



Office of Public Instruction

Special Education Annual Report for the Board of Public Education

September 2025

Report prepared for the September 2025 Board of Public Education meeting by:

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OPI Special Education Report Table of Contents

Who are Montana's Students with Disabilities?	2
Student Population	2
Montana Total Student Enrollment	2
Montana Enrollment of Students with Disabilities	2
Special Education Student Demographics	3
Student Disability Categories	3
Special Education Child Count by Disability Category	4
Special Education Cooperatives	5
Special Education Achievement	6
Federal Funding for Montana's Special Education Students	7
Montana's OPI Special Education Team	8
Appendix A: Graduation Guidance Regarding FAPE - August 2025	9
Appendix B: Special Education Director's Meeting - August 27, 2025	10



**Montana Office of Public Instruction - Special Education
Board of Public Education Annual Report
September 2025**

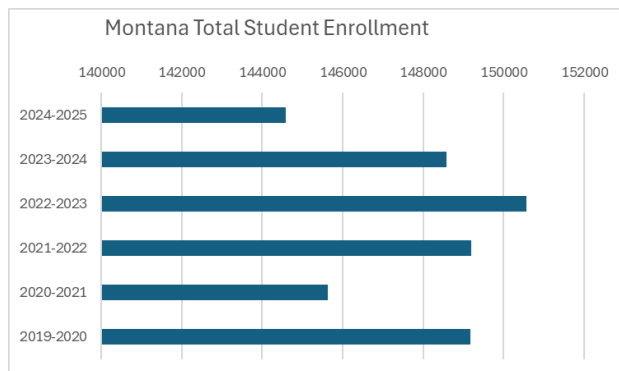
Who are Montana's Students with Disabilities?

Student Population

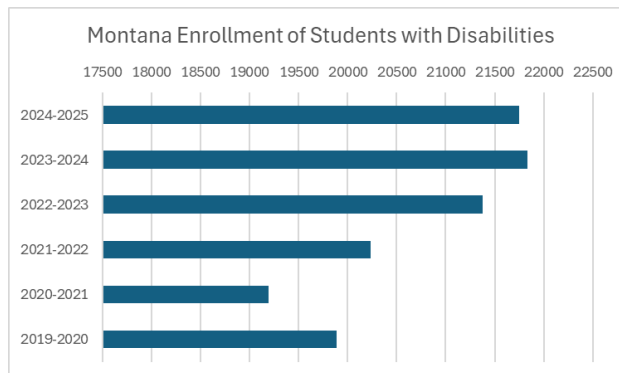
In 2022–23, the number of students ages 3–21 who received special education and related services under the Individuals with Disabilities Education Act (IDEA) was 7.5 million, or the equivalent of **15 percent** of all public school students. (*National Center for Education Statistics*)

- **15 percent** of Montana's students are served under IDEA.
- Total student enrollment in 23/24 - 148,585
- Total student enrollment in 24/25 - 144,579 (2.73% decrease)
- Total enrollment of students with disabilities in 23/24 - 21,579
- Total enrollment of students with disabilities in 24/25 - 21,752 (.80% increase)

Montana Total Student Enrollment



Montana Enrollment of Students with Disabilities

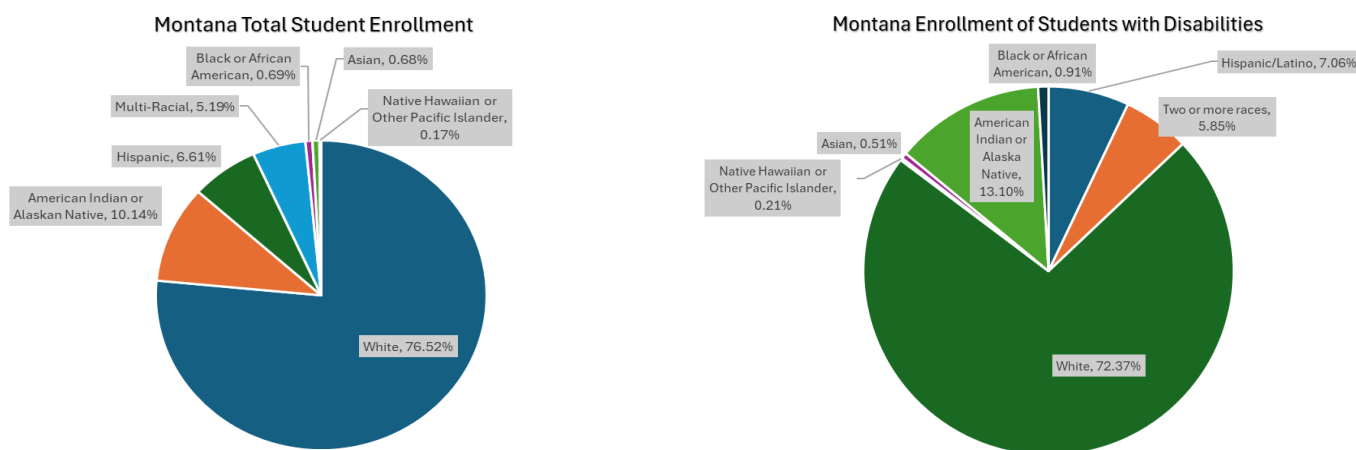




Special Education Student Demographics

Montana's students with disabilities are proportionally represented across the state, except for one area. American Indian students account for a 3% higher rate of the special education student population than the state student population. Conversely, a lesser percentage of the special education population is white.

2024 - 2025 Race/ Ethnicity

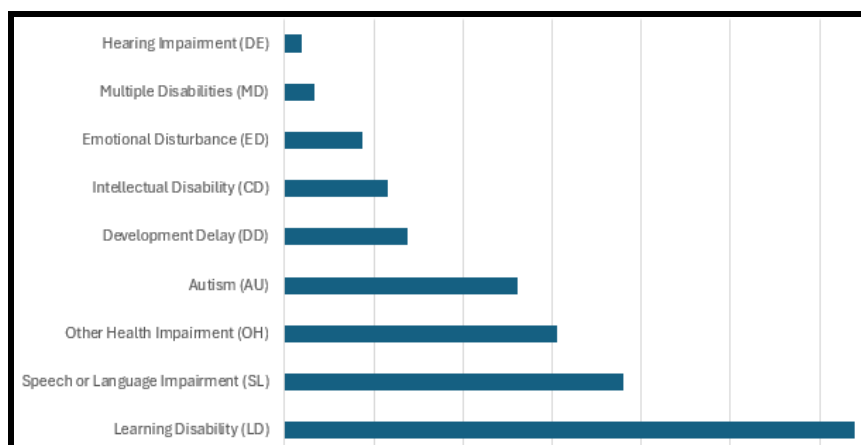


Student Disability Categories

- Students with more than one identified disability (not those reported as deaf-blind or developmental delay) must be listed as having multiple disabilities (MD) when federally reported.
- Montana does not have an MD category for eligibility, nor is a primary disability identified. The purpose of this is to recognize all disabilities that are reported.
 - e.g. Autism (AU) and the difference between state and national rates.

United States Special Education Child Count by Disability Category 2022-2023

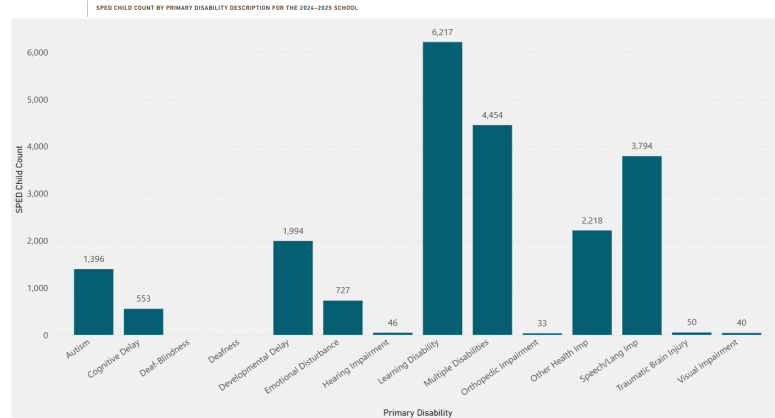
Students With Disabilities. Annual Reports and Information Staff (Annual Reports). 2024. Accessed





August 14, 2024. <https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities>.

Montana Special Education Child Count by Disability Category 2024 - 2025



Special Education Child Count by Disability Category

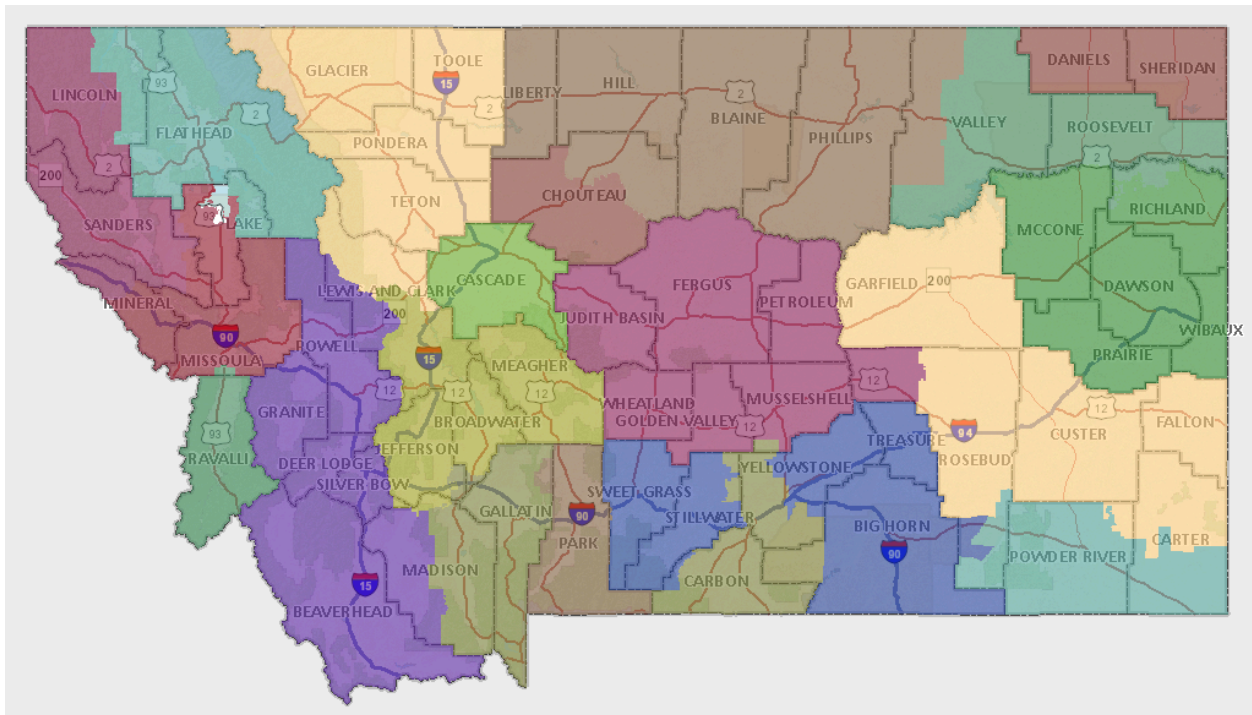
SFY2021 to SFY2025	20-21	21-22	22-23	23-24	24-25
Autism (AU)	5.67%	5.70%	5.80%	6.03%	6.48%
Cognitive Delay (CD)	2.87%	2.69%	2.53%	2.44%	2.57%
Deaf-Blindness (DB)	0.04%	0.03%	0.05%	0.05%	0.05%
Developmental Delay (DD)	6.51%	8.14%	9.34%	9.30%	9.15%
Deaf (DE)	0.06%	0.06%	0.07%	0.06%	0.06%
Emotional Disturbance (ED)	4.47%	4.08%	3.74%	3.60%	3.44%
Hearing Impairment (HI)	0.34%	0.30%	0.28%	0.24%	0.22%
Learning Disability (LD)	29.61%	29.72%	29.26%	28.92%	28.92%
Multiple Disabilities (MD)	21.03%	21.13%	20.80%	20.90%	20.72%
Other Health Impairment (OH)	11.23%	10.66%	10.31%	10.06%	10.38%
Orthopedic Impairment (OI)	0.20%	0.19%	0.18%	0.15%	0.15%
Speech-Language Impairment (SL)	17.39%	16.81%	17.18%	17.82%	17.45%
Traumatic Brain Injury (TB)	0.29%	0.23%	0.21%	0.21%	0.23%
Visual Impairment (VI)	0.29%	0.24%	0.26%	0.24%	0.19%



Special Education Cooperatives

Special Education Cooperatives play a vital role in providing services to Montana's students with disabilities. 392 districts are operating special education programs. **313 (80%)** of those districts utilize the cooperative structure. The districts contract with their local cooperative for assistance in providing related services personnel such as school psychologists, speech pathologists, and physical therapists, amongst others.

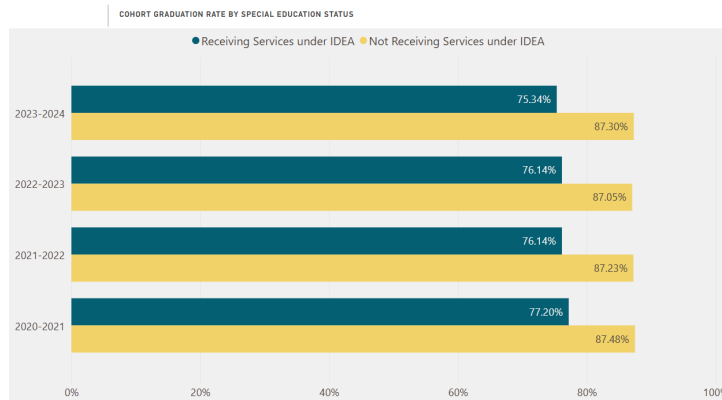
- Number of Cooperatives - 21
- [Special Education Cooperative Map](#)
- [Cooperatives and Directors](#)





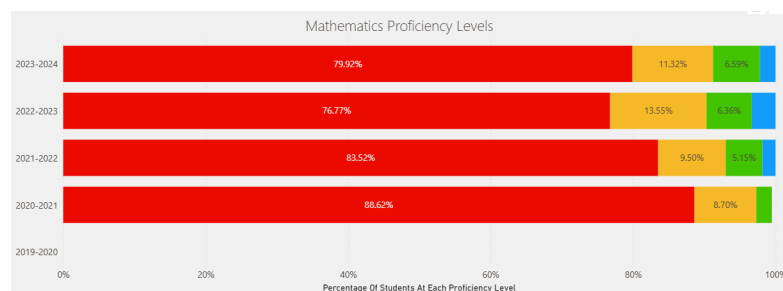
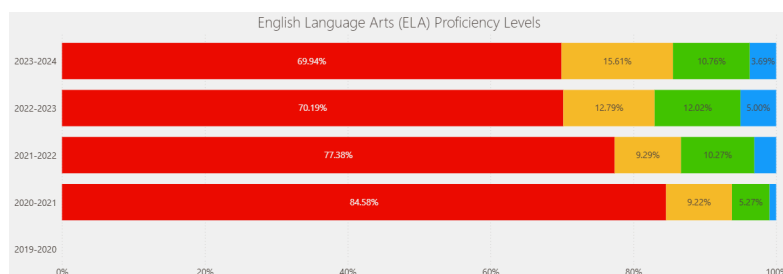
Special Education Achievement

Graduation Rates - Montana's special education students are graduating at a slightly higher rate (75.34%) than the national average (75%).



Montana Special Education Proficiency Rates

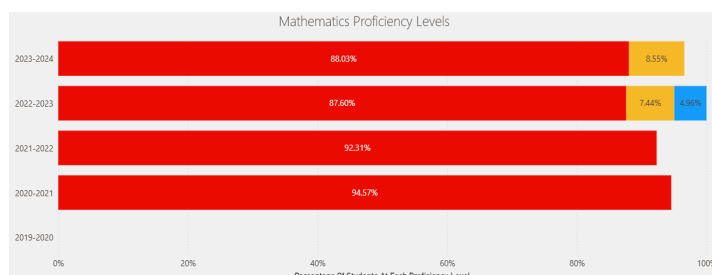
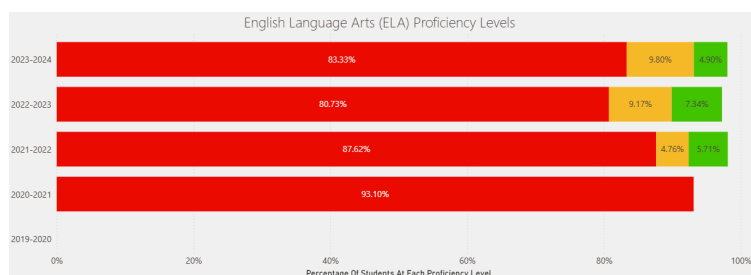
- ELA (SBAC Grade 3-8) 11.1% increase in proficiency rate over the last 3 years.
- Math - 7.9% increase in proficiency rate over the last three years.





Montana Special Education Proficiency Rates for American Indian Students

- ELA - 12.4% reduction in students scoring in the novice range.
- Math - 7% reduction in students scoring in the novice range.



Federal Funding for Montana's Special Education Students

In FFY 2025, Montana was awarded \$45,978,367 in IDEA funds (\$46,079,040 in FFY 2024).

- 13% of those funds are utilized for state level activities such as:
 - Staffing and administration of IDEA at the OPI
 - Technical Assistance
 - Dispute Resolution
 - Monitoring of LEAs
 - Infinite Campus - Student Information System
 - Alternate Assessment for students with severe needs
 - Recruitment and Retention stipend programs - Special Education Endorsement Project, School Psychologists, Speech Language Pathologists
 - Para Pathways Project.
 - Leader Services for data collections, monitoring, and SPP/APR.
- \$40,018,786 is allocated to Montana's 398 districts, Montana School for the Deaf & Blind, Yellowstone Academy, and Department of Corrections - Youth.

In FFY 2024, Montana was awarded \$1,315,398 in IDEA preschool funds (same as FFY 2024).

- 100% of these funds are passed on to the LEAs and State-Supported Programs.



State Personnel Development Grant (SPDG)

The SPDG has been instrumental in providing Multi-Tiered Systems of Support (MTSS) training and coaching to Montana's school districts for the past 5 years. The current grant ends at the end of September 2025. A new SPDG was recently posted by the Department of Education and Montana has submitted our application. In the new grant proposal, there is support built in for developing Level 3 of the Para Pathways Project.

Montana's OPI Special Education Team

[Ty House](#), Contracts and Payments, 406-444-2504

<u>Administration</u>			<u>Family Resources</u>		
Danni McCarthy	State Special Education Director	406-594-3610	Annette Gorton	Special Education Family & School Liaison	406-594-3004
Danni McCarthy	Fiscal Management	406-594-3610			
Kimberlea Emmons	Fiscal & Reporting Manager	406-444-3124			
<u>Continuing Education & Technical Assistance</u>			<u>School Improvement Supports</u>		
Tammy Lysons	Unit Manager	406-431-2309	John Gorton	Unit Manager	406-459-4281
Katie Mattingley	Montana Autism Education Project	406-437-3874	Mercee Cislo	School Improvement Specialist	406-437-2369
Jenny Jarvis	GT/MTSS Program Support Specialist	406-410-1140	Alicia Herman	School Improvement Specialist	406-438-1363
Anne Carpenter	Program Support Specialist	406-465-0922	Desiree Johnson	School Improvement Specialist	406-431-1081
Annette Vicedo Young	Continuing Ed & Stipend Programs	406-444-0299	Crystal Wright	School Improvement Specialist	406-202-7920
Lucy Beltz	Early Learning Specialist, Special Education Preschool	406-431-4654	Jillian Bellah	School Improvement Specialist	406-438-0749
			<u>Data Systems and Reporting</u>		
			Kristie Sears	IDEA Part B Data Manager	406-444-4430
<u>Dispute Resolution</u>					
Mandi Gibbs	Director, Early Assistance Program	406-444-5664			
Angie Griner	Paralegal, Early Assistance Program	406-444-2046			



[Appendix A: Graduation Guidance Regarding FAPE - August 2025](#)

Please click the link above to see the guidance posted on the OPI website.



Appendix B: Special Education Director's Meeting - August 27, 2025

Special Education Director's Meeting 8.27.25

Mandi Gibbs
Office of Public Instruction



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Meeting Objectives

- Review the requirements from the 8.13.25 Order from U.S. District Court For The District of Montana
- Find out where to ask questions
- Resources on OPI website



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8.13.25 Order



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Individuals With Disabilities Education Act (IDEA)

The IDEA is a federal funding statute –

- The IDEA provides funding to assist states with the costs of educating students with disabilities.
- States receive IDEA funds in exchange for the assurances they are complying with the requirements set out in IDEA.
- The funding helps states meet their obligation to provide special education and related services to students with disabilities.





Purposes of the IDEA

- To ensure that all children with disabilities have available to them a free and appropriate public education [FAPE] that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. [34 CFR 300.1(a)]



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FAPE and the Age Limitation

- A FAPE must be made available to all children with disabilities in the state between the ages of 3-21, inclusive. [34 CFR 300.101(a)].
- The obligation to make FAPE available for children with disabilities does not apply to children aged 3, 4, 5, 18, 19, 20, or 21 to the extent it would be inconsistent with state law. [34 CFR 300.302(a)(1)].
- Montana law made it permissive to offer FAPE to a child with a disability who is over age 19 and under 22 years of age. [MCA 20-7-411(4)(a)]. To the extent a district provides education to students ages 19, 20 or 21, students the same age with disabilities must be provided a FAPE. ARM 10.16.3121(2).



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The Ninth Circuit Court of Appeals

- There have been several cases challenging the FAPE limitation for students aged 19 through 21 to the extent that application to those children would be inconsistent with State law and States offering adult education programs.
- Federal courts have continuously held that a State must make a FAPE available to students with disabilities between the ages of 19 to 22 when the State offers a form of free public education to nondisabled individuals in the same age range.
- The Ninth Circuit Court of Appeals (which Montana is a part of) has held that state-sponsored public adult education programs—such as GED preparation programs, trigger the State's obligation to make a FAPE available to students with disabilities until their 22nd birthday under the IDEA. [*N.D. v. Reykdal*, 102 F.4th at 992–94 (9th Cir 2024); *E.R.K.*, 728 F.3d at 985, 991–993].



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The 8.13.2025 Order and the Age Limitation of FAPE

- Montana provides “free public education” to adults between the ages of 19 and 22 through the Montana Workforce Innovation and Opportunity Act (WIOA).
- Following the precedent of the federal courts' interpretation of the IDEA, the August 13, 2025 Order ensures a FAPE is made available to students with disabilities until they turn 22 years old. To comply, Montana LEAs are directed to make a FAPE available to students with disabilities until they turn 22 years old.



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Ending a Student's Right to FAPE

- "Aging out" exceeding the maximum age (22) of eligibility for FAPE.
- Graduation with a "regular high school diploma." [34 CFR 300.102(a)(3)(i)].
- In 2017, the IDEA was amended to include the definition of a regular high school diploma as used in the Every Student Succeeds Act (ESSA).
 - A "regular high school diploma" means "the **standard** high school diploma awarded to the **preponderance** of students in the state that is fully aligned with State standards or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA.
 - A regular high school diploma **does not include** a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential."

[34 C.F.R. § 300.102(a)(3)(iv)].



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Graduation off IEP Goals

- A current Montana Standards of Accreditation regulation provides that a student "eligible to receive special education services as identified under IDEA and who has successfully completed the goals identified on an individualized education program [IEP] for high school completion shall be awarded a diploma." [ARM10.55.805(4)].
- This section has been interpreted to mean that a student with disabilities can be awarded a diploma if they complete their IEP goals. **That interpretation is in violation of the IDEA.**
- If a student with disabilities is awarded a diploma for IEP goal completion, **that is not considered** a "regular high school diploma" under the IDEA and does not limit the obligation to make FAPE available to the student.



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8.13.2025 Order and actions that must be taken

- LEA Instructions on How to Comply with Updated Graduation Guidance (page 5)
- All LEAs in Montana must make a FAPE available to students with disabilities until their 22nd birthday or until they are appropriately exited from special education.
- **By September 3**, LEAs must send the Notice of Continued Offer of FAPE, Request for Enrollment, and Updated Graduation Guidance to the last known address of students with disabilities who were exited during the 2024-2025 school year:
 - Due to aging out before age 22; or
 - Being issued a diploma upon modified requirements, meaning they did not meet the minimum graduation requirements established by the Montana Board of Education.
- These individuals will be identified based on the 'exit code' assigned by the LEA.



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8.13.2025 Order and actions that must be taken (continued)

- Students must submit the Request for Enrollment form to the LEA within 30 days of receipt of the Notice if they interested in reenrolling and scheduling an IEP meeting.
- Upon receipt of a Request for Enrollment, the LEA must promptly reconvene the student's IEP team, within 30 days, to draft an updated IEP for the student.
- If the student does not return the Request for Enrollment within 30 days, the LEA's obligation to make a FAPE available will be deemed satisfied.
- Special education directors and cooperative directors must report back to OPI by December 1, 2025, by sending the following information via the State of Montana File Transfer Service to OPIFAPE@mt.gov:
 - The names of the students they sent a Notice to Student for Continued Offer of FAPE;
 - The names of students that reenrolled; and
 - The names of students that did not respond.



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Ending a Student's Right to FAPE

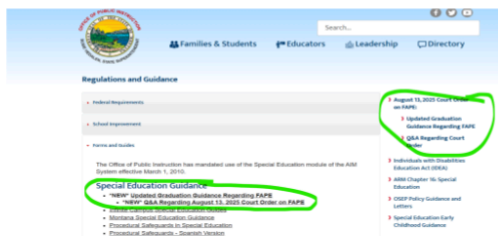
- A summary of performance is required when a student's eligibility for special education ends due to aging out or graduation with a regular high school diploma. [34 CFR 300.305(3)(3)].
- It's change in placement and PWN is required [34 CFR 300.503].
- May be challenged by a parent by filing a state complaint or due process.



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Where to ask Questions



- Questions and Answers Regarding the 8.13.2025 Order
 - Questions regarding the Order please contact: Chief Legal Counsel, Aislinn Brown Aislinn.brown2@mt.gov
- To receive further information regarding funding, please contact: OPIFAPE@mt.gov
- For individual questions or assistance please contact: Angie Griner; angie.griner@mt.gov; 406-444-2046



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Resources on OPI Website

- **Updated Graduation Guidance Regarding FAPE-** this has already been sent to everyone and includes the information that must be sent out to students.
- **Transition IEP High School Graduation Guidance Document-** guidance regarding the high school graduation box on the IEP. The purpose of that section is to determine when a district's FAPE obligation may end due to graduation with a regular high school diploma or aging out.
- **Examples of HS Graduation PWN**



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