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

**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)

**Gifted and Talented**
- Defined at 20-7-901, MCA
  - Program requirements in MCA and ARM
  - State funding through grants ($250,000)

**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

**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

**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

Note—these categories are not exclusive; a student may be at-risk and gifted and talented and require special education
Also—Montana has about 150,000 public school students total

About 12% of MT students (18,000)

About 2% of MT students (3,000)

# of students with 504 plans is not reported

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

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)