

**CABINET MOUNTAIN COOPERATIVE**  
(Name change effective July 1, 2020)

R = required

**2000 SERIES**  
**INSTRUCTION**

**TABLE OF CONTENTS**

<b>R</b>	<b>2132</b>	<b>Student and Family Privacy Rights</b>
<b>R</b>	<b>2161 - 2161P</b>	<b>Special Education</b>
<b>R</b>	<b>2162 - 2162P</b>	<b>Section 504 of the Rehabilitation Act of 1973 (“Section 504”)</b>
<b>R</b>	<b>2312</b>	<b>Copyright</b>
<b>R</b>	<b>2330</b>	<b>Controversial Issues and Academic Freedom</b>
	<b>2331</b>	<b>Outside Evaluations</b>
	<b>2340</b>	<b>Extended School Year Services</b>
	<b>(Also See 7001)</b>	<b>Fiscal Responsibility for Special Ed Compensatory Services</b>
	<b>(Also See 7002)</b>	<b>Fiscal Responsibility for Extended School Year Services</b>
	<b>(Also See 7003)</b>	<b>Utilization of Medicaid Reimbursement</b>

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: Sept. 27, 2023

2132

## INSTRUCTION

Page 1 of 3

### Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a government entity as consistently recognized in state and federal courts and as required by state and federal law and Cooperative policy.

### Surveys - General

All surveys requesting personal information from students, as well as any other instrument used to collect personal information from students, must advance or relate to the individual district's educational objectives as identified in Board Policy. This applies to all surveys, regardless of whether the student answering the questions can be identified and regardless of who created the survey.

### Surveys Created by a Third Party

Before the Cooperative administers or distributes a survey created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time of their request.

This section applies to every survey: (1) that is created by a person or entity other than a District official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

### Surveys Requesting Personal Information

School officials and staff members shall not request, nor disclose, the identity of any student who completes ANY survey containing one (1) or more of the following items:

1. Political affiliations or beliefs of the student or the student's parent/guardian;
2. Mental or psychological problems of the student or the student's family;
3. Behavior or attitudes about sex;
4. Illegal, antisocial, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom students have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The student's parent(s)/guardian(s) may:

1. Inspect the survey within a reasonable time of the request; and/or
2. Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

No student shall be required, as part of any applicable program, to submit to any survey, analysis, or evaluation that includes the above-noted information without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. This provision specifically documents the arrangements taken to protect student privacy in accordance with 20 USC § 1232h(c)(1)(a)(b).

### Instructional Material

A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum.

The term "instructional material," for purposes of this policy, means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

### Collection of Personal Information from Students for Marketing Prohibited

The term "personal information," for purposes of this section only, means individually identifiable information including: (1) a student's or parent's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) telephone number, or (4) a Social Security identification number.

The Cooperative will not collect, disclose, or use student personal information for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose.

The Cooperative, however, is not prohibited from collecting, disclosing, or using personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions such as the following:

1. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
2. Student recognition programs.

**Notification of Rights and Procedures**

This policy shall be posted on the Cooperative's website and provided in a manner specified in accordance with law and policy. The Superintendent or designee shall notify students' parents/guardians of:

1. This policy as well as its availability from the administration office upon request;
2. How to opt their child out of participation in activities as provided in this policy;
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled;
4. How to request access to any survey or other material described in this policy.

This notification shall be given parents/guardians at least annually at the beginning of the school year and within a reasonable period after any substantive change in this policy.

The rights provided to parents/guardians in this policy transfer to the student, when the student turns eighteen (18) years of age or is an emancipated minor.

Cross Reference:    2311    Instructional Materials  
                          3200    Student Rights and Responsibilities  
                          3410    Student Health/Physical Screenings/Examinations

Legal Reference:    20 U.S.C. 1232h                    Protection of Pupil Rights  
                          Section 40-6-701, MCA        Fundamental Parental Rights  
                          Chapter 676 (2023)            Fundamental Parental Rights

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

2161

## INSTRUCTION

---

### Special Education

The Cooperative will provide necessary related services to all children with disabilities residing within a member district, as required under the Individuals with Disabilities Education Act (IDEA), provisions of Montana law, and the Americans with Disabilities Act.

For students eligible for services under IDEA, the Cooperative and member district will follow procedures for identification, evaluation, placement, and delivery of service to children with disabilities, as provided in the current *Montana State Plan under Part B of IDEA*.

Legal Reference:       Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.  
                              Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.  
                              § 20-7-Part Four, MCA   Special Education for Exceptional Children

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018  
Revised on: November 19, 2019  
Revised on: April 20, 2022

**2161P**

## INSTRUCTION

Page 1 of 6

### Special Education

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

### Child Find

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

The District's plan will contain procedures for identifying suspected disabled students in private schools as identified in 34 C.F.R. 530.130 and 530.131(f), students who are home schooled, homeless children, as well as public facilities located within the geographic boundaries of the District. These procedures shall include screening and development criteria for further assessment. The plan must include locating, identifying, and evaluating highly mobile children with disabilities and children who are suspected of being a child with a disability and in need of special education, even though the child is and has been advancing from grade to grade. The District's Child Find Plan must set forth the following:

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including 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 or waiver of learner outcomes) in each of the following age groups:
  - A. Infants and Toddlers (Birth through Age 2)  
Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
  - B. Preschool (Ages 3 through 5)  
Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
  - C. In-School (Ages 6 through 18)  
Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.

- D. Post-School (Ages 19 through 21)  
Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.
- E. Private Schools (This includes home schools.)  
Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.
- F. Homeless Children
- G. Dyslexia  
The School District shall establish procedures to ensure that all resident children with disabilities, including specific learning disabilities resulting from dyslexia, are identified and evaluated for special education and related services as early as possible. The screening instrument must be administered to:
- A) A child in the first year that the child is admitted to a school of the district up to grade 2; and
  - B) A child who has not been previously screened by the district and who fails to meet grade-level reading benchmarks in any grade;

The screening instrument shall be administered by an individual with an understanding of, and training to identify, signs of dyslexia designed to assess developmentally appropriate phonological and phonemic awareness skills.

If a screening suggests that a child may have dyslexia or a medical professional diagnosis a child with dyslexia, the child's school district shall take steps to identify the specific needs of the child and implement best practice interventions to address those needs. This process may lead to consideration of the child's qualification as a child with a disability under this policy.

#### Procedures for Evaluation and Determination of Eligibility

Procedures for evaluation and determination of eligibility for special education and related services are conducted in accordance with the procedures and requirements of 34 C.F.R. 300.301-300.311 and the following state administrative rules:

- 10.16.3320 - Referral;
- 10.60.103 - Identification of Children with Disabilities;
- 10.16.3321 - Comprehensive Educational Evaluation Process;

#### Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.530.

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
- In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must...provide the parents the procedural safeguards notice); and
- Upon request by a parent.

A public agency also may place a current copy of the procedural safeguard notice on its internet website, if a website exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

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

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

The recommendation to conduct an initial evaluation or reevaluation shall be presented to the parents in their native language or another mode of communication appropriate to the parent. An explanation of all the procedural safeguards shall be made available to the parents when their consent for evaluation is sought. These safeguards will include a statement of the parents' rights relative to granting the consent.

#### Evaluation of Eligibility

Evaluation of eligibility for special education services will be consistent with the requirements of 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility; and shall also comply with A.R.M. 10.16.3321.

#### Individualized Education Programs

The District develops, implements, reviews, and revises individualized education programs (IEP) in accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.

### Independent Education Evaluations

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child in accordance with law. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the District at District expense.

If the parents request an independent educational evaluation, the District will provide information about where an independent educational evaluation may be obtained and the criteria applicable for independent educational evaluations. The District may also ask for the parent's reason why he or she objects to the public evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees. If the parent obtains an independent educational evaluation at District expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation will be handled in accordance with law.

If an independent educational evaluation is at District expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation.

### Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular class occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

### Children in Private Schools/Out-of District Placement

Children with a disability placed in or referred to a private school or facility by the District, or other appropriate agency, shall receive special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122. As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private school or facility by parents do not have an individual right to special education and related services at the District's expense. When services are provided to children with disabilities placed by parents in private schools, the services will be in accordance with the requirements and procedures of 34 C.F.R. 300.130 through 300.144, and 300.148.

**Impartial Due Process Hearing**

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

**Special Education Records and Confidentiality of Personally Identifiable Information**

A. **Confidentiality of Information**

The District follows the provisions under the Family Educational Rights and Privacy Act and implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M. 10.16.3560.

B. **Access Rights**

Parents of disabled students and students eighteen (18) years or older, or their representative, may review any educational records which are designated as student records collected, maintained, and used by the District. Review shall normally occur within five (5) school days and in no case longer than forty-five (45) days. Parents shall have the right to an explanation or interpretation of information contained in the record. Non-custodial parents shall have the same right of access as custodial parents, unless there is a legally binding document specifically removing that right.

C. **List of Types and Locations of Information.**

A list of the records maintained on disabled students shall be available in the District office. Disabled student records shall be located in the member districts and Cooperative, where they are available for review by authorized District personnel, parents, and adult students. Special education teachers will maintain an IEP file in their classrooms. These records will be maintained under the direct supervision of the teacher and will be located in a locked file cabinet. A record-of-access sheet in each special education file will specify the District personnel who have a legitimate interest in viewing these records.

D. **Safeguards**

The District will identify in writing the employees who have access to personally identifiable information, and provide training on an annual basis to those staff members.

E. **Destruction of Information**

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. Medicaid reimbursement records must be retained for a period of at least six years and three months from the date on which the service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later. The parent will be advised that such information may be

important to establish eligibility for certain adult benefits. At the parent's request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

**F. Children's Rights**

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

**Discipline**

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student's educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (1) of the child's teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.

Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
	34 CFR 300.502	Independent educational evaluation
	§ 20-1-213, MCA	Transfer of school records
	10.16.3122 ARM	Local Educational Agency Responsibility for Students with Disabilities
	10.16.3220 ARM	Program Narrative
	10.16.3321 ARM	Comprehensive Educational Evaluation Process
	10.16.3340 ARM	Individualized Education Program and Placement Decisions
	10.16.3560 ARM	Special Education Records
	10.60.103 ARM	Identification of Children with Disabilities
	37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)
	Chapter 227 (2019)	Montana Dyslexia Screening and Intervention Act

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

2162

## INSTRUCTION

---

### Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

It is the intent of the Cooperative to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the Cooperative will follow the District’s established system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. This system shall include: notice, an opportunity for the student’s parent or legal guardian to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent or legal guardian, and a review procedure.

Legal Reference:      Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794  
                                 ADA Amendments Act of 2008  
                                 34 C.F.R. §104.1 *et seq.*      Purpose  
                                 34 C.F.R. §104.35              Evaluation and Placement  
                                 34 C.F.R. §104.36              Procedural safeguards

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

2162P

## INSTRUCTION

Page 1 of 2

### Section 504 of the Rehabilitation Act of 1973 ("Section 504")

- (1) **Impartial Due Process Hearing.** If the parent or legal guardian of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.
  - A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;
  - B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision;
  - C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;
  - D. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within three (3) business days;
  - E. Within ten (10) days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent, or any other person who would conduct the hearing in an impartial and fair manner;
  - F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;

- G. Within five (5) days of the District's selection of a hearing officer, a prehearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues;
  - H. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing;
  - I. Anytime prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators;
  - J. At the hearing, the District and the parent or legal guardian may be represented by counsel;
  - K. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The District shall be allowed to present its case first. Thereafter the parent or legal guardian shall be allowed to present its case. Witnesses may be called to testify, and documentary evidence may be admitted; however, witnesses will not be subject to cross-examination, and the Montana Rules of Evidence will not apply. The hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision;
  - L. Within twenty (20) days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties;
  - M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 912 2<sup>nd</sup> Avenue, Seattle, WA 98714-1099; (206) 220-7900.
- (2) Uniform Complaint Procedure. If a parent or legal guardian of the student alleges that the District and/or any employee of the District has engaged in discrimination or harassment of the student, the parent or legal guardian will be required to proceed through the District's Uniform Complaint Procedure.

Legal Reference: 34 C.F.R. 104.36 Procedural safeguards

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: April 20, 2022

2312

## INSTRUCTION

---

### Copyright

Page 1 of 2

The Cooperative recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or use of audio, visual, digital, or printed materials and computer software, unless the copying or use conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research.

Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

- Purpose and Character of the Use – The use must be for such purposes as teaching or scholarship.
- Nature of the Copyrighted Work – The type of work to be copied.
- Amount and Substantiality of the Portion Used – Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- Effect of the Use Upon the Potential Market for or value of the Copyrighted Work – If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the Cooperative encourages its staff to enrich learning programs by making proper use of supplementary materials, it is the responsibility of staff to abide by individual district’s copying procedures and obey requirements of law. Under no circumstances will it be necessary for staff to violate copyright requirements in order to properly perform their duties. The District cannot be responsible for any violations of the copyright law by the cooperative staff.

The display of dramatic performances, musical works, motion pictures or television programming to students may only occur for educational purposes under the following standards:

- During onsite instruction
- When viewed in a classroom or designated place of instruction
- With a lawfully made copy or via an authorized account
- As a regular part of instruction and directly related to the curriculum

Employees should contact the administration with inquiries about accessing lawful copies of materials or accounts to access materials available via online platforms to ensure compliance with copyright laws.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with District procedures or is permissible under the law should consult the Superintendent of the district. The Superintendent will assist cooperative staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.

Legal Reference: 17 USC 101 - 1332 Federal Copyright Law of 1976

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: July 1, 2020

2330

## INSTRUCTION

---

### Controversial Issues and Academic Freedom

The individual school district will offer courses of study which will afford learning experiences appropriate to levels of student understanding. The instructional program respects the right of students to face issues, to have free access to information, to study under teachers in situations free from prejudice, and to form, hold, and express their own opinions without personal prejudice or discrimination.

Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize various points of view, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions.

The local school district board encourages and supports the concept of academic freedom, recognizing it as a necessary condition to aid in maintaining an environment conducive to learning and to the free exchange of ideas and information.

In a study or discussion of controversial issues or materials, however, the Board directs teaching staff to take into account the following criteria:

1. Relative maturity of students;
2. District philosophy of education;
3. Community standards, morals, and values;
4. Necessity for a balanced presentation; and
5. Necessity to seek administrative counsel and guidance in such matters.

The Cabinet Mountain Cooperative staff will follow each individual district's policy on Controversial Issues and Academic Freedom.

Legal Reference: Article X, Sec. 8, Montana Constitution - School district trustees  
§ 20-3-324(16) and (17), MCA Powers and duties

# Cabinet Mountain Cooperative

Adopted on: Feb. 19, 2015

Reviewed on:

Revised on: July 1, 2020

2331

## INSTRUCTION

---

### Outside Evaluations

The Cabinet Mountain Cooperative will pay up to \$800 per year for outside evaluations sought by the parents/guardians for a student who has been formally referred for special education services or has an existing IEP if reasonable cause for an independent evaluation is demonstrated. To qualify for reimbursement, an evaluation must be related to the qualifying condition as per the referral or IEP.

# Cabinet Mountain Cooperative

Adopted on: Feb. 19, 2015

Reviewed on:

Revised on: July 1, 2020

2340

## INSTRUCTION

### Extended School Year Services

Page 1 of 2

Extended School Year (ESY), when considered in the context of special education, is intended to support a student whose qualification(s) for special education services are so severe that a long break in educational services, such as summer vacation, results in a substantial loss or regression of acquired education or training gained through special education services and cannot be restored or recouped within a reasonable period following the reinstatement of instruction. The severity of a student's qualifying condition(s) must clearly be the source of the regression. A student will not be eligible for extended school services if factors unrelated to the qualifying condition(s) such as frequent absences are the source of the educational loss.

Given most if not all students would benefit from extended school year services, the following criteria are established in order to serve those students who require services beyond the school year in order to avoid a long term loss of a substantial level of education and/or training that was acquired as a result of special education services provided during the most recent school year.

The Cabinet Mountain Cooperative will utilize the regression/recoupment construct to determine qualification for ESY. This construct requires (a) a substantial regression of the annual gain made in IEP goals as a result of lapse of time in which instruction was discontinued and (b) the failure to recoup the regressed gains in IEP goals after a reasonable period of instructional time has been restored, and (c) the student must have an IEP that extends into the school year that is subsequent to the ESY services.

A substantial regression is defined as a 50% loss of the academic and/or training gains made in appropriate IEP goals during the school year immediately prior to the summer in which ESY services would potentially be provided. The yearly gains are calculated by finding the difference between the final assessment taken during the last two weeks of the current school year and the initial assessment taken during the first two weeks of the same school year for students with IEPs. For students who acquire an IEP later in the school year, an initial assessment conducted at the time the student is served with an IEP will be compared to the end of the year assessment. However, students who are served with an IEP beginning in the 4<sup>th</sup> quarter of the school year or later in the same year will not be eligible for ESY services during the following summer.

Regression is calculated by finding the difference between the assessment conducted during the last two weeks of the school year and the initial assessment conducted during the first two weeks of the ensuing school year. Substantial regression is when the amount of regression exceeds 50% of the previous school year's gains as calculated in this policy.

Recoupment is defined as having regained at least 90% of the regressed education and/or training. A reasonable period of instructional time or recoupment period is defined as six weeks for a typical 80 to 90 calendar day summer vacation without formal instruction. Student absences during the recoupment period not only do not count toward meeting the six weeks of

instructional time but absences also extend the six weeks by 1.4 days for each day of student absence to account for the increased time without formal instruction.

Calculation of recoupment will consist of finding the difference between the assessment score after a reasonable period of instructional time as defined herein and the initial assessment score attained at the beginning of the school year. Should the recoupment not restore at least 90% of the regressed amount, the student may be eligible for extended school year services.

#### Example

Student started the school year by correctly multiplying 20% of a set of multiplication problems having two digit factors.

Student ended the school year by correctly multiplying 46% of a set of multiplication problems having two digit factors.

Annual academic gain is 26%.

1. At the beginning of the ensuing school year, the student can correctly multiply 40% of a set of multiplication problems having two digit factors.

The regression is 6% but needed to be at least 13% (half of 26%) to have a severe regression, so the process of considering extended school year services stops here for lack of a severe regression.

2. Suppose instead the student started the year being able to correctly multiply 24% of a set of multiplication problems having two digit factors. The regression is 22%, which by definition is a severe regression, needing a regression of 14% or higher to be considered severe.
3. The next step is to provide instruction for six weeks and assess the student. Suppose the recouped score is now 44%. This means the student has not yet achieved the 46% attained at the end of the previous year, but did recoup within 90% of the previous annual gain. A score of 43% or higher would mean the student recouped 90% or more of what was regressed and would therefore not qualify for extended school year services.
4. Or, if the student would have scored below 43%, the student would then have met the criteria for ESY services BUT would not necessarily receive them unless the IEP team agrees by the end of the school year ESY services are necessary. If the student does not meet the above criteria, then the student would not be eligible for consideration of ESY services under ordinary circumstances.

Keep in mind, all things in special education that fall on or very near the cut score increases the responsibility of the team to make a qualitative decision regarding determination.