

**STATE PERFORMANCE PLAN / ANNUAL PERFORMANCE REPORT: PART B**

**for STATE FORMULA GRANT PROGRAMS under the Individuals with Disabilities Education Act**

**For reporting on  
FFY 2023**

**Montana**



**PART B DUE February 3, 2025**

**U.S. DEPARTMENT OF EDUCATION  
WASHINGTON, DC 20202**

## Introduction

### Instructions

Provide sufficient detail to ensure that the Secretary and the public are informed of and understand the State's systems designed to drive improved results for students with disabilities and to ensure that the State Educational Agency (SEA) and Local Educational Agencies (LEAs) meet the requirements of IDEA Part B. This introduction must include descriptions of the State's General Supervision System, Technical Assistance System, Professional Development System, Stakeholder Involvement, and Reporting to the Public.

## Intro - Indicator Data

### Executive Summary

#### Additional information related to data collection and reporting

#### Number of Districts in your State/Territory during reporting year

399

#### General Supervision System:

**The systems that are in place to ensure that the IDEA Part B requirements are met (e.g., integrated monitoring activities; data on processes and results; the SPP/APR; fiscal management; policies, procedures, and practices resulting in effective implementation; and improvement, correction, incentives, and sanctions). Include a description of all the mechanisms the State uses to identify and verify correction of noncompliance and improve results. This should include, but not be limited to, State monitoring, State database/data system, dispute resolution, fiscal management systems as well as other mechanisms through which the State is able to determine compliance and/or issue written findings of noncompliance. The State should include the following elements:**

**Describe the process the State uses to select LEAs for monitoring, the schedule, and number of LEAs monitored per year.**

At a minimum, once every five years all LEAs and every three years for State Operated programs (i.e. Montana School for the Deaf and Blind, Department of Corrections) or State Supported programs (i.e. Residential treatment facilities, Day Treatment facilities), participate in an Integrated Monitoring System (IMS) review. The IMS schedule for local education agencies (LEAs) is based upon a balanced distribution of districts across the state and Child Count data. Each year approximately 75-80 LEAs are monitored and 1-3 State Operated programs or State Supported programs are monitored. The cycle is dispersed over a 3- or 5-year period and ensures a review of all entities in a timely manner. The IMS schedule is posted on the Montana Office of Public Instruction (OPI) School Improvement website

(<https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/School%20improvement/MonitoringCycle.pdf?ver=2024-09-06-092406-013>).

Approximately 12 months prior to participation in a cyclical monitoring, the administration at the LEAs, State Operated and State Supported programs (henceforth referred to as entity) will receive both written and verbal notification. Administration and the State Education Agency (SEA) staff then work together to determine a date for the active monitoring review. An optional pre-monitoring training is offered and consists of outlining the IMS overall; what is required for compliance; providing details of proper documentation; and recommendations for best practices.

The SEA assigns a lead monitor acting as the primary point of contact with LEA superintendents and special education directors. When an LEA is a member of a special education cooperative, each of the LEA's superintendents and the cooperative director will receive written and verbal notification. When an LEA is participating in a consortium, each of the LEA's superintendents and the consortium director overseeing the consortium receive written and verbal notification.

If the SEA receives information of a credible allegation that suggests a district may not be meeting all the requirements of the IDEA regulations and Montana Administrative Rules, SEA must conduct due diligence in a timely manner to address the allegation. One way of doing this is to conduct a full or limited off cycle monitoring, referred to as a Field Issues Process (FIP). Examples of information that would be of concern would be findings from a due process or state complaint, fiscal concerns (high-risk status, concerns regarding unallowable costs, etc.), multiple stakeholder calls, media reports, or very poor student performance data.

#### IDEA Fiscal

The cyclical monitoring and the number of LEAs monitored for fiscal are the same as the ones outlined above in the programmatic monitoring.

As the primary recipient of IDEA Part B federal grants, the OPI is responsible for monitoring the activities of its subrecipients to ensure the subaward is used for authorized purposes and is in compliance with federal and state statutes, regulations, and the terms and conditions of the grant. 2 CFR § 200.332 The monitoring system includes three tiers of compliance: Tier I is universal monitoring that every LEA will complete annually, regardless of the previous year's findings. Tier II is Targeted monitoring which includes the LEAs on the cyclical monitoring schedule. Tier III is Intensive monitoring for which LEAs are selected as result of concerns brought to attention from the risk assessment or alternative methods. Note that Tier III monitoring may be in addition to an LEAs cyclical monitoring (Tier II).

Fiscal Monitoring Selection Process Subrecipients of IDEA federal funds are selected for the fiscal monitoring as follows:

- Cyclical Monitoring – Cohort list (five-year rotation)
- Risk Assessment – LEAs complete risk assessment yearly
- Other – Area(s) of concern identified by the OPI special education fiscal team

#### Cyclical Monitoring

The cyclical monitoring method will ensure that the OPI monitors all LEAs and subrecipients receiving IDEA Part B 611 and 619 funds at any given point of time in a five-year cycle at a minimum. Within this cyclical monitoring, the OPI special education fiscal team will determine whether the subrecipients are assigned Tier II or Tier III monitoring in addition to the annual Tier I risk assessment. The factors used in making this determination are:

- Risk assessment
- Amount of award (combined 611 & 619)
- Maintenance of Effort
- CCEIS status
- Single audit findings
- Tier I findings
- External considerations brought to the attention of the OPI

All grantees classified as "high risk" in the annual risk assessment will automatically be placed in Tier III monitoring.

## Risk Based Monitoring

IDEA Part B administrators perform an annual risk assessment of all LEAs and subrecipients receiving IDEA Part B 611 & 619 funds using the Risk Assessment Tool and rubric (See Appendix B) Risk ratings are established as follows:

Risk Range Level of Monitoring

Low potential of risk 0 – 13 Tier I – Universal

Moderate potential of risk 14 – 30 Tier II – Targeted

High potential of risk 31+ Tier III - Intensive

Any LEA in the cyclical monitoring cycle will receive at least a Tier II monitoring regardless of the results of the risk assessment. The OPI special education fiscal team reserves the right to monitor any LEA at any time for reasons other than those identified in cyclical or risk-based monitoring. Any subrecipient may be scheduled for Tier II or Tier III monitoring based on external findings.

## Levels of Monitoring

There are three levels of fiscal monitoring:

- Tier I – Universal Monitoring: Fiscal compliance audit
- Tier II – Targeted Monitoring: Fiscal compliance and process audit
- Tier III – Fiscal compliance, process audit, and on-site or virtual audit

All subrecipients of IDEA federal funds participate in Tier I monitoring annually.

## Early Assistance Program (EAP)

Early Assistance Program (EAP) The EAP provides technical assistance to help parents, adult students, guardians, school district staff, advocates and other members of the special education community understand the requirements of IDEA or implementing Montana laws. The EAP provides informal dispute resolution for special education issues relating to a student's free and appropriate public education, any violation of Part B of the IDEA or implementing Montana laws. The intention is to resolve special education disagreements amicably, with the lowest level of third-party involvement possible. In addition to the EAP, there are several other dispute resolution options available under the IDEA, including: Individualized Education Program (IEP) facilitation, mediation, state administrative complaints, due process hearings, and expedited due process hearings. These options are administered and overseen by the EAP staff in collaboration with special education staff.

**Describe how student files are chosen, including the number of student files that are selected, as part of the State's process for determining an LEA's compliance with IDEA requirements and verifying the LEA's correction of any identified compliance.**

For all monitoring activities, including the SPP/APR indicators and verification of correction of identified non-compliance, the following process is used:

The SEA will generate a random sample of individual student special education records based on the most recent December 1 special education child count data submitted by the entity. For an entity with a child count greater than 21, the number of files will be 10% of the total special education count. If the child count is less than 20, no fewer than 2 files will be selected. The SEA reserves the right to review additional records as needed.

Files will be selected by considering the following:

- To the maximum extent possible, files will be chosen from different IDEA eligibility categories
- Grade levels
- Placement (i.e., general education, self-contained, home bound)
- Initial evaluations within the past 24 months
- Evaluation process of students through the Response to Intervention (RtI)
- IEPs developed in the past 12 months
- Extended School Year (ESY)
- Alternative Statewide Assessment
- Secondary Transition IEPs
- Transportation

Additional files will be reviewed for Students With Unique Concerns (SWUCs). SWUCs include students with disabilities who, during the current school year, met one of the areas listed below:

- Transfers
- Surrogate parents
- Parentally placed private school students
- Aversive treatment plans
- Manifestation determination
- Graduated
- Exited
- Not eligible
- Revocation of Consent
- Day Treatment

**Describe the data system(s) the State uses to collect monitoring and SPP/APR data, and the period from which records are reviewed.**

Data used for Indicators 1, 2, 4, 6, 7, 9, 10, and 17 comes from Montana's Student Information System (SIS), Achievement in Montana (AIM). This system allows school districts to submit required staff, student, and course information electronically. The SIS provides the SEA, the State of Montana, federal entities, and the education community, with timely accurate data used for state and federal reporting. Indicator data from 1, 2, 4, and 17 are lag data and come from the 2022/2023 school year. Indicators 6, 7, 9, and 10 data are from the 2023/2024 school year.

Indicator 3 data come from our vendors (Smarter Balanced, Cognia for the Multi-State Alternate Assessment (MSAA), American College Testing (ACT), and soon to be New Meridian for our new statewide assessment, Montana Aligned to Standards Through-Year (MAST). The data comes from the 2023/2024 school year.

Data for Indicators 5, 11, 12, 13, and 14 comes from the Special Education Applications Portal. This is an internal monitoring and special education data certification application. The data for these indicators from the 2023/2024 school year.

Indicator 8 data come from Data Driven Enterprises. Data Driven Enterprises is a research and professional development organization that provides program evaluation, statistical analysis, and data trainings to schools, districts, and state departments of education. The data for this indicator is from the 2023/2024 school year.

The data for indicators 15 and 16 is collected from the SY 2023-2024 reporting year (July 1, 2023, to June 30, 2024). For Indicator 15, when the SEA receives a Request for Due Process Hearing, the SEA issues a Notice of Filing that in part notifies the parties of the requirements around resolution meetings and the resolution period. The Notice of Filing includes a Due Process Resolution Tracking Form that the public agency is required to fill out. This form tracks whether a resolution meeting was held and if so, the outcome of the resolution meeting and whether it resulted in a written settlement agreement. For Indicator 16, SEA's mediators are required to complete a SEA Mediator Report Form at the conclusion of the mediation. The Mediator Report Form tracks the outcome of the mediation and whether it resulted in a written agreement. For Indicators 15 and 16, the data is collected on an ongoing basis after receipt of one of the aforementioned forms and entered into a table that tracks all of the IDEA required dispute resolution data. The SEA has minimal (less than 10) due processes or mediations each year.

**Describe how the State issues findings: by number of instances or by LEAs.**

Findings of noncompliance determined through state monitoring systems, dispute resolution systems, and fiscal monitoring systems are issued at the LEA level. For SPP/APR compliance indicators, the findings of noncompliance are currently issued at the instance level.

**If applicable, describe the adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction).**

While allowed in prior years, the SEA no longer allows for pre-finding correction for LEAs.

**Describe the State's system of graduated and progressive sanctions to ensure the correction of identified noncompliance and to address areas in need of improvement, used as necessary and consistent with IDEA Part B's enforcement provisions, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and State rules.**

The SEA may take enforcement actions as part of a corrective action or for noncompliance with a previous corrective action. The Uniform Grant Guidance 2 CFR§200.339 authorizes the SEA to use enforcement mechanisms that may include but are not limited to the following:

- Temporarily withhold cash payments pending correction of the deficiency or more severe enforcement action.
- Disallow all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the federal award.
- Initiate suspension or debarment proceedings.
- Withhold further federal awards for the grant.
- Take other remedies that may be legally available.
- The SEA may deny a grant application for federal funding as an enforcement action.

**Describe how the State makes annual determinations of LEA performance, including the criteria the State uses and the schedule for notifying LEAs of their determinations. If the determinations are made public, include a web link for the most recent determinations.**

The SEA uses the following data points and information to make annual determinations of LEA performance:

- SPP/APR compliance indicators (4B, 9, 10, 11, 12, 13)
- Timely, complete, and accurate data (based on LEA data submissions and data requests made to LEAs)
- Timely correction of findings of noncompliance (correction of findings of noncompliance within one year of notification)
- Audit findings

The SEA issues annual determinations of performance in four categories using the following criteria:

**Meets Requirements**

- Substantial compliance on all compliance indicators;
- Data submissions and data requests made to LEAs were timely, complete, and accurate 100% of the time
- Any findings of noncompliance were verified as corrected within one year of notification 100% of the time; AND
- No audit findings

Note: If an LEA does not meet 100% compliance on only one of these Indicators, the SEA will consider the LEA to be "Meet Requirements" if demonstrating a high level of compliance (90% or better).

**Needs Assistance**

- Compliance percentages of between 75%-89% compliance for one or more of the following components: compliance Indicators 11, 12, and 13; timely, complete, and accurate data; and/or timely correction of findings of noncompliance OR
- Identified as having significant discrepancy that is the result of inappropriate policies, procedures, and practices (Indicator 4B) and /or disproportionate representation that is the result of inappropriate identification (Indicators 9 and 10) OR
- One or more findings of noncompliance not corrected within one year OR
- Identified as high-risk on audit findings

Note: If an LEA is Needs Assistance for two or more consecutive years, the SEA will take one or more of the following actions: advise the LEA of technical assistance that will help the LEA address its areas of need, direct the use of LEA-level funds under Part B on the area(s) where assistance is needed, and identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA consolidated grant.

**Needs Intervention**

- Compliance percentages below 75% compliance for one or more of the following components: compliance Indicators 11, 12, and 13; timely, complete, and accurate data; and/or timely correction of findings of noncompliance and failed to make progress from the prior year OR
- Identified as having significant discrepancy that is the result of inappropriate policies, procedures, and practices (Indicator 4B) and/or disproportionate representation that is the result of inappropriate identification (Indicators 9 and 10) and has not made significant progress in correcting the noncompliance OR
- Failure to demonstrate timely correction of previous findings of noncompliance and has not made significant progress in correcting the noncompliance OR
- Continues to be identified as a high-risk district based on audit findings and has not made significant progress in correcting the identified audit findings

Note: If the LEA is identified as Needs Intervention for three consecutive years or more, the SEA shall take one or more of the actions required under 34 CFR 300.604(b): require the LEA to develop a corrective action plan or improvement plan if the SEA determines the LEA should correct the problem in one year; seek to recover funds; withhold, in part or whole, any further payments under Part B of the IDEA; and refer the matter for appropriate enforcement action.

**Needs Substantial Intervention**

- The failure to substantially comply significantly affects the core requirements of the IDEA, such as the delivery of services to children with disabilities or state exercise of general supervision AND/OR
- The LEA has informed the SEA it is unwilling to comply verbally or through actions or inactions OR
- The LEA has been determined through audit findings to have misspent funds

Note: When the SEA determines that the district needs Substantial Intervention, the SEA shall provide written notice to the Superintendent of Public

Instruction of the LEA's failure to comply and take one or more of the following enforcement actions, consistent with 34 CFR 300.604(c): recover funds; withhold, in part or whole, any further payments under Part B of the IDEA; and refer the matter for appropriate enforcement action consistent with state administrative rules and IDEA requirements.

Annual LEA performance determinations are issued in the spring of each school year.

**Provide the web link to information about the State's general supervision policies, procedures, and process that is made available to the public.**

Integrated Monitoring System:

<https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/School%20Improvement/OPI.IMS%20FINAL.pdf?ver=2024-08-16-180528-947>

Montana Fiscal:

<https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education#10963313030-idea-fiscal>

Dispute Resolution:

<https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education/Dispute-Resolution>

**Technical Assistance System:**

**The mechanisms that the State has in place to ensure the timely delivery of high quality, evidence-based technical assistance, and support to LEAs.**

The Special Education Unit is organized into three sub-units that have specific functions and provide technical assistance related to those functions. These units include School Improvement, Continuing Education and Technical Assistance (CETA), and IDEA Part B.

The School Improvement unit provides both broad and specific technical assistance and training related to all aspects of the special education process, proper use and documentation of records, and student specific issues. General technical assistance training and specific LEA technical assistance is provided as requested or required. Annually, training is provided across the state for teachers on compliance and the implementation of IDEA, as well as training on current updates. Topics are determined based on monitoring data, frequently asked questions from the field, questions to the Early Assistance Program (EAP), and special education updates, both nationally and locally.

Technical assistance is also provided to ensure timely correction of all identified noncompliance and training is given related to such non-compliance.

The CETA unit is responsible for implementing several training initiatives for the SEA that focus on instructional practices and interventions. The activities are expanded upon in the Professional Development section.

The IDEA Part B Program unit provides technical assistance to LEA's in applying for, using, and accounting of federal special education funds. Assistance is also provided in developing and implementing program narratives, interlocal agreements, and special education procedures. Data and Accountability staff provide LEAs with technical assistance for all data entry and reporting for required state and federal special education reporting purposes. The early childhood staff collaborate with Part C staff and provide technical assistance as requested on transition from IDEA Part C to IDEA Part B. The staff also collaborate with other units within the SEA to provide support in early literacy and the Jump Start program. Training is conducted via phone, Zoom, TEAMS and/or in-person, depending on the needs of the LEA.

Technical assistance and updates are regularly provided to directors of special education at conferences and regional Montana Council of Administrators of Special Education (MCASE) meetings. In addition, the SEA staff have areas of expertise that are available to LEA's, as requested for technical assistance and/or training. Such expertise includes former special education teachers with knowledge from preschool classrooms, special education classrooms and inclusion, Speech/Language Pathologists, and former classroom teachers. The SEA is in its fourth year of providing several monthly Community of Practice (CoP) calls through zoom. In addition, the SEA continues to hold monthly special education director calls to provide updates and to discuss current issues related to special education.

**Professional Development System:**

**The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for children with disabilities.**

Professional development is provided through multiple areas in the Special Education department. The Continuing Education and Technical Assistance (CETA) and the School Improvement units have integrated responsibilities.

Montana's Statewide Comprehensive System of Personnel Development (CSPD) is comprised of pre-monitoring training, regional training opportunities (Regional CSPD), State Personnel Development Grant (SPDG), Montana Autism Education Project (MAEP), Higher Education Consortium (HEC), Montana Teacher Learning Hub, and training at events. Special education coordinates the Summer Institute (SI) and High School (HS) Forum. Training for general education personnel is supported by the projects above to increase skills to respond to the needs of students with disabilities. During the 2023-24 school year the monitoring team provided optional pre-monitoring professional development for LEAs/cooperatives/state-supported programs scheduled for comprehensive monitoring the following school year. Professional Development (PD) was provided to special education case-managers, specialists, and administration in both the virtual/onsite formats. Pre-monitoring trainings were provided to 16 of 18 districts and/or cooperatives.

The Regional CSPD structure includes five councils, each led by a regional coordinator, which provide free training for parents, special educators, general educators, and paraprofessionals. The regional coordinators meet monthly with the SEA as the statewide CSPD council. The SEA provides an annual report to each council with indicator data, trends in monitoring, and evaluation data for all Regional CSPD training. The councils analyze the data to align their activities to the APR indicators and direct professional development toward improving student outcomes. The Regional CSPD hosted 153 in-person and virtual training events in 2023-24 with 2821 attendees. The statewide priority training topic this year was mathematics. Montana continued our 2020 SPDG: Montana's Tiered System of Supports. The SPDG provides coaching support to districts to increase capacity to implement a system-level problem-solving approach to facilitate the adoption of evidence-based academic and behavioral practices to improve student outcomes. MT's SPDG provides coaching support through online MTSS modules while providing autonomy to districts to select professional development based on individual needs. The focus in year 4 was on creating Building Implementation Team (BIT) modules and supporting 16 districts from all 5 CSPD regions. Ten districts from CSPD Region III began a targeted coaching pilot in Spring 2024, increasing the districts supported by the project to 26. All SPDG materials are available on a MTSS training site. Our SPDG partnership with the MT Empowerment Center (MEC) provided public service announcements and resources for parents.

Educating students with autism and related disabilities requires specific skills and knowledge beyond what is acquired through teacher preservice programs. The goals of the SEA's Montana Autism Education Project (MAEP) are to: 1) Increase district-level knowledge of how to educate students

with autism and related disabilities through in-person training, interactive video training, onsite technical assistance, and peer-to-peer collaboration; and 2) Develop interagency collaboration between the SEA, school districts, Part C agency providers, Department of Public Health and Human Services, the MEC, and Institutes of Higher Education (IHE). The MAEP offers free autism and/or behavior consultations for public school students who qualify for special education services under the IDEA. Board certified behavior analysts, speech-language pathologists, psychologists, and experienced educators are among the part-time consultants at the SEA. During the 2023-24 school year, the MAEP provided 34 unique training opportunities, including scholarships for partner events, for a total of 93 MAEP professional development sessions statewide. These trainings were attended by 1,068 Montana educators, parents, and others who have an interest in autism, neurodiverse learning, and behavior management for a total of 377.5 hours of training offered. Topics included autism assessment, compliance with the rule on the use of aversive treatment procedures, data collection, writing IEP goals, behavior management, executive function, sensory needs, social skills, augmentative and alternative communication, foundations of autism, classroom management, and effective learning systems.

With the assistance of the TAESE center at Utah State University, the SEA meets with representatives of all Montana teacher preparation programs to improve preservice instruction through our Higher Education Consortium (HEC). The HEC has met twice a year since 1999 to discuss critical issues and share ideas. The meetings create a strong collaborative partnership between faculty members and the SEA. The fall 2023 HEC meeting had presentations and guided discussion on strengthening tribal partnerships, tribal approaches, and proficiency-based education. The spring 2024 meeting included presentations and discussions on strategies for supporting faculty and student mental health, including a review of data, K-12 perspectives, and stress management.

The Montana Teacher Learning Hub provides free, accessible, high-quality content and online active learning throughout Montana. Three new Special Education courses were published this year, including two courses in the series Making Transitions Matter: Becoming an Adult and Community Resources and The Impact of Deafblindness on Learning and Development, in collaboration with Montana's DeafBlind Project. The special education team supported 8 existing courses targeted for teachers of students with disabilities, including a 4-part series: Special Education Overview for all School Staff; Referrals, Evaluations and Eligibility; Writing Compliant IEPs; and Writing Transition IEPs; and 4 introductory courses: General Education Teacher Role in SPED; 2E: Twice Exceptional; A Bit about Braille; and Practical Strategies for Using Technology to Assist Notetaking. The 11 Special Education courses for educators had 562 participants for 2023-24. We also supported 3 self-paced paraeducator courses: Orientation to Special Education for Paraprofessionals (V2), Instructional Strategies for Paraeducators (V2), and Instructional Teamwork for Paraeducators (V2) which had 226 total participants in 2023-24. The SPDG team supported two MTSS Hub courses and one on high leverage practices. In May 2024, the Hub added a 9-hour professional development series on Dyslexia.

The Summer Institute (SI) and High School (HS) Forum events provided professional development to general and special education faculty. Sessions were targeted at all tiers to meet the needs of all students, including students with disabilities and tribal students. A 2-day HS Forum was held in November 2023 promoting the use of the MTSS framework for academics, behavior, and mental health in a secondary environment with 99 attendees in 19 sessions. The SI provided 4 days of PD in June 2024 with a focus on special education, MTSS, evidence-based practices, PBIS, IEFA, and mental health. The 2024 SI event included over 124 sessions and 523 attendees.

Special education staff collaborate with the Indian Education for All (IEFA) and Tribal Student Achievement and Relations (TSAR) units on the development and delivery of professional development to meet the unique needs of Montana's American Indian students. The IEFA and TSAR unit staff are partners on SI, HS Forum, and HEC providing relevant sessions to ensure the SEA addresses cultural and linguistic responsiveness and tribal student achievement.

Special education staff presented at the Montana Council for Exceptional Children (MCEC) and Montana Council for Administrators of Special Education (MCASE) Conferences, as well as other events.

#### **Stakeholder Engagement:**

**The mechanisms for broad stakeholder engagement, including activities carried out to obtain input from, and build the capacity of, a diverse group of parents to support the implementation activities designed to improve outcomes, including target setting and any subsequent revisions to targets, analyzing data, developing improvement strategies, and evaluating progress.**

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:

Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
Education Advocates – presented Indicator 8 changes & new monitoring process

Summer Institute

Montana Council of Administrators of Special Education (MCASE)

Higher Education Consortium (HEC)

Great Divide Special Education Cooperative board meeting

Dawson Community College – assisting in setting up the ParaPathways Program

Weekly Superintendent's Hour – Indicator 8

CSPD Regional Directors

Montana Empowerment Center – IEP Boot Camps

Disability Rights Montana

University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

**Apply stakeholder engagement from introduction to all Part B results indicators (y/n)**

YES

**Number of Parent Members:**

9

**Parent Members Engagement:**

**Describe how the parent members of the State Advisory Panel, parent center staff, parents from local and statewide advocacy and advisory committees, and individual parents were engaged in setting targets, analyzing data, developing improvement strategies, and evaluating progress.**

The State Advisory Panel has a diverse group of participants from across the state. The panel meets four times a year. These meetings include opportunities for engagement in reviewing and setting (if applicable) targets, analyzing data at the state level, and developing improvement strategies and recommendations for the State Superintendent. During the 2023/2024 school year, the SEA met on a quarterly basis with Disability Rights Montana (DRM), and monthly with the parent training and information center, MEC.

**Activities to Improve Outcomes for Children with Disabilities:**

**The activities conducted to increase the capacity of diverse groups of parents to support the development of implementation activities designed to improve outcomes for children with disabilities.**

The SEA holds the SEAP four times a year. The final meeting of the year includes stakeholders from around the state including parents from MEC, other state agencies who work with children, students, and adults with disabilities. At the final meeting of the year, the stakeholders look at the data from the APR and Data Driven Enterprises does a state level drill down of the indicators to present. Once the data has been presented, the stakeholder have the opportunity to discuss the data with their table mates. They're asked to provide feedback, suggestions for improvement, and ask questions.

**Soliciting Public Input:**

**The mechanisms and timelines for soliciting public input for setting targets, analyzing data, developing improvement strategies, and evaluating progress.**

The APR was presented to the Advisory Panel in January 2024. It was explained to the advisory panel that the SEA was presenting changes to Indicator 14. Those changes consisted of changing two of the questions asked and setting new targets. The panel agreed to the changes and set targets at this meeting. Throughout each school year, stakeholders and members of the public have the ability to provide input on SPP/APR targets, the analysis of the publicly shared data, suggested improvement strategies that will result in improved outcomes for students with disabilities and evaluation of state progress and LEA progress towards state targets.

**Making Results Available to the Public:**

**The mechanisms and timelines for making the results of the target setting, data analysis, development of the improvement strategies, and evaluation available to the public.**

The meeting minutes from the SEAP can be found here: <https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education/Regulations-and-Guidance#10965413037-federal-requirements>. In March of every year, the SEA shares the data of the most recently submitted APR. This information is shared either in an in-person or virtual meeting depending on the weather.

**Reporting to the Public**

**How and where the State reported to the public on the FFY 2022 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2022 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP/APR, including any revisions if the State has revised the targets that it submitted with its FFY 2022 APR in 2024, is available.**

A report of the FFY 2022 performance of each LEA on the targets for SPP/APR indicators can be accessed directly via the following link: <https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20Suppressed.xlsx?ver=2024-08-13-080405-260>.

The FFY 2023 performance of each LEA on the targets for SPP/APR indicators will be posted within 120 days of the February 3, 2025, submission of the SPP/APR and will be available on the following website: <https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education/Special-Education-Annual-Performance-Report#10963313031-idea-data>. To access the link, click on "IDEA Data" and find the link to the publicly reported data under the "Public Reporting of IDEA Data" header.

A complete copy of the state's SPP/APR will be posted on the state website via the following link: <https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education/Regulations-and-Guidance#11191313088-annual-performance-report>.

**Intro - Prior FFY Required Actions**

The State's IDEA Part B determination for both 2023 and 2024 is Needs Assistance. In the State's 2024 determination letter, the Department advised the State of available sources of technical assistance, including OSEP-funded technical assistance centers, and required the State to work with appropriate entities. The Department directed the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. The State must report, with its FFY 2023 SPP/APR submission, due February 1, 2025, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

**Response to actions required in FFY 2022 SPP/APR**

During the 2023/2024 school year, the SEA worked with several OSEP-funded technical assistance centers. The most notable centers that were worked with include NCSI, CIFR, DCASD, and IDC. These four centers worked the SEA to improve their general supervision responsibilities.

The SEA worked with NCSI to assist in developing our Integrated Monitoring System (IMS). They assisted the SEA in developing a new monitoring system, requirements, and a complete manual for this process. The development of the new monitoring system affects the following indicators: 4 and 9-13. The SEA worked with the center through in-person and zoom meetings.

CIFR assisted the SEA in creating a fiscal monitoring system and a manual for the LEAs and the agency on how to conduct a fiscal monitoring. This is a requirement of our general supervision responsibilities and has allowed the SEA to start implementing fiscal monitoring at a new level. The work in developing this document was done through zoom meetings.

DCASD is one of the newer OSEP-funded technical assistance centers the SEA has worked very closely with. The SEA had to start from scratch in creating an LEA and state level document around significant disproportionality. With the assistance of DCASD the SEA has developed a significant disproportionality manual to assist with consistency each year. We meet with DCASD on a weekly and eventually bi-weekly basis through zoom and in-person at a conference(s). The team also attended many of the calls and webinars DCASD had to offer.

The SEA used the IDC for work with Indicator 17 and by submitting our drafts for the SPP/APR for comment. With the feedback provided, the SEA was able to make their SPP/APR stronger and by utilizing language used by OSEP. Communication occurred through email, zoom meetings, and in-person conference(s).

## **Intro - OSEP Response**

## **Intro - Required Actions**



# Indicator 1: Graduation

## Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with Individualized Education Programs (IEPs) exiting special education due to graduating with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

### Data Source

Same data as used for reporting to the Department under section 618 of the Individuals with Disabilities Education Act (IDEA), using the definitions in ED*Facts* file specification FS009.

### Measurement

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to graduating with a regular high school diploma in the numerator and the number of all youth with IEPs who exited high school (ages 14-21) in the denominator.

### Instructions

*Sampling is not allowed.*

Data for this indicator are “lag” data. Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2023 SPP/APR, use data from 2022-2023), and compare the results to the target.

Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) graduated with a state-defined alternate diploma; (c) received a certificate; (d) reached maximum age; or (e) dropped out.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved but are known to be continuing in an educational program.

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma. If the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma are different, please explain.

## 1 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2020	78.65%

FFY	2018	2019	2020	2021	2022
Target >=	82.00%	82.90%	76.00%	77.00%	78.00%
Data	76.53%	78.03%	78.65%	73.73%	69.69%

### Targets

FFY	2023	2024	2025
Target >=	79.00%	80.00%	80.00%

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana’s unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent’s Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA’s proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana’s Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:

- Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork
- Vocational Rehabilitation and Blind Services – strengthening our secondary transition
- Education Advocates – presented Indicator 8 changes & new monitoring process
- Summer Institute
- Montana Council of Administrators of Special Education (MCASE)
- Higher Education Consortium (HEC)
- Great Divide Special Education Cooperative board meeting

Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent’s Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

**Prepopulated Data**

Source	Date	Description	Data
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a)	911
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by graduating with a state-defined alternate diploma (b)	
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (c)	54
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (d)	3
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (e)	348

**FFY 2023 SPP/APR Data**

Number of youth with IEPs (ages 14-21) who exited special education due to graduating with a regular high school diploma	Number of all youth with IEPs who exited special education (ages 14-21)	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
911	1,316	69.69%	79.00%	69.22%	Did not meet target	No Slippage

**Graduation Conditions**

**Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma.**

The Montana Board of Public Education has set the following as the minimum graduation requirements for all Montana students. Each local school board has the option to add additional requirements and most choose to add more rigorous requirements that all students in their district must meet. In some cases, this may result in a special education student needing to spend more than 4 years working towards their high school diploma. It can create a barrier to graduation for students who transfer to or from one Montana High School to another with more rigorous graduation standards.

10.55.905: GRADUATION REQUIREMENTS - Administrative Rules of the State of Montana

10.55.905 GRADUATION REQUIREMENTS

(1) As a minimum, a school district's requirements for graduation shall include a total of 20 units of study that enable all students to meet the content standards and content-specific grade-level learning progressions.

(2) In order to meet the content and performance standards, the following 13 units shall be part of the 20 units required for all students to graduate:

- (a) 4 units of English language arts;
- (b) 2 units of mathematics;
- (c) 2 units of social studies;
- (d) 2 units of science;
- (e) 1 unit of health enhancement, with 1/2 unit each year for two years;
- (f) 1 unit of arts; and
- (g) 1 unit of career and technical education.

(3) Units of credit earned in any Montana high school accredited by the Board of Public Education shall be accepted by all Montana high schools.

(4) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment.

History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2012 MAR p. 2042, Eff. 7/1/13.

**Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? (yes/no)**

NO

Provide additional information about this indicator (optional)

**1 - Prior FFY Required Actions**

None

**1 - OSEP Response**

**1 - Required Actions**

## Indicator 2: Drop Out

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with IEPs who exited special education due to dropping out. (20 U.S.C. 1416 (a)(3)(A))

#### Data Source

Same data as used for reporting to the Department under section 618 of the Individuals with Disabilities Education Act (IDEA), using the definitions in ED<sup>Facts</sup> file specification FS009.

#### Measurement

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who exited special education (ages 14-21) in the denominator.

#### Instructions

*Sampling is not allowed.*

Data for this indicator are "lag" data. Describe the results of the State's examination of the section 618 exiting data for the year before the reporting year (e.g., for the FFY 2023 SPP/APR, use data from 2022-2023), and compare the results to the target.

Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) graduated with a state-defined alternate diploma; (c) received a certificate; (d) reached maximum age; or (e) dropped out.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved but are known to be continuing in an educational program.

Provide a narrative that describes what counts as dropping out for all youth. Please explain if there is a difference between what counts as dropping out for all students and what counts as dropping out for students with IEPs.

## 2 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2020	21.26%

FFY	2018	2019	2020	2021	2022
Target <=	3.40%	3.40%	21.26%	21.16%	21.06%
Data	3.16%	3.81%	21.26%	20.61%	25.85%

### Targets

FFY	2023	2024	2025
Target <=	20.96%	20.86%	20.76%

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
Education Advocates – presented Indicator 8 changes & new monitoring process  
Summer Institute  
Montana Council of Administrators of Special Education (MCASE)  
Higher Education Consortium (HEC)  
Great Divide Special Education Cooperative board meeting  
Dawson Community College – assisting in setting up the ParaPathways Program  
Weekly Superintendent's Hour – Indicator 8

**Prepopulated Data**

Source	Date	Description	Data
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a)	911
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by graduating with a state-defined alternate diploma (b)	
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (c)	54
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (d)	3
SY 2022-23 Exiting Data Groups (EDFacts file spec FS009; Data Group 85)	02/21/2024	Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (e)	348

**FFY 2023 SPP/APR Data**

Number of youth with IEPs (ages 14-21) who exited special education due to dropping out	Number of all youth with IEPs who exited special education (ages 14-21)	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
348	1,316	25.85%	20.96%	26.44%	Did not meet target	No Slippage

**Provide a narrative that describes what counts as dropping out for all youth**

The dropout definition for all students in the state of Montana is:  
 Dropouts are the count of individuals who: were enrolled in school on the date of the previous year October enrollment count or at some time during the previous school year and were not enrolled on the date of the current school year October count, or were not enrolled at the beginning of the previous school year but were expected to enroll and did not re-enroll during the year, “no show”, and were not enrolled on the date of the current school year October count, and have not graduated from high school or completed a state or district-approved high school educational program, and have not transferred to another school, been temporarily absent due to a school-recognized illness or suspension or died.

**Is there a difference in what counts as dropping out for youth with IEPs? (yes/no)**

YES

**If yes, explain the difference in what counts as dropping out for youth with IEPs.**

Dropouts for Indicator 2 are counted based on the requirements in the EDFacts File specifications for FS009: Dropped Out  
 These students were enrolled at the start of the reporting period but were not enrolled at the end of the reporting period and did not exit special education through any of the other means. This includes dropouts, runaways, GED recipients (in cases where students are required to drop out of the secondary educational program to pursue the GED certificate), expulsions, status unknown, students who moved but are not known to be continuing in another educational program, and other exiters from special education.

**Provide additional information about this indicator (optional)**

**2 - Prior FFY Required Actions**

None

**2 - OSEP Response**

**2 - Required Actions**

## Indicator 3A: Participation for Children with IEPs

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

- A. Participation rate for children with IEPs.
- B. Proficiency rate for children with IEPs against grade level academic achievement standards.
- C. Proficiency rate for children with IEPs against alternate academic achievement standards.
- D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

3A. Same data as used for reporting to the Department under Title I of the ESEA, using ED Facts file specifications FS185 and 188.

#### Measurement

A. Participation rate percent = [(# of children with IEPs participating in an assessment) divided by the (total # of children with IEPs enrolled during the testing window)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

#### Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3A: Provide separate reading/language arts and mathematics participation rates for children with IEPs for each of the following grades: 4, 8, & high school. Account for ALL children with IEPs, in grades 4, 8, and high school, including children not participating in assessments and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3A - Indicator Data

### Historical Data:

Subject	Group	Group Name	Baseline Year	Baseline Data
Reading	A	Grade 4	2023	54.02%
Reading	B	Grade 8	2023	59.92%
Reading	C	Grade HS	2018	81.38%
Math	A	Grade 4	2023	56.63%
Math	B	Grade 8	2023	58.53%
Math	C	Grade HS	2018	85.68%

### Targets

Subject	Group	Group Name	2023	2024	2025
Reading	A >=	Grade 4	95.00%	95.00%	95.00%
Reading	B >=	Grade 8	95.00%	95.00%	95.00%
Reading	C >=	Grade HS	95.00%	95.00%	95.00%
Math	A >=	Grade 4	95.00%	95.00%	95.00%
Math	B >=	Grade 8	95.00%	95.00%	95.00%
Math	C >=	Grade HS	95.00%	95.00%	95.00%

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent's Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

In FFY 2023, Montana allowed LEAs to opt into administration of a new field through year assessment for students grades 3-8 in mathematics and ELA who are required to take the statewide summative assessment. To eliminate an undue burden on students, teachers, and district leaders to prevent double-testing, the state requested a Field Test Flexibility waiver that would allow those participating schools to not administer the existing statewide summative assessments (students with the most significant cognitive disabilities in those schools would continue to take the existing alternate assessment based on alternate academic achievement standards). The U.S. Department of Education granted this waiver to Montana, which resulted in the state not having to produce or provide performance data (including proficiency assignments) for LEAs administering the field test. As a result, the only data reported in the Section 618 Assessment files utilized for Indicators 3A-3D will be the data for those LEAs administering the summative statewide assessment.

While Montana did revise baselines for grades 4 and 8 for both reading and math assessments, the state will continue to use the target of 95% participation for each grade and assessment to align the state Every Student Succeeds Act (ESSA) plan, which was predicated on stakeholder input.

**FFY 2023 Data Disaggregation from EDFacts**

**Data Source:**

SY 2023-24 Assessment Data Groups - Reading (EDFacts file spec FS188; Data Group: 589)

**Date:**

01/08/2025

**Reading Assessment Participation Data by Grade (1)**

Group	Grade 4	Grade 8	Grade HS
a. Children with IEPs (2)	1,803	1,507	1,150
b. Children with IEPs in regular assessment with no accommodations (3)	509	510	651
c. Children with IEPs in regular assessment with accommodations (3)	358	287	188
d. Children with IEPs in alternate assessment against alternate standards	107	106	102

**Data Source:**

SY 2023-24 Assessment Data Groups - Math (EDFacts file spec FS185; Data Group: 588)

**Date:**

01/08/2025

**Math Assessment Participation Data by Grade**

Group	Grade 4	Grade 8	Grade HS
a. Children with IEPs (2)	1,803	1,507	1,150
b. Children with IEPs in regular assessment with no accommodations (3)	363	340	688
c. Children with IEPs in regular assessment with accommodations (3)	498	436	217
d. Children with IEPs in alternate assessment against alternate standards	106	106	101

(1) The children with IEPs who are English learners and took the ELP in lieu of the regular reading/language arts assessment are not included in the prefilled data in this indicator.

(2) The children with IEPs count excludes children with disabilities who were reported as exempt due to significant medical emergency in row A for all the prefilled data in this indicator.

(3) The term "regular assessment" is an aggregation of the following types of assessments, as applicable for each grade/ grade group: regular assessment based on grade-level achievement standards, advanced assessment, Innovative Assessment Demonstration Authority (IADA) pilot assessment, high school regular assessment I, high school regular assessment II, high school regular assessment III and locally-selected nationally recognized high school assessment in the prefilled data in this indicator.

**FFY 2023 SPP/APR Data: Reading Assessment**

Group	Group Name	Number of Children with IEPs Participating	Number of Children with IEPs	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	974	1,803	98.63%	95.00%	54.02%	N/A	N/A
B	Grade 8	903	1,507	95.39%	95.00%	59.92%	N/A	N/A
C	Grade HS	941	1,150	83.11%	95.00%	81.83%	Did not meet target	Slippage

**Provide reasons for slippage for Group C, if applicable**

Nearly 50% of high school students with disabilities are reported as chronically absent. This trend has been relatively consistent across the past 3 years. By virtue of students being chronically absent, they may not be present to participate in statewide assessments. Accordingly, Montana has seen a decrease in the percentage of high school students with disabilities participating on both the regular and alternate statewide assessments. It also important to note, that the state has observed a decrease in the high school students with disabilities population which consequently has resulted in a decrease in the number of high school students with disabilities participating on state-wide assessments. In states with small populations, such as Montana, more minor changes in data from year to year can have more substantial impacts on statewide data.

**FFY 2023 SPP/APR Data: Math Assessment**

Group	Group Name	Number of Children with IEPs Participating	Number of Children with IEPs	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	967	1,803	98.30%	95.00%	53.63%	N/A	N/A
B	Grade 8	882	1,507	93.79%	95.00%	58.53%	N/A	N/A
C	Grade HS	1,006	1,150	86.65%	95.00%	87.48%	Did not meet target	No Slippage

**Regulatory Information**

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

**Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

The following link is the website where assessment data have been publicly posted:  
<https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education#10963313031-idea-data>

The following link is a direct link to the publicly reported assessment data:  
[https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20-%20FFY%202023%20Assessment%20Data\\_Suppressed.xlsx?ver=2025-01-31-072116-650](https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20-%20FFY%202023%20Assessment%20Data_Suppressed.xlsx?ver=2025-01-31-072116-650)

**Provide additional information about this indicator (optional)**

In FFY 2023, Montana allowed LEAs to opt into administration of a new field test for students grades 3-8 taking the regular statewide assessment. In FFY 2023, Montana allowed LEAs to opt into administration of a new field through year assessment for students grades 3-8 in mathematics and ELA who are required to take the statewide summative assessment. To eliminate an undue burden on students, teachers, and district leaders to prevent double-testing, the state requested a Field Test Flexibility waiver that would allow those participating schools to not administer the existing statewide summative assessments (students with the most significant cognitive disabilities in those schools would continue to take the existing alternate assessment based on alternate academic achievement standards). The U.S. Department of Education granted this waiver to Montana, which resulted in the state not having to produce or provide performance data (including proficiency assignments) for LEAs administering the field test. As a result, the only data reported in the Section 618 Assessment files utilized for Indicators 3A-3D will be the data for those LEAs administering the summative statewide assessment. A copy of the U.S. Department of Education's waiver can be found here:  
[https://opi.mt.gov/Portals/182/Page%20Files/MAST/Waiver%20Information/MT\\_fieldTestResponse2023.pdf](https://opi.mt.gov/Portals/182/Page%20Files/MAST/Waiver%20Information/MT_fieldTestResponse2023.pdf).

In light of the unique circumstances and changes related to the FFY 2023 assessment for grades 3-8, and the fact that Montana's federal Section 618 Assessment files do not include participation or results data for those LEAs that administered the field test, the state has reset the baseline due to a change in the data source/methodology. The data for FFY 2023 are no longer comparable to the data from prior years and thus FFY 2023 data are the appropriate baselines for grades 4 and 8 for both reading and mathematics in this FFY 2023 SPP/APR submission. When all LEAs shift to the "through-year" assessments in FFY 2024, the state will again reset the respective baselines, given that an entirely new assessment will be utilized.



**3A - Prior FFY Required Actions**

None

**3A - OSEP Response**

**3A - Required Actions**

## Indicator 3B: Proficiency for Children with IEPs (Grade Level Academic Achievement Standards)

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

- A. Participation rate for children with IEPs.
- B. Proficiency rate for children with IEPs against grade level academic achievement standards.
- C. Proficiency rate for children with IEPs against alternate academic achievement standards.
- D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

3B. Same data as used for reporting to the Department under Title I of the ESEA, using ED*Facts* file specifications FS175 and 178.

#### Measurement

B. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned for the regular assessment)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

#### Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3B: Proficiency calculations in this SPP/APR must result in proficiency rates for children with IEPs on the regular assessment in reading/language arts and mathematics assessments (separately) in each of the following grades: 4, 8, and high school, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3B - Indicator Data

### Historical Data:

Subject	Group	Group Name	Baseline Year	Baseline Data
Reading	A	Grade 4	2023	18.34%
Reading	B	Grade 8	2023	10.92%
Reading	C	Grade HS	2018	5.71%
Math	A	Grade 4	2023	18.70%
Math	B	Grade 8	2023	4.77%
Math	C	Grade HS	2018	4.76%

### Targets

Subject	Group	Group Name	2023	2024	2025
Reading	A >=	Grade 4	18.34%	18.34%	18.34%
Reading	B >=	Grade 8	10.92%	10.92%	10.92%
Reading	C >=	Grade HS	6.00%	6.10%	6.20%
Math	A >=	Grade 4	18.70%	18.70%	18.70%
Math	B >=	Grade 8	4.77%	4.77%	4.77%
Math	C >=	Grade HS	5.10%	5.20%	5.30%

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent's Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

In FFY 2023, Montana allowed LEAs to opt into administration of a new field through year assessment for students grades 3-8 in mathematics and ELA who are required to take the statewide summative assessment. To eliminate an undue burden on students, teachers, and district leaders to prevent double-testing, the state requested a Field Test Flexibility waiver that would allow those participating schools to not administer the existing statewide summative assessments (students with the most significant cognitive disabilities in those schools would continue to take the existing alternate assessment based on alternate academic achievement standards). The U.S. Department of Education granted this waiver to Montana, which resulted in the state not having to produce or provide performance data (including proficiency assignments) for LEAs administering the field test. As a result, the only data reported in the Section 618 Assessment files utilized for Indicators 3A-3D will be the data for those LEAs administering the summative statewide assessment.

When contemplating revising targets for Indicator 3B, the state was reticent to have stakeholders provide in-depth feedback on the targets, given that a large percentage of LEAs were not included in the assessment type that was federally reported and thus the data was not meaningfully representative of the whole state's student populations. Further, the state assessment will change again in FFY 2024, when LEAs in Montana will be required to administer the "through-year" assessment that was field tested in FFY 2023. As a result, next year Montana will have to once again reset baselines and establish new targets. The state believes that it is the FFY 2024 data that should be used to set well-informed targets predicated on the regular assessment performance for LEAs and students in the state. For this reason, the state engaged with its stakeholders and conveyed that for this FFY 2023 reporting period, the state will set targets for grades 4 and 8 for reading and mathematics for FFY 2023 through FFY 2025 that are the same as the data reported in FFY 2023. Once updated assessment data are available for FFY 2024, the state will conduct a more robust data analysis of the participation and proficiency data and work collaboratively with stakeholders to establish targets for FFY 2024 and FFY 2025.

**FFY 2023 Data Disaggregation from ED Facts**

**Data Source:**

SY 2023-24 Assessment Data Groups - Reading (ED Facts file spec FS178; Data Group: 584)

**Date:**

01/08/2025

**Reading Assessment Proficiency Data by Grade (1)**

Group	Grade 4	Grade 8	Grade HS
a. Children with IEPs who received a valid score and a proficiency level was assigned for the regular assessment	867	797	839
b. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level	110	74	71
c. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level	49	13	12

**Data Source:**

SY 2023-24 Assessment Data Groups - Math (ED Facts file spec FS175; Data Group: 583)

**Date:**

01/08/2025

**Math Assessment Proficiency Data by Grade (1)**

Group	Grade 4	Grade 8	Grade HS
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a. Children with IEPs who received a valid score and a proficiency level was assigned for the regular assessment	861	776	905
b. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level	112	33	31
c. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level	49	4	6

(1)The term “regular assessment” is an aggregation of the following types of assessments as applicable for each grade/ grade group: regular assessment based on grade-level achievement standards, advanced assessment, Innovative Assessment Demonstration Authority (IADA) pilot assessment, high school regular assessment I, high school regular assessment II, high school regular assessment III and locally-selected nationally recognized high school assessment in the prefilled data in this indicator.

**FFY 2023 SPP/APR Data: Reading Assessment**

Group	Group Name	Number of Children with IEPs Scoring At or Above Proficient Against Grade Level Academic Achievement Standards	Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Regular Assessment	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	159	867	18.27%	18.34%	18.34%	N/A	N/A
B	Grade 8	87	797	11.77%	10.92%	10.92%	N/A	N/A
C	Grade HS	83	839	12.43%	6.00%	9.89%	Met target	No Slippage

**FFY 2023 SPP/APR Data: Math Assessment**

Group	Group Name	Number of Children with IEPs Scoring At or Above Proficient Against Grade Level Academic Achievement Standards	Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Regular Assessment	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	161	861	16.38%	18.70%	18.70%	N/A	N/A
B	Grade 8	37	776	6.14%	4.77%	4.77%	N/A	N/A
C	Grade HS	37	905	4.95%	5.10%	4.09%	Did not meet target	Slippage

**Provide reasons for slippage for Group C, if applicable**

Through analysis of data from FFY 2022 and FFY 2023 to determine potential reasons for slippage for HS math, the state observed a notable decrease in the number of students receiving valid scores (nearly a 10% decrease). In small populations like those in Montana, shifts in small numbers can have more substantial impacts on the overall state data. Accordingly, this could have accounted in part to this slippage (as supported by the slippage reported in 3A).

While this decrease in population of students with disabilities receiving valid scores is worth noting, the state also endeavored to investigate whether there were particular LEAs that were experiencing lower proficiency rates in FFY 2023 as compared to FFY 2022 to see any trends that would explain the slippage. Through this analysis, the state determined that of the 8 LEAs with the most sizeable decreases in numbers of students testing proficient in FFY 2022 as compared to FFY 2023, 4 of these LEAs were among the largest in the state. Thus, shifts in their data had greater bearing on statewide data. In both FFY 2022 and FFY 2023, these 4 LEAs made up roughly 34% of the total high school students with disabilities population receiving a valid score for the regular statewide reading assessment. In FFY 2022, nearly 34% of the high school students with disabilities receiving valid scores in these 4 districts were determined proficient. However, in FFY 2023 only 27.7% were determined proficient. This decrease in proficiency rates for these 4 LEAs by more than 6 percentage points, coupled with the fact these 4 LEAs are such a substantial portion of the population being evaluated in the state, certainly is a likely reason for the statewide decrease in proficiency.

As to why proficiency rates in these large LEAs and others across the state decreased, LEAs have reported significant staffing shortages across the state. These staffing shortages have made it challenging for LEAs to find educators with the training, expertise, and experience to effectively support students with disabilities in differentiating instruction in core instruction. This too many be a likely reason for the slippage observed.

**Regulatory Information**

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in

those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

### **Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

The following link is the website where assessment data have been publicly posted:

<https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education#10963313031-idea-data>

The following link is a direct link to the publicly reported assessment data:

[https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20-%20FFY%202023%20Assessment%20Data\\_Suppressed.xlsx?ver=2025-01-31-072116-650](https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20-%20FFY%202023%20Assessment%20Data_Suppressed.xlsx?ver=2025-01-31-072116-650)

### **Provide additional information about this indicator (optional)**

In FFY 2023, Montana allowed LEAs to opt into administration of a new field test for students grades 3-8 taking the regular statewide assessment. In FFY 2023, Montana allowed LEAs to opt into administration of a new field through year assessment for students grades 3-8 in mathematics and ELA who are required to take the statewide summative assessment. To eliminate an undue burden on students, teachers, and district leaders to prevent double-testing, the state requested a Field Test Flexibility waiver that would allow those participating schools to not administer the existing statewide summative assessments (students with the most significant cognitive disabilities in those schools would continue to take the existing alternate assessment based on alternate academic achievement standards). The U.S. Department of Education granted this waiver to Montana, which resulted in the state not having to produce or provide performance data (including proficiency assignments) for LEAs administering the field test. As a result, the only data reported in the Section 618 Assessment files utilized for Indicators 3A-3D will be the data for those LEAs administering the summative statewide assessment. A copy of the U.S. Department of Education's waiver can be found here:

[https://opi.mt.gov/Portals/182/Page%20Files/MAST/Waiver%20Information/MT\\_fieldTestResponse2023.pdf](https://opi.mt.gov/Portals/182/Page%20Files/MAST/Waiver%20Information/MT_fieldTestResponse2023.pdf).

In light of the unique circumstances and changes related to the FFY 2023 assessment for grades 3-8, and the fact that Montana's federal Section 618 Assessment files do not include participation or results data for those LEAs that administered the field test, the state has reset the baseline due to a change in the data source/methodology. The data for FFY 2023 are no longer comparable to the data from prior years and thus FFY 2023 data are the appropriate baselines for grades 4 and 8 for both reading and mathematics in this FFY 2023 SPP/APR submission. When all LEAs shift to the "through-year" assessments in FFY 2024, the state will again reset the respective baselines, given that an entirely new assessment will be utilized.

### **3B - Prior FFY Required Actions**

None

### **3B - OSEP Response**

### **3B - Required Actions**

## Indicator 3C: Proficiency for Children with IEPs (Alternate Academic Achievement Standards)

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

- A. Participation rate for children with IEPs.
- B. Proficiency rate for children with IEPs against grade level academic achievement standards.
- C. Proficiency rate for children with IEPs against alternate academic achievement standards.
- D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

3C. Same data as used for reporting to the Department under Title I of the ESEA, using ED*Facts* file specifications FS175 and 178.

#### Measurement

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned for the alternate assessment)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

#### Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3C: Proficiency calculations in this SPP/APR must result in proficiency rates for children with IEPs on the alternate assessment in reading/language arts and mathematics assessments (separately) in each of the following grades: 4, 8, and high school, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

### 3C - Indicator Data

#### Historical Data:

Subject	Group	Group Name	Baseline Year	Baseline Data
Reading	A	Grade 4	2018	48.33%
Reading	B	Grade 8	2018	41.75%
Reading	C	Grade HS	2018	51.11%
Math	A	Grade 4	2018	50.85%
Math	B	Grade 8	2018	45.63%
Math	C	Grade HS	2018	43.33%

#### Targets

Subject	Group	Group Name	2023	2024	2025
Reading	A >=	Grade 4	48.80%	48.90%	50.00%
Reading	B >=	Grade 8	42.10%	42.20%	42.30%
Reading	C >=	Grade HS	51.50%	51.60%	51.70%
Math	A >=	Grade 4	51.30%	51.40%	51.50%
Math	B >=	Grade 8	46.10%	46.20%	46.30%
Math	C >=	Grade HS	43.80%	43.90%	44.00%

#### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana’s Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent’s Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

**FFY 2023 Data Disaggregation from ED*Facts***

**Data Source:**

SY 2023-24 Assessment Data Groups - Reading (ED*Facts* file spec FS178; Data Group: 584)

**Date:**

01/08/2025

**Reading Assessment Proficiency Data by Grade**

Group	Grade 4	Grade 8	Grade HS
a. Children with IEPs who received a valid score and a proficiency level was assigned for the alternate assessment	107	106	102
b. Children with IEPs in alternate assessment against alternate standards scored at or above proficient	42	51	54

**Data Source:**

SY 2023-24 Assessment Data Groups - Math (ED*Facts* file spec FS175; Data Group: 583)

**Date:**

01/08/2025

**Math Assessment Proficiency Data by Grade**

Group	Grade 4	Grade 8	Grade HS
a. Children with IEPs who received a valid score and a proficiency level was assigned for the alternate assessment	106	106	101
b. Children with IEPs in alternate assessment against alternate standards scored at or above proficient	55	60	52

**FFY 2023 SPP/APR Data: Reading Assessment**

Group	Group Name	Number of Children with IEPs Scoring At or Above Proficient Against Alternate Academic Achievement Standards	Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Alternate Assessment	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	42	107	45.07%	48.80%	39.25%	Did not meet target	Slippage
B	Grade 8	51	106	33.33%	42.10%	48.11%	Met target	No Slippage
C	Grade HS	54	102	57.41%	51.50%	52.94%	Met target	No Slippage

**Provide reasons for slippage for Group A, if applicable**

Through analysis of data from FFY 2022 and FFY 2023 to determine potential reasons for slippage for 4th grade reading alternate assessment proficiency rates, the state observed a notable decrease in the number of students receiving valid scores (nearly a 25% decrease). In small populations like those in Montana, shifts in small numbers can have more substantial impacts on the overall state data. Accordingly, this could have accounted in part to this slippage (as supported by the slippage reported in 3A).

While this decrease in population of students with disabilities receiving valid scores is worth noting, the state also endeavored to investigate whether there were particular LEAs that were experiencing lower proficiency rates on alternate assessments in FFY 2023 as compared to FFY 2022 to see any trends that would explain the slippage. Through this analysis, the state determined that of the 6 LEAs with the most sizeable decreases in numbers of students testing proficient in FFY 2022 as compared to FFY 2023, 4 of these LEAs were among the largest in the state. Thus, shifts in their data had greater bearing on statewide data. In FFY 2022, these 4 LEAs made up a large portion of the state total number of students with disabilities in grade 4 receiving a valid score on the alternate assessment - nearly 42%. However, in FFY 2023 there was a substantial decrease in this percentage, with the total number of students with disabilities in grade 4 receiving a valid score on the alternate assessment for these 4 LEAs only comprising about 28% of the state population. The impact of this change is important, because in FFY 2022 the students in these 4 LEAs determined proficient alternate assessment encompassed nearly 51% of the population. Accordingly, they likely disproportionately positively impacted the statewide data. However, in FFY 2023 these 4 LEAs only made up approximately 24% of the population testing proficient on grade 4 alternate systems. This of course had a much more deleterious effect on the data.

As to why proficiency rates in these large LEAs and others across the state decreased, LEAs have reported significant staffing shortages across the state. These staffing shortages have made it challenging for LEAs to find educators with the training, expertise, and experience to effectively support students with complex needs and cognitive impairments that may require more comprehensive support. This too may be a likely reason for the slippage observed. Further, to move close to the 1% threshold for participation on the alternate assessment, LEAs have been making more concerted efforts to ensure that only those students with disabilities with the most substantial needs and cognitive impairments are taking the alternate assessment. Efforts to address this likely contributed to the decrease in the number of students participating on the alternate assessment and also the proficiency rates.

**FFY 2023 SPP/APR Data: Math Assessment**

Group	Group Name	Number of Children with IEPs Scoring At or Above Proficient Against Alternate Academic Achievement Standards	Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Alternate Assessment	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	55	106	58.87%	51.30%	51.89%	Met target	No Slippage
B	Grade 8	60	106	49.12%	46.10%	56.60%	Met target	No Slippage
C	Grade HS	52	101	52.78%	43.80%	51.49%	Met target	No Slippage

**Regulatory Information**

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

**Public Reporting Information**

**Provide links to the page(s) where you provide public reports of assessment results.**

The following link is the website where assessment data have been publicly posted:  
<https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Special-Education#10963313031-idea-data>

The following link is a direct link to the publicly reported assessment data:



[https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20-%20FFY%202023%20Assessment%20Data\\_Suppressed.xlsx?ver=2025-01-31-072116-650](https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/IDEA%20Data/Public%20Reporting%20-%20FFY%202023%20Assessment%20Data_Suppressed.xlsx?ver=2025-01-31-072116-650)

**Provide additional information about this indicator (optional)**

The Montana alternate assessment was not altered by the change in regular assessments that resulted in an assessment waiver for FFY 2023 and revisions to baselines for Indicators 3A and 3B. Accordingly, no baseline changes or revisions to targets were applied for Indicator 3C.

**3C - Prior FFY Required Actions**

None

**3C - OSEP Response**

**3C - Required Actions**

### Indicator 3D: Gap in Proficiency Rates (Grade Level Academic Achievement Standards)

#### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Participation and performance of children with IEPs on statewide assessments:

- A. Participation rate for children with IEPs.
- B. Proficiency rate for children with IEPs against grade level academic achievement standards.
- C. Proficiency rate for children with IEPs against alternate academic achievement standards.
- D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

3D. Same data as used for reporting to the Department under Title I of the ESEA, using ED*Facts* file specifications FS175 and 178.

#### Measurement

D. Proficiency rate gap = [(proficiency rate for children with IEPs scoring at or above proficient against grade level academic achievement standards for the 2023-2024 school year) subtracted from the (proficiency rate for all students scoring at or above proficient against grade level academic achievement standards for the 2023-2024 school year)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The proficiency rate includes all children enrolled for a full academic year and those not enrolled for a full academic year.

#### Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3D: Gap calculations in this SPP/APR must result in the proficiency rate for children with IEPs were proficient against grade level academic achievement standards for the 2023-2024 school year compared to the proficiency rate for all students who were proficient against grade level academic achievement standards for the 2023-2024 school year. Calculate separately for reading/language arts and math in each of the following grades: 4, 8, and high school, including both children enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

### 3D - Indicator Data

#### Historical Data:

Subject	Group	Group Name	Baseline Year	Baseline Data
Reading	A	Grade 4	2023	28.40
Reading	B	Grade 8	2023	31.98
Reading	C	Grade HS	2018	40.54
Math	A	Grade 4	2023	25.80
Math	B	Grade 8	2023	28.56
Math	C	Grade HS	2018	28.85

#### Targets

Subject	Group	Group Name	2023	2024	2025
Reading	A <=	Grade 4	28.40	28.40	28.40
Reading	B <=	Grade 8	31.98	31.98	31.98
Reading	C <=	Grade HS	40.24	40.14	40.04
Math	A <=	Grade 4	25.80	25.80	25.80
Math	B <=	Grade 8	28.56	28.56	28.56
Math	C <=	Grade HS	28.55	28.45	28.35

#### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana’s Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent’s Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

In FFY 2023, Montana allowed LEAs to opt into administration of a new field through year assessment for students grades 3-8 in mathematics and ELA who are required to take the statewide summative assessment. To eliminate an undue burden on students, teachers, and district leaders to prevent double-testing, the state requested a Field Test Flexibility waiver that would allow those participating schools to not administer the existing statewide summative assessments (students with the most significant cognitive disabilities in those schools would continue to take the existing alternate assessment based on alternate academic achievement standards). The U.S. Department of Education granted this waiver to Montana, which resulted in the state not having to produce or provide performance data (including proficiency assignments) for LEAs administering the field test. As a result, the only data reported in the Section 618 Assessment files utilized for Indicators 3A-3D will be the data for those LEAs administering the summative statewide assessment.

When contemplating revising targets for Indicator 3D, the state was reticent to have stakeholders provide in-depth feedback on the targets, given that a large percentage of LEAs were not included in the assessment type that was federally reported and thus the data was not meaningfully representative of the whole state’s student populations. Further, the state assessment will change again in FFY 2024, when LEAs in Montana will be required to administer the “through-year” assessment that was field tested in FFY 2023. As a result, next year Montana will have to once again reset baselines and establish new targets. The state believes that it is the FFY 2024 data that should be used to set well-informed targets predicated on the regular assessment performance for LEAs and students in the state. For this reason, the state engaged with its stakeholders and conveyed that for this FFY 2023 reporting period, the state will set targets for grades 4 and 8 for reading and mathematics for FFY 2023 through FFY 2025 that are the same as the data reported in FFY 2023. Once updated assessment data are available for FFY 2024, the state will conduct a more robust data analysis of the participation and proficiency data and work collaboratively with stakeholders to establish targets for FFY 2024 and FFY 2025.

**FFY 2023 Data Disaggregation from ED Facts**

**Data Source:**

SY 2023-24 Assessment Data Groups - Reading (ED Facts file spec FS178; Data Group: 584)

**Date:**

01/08/2025

**Reading Assessment Proficiency Data by Grade (1)**

Group	Grade 4	Grade 8	Grade HS
a. All Students who received a valid score and a proficiency was assigned for the regular assessment	5,894	6,099	9,460
b. Children with IEPs who received a valid score and a proficiency was assigned for the regular assessment	867	797	839
c. All students in regular assessment with no accommodations scored at or above proficient against grade level	2,699	2,599	4,934
d. All students in regular assessment with accommodations scored at or above proficient against grade level	56	17	42
e. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level	110	74	71
f. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level	49	13	12

**Data Source:**

SY 2023-24 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

**Date:**

01/08/2025

**Math Assessment Proficiency Data by Grade (1)**

Group	Grade 4	Grade 8	Grade HS
a. All Students who received a valid score and a proficiency was assigned for the regular assessment	5,890	6,046	9,627
b. Children with IEPs who received a valid score and a proficiency was assigned for the regular assessment	861	776	905
c. All students in regular assessment with no accommodations scored at or above proficient against grade level	2,542	2,009	2,909
d. All students in regular assessment with accommodations scored at or above proficient against grade level	79	6	28
e. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level	112	33	31
f. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level	49	4	6

(1)The term "regular assessment" is an aggregation of the following types of assessments as applicable for each grade/ grade group: regular assessment based on grade-level achievement standards, advanced assessment, Innovative Assessment Demonstration Authority (IADA) pilot assessment, high school regular assessment I, high school regular assessment II, high school regular assessment III and locally-selected nationally recognized high school assessment in the pre-filled data in this indicator.

**FFY 2023 SPP/APR Data: Reading Assessment**

Group	Group Name	Proficiency rate for children with IEPs scoring at or above proficient against grade level academic achievement standards	Proficiency rate for all students scoring at or above proficient against grade level academic achievement standards	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	18.34%	46.74%	27.98	28.40	28.40	N/A	N/A
B	Grade 8	10.92%	42.89%	33.61	31.98	31.98	N/A	N/A
C	Grade HS	9.89%	52.60%	41.10	40.24	42.71	Did not meet target	Slippage

**Provide reasons for slippage for Group C, if applicable**

In FFY 2023, high school students with and without disabilities receiving a valid score on the regular statewide assessment experienced decreases in proficiency rates. However, the decrease for high school students with disabilities was substantially more notable. As outlined in 3B, the state observed decreases in the proficiency rates of high school students with disabilities on regular high school assessments in both reading and math. The decrease in reading was actually more stark, but the target was met and thus slippage was not identified in 3B for reading. However, the starkness of this proficiency rate decrease for reading is evidenced much more clearly in 3D when comparing proficiency rates for high school students with and without disabilities on the reading regular statewide assessment.

The impact of fewer students as a whole participating on statewide assessment statewide likely had some bearing on the slippage, as the volatility of smaller student populations like those in Montana can have more substantial impacts on percentages. However, the state also observed trends in the LEAs reporting lower proficiency rates. The same 4 large LEAs that impacted high school students with disabilities proficiency rates for math (enumerated in 3B) had an impact on the growth in proficiency gap from FFY 2022 to FFY 2023 between students with and without disabilities. Two additional large LEAs comprising nearly 12 percent of the population of high school students with and without disabilities who received a valid score on the regular statewide assessment for reading reported substantially higher proficiency rates for students with disabilities than their peers, however, there gap in proficiency was also much greater than their peers given the high proficiency rates of students without disabilities (approximately 50 percentage point gap for both LEAs). Accordingly, the large gaps for these large districts likely also contribute to the statewide slippage for this indicator.

As to why proficiency rates across the state, and in these large LEAs, decreased, LEAs have reported significant staffing shortages across the state. These staffing shortages have made it challenging for LEAs to find educators and in particular more specialized educators with the training, expertise, and experience to effectively support students with disabilities. This too may be a likely reason for the more notable decreases in the proficiency rates for students with disabilities as compared to students without disabilities, and the overall slippage for this indicator.

**FFY 2023 SPP/APR Data: Math Assessment**

Group	Group Name	Proficiency rate for children with IEPs scoring at or above proficient against grade level academic achievement standards	Proficiency rate for all students scoring at or above proficient against grade level academic achievement standards	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A	Grade 4	18.70%	44.50%	28.34	25.80	25.80	N/A	N/A
B	Grade 8	4.77%	33.33%	25.76	28.56	28.56	N/A	N/A
C	Grade HS	4.09%	30.51%	25.38	28.55	26.42	Met target	No Slippage

Provide additional information about this indicator (optional)

**3D - Prior FFY Required Actions**

None

**3D - OSEP Response**

**3D - Required Actions**

## Indicator 4A: Suspension/Expulsion

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results Indicator:** Rates of suspension and expulsion:

- A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

#### Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

#### Measurement

Percent = [(# of LEAs that meet the State-established n and/or cell size (if applicable) that have a significant discrepancy, as defined by the State, in the rates of suspensions and expulsions for more than 10 days during the school year of children with IEPs) divided by the (# of LEAs in the State that meet the State-established n and/or cell size (if applicable))] times 100.

Include State's definition of "significant discrepancy."

#### Instructions

If the State has established a minimum n and/or cell size requirement, the State must provide a definition of its minimum n and/or cell size itself and a description thereof (e.g., a State's n size of 15 represents the number of children with disabilities enrolled in an LEA, and a State's cell size of 5 represents the number of children with disabilities who have received out-of-school suspensions and expulsions of more than 10 days within the LEA).

The State must also provide rationales for its minimum n and/or cell size, including why the definitions chosen are reasonable and based on stakeholder input, and how the definitions ensure that the State is appropriately analyzing and identifying LEAs with significant discrepancy. The State must also indicate whether the minimum n and/or cell size represents a change from the prior SPP/APR reporting period. If so, the State must provide an explanation why the minimum n and/or cell size was changed.

The State may only include, in both the numerator and the denominator, LEAs that met that State established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2023 SPP/APR, use data from 2022-2023), including data disaggregated by race and ethnicity to determine if significant discrepancies, as defined by the State, are occurring in the rates of long-term suspensions and expulsions (more than 10 days during the school year) of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons:

- Option 1: The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- Option 2: The rates of suspensions and expulsions for children with IEPs to rates of suspensions and expulsions for nondisabled children within the LEAs.

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

If, under Option 1, the State uses a State-level long-term suspension and expulsion rate for children with disabilities to compare to LEA-level long-term suspension and expulsion rates for the purpose of determining whether an LEA has a significant discrepancy, the State must provide the State-level long-term suspension and expulsion rate used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose long-term suspension/expulsion rate exceeds 2 percentage points above the State-level rate of 0.7%, the State must provide OSEP with the State-level rate of 0.7%).

If, under Option 2, the State uses a rate difference to compare the rates of long-term suspensions and expulsions for children with IEPs to the rates of long-term suspensions and expulsions for nondisabled children within the LEA, the State must provide the State-selected rate difference used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose rate of long-term suspensions and expulsions for children with IEPs is 4 percentage points above the long-term suspension/expulsion rate for nondisabled children, the State must provide OSEP with the rate difference of 4 percentage points). Similarly, if, under Option 2, the State uses a rate ratio to compare the rates of long-term suspensions and expulsions for children with IEPs to the rates of long-term suspensions and expulsions for nondisabled children within the LEA, the State must provide the State-selected rate ratio used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose ratio of its long-term suspensions and expulsions rate for children with IEPs to long-term suspensions and expulsions rate for nondisabled children is greater than 3.0, the State must provide OSEP with the rate ratio of 3.0).

Because the Measurement Table requires that the data examined for this indicator are lag year data, States should examine the section 618 data that was submitted by LEAs that were in operation during the school year before the reporting year. For example, if a State has 100 LEAs operating in the 2022-2023 school year, those 100 LEAs would have reported section 618 data in 2022-2023 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2023-2024, suspension/expulsion data from those 15 new LEAs would not be in the 2022-2023 section 618 data set, and therefore, those 15 new LEAs should not be included in the denominator of the calculation. States must use the number of LEAs from the year before the reporting year in its calculation for this indicator. For the FFY 2023 SPP/APR submission, States must use the number of LEAs reported in 2022-2023 (which can be found in the FFY 2022 SPP/APR introduction).

Indicator 4A: Provide the actual numbers used in the calculation (based upon LEAs that met the minimum n and/or cell size requirement, if applicable). If significant discrepancies occurred, describe how the State educational agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with applicable requirements.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If discrepancies occurred and the LEA with discrepancies had policies, procedures or practices that contributed to the significant discrepancy, as defined by the State, and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 23-01, dated July.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

#### 4A - Indicator Data

##### Historical Data

Baseline Year	Baseline Data
2016	0.00%

FFY	2018	2019	2020	2021	2022
Target <=	0.00%	0.00%	0.00%	0.00%	0.00%
Data					

##### Targets

FFY	2023	2024	2025
Target <=	0.00%	0.00%	0.00%

##### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

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In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

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 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

##### FFY 2023 SPP/APR Data

Has the state established a minimum n/cell-size requirement? (yes/no)

YES

If yes, the State must provide a definition of its minimum n and/or cell size itself and a description thereof (e.g., a State's n size of 15 represents the number of children with disabilities enrolled in an LEA, and a State's cell size of 5 represents the number of children with disabilities who have received out-of-school suspensions and expulsions of more than 10 days within the LEA).

The state uses a minimum cell size of 10 students with disabilities who are suspended or expelled for greater than 10 days and 10 students without disabilities who are suspended or expelled for greater than 10 days. The state does not use a minimum n-size requirement.

**If yes, the State must also provide rationales for its minimum n and/or cell size, including why the definitions chosen are reasonable and based on stakeholder input, and how the definitions ensure that the State is appropriately analyzing and identifying LEAs with significant discrepancy.**

The state has utilized the minimum cell size of 10 for both students with disabilities suspended or expelled for greater than 10 days and students without disabilities suspended or expelled for greater than 10 days for many years. Stakeholders provided feedback on this methodology component when initially developed and have not expressed a desire to change the minimum cell size and/or utilize a minimum n-size in subsequent meetings and discussions. This is in part due to the small population of students with disabilities in LEAs across the state. Indeed, approximately 76.74% of the LEAs in the state report less than 50 students with disabilities, 53.21% of the LEAs in the state report less than 20 students with disabilities, and only 11.76% of the LEAs in the report 100 or more students with disabilities. Further, the number of students with disabilities experiencing suspensions and expulsions for greater than 10 days (the cell size) is also very small. For this FFY 2023 reporting period (2022-23 school year), there were only 78 students with disabilities across the state (approximately 0.38% of the total students with disabilities population) with suspensions and expulsions of greater than 10 days across 39 LEAs (9.80% of the total LEAs in the state). In these 39 LEAs, the mean number of students with disabilities suspended or expelled for greater than 10 days was 1.5, the median was 1, and the mode was 1.

These small student populations result in volatile data that make it difficult to ascertain if high rates of students of students with disabilities suspended or expelled for greater than 10 days are a product of systemic concerns as opposed to one or two students substantially impacting the data. These small student populations can limit the ability to meaningfully interpret and analyze data from year-to-year, as minor shifts in counts of students may have a notable effect on long-term suspension and expulsion rates for students with and without disabilities. For this reason, as well as historical stakeholder input on the minimum n and cell sizes, the state believes it is appropriately analyzing and identifying LEAs with significant discrepancy.

With this said, the state is constantly striving to improve how it is assessing internal processes and procedures related to all SPP/APR indicators to ensure information is high-quality and that the state is effectively completing its general supervision responsibilities. For this reason, the state is in the process of revisiting the Indicators 4A and 4B methodologies, conducting a broad array of analyses of the Indicators 4A and 4B data, and is planning to bring the information to the stakeholders in the spring of 2025 in an accessible format that will allow them to meaningfully contribute to discussions around the Indicators 4A and 4B methodology. The state will also explore with stakeholders some proposed potential revisions to minimum n and cell sizes and metrics used for determining significant discrepancies. Details of the cursory analysis the state has conducted and plans for the spring of 2025 have been provided in the "additional information" field.

**If yes, the State must also indicate whether the minimum n and/or cell size represents a change from the prior SPP/APR reporting period.**

There has been no change in the minimum n or cell sizes used by the state

**If yes, the State must provide an explanation why the minimum n and/or cell size was changed.**

N/A

**If yes, the State may only include, in both the numerator and the denominator, LEAs that met that State-established n/cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.**

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Number of LEAs that have a significant discrepancy	Number of LEAs that met the State's minimum n/cell-size	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
1	1		0.00%	100.00%	Did not meet target	N/A

**Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))**

The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

**State's definition of "significant discrepancy" and methodology**

The state uses a minimum cell size of 10 students with disabilities and without disabilities suspended or expelled for greater than 10 days. No minimum n-size requirement is used.

For those LEAs meeting the minimum cell size requirements, the state performs a statistical test difference between the long-term suspension and expulsion rates of students with disabilities within an LEA (calculated by dividing the total number of students with disabilities suspended or expelled for greater than 10 days by the total number of students with disabilities) and the long-term suspension and expulsion rates of students without disabilities (calculated by dividing the total number of students without disabilities suspended or expelled for greater than 10 days by the total number of students without disabilities) within the same LEA. The statistical test difference determines whether the difference in the percent of students with disabilities with long-term suspensions and expulsions and the percent of students without disabilities with long-term suspensions and expulsions is statistically significant within a 99% confidence interval (p value of 0.01). This methodology allows the state to discretely determine if students with disabilities have higher rates of long-term suspensions and expulsions within an LEA compared to their peers without disabilities. This also controls for false positives to limit the number of LEAs that might be identified due to extremely small student populations.

Using the methodology outlined above, an LEA is determined to have significant discrepancy if, upon meeting minimum cell size requirements, the statistical test difference between the long-term suspension and expulsion rates for students with and without disabilities indicates statistical significance within a 99% confidence interval (p value of 0.01). In the FFY 2023 reporting period (2022-23 school year data), there was one LEA meeting the minimum cell size requirement for both students with and without disabilities suspended or expelled for greater than 10 days and this LEA also demonstrated a statistically significant difference in the rate of students with disabilities suspended or expelled for greater than 10 days and the rate of students without disabilities suspended or expelled for greater than 10 days.

In light of the comments from OSEP related to the reasonable design of the methodology, the state has been conducting internal analyses of data for both Indicators 4A and 4B. The state recognizes the importance of ensuring the methodology for determining significant discrepancy in the long-term suspension expulsion rates of students with disabilities is reasonable, sound, and appropriately identifying LEAs that may require further investigation



and technical assistance to ensure there are not inappropriate policies, procedures, and practices contributing to the significant discrepancy. To get meaningful and authentic feedback from stakeholders, the state will be providing details of these analyses and suggested potential revisions to the methodology in spring of 2025. The results of this stakeholder input will be used by the state to determine what, if any, revisions will be most appropriate for determining significant discrepancy. More information about this analysis and plans for stakeholder engagement can be found in the "additional information" field below.

#### **Provide additional information about this indicator (optional)**

For several years, OSEP has provided the state with a comment related to explaining how the methodology used for determining significant discrepancy is reasonably designed, including "how the State's threshold for measuring significant discrepancy in the rate of long-term suspensions and expulsions is reasonably designed and how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology." The current methodology used by the state was developed based on stakeholder input. Stakeholders and state staff long held that minimum cell size requirements were appropriate to address challenges associated with the state's small population, which makes it difficult to control for potentially volatile data resulting in small sample sizes. For this reason, the minimum cell size was established. The small numbers also influenced the state's decision to use a test of statistical significance at the 99% confidence interval in the difference between the rates of suspensions and expulsions greater than 10 days for students with disabilities and the rates of suspensions and expulsions greater than 10 days for students without disabilities. Tests of statistical significance can be useful to control for small sample sizes and limit false positives

It is important to note that while only one LEA met the state's minimum cell size in FFY 2023 and exceeded the established threshold for significant discrepancy, this is due in part to the fact that 90.20% of LEAs were excluded from analysis by virtue of having no students with disabilities with suspensions or expulsions for greater than 10 days. The state believes this commendable and demonstrates how LEAs across the state are being extremely mindful when suspending and expelling students with disabilities. The challenge with this is that having more than 90% of the LEAs reporting no suspensions and expulsions greater than 10 days for students with disabilities inherently limits the number of LEAs analyzed by virtue of failing to have any data to analyze. However, the state also recognizes that the methodology resulting in the inclusion of only one LEA in analysis due to failure to meet a minimum cell size may result in the exclusion of LEAs that require further analysis to determine whether inappropriate policies, procedures, and practices are contributing to any identified significant discrepancy.

In order to provide the state time (in light of staff turnover and staffing shortages) to effectively analyze longitudinal Indicators 4A and 4B data and meaningfully engage stakeholders in revisiting the methodology of Indicators 4A and 4B, the state has conducted the analysis to see the methodologies used in similarly situated states for insight into other metrics used. These findings will be shared with stakeholders as well in the spring of 2025.

The first group of similarly situated states that were reviewed were those in the Mountain Region (as defined by the US Census). In this analysis (based on methodologies reported by states in FFY 2021), 71.43% (5 of the 7 LEAs reviewed) of these similarly situated states excluded 90% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Given that many of these similarly situated states also have small student populations, the state suspects that these similarly situated states may also be trying to control for volatility in data resulting from small numbers. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

The state also analyzed methodologies used by states determined similarly situated based on state population size. Of the 4 states reviewed in this category, 50% of the similarly situated states excluded 95% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Two of the 4 states utilized the same comparison group of students without disabilities when determining significant discrepancy, which made it feasible to compare Montana's significant discrepancy threshold to theirs. Given that Montana's threshold for 4A is not fixed, meaning it is predicated on the statistical significance of the difference between the rate of students with disabilities experiencing suspensions and expulsions for greater than 10 days and the rate of students without disabilities experiencing suspensions and expulsions for greater than 10 days, it is hard to accurately compare the methodology to those used by the 2 similarly situated states using comparison group option 2. Both of the states used rate ratio thresholds to determine significant discrepancy and required LEAs to exceed the established risk ratio threshold for consecutive years. In this sense, Montana's current methodology is less restrictive in that the state is making determinations of significant discrepancy based on only one year of data. This limits the delay in identifying LEAs that have to meet criteria for consecutive years.

The final group of states determined as similarly situated based on racial ethnic compositions included 3 additional states. Of these 3 states, 1 excluded 99% of LEAs due to the minimum cell and n-size requirements for 4A and 4B. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, as noted above, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

In addition to analyzing similarly situated states, Montana has developed models of what Indicator FFY 2023 data might look like when changing the comparison group, minimum cell and n-size requirements, and thresholds for both 4A and 4B. In these models, the state has considered

- Removing minimum cell and n-size requirements completely
- Setting minimum n-size requirements instead of cell size requirements to ensure any instances in which there are students suspended or expelled for greater than 10 days are considered unless the entire student population is excessively small
- Setting minimum cell and n-sizes of 2 and 10, respectively
- Utilizing comparison group option 1 and setting thresholds at 3 times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days or 2 percentage points above the state rate

The data analysis done for Montana, the data analysis completed for methodologies in similarly situated states, and the different models for methodologies will be brought to stakeholders in the spring of 2025 to ensure that they have a voice in the process of ensuring the Indicators 4A and 4B methodologies are reasonably designed and adequately identifying LEAs with significant discrepancy.

#### **Review of Policies, Procedures, and Practices (completed in FFY 2023 using 2022-2023 data)**

##### **Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

As a broad process, the state conducts policies, procedures, and practices reviews for all LEAs determined to have significant discrepancies. These reviews entail analyzing LEA-established policies and procedures related to discipline for students with and without disabilities, development of functional behavioral assessments (FBAs) and behavior intervention plans (BIPs), mechanisms in individualized education programs (IEPs) to determine special factors related to behavior and behavior supports/services, and processes for manifestation determinations. The state considers and reviews other information on LEA policies and procedures as well, including interviews with LEA staff when appropriate. Further, the state also analyzes the

practices of LEAs to determine efficacy in the implementation of the established policies and procedures. This practice review entails looking at student records. Consistent with the state’s overall monitoring process, the state selects 10% of students with disabilities who experienced out-of-school suspensions and expulsions for more than 10 days in the reporting period to verify compliance in the implementation of the regulatory requirements. Student data/documents reviewed include discipline logs, IEPs, FBAs/BIPs, manifestation determination documentation, and any other materials deemed pertinent.

For the one LEA determined to have a significant discrepancy in FFY 2023, the state review the LEA’s published, board-approved discipline policies and procedures, specifically honing in on the procedures related to suspensions/expulsions of students with disabilities. Further, the state looked at the mechanisms established by LEA to develop FBAs/BIPs and conduct manifestation determinations. The state also selected 10% of the students with disabilities records for those students suspended/expelled for greater than 10 days in FFY 2023 (one student record out of the 10 students with disabilities with long-term suspensions/expulsions). For the record review, the state looked at the disciplinary action logs, notes from educators and administrators related to the discipline, the developed FBA, the IEPs, and subsequent amendments, and the manifestation determination. Through the review of both the LEA’s policies and procedures as well as the student record reviews to get evidence of practice, the state determined that the LEA demonstrated compliance in policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Accordingly, there were no instances of noncompliance with Part B requirements for Indicator 4A.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

**Correction of Findings of Noncompliance Identified in FFY 2022**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**Correction of Findings of Noncompliance Identified Prior to FFY 2022**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**4A - Prior FFY Required Actions**

In the FFY 2023 SPP/APR, the State must explain how its methodology is reasonably designed to determine if significant discrepancies are occurring in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, including how the State's threshold for measuring significant discrepancy in the rate of long-term suspensions and expulsions is reasonably designed and how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology.

**Response to actions required in FFY 2022 SPP/APR**

For several years, OSEP has provided the state with a comment related to explaining how the methodology used for determining significant discrepancy is reasonably designed, including “how the State's threshold for measuring significant discrepancy in the rate of long-term suspensions and expulsions is reasonably designed and how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology.” The current methodology used by the state was developed based on stakeholder input. Stakeholders and state staff long held that minimum cell size requirements were appropriate to address challenges associated with the state’s small population, which makes it difficult to control for potentially volatile data resulting in small sample sizes. For this reason, the minimum cell size was established. The small numbers also influenced the state’s decision to use a test of statistical significance at the 99% confidence interval in the difference between the rates of suspensions and expulsions greater than 10 days for students with disabilities and the rates of suspensions and expulsions greater than 10 days for students without disabilities. Tests of statistical significance can be useful to control for small sample sizes and limit false positives

It is important to note that while only one LEA met the state’s minimum cell size in FFY 2023 and exceeded the established threshold for significant discrepancy, this is due in part to the fact that 90.20% of LEAs were excluded from analysis by virtue of having no students with disabilities with suspensions or expulsions for greater than 10 days. The state believes this commendable and demonstrates how LEAs across the state are being extremely mindful when suspending and expelling students with disabilities. The challenge with this is that having more than 90% of the LEAs reporting no suspensions and expulsions greater than 10 days for students with disabilities inherently limits the number of LEAs analyzed by virtue of failing to have any data to analyze. However, the state also recognizes that including one LEA in analysis due to failure to meeting a minimum cell size may result in the exclusion of LEAs that require further analysis to determine whether inappropriate policies, procedures, and practices are contributing to any identified significant discrepancy.

To provide the state time (in light of staff turnover and staffing shortages) to effectively analyze longitudinal Indicators 4A and 4B data and meaningfully engage stakeholders in revisiting the methodology of Indicators 4A and 4B, the state has analyzed to see the methodologies used in similarly situated states for insight into other metrics used. These findings will be shared with stakeholders as well in the spring of 2025.

The first group of similarly situated states that were reviewed were those in the Mountain Region (as defined by the US Census). In this analysis (based on methodologies reported by states in FFY 2021), 71.43% (5 of the 7 LEAs reviewed) of these similarly situated states excluded 90% or more of their

LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Given that many of these similarly situated states also have small student populations, the state suspects that these similarly situated states may also be trying to control for volatility in data resulting from small numbers. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

The state also analyzed methodologies used by states determined similarly situated based on state population size. Of the 4 states reviewed in this category, 50% of the similarly situated states excluded 95% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Two of the 4 states utilized the same comparison group of students without disabilities when determining significant discrepancy, which made it feasible to compare Montana's significant discrepancy threshold to theirs. Given that Montana's threshold for 4A is not fixed, meaning it is predicated on the statistical significance of the difference between the rate of students with disabilities experiencing suspensions and expulsions for greater than 10 days and the rate of students without disabilities experiencing suspensions and expulsions for greater than 10 days, it is hard to accurately compare the methodology to those used by the 2 similarly situated states using comparison group option 2. Both of the states used risk ratio thresholds to determine significant discrepancies and required LEAs to exceed the established risk ratio threshold for consecutive years. In this sense, Montana's current methodology is less restrictive in that the state is making determinations of significant discrepancy based on only one year of data. This limits the delay in identifying LEAs that have to meet criteria for consecutive years.

The final group of states determined similarly situated based on race/ethnicity included 3 additional states. Of these 3 states, 1 excluded 99% of LEAs due to the minimum cell and n-size requirements for 4A and 4B. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, as noted above, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

In addition to analyzing similarly situated states, Montana has developed models of what Indicator FFY 2023 data might look like when changing the comparison group, minimum cell and n-size requirements, and thresholds for both 4A and 4B. In these models, the state has considered

- Removing minimum cell and n-size requirements completely
- Setting minimum n-size requirements instead of cell size requirements to ensure any instances in which there are students suspended or expelled for greater than 10 days are considered unless the entire student population is excessively small
- Setting minimum cell and n-sizes of 2 and 10, respectively
- Utilizing comparison group option 1 and setting thresholds at 3 times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days or 2 percentage points above the state rate

The data analysis done for Montana, the data analysis completed for methodologies in similarly situated states, and the different models for methodologies will be brought to stakeholders in the spring of 2025 to ensure that they have a voice in the process of ensuring the indicators 4A and 4B methodologies are reasonably designed and adequately identifying LEAs with significant discrepancy.

## **4A - OSEP Response**

## **4A - Required Actions**

## Indicator 4B: Suspension/Expulsion

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Compliance Indicator:** Rates of suspension and expulsion:

- A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

#### Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

#### Measurement

Percent = [(# of LEAs that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of suspensions and expulsions of more than 10 days during the school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of LEAs in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "significant discrepancy."

#### Instructions

If the State has established a minimum n and/or cell size requirement, the State must provide a definition of its minimum n and/or cell size itself and a description thereof (e.g., a State's n size of 15 represents the number of children with disabilities enrolled in an LEA, by race and ethnicity, and a State's cell size of 5 represents the number of children with disabilities who have received out-of-school suspensions and expulsions of more than 10 days within the LEA, by race and ethnicity).

The State must also provide rationales for its minimum n and/or cell size, including why the definitions chosen are reasonable and based on stakeholder input, and how the definitions ensure that the State is appropriately analyzing and identifying LEAs with significant discrepancy, by race and ethnicity. The State must also indicate whether the minimum n and/or cell size represents a change from the prior SPP/APR reporting period. If so, the State must provide an explanation why the minimum n and/or cell size was changed.

The State may only include, in both the numerator and the denominator, LEAs that met that State established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2023 SPP/APR, use data from 2022-2023), including data disaggregated by race and ethnicity to determine if significant discrepancies, as defined by the State, are occurring in the rates of long-term suspensions and expulsions (more than 10 days during the school year) of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons:

- Option 1: The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- Option 2: The rates of suspensions and expulsions for children with IEPs to the rates of suspensions and expulsions for nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

If, under Option 1, the State uses a State-level long-term suspension and expulsion rate for children with disabilities to compare to LEA-level long-term suspension and expulsion rates for the purpose of determining whether an LEA has a significant discrepancy, by race and ethnicity, the State must provide the State-level long-term suspension and expulsion rate used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose long-term suspension/expulsion rate exceeds 2 percentage points above the State-level rate of 0.7%, the State must provide OSEP with the State-level rate of 0.7%).

If, under Option 2, the State uses a rate difference to compare the rates of long-term suspensions and expulsions for children with IEPs, by race and ethnicity, to the rates of long-term suspensions and expulsions for nondisabled children within the LEA, the State must provide the State-selected rate difference used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose rate of long-term suspensions and expulsions for children with IEPs, by race and ethnicity, is 4 percentage points above the long-term suspension/expulsion rate for nondisabled children, the State must provide OSEP with the rate difference of 4 percentage points). Similarly, if, under Option 2, the State uses a rate ratio to compare the rates of long-term suspensions and expulsions for children with IEPs, by race and ethnicity, to the rates of long-term suspensions and expulsions for nondisabled children within the LEA, the State must provide the State-selected rate ratio used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose ratio of its long-term suspensions and expulsions rate for children with IEPs, by race and ethnicity, to long-term suspensions and expulsions rate for nondisabled children is greater than 3.0, the State must provide OSEP with the rate ratio of 3.0).

Because the Measurement Table requires that the data examined for this indicator are lag year data, States should examine the section 618 data that was submitted by LEAs that were in operation during the school year before the reporting year. For example, if a State has 100 LEAs operating in the 2022-2023 school year, those 100 LEAs would have reported section 618 data in 2022-2023 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2023-2024, suspension/expulsion data from those 15 new LEAs would not be in the 2022-2023 section 618 data set, and therefore, those 15 new LEAs should not be included in the denominator of the calculation. States must use the number of LEAs from the year before the reporting year in its calculation for this indicator. For the FFY 2022 SPP/APR submission, States must use the number of LEAs reported in 2022-2023 (which can be found in the FFY 2022 SPP/APR introduction).

Indicator 4B: Provide the following: (a) the number of LEAs that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of long-term suspensions and expulsions (more than 10 days during the school year) for children with IEPs; and (b) the number of those LEAs in which policies, procedures or practices contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If discrepancies occurred and the LEA with discrepancies had policies, procedures or practices that contributed to the significant discrepancy, as defined by the State, and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 23-01, dated July.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State’s issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

Targets must be 0% for 4B.

## 4B - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

### Historical Data

Baseline Year	Baseline Data
2016	0.00%

FFY	2018	2019	2020	2021	2022
Target	0%	0%	0%	0%	0%
Data					

### Targets

FFY	2023	2024	2025
Target	0%	0%	0%

### FFY 2023 SPP/APR Data

Has the state established a minimum n/cell-size requirement? (yes/no)

YES

If yes, the State must provide a definition of its minimum n and/or cell size itself and a description thereof (e.g., a State’s n size of 15 represents the number of children with disabilities enrolled in an LEA, and a State’s cell size of 5 represents the number of children with disabilities, by race and ethnicity, who have received out-of-school suspensions and expulsions of more than 10 days within the LEA).

The state uses a minimum cell size of 10 students with disabilities in a particular racial/ethnic group who are suspended or expelled for greater than 10 days and 10 students without disabilities who are suspended or expelled for greater than 10 days. The state does not use a minimum n-size requirement.

If yes, the State must also provide rationales for its minimum n and/or cell size, including why the definitions chosen are reasonable and based on stakeholder input, and how the definitions ensure that the State is appropriately analyzing and identifying LEAs with significant discrepancy.

The state has utilized the minimum cell size of 10 for students with disabilities in particular racial/ethnic groups suspended or expelled for greater than 10 days and students without disabilities suspended or expelled for greater than 10 days for many years. Stakeholders provided feedback on this methodology component when initially developed and have not expressed a desire to change the minimum cell size and/or utilize a minimum n-size in subsequent meetings and discussions. This is in part due to the small population of students with disabilities in LEAs across the state. Indeed, approximately 76.74% of the LEAs in the state report less than 50 students with disabilities, 53.21% of the LEAs in the state report less than 20 students, and only 11.76% of the LEAs in the report 100 or more students with disabilities. Further, the number of students with disabilities experiencing suspensions and expulsions for greater than 10 days (the cell size) is also very small. For this FFY 2023 reporting period (2022-23 school year), there were only 78 students with disabilities across the state (approximately 0.38% of the total students with disabilities population) with suspensions and expulsions of greater than 10 days across 39 LEAs (9.80% of the total LEAs in the state). In these 39 LEAs, the mean number of students with disabilities suspended or expelled for greater than 10 days was 1.5, the median was 1, and the mode was 1.

These small student populations result in volatile data that make it difficult to ascertain if high rates of students with disabilities in particular racial/ethnic groups suspended and expelled for greater than 10 days are a product of systemic concerns as opposed to one or two students substantially impacting the data. These small student populations can limit the ability to meaningfully interpret and analyze data from year-to-year, as minor shifts in counts of students may have a notable effect on long-term suspension and expulsion rates for students with disabilities in particular racial/ethnic groups and students without disabilities. For this reason, as well as historical stakeholder input on the minimum n and cell sizes, the state believes it is appropriately analyzing and identifying LEAs with significant discrepancy.

With this said, the state is constantly striving to improve how it is assessing internal processes and procedures related to all SPP/APR indicators in an effort to ensure information is high-quality and that the state is effectively completing its general supervision responsibilities. For this reason, the state is in the process of revisiting the Indicators 4A and 4B methodologies, conducting a broad array of analyses of the Indicators 4A and 4B data, and is planning to bring the information stakeholders in the spring of 2025 in an accessible format that will allow them to meaningfully contribute to discussions around the Indicators 4A and 4B methodology. The state will also explore with stakeholders some potential revisions to minimum n and cell sizes and metrics used for determining significant discrepancy. Details of the cursory analysis the state has conducted and plans for the spring of 2025 have been provided in the "additional information" field.

**If yes, the State must also indicate whether the minimum n and/or cell size represents a change from the prior SPP/APR reporting period.**

There has been no change in the minimum n or cell sizes used by the state.

**If yes, the State must provide an explanation why the minimum n and/or cell size was changed.**

N/A

**If yes, the State may only include, in both the numerator and the denominator, LEAs that met the State-established n/cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.**

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Number of LEAs that have a significant discrepancy, by race or ethnicity	Number of those LEAs that have policies, procedure or practices that contribute to the significant discrepancy and do not comply with requirements	Number of LEAs that met the State's minimum n/cell-size	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
0	0	0		0%		N/A	N/A

**Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))**

The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

**Were all races and ethnicities included in the review?**

YES

**State's definition of "significant discrepancy" and methodology**

The state uses a minimum cell size of 10 students with disabilities in a particular racial ethnic group suspended or expelled for greater than 10 days and 10 students without disabilities suspended or expelled for greater than 10 days. No minimum n-size requirement is used.

For those LEAs meeting the minimum cell size requirements, the state performs a statistical test difference between the long-term suspension and expulsion rates of students with disabilities in a particular racial/ethnic group within an LEA (calculated by dividing the total number of students with disabilities in a particular racial/ethnic group suspended or expelled for greater than 10 days by the total number of students with disabilities in the particular racial/ethnic group) and the long-term suspension and expulsion rates of students without disabilities (calculated by dividing the total number of students without disabilities suspended or expelled for greater than 10 days by the total number of students without disabilities) within the same LEA. The statistical test difference determines whether the difference in the percent of students with disabilities in a particular racial/ethnic group with long-term suspensions and expulsions and the percent of students without disabilities with long-term suspensions and expulsions is statistically significant within a 99% confidence interval (p value of 0.01). This methodology allows the state to discretely determine if students with disabilities in a particular racial/ethnic group have higher rates of long-term suspensions and expulsions within an LEA compared to their peers without disabilities. This also controls for false positives to limit the number of LEAs that might be identified due to extremely small student populations.

Using the methodology outlined above, an LEA is determined to have significant discrepancy if, upon meeting minimum cell size requirements, the statistical test difference between the long-term suspension and expulsion rates for students with disabilities in a particular racial/ethnic group and students without disabilities indicates statistical significance within a 99% confidence interval (p value of 0.01).

In light of the comments from OSEP related to the reasonable design of the methodology, the state has been conducting internal analyses of data for both Indicators 4A and 4B. The state recognizes the importance of ensuring the methodology for determining significant discrepancy in the long-term suspension and expulsion rates of students with disabilities in particular racial/ethnic groups is reasonable, sound, and appropriately identifying LEAs that may require further investigation and technical assistance to ensure there are not inappropriate policies, procedures, and practices contributing to the significant discrepancy. To get meaningful and authentic feedback from stakeholders, the state will be providing details of these analyses and suggested potential revisions to the methodology in spring of 2025. The results of this stakeholder input will be used by the state to determine what, if any, revisions will be most appropriate for determining significant discrepancy. More information about this analysis and plans for stakeholder engagement can be found in the "additional information" field below.

**Provide additional information about this indicator (optional)**

For several years, OSEP has provided the state with a comment related to explaining how the methodology used for determining significant discrepancy is reasonably designed, including "how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology, and how the State's threshold for measuring significant discrepancy, by race or ethnicity, in the rate of long-term suspensions and expulsions is reasonably designed." The current methodology used by the state was developed based on stakeholder input. Stakeholders and state staff long held that minimum cell size requirements were appropriate to address challenges associated with the state's small population, which makes it difficult to control for potentially volatile data resulting in small sample sizes. For this reason, the minimum cell size was established. The small numbers also influenced the state decision to use test of statistically significance at the 99% confidence interval in the difference between the rates of suspensions and expulsions

greater than 10 days for students with disabilities in particular racial/ethnic groups and the rates of suspensions and expulsions greater than 10 days for students without disabilities. Tests of statistical significance can be useful to control for small sample sizes and limit false positives

It is important to note that no LEAs were included in the significant discrepancy calculation in part due to the fact that 90.20% of LEAs were excluded from analysis by virtue of having no students with disabilities with suspensions or expulsions for greater than 10 days. The state believes this commendable and demonstrates how LEAs across the state are being extremely mindful when suspending and expelling students with disabilities across racial/ethnic groups. The challenge with this is that having more than 90% of the LEAs reporting no suspensions and expulsions greater than 10 days for students with disabilities inherently limits the number of LEAs analyzed by virtue of failing to have any data to analyze. However, the state also recognizes that having no LEAs included in analysis due to a failure to meet a minimum cell size may result in the exclusion of LEAs that require further analysis to determine whether inappropriate policies, procedures, and practices are contributing to any identified significant discrepancy.

In order to provide the state time (in light of staff turnover and staffing shortages) to effectively analyze longitudinal Indicators 4A and 4B data and meaningfully engage stakeholders in revisiting the methodology of Indicators 4A and 4B, the state has conducted analysis to see the methodologies used in similarly situated states for insight into other metrics used. These findings will be shared with stakeholders as well in the spring of 2025.

The first group of similarly situated states that were reviewed were those in the Mountain Region (as defined by the US Census). In this analysis (based on methodologies reported by states in FFY 2021), 71.43% (5 of the 7 LEAs reviewed) of these similarly situated states excluded 90% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Given that many of these similarly situated states also have small student populations, the state suspects that these similarly situated states may also be trying to control for volatility in data resulting from small numbers. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4B to these states' thresholds. However, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

The state also analyzed methodologies used by states determined similarly situated based on state population size. Of the 4 states reviewed in this category, 50% of the similarly situated states excluded 95% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Two of the 4 states utilized the same comparison group of students without disabilities when determining significant discrepancy, which made it feasible to compare Montana's significant discrepancy threshold for 4B to theirs. Given that Montana's threshold is not fixed, meaning it is predicated on the statistical significance of the difference between the rate of students with disabilities in a particular racial/ethnic group experiencing suspensions and expulsions for greater than 10 days and the rate of students without disabilities experiencing suspensions and expulsions for greater than 10 days, it is hard to accurately compare the methodology to those used by the 2 similarly situated states using comparison group option 2. Both of the states used risk ratio thresholds to determine significant discrepancy and required LEAs to exceed the established risk ratio threshold for consecutive years. In this sense, Montana's current methodology is less restrictive in that the state is making determinations of significant discrepancy based on only one year of data. This limits the delay in identifying LEAs that have to meet criteria for consecutive years.

The final group of states determined similarly situated based on race/ethnicity included 3 additional states. Of these 3 states, 1 excluded 99% of LEAs due to the minimum cell and n-size requirements for 4A and 4B. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4B to these states' thresholds. However, as noted above, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

In addition to analyzing similarly situated states, Montana has conducted developed models of what Indicator FFY 2023 data might look like when changing the comparison group, minimum cell and n-size requirements, and thresholds for 4A and 4B. In these models, the state has considered

- Removing minimum cell and n-size requirements completely
- Setting minimum n-size requirements instead of cell size requirements to ensure any instances in which there are students suspended and expelled for greater than 10 days are considered unless the entire student population is excessively small
- Setting minimum cell and n-sizes of 2 and 10, respectively
- Utilizing comparison group option 1 and setting thresholds at 3 times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days or 2 percentage points above the state rate

The data analysis done for Montana, the data analysis completed for methodologies in similarly situated states, and the different models for methodologies will be brought to stakeholders in the spring of 2025 to ensure that they have a voice in the process of ensuring the Indicators 4A and 4B methodologies are reasonably designed and adequately identifying LEAs with significant discrepancy.

#### **Review of Policies, Procedures, and Practices (completed in FFY 2023 using 2022-2023 data)**

##### **Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

No review occurred because no LEA met the minimum cell size requirement for this indicator. Were such reviews of policies, procedures, and practices to take place, the following process would be used:

As a broad process, the state conducts policies, procedures, and practices reviews for all LEAs determined to have significant discrepancy. These reviews entail analyzing LEA-established policies and procedures related to discipline for students with and without disabilities, development of functional behavioral assessments (FBAs) and behavior intervention plans (BIPs), mechanisms in individualized education programs (IEPs) to determine special factors related to behavior and behavior supports/services, and processes for manifestation determinations. The state considers and reviews other information on LEA policies and procedures as well, including interviews with LEA staff when appropriate. Further, the state also analyzes the practices of LEAs to determine efficacy in the implementation of the established policies and procedures. This practice review entails looking at student records, particular the student racial/ethnic groups for which significant discrepancy was determined. Consistent with the state's overall monitoring process, the state selects 10% of students with disabilities in the racial/ethnic group identified who experienced out-of-school suspensions and expulsions for more than 10 days in the reporting period to verify compliance in the implementation of the regulatory requirements. Student data/documents reviewed include discipline logs, IEPs, FBAs/BIPs, manifestation determination documentation, and any other materials deemed pertinent.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

#### **Correction of Findings of Noncompliance Identified in FFY 2022**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**Correction of Findings of Noncompliance Identified Prior to FFY 2022**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**4B - Prior FFY Required Actions**

In the FFY 2023 SPP/APR, the State must explain how its methodology is reasonably designed to determine if significant discrepancies, by race and ethnicity, are occurring in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, including how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology, and how the State's threshold for measuring significant discrepancy, by race or ethnicity, in the rate of long-term suspensions and expulsions is reasonably designed.

**Response to actions required in FFY 2022 SPP/APR**

For several years, OSEP has provided the state with a comment related to explaining how the methodology used for determining significant discrepancy is reasonably designed, including "how the State's threshold for measuring significant discrepancy in the rate of long-term suspensions and expulsions is reasonably designed and how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology." The current methodology used by the state was developed based on stakeholder input. Stakeholders and state staff long held that minimum cell size requirements were appropriate to address challenges associated with the state's small population, which makes it difficult to control for potentially volatile data resulting in small sample sizes. For this reason, the minimum cell size was established. The small numbers also influenced the state decision to use test of statistical significance at the 99% confidence interval in the difference between the rates of suspensions and expulsions greater than 10 days for students with disabilities and the rates of suspensions and expulsions greater than 10 days for students without disabilities. Tests of statistical significance can be useful to control for small sample sizes and limit false positives

It is important to note that while only one LEA met the state's minimum cell size in FFY 2023 and exceeded the established threshold for significant discrepancy, this in due in part to the fact that 90.20% of LEAs were excluded from analysis by virtue of having no students with disabilities with suspensions or expulsions for greater than 10 days. The state believes this commendable and demonstrates how LEAs across the state are being extremely mindful when suspending and expelling students with disabilities. The challenge with this is that having more than 90% of the LEAs reporting no suspensions and expulsions greater than 10 days for students with disabilities inherently limits the number of LEAs analyzed by virtue of failing to have any data to analyze. However, the state also recognizes that including one LEA in analysis due to failure to meeting a minimum cell size may result in the exclusion of LEAs that require further analysis to determine whether inappropriate policies, procedures, and practices are contributing to any identified significant discrepancy.

In order to provide the state time (in light of staff turnover and staffing shortages) to effectively analyze longitudinal Indicators 4A and 4B data and meaningfully engage stakeholders in revisiting the methodology of Indicators 4A and 4B, the state has conducted analysis to see the methodologies used in similarly situated states for insight into other metrics used. These findings will be shared with stakeholders as well in the spring of 2025.

The first group of similarly situated states that were reviewed were those in the Mountain Region (as defined by the US Census). In this analysis (based on methodologies reported by states in FFY 2021), 71.43% (5 of the 7 LEAs reviewed) of these similarly situated states excluded 90% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Given that many of these similarly situated states also have small student populations, the state suspects that these similarly situated states may also be trying to control for volatility in data resulting from small numbers. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

The state also analyzed methodologies used by states determined similarly situated based on state population size. Of the 4 states reviewed in this category, 50% of the similarly situated states excluded 95% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Two of the 4 states utilized the same comparison group of students without disabilities when determining significant discrepancy, which made it feasible to compare Montana's significant discrepancy threshold to theirs. Given that Montana's threshold for 4A is not fixed, meaning it is predicated on the statistical significance of the difference between the rate of students with disabilities experiencing suspensions and expulsions for greater than 10 days and the rate of students without disabilities experiencing suspensions and expulsions for greater than 10 days, it is hard to accurately compare the methodology to those used by the 2 similarly situated states using comparison group option 2. Both of the states used risk ratio thresholds to determine significant discrepancy and required LEAs to exceed the established risk ratio threshold for consecutive years. In this sense, Montana's current methodology is less restrictive in that the state is making determinations of significant discrepancy based on only one year of data. This limits the delay in identifying LEAs that have to meet criteria for consecutive years.

The final group of states determined similarly situated based on race/ethnicity included 3 additional states. Of these 3 states, 1 excluded 99% of LEAs due to the minimum cell and n-size requirements for 4A and 4B. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, as noted above, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.



In addition to analyzing similarly situated states, Montana has conducted developed models of what Indicator FFY 2023 data might look like when changing the comparison group, minimum cell and n-size requirements, and thresholds for both 4A and 4B. In these models, the state has considered

- Removing minimum cell and n-size requirements completely
- Setting minimum n-size requirements instead of cell size requirements to ensure any instances in which there are students suspended or expelled for greater than 10 days are considered unless the entire student population is excessively small
- Setting minimum cell and n-sizes of 2 and 10, respectively
- Utilizing comparison group option 1 and setting thresholds at 3 times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days or 2 percentage points above the state rate

The data analysis done for Montana, the data analysis completed for methodologies in similarly situated states, and the different models for methodologies will be brought to stakeholders in the spring of 2025 to ensure that they have a voice in the process of ensuring the Indicators 4A and 4B methodologies are reasonably designed and adequately identifying LEAs with significant discrepancy.

## **4B - OSEP Response**

### **4B- Required Actions**

## Indicator 5: Education Environments (children 5 (Kindergarten) - 21)

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

#### Data Source

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in ED*Facts* file specification FS002.

#### Measurement

- A. Percent = [(# of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class 80% or more of the day) divided by the (total # of students aged 5 who are enrolled in kindergarten and aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class less than 40% of the day) divided by the (total # of students aged 5 who are enrolled in kindergarten and aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 5 who are enrolled in kindergarten and aged 6 through 21 with IEPs)] times 100.

#### Instructions

*Sampling from the State's 618 data is not allowed.*

States must report five-year-old children with disabilities who are enrolled in kindergarten in this indicator. Five-year-old children with disabilities who are enrolled in preschool programs are included in Indicator 6.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA, explain.

## 5 - Indicator Data

### Historical Data

Part	Baseline	FFY	2018	2019	2020	2021	2022
A	2019	Target >=	52.50%		52.50%	52.60%	52.70%
A	53.10%	Data	51.08%	53.10%	54.60%	56.10%	57.66%
B	2019	Target <=	11.10%		11.10%	11.00%	10.90%
B	10.67%	Data	10.78%	10.67%	10.13%	9.86%	9.57%
C	2019	Target <=	1.40%		1.40%	1.30%	1.20%
C	1.54%	Data	1.35%	1.54%	1.36%	1.08%	1.12%

### Targets

FFY	2023	2024	2025
Target A >=	52.80%	52.90%	53.20%
Target B <=	10.80%	10.70%	10.60%
Target C <=	1.10%	1.00%	0.90%

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and

district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent’s Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

**Prepopulated Data**

Source	Date	Description	Data
SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/31/2024	Total number of children with IEPs aged 5 (kindergarten) through 21	20,810
SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/31/2024	A. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class 80% or more of the day	12,376
SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/31/2024	B. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class less than 40% of the day	1,888
SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/31/2024	c1. Number of children with IEPs aged 5 (kindergarten) through 21 in separate schools	148
SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/31/2024	c2. Number of children with IEPs aged 5 (kindergarten) through 21 in residential facilities	44
SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74)	07/31/2024	c3. Number of children with IEPs aged 5 (kindergarten) through 21 in homebound/hospital placements	30

Select yes if the data reported in this indicator are not the same as the State’s data reported under section 618 of the IDEA.

NO

**FFY 2023 SPP/APR Data**

Education Environments	Number of children with IEPs aged 5 (kindergarten) through 21 served	Total number of children with IEPs aged 5 (kindergarten) through 21	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class 80% or more of the day	12,376	20,810	57.66%	52.80%	59.47%	Met target	No Slippage
B. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class less than 40% of the day	1,888	20,810	9.57%	10.80%	9.07%	Met target	No Slippage

Education Environments	Number of children with IEPs aged 5 (kindergarten) through 21 served	Total number of children with IEPs aged 5 (kindergarten) through 21	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
C. Number of children with IEPs aged 5 (kindergarten) through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3]	222	20,810	1.12%	1.10%	1.07%	Met target	No Slippage

Provide additional information about this indicator (optional)

**5 - Prior FFY Required Actions**

None

**5 - OSEP Response**

**5 - Required Actions**

## Indicator 6: Preschool Environments

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of children with IEPs aged 3, 4, and aged 5 who are enrolled in a preschool program attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school, or residential facility.
- C. Receiving special education and related services in the home.

(20 U.S.C. 1416(a)(3)(A))

#### Data Source

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in ED*Facts* file specification FS089.

#### Measurement

- A. Percent =  $[(\# \text{ of children ages 3, 4, and 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program}) \div (\text{total } \# \text{ of children ages 3, 4, and 5 with IEPs})] \times 100$ .
- B. Percent =  $[(\# \text{ of children ages 3, 4, and 5 with IEPs attending a separate special education class, separate school, or residential facility}) \div (\text{total } \# \text{ of children ages 3, 4, and 5 with IEPs})] \times 100$ .
- C. Percent =  $[(\# \text{ of children ages 3, 4, and 5 with IEPs receiving special education and related services in the home}) \div (\text{total } \# \text{ of children ages 3, 4, and 5 with IEPs})] \times 100$ .

#### Instructions

*Sampling from the State's 618 data is not allowed.*

States must report five-year-old children with disabilities who are enrolled in preschool programs in this indicator. Five-year-old children with disabilities who are enrolled in kindergarten are included in Indicator 5.

States may choose to set one target that is inclusive of children ages 3, 4, and 5, or set individual targets for each age.

For Indicator 6C: States are not required to establish a baseline or targets if the number of children receiving special education and related services in the home is less than 10, regardless of whether the State chooses to set one target that is inclusive of children ages 3, 4, and 5, or set individual targets for each age. In a reporting period during which the number of children receiving special education and related services in the home reaches 10 or greater, States are required to develop baseline and targets and report on them in the corresponding SPP/APR.

For Indicator 6C: States may express their targets in a range (e.g., 75-85%).

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State's data reported under IDEA section 618, explain.

## 6 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

#### Historical Data (Inclusive) – 6A, 6B, 6C

Part	FFY	2018	2019	2020	2021	2022
A	Target >=	45.10%		45.10%	45.20%	45.30%
A	Data	40.53%	29.99%	28.28%	30.01%	33.05%
B	Target <=	27.50%		27.50%	27.40%	27.30%
B	Data	34.67%	44.32%	48.05%	48.77%	43.54%
C	Target <=					
C	Data			0.92%	0.65%	0.73%

#### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent's Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

For this reporting cycle, the state convened stakeholders to solicit input related to the targets for Indicator 6C, given this is the first year the state has had 10 or more students with disabilities in the environment category. Based on this input, the state has established new targets for Indicator 6C.

**Targets**

**Please select if the State wants to set baselines and targets based on individual age ranges (i.e., separate baseline and targets for each age), or inclusive of all children ages 3, 4, and 5.**

Inclusive Targets

**Please select if the State wants to use target ranges for 6C.**

Target Range not used

**Baselines for Inclusive Targets option (A, B, C)**

Part	Baseline Year	Baseline Data
A	2019	29.99%
B	2019	44.32%
C	2023	1.56%

**Inclusive Targets – 6A, 6B**

FFY	2023	2024	2025
Target A >=	45.50%	45.50%	45.60%
Target B <=	27.20%	27.10%	27.00%

**Inclusive Targets – 6C**

FFY	2023	2024	2025
Target C <=	1.56%	1.56%	1.56%

**Prepopulated Data**

**Data Source:**

SY 2023-24 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)

**Date:**

07/31/2024

Description	3	4	5	3 through 5 - Total
Total number of children with IEPs	248	444	77	769

Description	3	4	5	3 through 5 - Total
a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	80	155	20	255
b1. Number of children attending separate special education class	103	168	25	296
b2. Number of children attending separate school	5	11	1	17
b3. Number of children attending residential facility	0	0	0	0
c1. Number of children receiving special education and related services in the home	2	6	4	12

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

**FFY 2023 SPP/APR Data - Aged 3 through 5**

Preschool Environments	Number of children with IEPs aged 3 through 5 served	Total number of children with IEPs aged 3 through 5	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	255	769	33.05%	45.50%	33.16%	Did not meet target	No Slippage
B. Separate special education class, separate school, or residential facility	313	769	43.54%	27.20%	40.70%	Did not meet target	No Slippage
C. Home	12	769	0.73%	1.56%	1.56%	N/A	N/A

**Provide additional information about this indicator (optional)**

In FFY 2023, the number of preschool children with disabilities ages 3-5 receiving services in the home was 10 students or more for the first time since the addition of Indicator 6C (in FFY 2020). Given that the state historically did not have a minimum of 10 preschool children with disabilities receiving services in the home, no baseline or targets for Indicator 6C were previously established. This year, with 12 preschool children with disabilities now reported as receiving services in the home, the state has established a baseline of FFY 2023 and, through stakeholder input, established targets through FFY 2025. The baseline year of FFY 2023 was selected because this is the first reporting period in which there were a sufficient number of students for data to be reported.

**6 - Prior FFY Required Actions**

None

**6 - OSEP Response**

**6 - Required Actions**

## Indicator 7: Preschool Outcomes

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

#### Data Source

State selected data source.

#### Measurement

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

#### Summary Statements for Each of the Three Outcomes:

**Summary Statement 1:** Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent = [(# of preschool children reported in progress category (c) plus # of preschool children reported in category (d)) divided by (# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d))] times 100.

**Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = [(# of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e)) divided by (the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e))] times 100.

#### Instructions

Sampling of **children for assessment** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See [General Instructions](#) on page 3 for additional instructions on sampling.)

In the measurement include, in the numerator and denominator, only children who received special education and related services for at least six months during the age span of three through five years.

Describe the results of the calculations and compare the results to the targets. States will use the progress categories for each of the three Outcomes to calculate and report the two Summary Statements. States have provided targets for the two Summary Statements for the three Outcomes (six numbers for targets for each FFY).

Report progress data and calculate Summary Statements to compare against the six targets. Provide the actual numbers and percentages for the five reporting categories for each of the three Outcomes.

In presenting results, provide the criteria for defining "comparable to same-aged peers." If a State is using the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS), then the criteria for defining "comparable to same-aged peers" has been defined as a child who has been assigned a score of 6 or 7 on the COS.

In addition, list the instruments and procedures used to gather data for this indicator, including if the State is using the ECO COS.

## 7 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

#### Historical Data

Part	Baseline	FFY	2018	2019	2020	2021	2022
A1	2008	Target >=	77.00%	77.00%	77.00%	77.10%	77.20%
A1	61.40%	Data	76.19%	80.00%	86.59%	93.55%	79.31%



A2	2008	Target >=	75.50%	75.50%	75.50%	75.60%	75.70%
A2	59.20%	Data	64.43%	68.11%	71.64%	75.22%	71.52%
B1	2008	Target >=	81.00%	81.00%	81.00%	81.10%	81.20%
B1	70.30%	Data	85.23%	84.48%	81.60%	89.11%	75.19%
B2	2008	Target >=	58.50%	58.50%	58.50%	58.60%	58.70%
B2	31.60%	Data	50.52%	58.38%	55.97%	57.52%	55.63%
C1	2008	Target >=	75.90%	75.90%	75.90%	76.00%	76.10%
C1	58.10%	Data	76.23%	79.46%	84.34%	96.77%	79.12%
C2	2008	Target >=	75.90%	75.90%	75.90%	76.00%	76.10%
C2	64.10%	Data	64.43%	70.27%	68.66%	76.99%	70.20%

**Targets**

FFY	2023	2024	2025
Target A1 >=	77.30%	77.40%	77.50%
Target A2 >=	75.80%	75.90%	76.00%
Target B1 >=	81.30%	81.40%	81.50%
Target B2 >=	58.80%	58.90%	59.00%
Target C1 >=	76.20%	76.30%	76.40%
Target C2 >=	76.20%	76.30%	76.40%

**Targets: Description of Stakeholder Input**

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana’s unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent’s Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA’s proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana’s Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent’s Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

**FFY 2023 SPP/APR Data**

**Number of preschool children aged 3 through 5 with IEPs assessed**

128

**Outcome A: Positive social-emotional skills (including social relationships)**

<b>Outcome A Progress Category</b>	<b>Number of children</b>	<b>Percentage of Children</b>
a. Preschool children who did not improve functioning	0	0.00%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	14	10.94%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	22	17.19%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	37	28.91%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	55	42.97%

<b>Outcome A</b>	<b>Numerator</b>	<b>Denominator</b>	<b>FFY 2022 Data</b>	<b>FFY 2023 Target</b>	<b>FFY 2023 Data</b>	<b>Status</b>	<b>Slippage</b>
A1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i>	59	73	79.31%	77.30%	80.82%	Met target	No Slippage
A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i>	92	128	71.52%	75.80%	71.88%	Did not meet target	No Slippage

**Outcome B: Acquisition and use of knowledge and skills (including early language/communication)**

<b>Outcome B Progress Category</b>	<b>Number of Children</b>	<b>Percentage of Children</b>
a. Preschool children who did not improve functioning	0	0.00%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	28	21.88%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	32	25.00%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	59	46.09%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	9	7.03%

<b>Outcome B</b>	<b>Numerator</b>	<b>Denominator</b>	<b>FFY 2022 Data</b>	<b>FFY 2023 Target</b>	<b>FFY 2023 Data</b>	<b>Status</b>	<b>Slippage</b>
B1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i>	91	119	75.19%	81.30%	76.47%	Did not meet target	No Slippage
B2. The percent of preschool children who were functioning within age	68	128	55.63%	58.80%	53.13%	Did not meet target	Slippage

Outcome B	Numerator	Denominator	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
expectations in Outcome B by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i>							

**Outcome C: Use of appropriate behaviors to meet their needs**

Outcome C Progress Category	Number of Children	Percentage of Children
a. Preschool children who did not improve functioning	0	0.00%
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	18	14.06%
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	17	13.28%
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	37	28.91%
e. Preschool children who maintained functioning at a level comparable to same-aged peers	56	43.75%

Outcome C	Numerator	Denominator	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
C1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i>	54	72	79.12%	76.20%	75.00%	Did not meet target	Slippage
C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i>	93	128	70.20%	76.20%	72.66%	Did not meet target	No Slippage

Part	Reasons for slippage, if applicable
B2	<p>The decrease in performance for Outcome B, Summary Statement 2 from FFY 2022 to FFY 2023 was 2.50 percentage points. The state conducted data analysis to determine the reason for the decrease and subsequent slippage and determined that one of the most notable reasons was the difference in entrance ratings for children in FFY 2022 compared to FFY 2023. Indeed, in FFY 2022, 12.05% of the preschool students received an entrance Child Outcomes Summary (COS) rating of 6 or 7 (overall age-expected functioning). This was 5.02 percentage points higher than the same entrance ratings for preschool students in FFY 2023 (7.03% of preschool students in FFY 2023 received entrance COS ratings of 6 or 7). Accordingly, in FFY 2023 there was a larger percentage of preschool students entering preschool not within the age-expected functioning range, thus necessitating much more substantial growth from entrance to exit in order to meet criteria for age-expected functioning. It is much more challenging to enter preschool with a COS rating of 2 and attain an exit COS rating of 6 or 7 as compared to entering preschool with a COS rating of 5 and attaining an exit COS rating of 6 or 7. Accordingly, fewer preschool students were able to exit functioning within age expectations in FFY 2023 as compared to FFY 2022, due in part to the lower COS ratings assigned upon entrance.</p> <p>The fact that preschool students had entrance COS ratings that were lower in FFY 2023 could be a lingering impact of COVID. Students exiting preschool or turning 6 years old during the 2023-24 school year may have been entering preschool as 3-year-olds during the years in which schools were largely virtual or inconsistently in session. Further, many parents elected to keep young non-school age children out of preschool both during the pandemic and the following 1-2 years, which means the children in the FFY 2023 reporting period may not have been getting the same level of access to foundational preschool instruction related to early language and communication, thus not as readily acquiring and using the knowledge and skills that are the focus of Outcome B. This is supported by the decrease in performance on this indicator over the prior two years for the student groups that were most affected by cessation of in-person class and services during the pandemic.</p>
C1	<p>The decrease in performance for Outcome C, Summary Statement 1 from FFY 2022 to FFY 2023 was 4.21 percentage points. The state conducted similar data analysis to that outlined above in the slippage statement for Outcome B, Summary Statement 2. Interestingly, as</p>

Part	Reasons for slippage, if applicable
	<p>opposed to the challenges outlined for Outcome B related to preschool students entering preschool with lower COS ratings in FFY 2023, the converse happened for Outcome C. Indeed, in FFY 2022 42.07% of students entering preschool were assigned a COS rating of 6 or 7 (overall age-expected functioning). This was 4.81 percentage points lower than the same entrance ratings for preschool students in FFY 2023 (46.88% of preschool students in FFY 2023 received entrance COS ratings of 6 or 7). Accordingly, in FFY 2023 there was a larger percentage of preschool students entering preschool within the age-expected functioning range. This increased the likelihood that the students would exit with a similar COS rating, indicating functioning within age expectations. As such, students would be more likely to be included in Outcome C Progress Category E. This progress category is only counted in the numerator for Summary Statement 2, so such a result could simultaneously positively impact the percentage for Summary Statement 2 and negatively impact the percentage for Summary Statement 1.</p> <p>The state put this theory to the test by evaluating the exit COS ratings for students entering with a COS rating of 7. In FFY 2023, 94.74% of students entering preschool with a COS rating of 7 exited with COS ratings of 6 or 7. Thus, these records were assigned to Outcome C Progress Category E and were not included in the numerator of Summary Statement 1. Conversely, in FFY 2022 only 89.58% of students entering preschool with a COS rating of 7 exited with COS ratings of 6 or 7, which is 5.16 percentage points less than FFY 2023. This theory that a larger percent of students being reported in Outcome C Progress Category E resulted in slippage for Outcome C Summary Statement 1 is further supported by the notable increase in the state percentage for Outcome C Summary Statement 2. From FFY 2022 to FFY 2023, this percentage increased by 2.46 percentage points, which could be reflective of the larger number of students being reported in Outcome C Progress Category E in FFY 2023.</p> <p>As to whether there is a lingering COVID impact on the data for this indicator that contributed to the slippage, the data does not appear to support that as clearly as it does for Outcome B Summary Statement 2. However, this is due in part to the differences in the Early Childhood Outcomes. Attaining appropriate behaviors to meet needs with age-expected functioning may be more easily achieved in home environments or nontraditional academic environments common during the pandemic than the more concrete academic skills necessary for Outcome B.</p>

**Does the State include in the numerator and denominator only children who received special education and related services for at least six months during the age span of three through five years? (yes/no)**

YES

Sampling Question	Yes / No
Was sampling used?	NO

**Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS) process? (yes/no)**

YES

**List the instruments and procedures used to gather data for this indicator.**

Montana uses a standardized required editor-based reporting form to collect entering and exiting preschool outcomes data. The form is included in our special education module within our state-wide student data system, along with all required special education forms. The report is run by the Part B data manager.

**Provide additional information about this indicator (optional)**

## 7 - Prior FFY Required Actions

None

## 7 - OSEP Response

## 7 - Required Actions

## Indicator 8: Parent involvement

### Instructions and Measurement

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

#### Data Source

State selected data source.

#### Measurement

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

#### Instructions

*Sampling of parents from whom response is requested is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See General Instructions on page 3 for additional instructions on sampling.)*

Describe the results of the calculations and compare the results to the target.

Provide the actual numbers used in the calculation.

If the State is using a separate data collection methodology for preschool children, the State must provide separate baseline data, targets, and actual target data or discuss the procedures used to combine data from school age and preschool data collection methodologies in a manner that is valid and reliable.

While a survey is not required for this indicator, a State using a survey must submit a copy of any new or revised survey with its SPP/APR.

Report the number of parents to whom the surveys were distributed and the number of respondent parents. The survey response rate is automatically calculated using the submitted data.

States must compare the response rate for the reporting year to the response rate for the previous year (e.g., in the FFY 2023 SPP/APR, compare the FFY 2023 response rate to the FFY 2022 response rate) and describe strategies that will be implemented which are expected to increase the response rate, particularly for those groups that are underrepresented.

The State must also analyze the response rate to identify potential nonresponse bias and take steps to reduce any identified bias and promote response from a broad cross-section of parents of children with disabilities.

Include in the State's analysis the extent to which the demographics of the children for whom parents responded are representative of the demographics of children receiving special education services. States must consider race/ethnicity. In addition, the State's analysis must also include at least one of the following demographics: age of the student, disability category, gender, geographic location, and/or another demographic category approved through the stakeholder input process.

States must describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).

If the analysis shows that the demographics of the children for whom parents responding are not representative of the demographics of children receiving special education services in the State, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State distributed the survey to parents (e.g., by mail, by e-mail, on-line, by telephone, in-person through school personnel), and how responses were collected.

States are encouraged to work in collaboration with their OSEP-funded parent centers in collecting data.

### 8 - Indicator Data

Question	Yes / No
Do you use a separate data collection methodology for preschool children?	NO

#### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:

Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
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 Great Divide Special Education Cooperative board meeting  
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 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

For this reporting cycle, the state convened to solicit input from stakeholders regarding resetting the baseline for indicator 8 due to a new survey methodology. Stakeholders provided input on proposed revised targets for Indicator 8. In conclusion, the stakeholder input is reflected in the targets for this indicator.

**Historical Data**

Baseline Year	Baseline Data
2023	86.42%

FFY	2018	2019	2020	2021	2022
Target >=	70.50%	70.50%	70.50%	70.60%	70.70%
Data	73.88%	79.05%	73.35%	65.66%	71.46%

**Targets**

FFY	2023	2024	2025
Target >=	86.42%	70.90%	71.00%

**FFY 2023 SPP/APR Data**

Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	Total number of respondent parents of children with disabilities	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
1,381	1,598	71.46%	86.42%	86.42%	N/A	N/A

**Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.**

Parents of students with disabilities, including preschool students, are given an opportunity to complete the survey. LEAs are responsible for administering the survey to all their parents of students with disabilities ages 3-21. LEAs are provided with the necessary materials to administer the survey either in person (at IEP meetings, parent-teacher conferences, and community functions), via text message, or via email. The materials direct parents to an online portal for responding to the survey. These materials and the processes are the same for parents of students with disabilities in preschool and K-12 programs. The survey that parents of preschool students receive is identical to the survey that parents of K-12 students receive, which creates continuity across all grade bands. The same distribution methods are used for both groups of parents and the same data collation methods are used to aggregate and analyze the results. While the results can be disaggregated between the parents of preschool students and parents of K-12 students, the surveys are not different, and results are automatically combined. These efforts to ensure that responses from parents of preschool and K-12 students are identical in all design, data collection, and data analysis methods and the state is confident these measures are taken in a manner that is valid and reliable.

**The number of parents to whom the surveys were distributed.**

21,579

**Percentage of respondent parents**

7.41%

**Response Rate**

FFY	2022	2023
Response Rate	10.36%	7.41%

**Describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).**

The metric used to determine representativeness is +/-3% discrepancy in the proportion of responders compared to target group.

**Include the State’s analyses of the extent to which the demographics of the children for whom parents responded are representative of the demographics of children receiving special education services. States must include race/ethnicity in their analysis. In addition, the State’s analysis must also include at least one of the following demographics: age of the student, disability category, gender, geographic location, and/or another demographic category approved through the stakeholder input process.**

The State compared the representation by race/ethnicity and primary disability in the population to the representation in the respondents using a +/- 3% criteria to identify over-or under-representativeness.

Using this methodology, differences were found by race/ethnicity and primary disability. Two racial/ethnic groups were not representative. Seventy-three percent (73%) of students with disabilities in the state are white, while 81% of the survey respondents were parents of white students with disabilities (+8 percentage points). Thirteen percent (13%) of students with disabilities in the state are American Indian, while 6% of the survey respondents were parents of American Indian students with disabilities (-7 percentage points). All other racial/ethnic groups were within 3 percentage points of their population.

In terms of primary disability groups, there were two disability categories that were not representative. Six percent (6%) of students with disabilities in the state are identified with autism, while nearly 17% of the respondents were parents of students identified with autism (+11 percentage points). Twenty-one percent (21%) of students with disabilities in the state are identified with multiple disabilities, while 8% of the respondents were parents of students identified with multiple disabilities (-13 percentage points). All other primary disability groups were within 3 percentage points of their population.

**The demographics of the children for whom parents are responding are representative of the demographics of children receiving special education services. (yes/no)**

NO

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics**

Given the lower response rate of parents of students in grades 9-12, the state will be encouraging all districts to follow-up with these parents throughout the survey administration window. Those districts that have a relatively high percentage of Native American students will be encouraged to use multiple administrative methods. The state will reach out to individual districts special education directors and/or superintendents, including those with high Native American student, and encourage the schools to share the survey with parents. The SEA will work more closely with the Montana Empowerment Center (MEC, parent training and information center) to assist the state in encouraging parents to fill out the survey.

**Describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented.**

In 2023-24, the state moved from a sample of a districts to a census survey, decreased the number of questions asked from 23 to 10, moved from paper to electronic, and moved away from English only by adding Spanish and Braille. All of these efforts were undertaken to make the survey more accessible to all families with the intent to increase the number of parents willing to submit responses. Training was provided to districts on the new administration method in an effort to equip them with the necessary information skills needed to effectively disseminate the survey and seek response in a way that will maximize response rates. The state believes that a higher response rate will be obtained going forward now that districts are familiar with the process and can see the impact of various response methods. The SEA will focus on working more closely with our Native American populations and teams at the agency to get this survey in the hands of parents.

**Describe the analysis of the response rate including any nonresponse bias that was identified, and the steps taken to reduce any identified bias and promote response from a broad cross section of parents of children with disabilities.**

Nonresponse bias measures the differences in opinions between respondents and non-respondents in meaningful ways, such as the positivity of responses. A few things can be examined to determine nonresponse bias. One is the overall response rate. The higher the response rate, the less likely nonresponse bias will occur. The state’s response rate is 7.41%, which is lower than last year’s response rate, and therefore an area of concern. With that said, comparison of last year’s response rate would not be a one-to-one analysis, as last year’s survey was different in design, different in administration, and it was a sample and not a census. Accordingly, the comparability of the response rates and survey responses to prior years would not be appropriate. The state believes that the response rate will continuously increase as LEAs and families grow more familiar with the process. With this said, given the low response rate in FFY 2023, it is possible that those parents who did not respond are different in some meaningful way in their level of positivity from those who did respond. Thus, the state proceeded with additional examinations of nonresponse bias.

Second, the representativeness of the responses can be examined. Although significant differences were found in response rates by race/ethnicity and disability category, the actual responses of these different groups of parents showed very few or no significant differences in the overall parent involvement percentage.

Third, we can compare the responses of parents who responded early in the process to those who responded later in the process, with the idea being that perhaps those who do not immediately respond are different in some meaningful way than those who respond immediately. These results showed no statistically significant differences between parents who responded earlier and parents who responded later. Therefore, the state has concluded that nonresponse bias is not present.

In terms of steps to reduce bias, the state will continue its efforts to support LEAs in effectively disseminating surveys and increasing the numbers of respondents. As noted above, increased response rates are essential for limiting the potential for nonresponse bias. Further, the state will continue assessing the times in which surveys are being submitted to determine if there are any trends or key information that might be relevant to assess whether nonresponse bias might be occurring. If it is determined to possibly be occurring, the state will provide technical assistance and support to LEAs, particularly those most impacted, on effective ways to engage parents in the survey process and increase response rates.

Sampling Question	Yes / No
Was sampling used?	NO

Survey Question	Yes / No
Was a survey used?	YES

Survey Question	Yes / No
If yes, is it a new or revised survey?	YES
If yes, provide a copy of the survey.	Parent Involvement Survey 2023-24 English

**Provide additional information about this indicator (optional)**

The state reset the baseline to FFY 2023 data due to changes in the methodology and data source used for the parent survey. In the FFY 2023 reporting period, the state moved from a sample of LEAs to a census survey that is available to all families in the state. In addition, substantial revisions were made to the survey itself and the number of questions decreased from 23 to 10 to improve the accessibility of the survey for all families. Finally, the survey medium shifted from a hard-copy paper survey to an electronic survey and rather than only offering surveys in English, the state made surveys available in Spanish as well as in Braille. For all these reasons, the data for FFY 2023 are no longer comparable to prior years' data and thus this necessitates a change in baseline.

Through stakeholder input, the state developed new targets for FFY2023 through FFY2025. The EMAPS reporting tool would not allow the state to edit the target fields for FFY2024 and FFY2025.

A ticket (ticket #25-00700) was submitted to PSC to address this issue. Once the state is able to adjust the targets, the target for FFY2024 will be 87.17% and the target for FFY2025 will be 87.92%.

**8 - Prior FFY Required Actions**

In the FFY 2023 SPP/APR, the State must describe how the survey data are combined in a manner that yields valid and reliable data, as required by the Measurement Table.

Additionally, in the FFY 2023 SPP/APR, the State must report whether the FFY 2023 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of children receiving special education services.

**Response to actions required in FFY 2022 SPP/APR**

Parents of students with disabilities, including preschool students, are given an opportunity to complete the survey. LEAs are responsible for administering the survey to all their parents of students with disabilities ages 3-21. LEAs are provided with the necessary materials to administer the survey either in person (at IEP meetings, parent-teacher conferences, and community functions), via text message, or via email. The materials direct parents to an online portal for responding to the survey. These materials and the processes are the same for parents of students with disabilities in preschool and K-12 programs. The survey that parents of preschool students receive is identical to the survey that parents of K-12 students receive, which creates continuity across all grade bands. The same distribution methods are used for both groups of parents and the same data collation methods are used to aggregate and analyze the results. While the results can be disaggregated between the parents of preschool students and parents of K-12 students, the surveys are not different, and results are automatically combined. These efforts to ensure that responses from parents of preschool and K-12 students are identical in all design, data collection, and data analysis methods and the state is confident these measures are taken in a manner that is valid and reliable.

The State compared the representation by race/ethnicity and primary disability in the population to the representation in the respondents using a +/- 3% criteria to identify over-or under-representativeness.

Using this methodology, differences were found by race/ethnicity and primary disability. Two racial/ethnic groups were not representative. Seventy-three percent (73%) of students with disabilities in the state are white, while 81% of the survey respondents were parents of white students with disabilities (+8 percentage points). Thirteen percent (13%) of students with disabilities in the state are American Indian, while 6% of the survey respondents were parents of American Indian students with disabilities (-7 percentage points). All other racial/ethnic groups were within 3% of their population.

In terms of primary disability groups, there were two disability categories that were not representative. Six percent (6%) of students with disabilities in the state are identified with autism, while nearly 17% of the respondents were parents of students identified with autism (+11 percentage points). Twenty-one percent (21%) of students with disabilities in the state are identified with multiple disabilities, while 8% of the respondents were parents of students identified with multiple disabilities (-13 percentage points). All other primary disability groups were within 3% of their population.

For more information on how the survey data are combined in a manner that yields valid and reliable data, please see the prompt "Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable."

For more information on how the state has evaluated and determined the representativeness of respondents, please see the prompt "Include the State's analyses of the extent to which the demographics of the children for whom parents responded are representative of the demographics of children receiving special education services."

**8 - OSEP Response**

**8 - Required Actions**



## Indicator 9: Disproportionate Representation

### Instructions and Measurement

**Monitoring Priority:** Disproportionality

**Compliance indicator:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

#### Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for the reporting year, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2023 reporting period (i.e., after June 30, 2024).

#### Instructions

Provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten and aged 6 through 21 served under IDEA, aggregated across all disability categories. Provide the actual numbers used in the calculation.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

## 9 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

### Historical Data

Baseline Year	Baseline Data
2020	0.00%

FFY	2018	2019	2020	2021	2022
Target	0%	0%	0%	0%	0%
Data	0.00%	0.00%	0.00%	0.00%	0.00%

### Targets

FFY	2023	2024	2025
Target	0%	0%	0%

**FFY 2023 SPP/APR Data**

**Has the state established a minimum n and/or cell size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.**

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Number of districts with disproportionate representation of racial/ethnic groups in special education and related services	Number of districts with disproportionate representation of racial/ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts that met the State's minimum n and/or cell size	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
18	0	230	0.00%	0%	0.00%	Met target	No Slippage

**Were all races and ethnicities included in the review?**

YES

**Define “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).**

Calculation Methodology and Threshold: Test of statistical significance, based on the difference between the risk of a particular racial/ethnic group receiving special education and related services and the risk of all other racial/ethnic groups receiving special education and related services. Statistical significance is determined at a 99% confidence interval (p-value of 0.01).

Number of years of data used: 1 year

Minimum Cell Size = 10 students in a particular racial/ethnic group receiving special education and related services (note: historically, the state used the terminology of “minimum n-size applied to the numerator,” which is the minimum cell size. Thus, the methodology has not changed, but the nomenclature has been updated to accurately reflect that the state is applying a minimum cell size, not a minimum n-size)

Minimum N-Size = none

An LEA is determined to have disproportionate representation if, given a minimum cell size of 10, an LEA demonstrates a statistically significant difference in the proportion of students with disabilities in a particular racial/ethnic group receiving special education and related services compared to the proportion of students with disabilities of all other racial/ethnic groups receiving special education and related services in that LEA, within a 99% confidence interval.

In the FFY 2023 reporting period, 230 LEAs met the minimum cell size requirement. Of these 230 LEAs, 18 demonstrated statistical significance, within a 99% confidence interval for one or more racial/ethnic group, meaning they met criteria for disproportionate representation. These 18 LEAs were evaluated (outlined below) to determine whether the disproportionate representation identified was the result of inappropriate identification.

**Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.**

For the 18 LEAs meeting criteria for disproportionate representation, the state reviewed the policies and procedures of that LEA, results of on-site compliance monitoring, and dispute resolution data to determine if the disproportionate representation was due to inappropriate identification.

The reviews for the 18 LEAs included:

- Review of the most current Program Narratives and Policies;
- Review of special education records (Evaluation Reports (ERs) and Individualized Education Programs (IEPs));
- Review of Child Count information; and
- Consideration of the most current Monitoring Data

Based on the state’s review of the 18 LEAs, the state determined that none of them had disproportionate representation for identified racial/ethnic groups receiving special education and related services that was the result of inappropriate identification.

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2022**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**Correction of Findings of Noncompliance Identified Prior to FFY 2022**

<b>Year Findings of Noncompliance Were Identified</b>	<b>Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR</b>	<b>Findings of Noncompliance Verified as Corrected</b>	<b>Findings Not Yet Verified as Corrected</b>

**9 - Prior FFY Required Actions**

None

**9 - OSEP Response**

**9 - Required Actions**

## Indicator 10: Disproportionate Representation in Specific Disability Categories

### Instructions and Measurement

**Monitoring Priority:** Disproportionality

**Compliance indicator:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

#### Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "disproportionate representation". Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the section 618 data for the reporting year, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), (e.g., using monitoring data; reviewing policies, practices and procedures). In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2023 reporting period (i.e., after June 30, 2024).

#### Instructions

Provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten and aged 6 through 21 served under IDEA. Provide these data at a minimum for children in the following six disability categories: intellectual disability, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism. If a State has identified disproportionate representation of racial and ethnic groups in specific disability categories other than these six disability categories, the State must include these data and report on whether the State determined that the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification. Provide the actual numbers used in the calculation.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in specific disability categories and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

## 10 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

### Historical Data

Baseline Year	Baseline Data
2020	0.00%

FFY	2018	2019	2020	2021	2022
Target	0%	0%	0%	0%	0%

Data	0.00%	0.00%	0.00%	0.00%	0.00%
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**Targets**

FFY	2023	2024	2025
Target	0%	0%	0%

**FFY 2023 SPP/APR Data**

**Has the state established a minimum n and/or cell size requirement? (yes/no)**

YES

**If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.**

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Number of districts with disproportionate representation of racial/ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification	Number of districts that met the State's minimum n and/or cell size	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
12	0	137	0.00%	0%	0.00%	Met target	No Slippage

**Were all races and ethnicities included in the review?**

YES

**Define “disproportionate representation”. Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).**

Calculation Methodology and Threshold: Test of statistical significance, based on the difference between the risk of a particular racial/ethnic group identified with a specific disability category (autism, emotional disturbance, intellectual disability, other health impairment, specific learning disability, or speech or language impairment) and the risk of all other racial/ethnic groups identified with the specific disability category. Statistical significance is determined at a 99% confidence interval (p-value of 0.01).

Number of years of data used: 1 year

Minimum Cell Size = 10 students in a particular racial/ethnic group identified with a specific disability category.

(note: historically, the state used the terminology of “minimum n-size applied to the numerator,” which is the minimum cell size. Thus, the methodology has not changed, but the nomenclature has been updated to accurately reflect that the state is applying a minimum cell size, not a minimum n-size)

Minimum N-Size = none

An LEA is determined to have disproportionate representation if, given a minimum cell size of 10, an LEA demonstrates a statistically significant difference in the proportion of students with disabilities in a particular racial/ethnic group identified with a specific disability category compared to the proportion of students with disabilities of all other racial/ethnic groups identified with the specific disability category in that LEA, within a 99% confidence interval.

In the FFY 2023 reporting period, 137 LEAs met the minimum cell size requirement. Of these 137 LEAs, 12 demonstrated statistical significance, within a 99% confidence interval for one or more racial/ethnic group in one or more specific disability category, meaning they met criteria for disproportionate representation. These 12 LEAs were evaluated (outlined below) to determine whether the disproportionate representation identified was the result of inappropriate identification.

**Describe how the State made its annual determination as to whether the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification.**

For the 12 LEAs meeting criteria for disproportionate representation, the state reviewed the policies and procedures of that LEA, results of on-site compliance monitoring, and dispute resolution data to determine if the disproportionate representation was due to inappropriate identification.

The reviews for the 12 LEAs included:

- Review of the most current Program Narratives and Policies;
- Review of special education records (Evaluation Reports (ERs) and Individualized Education Programs (IEPs));
- Review of Child Count information; and
- Consideration of the most current Monitoring Data

Based on the state's review of the 12 LEAs, the state determined that none of them had disproportionate representation for identified racial/ethnic groups identified in any of the six disability categories that were the result of inappropriate identification.

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2022**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**Correction of Findings of Noncompliance Identified Prior to FFY 2022**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**10 - Prior FFY Required Actions**

None

**10 - OSEP Response**

**10 - Required Actions**

## Indicator 11: Child Find

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Child Find

**Compliance indicator:** Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data to be taken from State monitoring or State data system and must be based on actual, not an average, number of days. Indicate if the State has established a timeline and, if so, what is the State's timeline for initial evaluations.

#### Measurement

a. # of children for whom parental consent to evaluate was received.

b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in (a), but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

#### Instructions

*If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.*

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Note that under 34 CFR §300.301(d), the timeframe set for initial evaluation does not apply to a public agency if: (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) a child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability. States should not report these exceptions in either the numerator (b) or denominator (a). If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in b.

Targets must be 100%.

Provide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

## 11 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2005	93.00%

FFY	2018	2019	2020	2021	2022
Target	100%	100%	100%	100%	100%
Data	99.44%	100.00%	95.93%	Not Valid and Reliable	100.00%

### Targets

FFY	2023	2024	2025
Target	100%	100%	100%

### FFY 2023 SPP/APR Data

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
37	37	100.00%	100%	100.00%	Met target	No Slippage

Number of children included in (a) but not included in (b)

0

Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Indicate the evaluation timeline used:

The State used the 60 day timeframe within which the evaluation must be conducted

What is the source of the data provided for this indicator?

State monitoring

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The SEA collected the indicator data as a part of its compliance monitoring procedures during the 2023-24 school year. Compliance monitors reviewed a sampling of student records for students who were initially referred for a special education evaluation. Monitors enter the date consent was received, the date of the last assessment completed for the evaluation, and the date of the Evaluation Report meeting into the SEA Monitoring application. The system calculates the number of calendar days between the date consent was received and the date the last assessment was completed. If more than 60 calendar days passed, the monitor is prompted to enter the reason.

Provide additional information about this indicator (optional)

Correction of Findings of Noncompliance Identified in FFY 2022

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

Correction of Findings of Noncompliance Identified Prior to FFY 2022

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

11 - Prior FFY Required Actions

None

11 - OSEP Response

11 - Required Actions



## Indicator 12: Early Childhood Transition

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Effective Transition

**Compliance indicator:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data to be taken from State monitoring or State data system.

#### Measurement

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.
- f. # of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.

Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e - f)] times 100.

#### Instructions

*If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.*

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Targets must be 100%.

Category f is to be used only by States that have an approved policy for providing parents the option of continuing early intervention services beyond the child's third birthday under 34 CFR §303.211 or a similar State option.

Provide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

## 12 - Indicator Data

### Not Applicable

Select yes if this indicator is not applicable.

NO

#### Historical Data

Baseline Year	Baseline Data
2005	67.00%

FFY	2018	2019	2020	2021	2022
Target	100%	100%	100%	100%	100%
Data	93.67%	97.62%	93.94%	89.09%	94.12%

#### Targets

FFY	2023	2024	2025
Target	100%	100%	100%

**FFY 2023 SPP/APR Data**

a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.	225
b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday.	28
c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.	110
d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	8
e. Number of children who were referred to Part C less than 90 days before their third birthdays.	29
f. Number of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.	3

Measure	Numerator (c)	Denominator (a-b-d-e-f)	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	110	157	94.12%	100%	70.06%	Did not meet target	Slippage

**Provide reasons for slippage, if applicable**

From FFY 2022 to FFY 2023, the Indicator 12 percentage decreased by 24.06 percentage points. The state has identified several likely reasons for this slippage. First, the number of students referred to Part B by Part C notably increased by over 33% from FFY 2022 to FFY 2023. This increase in the number of students referred is attributable to multiple factors, including the growing state population and the data rebounding from the smaller numbers reported during COVID-affected school years (FFY 2020 and FFY 2021). To the latter point, the numbers of students referred to Part B from Part C in FFY 2020 and FFY 2021 were greatly affected by school closures and inconsistent in-person instruction caused by COVID (93 and 100 referrals to Part B were reported, respectively), as parents were electing not pursue Part B evaluation during the pandemic. The state observed drops in the referrals that only began to increase in FFY 2022 (169 referrals to Part B) and have increased even more substantially in FFY 2023. This increase in referrals placed stress on LEAs that were already reporting staffing challenges and resulted in delays in processing referrals and ensuring that evaluations were complete, and if eligible, IEP meetings were held with IEPs ready to be implemented by a child's third birthday. LEAs reported that over 21% of delays were due to LEA scheduling issues, over 8.5% were due to delays in the completion of evaluations (likely resulting from evaluation specialist shortages statewide), and over 4% were due to delays in referrals from Part C to Part B.

In addition, four of the largest LEAs in the state impacted statewide data due to the large percentage of their students represented in the FFY 2023 Indicator 12 data set. These large LEAs have been substantially affected by staffing shortages and staff turnover, thus contributing to the overall noncompliance reported by the state. The four large LEAs account for 19% of the statewide student population, accounted for 40% of the total Indicator 12 records, and accounted for over 53% of the noncompliant records reported for Indicator 12.

**Number of children who served in Part C and referred to Part B for eligibility determination that are not included in b, c, d, e, or f**

47

**Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.**

In FFY 2023, there were 47 records that were determined noncompliant.

For records in which children were determined not eligible after their third birthdays, the range of days beyond the third birthday was 2 to 52. For records in which children were determined eligible, 13 children had their eligibility completed by their third birthday and for the remaining records, the range of days beyond their third birthday was 1 to 154. These eligible children had IEPs implemented after their third birthdays, with the range of days beyond the third birthday being 1 to 169.

Reasons for delay included late referrals from Part C to the LEA, delays in completion of evaluations, parent-related scheduling delays, and LEA-related scheduling delays.

**Attach PDF table (optional)**

**What is the source of the data provided for this indicator?**

State database that includes data for the entire reporting year

**Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.**

The SEA uses a census-level data collection for this indicator. The Part C Lead Agency submits data through a secure data file transfer system, regarding all children referred to a school district to the SEA. The SEA collates this data and verifies the referral through the statewide student information system (SIS). This SIS contains documentation of the referral, the eligibility determination and, if the child is eligible, the student's IEP. This allows the SEA to determine district compliance with the Part C to Part B transition requirements. By using this method, the SEA can account for all children in the state who transition from Part C to Part B.

**Provide additional information about this indicator (optional)**

Information related to the correction of findings of noncompliance from FFY 2021 (6 records with noncompliance) and FFY 2020 (4 records with noncompliance) has not been reported in the section titled "Correction of Findings of Noncompliance Identified Prior to FFY 2022" because prior to FFY 2022, the state allowed for pre-finding corrections of noncompliance. As a result, the individual instances of noncompliance reported in the data tables

for Indicator 12 in FFY 2021 and FFY 2020 did not result in written findings of noncompliance because the state allowed LEAs to conduct pre-finding corrections within 90 days of the state first determining the noncompliance.

In FFY 2021, there were 6 student records with noncompliance reported. Upon determining this noncompliance, the state allowed the 5 LEAs responsible for the 6 instances of noncompliance to correct the noncompliance within 90 days. After 90 days, the state planned to issue a written finding of noncompliance. All 5 LEAs with instances of noncompliance were able to demonstrate, within 90 days, child-specific and systemic correction of noncompliance. The state verified that all 6 child-specific instances of noncompliance were corrected through LEA-submitted evidence of eligibility determination and, when eligibility was determined, development and implementation of an IEP. The state verified that the 5 LEAs that were the source of the noncompliance addressed the factors contributing to the noncompliance and determined this through a review of subsequent records completed after correction of child-specific noncompliance. In instances where there were no subsequent records available, the state reviewed revisions to policies and procedures around Part C to Part B transition to determine systemic compliance. As a result of completion of these required actions, the state was able to determine that child-specific records were now appropriately corrected and that the 5 LEAs were correctly implementing regulatory requirements with 100% compliance, consistent with the OSEP Memo 09-02 that served as the authoritative source at the time. Due to staff vacancies and turnover, the 6 instances of noncompliance were inadvertently reported as findings of noncompliance in the FFY 2022 SPP/APR submission. This was an error and has since been addressed.

In FFY 2020, there were 4 student records with noncompliance reported. As described in the paragraph above related to FFY 2021 noncompliant records, upon determining noncompliance for the 4 student records, the state allowed the 3 LEAs responsible for the 4 instances of noncompliance to correct the noncompliance within 90 days. As aforementioned, after 90 days, the state planned to issue a written finding of noncompliance. All 3 LEAs with instances of noncompliance were able to demonstrate, within 90 days, child-specific and systemic correction of noncompliance. The state verified that all 4 child-specific instances of noncompliance were corrected through LEA submitted evidence of eligibility determination and, when eligibility was determined, development and implementation of an IEP. The state verified that the 3 LEAs that were the source of the noncompliance addressed the factors contributing to the noncompliance and determined this through a review of subsequent records completed after correction of child-specific noncompliance. In instances where there were no subsequent records available, the state reviewed revisions to policies and procedures around Part C to Part B transition to determine systemic compliance. As a result of completion of these required actions, the state was able to determine that child-specific records were now appropriately corrected and that the 3 LEAs were correctly implementing regulatory requirements with 100% compliance, consistent with the OSEP Memo 09-02 that served as the authoritative source at the time. Due to staff vacancies and turnover, the 4 instances of noncompliance were inadvertently reported as findings of noncompliance in the FFY 2022 SPP/APR submission. This was an error and has since been addressed.

**Correction of Findings of Noncompliance Identified in FFY 2022**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
5	5	0	0

**FFY 2022 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements**

In FFY 2022, there were 5 LEAs that were the source of noncompliance for the 5 individual records with noncompliance. The state issued written findings and required the 5 LEAs to complete a corrective action plan (CAP) that required the LEAs to drill down into and take steps to correct the root cause of the noncompliance to prevent it from recurring. After completion of the CAP and correction of the child-specific noncompliance, the state conducted a subsequent data review of new student records to evaluate compliance with regulatory requirements. Through these activities, the state verified that the 5 LEAs that were the source of noncompliance are now correctly implementing the regulatory requirements with 100% compliance, consistent with QA 23-01.

**Describe how the State verified that each individual case of noncompliance was corrected**

The 5 individual cases of noncompliance reported in FFY 2022 were required to be corrected, albeit past the child’s third birthday, to ensure an eligibility determination was made and, when eligible, an IEP was developed and implemented. LEAs with the 5 cases of noncompliance were required to submit evidence of such actions and the state verified that each of the 5 individual cases of noncompliance were corrected, consistent with QA 23-01.

**Correction of Findings of Noncompliance Identified Prior to FFY 2022**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected
FFY 2021	6		
FFY 2020	4		

**12 - Prior FFY Required Actions**

Because the State reported less than 100% compliance for FFY 2022, the State must report on the status of correction of noncompliance identified in FFY 2022 for this indicator. In addition, the State must demonstrate, in the FFY 2023 SPP/APR, that the remaining six (6) uncorrected findings of noncompliance identified in FFY 2021, and the remaining four (4) uncorrected findings of noncompliance identified in FFY 2020 were corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2023 SPP/APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2022 and each LEA with remaining noncompliance identified in FFY 2021 and FFY 2020 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-

site monitoring or a State data system; and has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP QA 23-01. In the FFY 2023 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2022, although its FFY 2022 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2022.

#### **Response to actions required in FFY 2022 SPP/APR**

For information on the correction of findings of noncompliance for FFY 2022, please see the section titled "Correction of Findings of Noncompliance Identified in FFY 2022."

Information related to the correction of findings of noncompliance from FFY 2021 (6 records with noncompliance) and FFY 2020 (4 records with noncompliance) has not been reported in the section titled "Correction of Findings of Noncompliance Identified Prior to FFY 2022" because prior to FFY 2022, the state allowed for pre-finding corrections of noncompliance. As a result, the individual instances of noncompliance reported in the data tables for Indicator 12 in FFY 2021 and FFY 2020 did not result in written findings of noncompliance because the state allowed LEAs to conduct pre-finding corrections within 90 days of the state first determining the noncompliance.

In FFY 2021, there were 6 student records with noncompliance reported. Upon determining this noncompliance, the state allowed the 5 LEAs responsible for the 6 instances of noncompliance to correct the noncompliance within 90 days. After 90 days, the state planned to issue a written finding of noncompliance. All 5 LEAs with instances of noncompliance were able to demonstrate, within 90 days, child-specific and systemic correction of noncompliance. The state verified that all 6 child-specific instances of noncompliance were corrected through LEA-submitted evidence of eligibility determination and, when eligibility was determined, the development and implementation of an IEP. The state verified that the 5 LEAs that were the source of the noncompliance addressed the factors contributing to the noncompliance and determined this through a review of subsequent records completed after correction of child-specific noncompliance. In instances where there were no subsequent records available, the state reviewed revisions to policies and procedures around Part C to Part B transition to determine systemic compliance. As a result of the completion of these required actions, the state was able to determine that child-specific records were now appropriately corrected and that the 5 LEAs were correctly implementing regulatory requirements with 100% compliance, consistent with the OSEP Memo 09-02 that served as the authoritative source at the time. Due to staff vacancies and turnover, the 6 instances of noncompliance were inadvertently reported as findings of noncompliance in the FFY 2022 SPP/APR submission. This was an error and has since been addressed.

In FFY 2020, there were 4 student records with noncompliance reported. As described in the paragraph above related to FFY 2021 noncompliant records, upon determining noncompliance for the 4 student records, the state allowed the 3 LEAs responsible for the 4 instances of noncompliance to correct the noncompliance within 90 days. As aforementioned, after 90 days, the state planned to issue a written finding of noncompliance. All 3 LEAs with instances of noncompliance were able to demonstrate, within 90 days, child-specific and systemic correction of noncompliance. The state verified that all 4 child-specific instances of noncompliance were corrected through LEA-submitted evidence of eligibility determination and, when eligibility was determined, the development and implementation of an IEP. The state verified that the 3 LEAs that were the source of the noncompliance addressed the factors contributing to the noncompliance and determined this through a review of subsequent records completed after correction of child-specific noncompliance. In instances where there were no subsequent records available, the state reviewed revisions to policies and procedures around Part C to Part B transition to determine systemic compliance. As a result of the completion of these required actions, the state was able to determine that child-specific records were now appropriately corrected and that the 3 LEAs were correctly implementing regulatory requirements with 100% compliance, consistent with the OSEP Memo 09-02 that served as the authoritative source at the time. Due to staff vacancies and turnover, the 4 instances of noncompliance were inadvertently reported as findings of noncompliance in the FFY 2022 SPP/APR submission. This was an error and has since been addressed.

## **12 - OSEP Response**

## **12 - Required Actions**

## Indicator 13: Secondary Transition

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Effective Transition

**Compliance indicator:** Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services including courses of study that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data to be taken from State monitoring or State data system.

#### Measurement

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services including courses of study that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

If a State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16, the State may, but is not required to, choose to include youth beginning at that younger age in its data for this indicator. If a State chooses to do this, it must state this clearly in its SPP/APR and ensure that its baseline data are based on youth beginning at that younger age.

#### Instructions

*If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.*

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Targets must be 100%.

Provide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State's issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

## 13 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2009	85.30%

FFY	2018	2019	2020	2021	2022
Target	100%	100%	100%	100%	100%
Data	69.03%	73.53%	72.37%	48.98%	82.61%

### Targets

FFY	2023	2024	2025
Target	100%	100%	100%

### FFY 2023 SPP/APR Data

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
32	59	82.61%	100%	54.24%	Did not meet target	Slippage

**Provide reasons for slippage, if applicable**

From FFY 2022 to FFY 2023, the compliance percentage for Indicator 13 decreased by 28.37 percentage points. Through data analysis of the FFY 2023 monitoring results, the state has determined potential reasons for the slippage. By virtue of selecting records from LEAs in the cyclical monitoring process for a reporting period, data can be prone to fluctuation as the comparison groups are not exactly analogous from year to year (i.e., different LEAs are reviewed each year over a five-year period). For this reason, the state has not been immune to substantial compliance rates from one year to the next. For example, the FFY 2022 data showed a marked improvement over the FFY 2021 data (33.63 percentage point increase).

When analyzing the data for FFY 2023, the state observed that one of the largest LEAs in the state was a part of the monitoring cycle. Given the small student population of Montana, large LEAs tend to have a more notable impact on data sets for the state. This large LEA comprised 30.51% of the total records reviewed by the state in FFY 2023 also accounted for 33.33% of the noncompliant records in the state. This LEA is currently experiencing staffing challenges, systemic issues with noncompliance, and receiving more intensive support from the SEA to address these pervasive issues and concerns. In addition to this large LEA, there were more small LEAs included in the monitoring cohort that are also experiencing broad staffing shortages, particularly in specialized positions, which limits the quality, efficacy, and implementation of things like transition plans.

**What is the source of the data provided for this indicator?**

State monitoring

**Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.**

The SEA collected the indicator data as a part of its compliance monitoring procedures during the 2023-24 school year. Compliance monitors reviewed a sampling of student records for students, ages 16 and older (consistent with the process for file selection outlined in the introduction), to ensure their IEPs include appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessments, transition services, including courses of study, that will reasonably enable the student to meet their postsecondary goals, and annual IEP goals related to the student's transition service needs. There also must be evidence that the student was invited to the IEP team meeting where transition services were to be discussed and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Question	Yes / No
Do the State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16?	NO

**Provide additional information about this indicator (optional)**

Information related to the correction of findings of noncompliance from FFY 2021 (25 records with noncompliance) has not been reported in the section titled "Correction of Findings of Noncompliance Identified Prior to FFY 2022" because prior to FFY 2022, the state allowed for pre-finding corrections of noncompliance. As a result, the individual instances of noncompliance reported in the data tables for Indicator 13 in FFY 2021 did not result in written findings of noncompliance because the state allowed LEAs to conduct pre-finding corrections within 90 days of the state first determining the noncompliance.

In FFY 2021, there were 25 student records with noncompliance reported. Upon determining this noncompliance, the state allowed the 6 LEAs responsible for the 25 instances of noncompliance to correct the noncompliance within 90 days. After 90 days, the state planned to issue a written finding of noncompliance. All 6 LEAs with instances of noncompliance were able to demonstrate, within 90 days, child-specific and systemic correction of noncompliance. The state verified that all 25 child-specific instances of noncompliance were corrected through LEA-submitted evidence of completed, compliant, and implemented transition plans. The state verified that the 6 LEAs that were the source of the noncompliance addressed the factors contributing to the noncompliance and determined this through a review of subsequent records completed after correction of child-specific noncompliance. In instances where there were no subsequent records available, the state reviewed revisions to policies and procedures around transition planning for students ages 16 and above to determine systemic compliance. As a result of completion of these required actions, the state was able to determine that the 25 child-specific records were now appropriately corrected and that the 6 LEAs were correctly implementing regulatory requirements with 100% compliance, consistent with the OSEP Memo 09-02 that served as the authoritative source at the time. Due to staff vacancies and turnover, the 25 instances of noncompliance were inadvertently reported as findings of noncompliance in the FFY 2022 SPP/APR submission. This was an error and has since been addressed.

**Correction of Findings of Noncompliance Identified in FFY 2022**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
12	12	0	0

**FFY 2022 Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements**

In FFY 2022, there were 9 LEAs that were the source of noncompliance for the 12 individual records with noncompliance. The state issued written findings and required the 9 LEAs to complete a corrective action plan (CAP) that required the LEAs to drill down into and take steps to correct the root cause of the noncompliance in order to prevent it from recurring. After completion of the CAP and correction of the child-specific noncompliance, the

state conducted a subsequent data review of new student records to evaluate compliance with regulatory requirements. Through these activities, the state verified that the 9 LEAs that were the source of noncompliance are now correctly implementing the regulatory requirements with 100% compliance, consistent with QA 23-01.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The 12 individual cases of noncompliance reported in FFY 2022 were required to be corrected to ensure that a robust, compliant transition plan capturing all required components was in place. LEAs with the 12 cases of noncompliance were required to submit evidence of the corrected transition plans and the state verified that each of the 12 individual cases of noncompliance were corrected, consistent with QA 23-01.

**Correction of Findings of Noncompliance Identified Prior to FFY 2022**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected
FFY 2021	25		
FFY 2020	11	11	0

**FFY 2020**

**Findings of Noncompliance Verified as Corrected**

**Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements***

The LEAs that were the source of noncompliance for the 11 written findings of noncompliance issued were required to undergo a review of policies, procedures, and practices and participated in state interviews with conducted with key LEA staff to determine potential root causes of noncompliance and develop a plan to address them. After implementation of identified corrective actions and activities, the state required the LEA to submit subsequent additional student records, which the state reviewed to determine compliance with IDEA requirements. The state was able to verify within one year that all but 2 of the LEAs that were the source of noncompliance for 6 of the 11 records were now implementing the regulatory requirements with 100% compliance within one year of written notification of findings of noncompliance. These verification activities were consistent with the OSEP Memo 09-02 that was the source of authority at the time of correction. The state was also able to verify that the 2 remaining LEAs (responsible for 5 of the noncompliant records) were implementing regulatory requirements with 100% compliance, but this verification was not completed within one of year of written notification of findings of noncompliance.

**Describe how the State verified that each *individual case* of noncompliance was corrected**

The state required the LEAs that were the source of the 11 written findings of noncompliance to submit corrected, compliant transition plans for each instance of child-specific noncompliance. Through reviews of the submitted IEP evidence, the state was able to verify that each of the 11 individual cases of noncompliance were corrected, consistent with OSEP Memo 09-02 that was the source of authority at the time of correction.

**13 - Prior FFY Required Actions**

Because the State reported less than 100% compliance for FFY 2022, the State must report on the status of correction of noncompliance identified in FFY 2022 for this indicator. In addition, the State must demonstrate, in the FFY 2023 SPP/APR, that the remaining 25 uncorrected findings of noncompliance identified in FFY 2021, and the remaining 11 uncorrected findings of noncompliance identified in FFY 2020 were corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2023 SPP/APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2022 and each LEA with remaining noncompliance identified in FFY 2021 and FFY 2020 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP QA 23-01. In the FFY 2023 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2022, although its FFY 2022 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2022.

**Response to actions required in FFY 2022 SPP/APR**

For information on the correction of findings of noncompliance for FFY 2022, please see the section titled “Correction of Findings of Noncompliance Identified in FFY 2022.” For information on the correction of findings of noncompliance for FFY 2020, please see the section titled “Correction of Findings of Noncompliance Identified Prior to FFY 2022.”

Information related to the correction of findings of noncompliance from FFY 2021 (25 records with noncompliance) has not been reported in the section titled “Correction of Findings of Noncompliance Identified Prior to FFY 2022” because prior to FFY 2022, the state allowed for pre-finding corrections of noncompliance. As a result, the individual instances of noncompliance reported in the data tables for Indicator 13 in FFY 2021 did not result in written findings of noncompliance because the state allowed LEAs to conduct pre-finding corrections within 90 days of the state first determining the noncompliance.

In FFY 2021, there were 25 student records with noncompliance reported. Upon determining this noncompliance, the state allowed the 6 LEAs responsible for the 25 instances of noncompliance to correct the noncompliance within 90 days. After 90 days, the state planned to issue a written finding of noncompliance. All 6 LEAs with instances of noncompliance were able to demonstrate, within 90 days, child-specific and systemic correction of noncompliance. The state verified that all 25 child-specific instances of noncompliance were corrected through LEA-submitted evidence of completed, compliant, and implemented transition plans. The state verified that the 6 LEAs that were the source of the noncompliance addressed the factors contributing to the noncompliance and determined this through a review of subsequent records completed after correction of child-specific noncompliance. In instances where there were no subsequent records available, the state reviewed revisions to policies and procedures around transition planning for students ages 16 and above to determine systemic compliance. As a result of completion of these required actions, the state was able to determine that the 25 child-specific records were now appropriately corrected and that the 6 LEAs were correctly implementing regulatory requirements with 100% compliance, consistent with the OSEP Memo 09-02 that served as the authoritative source at the time. Due to staff vacancies

and turnover, the 25 instances of noncompliance were inadvertently reported as findings of noncompliance in the FFY 2022 SPP/APR submission. This was an error and has since been addressed.

### **13 - OSEP Response**

### **13 - Required Actions**



## Indicator 14: Post-School Outcomes

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / Effective Transition

**Results indicator:** Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

State selected data source.

#### Measurement

- A. Percent enrolled in higher education =  $[(\# \text{ of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school}) \div (\# \text{ of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school})] \times 100$ .
- B. Percent enrolled in higher education or competitively employed within one year of leaving high school =  $[(\# \text{ of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school}) \div (\# \text{ of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school})] \times 100$ .
- C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment =  $[(\# \text{ of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment}) \div (\# \text{ of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school})] \times 100$ .

#### Instructions

*Sampling of youth who had IEPs and are no longer in secondary school is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates of the target population. (See [General Instructions](#) on page 3 for additional instructions on sampling.)*

Collect data by September 2024 on students who left school during 2022-2023, timing the data collection so that at least one year has passed since the students left school. Include students who dropped out during 2022-2023 or who were expected to return but did not return for the current school year. This includes all youth who had an IEP in effect at the time they left school, including those who graduated with a regular diploma or some other credential, dropped out, or aged out.

#### I. Definitions

*Enrolled in higher education* as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

*Competitive employment* as used in measures B and C: States have two options to report data under “competitive employment”:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Option 2: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act of 1973, as amended by Workforce Innovation and Opportunity Act (WIOA). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

*Enrolled in other postsecondary education or training* as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two-year program).

*Some other employment* as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services).

#### II. Data Reporting

States must describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).

Provide the total number of targeted youth in the sample or census.

Provide the actual numbers for each of the following mutually exclusive categories. The actual number of “leavers” who are:

1. Enrolled in higher education within one year of leaving high school;
2. Competitively employed within one year of leaving high school (but not enrolled in higher education);
3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed);
4. In some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).

“Leavers” should only be counted in one of the above categories, and the categories are organized hierarchically. So, for example, “leavers” who are enrolled in full- or part-time higher education within one year of leaving high school should only be reported in category 1, even if they also

happen to be employed. Likewise, “leavers” who are not enrolled in either part- or full-time higher education, but who are competitively employed, should only be reported under category 2, even if they happen to be enrolled in some other postsecondary education or training program.

States must compare the response rate for the reporting year to the response rate for the previous year (e.g., in the FFY 2023 SPP/APR, compare the FFY 2023 response rate to the FFY 2022 response rate), and describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented.

The State must also analyze the response rate to identify potential nonresponse bias and take steps to reduce any identified bias and promote response from a broad cross section of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

### III. Reporting on the Measures/Indicators

Targets must be established for measures A, B, and C.

Measure A: For purposes of reporting on the measures/indicators, please note that any youth enrolled in an institution of higher education (that meets any definition of this term in the Higher Education Act (HEA)) within one year of leaving high school *must* be reported under measure A. This could include youth who also happen to be competitively employed, or in some other training program; however, the key outcome we are interested in here is enrollment in higher education.

Measure B: All youth reported under measure A should also be reported under measure B, in addition to all youth that obtain competitive employment within one year of leaving high school.

Measure C: All youth reported under measures A and B should also be reported under measure C, in addition to youth that are enrolled in some other postsecondary education or training program, or in some other employment.

Include the State’s analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. States must include race/ethnicity in their analysis. In addition, the State’s analysis must include at least one of the following demographics: disability category, gender, geographic location, and/or another demographic category approved through the stakeholder input process.

If the analysis shows that the response data are not representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State collected the data.

## 14 - Indicator Data

### Historical Data

Measure	Baseline	FFY	2018	2019	2020	2021	2022
A	2022	Target >=	27.00%	15.75%	15.75%	15.85%	
A	13.08%	Data	15.51%	17.30%	12.72%	12.73%	13.08%
B	2022	Target >=	73.80%	60.75%	60.75%	60.85%	
B	63.76%	Data	60.58%	62.87%	59.36%	65.58%	63.76%
C	2022	Target >=	87.40%	79.75%	79.75%	79.85%	
C	79.83%	Data	79.57%	78.48%	73.98%	80.52%	79.83%

### FFY 2021 Targets

FFY	2023	2024	2025
Target A >=	13.08%	13.18%	13.28%
Target B >=	63.76%	63.86%	63.96%
Target C >=	79.03%	79.50%	80.00%

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana’s unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent’s Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA’s proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets.

Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent's Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps  
 Disability Rights Montana  
 University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

**FFY 2023 SPP/APR Data**

Total number of targeted youth in the sample or census	1,223
Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	822
Response Rate	67.21%
1. Number of respondent youth who enrolled in higher education within one year of leaving high school	126
2. Number of respondent youth who competitively employed within one year of leaving high school	391
3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed)	16
4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).	68

Measure	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
A. Enrolled in higher education (1)	126	822	13.08%	13.08%	15.33%	Met target	No Slippage
B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2)	517	822	63.76%	63.76%	62.90%	Did not meet target	No Slippage
C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in	601	822	79.83%	79.03%	73.11%	Did not meet target	Slippage

Measure	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
some other employment (1+2+3+4)							

Part	Reasons for slippage, if applicable
C	<p>The FFY 2023 Indicator 14C data reflects a 6.72 percentage point decrease from the percentage reported in FFY 2022. Through more in-depth data analysis, the state identified some potential reasons for the decline. First, the state observed that five of the largest LEAs in the state reported that a large percent of their respondents did not meet the criteria to be reported as enrolled in higher education or some other postsecondary education or training program and did not meet the criteria to be reported as competitively employed or otherwise employed. These five large LEAs all had high percentages of respondents who did not fall within any of the categories reflected in Indicator 14C (53.09% - 72.22% of respondent population). These five LEAs comprised nearly 51% of the respondents that did not fall within any categories reflected in Indicator 14C in the state and given that these LEAs comprised 40.31% of the total respondents in the state, their data had a substantial impact on the statewide data.</p> <p>Secondly, the state observed a decrease in the number of students reporting enrollment in other postsecondary education and training programs, competitive employment, and other employment. This is due in part to a decrease in the number of students completing a full term of school in other postsecondary education and training programs, which led to these students being excluded from the numerator of Indicator 14C. There was also a decrease in the number of students who were competitively employed or employed in some manner for at least 90 days, which again led to these students being excluded from the numerator of Indicator 14C.</p>

**Please select the reporting option your State is using:**

Option 2: Report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

**Response Rate**

FFY	2022	2023
Response Rate	70.62%	67.21%

**Describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).**

To assess the representativeness of the respondents with respect to the population, the distribution of population subgroups among respondents was compared to the distribution in the population. Montana’s threshold was +/- 3% (state interprets this as 3 percentage points difference). Response rates were also compared across groups to identify groups that may be systematically less likely to respond to the survey using a Chi-Squared test of independence to identify statistically significant differences in likelihood of responding to the survey. Montana’s threshold was  $p < 0.05$ .

**Include the State’s analyses of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. States must include race/ethnicity in its analysis. In addition, the State’s analysis must include at least one of the following demographics: disability category, gender, geographic location, and/or another demographic category approved through the stakeholder input process.**

The state assessed the representativeness of respondents to the Indicator 14 post-school survey by comparing statewide population data to the respondent data for the demographics categories of race/ethnicity and disability category and applying the representativeness metric outlined above. The data source used for Indicator 14 is the FS009 EDFacts submission (only includes those students exiting who are no longer in secondary school and had IEPs in effect at the time of exit), meaning the state comparison data comes from the FS009 submission for the relevant reporting period and the respondent data comes from responses to surveys that were sent to all students reported as exiting who were no longer in secondary school and had IEPs in effect at the time of exit in the FS009 submission for the relevant reporting period.

In FFY 2023, the respondent data for all racial/ethnic groups and disability categories was considered representative of the state population of students no longer in secondary school who had IEPs in effect at the time they left school. None of the racial/ethnic groups or disability categories had rates consistent with those meeting the state’s criteria for no representativeness (+/- 3 percentage points). The differences between the respondent groups and the state population in the two demographics categories are provided below.

**Race/Ethnicity (respondent group percentage minus state population percentage)**

- American Indian or Alaska Native: -0.96
- Asian: +0.12
- Black or African American: -0.01
- Hispanic/Latino: -0.38
- Two or more races: -0.24
- Native Hawaiian or Other Pacific Islander: -0.03

White: +1.46

Disability Category (respondent group percentage minus state population percentage)

Autism: +0.38

Emotional Disturbance: -0.95

Hearing Impairment: +0.15

Intellectual Disability: +0.21

Multiple Disabilities: -0.68

Other Health Impairments: -1.44

Specific Learning Disabilities: +2.67

Speech or Language Impairments: -0.21

Traumatic Brain Injury: -0.06

Visual Impairment: -0.08

**The response data is representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school. (yes/no)**

YES

**If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.**

**Describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented.**

The state continues to prioritize ensuring that there is a strong response rate for Indicator 14. By allowing LEAs to collect the data rather than a state or vendor, the hope is that students and/or their families are more inclined to respond given that they are familiar with the people reaching out to them. The state's oversight of the system by which the data are collected allows state staff to monitor responses as they come and ascertain whether there are LEAs in which response rates are low. The state will continue making a concerted effort to monitor the information gathered and maintain contact with LEAs to ensure they are reaching out students as appropriate. Further, the state will continue providing TA to LEAs related to strategies and mechanisms by which the LEAs could increase the number of responses from students exiting with IEPs the prior year to ensure that the responses are as representative as possible of the population.

**Describe the analysis of the response rate including any nonresponse bias that was identified, and the steps taken to reduce any identified bias and promote response from a broad cross section of youth who are no longer in secondary school and had IEPs in effect at the time they left school.**

To analyze nonresponse bias, the state considered multiple factors. First, the state analyzed the Indicator 14 survey response rates, as the best way to limit nonresponse bias is to ensure that the response rate is high. Indeed, high response rates limit the risk of under- or over-representation of particular groups unduly influencing statewide data. Historically, Montana has had a very strong response rate that has resulted in well over a majority of exiters responding to the survey. While the response rate for FFY 2023 decreased slightly from the rate reported in FFY 2022 (3.41 percentage point decrease), the response rate of 67.21% is still commendable and among the highest response rates nationally. The positive results of this substantial response rate are evidenced in the representativeness of the two demographics groups of race/ethnicity and disability category. On point, all demographics categories met the state threshold for representativeness.

After analyzing the response rate and the representativeness of the two demographics groups, the state investigated whether nonresponse bias existed in the levels of engagement for respondents compared to nonrespondents in the two demographics groups. To do this, the state elected to look at the survey responses of any demographic category in which the percentage of the population of the respondents was one or more percentage point less than the statewide percentage of the population. One demographic category met these criteria: the disability category of Other Health Impairments. Students with the disability category of Other Health Impairments who responded to the survey were underrepresented by 1.44 percentage points when compared to the state population of exiting students with Other Health Impairments. When reviewing disaggregated responses to survey questions by disability category, the state determined that exiters identified with Other Health Impairments had percentages for Measures A, B, and C that were all higher than the state data. This could indicate that were this group of the exiter population appropriately representative, the state averages could be slightly higher for each of the indicator measures. While the state does not perceive the data to indicate nonresponse bias, it recognizes there were differences in responses for groups over- and underrepresented in particular racial/ethnic groups and disability categories. In order to address the possible nonresponse bias identified, the state will continue making concerted efforts to improve the survey response rate, which should in turn address representativeness. The state will look into the possibility of weighting data in future years to control for nonresponse bias and provide post-school outcome rates that may more accurately reflect statewide post-school outcomes. Further, the state will continue assessing the times in which surveys are being submitted to determine if there are any trends or key information that might be relevant to assess whether nonresponse bias might be occurring. If it is determined to possibly be occurring, the state will provide technical assistance and support to LEAs, particularly those most impacted.

Sampling Question	Yes / No
Was sampling used?	NO
Survey Question	Yes / No
Was a survey used?	YES
If yes, is it a new or revised survey?	NO

**Provide additional information about this indicator (optional)**

## 14 - Prior FFY Required Actions

None

**14 - OSEP Response**

**14 - Required Actions**

## Indicator 15: Resolution Sessions

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / General Supervision

**Results Indicator:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. (20 U.S.C. 1416(a)(3)(B))

**Data Source**

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the ED Facts Metadata and Process System (EMAPS)).

**Measurement**

Percent = (3.1(a) divided by 3.1) times 100.

**Instructions**

*Sampling is not allowed.*

Describe the results of the calculations and compare the results to the target.

States are not required to establish baselines or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline and targets and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State's data under IDEA section 618, explain.

States are not required to report data at the LEA level.

### 15 - Indicator Data

Select yes to use target ranges

Target Range not used

#### Prepopulated Data

Source	Date	Description	Data
SY 2023-24 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/13/2024	3.1 Number of resolution sessions	0
SY 2023-24 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/13/2024	3.1(a) Number resolution sessions resolved through settlement agreements	0

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

#### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
 Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
 Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
 Education Advocates – presented Indicator 8 changes & new monitoring process  
 Summer Institute  
 Montana Council of Administrators of Special Education (MCASE)  
 Higher Education Consortium (HEC)  
 Great Divide Special Education Cooperative board meeting  
 Dawson Community College – assisting in setting up the ParaPathways Program  
 Weekly Superintendent's Hour – Indicator 8  
 CSPD Regional Directors  
 Montana Empowerment Center – IEP Boot Camps

**Historical Data**

Baseline Year	Baseline Data
2005	

FFY	2018	2019	2020	2021	2022
Target >=	75.00% - 100.00%				
Data	0.00%				

**Targets**

FFY	2023	2024	2025
Target >=			

**FFY 2023 SPP/APR Data**

3.1(a) Number resolutions sessions resolved through settlement agreements	3.1 Number of resolutions sessions	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
0	0				N/A	N/A

**Provide additional information about this indicator (optional)**

The state has no resolution sessions reported in FFY 2023 and is not required to set baselines or targets in instances when the number of sessions is fewer than 10.

**15 - Prior FFY Required Actions**

None

**15 - OSEP Response**

**15 - Required Actions**



## Indicator 16: Mediation

### Instructions and Measurement

**Monitoring Priority:** Effective General Supervision Part B / General Supervision

**Results indicator:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

#### Data Source

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the ED Facts Metadata and Process System (EMAPS)).

#### Measurement

Percent =  $(2.1(a)(i) + 2.1(b)(ii))$  divided by 2.1 times 100.

#### Instructions

*Sampling is not allowed.*

Describe the results of the calculations and compare the results to the target.

States are not required to establish baselines or targets if the number of mediations is less than 10. In a reporting period when the number of mediations reaches 10 or greater, develop baseline and targets and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State's data under IDEA section 618, explain.

States are not required to report data at the LEA level.

## 16 - Indicator Data

### Select yes to use target ranges

Target Range not used

### Prepopulated Data

Source	Date	Description	Data
SY 2023-24 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/13/2024	2.1 Mediations held	2
SY 2023-24 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/13/2024	2.1.a.i Mediations agreements related to due process complaints	1
SY 2023-24 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/13/2024	2.1.b.i Mediations agreements not related to due process complaints	1

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

### Targets: Description of Stakeholder Input

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:

Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork

Vocational Rehabilitation and Blind Services – strengthening our secondary transition

Education Advocates – presented Indicator 8 changes & new monitoring process

Summer Institute

Montana Council of Administrators of Special Education (MCASE)

Higher Education Consortium (HEC)

Great Divide Special Education Cooperative board meeting

Dawson Community College – assisting in setting up the ParaPathways Program

Weekly Superintendent's Hour – Indicator 8

**Historical Data**

Baseline Year	Baseline Data
2005	

FFY	2018	2019	2020	2021	2022
Target >=	80.00% - 100.00%				
Data	0.00%		100.00%		50.00%

**Targets**

FFY	2023	2024	2025
Target >=			

**FFY 2023 SPP/APR Data**

2.1.a.i Mediation agreements related to due process complaints	2.1.b.i Mediation agreements not related to due process complaints	2.1 Number of mediations held	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
1	1	2	50.00%		100.00%	N/A	N/A

**Provide additional information about this indicator (optional)**

The State reported fewer than ten mediations held in FFY 2023. The State is not required to provide targets until any fiscal year in which ten or more mediations were held.

**16 - Prior FFY Required Actions**

None

**16 - OSEP Response**

**16 - Required Actions**

## Indicator 17: State Systemic Improvement Plan

### Instructions and Measurement

**Monitoring Priority:** General Supervision

The State's SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements set forth for this indicator.

#### Measurement

The State's SPP/APR includes an SSIP that is a comprehensive, ambitious, yet achievable multi-year plan for improving results for children with disabilities. The SSIP includes each of the components described below.

#### Instructions

**Baseline Data:** The State must provide baseline data that must be expressed as a percentage, and which is aligned with the State-identified Measurable Result(s) (SiMR) for Children with Disabilities.

**Targets:** In its FFY 2020 SPP/APR, due February 1, 2022, the State must provide measurable and rigorous targets (expressed as percentages) for each of the six years from FFY 2020 through FFY 2025. The State's FFY 2025 target must demonstrate improvement over the State's baseline data.

**Updated Data:** In its FFYs 2020 through FFY 2025 SPPs/APRs, due February 2022 through February 2027, the State must provide updated data for that specific FFY (expressed as percentages) and that data must be aligned with the State-identified Measurable Result(s) Children with Disabilities. In its FFYs 2020 through FFY 2025 SPPs/APRs, the State must report on whether it met its target.

#### Overview of the Three Phases of the SSIP

It is of the utmost importance to improve results for children with disabilities by improving educational services, including special education and related services. Stakeholders, including parents of children with disabilities, local educational agencies, the State Advisory Panel, and others, are critical participants in improving results for children with disabilities and should be included in developing, implementing, evaluating, and revising the SSIP and included in establishing the State's targets under Indicator 17. The SSIP should include information about stakeholder involvement in all three phases.

##### Phase I: Analysis:

- Data Analysis;
- Analysis of State Infrastructure to Support Improvement and Build Capacity;
- State-identified Measurable Result(s) for Children with Disabilities;
- Selection of Coherent Improvement Strategies; and
- Theory of Action.

**Phase II: Plan** (which, in addition to the Phase I content (including any updates)) outlined above):

- Infrastructure Development;
- Support for local educational agency (LEA) Implementation of Evidence-Based Practices; and
- Evaluation.

**Phase III: Implementation and Evaluation** (which, in addition to the Phase I and Phase II content (including any updates)) outlined above):

- Results of Ongoing Evaluation and Revisions to the SSIP.

#### Specific Content of Each Phase of the SSIP

Refer to FFY 2013-2015 Measurement Table for detailed requirements of Phase I and Phase II SSIP submissions.

Phase III should only include information from Phase I or Phase II if changes or revisions are being made by the State and/or if information previously required in Phase I or Phase II was not reported.

##### Phase III: Implementation and Evaluation

In Phase III, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress implementing the SSIP. This includes: (A) data and analysis on the extent to which the State has made progress toward and/or met the State-established short-term and long-term outcomes or objectives for implementation of the SSIP and its progress toward achieving the State-identified Measurable Result(s) for Children with Disabilities (SiMR); (B) the rationale for any revisions that were made, or that the State intends to make, to the SSIP as the result of implementation, analysis, and evaluation; and (C) a description of the meaningful stakeholder engagement. If the State intends to continue implementing the SSIP without modifications, the State must describe how the data from the evaluation support this decision.

###### A. Data Analysis

As required in the Instructions for the Indicator/Measurement, in its FFYs 2020 through 2025 SPPs/APRs, the State must report data for that specific FFY (expressed as actual numbers and percentages) that are aligned with the SiMR. The State must report on whether the State met its target. In addition, the State may report on any additional data (e.g., progress monitoring data) that were collected and analyzed that would suggest progress toward the SiMR. States using a subset of the population from the indicator (e.g., a sample, cohort model) should describe how data are collected and analyzed for the SiMR if that was not described in Phase I or Phase II of the SSIP.

###### B. Phase III Implementation, Analysis and Evaluation

The State must provide a narrative or graphic representation, (e.g., a logic model) of the principal activities, measures and outcomes that were implemented since the State's last SSIP submission (i.e., February 1, 2024). The evaluation should align with the theory of action described in Phase I and the evaluation plan described in Phase II. The State must describe any changes to the activities, strategies, or timelines described in Phase II and include a rationale or justification for the changes. If the State intends to continue implementing the SSIP without modifications, the State must describe how the data from the evaluation support this decision.

The State must summarize the infrastructure improvement strategies that were implemented, and the short-term outcomes achieved, including the measures or rationale used by the State and stakeholders to assess and communicate achievement. Relate short-term outcomes to one or more areas of a systems framework (e.g., governance, data, finance, accountability/monitoring, quality standards, professional development and/or technical assistance) and explain how these strategies support system change and are necessary for: (a) achievement of the SiMR; (b) sustainability of systems improvement efforts; and/or (c) scale-up. The State must describe the next steps for each infrastructure improvement strategy and the anticipated outcomes to be attained during the next fiscal year (e.g., for the FFY 2023 APR, report on anticipated outcomes to be obtained during FFY 2024, i.e., July 1, 2024-June 30, 2025).

The State must summarize the specific evidence-based practices that were implemented and the strategies or activities that supported their selection and ensured their use with fidelity. Describe how the evidence-based practices, and activities or strategies that support their use, are intended to impact the SiMR by changing program/district policies, procedures, and/or practices, teacher/provider practices (e.g., behaviors), parent/caregiver outcomes,

and/or child outcomes. Describe any additional data (e.g., progress monitoring data) that was collected to support the on-going use of the evidence-based practices and inform decision-making for the next year of SSIP implementation.

**C. Stakeholder Engagement**

The State must describe the specific strategies implemented to engage stakeholders in key improvement efforts and how the State addressed concerns, if any, raised by stakeholders through its engagement activities.

**Additional Implementation Activities**

The State should identify any activities not already described that it intends to implement in the next fiscal year (e.g., for the FFY 2023 APR, report on activities it intends to implement in FFY 2024, i.e., July 1, 2024-June 30, 2025) including a timeline, anticipated data collection and measures, and expected outcomes that are related to the SiMR. The State should describe any newly identified barriers and include steps to address these barriers.

**17 - Indicator Data**

**Section A: Data Analysis**

**What is the State-identified Measurable Result (SiMR)?**

The number and percent of American Indian students with disabilities who graduate with a regular high school diploma will increase.

**Has the SiMR changed since the last SSIP submission? (yes/no)**

NO

**Is the State using a subset of the population from the indicator (e.g., a sample, cohort model)? (yes/no)**

NO

**Is the State's theory of action new or revised since the previous submission? (yes/no)**

NO

**Please provide a link to the current theory of action.**

[https://opi.mt.gov/Portals/182/Page Files/Special Education/Annual Performance Report/MT\\_ToA\\_FINAL.pdf?ver=2021-12-02- 090633-033](https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/Annual%20Performance%20Report/MT_ToA_FINAL.pdf?ver=2021-12-02-090633-033)

**Progress toward the SiMR**

**Please provide the data for the specific FFY listed below (expressed as actual number and percentages).**

**Select yes if the State uses two targets for measurement. (yes/no)**

NO

**Historical Data**

Baseline Year	Baseline Data
2023	60.83%

**Targets**

FFY	Current Relationship	2023	2024	2025
Target	Data must be greater than or equal to the target	60.83%	68.90%	69.00%

**FFY 2023 SPP/APR Data**

Number of American Indian youth with IEPs (ages 14-21) who exited special education due to graduating with a regular high school diploma	Number of all American Indian youth with IEPs who exited special education (ages 14-21) in the exit categories of: a) graduated with a regular high school diploma, b) graduated with a state-defined alternate diploma, c) received a certificate, d) reached maximum age, or e) dropped out	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage

132	217	89.10%	60.83%	60.83%	N/A	N/A
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**Provide the data source for the FFY 2023 data.**

The data for the FFY 2023 Data came from the Graduation/Dropout certification taken in Fall 2023. This certification is done within Montana's statewide student information system.

**Please describe how data are collected and analyzed for the SiMR.**

Data are collected within the statewide student information system and certified to the SEA through the Graduation/Dropout certification. Data is verified and analyzed by the Data Operations team of the SEA.

**Optional: Has the State collected additional data (i.e., benchmark, CQI, survey) that demonstrates progress toward the SiMR? (yes/no)**

NO

**Did the State identify any general data quality concerns, unrelated to COVID-19, which affected progress toward the SiMR during the reporting period? (yes/no)**

NO

**Did the State identify any data quality concerns directly related to the COVID-19 pandemic during the reporting period? (yes/no)**

NO

**Section B: Implementation, Analysis and Evaluation**

**Please provide a link to the State's current evaluation plan.**

<https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/Annual%20Performance%20Report/Evaluation%20Questions%20FINAL%20203-26-2020.pdf>

**Is the State's evaluation plan new or revised since the previous submission? (yes/no)**

NO

**Provide a summary of each infrastructure improvement strategy implemented in the reporting period:**

Redesign Internal SEA Infrastructure to Support Intra-agency Collaboration and Coordination

SEA Special Education staff regularly collaborate with all the members of the Tribal Student Achievement and Relations (TSAR) unit, inclusive of two American Indian Student Achievement (AISA) specialists, a language and culture specialist, and a tribal youth coordinator. The language and culture specialist champions indigenous language learning and integration into the schools to support language revitalization and cultural integration. The tribal youth coordinator plays a pivotal role in the impact of the SEA by engaging tribal students from across the state and providing opportunities for student voice, holistic wellness, and leadership skill development. The TSAR unit provided training and support to schools serving American Indian (AI) students using evidence-based and uniquely indigenous interventions such as wraparound and restorative practices, as well as practices centered on culture, identity, and mental wellness. Partnering with our TSAR unit has brought tribal leaders, tribal education departments, tribal colleges, youth leaders, and Knowledge Keepers of Indigenous Nations (KKIN) to the table to gain a deeper understanding of traditional Indigenous epistemology, the importance of language and culture, and in the intersection of Indigenous knowledge, culture, and the education system. The TSAR unit will continue to build relationships and understandings within the SEA and school districts to incorporate tribal voices, share resources, and build connections through consultation on educational matters affecting American Indian students.

The SSIP was moved to the CETA unit in 2024 to improve coordination of Professional Development (PD) efforts within the SPDG, SSIP, Regional CSPD, and Montana Autism Education Project.

Establish a Data Use Culture at the SEA and LEA level

One tool for effective data use is the Montana Early Warning System (EWS). The EWS uses student data to determine the chances of drop out in grades 3-12. This system is free and may be used at any time during the school year. The below-noted PD and ongoing Technical Assistance (TA) from the SEA have helped districts utilize the EWS to improve graduation rates of students, including American Indian students with disabilities.

During the Summer Institute, 2024 PD was provided to establish a data use culture at both the SEA and LEA Levels:

- Data Equipped & Data Informed: The Montana EWS (SEA)
- Using Your Local Data (SEA)
- YRBS 2023: Using Data to Inform Practice (SEA)
- The Data-Driven School (LEA)
- Practical Strategies for Organizing and Presenting MTSS Data (LEA)
- Data Literacy (Evans & Lovato, AIR: MTSS Center)
- Data-Based Individualization in Math (LEA)
- Early Writing Project: Data-Based Instruction for Students with Intensive Writing Needs (Erica LEA)
- How Do Administrators Use Data to Wrap Around the Needs of Kids? (LEA)
- Connecting Student Data & Goals to Specially Designed Instruction (LEA )

CSPD Regions offered 3 trainings on using data tailored to special educators: Data Management and Data Collection and Goal Writing (offered 2x). PD offered on the Teacher Learning Hub included two courses: Building the Foundation of Data Literacy and MTSS Tier 1: Data.

Provide Professional Development and Technical Assistance to implement EBPs

Through mentorship for one SSIP district, PD/TA was delivered through a collaborative partnership with the SSIP and special education staff (SPED teachers, paraprofessionals, and the superintendent) who engaged in collaborative opportunities over several days. TA centered on inclusion through thoughtful purpose and place with a focus on students chosen by district staff. Inclusion plans were designed to meet the needs of these students. Student plans included: introductory to advanced coding; digital games to introduce, enhance, or increase math/science skills; and Invention Literacy

provided enriching opportunities with content standards. Through this approach, students demonstrated a grasp of content standards that had previously been noted as deficiencies on their IEPs and school staff found higher rates of student engagement. Our previous two districts were not able to participate in intensive PD/TA due to internal staffing issues.

SSIP sites identified as Comprehensive Support under the ESSA received a crosswalk of their Comprehensive Needs Assessment goals and alignment with activities of the SSIP. PD/TA was provided to all SSIP school sites via informative e-mails and podcasts throughout the year. Communications shared practices to support tribal student achievement including Dr. Jo Boaler's math, number sense, and number talks; behavior; IRIS transition modules; OSEP-funded STEMIE site; OSEP-promoted STEM site; SAMSHA: Food & Mood Project; MTSS Youth Days; Science of Reading; SPED Nuts and Bolts; educator wellness; data collection/ IEP goal writing; HS Forum; restorative practices; transitional resilience; family engagement; inclusion; Living Our Values through Education (LOVE); math templates for number sense; impacts of trauma on brain development; SPED legal policies; motivating educators and students; Assessment; Conscious Discipline; Summer Institute; and offerings on the Teacher Learning Hub.

Our 5 Regional CSPDs provided PD around tribal student achievement across the state. Sessions targeted multiple aspects of tribal student achievement including data collection/usage, math strategies, reading strategies, coaching, science of reading, and behavior.

SSIP-participating educators from four LEAs attended the SEA Summer Institute. Sessions ranged across all aspects of holistic support for students and/or educators in both academic and behavior EBPs. One of the PD offerings was provided in partnership with the SEA's American Indian Student Achievement staff—Restorative Practice. Restorative Practice continues to be a focal point of the MT SSIP.

Promote American Indian Youth and Family Empowerment

Because youth are primary collaborative partners in the SSIP, SEA staff regularly seek youth input and elevate student voice through the Resilience In Something Else (RISE) youth group. RISE addresses students' need for support and connection by fostering relationships across the state and offers invaluable opportunities for leadership development. Youth-led meetings are held bi-weekly with youth-designed agendas. TSAR staff provide opportunities for RISE youth to speak at major events hosted by the SEA.

Gaining guidance from our tribal nations through their leaders and KKin is the impetus for emergent steps to have their voice front and center on educational matters. The work was intentionally designed to foster a positive self-identity in our Indigenous youth while empowering school staff to incorporate traditional teachings and approaches from the tribal communities themselves. Knowledge Keepers participated in the RISE youth meetings, delivered keynote speeches and workshops at the 2024 RISE Summit, and shared cultural teachings not found in any available text to help students foster positive connections to themselves and the world around them.

Our MTSS Youth Days partnered with Special Olympics in Great Falls in the Fall of 2023, with 2 schools from tribal areas represented. Youth Days is a statewide PBIS activity focused on building leadership skills of middle and high school students through student-led workshops and community service.

At the Fall 2023 SEA Higher Education Consortium (HEC) meeting, American Indian Student Achievement (AISA) staff led a restorative circle with faculty, inclusive of many tribal colleges, with a focus on increasing collaborative partnerships and recruitment and retention of tribal educators. The Spring 2024 HEC meeting included presentations and discussions on Indian Education for All (IEFA) and the Lodge Approach.

**Describe the short-term or intermediate outcomes achieved for each infrastructure improvement strategy during the reporting period including the measures or rationale used by the State and stakeholders to assess and communicate achievement. Please relate short-term outcomes to one or more areas of a systems framework (e.g., governance, data, finance, accountability/monitoring, quality standards, professional development and/or technical assistance) and explain how these strategies support system change and are necessary for: (a) achievement of the SiMR; (b) sustainability of systems improvement efforts; and/or (c) scale-up.**

Redesign Internal SEA Infrastructure to Support Intra-agency Collaboration and Coordination

Survey results from the 2024 RISE Tribal Education Summit, which brought together KKin, students, communities, and school district staff illustrate the SEA intra-agency collaboration and coordination efforts. Student reflection surveys illustrated the following:

- 74% of students stated their self-esteem increased as a result of attending the conference; 26% reported their self-esteem was unchanged.
- 62% of students reported their confidence to speak up about things that are important to them increased as a result of attending the summit; 38% reported their confidence to speak up was unchanged.

• 86% of students reported forming a new, positive relationship while attending the Summit.

• 86% of students reported learning a new skill or information at the Summit that they would use later in life.

Students who reported they gained a new skill or information were asked an open-ended question about what they learned:

• Over a quarter (26%) of students indicated they would take and utilize a cultural teaching(s) or other teaching(s) from the Knowledge Keepers following the Summit.

• One in five students (20%) of students described an increase in feelings of self-efficacy and leadership skills as something they would continue to use.

• 18% of students described an increased ability to speak up and voice their opinions.

• 16% of students indicated a new desire to continue to learn about culture, language, and indigenous ways of being.

• 14% of students described a new or renewed sense of pride in being Native as something they were taking from the Summit.

• 14% of students stated they had a new or renewed motivation to help others.

Establish a Data Use Culture at the SEA and LEA level

At the LEA level, the use of the Montana Early Warning System (EWS) enabled high school staff from three SSIP participating districts to have live data to identify students who are at risk of dropping out of school before they drop out. The use of the EWS system is directly connected to the state SiMR to increase graduation rates of American Indian students served with an IEP.

Seventy-six educators and administrators from SSIP sites (Frazer, Hays/Lodgepole, Poplar, Rocky Boy, and Wolf Point) and the following districts located on or near a Montana tribal nation (Browning, Hardin, Lame Deer, Lodge Grass, Pryor) attended the SEA's Summer Institute in June 2024 where there were many sessions on data literacy and data use.

Provide Professional Development and Technical Assistance to implement EBPs

At the SEA-sponsored Summer Institute, four SSIP participating educators attended in June 2024. Sessions ranged across all aspects of holistic support for students and/or educators in both academic and behavioral evidence-based practices.

Some SSIP project sites attended professional development opportunities provided by Montana's 5 Comprehensive System of Professional Development (CSPD) regions. Topics that garnered attendance focused on data collection for IEP writing; writing effective IEP goals; trauma and its effects on brain development with Stacy York Nation; coaching; and Dr. Jo Boaler's mathematical mindsets.

At the SEA, both the American Indian Student Achievement (AISA) and Indian Education for All (IEFA) teams sponsor monthly professional development sessions. The Tribal Language/Culture series and the ENERGIZE! IEFA sessions are popular with educators in our SSIP-participating sites. Attendees are exposed to different guest speakers/topics each month that provide direct connections to implementing IEFA within their school setting as well as strategies to help their students become more successful in their academic and/or behavioral endeavors. AISA staff also provided PD on Restorative Practice. General attendance sessions as well as requested PD/TA were part of the SEA's continued support of Restorative Practice as relationality is the key to student success in Indigenous communities.

Promote American Indian Youth and Family Empowerment

RISE meetings were held every other week and attended by youth from SSIP-participating high schools. The RISE group has an ongoing

communication thread with over 354 participants. Through the meetings and ongoing communication, American Indian Youth are encouraged and encourage each other to pursue success, in and outside of school. The TSAR unit has worked throughout the reporting period to build relationships and understandings within the SEA and Montana school districts to incorporate Tribal voices, share resources, and build connections through consultation on matters affecting American Indian students.

The TSAR unit maintains its commitment to actively seek stakeholder input and voice by hosting quarterly consultation meetings with tribal leaders from the eight federally recognized Montana tribal governments. This opportunity to engage in government-to-government consultation allows the SEA to hear from the tribes about their priorities and concerns around education and training and share how the SEA is supporting indigenous students both on and off the reservation. The top priorities continue to include mental health and wellness, infusing the education system with culture, identity, and language, as well as preparing students for continuing education and/or other post-secondary training programs.

The TSAR unit has also assisted with informational sessions for educators tasked with updating content standards for the state. TSAR has presented and assisted in bringing in youth and indigenous knowledge keeper voices to advocate for authentic Indigenous education understandings. Additionally, the unit has promoted opportunities for Class 7 (Language and Culture Specialist) endorsement and professional development, directly and virtually. Class 7 educators are keenly aware of the cultural needs of students in their community and actively promote positive identity awareness for indigenous cultures. TSAR has also actively engaged with educators to provide guidance and training in student-led talking circles that promote positive engagement and empowerment of student voice.

Two SSIP tribal schools, had student leadership groups inclusive of students with disabilities at the Fall 2023 Youth Days in Great Falls. Students participated in youth-led leadership activities and community service and created action plans for what they would do when they returned to their schools following the event.

**Did the State implement any new (newly identified) infrastructure improvement strategies during the reporting period? (yes/no)**

NO

**Provide a summary of the next steps for each infrastructure improvement strategy and the anticipated outcomes to be attained during the next reporting period.**

Redesign Internal SEA Infrastructure to Support Intra-agency Collaboration and Coordination.

Next steps for 2024-25:

- American Indian Student Achievement collaboration for Higher Education Consortium - Presentation around Indigenous Ways of Knowing
- Align the SPDG and SSIP with the support of NIRN-SISEP
- Inter-tribal Monday Meetings: internal SEA collaborative conversation designed to link all division projects focused on American Indian

Student Achievement

- Interagency stakeholders incorporating the local resources of tribal communities into educational programs for students.

Expected outcome: Continue to strengthen and build on SEA supports implemented on behalf of SPED-identified American Indian students leading to increased completion and/or graduation rates for this subpopulation.

Establish a Data Use Culture at the SEA and LEA levels.

Next Steps for 2024-25:

- Training on the EWS at the SEA High School Forum in November 2024.
- Training on data literacy, data use, and Data-Based Individualization (DBI) at SEA Summer Institute in June 2025.
- CSPD Training on data use and data literacy 2024-25.
- Increasing the capacity of Montana tribal leaders, knowledge keepers, LEA leadership, and students to understand and use data to make informed decisions for American Indian students with disabilities.

Expected outcome: Continue to strengthen and build on SEA supports implemented on behalf of SPED-identified American Indian students leading to increased completion and/or graduation rates for this subpopulation.

Provide Professional Development and Technical Assistance to implement EBPs.

Next steps for 2024-25:

- Training in Restorative Practices at HS Forum and Summer Institute
- SEA Special Education Endorsement candidates- monthly meetings on inclusionary practices through a co-teaching lens.
- Interagency stakeholders incorporating the local resources of tribal communities into educational programs for students.
- Continuing to provide training opportunities that develop cultural perspectives of historical Indigenous Restorative Practice efforts.
- Continuing to develop the Professional Learning Communities (PLC) and Personalized Learning Networks (PLN) that seek to build and strengthen the capacity of special education teachers to meet the needs of students.

Expected outcome: Continue to strengthen and build on SEA supports implemented on behalf of special education-identified American Indian students, along with all special education-identified students, leading to increased completion and/or graduation rates for this subpopulation

Promote American Indian Youth and Family Empowerment.

Next Steps for 2024-25:

- Indigenous Morning Greetings Project- Through this project, SEA staff will record greetings from American Indian Elders, Knowledge Keepers, and influential leaders from across Montana. These greetings will be recorded with the intent of being played at schools at the beginning and end of the week and will be paired with prompts for reflecting on the messages provided in the greeting.
- SEA strategies related to Indigenous Ways of Knowing- Traditional knowledge and indigenous ways of knowing have contributed to the success and identity of American Indians since time immemorial and can be leveraged within schools and classrooms today, to accomplish the same intent. Incorporating traditional stories and Indigenous ways of knowing into the learning process will provide opportunities for students to connect with their culture and positive self-identity development; engaging pedagogy and sense-making rooted in Indigenous worldview promotes social, emotional, and relationship skill building. Cultural engagement within the school can promote relationship building between the school and community and promote better mental health and wellness for students and staff.
- Continued regular RISE meetings and RISE Youth event is planned for Spring 2025.
- Through collaboration and communication infrastructure efforts, building awareness and the need to empower American Indian students to reconnect to their identity and build pathways to high school completion.
- Strengthen and utilize tribal consultations for district and school leaders to expand engagement efforts to ensure students, families, communities, and tribal councils are invested partners in increasing the completion rates of American Indian students with disabilities.

Expected outcome: Continue to strengthen and build on SEA supports implemented on behalf of SPED-identified American Indian students leading to increased completion and/or graduation rates for this subpopulation.

**List the selected evidence-based practices implement in the reporting period:**

Professional Learning Community (PLC)

**Provide a summary of each evidence-based practice.**

Professional Learning Community (PLC)

Montana utilizes a Professional Learning Community (PLC) combined with a Professional Learning Network (PLN) to coach educators through technology within the SSIP target schools. The identified PLC/PLN was developed by the SEA based on research from Rock (2019) in her book, *The eCoaching Continuum for Educators: Using Technology to Enrich Professional Development and Improve Students Outcomes* (2019). Montana has called their PLC/PLN the Critical Friends' Network (CFN). The CFN is based on the premise that professional development offered through a Professional Learning Community (PLC) or Personalized Learning Network (PLN) provides the reciprocity for educators to share and learn strategies to support their students with special needs. Five features of effective professional development are utilized in the CFN content focus (studying subject matter); active learning (observing, reviewing, discussing); coherence (demonstrating consistency with knowledge, beliefs, policies, and reforms); duration (engaging in 20 or more hours of contact time spread over a semester); and collective participation (interacting and conversing with colleagues). (Rock, 2019)

The Critical Friends' Network (CFN) started in the NE Region of Montana in March of 2021. The NE Region is comprised of the following school districts: Wolf Point, Frazer, Poplar, Brockton (all within the Fort Peck Reservation), Hays/Lodge Pole (within the Fort Belknap Reservation), and Rocky Boy (within the Rocky Boy Reservation). In October of 2022, a district in the Western region became a Montana SSIP site, Ronan School District (Flathead Reservation).

Rock, M. (2019). *The eCoaching Continuum for Educators: Using Technology to Enrich Professional Development and Improve Student Outcomes*. Alexandria, VA: ASCD.

**Provide a summary of how each evidence-based practice and activities or strategies that support its use, is intended to impact the SiMR by changing program/district policies, procedures, and/or practices, teacher/provider practices (e.g., behaviors), parent/caregiver outcomes, and/or child outcomes.**

Professional Learning Community (PLC)

The CFN enhances the capacity of educators to utilize high-impact strategies, practices, and interventions which increases educator effectiveness to improve teaching and learning strategies. This includes improved intentional planning of culturally relevant curriculum, and instructional practices, use of formative and summative data to guide instruction, and building pathways to post-secondary readiness. Ultimately, these educators will have schoolwide practices, teaching, and learning that are responsive to students' needs and culture, leading to increased completion rates of American Indian students with disabilities. The CFN will also strengthen the capacity of educators to cultivate and maintain positive, inclusive, safe, and empowering school environments. It will emphasize the importance of elevating student voice, youth leadership, and advocacy, as well as promote the use of MTSS to ensure the school structure addresses the needs of American Indian students with disabilities. This will enable educators to utilize restorative approaches to build strong relationships and learning environments. The CFN will help students have improved attendance rates and participation in school activities and reduce discipline rates. Ultimately educators will have a systematic approach to identifying students at risk of dropping out of school, applying targeted interventions based on student needs, and tracking interventions over time to determine if they are working.

Due to an increase in 4-day school weeks, the CFN made a necessary shift to podcasting and informative e-mails to provide PD/TA. The chosen content of inclusion is the guiding topic for Critical Friends' Network (CFN) podcasts and informative e-mail communications. PD/TA topics are cyclical in nature and build upon the previous years' information, continually linking to current research, and ensconced in both evidence-based and promising practices to ensure respect for the subculture of LEA staff and students being served.

To encourage transformational skill building and learning for Indigenous students with disabilities, the subtopic of Invention Literacy continued to be a powerfully engaging learning opportunity offered to MT SSIP schools. Students continue to demonstrate success in STEAM when utilizing Invention Literacy through the Makey Makey. The SEA continued to focus on Math instructional strategies in alignment with the final pilot year of the Montana Aligned to Standards Through-year Assessment (MAST.). The SSIP continued to support TA/PD focused on math instructional practices, particularly in the development of Number Sense, Number Talks, and the 8 mathematical themes identified in the NAEP research (Wu, et. al., 2020). While all TA/PD offered focuses on best practices for special education-identified Indigenous youth, these practices cross over to all youth served in a school setting. PD/TA was provided to SSIP school sites via informative e-mails and podcasts. Information shared supported tribal student achievement—behavior, IRIS transition modules, OSEP-funded STEMIE site, OSEP-promoted STEM site, SAMSHA: Food and Mood Project, educator wellness, Restorative Practice, STEM/STEAM, transitional resilience, family engagement/connections, inclusion, Living Our Values through Education (L.O.V.E.) Math templates for number sense, impacts of trauma on brain development, motivating educators and students, MAST Assessment, along with sharing offerings on the Teacher Learning Hub.

The basic structure of the CFN remains the same: invitation only, regionally based, and composed of special education teachers in SSIP schools residing on or near Montana reservations with a primary student population of Indigenous youth. The delivery method was altered to podcasting and informative e-mail communication to reach educators in our SSIP target sites.

Wu, K., Chaphalkar, R., Hecker, M., & Lask, E. (2020). Hidden Strengths of American Indian and Alaska Native Students in Mathematics as Measured by the National Assessment of Educational Progress. *Journal of American Indian Education*, 59(2-3), 7-32.

**Describe the data collected to monitor fidelity of implementation and to assess practice change.**

Professional Learning Community (PLC)

Survey questions aligned to rubrics are utilized to monitor the fidelity of implementation of the CFN. The rubrics are adapted from Killion's (2008) book, *Assessing Impact: Evaluating Staff Development* (2nd Ed.). Rubric selection is based on the following criteria:

- 1) it is a continuum of growth;
  - 2) doesn't require administering on a regular basis but at random check points;
  - 3) demonstrates a partnership in the process as well as an opt out;
  - 4) and it is qualitative in nature staying clear of quantifying professional relationships and growing together to better serve students.
- The rubric responses for the prior reporting year (2022-23) showed growth on the continuum with comfort level with inclusionary practices being noted at 2, 4, and 7. The current open-ended response indicates certified staff, including reading coaches and counselors, have enhanced their ability to utilize more inclusionary practices.

We had no rubric responses this reporting year. Many SSIP target sites struggled with staffing issues, leaving educators burdened with covering vacant positions as they worked to meet all students' IEP goals. The rise in 4-day school weeks has also affected educator availability to engage in PD/TA after the school day ends as educators are not willing to work beyond their union contract hours.



Reference: Killion, J. (2008). *Assessing Impact: Evaluating Staff Development* (2nd Ed.). Thousand Oaks, CA: Corwin Press.

**Describe any additional data (e.g., progress monitoring) that was collected that supports the decision to continue the ongoing use of each evidence-based practice.**

N/A

**Provide a summary of the next steps for each evidence-based practice and the anticipated outcomes to be attained during the next reporting period.**

During the next reporting period, July 1, 2024–June 30, 2025, the SEA plans these next steps:

1. As an intensive state, our SEA will work with National Implementation Research Network (NIRN): State Implementation and Scaling-up of Evidence-based Practices (SISEP) to align the activities of the SSIP with our State Personnel Development Grant (SPDG) Montana's Tiered System of Support (MTSS). Based on the recommendations of the advisory panel and joint partnership meeting discussion, we will be exploring additional evidence-based practices we can implement with an emphasis on behavior strategies, improving attendance, reducing exclusionary discipline, and continuing to improve graduation rates of American Indian students with disabilities, as well as impact students with disabilities statewide. As we focus on behavior, our NIRN/SISEP work will also include additional internal collaboration with the Coordinated School Health Unit (CSH) and the Montana Autism Education Project (MAEP) at the SEA. Through the Regional CSPDs, High School Forum, Summer Institute, and the Montana Autism Education project the SEA is offering training in EBPs to address behavioral concerns, including training on functions of behavior and setting up behavior support plans as well as using EBPs to get ahead of behavior (antecedent intervention). Outcomes will include training data on number of staff trained in EBPs related to behavior.

The SSIP will continue to work with schools on or near tribal nations through the professional learning community Critical Friends Network (CFN) to provide professional development and technical assistance in a culturally responsive manner as well as work on expanding efforts to show educators that the PD/TA offered through the MT SSIP is applicable across all students SPED-identified, not just Indigenous youth. Expected outcomes include increasing participant engagement in the CFN.

**Does the State intend to continue implementing the SSIP without modifications? (yes/no)**

NO

**If no, describe any changes to the activities, strategies or timelines described in the previous submission and include a rationale or justification for the changes.**

The baseline year was updated to FFY 2023 to more closely align with Indicator 1 business rules and data sources, with a continued emphasis on graduation rates of American Indian students with disabilities. The state is considering whether to change the current SiMR. In consideration of feedback from the advisory panel and at the joint partnership meeting, we are focusing our work as an intensive state with NIRN-SISEP on determining the next steps regarding evidence-based practices for improving behavior with a goal of integrating the activities of the SPDG and the SSIP over the next five years. The state will continue soliciting feedback on potential revisions to the SiMR and develop revisions to activities and strategies (if changes to the SiMR are made) over the 2024-25 school year.

## **Section C: Stakeholder Engagement**

### **Description of Stakeholder Input**

The Special Education Advisory Panel (SEAP) in Montana has been in existence since 2013. The SEAP is made up of 17 members, nine of whom are parents of students with disabilities. The panel is fully vested and broadly representative of Montana. Many of the panel members serve in other agency or organization leadership positions or on advisory councils as the voice of students with disabilities. This enables the SEA to draw insight and advice from a diverse group of stakeholders with an understanding of Montana's unique needs and strengths.

In the 2023/2024 school year, the SEA asked for input on Indicators 8 and 14 from the SEAP, the Special Education Directors, Educational Advocates, and the Weekly Superintendent's Hour. The SEA presented information on Indicator 8 regarding moving from a paper and pencil, sample, 23 question survey to an electronic, census, 10 question survey. All four entities agreed with the SEA's proposal.

The SEA asked the SEAP and Special Education Directors to weigh in on Indicator 14. The SEA proposed changing two questions and set new targets. Based on the information provided from stakeholders, the SEA did change the two questions and set new targets for Indicator 14.

In the spring of every school year, the SEA brings together parents, Montana's Parent Training and Information center the Montana Empowerment Center (MEC), the SEAP, and other state agencies for a joint stakeholder meeting. During this meeting the SEA reviews the APR submitted in February. The SEA asks for suggestions on how to potentially improve the outcomes of the indicators along with doing a data drill down of the state data and district level data.

In addition to the above-mentioned stakeholders, the SEA worked with many other stakeholder groups that support students with disabilities. Those groups include but are not limited to:  
Montana Council for Exceptional Children (MCEC) – presented on updates at the SEA, national level, and writing compliant special education paperwork  
Vocational Rehabilitation and Blind Services – strengthening our secondary transition  
Education Advocates – presented Indicator 8 changes & new monitoring process  
Summer Institute  
Montana Council of Administrators of Special Education (MCASE)  
Higher Education Consortium (HEC)  
Great Divide Special Education Cooperative board meeting  
Dawson Community College – assisting in setting up the ParaPathways Program  
Weekly Superintendent's Hour – Indicator 8  
CSPD Regional Directors  
Montana Empowerment Center – IEP Boot Camps  
Disability Rights Montana  
University of Montana – Mental Health Professional Development Grant for the Rural and Indigenous School-based Mental Health and Empowerment (RAISE) initiative

At the March 2024 meeting of the Special Education Advisory Panel, the SEA Special Education director reviewed the Indicators and SiMR and had the Advisory Panel provide feedback. The Advisory Panel discussed Evidence Based Practices for addressing student behavior as strategies that could be considered under the SSIP.

In April 2024, the SEA brought together the Special Education Advisory Panel along with stakeholders from other agencies, parents, Montana Empowerment Center, Disability Rights Montana, and school district and cooperative special education directors. The State Director of Special Education presented the 17 indicators and asked for feedback on all of them. There was discussion on connections between exclusionary discipline and dropout rates as well as questions around: Why ever use suspension if it increases dropout rates? The group considered if removals from schools are counted differently than regular absences, how attendance factors in, and the correlations between attendance and reduced academic scores.

**Describe the specific strategies implemented to engage stakeholders in key improvement efforts.**

A presentation of all indicators was presented to the stakeholders during our Joint Stakeholders meeting in April of 2024. The SEA showed past indicator results and compared them to current results. Once the information was shared, the stakeholders broke into small table discussions. They were tasked with reviewing all the data again, asked to discuss the data provided, and as a group write down one to two areas of improvement the SEA could work on. As a facilitator, TAESE gathered all information and provided it back to the State Special Education Director in a summary.

**Were there any concerns expressed by stakeholders during engagement activities? (yes/no)**

YES

**Describe how the State addressed the concerns expressed by stakeholders.**

Stakeholders expressed concerns around student behavior, exclusionary discipline, and attendance. The SEA has entered a partnership with NIRN/SISEP as an Intensive state to develop and implement additional strategies to address student behavior, attendance, and exclusionary discipline policies through alignment of the SSIP and SPDG. NIRN/SISEP is helping us consider how the work of the SPDG's evidence-based MTSS framework, which includes an integrated model of RTI and PBIS, can be further scaled to tribal schools, as well as determine if there are other evidence-based strategies that could be implemented under the SSIP. Through the Regional CSPDs, High School Forum, Summer Institute, and the Montana Autism Education project the SEA is offering training in EBPs to address behavioral concerns, including training on functions of behavior and setting up behavior support plans as well as using EBPs to get ahead of behavior (antecedent intervention).

**Additional Implementation Activities**

**List any activities not already described that the State intends to implement in the next fiscal year that are related to the SiMR.**

N/A

**Provide a timeline, anticipated data collection and measures, and expected outcomes for these activities that are related to the SiMR.**

N/A

**Describe any newly identified barriers and include steps to address these barriers.**

N/A

**Provide additional information about this indicator (optional).**

The baseline for Indicator 17 has been reset due to a change in data source. To better align with Indicator 1, starting in FFY 2023 the state is using the FS009 EDFacts file as the data source for determining American Indian students with IEPs exiting with the reason of graduating with a regular high school diploma. Considering this change to the data source, the prior year's data are no longer comparable and thus this necessitates revision to the baseline.

**17 - Prior FFY Required Actions**

None

**17 - OSEP Response**

**17 - Required Actions**

## Indicator 18: General Supervision

### Instructions and Measurement

**Monitoring Priority:** General Supervision

**Compliance indicator:** This SPP/APR indicator focuses on the State's exercise of its general supervision responsibility to monitor its local educational agencies (LEAs) for requirements under Part B of the Individuals with Disabilities Education Act (IDEA) through the State's reporting on timely correction of noncompliance (20 U.S.C. 1412(a)(11) and 1416(a); and 34 C.F.R. §§ 300.149, 300.600). In reporting on findings under this indicator, the State must include findings from data collected through all components of the State's general supervision system that are used to identify noncompliance. This includes, but is not limited to, information collected through State monitoring, State database/data system, dispute resolution, and fiscal management systems as well as other mechanisms through which noncompliance is identified by the State.

#### Data Source

The State must include findings from data collected through all components of the State's general supervision system that are used to identify noncompliance. This includes, but is not limited to, information collected through State monitoring, State database/data system, dispute resolution, and fiscal management systems as well as other mechanisms through which noncompliance is identified by the State. Provide the actual numbers used in the calculation. Include all findings of noncompliance regardless of the specific type and extent of noncompliance.

#### Measurement

This SPP/APR indicator requires the reporting on the percent of findings of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance issued the prior Federal fiscal year (FFY) (e.g., for the FFY 2023 submission, use FFY 2022, July 1, 2022 – June 30, 2023)
- b. # of findings of noncompliance the State verified were corrected no later than one year after the State's written notification of findings of noncompliance.

$$\text{Percent} = [(b) \text{ divided by } (a)] \text{ times } 100$$

*States are required to complete the General Supervision Data Table within the online reporting tool.*

#### Instructions

**Baseline Data:** The State must provide baseline data expressed as a percentage. OSEP assumes that the State's FFY 2023 data for this indicator is the State's baseline data unless the State provides an explanation for using other baseline data.

Targets must be 100%.

Report in Column A the total number of findings of noncompliance made in FFY 2022 (July 1, 2022 – June 30, 2023) and report in Column B the number of those findings which were timely corrected, as soon as possible and in no case later than one year after the State's written notification of noncompliance.

Starting with the FFY 2023 SPP/APR, States will be required to report on the correction of noncompliance related to compliance indicators 4B, 9, 10, 11, 12, and 13 based on findings issued in FFY 2022. Under each compliance indicator, States report on the correction of noncompliance for that specific indicator. However, in this general supervision Indicator 18, States report on both those findings as well as any additional findings that the State issued related to that compliance indicator.

In the last row of this General Supervision Data Table, States may also provide additional information related to other findings of noncompliance that are not specific to the compliance indicators. This row would include reporting on all other findings of noncompliance that were not reported by the State under the compliance indicators listed below (e.g., Results indicators (including related requirements), Fiscal, Dispute Resolution, etc.). In future years (e.g., with the FFY 2026 SPP/APR), States may be required to further disaggregate findings by results indicators (1, 2, 3, 4A, 5, 6, 7, 8, 14, 15, 16, and 17), fiscal and other areas.

If the State did not ensure timely correction of previous findings of noncompliance, provide information on the nature of any continuing noncompliance and the actions that have been taken, or will be taken, to ensure the subsequent correction of the outstanding noncompliance, to address areas in need of improvement, and any sanctions or enforcement actions used, as necessary and consistent with IDEA's enforcement provisions, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and State rules.

## 18 - Indicator Data

### Historical Data

Baseline Year	Baseline Data
2023	85.71%

### Targets

FFY	2023	2024	2025
Target	100%	100%	100%

**Indicator 4B. Percent of LEAs that have:** (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Findings of Noncompliance Identified in FFY 2022**

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected
0	0	0	0	0

Please explain any differences in the number of findings reported in this data table and the number of findings reported in Indicator 4B due to various factors (e.g., additional findings related to other IDEA requirements).

No additional findings were reported for Indicator 4B for FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data:

No additional findings were reported for Indicator 4B and no findings were issued for Indicator 4B in FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that each individual case of noncompliance was corrected:

No additional findings were reported for Indicator 4B and no findings were issued for Indicator 4B in FFY 2022.

**Indicator 9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C))**

**Findings of Noncompliance Identified in FFY 2022**

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected
0	1	0	0	1

Please explain any differences in the number of findings reported in this data table and the number of findings reported in Indicator 9 due to various factors (e.g., additional findings related to other IDEA requirements).

The additional finding reported in Column B comes from an LEA monitored in the FFY 2022 reporting period. This LEA was issued a written finding of noncompliance related to 34 CFR 300.306(1) based on the reviews of student records.

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data:

The state has been unable to verify that the LEA that is the source of the finding of noncompliance reported in Column B is now correctly implementing the regulatory requirements consistent with QA 23-01, based on updated data. The LEA has failed to complete all required actions outlined in the state-developed corrective action plan, which the state has required the LEA to complete prior to pulling updated data to evaluate implementation of regulatory requirements. This LEA has been a source of long-standing noncompliance across multiple indicators. More details about the state's efforts to address this long-standing noncompliance can be found in the "Subsequent Correction" field later in this indicator.

No findings of noncompliance were issued for Indicator 9 in FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that each individual case of noncompliance was corrected:

One individual case of noncompliance was identified as part of the state monitoring of the LEA that is the source of the finding of noncompliance. To correct the individual case of noncompliance, the state contracted with a state certified special educator to bring all noncompliant records into compliance and required the LEA to submit evidence of these corrected individual records. The state reviewed LEA-submitted evidence and verified that the individual case of noncompliance was corrected, consistent with QA 23-01.

No findings of noncompliance were issued for Indicator 9 in FFY 2022.

**Indicator 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C))**

**Findings of Noncompliance Identified in FFY 2022**

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected
0	0	0	0	0

Please explain any differences in the number of findings reported in this data table and the number of findings reported in Indicator 10 due to various factors (e.g., additional findings related to other IDEA requirements).

No additional findings were reported for Indicator 10 for FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data:

No additional findings were reported for Indicator 10 and no findings were issued for Indicator 10 in FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that each individual case of noncompliance was corrected:

No additional findings were reported for Indicator 10 and no findings were issued for Indicator 10 in FFY 2022.

**Indicator 11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. (20 U.S.C. 1416(a)(3)(B))**

**Findings of Noncompliance Identified in FFY 2022**

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected
0	2	0	0	2

Please explain any differences in the number of findings reported in this data table and the number of findings reported in Indicator 11 due to various factors (e.g., additional findings related to other IDEA requirements).

The additional two findings reported in Column B come from an LEA monitored in the FFY 2022 reporting period. This LEA was issued a written finding of noncompliance related to 34 CFR 300.301(b) and another written finding of noncompliance related to 34 CFR 300.301(c)(1)(i). These findings were based on the reviews of student records during the LEA monitoring process.

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data:

The state has been unable to verify that the LEA that is the source of the finding of noncompliance reported in Column B is now correctly implementing the regulatory requirements consistent with QA 23-01, based on updated data. For both findings of noncompliance, the LEA has failed to complete all required actions outlined in the state-developed corrective action plan, which the state has required the LEA to complete prior to pulling updated data to evaluate implementation of regulatory requirements. This LEA has been a source of long-standing noncompliance across multiple indicators. More details about the state's efforts to address this long-standing noncompliance can be found in the "Subsequent Correction" field later in this indicator.

No findings of noncompliance were issued for Indicator 11 in FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that each individual case of noncompliance was corrected:

Two individual cases of noncompliance were identified as part of the state monitoring of the LEA that is the source of the finding of noncompliance. To correct the individual cases of noncompliance, the state contracted with a state certified special educator to bring all noncompliant records into compliance and required the LEA to submit evidence of these corrected individual records. The state reviewed LEA-submitted evidence and verified that the individual cases of noncompliance were corrected, consistent with QA 23-01.

No findings of noncompliance were issued for Indicator 11 in FFY 2022.

**Indicator 12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. (20 U.S.C. 1416(a)(3)(B))**

**Findings of Noncompliance Identified in FFY 2022**

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected
5	0	5	0	0

Please explain any differences in the number of findings reported in this data table and the number of findings reported in Indicator 12 due to various factors (e.g., additional findings related to other IDEA requirements).

No additional findings were reported for Indicator 12 for FFY 2022.

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data:

See information on the verification of systemic correction of noncompliance in the section “Correction of Findings of Noncompliance Identified in FFY 2022” for Indicator 12.

Please describe, consistent with OSEP QA 23-01, how the State verified that each individual case of noncompliance was corrected:

See information on the verification of individual correction of noncompliance in the section “Correction of Findings of Noncompliance Identified in FFY 2022” for Indicator 12.

**Indicator 13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services and needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 1416(a)(3)(B))**

Findings of Noncompliance Identified in FFY 2022

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected)
12	1	12	1	0

Please explain any differences in the number of findings reported in this data table and the number of findings reported in Indicator 13 due to various factors (e.g., additional findings related to other IDEA requirements).

The additional finding reported in Column B comes from an LEA monitored in the FFY 2022 reporting period. This LEA was issued a written finding of noncompliance related to 34 CFR 300.156 based on the reviews of student records.

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on updated data:

The LEA issued a finding of noncompliance through LEA monitoring activities was required to complete all activities specified in a state-developed corrective action plan. Upon completion of these corrective actions, the state conducted a subsequent record review using updated data to determine compliance with regulatory requirements associated with transition plans. Based on this review, the state verified that the LEA that was the source of noncompliance was correctly implementing regulatory requirements, consistent with QA 23-01.

See information on the verification of individual correction of noncompliance in the section “Correction of Findings of Noncompliance Identified in FFY 2022” for Indicator 13.

Please describe, consistent with OSEP QA 23-01, how the State verified that each individual case of noncompliance was corrected:

One individual case of noncompliance was identified as part of the state monitoring of the LEA that is the source of the finding of noncompliance. To correct the individual case of noncompliance, the state required in the state-developed corrective action plan that the IEP team convene a meeting to revise the transition plan and bring it into 100% compliance. The state reviewed LEA-submitted evidence and verified that the individual case of noncompliance was corrected, consistent with QA 23-01.

See information on the verification of individual correction of noncompliance in the section “Correction of Findings of Noncompliance Identified in FFY 2022” for Indicator 13.

**Optional for FFY 2023, 2024, and 2025:**

**Other Areas - All other findings: States may report here on all other findings of noncompliance that were not reported under the compliance indicators listed above (e.g., Results indicators (including related requirements), Fiscal, Dispute Resolution, etc.).**

Column B: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Column B for which correction was not completed or timely corrected
0	0	0

Explain the source (e.g., State monitoring, State database/data system, dispute resolution, fiscal, related requirements, etc.) of any findings reported in this section:

N/A

Please describe, consistent with OSEP QA 23-01, how the State verified that the source of noncompliance is correctly implementing the regulatory requirements based on *updated data*:

N/A

Please describe, consistent with OSEP QA 23-01, how the State verified that each *individual case* of noncompliance was corrected:

N/A

Total for All Noncompliance Identified (Indicators 4B, 9, 10, 11, 12, 13, and Optional Areas):

Column A: # of written findings of noncompliance identified in FFY 2022 (7/1/22 – 6/30/23)	Column B: # of any other written findings of noncompliance identified in FFY 2022 not reported in Column A (e.g., those issued based on other IDEA requirements), if applicable	Column C1: # of written findings of noncompliance from Column A that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column C2: # of written findings of noncompliance from Column B that were timely corrected (i.e., verified as corrected no later than one year from identification)	Column D: # of written findings of noncompliance from Columns A and B for which correction was not completed or timely corrected
17	4	17	1	3

FFY 2023 SPP/APR Data

Number of findings of Noncompliance that were timely corrected	Number of findings of Noncompliance that were identified FFY 2022	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
18	21		100%	85.71%	N/A	N/A

Percent of findings of noncompliance not corrected or not verified as corrected within one year of identification	14.29%
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Provide additional information about this indicator (optional)

Summary of Findings of Noncompliance identified in FFY 2022 Corrected in FFY 2023 (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State identified during FFY 2022 (the period from July 1, 2022 through June 30, 2023)	21
2. Number of findings the State verified as timely corrected (corrected within one year from the date of written notification to the LEA of the finding)	18
3. Number of findings <u>not</u> verified as corrected within one year	3

Subsequent Correction: Summary of All Outstanding Findings of Noncompliance Identified in FFY 2022 Not Timely Corrected in FFY 2023 (corrected more than one year from identification of the noncompliance):

4. Number of findings of noncompliance not timely corrected	3
5. Number of findings in Col. A the State has verified as corrected beyond the one-year timeline for Indicator 4B, 9, 10, 11, 12, 13 ("subsequent correction")	0
6a. Number of additional written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - Indicator 4B	

6b. Number of additional written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - Indicator 9	
6c. Number of additional written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - Indicator 10	
6d. Number of additional written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - Indicator 11	
6e. Number of additional written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - Indicator 12	
6f. Number of additional written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - Indicator 13	
6g. (optional) Number of written findings of noncompliance (Col. B) the state has verified as corrected beyond the one-year timeline ("subsequent correction") - All other findings	
7. Number of findings <u>not</u> yet verified as corrected	3

**Subsequent correction:** If the State did not ensure timely correction of previous findings of noncompliance, provide information on the nature of any continuing noncompliance and the actions that have been taken, or will be taken, to ensure the subsequent correction of the outstanding noncompliance, to address areas in need of improvement, and any sanctions or enforcement actions used, as necessary and consistent with IDEA's enforcement provisions, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and State rules.

The same LEA is the source of the three findings of noncompliance reported in FFY 2022. This LEA has systemic staffing issues that have resulted in substantial staff turnover and special educator positions remaining vacant for extensive periods of time with no evaluation specialist to support work related to identification of children as children with disabilities. To address the extensive issues, the state has required the LEA to hire a state-appointed special education specialist to provide services to students with disabilities and ensure compliance with the completion of eligibilities and IEPs. Further, the state has conducted and continues to conduct regularly scheduled on-site visits with the LEA. These visits are conducted by both the state office of special education staff as well as the school improvement staff to provide more intensive support from a broad cadre of offices. The state superintendent also participated in a site visit to the LEA in the 2023-24 school year.

The state is requiring the LEA to undergo intensive monitoring in the FFY 2024 reporting period and is currently considering escalating sanctions to address long-standing noncompliance. Considerations have included issuing fiscal stipulations or withholding of IDEA funds until the LEA has been brought into compliance. However, the state is trying to reconcile the impact of the loss of IDEA funds on the students in the LEA and their services.

## 18 - OSEP Response

### 18 - Required Actions



## **Certification**

### **Instructions**

Choose the appropriate selection and complete all the certification information fields. Then click the "Submit" button to submit your APR.

#### **Certify**

I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.

#### **Select the certifier's role:**

Designated by the Chief State School Officer to certify

**Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.**

#### **Name:**

Kristie Sears

#### **Title:**

IDEA Data Manager

#### **Email:**

kristie.sears@mt.gov

#### **Phone:**

406-444-4430

#### **Submitted on:**

01/31/25 4:25:52 PM