

504 or IEP?

An evaluation should be completed prior to determining whether to serve the student under “Section 504” or an IEP. If a school proposes a “Section 504 Plan” before evaluating, the student’s parent should request and give consent for a comprehensive evaluation of the student under IDEA. Visit the DRM Education website to learn more about “Section 504 Plans” versus IEPs.

Early Intervention

Children with disabilities who are 0-3 years old may also qualify for services. These services are delivered in the child’s home and in community settings, rather than in schools, and emphasize family involvement. Contact DRM for more information.

Post-secondary Education

Although the IDEA does not cover students beyond secondary (high) school, the ADA and Section 504 do provide protections for students with disabilities who are pursuing a post-secondary education. If you have questions or concerns regarding this, contact DRM.



How to request help

To get help from DRM, please call us at (406) 449-2344, or toll-free at (800) 245-4743. If an advocate is unavailable when you contact Disability Rights Montana, your call will be returned. All calls to DRM are confidential. Our office is open 8 a.m. to 5 p.m., Monday through Friday.

You may also contact us through our website, and get more information at: <http://disabilityrightsmt.org/education>.

The Mission of DRM is to protect and advocate for the human, legal, and civil rights of Montanans with disabilities while advancing dignity, equality, and self-determination.

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Please contact DRM to request this information in large print.



Educating Students with Disabilities

Disability Rights Montana’s Education Unit focuses on increasing opportunities for students with disabilities throughout all stages of their education and ensuring their access to education free from discrimination. This brochure provides important information about the rights of students with disabilities.

Education Unit

Disability Rights Montana (DRM) provides information and referral, individual advocacy, legal representation, outreach and training, and systems advocacy as our resources and priorities allow.

DRM's Education Unit advocates on behalf of students to ensure educational programs are open to students with disabilities and are meeting their legal obligations under federal and state laws, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act (ADA), and Article X of the Montana Constitution.

What to Do if You Think Your Child Might Have a Disability

If you are concerned a student may experience a disability, make a written **request for a “comprehensive evaluation”** from the child's school, special education director, principal, or superintendent (for children age 3 or older) or from the local early intervention program (Part C provider) for children age 0-3 **as soon as possible**.

Comprehensive Evaluations

School districts and Part C providers are **required by law to evaluate children suspected of having disabilities free of charge** to the family. Evaluations are initially conducted by a team of school staff, including a school psychologist, and other professionals needed to fully understand the student's disability and educational needs. Evaluations must be completed **within 60 days of receiving parental consent**. Parents should request an evaluation if they have concerns about the child in any of these areas:

- **Medical** (e.g., injury, impairments, genetic disorders, etc.)
- **Developmental** (e.g., cognitive, physical, communication, social, emotional, adaptive skills, etc.)
- **Mental Health** (e.g., depression, anxiety, obsessive-compulsive disorder, difficulty with relationships, etc.)
- **School Performance** (e.g., low test scores, grades, attendance, etc.)
- **Behavioral** (e.g., difficulty paying attention, bullying, etc.)
- **Other** developmental, medical, or psychological concerns

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Individualized Education Programs (IEPs)

Following an evaluation, if a K-12 student is determined eligible under IDEA for special education, the public school and parents negotiate an IEP. **Parents have several rights regarding the IEP process:**

- The right to **bring along an advocate**, friend, medical professional, or other person to assist you at the IEP meeting.
- The right to **ask for a draft of the IEP** prior to the meeting (if the school has a draft) so you have time to review it. However, the IEP should be an interactive process, which is open for discussion and changes, between you and the school during the IEP meeting.
- The right to **ask to continue the meeting** at another time if you need additional time to think about your child's needs, or if not all issues have been discussed.
- The right to **wait to sign the IEP**. You do not have to sign the IEP immediately after the meeting. You may take time to consider it, and make suggestions for changes you think are needed. Make suggestions in writing, and keep a copy for your records, including a receipt that the school received the information.
- The right to **consent to the IEP**. In Montana, each annual IEP must be signed with parental consent before the school implements it. If there are items with which you disagree, you may only consent to the portions with which you agree, and only those portions may be implemented.

*Other standards apply for private schools.