



ADMINISTRATIVE RULES OF MONTANA



10.16.3125 LOCAL EDUCATIONAL AGENCY CHILD FIND RESPONSIBILITIES

- (1) Each local educational agency shall establish procedures consistent with the requirements under the Individuals with Disabilities Education Act and state administrative rules to ensure that all students with disabilities living within the boundaries of the local educational agency regardless of the severity of their disability are identified, located, and evaluated including a practical method to determine which students are currently receiving needed special education and related services.
 - (a) The procedures shall include a method to screen and develop criteria for further assessment for children between the ages of birth to 21 including all children in public and private agencies, and children who are highly mobile, migrant, homeless, or wards of the state.
 - (b) At a minimum, the procedures must:
 - (i) name the title of the person responsible for the coordination, implementation, and documentation of the child find procedures;
 - (ii) describe student identification activities including audiological, health, speech/language, and visual screening, and review of data or records for students who have been or are being considered for retention, delayed admittance, long term suspension or expulsion, waiver of learner outcomes (accreditation standards), regular education intervention and progress monitoring procedures and procedures for identification of children who are suspected of being a child with a disability even though they are advancing from grade to grade;
 - (iii) describe the role and responsibilities, if any, of other public or private agencies;
 - (iv) identify the procedures of the local education agency for identification of a student as having a specific learning disability. If a local educational agency adopts procedures to use a response to scientific, research based intervention in learning disability identification, it must identify the subject areas (language arts, math, reading), grades, and schools for which such procedures apply; and
 - (v) ensure the collection and use of data are in accordance with the confidentiality requirements of 34 CFR 300.611 through 300.627.
- (2) The local educational agency must provide parents with public notice of its child find procedures and the procedures it implements to ensure protection of the confidentiality of any personally identifiable information collected, used, or maintained under Part B of IDEA. Confidentiality must comply with the requirements of 34 CFR 300.610 through 300.627.
- (3) If the student is parentally enrolled in a private elementary or secondary school outside the boundaries of the local educational agency in which the student is living, the local educational

agency where the private school is located is responsible for child find activities, evaluations, and provision of services in accordance with the requirements of 34 CFR 300.130 through 300.144. The public elementary school district in whose boundaries the private elementary school is located shall implement the required services in accordance with 34 CFR 300.130 through 300.144 for elementary students. The public high school district in whose boundaries the private secondary school lies, shall implement required services in accordance with 34 CFR 300.130 through 300.144 for high school students.

- (4) Local educational agencies shall coordinate child find activities for children ages birth through two with early intervention provider agencies.

Authorizing statute(s): 20-7-402, MCA

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

History: NEW, 1977 MAR p. 277, Eff. 8/26/77, ARM Pub. 11/26/77; AMD, 1983 MAR p. 1668, Eff. 11/11/83; AMD, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00; AMD, 2007 MAR p. 678, Eff. 5/25/07.