-3817 (fax)  
spserv@midrivers.com

**Missoula Schools**

Mike Fredrickson  
215 South 6th St. W  
Missoula MT 59801 .. 406-728-2400 ext. 1054  
mfredrickson@mcps.k12.mt.us  
Nancy Marks  
901 South Ave W  
Missoula MT 59801 .. 406-728-2400 ext. 7031  
nmarks@mcps.k12.mt.us  
Barbara Nelson  
310 Curtis  
Missoula MT 59801 .. 406-728-2400 ext. 8053  
bnelson@mcps.k12.mt.us

**Montana Developmental Center**

Vince Benjamin  
PO Box 87  
Boulder MT 59632-0087 406-225-4472: 406-225-4414 (fax)

**Pine Hills School**

Steve Gibson  
PO Box 1058  
Miles City MT 59301-1058 ..... 406-232-1377  
406-232-7432 (fax)

**Polson**

Dennis Clarkson  
111 4th Ave E  
Polson MT 59860 ..... 406-883-6362  
clarkson@digisys.net

**Poplar**

Mike Thompson  
PO Box 458  
Poplar MT 59255-0458 ..... 406-768-3534

**Ronan**

Joan Graham  
Drawer R  
Ronan MT 59864 ..... 406-676-5855  
406-676-3392 (fax)

**Sidney**

Duane Pust  
121 5th St. SW  
Sidney MT 59270 ..... 406-433-4251  
406-433-4052 (fax)

**Target Range**

Emilie Anderson  
4095 S Ave W  
Missoula MT 59804 ..... 406-728-6893  
406-728-8841 (fax)  
anderson@target.k12.mt.us

**Whitefish**

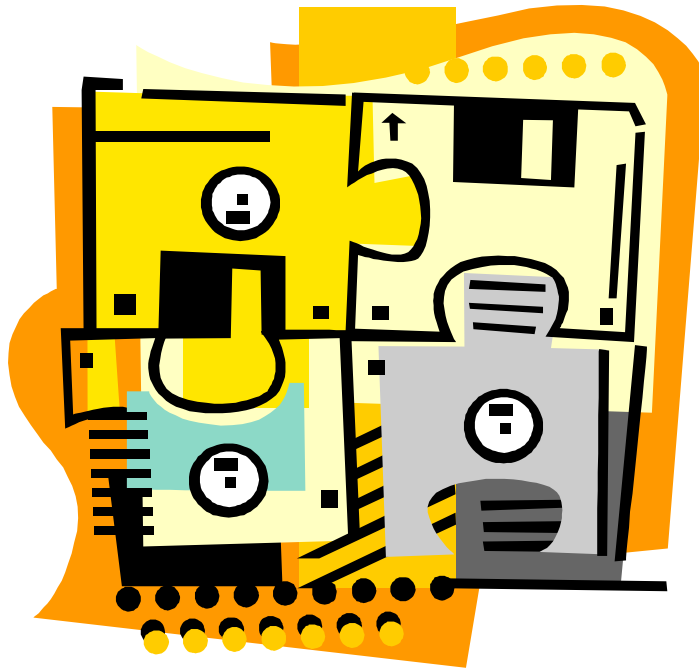
Mike Kinne  
PO Box 198  
Whitefish MT 59937-0198 ..... 406-862-8655  
406-862-1507 (fax)

**Wolf Point**

Peggy Ames Nerud  
220 4th Ave S  
Wolf Point MT 59201 ..... 406-653-1653  
406-653-1881 (fax)

**Yellowstone Education Center**

Ron Hatcher  
1732 S 72nd St. W  
Billings MT 59106 ..... 406-656-2198  
406-656-2328 (fax)



Appendix D

## Web Sites

*"For additional information, visit these sites on the internet, or search for "special education" or specific topics."*

**American Occupational Therapy Association, Inc.**  
<http://www.aota.org/index.html>

**The Arc Home Page**  
<http://TheArc.org/welcome.html>

**ASPEN Society of America, Inc.**  
**(Asperger Syndrome Education Network)**  
<http://www.familyvillage.wisc.edu/lib-aspe.htm>

**The Autism Society of America**  
[http://www.autism-society.org/asa\\_home.html](http://www.autism-society.org/asa_home.html)

**Blind Children's Center**  
<http://www.blindcntr.org/bcc/>

**California's School-to-Work  
Interagency Transition Partnership**  
<http://www.sna.com/switp/>

**Center for the Study of Autism**  
<http://www.autism.org/>

**Children & Adults with Attention Deficit Disorders**  
<http://www.chadd.org/>

**Children with Special Needs**  
<http://www.snapoinfo.org/>

**Deaf World Web**  
<http://dww.tfsku.net/'cbaslock/hir-t.html>

**Family Village: A Global Community  
of Disability-Related Resources**  
<http://www.familyvillage.wisc.edu/index.htmlx>

**Gifted Resources Home Page**  
[http://www.kidssource.com/contentchallenging\\_gifted\\_kidshhtml](http://www.kidssource.com/contentchallenging_gifted_kidshhtml)  
*and*  
<http://www.smu.edu/'gsi/>

**Internet Resources for Special Children (IRSC)**  
<http://www.irsc.org/>

**LD OnLine**  
<http://www.ldonline.org/index.html>

**OASIS: Online Asperger Syndrome  
Information & Support**  
<http://www.udel.edu/bkirby/asperger/>

**Outside the Box**  
<http://www.cdipage.com/adhd.htm>

**PLUK**  
<http://www.pluk.org>

**Schwab Learning (LD Resources)**  
<http://www.schwablearning.org/>

**Sign Writing Site**  
<http://www.SignWriting.org/>

**Special Educator's Web Pages**  
<http://www.geocities.com/Athens/Styx/7315/>

**Special Needs Education**  
<http://www.schoolnet.ca/sne/>

**Special Resources**  
[http://www.bushnet.qld.edu.au/sarah/spec\\_ed/](http://www.bushnet.qld.edu.au/sarah/spec_ed/)

**Teaching Ideas  
for Early Childhood Special Educators**  
<http://www.mcps.K12.med.us/curriculum/pep/teach.htm>

**Montana Office of Public Instruction**  
<http://www.metnet.state.mt.us>

**Family Support Services Advisory Council**  
<http://www.dphhs.state.mt.us/fssac/>

**Montana Disability Services Division**  
<http://www.dphhs.state.mt.us/dsd/>

**Montana IDEA Deaf-Blind Services**  
<http://www.metnet.state.mt.us/MontanaDeaf-Blind/HTM/>

**Montana School for the Deaf and the Blind**  
<http://www.sdb.state.mt.us>

**Montana Advocacy Program - MAP**  
<http://www.mtadv.org>

**U.S. Department of Education**  
<http://www.ed.gov>

**U.S. Department of Health and Human Services**  
<http://www.hhs.gov>

**The National Information Center for Children  
and Youth with Disabilities - NICHCY**  
<http://www.nichcy.org>