



# Program Narrative

Yellowstone-West/Carbon County Special  
Services Cooperative

Completed: March 2026 by Brandyn Romo, Director

## Current Member Districts:

1. Belfry
2. Blue Creek
3. Bridger
4. Broadview
5. Canyon Creek
6. Elder Grove
7. Elysian
8. Fromberg
9. Independent
10. Joliet
11. Luther
12. Morin
13. Pryor
14. Red Lodge
15. Roberts
16. Yellowstone Academy

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## Program Narrative

### 34 CFR 300.201

The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under CFR 300.101 through 300.163, and 300.165 through 300.174.

### ARM 10.16.3220

Each local educational agency or education cooperative must have on file with the Superintendent of Public Instruction a written program narrative that describes policies and procedures used for the provision of special education and related services within the local educational agency or education cooperative. The policies, procedures, and services in the narrative shall be consistent with state policies and address the requirements of 300.101 through 300.163, and 300.165 through 300.174.

If a local educational agency participates in an education cooperative under 20-7-451 and 20-7-457, MCA, the local educational agency must submit a single program narrative through the cooperative.

**Authorizing statute(s):** 20-7-402

**MCA Implementing statute(s):** 20-7-403, 20-7-414

*This Program Narrative outlines the special education policies and responsibilities of the Yellowstone-West/Carbon County Special Services Cooperative (the Cooperative) and its member districts. All member districts adhere to these written policies and procedures. Districts may supplement the Program Narrative with additional responsibilities, but they may not substitute or omit any of the policies referenced.*

## SECTION I: Free and Appropriate Public Education (FAPE)

Definition of Free Appropriate Public Education (FAPE) [34 CFR 300.101](#)

Limitation – an exception to FAPE for certain ages as defined in [34 CFR 300.102](#)

- [34 CFR 300.104](#) Residential placement (ARM [10.16.3341](#), [10.20.106](#), MCA [20-7-436](#))
- [34 CFR 300.105](#) Assistive technology (MCA [20-7-411\(6\)](#))
- [34 CFR 300.106](#) Extended School Year services (ARM [10.16.3324](#))
- [34 CFR 300.107](#) Nonacademic services ([34 CFR 300.113](#))
- [34 CFR 300.110](#) Program options (art, music, industrial arts, etc.)
- [34 CFR 300.113](#) Routine checking of hearing aids and external components of surgically implanted medical devices (ARM [10.16.3122](#), MT OPI Hearing Conservation Program (HCP))

The Yellowstone-West/Carbon County Special Services Cooperative and its member school districts ensure that a Free Appropriate Public Education (FAPE) is made available to all children with disabilities attending public school within the district boundaries who are between the ages of three and twenty-one in accordance with IDEA and the Montana Office of Public Instruction (OPI).

**Residential Placement:** In the event that the residential facility as defined in [MCA 20-7-436](#) or children's psychiatric hospital is unable or unwilling to provide an appropriate education as required under the IDEA, the Yellowstone-West/Carbon County Special Services Cooperative and the member school districts are responsible for ensuring that a student placed in a residential treatment facility or children's psychiatric hospital receives FAPE under IDEA. If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.

**Assistive Technology:** The Yellowstone-West/Carbon County Special Services Cooperative and its member school districts make assistive technology available, if required, as part of the child's special education, related services or supplementary aids and services.

**Extended School Year:** The Yellowstone-West/Carbon County Special Services Cooperative and its member school districts ensure that extended school year services (ESY) are provided when a child's individualized education program (IEP) team determines the services are necessary for the provision of FAPE to the child. The IEP team shall determine, on an individual basis, that ESY services are necessary to avoid a loss of skills that the student could not otherwise regain within a reasonable period of time. ESY services are provided to maintain identified skills and to prevent or avoid substantial loss of previously acquired or emerging skills or behaviors. ESY services are not intended to introduce new learning and new skills.

**Nonacademic Services:** The Yellowstone-West/Carbon County Special Services Cooperative and its member school districts take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities as provided to students without

disabilities.

**Program Options:** The Yellowstone-West/Carbon County Special Services Cooperative and its member school districts take steps to ensure that children with disabilities served by their schools have available to them the variety of educational programs and services available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education. Each child with a disability is afforded the opportunity to participate in general education programs available to non-disabled children, unless the child is in need of specially designed instruction, as described in the child's IEP.

**Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices:** Through routine checks, the Montana OPI Hearing Conservation Program, in cooperation with the Yellowstone-West/Carbon County Special Services Cooperative and its member school districts, ensures that hearing aids and implanted medical devices worn in school by children with hearing impairments, including deafness, are functioning properly.

## **SECTION II: Full Educational Opportunity Goal (FEOG)**

- [34 CFR 300.107](#) Non-academic services
- [34 CFR 300.109](#) Full educational opportunity goal
- [34 CFR 300.110](#) Program options
- [34 CFR 300.201](#) Consistency with State policies

It is the goal of the Yellowstone-West/Carbon County Special Services Cooperative and each member district to provide full educational opportunity to all children with disabilities within its boundaries, aged three through twenty-one, consistent with the Individuals with Disabilities Education Act.

Member districts ensure that all its children with disabilities have access to the variety of educational programs and services available to nondisabled children. Member districts also provide supplementary aids and services, as determined appropriate and necessary by the child's individualized education program (IEP) team, to ensure that children with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities.

The Yellowstone-West/Carbon County Special Services Cooperative and its member districts ensure the availability of a continuum of placements to provide each student with a disability the opportunity for education in the least restrictive environment (LRE). Any removal of a student with a disability from the regular education environment may occur only when the nature and severity of the child's needs dictate that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The member districts ensure the provision of program options, nonacademic and extracurricular services are available to students eligible for services under IDEA through the development of an IEP.

## SECTION III: Child Find

- [34 CFR 300.111](#) Child find
- [ARM 10.16.3125](#) , [10.60.101](#), [10.60.103](#) Child find and special education identification responsibilities
- [34 CFR 131](#) Child find for parentally placed private school children with disabilities
- Authorizing statute(s): [Sec. 20-2-121, MCA](#)
- Implementing statute(s): [Sec. 20-7-402, MCA](#)

In accordance with federal law, the Yellowstone-West/Carbon County Special Services Cooperative and each member district are responsible for the location and evaluation of all children ages three through twenty-one who reside within the district's boundaries who require special education and related services. This includes children who are suspected of having a disability even though they may be advancing grade to grade. The Cooperative staff share responsibility with district staff in the implementation of Child Find activities as described herein. The designated coordinator of Child Find activities is the Cooperative director. The director is hereby authorized to serve as the administrative representative at Evaluation and Individual Education Plan team meetings for all member districts at the district administrators' request.

The Cooperative and each member district have developed policies and procedures which locate, identify and evaluate all students with disabilities, regardless of the severity of their disabilities, from age three through age twenty-one, who have not yet graduated from high school with a regular diploma, who reside within the boundaries of the member school districts. This includes those students who may be homeless or wards of the state, as well as children with disabilities who may attend private or homeschools within the jurisdiction of a member district. Child Find includes the ongoing effort to identify preschool and school-aged children with disabilities through our referral and evaluation procedures, as well as our periodic screening of preschoolers who may be experiencing developmental delays.

**Annual Public Notification of Child Find:** The public is annually informed of the Child Find activities through annual notices provided to all public schools and publication on individual member district websites, if applicable. In addition, local agencies who serve children will be provided an annual notice as will any other entity that requests notice. Member districts also provide notices to parents through student handbooks and newsletters. Flyers describing the screening times, activities, dates and site locations may also be posted in the school, local businesses and sent home with students.

**Child Find Records:** The Cooperative office will maintain a file that includes the Child Find activities for each school year. The file will include notices and advertisement, lists of children who participated in Child Find activities, the status of each child who went through the Child Find process, and other similar information.

All children found to be eligible for service under Part B and Preschool will be included in the annual October Child Count report submitted annually to OPI by the Cooperative and its member districts. A record will be maintained of all children who did not qualify for special education following Child Find activities. For those students who do not qualify, the results of the Evaluation Report will be maintained in the Child Find records at the Cooperative office.

**General Child Find Procedures:** The Child Find activities described below apply to students who are suspected of having a disability as well as for students who have been or are being considered for retention in grade level, delayed admittance, long-term suspension or expulsion or wavier of learner outcomes. Initial evaluations are conducted within the 60-day timeline established in [34 CFR 300.301\(c\)](#).

### **Infants and Toddlers (Birth through Age 2)**

When a participating district or Cooperative staff member becomes aware of a child (from birth through two and a half years old) who may have a disability, the staff member will notify the Cooperative director who will notify the appropriate early intervention agency liaison of a potentially eligible child.

### **Preschool (Ages 3 through 5)**

Across the area served by the Cooperative and across the academic calendar, the Cooperative will host at least three annual screenings for children who may have a disability. A team, which may include a school psychologist, speech/language pathologist, occupational therapist, public health nurse, and audiologist, conducts screening. Screening includes cognitive, fine and gross motor, vision, hearing, speech/language development, and wellness (height, weight, immunization review and general wellness usually provided by a nurse). Parents may be notified of screening dates through advertisement in the social media, posting of screening information in each Cooperative school, through school newsletters, notices to local agencies who provide services to children, and posting in various public locations.

If a family is unable to attend the screening, the Cooperative will find an alternative way to screen the child upon request. The Cooperative may screen the child at their school of residence at a date and time mutually agreed upon by the Cooperative staff and parents.

Children who have been identified as eligible under Part C (Infant and toddler program) are brought to the attention of the Cooperative's director by the Part C agency liaison so that eligibility for Part B special education services can be determined. Parent permission to conduct an IDEA Part B evaluation is requested following the Part C to Part B transition meeting. Following the assessment, an evaluation team meeting is scheduled to determine whether the student is eligible for Part B services. If the child is found eligible for Part B, an IEP will be implemented for the child by his/her third (3<sup>rd</sup>) birthday.

### **In School (Ages 5 through 19)**

Districts may use a process based on the child's response to scientific, research-based interventions (RTI/MTSS), or a process to determine a severe discrepancy between intellectual ability and achievement, to determine eligibility for special education services under the category of a specific learning disability (SLD) in basic reading, reading comprehension, reading fluency, written expression, math problems solving, and/or math calculation in grades K-12. The process districts follow for use of the RTI model for SLD identification includes a review of student and peer progress following at least two scientific, research-based interventions delivered with fidelity for a minimum of six weeks each. A school-based team will review progress data and adjust interventions as warranted. If a student fails to make adequate

progress, the team will refer the student for comprehensive evaluation which will include the RTI progress data as well as other data deemed necessary by the Evaluation team. The process districts follow for use of the discrepancy model for SLD identification typically includes pre-referral activities, which normally consist of two interventions specific to the problem area, each for a minimum of four weeks. Based on information collected during the course of appropriate interventions, if it is suspected that a child may be a child with a disability that adversely affects the child's educational performance to the degree the child needs special education and related services, the school shall not delay in seeking parental consent to conduct an initial evaluation of the student. If the pre-referral process concludes with a decision to complete a referral for a special education evaluation, district or Cooperative staff will secure parent permission to evaluate the child.

Upon completion of the evaluation, an evaluation team will determine whether or not the child is eligible for special education.

In addition to the typical process described above, referrals can also be brought forward for consideration by:

- Medical practitioners (doctors, physician assistants, nurses)
- Community agencies (including but not limited to AWARE, YDI, YBGR, DPHHS)
- Child care providers
- Parent referral

If a parent requests a special education evaluation, the request must be made in writing. In each of the above situations the pre-referral process will be completed, followed by the formal referral, and if appropriate, permission to conduct an evaluation. The district and Cooperative may elect to move to an immediate evaluation if the pre-referral and referral process would, in their opinion, unnecessarily delay the provision of a FAPE to the student.

When a teacher or an administrator suspects a student may have a disability, they will begin the pre-referral process and will document two interventions each of which will be used over at least a six-week period of time. If the data collected during the intervention period indicates lack of progress, a team including school staff, specialists, and the parent will meet to consider whether to proceed with a referral for a special education evaluation. If the team agrees to proceed with an evaluation, the district will assign a resource teacher to serve as the case manager for the student. The case manager will develop a written referral and notice of evaluation plan. The parent will be asked to sign the notice of evaluation form. The district and Cooperative may elect to move to an immediate evaluation if the pre-referral process would, in their opinion, unnecessarily delay the provision of a FAPE to the student.

The case manager will notify the Cooperative office who will then notify the Cooperative staff who will be responsible for part of the evaluation. The case manager is responsible for monitoring the evaluation timeline to ensure the evaluations are completed within sixty calendar days of the district receiving the signed permission to evaluate the child. The school psychologist and the Cooperative director may also monitor completion of the evaluation report within sixty calendar days.

### **Post-School (Ages 19 through 21)**

The district of residence and the Cooperative will use the same procedures to evaluate adult students as they would for all students, provided they have not yet graduated from high school with a regular diploma and were not previously identified for services. The Cooperative will review the history of the student in the area of suspected disability. If the Cooperative and the adult in this age category agree that an evaluation would be appropriate, the evaluation would consider all areas of suspected disability and would conclude with an evaluation team meeting to determine eligibility. The district/cooperative will coordinate with other agencies to ensure the person is evaluated in a timely manner and has access to needed services.

### **Private Schools (To Include Home Schools)**

School-age private school and homeschool students have the same right to an evaluation as public school students, and the Cooperative and districts will evaluate private school students in the same manner and timeframe as public school students. The Cooperative and its member districts will ensure that eligible children with disabilities who are parentally placed in private schools, including religious schools, homeschool, or placed in schools or facilities that meet the state definition of elementary or secondary schools, will have access to free school-based evaluations. Further, the Cooperative and its member districts will engage in meaningful consultation with the private schools or County Superintendent within their boundaries, and determine what type and amount of services will be provided to private school students by the district. If a child with a disability is enrolled in a private school, the public school district will be responsible for developing a service plan as required under IDEA. The district will provide services consistent with that plan.

For most private school and homeschool children in the boundaries of the member districts, the Cooperative relies on the following methods to encourage parents to be aware of Child Find activities:

- Advertisement of screening, as noted above, and with the express purpose of reaching private and homeschool parents.
- By providing information on Child Find to the County Superintendent of Schools and to administrators of private schools within the Cooperative boundaries.

Once the Cooperative becomes aware of a student who may have a disability, Cooperative staff will meet with the parent to explain the process and encourage the parent to take their child through the Child Find screening hosted by the Cooperative for children ages three through six. Children with suspected speech and language impairments will also be screened prior to making a decision to evaluate. Based on the results of the screening, the Cooperative may recommend the parent work on some specific skills over a three to six month period of time and then rescreen. The Cooperative may determine there is enough information from the screening to warrant a special education evaluation, and if so, the parent will be asked to provide permission to conduct the evaluation. School-age children referred for evaluation by a parent or private school provider for academic, cognitive, or social/emotional/behavioral concerns will be provided with an evaluation based on the concerns raised by the parents and/or private school personnel. Parents will be asked to provide permission to conduct the evaluation.

### **Homeless Children – Highly Mobile Children**

Typically, referrals for homeless children come through medical organizations, the Department of Public Health and Human Services, local agencies, or the schools. If a homeless child is suspected of having a disability, school and/or Cooperative staff will be asked to use screeners to determine the skill levels of the child. Once the school has reason to believe the homeless child may have a disability, they will begin the pre-referral process and continue as if the child had been in the school setting. The district and Cooperative reserve the right to waive the pre-referral process if, in their opinion, to delay an evaluation would unnecessarily delay the provision of a FAPE in accordance with the McKinney-Vento Act.

The district and the Cooperative will initiate Child Find activities for those children who are highly mobile. If another district has initiated the pre-referral, referral or evaluation process, the Cooperative and member school district will make every effort to proceed with the process that was begun in an attempt to complete the process while the student remains in a member school. For those students who come to the attention of the district or Cooperative for whom Child Find activities have not been initiated, the Cooperative will make every effort to initiate the process and if the student leaves prior to completion of the process a letter will be included in transferring records to advise the receiving district of the background of the child and what the receiving district will need to do to continue the evaluation process.

## **SECTION IV: Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements**

- [34 CFR 300.300](#) Parental consent
- [34 CFR 300.304](#) Evaluations and re-evaluations
- [34 CFR 300.302](#) Screenings
- [34 CFR 300.301](#) Initial evaluations
- [34 CFR 300.303](#) Re-evaluations
- [34 CFR 300.305](#) Additional requirements for evaluations and re-evaluations
- [34 CFR 300.306](#) Determination of eligibility ([ARM 10.16.3007](#), [ARM 10.16.3010-22](#))
- [34 CFR 300.320-328](#) Individual Education Plans ([ARM 10.16.3340](#), [ARM 37.98.1225](#))
- [34 CFR 300.321](#) IEP team
- [34 CFR 300.322](#) Parent participation
- [34 CFR 300.323](#) When IEPs must be in effect
- [34 CFR 300.324](#) Development, review and revision of IEP
- [34 CFR 300.325](#) Private school placement by public agencies
- [34 CFR 300.327](#) Education placements
- [34 CFR 300.328](#) Alternative means of meeting participation
- [34 CFR 300.307](#) Specific learning disabilities
- [34 CFR 300.308](#) Additional group members
- [34 CFR 300.309](#) Determining the existence of a specific learning disability
- [34 CFR 300.310](#) Observation
- [34 CFR 300.311](#) Specific documentation for the eligibility determination

### **Parental Consent**

The Cooperative and its member districts ensure that reasonable efforts are made to obtain consent to conduct an initial evaluation and re-evaluation.

Consent confirms the following:

- Parents/guardians have been fully informed in their native language or other mode of communication of all information relevant to the activity for which consent is sought.
- Parents/guardians understand and agree in writing to the carrying out of the activity for which the consent was asked. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released.
- Parents/guardians understand that the granting of consent is voluntary and may be revoked at any time.

Written consent is obtained prior to an initial evaluation, providing initial special education and/or related services (does not apply to transfer students), re-evaluation, sharing of personally identifiable information to any person or entity not authorized to obtain those records in accordance with FERPA (or any additional occasions).

Written consent is not required with reviewing existing data as part of an evaluation or re-evaluation or when administering a test or evaluation that is given to all children, unless consent is required of all parents/guardians.

### **Parent/Guardian Failure or Refusal to Provide Consent**

The Yellowstone-West/Carbon County Special Services Cooperative and each member district make reasonable efforts to obtain written consent. This may include written correspondence, phone calls, electronic mail communication, and/or in-person communication.

Documentation of attempts is kept on file. If the Cooperative or its member district is unable to obtain consent the procedure is as follows:

**Initial Evaluation:** The member district may request a due process hearing and engage in conflict resolution if needed, to attempt to have parents/guardian provide consent. The member district may also choose to not pursue the initial evaluation and provide prior written notice of this decision.

**Re-evaluation:** The member district and the parent/guardian may agree that the re-evaluation is unnecessary. If this agreement is reached, the three-year re-evaluation need not be conducted, FAPE will continue.

If the member district determines that a re-evaluation is necessary but the parent/guardian refuses to consent to the re-evaluation, the district may conduct the evaluation. Parental consent does not need to be obtained to conduct a re-evaluation if the school district can demonstrate that it has taken reasonable measures to obtain that consent and the student's parent has failed to respond. If unsuccessful after several attempts the district may proceed with the evaluation.

**Revocation of Consent:** The parent/guardians may revoke consent for and remove the child from special education and related services. When the member district receives written revocation of consent, prior written notice is provided and appropriate interventions continue to be provided through the regular education environment. The revocation is for all special education services. The parent/guardian may not revoke consent for some services and not others.

### **Evaluations and Re-evaluations**

**Evaluation Procedures:** The Yellowstone-West/Carbon County Special Services Cooperative and each member district conduct the assessments necessary to address the disability criteria for each suspected disability.

**Screening:** The Yellowstone-West/Carbon County Special Services Cooperative and each member district do not rely on screening as an evaluation tool to determine eligibility for special education and/or related services. Screenings are used as a basis for making informed referrals for special education evaluations.

**Initial Evaluations:** Within a reasonable amount of time from the receipt of a request for an evaluation, or the initial suspicion of a disability, parental consent for assessment is obtained. The team consists of members of the Cooperative and member district staff qualified to conduct such an evaluation and, whenever possible, who are most familiar with the student. The evaluation is conducted within the 60-day timeline and includes the following:

- Review of existing data
- Information provided by parents/guardians of the student
- Evaluation of student's identified areas of concern
- Classroom-based assessment(s)

- Classroom observation(s)
- Data pertaining to student's progress in the general curriculum as compared to peers
- Data pertaining to the student's growth and development as compared to peers
- Data from previous interventions

The Evaluation team will use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent, that may assist in determining if the student meets the eligibility requirements as a child with a disability.

An evaluation report will be shared with the entire team upon completion of the evaluation process. Determination of eligibility will be discussed and decided at the Evaluation team meeting.

**Re-evaluations:** Within a reasonable amount of time when a re-evaluation is necessary, parental consent is requested. Re-evaluations of a child with a disability occur at least once every three years, unless the parent and the district agree the re-evaluation is unnecessary. A re-evaluation will be conducted if the district determines that the child's educational or related service needs, including improved academic achievement and functional performance, warrant a re-evaluation, or if the child's parent or teacher requests a re-evaluation, or in order to make a change in the disability category.

A re-evaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a re-evaluation is not necessary.

The Yellowstone-West/Carbon County Special Services Cooperative and each member district re-evaluate a child with a disability before determining that child is no longer a child with a disability, although this evaluation is not required if the child's eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age of eligibility for FAPE under state law (age 22). If a child's eligibility terminates for one of these reasons, the district provides the child with a summary of performance, which includes recommendations on how to assist the student in meeting their post-secondary goals.

The Yellowstone-West/Carbon County Special Services Cooperative and each member district also re-evaluates a child prior to discontinuing special education services under one or more disability categories.

**Additional Requirements for Evaluations and Re-evaluations:** The re-evaluation determines whether the student continues to have a disability and needs special education; whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals and to participate, as appropriate, in the general education curriculum; or the parent has requested a re-evaluation.

**Determination of Eligibility:** To be eligible under IDEA, the student must meet the criteria for a disability in one or more disability category(ies) as defined in the Administrative Rules of Montana [10.16.3010-22](#) and demonstrate a need for special education and related services. Additional procedures for identifying children with specific learning disabilities include the following:

**Specific Learning Disabilities:** The Yellowstone-West/Carbon County Special Services Cooperative and its member districts do not require the use of severe discrepancy between intellectual ability and achievement for determination. They may also use a process based on the child's demonstrated progress when provided with scientific research-based interventions (RTI).

**Additional Group Members:** In addition to the child's parent/guardian, the team includes a

regular classroom teacher, a district administrator or designee, and at least one person qualified to conduct individual diagnostic assessments (school psychologist, speech-language pathologist, remedial reading teacher, for example).

**Determining the Existence of a Specific Learning Disability:** The student may be identified as having a specific learning disability if, when provided learning experiences appropriate to the student's age or grade-level based on state approved K-12 content standards, the student does not make sufficient progress to meet age or grade-level expectations based on state approved K-12 content standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving. The student may not be identified as having a specific learning disability if the student's significantly low rate of progress in meeting age or grade-level based on state approved K-12 content standards is primarily the result of a visual, hearing, or motor impairment; cognitive delay; emotional disturbance; environmental or economic disadvantage; cultural factors; or a lack of appropriate instruction. [ARM 10.16.3019](#)

**Observations:** Staff from the Yellowstone-West/Carbon County Special Services Cooperative or member district ensure the child is observed in their learning environment to document the child's academic performance and behaviors in the areas of difficulty.

**Specific Documentation for the Eligibility Determination:** The Evaluation team first determines and documents whether or not the student meets the criteria of one or more of the disability categories. Then the Evaluation team determines and documents that the student needs specialized instruction because of the identified disability(ies) and in what services areas the student will receive services.

### **Individualized Education Programs and Development of IEP**

**IEP Team:** The Yellowstone-West/Carbon County Special Services Cooperative and its member districts include the following as members of the IEP team:

- The parent/guardian(s) of the student, or the adult student
- Not less than one general education teacher of the child, if the child is, or may be, participating in the general education environment. This must be a teacher who is or may be working with the child to ensure success in the general curriculum and implement portions of the IEP
- Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child
- An administrator or designee who:
  - Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities
  - Knows the general education curriculum
  - Knows about the availability of resources of the school district
- An individual who can interpret the instructional implications of the evaluation results, who may be one of the team noted previously
- At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate
- The student, whenever appropriate
- To the extent appropriate, with consent of the parents or a student who has reached 18, a representative of any participating agency likely to be responsible for providing or paying for transition services

**Parent Participation:** The Yellowstone-West/Carbon County Special Services Cooperative and its

member districts take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate. Notification procedures are outlined in this document.

**IEP Effective Cycle:** The Yellowstone-West/Carbon County Special Services Cooperative and its member districts adhere to the state requirements such as:

- For initial IEPs, the IEP team meets within 30 days of the Evaluation team meeting during which a determination was made that a student needs special education and related services.
- The IEP is implemented upon the parent providing written consent of the approval of the IEP.
- At the beginning of each school year the member district has an IEP in effect for each student identified under IDEA within its jurisdiction.
- The IEP team meets at least annually to review the student's IEP. An IEP may have a duration of not more than 12 months.
- If the IEP team does not meet to review and revise the annual IEP, the district will not have a current IEP for that student. The student will continue to receive special education and related services. The student's last agreed-upon IEP will continue to be implemented until the IEP team meeting takes place and written parental consent is obtained.

**Development, Review and Revision of IEP:** The Yellowstone-West/Carbon County Special Services Cooperative and its member districts ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved and revises the IEP, as appropriate, to address the following:

- Any lack of expected progress toward the annual goals and in the general education curriculum
- The results of any re-evaluation
- Information about the child provided to, or by, the parents as part of an evaluation or re-evaluation
- The child's anticipated needs; or
- Other matters that may be identified or of concern

**Private School Placement by Public Agencies:** Prior to placing or referring a child in need of special education to a private school, facility, or a contracting district, the member district shall initiate and conduct an IEP team meeting to develop an Individual Educational Program for the child in accordance with district procedures.

The district shall ensure that a representative of the private school or facility attends the IEP team meeting. If the representative of the private school or facility cannot attend the IEP team meeting, the district shall use other methods to ensure participation, including telephone calls or virtual meeting options.

After a child in need of special education enters a private school or facility, meetings to review and revise the child's individual educational program may be initiated by the private school or facility at the discretion of the IEP team.

If the private school or facility initiates and conducts these meetings, the member district shall ensure that the parents and a district representative are involved in any decision about the child's Individual Educational Program and agree to any proposed changes in the program before those changes are implemented.

Even if a private school or facility implement a child's Individual Educational Program, responsibility for compliance with this section remains with member district and the department of education.

## **SECTION V: Procedural Safeguards, Mediation, and Due Process Procedures**

**Procedural Safeguards:** The Yellowstone-West/Carbon County Special Services Cooperative and its member districts will ensure that all children with disabilities and their parents are afforded procedural safeguards, and consistent with Montana Administrative Rule. [10.16.3501](#)

**Authorizing statute(s):** [20-7-402](#)

**MCA Implementing statute(s):** [20-7-403](#)

- [34 CFR 300.121](#) Procedural safeguards
- [34 CFR 300.500-536](#) Due process procedures for parents and children
- [Montana OPI Procedural Safeguards](#)

A copy of the procedural safeguards must be made available to the parents of a child with a disability and must be given to the parents:

- At least one time per year
- Upon initial referral or parental request for evaluation
- Upon request by a parent
- Upon the first occurrence of the filing of a complaint with the OPI
- Upon disciplining a student and the decision is made to change the student's placement because of the student's violation of school code

### **Due Process**

Included in the Procedural Safeguards are the following:

- [34 CFR 300.501](#) Opportunity to examine records; parent participation in meetings
- [34 CFR 300.502](#) Independent educational evaluations
- [34 CFR 300.503](#) Prior written notice; content of notice
- [34 CFR 300.504](#) Procedural safeguards notice
- [34 CFR 300.505](#) Use of electronic mail
- [34 CFR 300.506](#) Availability of mediation
- [34 CFR 300.507](#); [300.508](#); [300.509](#) Filing of due process complaints
- [34 CFR 300.510](#) Resolution process
- [34 CFR 300.511](#) Impartial due process hearing
- [34 CFR 300.512](#) Hearing rights
- [34 CFR 300.513](#); [300.514](#); [300.515](#); [300.516](#); [300.517](#) Hearing decisions
- [34 CFR 300.518](#) Status of child during due process proceedings
- [34 CFR 300.519](#) Surrogate parents; children who are wards of the state; homeless youth
- [34 CFR 300.520](#) Transfer of rights at age of majority
- [34 CFR 300.530](#) Discipline procedures and manifestation determination
- [34 CFR 300.531](#) Determination of setting
- [34 CFR 300.532](#) Right of appeal of the determination of setting
- [34 CFR 300.533](#) Placement during appeals

- [34 CFR 300.534](#) Protections for children not determined eligible for special education and related services
- [34 CFR 300.535](#) Referral to action by law enforcement and judicial authorities

**Opportunity to Examine Records; Parent Participation in Meetings:** The parents of a child with a disability shall be afforded, in accordance with the confidentiality of information requirements, an opportunity to inspect and review all education records concerning the identification, evaluation, and educational placement for the child and the provisions of FAPE to the child.

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. If a parent cannot participate in a meeting in which a decision is to be made relating to the educational placement of their child, the district shall use other methods to ensure their participation (for example, phone call, video conferencing).

A placement decision may be made by a group without parental involvement, if the district is unable to obtain the parent's participation in the decision. The member district must have a record of its attempts to ensure parental involvement. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of services provision. In addition, a meeting does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

**Independent Educational Evaluations:** A parent has the right to an independent educational evaluation (IEE) at public expense if the parent disagrees with an evaluation obtained by the district. If a parent requests an IEE, the district must either file due process to show that the district evaluation was appropriate or ensure that the IEE is provided. The Yellowstone-West/Carbon County Special Services Cooperative and its member district will provide the parent with a list of qualified examiners who are not employed by the district or Cooperative that the parent can choose from to conduct the IEE. The district may ask for the parent's reason why he or she objects to the school evaluation but they may not require the parent to provide a reason if that could unreasonably delay the evaluation. A parent is entitled to only one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.

Parents may also choose to seek out independent evaluations at their own expense. If parents provide results of outside evaluations, the results of those evaluations will be considered by the district evaluation team in making decisions about FAPE.

**Prior Written Notice; Content of Notice:** The Yellowstone-West/Carbon County Special Services Cooperative and/or its member districts will give the parent a Prior Written Notice (PWN) whenever the school district proposes or refuses to begin or change the identification, evaluation, or educational placement of their student or the provision of FAPE to their student. The Yellowstone-West/Carbon County Special Services Cooperative and its member districts will provide the notice in language understandable to parents.

The purpose of PWN is to notify and ensure parents understanding of the district's proposal or refusal to take action. PWN gives the parent a reasonable time to consider the change(s).

The parent may ask questions about the information in the PWN. While parents have the right to disagree with the school's proposed or refused action, the content of the PWN itself is determined by the school. If the parent disagrees, the PWN also informs them of their procedural safeguard protections and the available dispute-resolution options.

**Procedural Safeguards Notice:** A copy of the procedural safeguards will be made available to

parents one time per year, except that a copy must also be given to parents:

- Upon initial referral or request for evaluation
- Upon an initial evaluation or parent request for evaluation
- Upon receipt of the first State complaint or the first due process complaint in a school year
- In accordance with the discipline procedures
- Upon request by the parent

**Use of Electronic Mail:** A parent of a child with a disability may elect to receive notices by electronic mail communication.

**Availability of Mediation:** The Montana OPI provides IEP facilitation and mediation to parents and school districts upon request. These options are available to both parties prior to filing a due process complaint. The procedures are voluntary and must be agreed upon by both parties.

More information can be found on the OPI website under [Dispute Resolution](#).

**Filing of Due Process Complaints:** A parent or a school district may file a due process complaint on any matters relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child.

A due process complaint shall allege a violation that occurred not more than two years before the date the parent or school district knew or should have known about the alleged action that forms the basis of the due process complaint.

Exceptions: The timeline described in this section does not apply to a parent if the parent was prevented from filing a due process complaint due to the following:

- Specific misrepresentations by the district that it had resolved the problem forming the basis of the due process complaint.
- The district's withholding of information from the parent that was required to be provided to the parent.

**Transfer of Rights at Age of Majority:** Consistent with state law, when a child with a disability reaches the age of majority that applies to all children, except for an eligible child who has been determined to be incompetent, the member district shall provide any notice required to both the child and the parents, and all rights accorded to the parents under Part B IDEA transfer to the child.

**Discipline Procedures and Manifestation Determination:** The member school may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate alternative educational setting, another setting, or suspension for not more than ten days within a school year. Any changes of setting beyond ten days requires the district to provide services to the student in accordance with his or her IEP.

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the district, the parent, the Cooperative director or a school psychologist, and other relevant members of the child's IEP team (as determined by the parent and the district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the behavior that caused the change in placement was directly caused by or substantially related to the student's disability or if the behavior was the result of the district's failure to implement the IEP.

- If the behavior is determined to be a manifestation of the disability, the district must conduct a functional behavioral assessment (FBA), unless one was already conducted, and develop a behavior intervention plan. If a behavior intervention plan (BIP) is already in effect, the team should review the plan and modify it as necessary to address the behavior. The student should be returned to the placement from which he or she was removed unless the parent and district have agreed to a change in placement as part of the BIP.

- If the behavior is not determined to be a manifestation of the disability, the district may apply relevant disciplinary procedures in the same manner and for the same duration as would be applied to children without disabilities. The child must continue to receive educational services as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP. The district must conduct an FBA, unless one was already conducted, and develop a BIP. If a BIP is already in effect, the team should review the plan and modify it as necessary to address the behavior.  
**Special Circumstances:** School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
  - Carries a weapon to or possesses a weapon at school, on school premises, or at a school function
  - Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function or
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

## Assurances

The Yellowstone-West/Carbon County Special Services Cooperative and its member districts have developed, adopted, and implemented policies and procedures that are consistent with all requirements of the Individuals with Disabilities Education Act (IDEA) and the State of Montana policies and procedures including, but not limited to, the following:

- Yellowstone-West/Carbon County Special Services Cooperative and its member districts have state-approved policies and procedures.
- Special education and related service staff are in place and appropriately certified/credentialed.
- Special education files are kept confidential, locked, up-to-date, accessible, and organized with appropriate information stored for the required length of time.
- The school maintains an up-to-date, confidential, and accurate database of students with IEPs.
- All IEPs are compliant as demonstrated by an annual review of the IEP.
- All evaluations (initial and re-evaluations) have been conducted within appropriate timelines.
- Evaluations for initial eligibility are comprehensive, are conducted by a multidisciplinary team, and contain evidence of classroom-based assessments and observations.
- The RTI process does not delay the evaluation of a student with a suspected disability, and the area(s) of suspected delay/concern are identified in the evaluation plan.
- All active IEPs have documentation of progress monitoring at a minimum of twice per year or as described in the IEP.
- Students receive services in accordance with their IEPs and records of documentation of services are maintained.
- All parents are notified of their Procedural Safeguards in accordance with IDEA.
- Notices and other IDEA-required information are presented to parents in understandable language (written language understandable by the general public and in the native language of the parent or other mode of communication used by the parent).
- Yellowstone-West/Carbon County Special Services Cooperative and its member districts adhere to all requirements regarding parentally placed private school children.
- The Cooperative maintains an inventory of all equipment, materials, curriculum, etc., purchased with special education funds throughout the life of the equipment.

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Cooperative Board Chair

Date

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Cooperative Director

Date