



April 29, 2026

Sent via US Mail and/or SMFTS

[Redacted]

[Redacted]

**THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION**

**RE: FINAL REPORT:** In the Matter of [Redacted], 2026-03, Alleged Violations of the Individuals with Disabilities Education Act (IDEA).

This is the Final Report pertaining to the above-referenced state special education complaint (Complaint) filed pursuant to the Administrative Rules of Montana (ARM) 10.16.3662. [Redacted] (Complainants) filed the Complaint on behalf of [Redacted] (Student), an eighth grader at [Redacted] (School) in the [Redacted] School District (District). Complainants allege the District violated the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. 1400 et seq., Montana special education laws, Title 20, Ch. 7, Montana Code Annotated (MCA), and corresponding regulation at 34 CFR Part 300 and ARM 10.16.3007 et seq. The Complaint alleged the following issue:

Issue 1. Whether the District denied the Student a Free Appropriate Public Education (FAPE) by:

- a. Failing to provide Student with an individualized education program (IEP) reasonably calculated to enable Student to make progress appropriate in light of the Student’s circumstances;
- b. Failing to provide Student’s special education services through appropriately and adequately trained personnel; and
- c. Failing to provide Complainants with the opportunity for meaningful parental participation.

## **Procedural History**

1. The Office of Public Instruction (OPI) Dispute Resolution Office received the signed Complaint filed by the Complainants on March 2, 2026.
2. The OPI Dispute Resolution Office contacted the District on March 4, 2026, and the District received a copy of the Complaint, as required by the Code of Federal Regulations (CFR) 34 CFR 300.153(d) and Administrative Rules of Montana (ARM) 10.16.3662(3).
3. The OPI Dispute Resolution Office issued a Notice of Filing of IDEA State Complaint on March 5, 2026, to the District and Complainants documenting that the Complaint was deemed filed on March 2, 2026. The parties were continuing to work through the OPI IEP facilitation process and had an IEP meeting scheduled for March 10, 2026. The parties were notified the Early Assistance Program (EAP) would check with them after the meeting to determine if the issues were resolved. The meeting was subsequently rescheduled to March 17, 2026.
4. The parties were unable to informally resolve the issues, and Complainants communicated with OPI's EAP Director on March 18, 2026, requesting to proceed with the complaint process.
5. The OPI Dispute Resolution Office issued a Request for District Response, Scope of Proceedings, and Appointment of Investigator on March 19, 2026, to the District and Complainants.
6. On March 19, 2026, the District requested an extension of time for submission of a written response. The OPI granted the extension. It was noted that the timeframe for the investigation and issuance of the Final Report remained unchanged.
7. The District submitted a written response to the issues in the Complaint on April 1, 2026.
8. A written rebuttal to the Response was received from the Complainants on April 10, 2026.

## **Investigatory Process**

The investigator reviewed the following records:

- The original letter of Complaint and all supporting documentation;
- The District's original response to the Complaint and all exhibits; and
- The education records relevant to this investigation.

The investigator interviewed the Complainants via phone.

The investigator interviewed the Special Education Teacher, Former Special Education Teacher, Principal, and Student Services Director, with legal counsel present via phone. The investigator interviewed the School-based Mental Health Provider, with Provider's supervisor present via phone.

The OPI provided the Complainants and the District the opportunity to submit additional information for consideration during the complaint investigation.

**Applicable Federal Regulations, State Statutes or Rules:**

34 CFR 300.17	Free Appropriate Public Education
34 CFR 300.101	Free Appropriate Public Education
34 CFR 300.156	Personnel Qualifications
34 CFR 300.320	Definition of Individualized Education Program
34 CFR 300.321	IEP Team
34 CFR 300.322	Parent Participation
34 CFR 300.323	When IEPs Must Be in Effect
34 CFR 300.324	Development, Review, and Revision of IEP
34 CFR 300.501	Opportunity to Examine Records: Parent Participation in Meetings
34 CFR 300.503	Prior Notice by the Public Agency; Content of Notice
34 CFR 300.613	Access Rights
ARM 10.16.3136	Special Education Personnel Qualifications
ARM 10.16.3505	Parental Consent

**Relevant Time Period for Investigation**

Pursuant to 34 CFR 300.153(c) and ARM 10.16.3662(2)(a), the OPI has the authority to investigate alleged violations of IDEA and Montana special education laws that occurred within one year prior to the date the complaint was filed. In accordance with this limitation, the investigation and any findings of noncompliance will be limited to the period commencing March 2, 2025, through March 2, 2026. Additional information beyond this timeframe was considered for the purpose of fully investigating the complaint.

## **Findings of Fact**

1. The Student attends eighth grade at one of the District's middle schools. The Student is a learner eligible for services under the IDEA categories of autism, emotional disturbance, and other health impairment. *District Written Response.*
2. The Student's IEP at the start of the 2025-2026 school year was dated January 16, 2025, and remained the IEP in effect for the period applicable to this investigation. *Complainants Written Response; District Written Response.*
3. The January 16, 2025, IEP was developed upon Student's return to the District after a private placement by Complainants during portions of the 2023-2024 and 2024-2025 school years and was based on information available to the IEP Team at that time, including the Student's prior educational programming and records in the District. *District Written Response and Interviews.*
4. Before the January 16, 2025, IEP, notice and permission to evaluate the Student were developed and consented to by the Complainants and District on January 2, 2025. Salient parts of the evaluation plan include, but are not limited to:
  - a. Purpose of the evaluation to understand the Student's current needs for services and category(ies) of eligibility;
  - b. Review of the records from Student's prior placement; and
  - c. Review of the private evaluation obtained by the Complainants.

*District Written Response, Exhibit C.*

5. A meeting to review the Evaluation Report was convened on February 12, 2025. At that meeting, it was determined that the Student remained eligible for special education and related services and updated the Student's eligibility to include Autism and Emotional Disturbance, noting a demonstrated, continuing need for specially designed instruction. *District Written Response, Exhibit D.*
6. On the Evaluation Report dated February 12, 2025, Complainants recorded disagreement with Student's categories of eligibility, stating that Student should qualify under the category of Cognitive Delay. The reason for Complainants' separate statement of conclusions was that conversations with the School and other evaluators have led to differing conclusions regarding intellectual impairment. The private evaluator indicated a mild intellectual delay whereas the school concluded Student does not meet the

educational criteria presented on the checklist at this time. *District Written Response, Exhibit D.*

7. A Prior Written Notice (PWN) dated February 28, 2025, reflects that, following review of the evaluation results, the IEP Team proposed limited amendments to the Student's January 16, 2025, IEP following consideration of the evaluation results. Changes included access to sensory tools and consultation with a speech therapist. *District Written Response, Exhibit E.*
8. On April 15, 2025, Complainants emailed the Student Services Director and Special Education Teacher, following review of the proposed amendments to the January 16, 2025, IEP, requesting additional goals and services, including at least three goals in each service area, in-school therapy, social speech services, and goals addressing self-help skills. *Complaint; Email dated April 15, 2025.*
9. The District responded on April 15, 2025, indicating they would be working on scheduling a meeting. There were additional emails noting the intent to schedule a meeting to discuss the concerns. Complainant voiced frustration on May 21, 2025, that a meeting had not yet occurred. The District responded that proposed dates were sent out earlier that same day. *Complaint; Emails.*
10. On May 23, 2025, the District sent a meeting notice for an IEP meeting scheduled for May 29, 2025. *District Written Response; Exhibit F.* The meeting was then rescheduled to June 3, 2025. *District Written Response.*
11. The PWN attached to the proposed IEP dated May 29, 2025, indicates that two meetings occurred on June 3, 2025, and June 5, 2025, to develop an IEP. *District Written Response, Exhibit F.* Relevant portions of the PWN include:
  - a. An initiation or change in the educational placement of the Student;
  - b. An initiation or change in the provision of FAPE to the Student;
  - c. Discussion of the least restrictive environment with agreement that the proposed IEP was likely to result in meaningful educational benefit and progress towards increased access to the general education setting;
  - d. Team agreement that specific training (trauma-informed practices, de-escalation strategies, etc.) would be appropriate and supportive to educational professionals and will be included under Personnel to include collaboration with counseling and mental health professionals;

- e. Review by the Team of multiple goal areas and what should be prioritized at the time, including additional minutes of service and support during unstructured time;
  - f. Team agreement on focus on generalization and maintenance of skills across time and settings after discussion, and included in the conditions of progress monitoring for each goal area;
  - g. Guarantee of mental health services through the School-Based Mental Health Program; and
  - h. Review of data and recommendations for the recent school evaluation to determine the need and offer for extended school year (ESY) services.
12. The IEP dated May 29, 2025, was not approved by Complainants. *Complaint and Interview; District Written Response and Interviews.*
13. The IEP Team met on September 4, 2025. A subsequent email from the District on September 8, 2025, indicates that an updated copy of the IEP went home in Student's backpack. *Complaint; Email dated September 8, 2025.*
14. During the fall of 2025 multiple emails demonstrate communication between the District and Complainants regarding the Student's class schedule, classroom supports, consultations, and behavioral report cards. *Complaint; Emails.*
15. On October 3, 2025, the District emailed Complainants asking about the status of the IEP proposed in September 2025 and asking if there were additional questions or concerns that needed to be addressed. *Complaint; Email dated October 3, 2025.*
16. Complainant responded on October 21, 2025, notifying the school that they had been dealing with a family emergency. That email did not address concerns with the proposed IEP but instead with the qualifications of the Special Education Teacher. The District responded the same day requesting to set up a meeting. *Complaint; Email dated October 21, 2025.*
17. On November 19, 2025, the District reached out again to follow up. *Complaint; Email dated November 19, 2025.*
18. On December 16, 2025, the Complainants responded stating that they did not need another meeting and that the remaining IEP clarifications "were overshadowed by the news that an untrained inexperienced teacher/case manager was hired." Complainants

requested the District not request another IEP meeting but take other action to resolve the situation. *Complaint; Email dated December 16, 2025.*

19. The District responded assuring Complainant that the Special Education Teacher was certified and qualified and that the annual IEP was due in January which requires the IEP team to convene. The District proposed dates in January as well as suggesting the Team request an IEP facilitator to assist with the process. *Complaint; Email dated December 19, 2025.*
20. The IEP Team convened on January 15, 2026, and began drafting the annual IEP. *Complaint; IEP dated January 15, 2026, and District Written Response; Exhibit K.*
21. The Team was to convene again on February 12, 2026, to continue the IEP process. On February 10, 2026, the District sent Complainants a draft IEP for review and Complainants responded on February 11, 2026, with items they felt were omitted and requested the District update the draft IEP before meeting again. *Complaint; Email dated February 11, 2026, and District Written Response; Exhibit K.*
22. Although after the timeframe of this Complaint, it is noted that the IEP Team was scheduled to meet again on March 10, 2026, which was subsequently rescheduled to March 17, 2026, to continue working on the IEP process. *District Written Response; Exhibit K.*
23. The District continued to implement the January 16, 2025, IEP during the 2025–2026 school year. *District Written Response and District Interviews.*
24. The January 16, 2025, IEP required Progress Reports to be provided to Complainants quarterly. Progress Reports were provided on April 11, 2025, June 12, 2025, October 31, 2025, and January 23, 2026. *District Written Response. Exhibits B and L.*
25. Relevant portions of the Progress Reports include:
  - a. Measurable annual goal in written expression that states, “By January 2026, Student will be able to produce a paragraph including an introduction sentence, three supporting details and examples, and a concluding sentence using transition words, correct spelling, punctuation, and grammar with 80% accuracy on 4 out of 5 occasions as measured by special education staff.”
  - i. April 11, 2025, related data and description of progress stated that Student does well with a graphic organizer to help Student understand the parts of a paragraph. We use the words “making a sandwich” to help her visualize the topic/concluding sentence. Expected to meet goal.

- ii. June 12, 2025, related data and description of progress stated that Student gains confidence in Student's writing, Student has progressed from writing a simple five-word sentence to using an opening sentence, three supporting sentences of 7-10 words each, and a closing sentence. Next step is to use transition words, increase spelling accuracy and add more details. Expected to meet goal.
  - iii. October 31, 2025, related data and description of progress stated that Student can produce a paragraph, including an introduction sentence, three supporting details and examples, and a concluding sentence. Student needs support from staff to spell words correctly and reminders to spell words correctly and reminders to add punctuation and transition phrases. Expected to meet goal.
  - iv. January 23, 2026, related data and description of progress stated that Student is able to independently produce a paragraph that includes an introduction sentence, three supporting details with examples, and a concluding sentence using appropriate transition words. Met goal.
- b. Measurable annual goal in math that states, "By January 2026, when provided real-life word problems involving addition and subtraction of whole numbers and decimals (to the hundredths place), Student will identify which operation is needed to solve the problem and use a calculator to find the correct solution with no more than 1 prompt by staff with 80% accuracy on 4 out of 5 occasions as measured by special education staff."
- i. April 11, 2025, related data and description of progress stated Student is proficient in using the calculator to find the correct solution with 80% accuracy. We are working on adding w/ carrying and subtraction w/ borrowing in order for Student to understand how each operation works. Student still needs help understanding when to subtract and when to add to solve the problem. Expected to meet goal.
  - ii. June 12, 2025, related data and description of progress stated Student has been very excited to learn money concepts. Student is able to count unlike coins up to \$1.00 with 80% accuracy. Expected to meet goal.

- iii. October 31, 2025, related data and description of progress stated that when Student is provided real-life word problems involving addition and subtraction of whole numbers and decimals (to the hundredths place), Student used a calculator to find the correct solution on addition problems with 80% accuracy on four out of five occasions. For subtraction problems, Student used a calculator to find the correct solution with 75% accuracy and needed on average two verbal and/or visual teacher prompts on four out of five trials. Expected to meet goal.
  - iv. January 23, 2026, related data and description of progress stated Student demonstrates understanding of basic addition and subtraction skills and is developing an understanding of multiplication as repeated addition. Student can solve simple, one-step real-life word problems involving addition and subtraction by identifying the correct operation and using a calculator with no more than one prompt, achieving 80% accuracy across four out of five progress reporting trials. Student is also able to identify the value of individual coins and count various amounts of change with teacher support, manipulatives, and visual aids. Met goal.
26. All of Student's January 16, 2025, IEP goals were reported as met on the January 23, 2026, progress report. *District Written Response, Exhibit L.*
27. The documentation reviewed includes attendance records for the Student during the 2025–2026 school year, reflecting that the Student was regularly present for instruction during the relevant period. *District Written Response, Exhibit N.*
28. Also, reviewed was Student's grade report for the first two quarters of the 2025-2026 school year that reflect A's and/or passing grades in all classes. *District Written Response, Exhibit N.*
29. The documentation reviewed includes behavior data tracking collected during the 2025–2026 school year, reflecting ongoing monitoring of the Student's behavioral performance and response to interventions. *District Written Response, Exhibit M.*
30. The Student receives services from a school-based Mental Health Provider who is not employed by the District. The provider participates in IEP meetings; however, the provider is not identified in the Student's IEP as responsible for the provision of special education or related services. *District Interviews.*

31. Student's special education teacher and case manager (Special Education Teacher) was new to the Middle School at the beginning of the 2025-2026 school year. Student's Special Education Teacher is a certified teacher with an endorsement of special education. *District Written Response, Exhibit G; District Interviews.*
32. Student's Special Education Teacher attended trainings in the following areas, including but not limited to, during the 2025-2026 school year:
- a. TeachTown Encore 101 and 102 (curriculum/program);
  - b. Collaboration with Registered Behavior Technician for 10 hours, Winter/Spring 2025-2026;
  - c. Independent Study/Collaborations with Therapist and School Psychologist on Behavioral Documentation/Trauma-Informed Care and other social/emotional needs, Fall 2025 through 2025-2026 school year;
  - d. Consultation with School-Based Mental Health Provider on an as-needed basis; and
  - e. Mentoring check-ins and support with a veteran Special Education Teacher at the Middle School;
33. All new District staff are expected to participate in at least 13.5 hours of Mentorship. The Special Education Teacher satisfied this requirement as follows:
- a. 6 half-days with former case manager during Fall 2025;
  - b. Multiple collaborative meetings with the Student Services Director, totaling greater than 30 hours of individualized support throughout the school year;
  - c. Collaboration with Speech/Language Pathologist 2x/week throughout the 2025-2026 school year; and
  - d. Coaching Clinic Support through the Montana Autism Education Project. *District Written Response, Exhibit H.*
34. Through interviews and documentation reviewed, Complainants requested access to draft IEP documents and additional information in advance of meetings to prepare for participation in the IEP process. The record reflects that such documents were provided prior to meetings, although often with limited time to review. *Complaint; Complainant Interview.*

## **Conclusions**

### **FAPE**

1. The overarching purpose of the IDEA is to ensure that an eligible student with a disability has Free Appropriate Public Education (FAPE) available to them, including special education and related services that meet the unique needs of the individual student. 34 CFR 300.1. A FAPE must be made available to each eligible child with a disability. 34 CFR 300.101(a).
2. The IDEA defines FAPE as special education and related services that: (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the state education agency, including the requirements of this part; (c) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) are provided in conformity with an IEP that meets the requirements of 34 CFR 300.320 through 300.324. 34 CFR 300.17.

### **Special Education Teacher Qualifications**

3. The IDEA requires that the state education agency establish and maintain qualifications to ensure that school personnel working with students with disabilities are appropriately and adequately prepared, trained and have the content knowledge and skills to serve students with disabilities. 34 CFR 300.156(a).
4. Special education teacher qualifications must ensure that each person employed by a public school has obtained full state certification as a special education teacher, has not had their certification or licensure requirements waived on an emergency, temporary or provisional basis, and holds at least a bachelor's degree. 34 CFR 300.156(c)(1).
5. By the authority of Article X of the Montana Constitution and Montana Code Annotated 20-4-102, the Board of Public Education (BPE) exercises general supervision over the public education system. ARM 10.57.101(1). The BPE adopts rules for the issuance of educator licenses which are administered by the Superintendent of Public Instruction. *Id.* Special education teachers and related service personnel must hold licenses consistent with state licensing or educator licenses for the subjects they teach or services they provide. ARM 10.16.3136(1).
6. Each local educational agency or district must require that each teacher who implements education services to students with disabilities obtains specific skills that enable the

teacher to deal effectively with students under the teacher's supervision. ARM 10.16.3136(4).

7. The Complainants' concern focused on whether personnel working with the Student were adequately and appropriately trained to provide special education and effectively deal with students under the teacher's supervision.
8. In this case, the Special Education Teacher working with the Student was appropriately credentialed in accordance with Montana law and therefore meets the requirements under IDEA. Additionally, the District has taken measurable steps to provide adequate and appropriate training, including training in areas specific to the Student's identified areas of need. No violation is found.

### **Parent Consent**

9. Montana law goes beyond the parental consent for services requirements of the IDEA set out in 34 CFR 300.300(b), which requires informed consent for the initial provision of special education and related services and requires parental consent prior to implementing any changes to an IEP. ARM 10.16.3505.
10. If parental consent has not been obtained, then the district should work with the parent to obtain their consent. ARM 10.16.3505(2)(c). If the district cannot obtain parental consent within a reasonable time and the parent has not specifically refused the IEP, the district shall send written notice requesting approval and stating that the student will be provided services in accordance with the new IEP as developed by the district 15 days from the date of the notice. ARM 10.16.3505(2)(c)(i). If the parent does not respond, then the district may implement the new IEP without parental consent, subject to the parent's right to an impartial due process hearing. ARM 10.16.3505(2)(c)(ii).
11. The parent may also choose to sign an IEP with exceptions. If the district and the parent cannot agree on the IEP but can agree on certain IEP services or interim placement, the student's new IEP can be implemented in the areas of agreement, and the student's last agreed-upon IEP would remain in effect in the areas of disagreement. ARM 10.16.3505(2)(b).
12. Implementation of an IEP that is reflective of the Student's current needs requires agreement between Complainants and the District, with Complainants approval ultimately needed for implementation. If after reasonable effort is given to resolve

differences and if a district believes FAPE will not be provided to the student, the district may be compelled to file a due process complaint. See *OPI's Special Education in Montana Guide* (Question 54, Page 65)

<https://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/Guides/OneGuideFINAL.pdf> (last visited April 24, 2026).

13. In this case, the most recent IEP for which the Complainants' granted consent was in January 2025. The District complied with applicable requirements regarding parental consent and continued implementation of the Student's January 16, 2025, IEP while continuing to collaborate with Complainants to reach consensus on the IEP and obtain their approval.

### **Parental Participation**

14. One of the purposes of the IDEA is "[t]o ensure that the rights of children with disabilities and their parents are protected." 34 CFR 300.1(b). Parents are a required member of their child's IEP team. 34 CFR 300.321(a)(1). Further, the IDEA provides parents the right to participate meaningfully in educational decision-making. 34 CFR 300.322, 300.501.
15. IEP decisions are made by reaching agreement or consensus. They are not made by majority vote. If the team cannot reach agreement, then the district must determine the appropriate services and provide the parents with prior written notice of the district's decisions regarding the educational program and inform the parents of their rights to seek resolution of any dispute in accordance with IDEA. *Letter to Richards*, 55 IDELR 107 (OSEP January 7, 2010).
16. The district's obligation to provide opportunities for meaningful parental participation in the IEP process must include consideration of parents' suggestions and, to the extent appropriate, incorporating them into the IEP. *Deal v. Hamilton County Bd. of Educ.*, 392 F.3d 840, 42 IDELR 109 (6<sup>th</sup> Cir. 2004), *cert. denied*, 546 U.S. 936, LRP 46999 (U.S. 2005), *on remand*, 2006 WL 2854463, 46 IDELR 45 (E.D. Tenn. 2006), *aff'd*, 258 Fed. Appx. 863, 49 IDELR 123 (6<sup>th</sup> Cir. 2008).
17. In this case, the record reflects that the Complainants were active participants in the IEP process and attended multiple meetings throughout the period relevant to this investigation. The Complainants provided input, raised concerns, and requested changes to multiple proposed IEPs. The District considered the Complainants requests and

continued working with them to reach consensus on the IEP.

18. Additionally, while Complainants requested access to draft IEP documents and information in advance of meetings to prepare for their participation, the IDEA does not require a district to provide draft IEPs prior to a meeting. However, this is balanced against the presumption that parents must be afforded the opportunity to participate meaningfully in the development of the IEP, including access to relevant information and the opportunity to provide input. 34 CFR 300.501, 300.613.
19. The record does not demonstrate that the District's practices, regarding the varied timing in providing such drafts, limited Complainants' access to educational records or otherwise restricted the Complainants' ability to participate in the IEP process.
20. The evidence supports that Complainants were afforded a meaningful opportunity to participate in the IEP process. No violation is found.

### **IEP Reasonably Calculated**

21. FAPE must be individually designed to meet the unique needs of an eligible student, and a school district must offer an IEP that is reasonably calculated to enable a student to make progress appropriate in light of the student's unique circumstances. *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 553 IDELR 656, 458 U.S. 176 (1982) and *Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174, 580 U.S. 386 (2017).
22. For each student eligible for special education and related services under the IDEA, it is the obligation of the district to convene an IEP team meeting to develop an IEP, an *individualized* education program, designed to meet the student's needs that is developed, reviewed, and revised in accordance with 34 CFR. 300.320 through 300.324. 34 CFR 300.320(a) (emphasis added). A student's IEP team makes the determination as to what aids, services, modifications, or supports are necessary and which of those must be included in the IEP.
23. According to the Supreme Court in *Endrew F.*, an IEP is a snapshot, not a retrospective view, meaning that whether an IEP is reasonably calculated to provide educational benefit is a standard judged by information known at the time the IEP was written. It requires prospective judgment by school officials, informed by their own expertise and the views of

the parent or guardian. *Andrew F.*, 580 U.S. at 399, citing to *Rowley*, 458 U.S. at 207, 208-209.

24. The IDEA requires the IEP team meet “not less than annually” to review the IEP and revise as appropriate to address lack of expected progress toward goals, anticipated needs, or other matters. 34 CFR 300.324(b). However, if the student’s needs change, the IEP team may need to meet more often, and the IDEA allows the IEP team to also amend portions of the IEP rather than redrafting the entire IEP. 34 CFR 300.324(a)(6). In this case, the January 16, 2025, IEP was implemented throughout the timeframe of this Complaint. Although both the District and the Complainants saw a need to revise the January 16, 2025, IEP, this does not, in itself, demonstrate that the Student was not provided FAPE.
25. The Complainants allege that the District ignored their input and failed to respond and make changes in a timely manner, thereby impacting the Student’s progress. However, the record shows ongoing communication and efforts to work within the IEP process set out in IDEA and Montana law and does not demonstrate that the Student’s progress was impeded during the relevant period.
26. Progress reports dated January 23, 2026, document that the Student met all annual IEP goals identified in the January 16, 2025, IEP. Report cards for the first two quarters of the 2025–2026 school year show passing grades in all classes. Additional documentation, including attendance and behavioral data, demonstrate consistent engagement in the school setting during the relevant period.
27. The evidence supports that the District developed and offered IEPs reasonably calculated to enable the Student to make progress appropriate in light of the Student’s circumstances, and therefore provided Student with a FAPE.

### **Disposition**

Whether the District denied the Student a Free Appropriate Public Education (FAPE) by:

- a. Failing to provide Student with an individualized education program (IEP) reasonably calculated to enable Student to make progress appropriate in light of the Student’s circumstances.

**The OPI finds no violation.** The Student had an IEP that was developed based upon the Student’s unique needs and was reasonably calculated to enable the Student to make progress in light of the Student’s circumstances.

b. Failing to provide Student's special education services through appropriately and adequately trained personnel.

**The OPI finds no violation.** Staff were appropriately and adequately trained.

c. Failing to provide parents with the opportunity for meaningful parental participation.

**The OPI finds no violation.** The Complainants were afforded a meaningful opportunity to participate in the special education process.

**Note:** This Final Report is final and is not subject to appeal. ARM 10.16.3662(13). Both parties retain their right to file a due process complaint after a state complaint final report is issued on the same or different issues, provided the due process complaint meets the requirements set out in 34 CFR 300.507.

*Patrick Cates*

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Patrick Cates

Senior Manager- Safety and Student Supports

- c: Mandi Gibbs, Dispute Resolution/EAP Director (via SMFTS only)  
Crystal Wright, School Improvement/Compliance Unit Manager (Via SMFTS only)  
██████████, District Special Education Director (via SMFTS only)  
██████████, Attorney for the District (via SMFTS only)