

Categories of Students with Special Needs from [20-9-309, MCA](#)

prepared for the Education Interim Committee HJ 1 Study, by Pad McCracken, Committee Staff, January 2018

Special Needs

Child with a disability

Defined at [20-7-401, MCA](#)

- IDEA defined disability and requires special education
- An Individualized Education Program (IEP) is developed
- State funding through the special education allowable cost payment (\$43 million; not increased with inflation)

About 12% of MT students (18,000)

Gifted and Talented

- Defined at [20-7-901, MCA](#)
- Program requirements in [MCA](#) and [ARM](#)
- State funding through grants (\$250,000)

Districts report identifying 4,800 gifted students statewide, or about 3.2%. Research suggests that roughly 6% of students are gifted (this would be 9,000 students in MT)

Limited English Proficient (LEP)

(aka ELL and now EL under ESSA)

- Students identified based on assessment of English language proficiency and exposure to a non-English “language of impact”
- Content standards and performance descriptors at [ARM 10.53.3](#)
- No additional state funding

About 2% of MT students (3,000)

29 U.S.C. 794

- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability by any entity receiving federal funds
- Broader definition of disability than IDEA
- A 504 plan is developed, less detailed than IEP and focused on providing accommodation
 - No additional state funding

of students with 504 plans is not reported

At-risk student

- Defined at [20-1-101, MCA](#)
- State funding through the at-risk payment (\$5.4 million; increased with inflation per [20-9-326, MCA](#)) which is distributed in proportion to Title I federal funds

About 45% of MT students (65,000) are eligible for free/reduced lunch which is often used as a proxy for “disadvantaged” or “at-risk”; roughly 4 out of 5 Montana schools are considered Title I schools

Note—these categories are not exclusive; a student may be at-risk and gifted and talented and require special education

Also—Montana has about 150,00 public school students total