



Montana

Education Savings Account

for Students with Special Needs

Parent Handbook

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Contact Info & Resources

OPI Employees are here to help:

- Whitney Williams, ESA Program Budget Analyst: opiesa@mt.gov or 406-444-3408
- Kiera Moog, Family Engagement Specialist: kiera.moog@mt.gov or 406-594-7135
- John Gorton, Special Ed School Improvement Unit Manager: john.gorton@mt.gov or 406-459-4281
- Mandi Gibbs, Early Assistance Program Director: mgibbs@mt.gov or 406-444-5664

Resources:

- [OPI's Education Savings Account Website](#)
- [Legislation HB 393](#)
- [Application](#)

Education Savings Accounts for Students with Special Needs

The Education Savings Account is a reimbursement program for parents of a qualified student with a disability under the Individuals with Disabilities Education Act, 20. U.S.C 1400, et seq. The purpose of this program is to provide flexibility for parents in their child's education. Find more information on the Students with Special Needs Equal Opportunity Act [HERE](#).

Education Savings Account Steering Committee

Thank you to the Education Savings Account Steering Committee for their input and assistance. The committee provided strategic advisory support to ensure the administrative process of the ESA program meets the needs of students and families enrolled in the program. Read more about the committee in the [Steering Committee Overview](#).

Committee members:

- Alba Pimentel, Parent/Guardian from Billings
- Amanda Christofferson, Education Service Provider from Havre
- Brad Tschida, Educator from Missoula
- Chas Haggerty, Education Service Provider from Billings
- Clifton Grilley, Parent/Guardian from Power
- Jean Curtiss, Community Member from Missoula
- Jennifer Duray, Parent/Guardian from Billings
- Katherine Walter, Parent/Guardian from White Sulphur Springs
- Lisa Gunderson, Parent/Guardian from Choteau
- Louisa Libertelli Dunn, Community Member from Great Falls
- Rebecca Richards, Parent/Guardian from Great Falls
- Robin Urbaska, Parent/Guardian from Billings
- Sarah Whitney, Parent/Guardian from Great Falls
- Stephanie Keeth, Parent/Guardian from Billings
- Sue Furey, Educator from Missoula

Eligibility

To be eligible to participate in the ESA program, a student must meet the following requirements as stated in law:

A "Qualified student" means a resident of the state who meets the requirements of (a) (b), and (c) below:

- (a) In the current school year:
 - (i) is identified as a "child with a disability" under the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; **and**
 - (ii) is between the ages of 5 and 19 on September 10;
- (b) is not currently enrolled in a school operating for the purpose of providing educational services to youth in department of corrections commitment programs or in the Montana school for the deaf and blind; **and**
- (c)
 - (i) was counted during the previous school year for purposes of school district ANB funding;
 - (ii) was enrolled during the previous school year in a program listed in subsection (7)(b); **or**
 - (iii) is eligible to enter a kindergarten program pursuant to 20-7-117, MCA.

To determine student eligibility, the OPI will request an evaluation report, IEP, or private place-service plan during the program application process.

The information provided to the Office of Public Instruction is intended only for the purposes of the Education Savings Account application. All information provided will be kept secure and confidential to protect privacy.

Federal Individuals with Disabilities Education Act (IDEA):

Under the federal law a child is eligible if their school performance is “adversely affected” by a disability in one of the 13 categories below.

Autism
Deafness
Other Health Impairment
Developmental Delay
Emotional Disturbance
Specific Learning Disability
Cognitive Delay
Hearing Impairment
Speech Language Impairment
Deaf-Blindness
Orthopedic Impairment
Traumatic Brain Injury
Visual Impairment

How to Participate

A parent who chooses to participate in the program is required to notify to the Office of Public Instruction (OPI) by submitting an online application (paper copy available upon request). Once the student is determined eligible, the parent will sign a contract with OPI.

- The application includes:
 - Parent and student names, student birthdate, resident district, district enrolled in prior year.
- An example of the application can be found in the Appendix and the fillable application will be available upon request.
- An example of the contract can be found in the Appendix.
- If a parent would like a paper application, please contact Whitney Williams at opiesa@mt.gov or 406-444-3408.

Timeline:

- Applications will be accepted beginning on May 1, 2024
- Application deadline is June 1, 2024
- OPI will notify parents within 30 days of the close of the application window and will provide a contract for the parent of an eligible student to sign.
- Upon receipt of the signed contract, parents can begin to submit receipts for allowable expenses incurred on/after July 1, 2024.
- By August 1, 2024, OPI will notify districts of families participating in the program.
- Contact/questions: Whitney Williams, opiesa@mt.gov.

Reimbursement process:

How to Submit Reimbursement Requests:

Upon receipt of the signed contract, parents may begin to submit receipts for allowable expenses incurred on/after July 1, 2024.

Parents will utilize an Electronic Management System to submit reimbursement requests for students.

To ensure timely processing, **all reimbursement requests must be completed and submitted to OPI by the 25th of the month for processing after the 10th of the following month.** This timeline allows OPI to review all receipts for accuracy or request additional information as necessary.

The first round of reimbursements submitted to OPI will be processed after September 10th and will occur on a monthly basis thereafter.

Required Documentation for Reimbursement

When submitting a reimbursement request through the Electronic Management System, parents must upload all allowable receipts when submitting to the OPI. Parents will be required to submit a signed W-9 form with their contract. This W-9 form is for Montana state administrative purposes only and is not considered taxable income.



Expenses

Allowable Expenses:

Below are examples of generally allowable expenses for reimbursement under the ESA program. Expenses must only be for the benefit of the qualified student for whom the account was created. All expenses are subject to the Office of Public Instruction approval.

- Qualified school tuition, fees, textbooks, software, or other instructional materials or services.
- Electronic educational program or course or distance learning programs.
- Curriculum materials
- Tutoring
- Educational therapies including occupational, behavioral, physical, speech, and audiology therapies from a licensed or certified provider.
- State of nationally recognized assessment tests, advanced placement exams, entrance exams for eligible post-secondary institutions.
- Services provided by a public school in the state, including classes and extracurricular activities.
- Eligible postsecondary institution tuition, books, online course, or certain fees.
- No more than \$50 annually in consumable education supplies such as paper, pens, and markers.
- Transportation required for another allowable education service. Transportation costs will be reimbursed at the federal per diem rate.
- Fees for a cooperative educational program.

Unallowable Expenses:

Expenses must be for educational purposes. The following types of expenses are generally unallowable for reimbursement under the ESA program. This list is not exhaustive. The Office of Public Instruction reserves the right under statute to deny unallowable expenses.

- Entertainment
- Primarily noneducational devices
- Televisions
- Telephones
- Video game consoles and accessories
- Home theater and audio equipment
- Amusement Park tickets
- Baby grand pianos
- BBQ Grills, Smokers & Fixed fire pits
- Bounce houses & Water slides
- Commercial grade items
- Day care fees
- Fuel (Outside the mileage reimbursement for transportation required for allowable education services)
- Garden sheds
- Gift cards of any kind
- Go-carts, Motorized scooters, kayaks
- Home furnishings & Fixtures
- Hotel, Lodging, Groceries

- Inappropriate explicit material
- Jewelry & Precious metals
- Land / Real property
- Large appliances
- Large chicken coops & Runs
- Large green houses
- Large outdoor shade structures
- Large trampolines
- Live animals
- Medical services & Supplies

- Medications, Vitamins & Supplements
- Pizza ovens
- Planes, Automobiles, Motorcycles & Boats
- Playground & Lawn equipment
- Restaurants
- Solar panels or Systems
- Swimming pools, Saunas & Ponds
- Trailers (of any kind)
- Weapons & Ammunition

Unallowable Therapies and Services:

- Acupuncture
- Blood work (labs)
- Chiropractors
- Craniosacral Therapy
- Dental exams or Services
- Eye exams
- Health exams
- Hyperbaric Oxygen Therapy
- Massage Therapy
- Medical Equipment / Services
- Nutritionists
- Physical exams

Fraud:

If an individual believes he/she has knowledge or evidence of fraudulent or inappropriate use of Education Savings Account funds they should contact the OPI legal team.

<https://opi.mt.gov/Leadership/Management-Operations/Legal-Division>

If an individual believes that the fraud is Medicaid related, please contact DPHHS.

- To report Medicaid Member/Client Fraud call DPHHS, Fraud Hotline: (800) 201-6308
- <https://dphhs.mt.gov/montanahealthcareprograms/fraudandabuse>

Renewal & Withdrawal

Withdrawal or Termination

Parents may re-enroll their student in public school at any time, which will effectively terminate the ESA.

The Office of Public Instruction will remove a student from eligibility under the following circumstances:

- If a student re-enrolls in a public school district. Under this circumstance, the parent should notify OPI of the new enrollment.
- If a parent fails to comply with the terms of the signed contract.
- If a parent knowingly misuses account funds.
- If a parent knowingly fails to comply with the term of the contract with the intent to defraud.

Termination Process:

Under the above circumstances, the parent will be notified in writing that the student may be terminated from the program and no further reimbursements will be allowed after termination. The notification will include the reason for the termination.

The parent has 10 business days to respond. A parent may appeal OPI's decision by notifying the OPI in writing. A parent may also appeal OPI's decision under the Administrative Procedure Act.

If the parent refuses or fails to contact OPI within the 10-day period, then the student will be removed from the program.

Fraudulent use of account funds may result in the case being referred to the Attorney General for investigation.

FAQ

1. What if I have two qualified students who want to participate from the same household?

A parent may have more than one student enrolled in an ESA program. The parent will need to submit an application for each student, and sign a contract for each individual student, as well as submit reimbursements for individual students. Funds cannot be shared between students.

2. What happens if a student is determined ineligible for the ESA program?

The legislation does not allow for an appeal process for eligibility. Parents may reapply during the next application window.

3. If we lived in Montana, and my student was not enrolled in a MT public school the prior year, what are my options for participating?

- a. The law requires that a student was counted during the previous school year for purposes of school district ANB funding;

- i. was enrolled during the previous school year in a program listed in subsection (7)(b);
- ii. did not reside in the state in the previous school year; or
- iii. is eligible to enter a kindergarten program pursuant to 20-7-117.

4. What happens if an expense is denied reimbursement?

If a parent believes that an expense was incorrectly determined ineligible, the parent may request a review by informing OPI in writing within 10 days of denial. The parent may provide additional documentation to show eligibility of the expense. OPI's decision will be final for reimbursement determinations.

5. My child doesn't have an IEP but has a designation/ diagnosis for a disability, are they eligible?

To determine eligibility, the OPI will review documentation that confirms a child's IDEA designation. This documentation is either an evaluation report, IEP, or private place service plan.

6. What is the status of my application?

The parent will receive an email confirming the receipt of the application. OPI will notify the parent of eligibility within 30 days of the application window closing date. If the parent does not receive notification of receipt of a determination within 30 days of the application window closing, please contact Whitney Williams at opiesa@mt.gov.

7. How will I be notified?

Parents will be notified via email for the receipt of application and confirmation or denial of eligibility. Parents will receive a contract to sign upon confirmation of eligibility. Postal mail notifications can be provided if requested by the parent. If a parent is determined ineligible, OPI will notice the parent in writing.

8. How much money is available per year for allowable reimbursement?

- a. The ESA student amount is outlined in 20-7-1703, MCA.
- b. OPI prepared a table with sample amounts depending on student resident district. It is included in the appendix. (Student amount available to parents is subject to an administrative fee per 20-7-1703, MCA.)

Glossary & Appendix:

Appendix documents are subject to change

Glossary:

Qualified school:

- A nonpublic school serving any combination of grades kindergarten through 12.
- It must be in compliance with applicable local health and safety regulations.
- Hold an occupancy permit (if required by the municipality)
- Does not discriminate on the basis of race, creed, religion, sex, marital status, color, age, disability, or national origin.
- Requires that an employee who has unsupervised access to children be subject to a criminal background check.
- Meet requirements for Montana nonpublic schools.

Eligible Postsecondary Institution: An accredited postsecondary institution located in Montana.

ANB (Average Number Belonging): means a student count used for school funding purposes. It is the formula based on factors that include enrollment on two count dates, PIR days, and an average school year of 180 days.

Parent: means a biological parent, adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of a qualified student, and whose parental rights have not been terminated.

Resident school district: means the school district in which a student resides.

Sample Application:



Education Savings
Account Program Ap

Sample Contract:



Sample Contract
MT OPI Spring 2024.

ESA Student Amounts per Resident District