

Review of Special Education in the  
Billings Public Schools

Billings, MT

Presented to the Board of Trustees

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*Systemic Special Education Support*

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## INTRODUCTION

The Billings Public Schools in Billings, Montana (hereinafter referred to as the District) requested a review of its special education program's effectiveness in serving students with disabilities in compliance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). The District's superintendent, Gregory Upham, and the School Board attorney, Jeffrey Weldon, approached Dr. Perry Zirkel and Sowmya Kumar of Systemic Special Education Support to explore how such a review might help the District identify strengths, challenges, and opportunities for improvement in serving students receiving special education services.

## ACKNOWLEDGEMENT

It is not always easy to request an external review of District programs and practices, and entrust national level reviewers to provide feedback. The courage and the visionary thinking of the District's Board of Trustees and the Superintendent is commendable.

We would like to thank the many parents and community members who committed time and provided valuable input into the review process. Their earnest and sincere wish for better services and outcomes for all students was clearly evident in their participation.

The reviewers would also like to express their gratitude to District and school staff and leaders for their honest, candid, and thoughtful input into this review. They were clear that their commitment was to a singular objective: to improve services and outcomes for all students. Principals, staff, and students at all the school sites were forthright, warm, professional, and welcoming.

Various staff members promptly and courteously provided the volumes of data that we requested, even though some of the data had to come from external sources such as the Montana Office of Public Instruction (OPI). The compilation and analysis of these relevant longitudinal and quantitative data enable the validation or refutation of interviewee perceptions. We thank them.

And lastly, and most importantly, the executive assistant to the superintendent, Marta McAllister, played a vital role in scheduling all the meetings, facilitating communication, and

ensuring timely delivery of data requested throughout the review process. Not only was she prompt with her responses, she did so with the utmost courteousness, enthusiasm, and customer service mindset. We wish her the best as she retires from years of dedicated service.

## PURPOSE

The purpose of the program review is to understand and analyze the current design, organizational structure, and implementation of services to students with disabilities; and to identify the most effective, efficient, and economical systems and practices to support their learning.

## FRAMEWORK

In order for a special education program to be effective, several factors need to be in place. They include:

1. A proactive approach to serving all students that includes (a) a universal-design-for-learning mindset; (b) school-based problem solving process to address the needs of students who have difficulty learning; and (c) a multi-tiered system of supports for academics and behavior.
2. High expectations with an accompanying commitment from all staff to help all students meet those expectations through integrity, shared responsibility, and accountability.
3. Leadership at all levels that not only values and respects staff but also provides support through professional development, targeted technical assistance, and relevant and timely resources that increase their effectiveness, efficiency, and productivity.
4. A collaborative, customer-friendly approach to working across departments; and engaging, communicating, and involving parents of students receiving special education.
5. A process for recruiting and retaining high quality staff.
6. An approach to budgeting that is thoughtful, based on needs assessment, and considers the impact of resources on desired student outcomes.
7. Systems and processes that are transparent, clear, consistent, and accessible.



## PROCESS

The special education program review included collection and analysis of multiple sources of data: demographics, perception, process, and student outcomes, with the twin aims of assessing the effectiveness of the program and providing a foundation for a plan for its continuous improvement. This approach to program evaluation for continuous improvement is based on the work of Dr. Victoria Bernhardt, *Education for the Future*.

Multiple years of qualitative and quantitative data were reviewed and analyzed. Qualitative data was collected through focus groups, interviews, and school visits. Quantitative data provided by the District were reviewed and analyzed for trends and patterns of changes over time.

Focus groups and interviews were held with parents and community members, the Board of Trustees, union representatives, District and school level staff, and leaders representing general education and special education, the superintendent and his leadership team, and various department representatives.

Observation of special education programs was conducted at two elementary schools, one middle school, one high school, and one school that serves preschool-aged students with disabilities.

Trend data and reports from state and federal accountability systems, student enrollment, student performance, staffing, and program budget were also reviewed and analyzed.

The process also included a legal review of relevant District policies and procedures and a related examination of formal dispute resolution data.

## ORGANIZATION OF THE REPORT

This report includes findings and recommendations for the following areas: demographic information, organizational structure, communication, budget, staffing, interventions and identification, Indian and bilingual education, instruction, student outcomes, professional development, parent engagement, compliance, and transportation. The report also includes a legal analysis of the District's compliance with IDEA and Section 504 based on the aforementioned sources.

## FINDINGS

### 1. Demographics

- Billings Public Schools is the largest district in Montana, currently serving 16,649 students. The District’s mission as stated on their website is: “Billings Public Schools Community strives to INSPIRE, EDUCATE, and EMPOWER students to be responsible and innovative global citizens who achieve their full potential”.
- The District has 22 elementary schools, 6 middle schools, 3 high schools, and one career technical education center.
- As shown below in Table 1, the District’s overall enrollment has generally remained relatively steady at slightly under 17,000 students during the past 6 years. The largest demographic of students by race/ethnicity are White at 74%, followed by Hispanic at 8.7%, Multiracial at 7.6%, American Indian at 7%, Black or African American (AA) at 1.2%, Asian at 0.7%, Native Hawaiian or Pacific Islander at 0.4%.
- Per Table 1, the number of students identified as English language learners (ELL) has more than doubled over this time from 106 (0.6%) students to 248 (1.5%). The number of students identified as receiving free and reduced priced meals has vacillated from a low of 4,984 (30%) in 2020-2021 to a high of 8,115 (47%) the previous year. The remaining 4 years have hovered in the 6,000 (35-40%) range. The number of students served under IDEA has gradually increased from 12.2%-14.0% from 2016-2021.
- The District currently provides special education services to 2,453 students with disabilities, amounting to 14.7% of the District’s total student enrollment of 16,649. Although it is a significant increase from the past, this figure aligns with the national rate of about 15%.

*Table 1: District Enrollment*

School Year	Total Count	ELL	Free/ Reduced Lunch	IDEA	American Indian or Alaskan Native	Asian	Black or AA	Hispanic	Multi-Racial	Native Hawaiian or Other Pacific Islander	White
2021-2022	16,891	248	6,023	2370	1,294	121	202	1,472	1,284	57	12,461



2020-2021	16,712	232	4,984	2260	1,213	119	187	1,402	1,245	72	12,474
2019-2020	17,210	228	8,115	2259	1,227	122	213	1,425	1,263	75	12,885
2018-2019	17,128	228	6,657	2199	1,156	121	232	1,420	1,242	71	12,886
2017-2018	16,835	157	6,117	2156	1,089	101	222	1,450	1,161	59	12,753
2016-2017	16,824	106	6,600	2064	1,123	118	209	1,462	1,133	45	12,734

- According to District reports supplementing this Table, 88 of the students currently identified as ELL also receive special education services.
- Various stakeholders interviewed describe the District’s students as respectful and diverse. They also perceived the following significant strains on District staff and resources: (a) an increase in drug problems and mental health issues in the community; (b) a notable number of homeless students; and (c) an upturn in students impacted by trauma and resulting behavior.
- The Office of Indian Education reports that the enrollment data in the District’s information management system may be inaccurate and has provided the following corrective and supplementary information for the current year:
  - A total of 2,231 American Indian Students
  - 100 of these students are identified as ELL
  - 455 of these students receive special education services, including 55 students who are also ELL
  - 39 of these students have a Section 504 plan
- Table 2 reveals that the largest proportions of students receiving special education services are identified as having a learning disability (32%), followed by multiple disabilities (24%), developmental disability (11.6%), other health impaired (11.3%), speech and language delayed (8.5%), autism (5%), cognitive delay (3.2%), and emotional disturbance (3.1%). The remaining categories of disability are in the single digits and less than one percent each.



Table 2: Students Receiving Special Education Services in 2022-2023

Dominant Disability	Percent	American Indian	Asian	Black	Hispanic	Multi Racial	Pacific Islander	White	Total
Autism	5	6	-	-	7	8	-	102	123
Cognitive Delay	3.2	13	-	3	6	6	-	50	78
Developmental Disability	11.6	50	2	3	30	15	1	183	284
Emotional Disturbance	3.1	12	-	2	4	11	-	47	76
Hearing Impaired	*	-	-	-	-	-	-	3	3
Learning Disability	32	118	2	19	98	65	1	493	796
Multiple Disabilities	24	57	2	6	50	47	1	435	598
Other Health Impaired	11.3	16	-	4	35	21	-	203	279
Orthopedically Impaired	*	-	-	-	-	-	1	-	1
Speech and Language	8,5	31	-	1	20	12	-	144	208
Traumatic Brain Injury	*	-	-	-	-	1	-	1	2
Visually Impaired	*	-	-	-	-	-	-	5	5
Total	NA	303	6	38	250	186	4	1666	2453

- In Table 3, the distribution of students receiving special education by disability category at the national level, is provided for comparison. While the percentage of students with learning disabilities mirrors that of the nation, the District has a lower rate of students identified under speech or language impairment, autism, other health impaired, cognitive delay or intellectual disability, and hearing impairment; and a much higher rate in the categories of multiple disabilities, and developmental delay.



Table 3: Distribution of Students Ages 3–21 under the IDEA, by Disability Category: School Year 2020–21

Disability type	Percent
Specific learning disability	33
Speech or language impairment	19
Other health impairment <sup>1</sup>	15
Autism	12
Development delay	7
Intellectual disability	6
Emotional disturbance	5
Multiple disabilities	2
Hearing impairment	1

- There does not seem to be an overrepresentation of American Indian students in special education (13.7%) when compared with the District’s enrollment of the same population of students.
- Table 4 contains the number and percentage of students by school served by the special education program. The background is green for percentages lower and red for percentages higher than the current District average of 14.7%.

Table 4: Students Receiving Special Education Services by School

School	2020-2021			2021-2022			2022-2023		
	SPED	ALL	%	SPED	ALL	%	SPED	ALL	%
Alkali ES	36	340	10.6	41	335	12.2	34	335	10.1
Arrowhead ES	18	419	4.3	20	426	4.7	24	433	5.5
Beartooth ES	45	352	12.8	52	360	14.4	52	352	14.8
Bench ES	32	300	10.7	39	323	12.1	45	339	13.3

Big Sky ES	37	357	10.4	43	368	11.7	38	328	11.6
Bitterroot ES	29	303	9.6	32	289	11.1	21	287	7.3
Boulder ES	24	484	5.0	26	501	5.2	30	507	5.9
Broadwater ES	44	314	14.0	45	326	13.8	53	320	16.6
Burlington ES	37	216	17.1	41	225	18.2	44	277	15.9
Eagle Cliffs ES	39	396	9.8	44	403	10.9	50	416	12.0
Highland ES	37	245	15.1	25	250	10.0	26	269	9.7
McKinley ES	44	269	16.3	42	297	14.1	45	285	15.8
Meadowlark ES*	198	505	39.2	198	520	38.1	212	562	37.7
Miles ES	32	255	12.5	32	267	12.0	35	252	13.9
Newman ES	41	217	18.9	56	227	23.8	55	215	25.6
Orchard ES	42	281	14.9	37	284	13.0	43	300	14.3
Poly ES	22	305	7.2	28	308	9.1	28	305	9.2
Ponderosa ES	64	281	22.8	62	285	21.7	65	274	23.7
Rose Park ES	45	243	18.5	40	245	16.3	41	253	16.2
Sandstone ES	29	411	7.0	34	418	8.1	45	416	10.8
Washington	45	259	17.4	47	255	18.4	50	246	20.3



ES									
Ben Steele MS	84	805	10.4	87	795	10.9	77	747	10.3
Castle Rock MS	85	681	12.5	90	711	12.6	93	703	13.2
Lewis and Clark MS	117	726	16.1	126	685	18.4	127	518	24.5
Riverside MS	103	580	17.7	110	521	21.1	107	518	20.6
Will James MS	78	558	14.0	94	537	17.5	107	492	21.7
Medicine Crow MS	90	601	15.0	102	618	16.5	108	597	18.1
Senior HS	278	1806	15.4	287	1823	15.7	275	1740	15.8
Skyview HS	247	1647	15.0	232	1660	14.0	248	1607	15.4
West HS	200	2098	9.5	214	2174	9.8	229	2262	10.1

\* Meadowlark ES has a Pre-K program for students with disabilities.

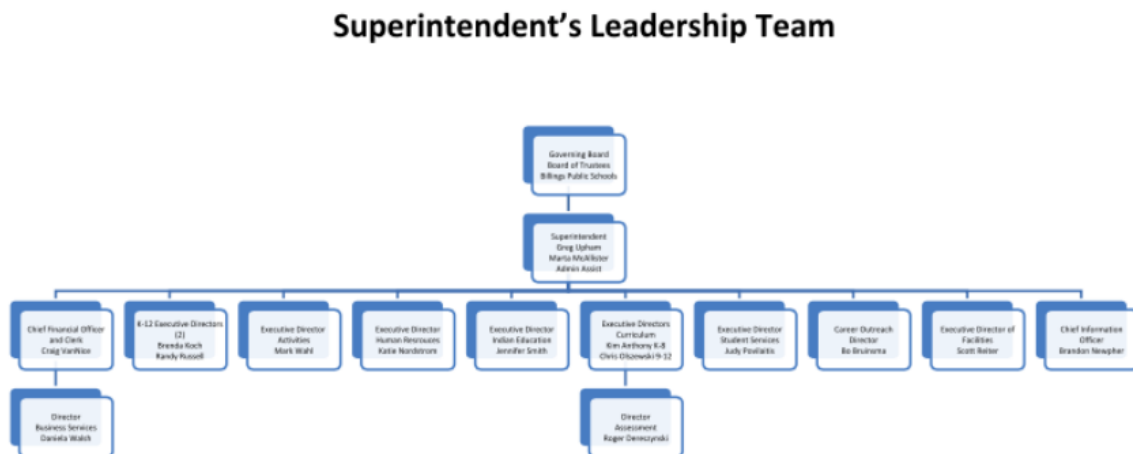
- Additionally, the District serves 640 (3.8%) students under Section 504 alone (i.e., with 504 plans due to not qualifying for concurrent coverage for an IEP). When combined with special education enrollment, 3,093 students, or nearly 18.6% of the District's students, are receiving special services.
- Also, 151 students receive nursing services for daily medical needs. Some students receive multiple services a day, such as tube feedings and blood sugar checks for diabetes, and 3 students have a nurse specifically assigned to them. These students are eligible for these services under their IEP.
- Finally, 695 students have an Emergency Health Care Plan, and approximately 725 students have asthma care plans.



## 2. Organizational Structure

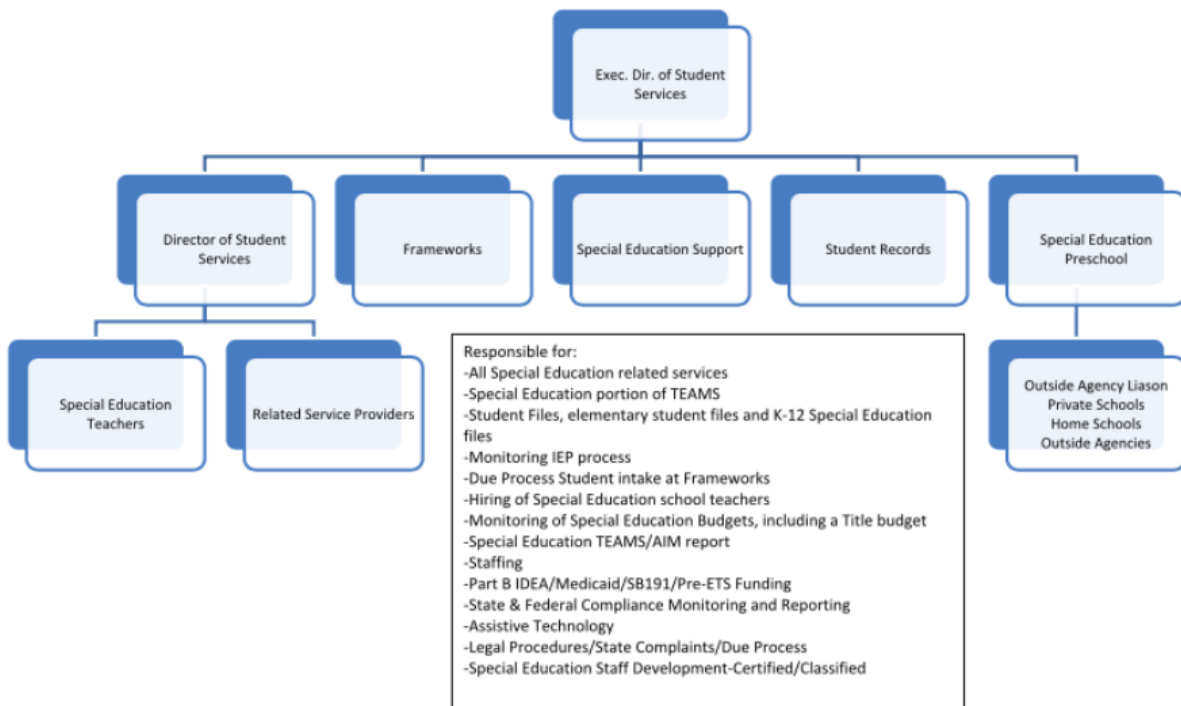
- Figure 1 provides the organization chart for the senior leadership of the District. The superintendent's leadership team consists of the following: chief financial officer, executive directors of K-12 schools, executive directors of curriculum, executive director of activities, executive director of human resources, executive director of Indian education, executive director of student services, executive director of facilities, director of assessment, career outreach director, and director of business services. The executive directors for schools serve all the District's schools by region.

Figure 1: Superintendent's Leadership Team



- The Special Education department is led by an executive director of Student Services with the support of a director. The executive director is a member of the superintendent's leadership team and directly reports to him. The special education leadership team also includes 3 coordinators, 2 of whom support half of the schools each. The third coordinator oversees the program for preschool students with disabilities as well as students placed out of district. The director and the 3 coordinator positions were added in 2019. The responsibilities of the executive director and director are delineated in the organizational chart in Figure 2.

Figure 2: Student Services Organizational Chart



- Members of the special education team have several decades of experience in the District. The executive director has been in the position for about twelve years. The director has served in multiple roles in the District for many years prior to being promoted 3 years ago. The coordinators also served in other roles prior to being promoted to their positions.
- The District has a track record of promoting staff from within the District to leadership positions.



- The District's strategic plan is on its website and includes goals in 5 major areas: student achievement, highly qualified staff/staff development/resource management, facilities, and community engagement. No strategic plan or continuous improvement plan is available for the special education department. The special education department admitted that they were not consistent in using data to inform their work.
- The schools and facilities that were visited during the review were well-maintained, clean, safe, and seemed to be operating in an orderly manner. Students were treated respectfully by the adults, and vice-versa.

### *3. Communication*

- Without exception, every group of professionals expressed commitment to their work and communicated universal acceptance of responsibility and accountability for all students attending the District, including students with disabilities. This commitment is not the case in most districts, and, therefore, not to be taken for granted.
- At all levels of schools visited, students were courteous and polite, freely engaging in conversations without being coached by adults, a phenomenon that is also not always present in schools across the nation.
- Students that were informally interviewed were happy with their school, and most had been enrolled in one of the District's schools for most of their education. They reported feeling safe, enjoyed coming to school, said they were making friends, and were learning. Students said their teachers cared about them and they appreciated how hard teachers worked to help them learn. Most students expressed a desire to go to college but were not sure if they were adequately prepared to gain admission or be successful in college.
- The interviewed students seemed reasonably familiar with their disabilities, knew what their strengths were, and in what areas they needed help. Most students interviewed were familiar with IEP meetings although few said they had attended them.
- Principals reported that they get timely support from the coordinators assigned to them from the special education office.



- Principals and teachers reported inconsistent messaging from the special education department, with the response given by one member often negated by another member, leading to confusion in program implementation.
- Parents and community members also commented on the variability of decisions for the same set of data and issues. For example, they perceived that some students are found eligible for special education and others ineligible under specific disability categories despite having identical presenting conditions.
- The interviewed parents expressed overall positive comments about teachers, paraprofessionals, and school-based leadership. Parents, teachers, and school leaders, however, reported a lack of trust in the leadership of the special education department. The special education leadership reported that they were aware of this perception.
- Both District staff and parents reported concern and fear of retaliation and retribution by the special education leadership when raising issues of concern.
- Although there is a District-wide desire and practice to collaborate across departments, most departments report that there is much work to be done for collaboration with the special education department. They report perceiving the special education department as not a willing partner and as being siloed. The leadership of the special education department reported that they have attempted to collaborate with other departments but are not always welcomed.
- Principals and teachers reported that the special education department's leadership often overturns IEP team decisions regarding more restrictive student placements, even though they are not required members of the IEP team and are not in attendance at the meetings.
- Principals reported that they are not consulted in the hiring of special education teachers assigned to their schools, but have supervisory responsibilities for the special education program and staff at their schools. Principals and teachers reported that the special education department frequently reassigns special education teachers to other schools with little notice or discussion. These practices have contributed to poor morale and a perception of disrespect among teachers and leaders.





#### 4. Budget

- According to the figures provided by the District’s finance department, the District is allocated \$23 million for special education in 2021–2022. The overall District-wide expenditures for the last fiscal year approached \$242 million exclusive of debt service. Debt service is another \$92 million bringing the total to over \$334 million. Thus, the special education budget is approximately 10% of the overall District budget.
- The finance department reported that the special education department develops the program budget without consultation or collaboration with the finance department. Allocations have remained the same from year to year without conducting a needs assessment or evaluation of the effectiveness of the expenditures on intended outcomes.
- Table 5 provides an overview of the local/state and federal allocations of the 2022–2023 program budget, including the funds from the American Rescue Plan (ARP), which are reportedly used to supplement the cost of staff salaries.

*Table 5: Special Education Budget*

State and Local Special Education Funding	\$ 17,822,497
FY2023 Federal IDEA Allocations	
Preschool	\$ 135,589
K–12	\$ 4,329,301
FY2022 Federal ARP Allocations (Unspent)	
Preschool	\$ 58,583
K–12	\$ 914,396
Total Budget	\$23,260,366



- Additionally, as shown in Table 6, the District has received slightly more than \$300,000 in Medicaid reimbursement for special education and related services each year for the last 4 years, with the exception of FY 2019, when the reimbursement was over \$400,000. These funds are part of the District’s overall budget and are not earmarked for special education budget expenditures, which is not unusual in most districts.

*Table 6: Medicaid Reimbursement*

Fiscal Year	Medicaid Reimbursement
FY2019	\$ 437,761
FY2020	\$ 319,283
FY2021	\$ 326,782
FY2022	\$ 337,776

- The excess cost of educating students in special education for Fiscal Year 2022 was \$9,247, according to the Montana Office of Public Instruction (OPI) as part of the District’s maintenance of effort (MOE) calculation.
- The OPI has determined that the District has been in compliance with MOE for the last 4 years.
- Special education personnel indicated that they did not have adequate resources and often had to purchase supplies and needed materials out of their own pockets. Many of them reported that—contrary to prevailing perceptions among general education personnel—they are not included in the special education department’s purchases of textbooks and supplementary materials. As a result, they reported often having outdated resources, which impeded their ability to provide quality instruction.

### 5. Staffing

- Most special education and general education teachers, as well as the principals interviewed, have had long tenures with the District, with some serving the District’s students for generations, and also with family members working for the District.

- Table 7 presents the District’s special education staffing data from 2019 to 2023. During this period, the District has lost 7 special education teacher positions and 6 paraprofessional positions. As a result, the District’s special education teacher-to-student staffing ratio has increased from 16.1 in 2019–2020 to 18.3 in 2022–2023, and the ratio of special education paraprofessionals serving students with disabilities has increased from 15.3 to 17.3. The District may find it worthwhile to conduct a similar ratio analysis for each school based on student enrollment trend data to plan for adequate staffing, and be able to mitigate frequent moves of teachers and paraprofessionals.

*Table 7: Special Education Staffing*

Position	2019-2020	2020-2021	2021-2022	2022-2023
SPED Students	2266	2261	2370	2456
SPED Teachers	140.5	131.8	142.5	133.5
SPED Teacher/Student Ratio	16.1	17.1	16.6	18.3
SPED Paraprofessionals	147.2	139.1	140.8	141.8
SPED Paraprofessional/ Student Ratio	15.3	16.2	16.8	17.3
Social Workers	7.4	6.4	7.4	7.7
Social Worker/Student Ratio	306.2	353.3	320.3	319
Psychologists	8.6	10.4	11.2	10
Psychologist/ Student Ratio	263.5	217.4	211.6	245.6
Speech Pathologists	14.8	15.7	15.7	17.2
Speech Pathologist/ Student Ratio	153.1	144.01	151	142.8
Speech Pathology Assistants	2	2.2	2.2	1.5

Speech Pathology Assistant/ Student Ratio	1133	1028	1077	1637
Behavior Specialists	-	2.6	2.6	0.9
Behavior Specialist/ Student Ratio	-	869.6	911.5	2728.9
Occupational Therapists	2.8	2.8	2.8	2.8
Occupational Therapist/ Student Ratio	809	807	846	877
Physical Therapists	1.8	1.8	1.8	2.0
Physical Therapist/ Student Ratio	1259	1256	1317	1228
Nurses	14.9	14.9	15.4	15.4
Nurse/Student Ratio	152	152	154	159
Other	1.7	1.7	2.6	1.7

- Additional staff not included in Table 6 are as follows: 3 licensed professional nurse assigned to specific classrooms that have students with high medical needs, 1 teacher of the deaf, 4 American Sign Language interpreters, 1 audiologist and 1 audiometry technician (para support), 1 licensed physical therapy assistant, and 2 Braille specialists who work in consultation with the teacher for the visually impaired from the Montana School of the Deaf and the Blind.
- For purposes of an approximate, albeit not precise, comparison, Table 8 provides the corresponding ratios for the member districts of the Urban Special Education Leadership Collaborative and the Council of the Great City Schools in 2017. One of the differences is that the overall incidence rate of special education students is 13.7% among the member districts, as compared to the 14.7% for the District.
- In comparing the data in Tables 7 and 8, staffing ratios for the District are considerably higher for these various roles except for nurses. In other words, these District's staff members are, on average, serving more students with disabilities than their colleagues around the country.



*Table 8: Council of the Great City Schools Average Incidence Rate and Staffing Ratios*

SPED Incidence Rate	13.7%
SPED Teacher Ratio	14.4
Paraprofessional Ratio	15.7
Speech Pathologist	127
Psychologist Ratio	178
Social Worker Ratio	295
Nurse Ratio	163
Occupational Therapy Ratio	353
Physical Therapy Ratio	997

- In addition to planning for and providing daily instructional services to more students, special education teachers in the District are also responsible for conducting evaluations of students for eligibility and triennial re-evaluations; developing, scheduling and conducting IEP meetings; progress monitoring and reporting on student progress; maintaining communication with parents; furthering their professional knowledge; attending student support team meetings; attending professional learning community meetings with their general education counterparts; supervising and collaborating with paraprofessionals; and developing curriculum, as there is no District-wide common curriculum for students with significant disabilities. Some special education teachers also perform clerical duties, such as sending meeting notices, and filing documents.
- Social workers provide counseling to students who have this related service in their IEP. They also support the District’s program for students with behavioral disabilities; provide individual, group, and family therapy; assist with conducting functional behavior analyses and developing manifestation determination reviews; and do suicide risk analysis and evaluation. They are paid on a teacher’s salary scale.

- The District’s psychologists primarily conduct initial evaluations for identification, and triennial reevaluations. Most reevaluations do not include additional testing or assessments beyond a records review of the student’s current performance. Psychologists reported that providing the full suite of services for which they were trained would necessitate an increase in their numbers,
- Related services personnel reported that the assistive technology team consists of a speech therapist and 2 communication aides. They described the team as being in its infancy of operation.
- Union representatives expressed concern about staff being overworked, and they alleged that staff had incurred injuries due to unsafe work conditions. The human resources department also concurred with the reporting of workplace injuries and by special education teachers and paraprofessionals.
- Table 9 provides teacher tenure data for general education and special education teachers, revealing that special education teachers exit the District at a higher rate than general education teachers.

*Table 9: Teacher Tenure Data*

POSITION	2019-2020		2020-2021		2021-2022		2022-2023	
	Total	Exit #/%	Total	Exit #/%	Total	Exit #/%	Total	Exit #/%
Sp Ed Teachers	145	15 (10.3%)	138	14 (10.1%)	130	9 (6.9%)	131	2 (1.5%)
Gen Ed Teachers	906	69 (7.6%)	907	52 (5.7%)	911	58 (6.4%)	894	0 (0%)

- The District has many vacant positions due to retirements, resignations, and lack of viable new candidates. There are currently 8 teacher and 15 paraprofessional vacancies in the special education department compared with 5 vacancies in general education teacher positions.
- The human resources department reported that some exit interviews revealed a lack of professional satisfaction due to a feeling of not being supported, valued, and respected. They also reported that some special education teachers request to be transferred to general education teaching positions in lieu of resigning.

- The District’s special education teachers have an average tenure of 7.6 years in the District. Race/ethnicity of the staff is as follows: 92% White, 4.5% Hispanic, 1% Indian/Alaska Native, 0.5% Black, 0.5% Asian, and 0.3% Pacific Islander.
- Teachers reported that there is no system or process in place for assigning mentors for new teachers, even when it is requested.
- There is unanimous agreement among all interviewed, including the special education leadership, that the department’s mode of operation is reactive rather than proactive. For example, some teachers expressed concern that the special education leadership expends energy in reacting to legal dilemmas, rather than investing in avoiding such issues from occurring in the first place.
- The special education department has hired the special education personnel with little to no input from the principals. These personnel are then assigned to schools based on need and moved as needed with little communication with them or their supervisors. As shown above in the “Communication” section, this practice has been a point of concern among principals and has affected staff morale.
- Staff at all levels expressed concern about the seeming lack of continuity in personnel assignments. It was reported by all interviewed that the special education staff assignments change annually and sometimes during the course of the school year without any warning or explanation. This lack of continuity was seen as disruptive and imposed a barrier to smoothly supporting families, teachers, and students.

## *6. Interventions and Identification*

- All elementary schools representatives indicated that they have a student support team (SST) to brainstorm student performance issues. Special education professional personnel, such as speech and language pathologists, social workers, special education teachers, and school psychologists, are invited to participate in the SST meetings to offer strategies for the success of all students. The SSTs are typically led by school leaders such as principals or assistant principals.
- The District initiated a K–5 MTSS rollout (Billings MTSS Project) starting in 2013. It was a tiered roll out for cohorts of schools each year, in order for the District to be able to provide support and training with its limited resources. It took 3 years to have all 22 elementary schools participating at some level. At present, all K–8 schools participate at some level of implementation. The District is working with a



consultant to improve the fidelity and consistency of implementation across the District.

- Some staff in the District have a beginning level awareness of universal design for learning (UDL). Currently, there is no plan to expand knowledge and implementation of this framework.
- Special education personnel reported that schools are not always willing to implement strategies that the SST recommends or to be diligent in documenting their efforts with interventions.
- Evaluation teams expressed concern over the quality of special education referrals, specifically with respect to how well the referral informed the evaluation and identification process. These teams were also concerned about maintaining ongoing compliance with timelines for initial referrals due to personnel vacancies.
- Psychologists reported that they are often gatekeepers in the referral process although they serve on the SST. They reported that the District does not identify students with a learning disability until grade 3, a practice that may be contrary to the research on early identification and intervention for students who have dyslexia, or requirements of Child Find under the IDEA.

## *7. Indian and Bilingual Education*

- In 1972 it was written into the Montana constitution that all students would learn about American Indian culture as part of their education. The District had Indian Education in place, 5 years prior to being funded for the program in 2006. Now, Indian Education is infused into all curriculum areas. Students learn about Montana's tribal groups and national indigenous tribes. There are 7 essential understandings that are integrated into the curriculum.
- The District has 2 coaches for Indian Education whose work is to support teachers in integrating Indian Education for All in their instruction.
- Funding is based on gaps in student achievement which is included in Title VI for enrolled tribal members that are part of the groups terminated at the federal or state levels.
- Current funding is as follows: \$480,000 for Title VI, \$300,000 for achievement gap, and \$250,000 for Indian Education for All.





- Title VI funds are used for home to school coordinators to improve graduation and dropout, parental involvement and cultural enrichment. The District has 8 home to school coordinators.
- The District reports that there are currently no families that speak indigenous languages. Crow speaking families are now of a grandparent's generation.
- The District employs 2 bilingual coaches, both of whom have a background in special education; and one of whom is certified in bilingual education. Students identified as English language learners do not receive direct instruction but receive support from the general education teacher through sheltered instruction observation protocol (SIOP) strategies. The ELL program is under the supervision of the secondary curriculum department.
- The District's Homeless Liaison is a certified teacher who works with parents and students to help them access resources in the community.

### *8. Instruction and Support*

- All school administrators expressed a core belief and commitment to move toward the inclusion of students with disabilities in general education settings. The District offers in-class specialized support with either a special education teacher or paraprofessional. Some teachers felt that this model did not fully meet the needs of those students who are functioning multiple grade levels below their peers and would benefit more greatly from pull-out instruction.
- All general and special education teachers reported understanding the need to shift to more inclusive settings and providing access to the general education curriculum to students with disabilities.
- The placement of students with disabilities in more inclusive settings in the general education classes with supports and services has gradually increased from 31%-38% over the last 4 years for students of all ages as illustrated in Table 10.
- According to the US Department of Education, in 2020-21, 66 % of all school aged children receiving special education in the country, and 54.6% of the students receiving special education in Montana, received services inside a regular class 80% or more of the day. The District's rate for inclusive placements is much lower in comparison to both the state and national rates.
- Students with disabilities in general education classes for less than 40% of their school day has decreased slightly over the years from 17% in 2019-2020 to 15.9%



this school year. In 2020-2021, the District provided virtual instruction due to the COVID pandemic, and some students attended their homeschools during this time. Nationally, the percentage of students in more restrictive settings is 12.5%; 3.4% lower than in the District.

*Table 10: Instructional Placement*

Placement	2019-2020	2020-2021	2021-2022	2022-2023
Number of Students in General Education > 80% of the Day	696	814	875	929
Number of Students in Special Education	2266	2261	2370	2456
% Students in Inclusive Setting	31%	36%	37%	38%
Number of Students in General Education < 40% of the Day	385	351	374	390
% Students in Non-Inclusive Setting	17%	15.5%	15.8%	15.9%

- The District provides a continuum of placement options for students with disabilities. This includes classes for students with autism, preschool programs for children with disabilities, life skills class, behavior support classes, and inclusion of students with disabilities in the general education class.
- The number of students placed out of District at separate schools over the last 3 years is in Table 11, and shows a trend of increasing number and percentage of students being educated in a more restrictive setting. In comparison, the state rate for students served in separate schools in Montana is 0.94%, less than half of that in the District.



*Table 11: Out-of-District Placement*

2020-2021		2021-2022		2022-23	
35	1.5%	50	2.1%	64	2.6%

- Although self-contained classrooms are located in clusters around the District at targeted schools, staff indicate barriers to accessing these programs in a timely manner. They report that this is particularly true for behavior support classes.
- No uniform District-wide curriculum or instructional resources are available for students with significant cognitive disabilities who are on the alternate curriculum aligned with alternate achievement standards. Teachers have to make arrangements for their own curriculum and instructional materials.
- Although special education teachers described an effective system for disseminating IEP accommodations to general education teachers, most general education teachers expressed concern that they were not adequately notified of incoming students with disabilities nor did they receive written copies of IEPs and accommodations in a timely manner. Even when IEPs and accommodations are disseminated, teachers report that they are not always provided an opportunity to develop a good understanding of the strategies and how to implement them in their classes.
- Special education and general education teachers commented on the importance of a compliant IEP but very few saw a substantial role of the IEP in the instructional process. They expressed concern about the significant amount of time that is required for IEP meetings that takes time away from instruction. They reported that substantive discussion is rare on the measurability of the IEP or selecting accommodations specifically aligned to student needs.
- The greatest concern of general education teachers was the reading level of students with disabilities and how to bridge the gap between independent reading levels and enrolled grade-level reading expectations.
- Many general education teachers reported that support from special education teachers or paraprofessionals was often only for a few minutes per class period because they also needed to support students in other classes. This model of support was described as neither meeting student nor staff needs.



- Few special education teachers indicated that there was a system for common instructional planning with their general education colleagues. Both general and special education teachers reported a desire for increased scheduled time for meaningful instructional collaboration.
- Some special education teachers said that they attended professional learning communities (PLC) with their content area or grade level colleagues. However, this practice is not consistent across the District.
- Evaluation personnel such as psychologists and speech pathologists reported a stressful working environment. They are responsible for ensuring program effectiveness, compliance with state and federal requirements, and increased academic achievement. Many validated the need to provide additional support to schools, but due to time constraints, are unable to provide the type of support that can positively impact the quality of special education services.
- The perception of evaluation personnel regarding the overall effectiveness of the special education program delivery varied by school. Many felt that the special education program could be improved with additional professional development and reduced responsibilities for staff.
- Career coaches said that they work directly with special education teachers and have positive and productive interactions.
- Students do not have a program for self-advocacy or to participate in the IEP process. Parents expressed concern that the implementation of transition goals does not adequately prepare students for post secondary options.
- Many teachers and administrators reported that they have seen an increase in overall student behavior concerns and felt that they were not adequately equipped or staffed to handle them. The District has many mental health, behavior coach, and behavior specialist positions to address this growing need.
- Substance abuse prevention clinics are housed in some of the schools in the District and are staffed through a collaboration with community agencies.

## 9. Student Outcomes

- Table 12 shows that the District's participation in the state's alternate assessment aligned with alternate achievement standards exceeded the 1% cap established under the Elementary and Secondary Schools Education Act., for 4 of the 5 years reported. Due to COVID, students did not participate in state assessment in 2020.



*Table 12: Special Education Student Participation in Alternate State Assessment*

School Year	Number Eligible for Alt Assessment	Number Assessed	Percent Assessed	Number of All Students Assessed	Percent Assessed on Alt Assessment
2017-2018	127	126	99.1	8945	1.42
2018-2019	148	142	96.0	8840	1.67
2019-2020	NA	NA	NA	NA	NA
2020-2021	144	118	81.9	8819	1.63
2021-2022	148	142	96.0	8643	1.70

- All students in grades 3-8 take the Smarter Balanced Assessment, and students in grade 11 take the ACT for English Language Arts ((ELA) and Mathematics (Math).
- A review of the ELA achievement scores for students in grades 3-8 (Table 13) reveals that, for the past 5 years, over 70% of students who receive special education have remained at the novice level, and between 13%-14% are nearing proficiency. Over the 5 years, there has been an increase from 7.6% to 11.9% scoring at the proficient level, and between 2%-3% are in the advanced level. In comparison, students who do not receive special education are evenly split around 27% in the novice and nearing proficient levels, around 30% in the proficient level, and between approximately 15%-16% in the advanced level. Overall, more than 80% of the students in grades 3-8 that are receiving special education are not proficient in ELA.

*Table 13: Performance of Students in Grades 3-8 in English Language Arts*

Billings Public Schools 3 <sup>rd</sup> -8th Grade English Language Arts Proficiency Results: All Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Advanced Students	Proficient Students	Nearing Proficiency Students	Novice Students
2021-2022	33.84%	25.67%	27.04%	13.45%	980	1,971	1,871	2,466
2020-2021	31.22%	25.43%	28.87%	14.48%	920	1,834	1,615	1,983

2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	32.29%	25.58%	27.46%	14.67%	1,104	2,067	1,925	2,430
2017-2018	32.78%	25.88%	28.08%	13.26%	1,000	2,117	1,951	2,471
Billings Public Schools 3rd–8th Grade English Language Arts Proficiency Results: Special Education Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Advanced Students	Proficient Students	Nearing Proficiency Students	Novice Students
2021-2022	70.86%	14.95%	11.90%	2.29%	24	125	157	744
2020-2021	72.20%	14.80%	10.40%	2.60%	23	92	131	639
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	76.33%	13.84%	7.72%	2.11%	21	77	138	761
2017-2018	75.65%	13.58%	7.63%	3.13%	30	73	130	724
Billings Public Schools 3 <sup>rd</sup> –8th Grade English Language Arts Proficiency Results: Non Special Education Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Advanced Students	Proficient Students	Nearing Proficiency Students	Novice Students
2021-2022	27.61%	27.48%	29.59%	15.33%	956	1,846	1,714	1,722
2020-2021	24.58%	27.14%	31.86%	16.41%	897	1,742	1,484	1,344
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	25.56%	27.37%	30.48%	16.59%	1,083	1,990	1,787	1,669
2017-2018	26.54%	27.67%	31.05%	14.74%	970	2,044	1,821	1,747

- As illustrated in Table 14, for the majority of the students receiving special education in Grade 11, the ELA scores in the novice range have decreased from 94.7% in



2018 to 81.7% in 2022. There has also been an improvement in the nearing proficient level from 5.3% to 9.6% in the same 2 years. The percent of students proficient increased from 5.6 to 7.0 from 2021 to 2022. No students scored at the advanced level. In contrast, students not receiving special education have remained stable at around 32% at the novice level, between 20.8%-24.5% at the nearing proficiency level, around 30% are proficient, and 16% are advanced.

*Table 14: Performance of Students in Grade 11 in English Language Arts*

Billings Public Schools 11th Grade English Language Arts Proficiency Results: All Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Students With Advanced Scores	Students With Proficient Scores	Students With Nearing Proficient Scores	Students With Novice Scores
2021-2022	37.30%	19.70%	28.40%	14.60%	168	327	227	429
2020-2021	32.10%	22.80%	29.40%	15.70%	188	353	274	385
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	33.30%	22.70%	28.50%	15.50%	168	309	247	362
2017-2018	38.30%	21.20%	26.20%	14.30%	170	311	252	455
Billings Public Schools 11th Grade English Language Arts Proficiency Results: Special Education Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Students With Advanced Scores	Students With Proficient Scores	Students With Nearing Proficient Scores	Students With Novice Scores
2021-2022	81.70%	9.60%	7.00%	*	*	8	11	94
2020-2021	92.10%	*	5.60%			5	*	82
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	95.20%	*	*			*	*	80



2017-2018	94.70%	5.30%					6	108
Billings Public Schools 11th Grade English Language Arts Proficiency Results: Non Special Education Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Students With Advanced Scores	Students With Proficient Scores	Students With Nearing Proficient Scores	Students With Novice Scores
2021-2022	32.30%	20.80%	30.80%	16.00%	166	319	216	335
2020-2021	27.30%	24.50%	31.30%	16.90%	188	348	272	303
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	28.10%	24.40%	30.70%	16.80%	168	308	244	282
2017-2018	32.30%	22.90%	29.00%	15.80%	170	311	246	347

- In Math, the performance of students in Grades 3-8 receiving special education has ranged from 72%-75% at the novice level, between 13%-17% in the nearing proficient level, around 8% in the proficient level, and 2%-3% in the advanced level. For students not receiving special education, the scores are much higher at all levels: between 22%-31% at the novice level, around 33% nearing proficient, between 22%-25% proficient, and 15%-19% advanced. More than 85% of students receiving special education in grades 3-8, did not meet proficiency in Math.(Table 15)

Table 15: Performance of Students in Grades 3-8 in Mathematics

Billings Public Schools 3rd - 8th Grade Math Proficiency Results: All Students							
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Advanced Students	Proficient Students	Nearing Proficiency Students
2021-2022	37.70%	28.63%	20.28%	13.40%	868	1,314	1,855
2020-2021	33.31%	30.15%	22.11%	14.44%	909	1,392	1,898





2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	28.87%	30.57%	23.52%	17.04%	1,280	1,767	2,297
2017-2018	30.35%	31.54%	22.88%	15.23%	1,150	1,727	2,381
Billings Public Schools 3rd - 8th Grade Math Proficiency Results: Special Education Students							
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Advanced Students	Proficient Students	Nearing Proficiency Students
2021-2022	74.69%	13.22%	8.57%	3.51%	34	83	128
2020-2021	75.20%	14.37%	7.76%	2.67%	23	67	124
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	72.38%	17.34%	8.37%	1.92%	19	83	172
2017-2018	73.72%	16.48%	7.72%	2.09%	20	74	158
Billings Public Schools 3rd - 8th Grade Math Proficiency Results: Non Special Education Students							
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Advanced Students	Proficient Students	Nearing Proficiency Students
2021-2022	31.20%	31.33%	22.33%	15.13%	834	1,231	1,727
2020-2021	26.65%	32.65%	24.39%	16.31%	886	1,325	1,774
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	22.25%	32.59%	25.82%	19.34%	1,261	1,684	2,125
2017-2018	24.04%	33.73%	25.08%	17.15%	1,130	1,653	2,223

- In Math, students in Grade 11 receiving special education scored between 86%-91% at novice level, between 6,5%-14% at nearing proficient, 4.1% proficient, and none at the advanced level. Students not receiving special education scored



higher between 30%-38.8% at the novice level, 31.5%-34% at the nearing proficient level, between 15.8%-20.5% at the proficient level, and between 12.8%-17.6% at the advanced level. More than 90% of grade 11 students receiving special education did not meet proficiency in Math.(Table 16)

Table 16: Performance of Students in Grade 11 in Mathematics

Billings Public Schools 11th Grade Math Proficiency Results - All Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Students With Advanced Scores	Students With Proficient Scores	Students With Nearing Proficient Scores	Students With Novice Scores
2021-2022	44.00%	29.20%	15.10%	11.70%	136	176	341	513
2020-2021	41.40%	30.20%	14.60%	13.80%	167	177	366	502
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	34.70%	31.80%	18.70%	14.80%	164	207	353	385
2017-2018	35.90%	30.60%	17.70%	15.80%	190	212	368	431
Billings Public Schools 11th Grade Math Proficiency Results - Special Education Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Students With Advanced Scores	Students With Proficient Scores	Students With Nearing Proficient Scores	Students With Novice Scores
2021-2022	87.80%	6.50%	4.10%	*	*	5	8	108
2020-2021	86.00%	14.00%					13	80
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	87.40%	10.70%	*	*	*	*	11	90
2017-2018	90.90%	8.30%	*			*	10	110

Billings Public Schools 11th Grade Math Proficiency Results: Non Special Education Students								
School Year	Novice Percent	Nearing Proficient Percent	Proficient Percent	Advanced Percent	Students With Advanced Scores	Students With Proficient Scores	Students With Nearing Proficient Scores	Students With Novice Scores
2021-2022	38.80%	31.90%	16.40%	12.80%	134	171	333	405
2020-2021	37.70%	31.50%	15.80%	14.90%	167	177	353	422
2019-2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018-2019	29.30%	34.00%	20.50%	16.20%	163	206	342	295
2017-2018	29.70%	33.10%	19.50%	17.60%	190	211	358	321

- Graduation and dropout data for all students and for students receiving special education services is provided in Table 17. While the graduation rate has been fairly stable over the last 5 years, dropout rate has seen an increase.

Table 17: Graduation and Dropout

School Year	Cohort Graduation Rate	Cohort Graduate Count	Dropout Rate
2016-2017	84.60%	1,071	3.95%
2017-2018	84.88%	1,100	3.66%
2018-2019	84.83%	1,152	3.42%
2019-2020	80.55%	1,085	3.42%
2020-2021	83.41%	1,151	4.74%

## 10. Professional Development

- Both special education and general education teachers report that there is a need for more effective and timely professional development that is based on targeted needs. They felt the professional development offerings were not sufficiently adequate and the format of only meeting face to face a few times a year did not meet their needs for continued learning.
- Many school principals reported a need for special education teachers to have a better understanding of grade-level curriculum expectations at their assigned grade level, prior to their grade level, and after their grade level.
- Few special education teachers reported knowledge of curriculum expectations for the grades preceding and following their assigned grade level. Most general education teachers indicated that they were somewhat knowledgeable of accommodating the needs of students with disabilities in their class but felt that additional training was needed.
- While the curriculum department reports that no special education teachers attend training in content areas, special education teachers report that they are not always informed, included or invited to content area trainings.
- Special education teachers said they could use additional support in adapting the general education curriculum to the level of their specific students and in meeting the needs of individual students.
- Paraprofessionals felt the need for adequate orientation and training prior to being assigned instructional responsibilities. They suggested that they be included in the same professional development that is provided to teachers so that they can be well versed in how to support students in their learning.
- Middle school special education teachers say they are expected to write transition IEPs without proper training, and feel that it is often done poorly without a good understanding of how to plan for intended student outcomes.
- Although the special education department has monthly meetings with special education staff, principals and teachers report a need for establishing meeting norms and including relevant topics on the agenda.
- Special education professionals were concerned that the District did not have a formal on-boarding process for new hires to familiarize them with the “Billings way.” Many said that they learned about District procedures and practices on the job or



by asking around. Many felt that they developed subject matter expertise and best practices from working in other school districts.

- Principals state that training in IEPs and appropriate goal writing, data collection, and progress monitoring are inconsistent among all staff and grade levels.
- School leadership and staff report that there has been little communication with them on legislation that impacts the implementation of IDEA.
- School administrators expressed concern that special education related issues were not always a standing agenda item on the administrative meeting agenda. When it is on the agenda, topics are informational rather than a discussion for deeper understanding of how to implement the new information.

## 11. Compliance

- A review of the District's Policies 2161 and 2162 for Special Education and Section 504 found that these documents meet the expected professional standards for school boards and only need updated legal citations for current accuracy.
- A review of the District's draft Special Education Procedural Manual found that this document was a comprehensive and coherent compilation of the IDEA regulations, corollary Montana special education laws, and the additional procedures and forms of the District and that its organization was in a user-friendly form.
- Via its attorney's office, the District submitted requested dispute resolution data for complaints during the last 10 years specific to students with disabilities for the three available decisional avenues: (a) the U.S. Department of Education's Office for Civil Rights (OCR), (b) OPI's state complaint process, and (c) OPI's due process hearing process.
- Findings from an analysis of this information is as follows:
  - For OCR complaints, the District had an average of 0.9 complaints per year, which is less than typical for similarly sized school districts nationally; there were a wide variety of Section 504/ADA student issues, which is typical of OCR complaints under Section 504/ADA; and violations were found in approximately half of the complaints.
  - With respect to State complaints, there were an average of 0.8 per year, which is slightly less than typical for similarly sized school districts nationally and which account for approximately the expected proportion in Montana; they were mostly free appropriate public education (FAPE) issues, which is



also typical of state complaints nationally and in Montana; and the District was in violation in approximately one third of the cases, which is significantly lower than the average rate nationally

- For due process hearing complaints, there was an average of 0.4 filings and .2 decisions per year, which aligns with the respective low rates for filings and decisions in Montana (ranked approximately 49th in the nation), with a majority being FAPE issues, which also aligns with the general norm, although 2 of the 5 filings were by the District, which is higher than the norm and appeared to be in the interest of the students at issue. There were mixed results, including 2 settlements, which also appears to align with expectations (including the limitations of generalizing from such small numbers).
- The District's IEP system, "Infinite Campus," is used statewide. A brief review of a few randomly sampled student's IEPs indicated that they were completed accurately in this system. Teachers reported that the system does not have a goal bank and, therefore, they had to develop student goals "from scratch." This process is time-consuming and can lead to goals not being measurable and not standards-based.
- In its August 2021 letter, Montana OPI communicated that the District's level of determination under the IDEA was "Needs Assistance, Year 1." This determination was based on "having disproportionate representation due to inappropriate practices." The District reported that, per the state director of special education, no corrective action was needed. In 2014 and 2015, the District's determination status was "Meets Requirements." The District did not have a record of determination status for any other years.
- The District is scheduled for an on-site monitoring visit from OPI for this school year as part of their cyclical monitoring process.
- The state director for special education at OPI indicated that the District's special education leadership is professional, courteous, and responsive to addressing issues promptly. He said that they are viewed as leaders in the state.



## 12. Parent Engagement

- District and school administrators, as well as teachers, reported no significant barriers to actively and meaningfully seeking and accessing parent involvement. Parents attend IEP meetings and support students in their learning at school and at home.
- The Board of Trustees expressed a desire for a point of contact for parents, such as an ombudsperson, to better meet the needs of families in a timely manner, to help parents prepare for IEP meetings and to advocate for students with disabilities.
- The District does not currently have a special education parent advisory committee, and it is not required by the state.
- Per state law, annual parent consent is needed for IEP implementation, sometimes causing delays in students receiving services outlined in their IEP in a timely manner.
- The District reports an increase in the number of parent advocates in attendance at IEP meetings at the request of parents. Some of the parent advocates are from out of state.
- The special education department leadership asserted that they have a good working relationship with most parents, although they admit it may be contentious with some parents.

## 13. Transportation

- First Student is the company that provides school buses through a contractual agreement. Bus drivers are provided by the transportation company but the District employs the paraprofessionals that ride the buses. All specialized buses have one paraprofessional assigned to them.
- Approximately 500 students with disabilities receive transportation as a related service.
- Over the last 5 years bus routes have increased from 36 to 39.
- Teachers report that the vans allocated for school use only have 6 seats and space for one wheelchair. They therefore, do not accommodate all the students in a class of 8 to go out into the community to practice their skills.
- The Office of Indian Education reports that 2 vehicles are used for transporting students identified for Indian Education.



## RECOMMENDATIONS

### *1. Organizational Structure*

- Develop a District-wide shared and clear vision, mission, purpose, and beliefs for the special education program that closely align with those of the District to provide consistent and aligned service options for students with disabilities.
- Incorporate into the vision for the special education program the need for academic achievement outcomes in addition to compliance outcomes. Compliance is a bare minimum standard and is not synonymous with program quality and effectiveness. Understanding disaggregated assessment results for students with disabilities is critical in moving special education forward to better improve academic outcomes.
- Examine the role of special education in educating students with disabilities within the broader context of educating all students. Special education cannot be a parallel program to general education, but must be a way to remove barriers for students with disabilities so that they can have better outcomes in school and life.
- Students with disabilities attend the Districts' schools, are educated by both general and special educators, and the process of teaching and learning is supervised by school leaders. Align the work of the special education department with the philosophy of supporting those that directly impact the learning of students.
- Consider assigning the two coordinators who support schools under the two Executive Directors for Schools so that the work is aligned, cohesive, and coordinated to improve services to schools. The supervision of the coordinators can still remain with the Executive Director of Student Services with input from the Executive Directors of Schools.
- Consider reorganizing the special education leadership so that there is more support for related service providers. These quasi-clinical roles can benefit from a leader who has direct experience in one of the fields of work.
- There is a need for teachers who work with students with significant disabilities to have professional support from a District leader who has expertise with that population. External consultants with this expertise may need to be hired if expertise does not exist internally at the District.
- Vertically align all schools in both programmatic and curricular issues, with the high school leading the alignment process. When elementary schools are in alignment with secondary schools, there is greater opportunity to reduce fragmentation of





services and duplication of effort and to build District-wide cohesiveness and consistency in instructional philosophy. This, in turn, helps all schools provide coordinated services to all students and to those with disabilities.

- Begin with the end in mind. Since graduation from high school, college readiness, and success in post-secondary life is a goal for all students, all schools must embrace a sense of ownership and responsibility for preparing all students in the District to reach these goals, and work collaboratively to address their needs.
- Institute a culture of data-driven/data-informed decision making at the school and District levels. Regularly collecting, compiling, analyzing, and using data to plan and deliver instruction and improve student outcomes must be an expectation for all staff.
- Develop procedurally-accurate, clear, transparent, and easily accessible web-based systems and processes for special education so that the program is successful regardless of District, school, or program leadership. This will also reduce inconsistent messaging and various interpretations of how requirements in law should be practiced.
- Annually, conduct an internal evaluation of the effectiveness of the special education program before the start of the next school year so that results can be used for District and school-level improvement planning.

## *2. Communication*

- Consistent with the District's strategic plan, develop a customer service focus in the special education department. School leaders, school staff, parents, students and community members are all the department's customers and should expect to receive quality, courteous, prompt and timely responses, support, and services.
- Allocate time for general and special education staff to collaborate and plan both across the District and within each school to ensure well-designed lesson plans, and an aligned curriculum are delivered with consistency in every classroom.
- Since the District has a configuration of elementary, middle, and high schools, students have many natural transition points during their schooling in the District. Communication among levels is critical for all students and specifically for students with disabilities who have interventions, accommodations, IEPs, and Section 504 plans. Personnel at each level must involve those at the subsequent level to make sure that student information is personally communicated for smooth transition.



- Add special education instructional issues to the agenda for the regularly scheduled leadership meetings to encourage better internal communication, and to ensure progress as students proceed through the District's educational system.
- Ensure that personnel from sending and receiving schools attend critical meetings when students are moved from one school to another for programming purposes and when they transition to the next level. Needed services can be put in place without delay when everyone is involved and informed.

### *3. Budget*

- Explore collaboration between the Business Office, Federal Programs, and Student Services in coordinating and developing the budget, combining funding where possible, jointly procuring resources, and monitoring expenditures for special education. The finance department is ultimately responsible for the District's budget and should take the lead in preparing the special education budget with input from the department.
- Base each year's budget on a needs assessment of what worked well the previous year, what needs to improve, District and department priorities, and a comparison of the adequacy of what was budgeted and actual expenditure. Starting fresh each year will prevent the District from repeatedly committing scarce resources to practices that yield poor outcomes.
- Ensure that teachers have adequate resources purchased at the District's expense.

### *4. Staffing*

- Develop clear staffing guidelines and share it District-wide by transparently posting it electronically.
- Consider reducing the number of responsibilities for special education teachers by assigning department chairpersons, IEP facilitators, educational evaluation personnel, and clerical support. This action would allow special education teachers to focus on instruction and on improving student outcomes.
- Examine longitudinal data regarding the disability categories of students with disabilities served by the District to proactively and adequately plan for staffing, programs, services, and professional development in the coming years.
- Analyze the student-to-teacher ratio and class size in the general education classes that include large numbers of students with disabilities to study their impact on the



effectiveness of instruction. In general, research is neutral on the impact of class size on student achievement. A greater correlation exists between teacher effectiveness and student achievement.

- Critically examine the need for additional staffing in the District, evident by the higher than national ratios. With a national staffing shortage of special education teachers and related service providers, it is imperative that the District explore alternate ways to meet the demand. This may need to include developing a pipeline for qualified candidates with partnership with higher education, and the use of practices such as teleteaching and teletherapy.
- Inclusive services cannot always mean additional staff. Building teacher capacity to work with diverse learners and providing supplementary instruction when needed can be an effective model for consideration. Universal design for learning principles, when applied in the instructional environment and when aligned with complementary resources, can help improve the learning of a wide range of students.
- Decentralize the hiring of special education teachers and paraprofessionals. Principals and special education teachers need to be part of the hiring process, with the Human Resources department taking the lead.
- Analyze trend data to project adequate staffing for each school with input from school leaders. This will minimize the need for frequent reassignment of staff with little notice, thereby improving morale across the District.
- Develop and implement a plan to recruit and retain effective, high-quality, special education staff including paraprofessionals. Proactive and timely staffing is critical in recruiting and retaining qualified personnel.
- Consider analyzing and reorganizing the assignment of special education staff to more effectively support teachers and students in inclusive instructional settings. Some classes are reportedly overloaded with students receiving special education and Section 504 accommodations due to staffing shortage.
- Assign staff for the purpose of continuity of services and with a student-centered/customer service focus. In the event that reassignment to another school is absolutely necessary, consult with school leaders so that they understand the rationale and can support the decision. Reassignment of staff cannot be made unilaterally with school leaders being notified after the change.



- Ensure that the special education leadership is more visible at schools and accessible to District and school personnel. This helps build greater relationships with staff and better understanding of school level issues.

### *5. Interventions and Identification*

- Implement MTSS across the District with fidelity and with the requisite resources for academics and behavior.
- Continue to address the increase in student mental health and substance abuse issues in collaboration and partnership with community mental health agencies.
- Require consistent documentation of interventions provided and the results of these interventions, in a centralized easy to access database. With the many transitions students are required to make during their schooling in the District, this is an important investment of time and resources to ensure continuity of services. Once interventions and results are documented, when a referral is made for a special education evaluation, the process can move more accurately and expeditiously.
- Make it a practice to review identification data by school with school leaders. When many students do not qualify for special education after a comprehensive evaluation is conducted, it could be a symptom of a weak SST, a misunderstanding of disability criteria, or lack of clarity about special education.

### *6. Indian and Bilingual Education*

- Continue collaboration with the special education and bilingual education departments to ensure that students who receive all 3 services are served coherently.
- Consider expanding the support to ELL students from providing indirect support to their teachers to delivering direct instruction by qualified bilingual education teachers to identified students.

### *7. Instruction*

- Create an urgency in addressing the academic needs of students receiving special education services. With less than 15% scoring at a proficient level in ELA and Math, and more than 80% of these students scoring at a novice or nearing

proficient levels, it is imperative that providing better education for this group of students is an immediate District priority.

- Consider expanding and upgrading/updating instructional technology in the classrooms on all campuses to facilitate greater access for student use. An increased access to, and use of technology allows students to explore multi-sensory methods of acquiring skills and content-area knowledge. It will also better prepare students to access online instruction and assessment and may further be a way to mitigate the constant demand for additional staffing.
- Ensure increased understanding of the role of technology-assistive and instructional, to help bridge the academic gap between students with disabilities and their non-disabled peers. The District's students receiving special education are lagging behind in all content areas significantly.
- Explore and develop a deep understanding of universal design for learning principles and how they can positively impact student learning. Resources such as Goalbook ([goalbookapp.com](http://goalbookapp.com)) have standards-based strategies for multiple means of engagement, representation and expression in several content areas for all teachers. District-wide implementation of such strategies can improve outcomes for ELL students, struggling students, and those with disabilities.
- Ensure teachers who serve students with disabilities have access to the District's curriculum and resources on par with teachers who teach general education.
- Provide a District-wide curriculum with resources for students with significant disabilities who are on the alternate curriculum aligned with alternate achievement standards. Many large districts around the country find the Unique Learning System by N2Y to be an effective resource that is mindful of the level of student impairment while being age appropriate.
- Develop targeted accommodations for students based on what they need to be successful and not what they could benefit from. Traditional accommodations, such as "check for understanding, preferential seating, note-taking assistance, extended time," served a purpose in a traditional special education program; however, these supports have minimum value in increasing access to grade-level curriculum.
- Help staff develop an increased understanding of the impact of a standards-based IEP on academic outcomes and the requirement of meaningfully monitoring progress frequently. Progress monitoring is critical to better understand achievement outcomes for students with disabilities.



- Provide timely and ongoing support to staff and school leaders so that they can effectively navigate special education and meet the needs of students with disabilities assigned to their school.
- Help students with disabilities become self-advocates by attending IEP meetings, understanding their strengths and weaknesses, identifying what accommodations and modifications are necessary for their success, and learning how best to participate in monitoring the effectiveness of their IEP. Train students to lead a portion of their IEP meeting to increase self-determination/self-advocacy skills. The level of participation would depend upon the student's disabilities/abilities.
- Increase more inclusive program delivery across the District to mirror the state and national rates for less restrictive program options.
- Analyze the current service delivery models for inclusive instruction to make sure students receive adequate support.
- Frequently review the location of self-contained special education classes around the District to ensure that programs are distributed both equitably and geographically. Although the issue of transportation costs was not raised by any group, proximity of classes in the neighborhood of student residence may prevent unnecessary travel for students and undue cost for the District.

## *8. Student Outcomes*

- Review and address the 1% cap for participation of students in the state's alternate assessment following the guidelines published by the Montana Office of Public Instruction. Since the District has exceeded the cap for multiple years, it is critical to identify contributing factors and address them with benchmarks and timelines for improvement.
- Disaggregate special education data by school to better support the improvement of outcomes at each school. An improvement plan can be developed based on this data, jointly between the school and the special education office that includes an action plan, professional development, and timelines with benchmarks for measuring progress.
- Hold all schools accountable for the performance of students with disabilities regardless of group size. Compare student performance data over time to observe trends and patterns of the achievement of students with disabilities. Since the number of students with disabilities participating in state assessments can be small



at many elementary schools, it is critical to also conduct student-level analysis over time.

- Closely monitor student performance at regular intervals and provide targeted, effective support in a timely manner so students feel prepared for the rigor of the curriculum and for state and national assessments.
- Compile and analyze demographic, perception, and school process data in addition to student learning data in order to comprehensively assess the needs of students with disabilities and to plan for the continuous improvement of the special education program.
- Consider appointing a data team to collect, compile, and conduct ongoing data analysis and to assist with continuous improvement planning. Data review and discussion must become a part of every leadership team meeting at both the District and department level.

### *9. Professional Development*

- Ensure participation of special education teachers in training in curriculum and content and make instructional and supplementary resources available to them.
- Provide training for staff and leaders on effective strategies for addressing academics and behavior for students on the autism spectrum.
- Provide coaching and support for teachers who are struggling with students who are injurious to self and others. This can reduce staff injuries and increase safety.
- Provide mentors to new teachers and a support network for those that serve students with behavior issues.
- Survey paraprofessionals, teachers, and school leaders on professional development topics and provide targeted training based on need.
- Provide regularly scheduled professional development to develop staff capacity to address the instructional needs of diverse students. Require District and school administrators to attend the training so they can effectively ensure implementation.
- Offer various platforms such as webinars, Live chats, online courses, and professional learning communities in addition to face to face meetings.
- Facilitate opportunities for peer observations/feedback within the school or at other schools in the District or in other districts. Book studies and opportunities to formally and informally share ideas for effective instructional strategies with peers may also be professional development strategies worth exploring.



- Consider accessing professional development on data analysis for continuous improvement to institute a systemic culture of data-driven decision making.
- Provide training and support in developing standards-based IEPs with measurable goals so that it informs data collection, progress monitoring, and progress reporting.
- Provide ongoing professional development training on the implementation of MTSS, and UDL and on developing and implementing targeted accommodations for students.
- Consider implementing classroom coaching to include differentiation of content, process, and product and flexible grouping strategies by readiness, interest, and learning profile. Coaching can be provided by school and District instructional leaders.
- Include paraprofessionals in professional development opportunities available to teachers so that they can collaboratively improve instruction.

#### *10. Parent Engagement*

- Convene a parent advisory committee with membership that represents each of the Board of Trustees regions. The membership can be voluntary or selected by the District. Schedule regular meetings to seek input into programming and policy issues from the committee.
- Schedule parent meetings and training on issues of importance to parents of students receiving special education. Survey parents on topics that are relevant to the education of their children.
- Develop a brief parent survey to send to parents after annual IEP meetings to get their feedback on their satisfaction with the process.
- Consider appointing an ombudsperson to serve as a point of contact for parents of students with disabilities.

#### *11. Compliance*

- Have the District's legal counsel update the legal citations in the 2161 policies in light of the feedback provided in the legal review, and have the Board of Trustees formally adopt these revisions in due course.





- Have the District's legal counsel examine the legal review's feedback for the draft Special Education Procedural Manual and, at an appropriate time, issue a revised copy for use by District personnel.
- Periodically collect and review the number and nature of formal special education complaints with the dual focus of minimizing perceived dissatisfaction and maximizing effective resource allocation via proactive practices and prudent formal dispute resolution.
- Continue to maintain compliance with all the State Performance Plan indicators for special education.

## 12. Transportation

- Ensure that only students who qualify for transportation as a related service are provided transportation under Section 504 and special education.
- Ensure that safe and appropriate vehicles are available for students for community based instruction.

## NEXT STEPS

Billings Public Schools is a respected school district with strong, student-centered leadership; competent, knowledgeable, energetic, passionate, caring, and hard-working staff; and committed parents and community members who are invested in supporting the District and its students. By thoughtfully and mindfully addressing the needs of students with disabilities, the District can not only continue to maintain compliance with state and federal requirements but also achieve sustainable student success for years to come.

This report contains many recommendations for the District to consider in improving its special education program. District leaders may want to share the report with all stakeholders—parents, teachers, administrators, Board of Trustees, and community members for their review. With their input, the District may then want to develop a continuous improvement plan that prioritizes these recommendations for immediate and future implementation.

## RESOURCES

The following resources are offered to assist the District with its research for evidence-based practices and resources for improving outcomes for students with disabilities:



*Systemic Special Education Support*

- *Council of the Great City Schools*  
<https://www.cgcs.org>
- *Data Analysis for Continuous School Improvement, Victoria L. Bernhardt, Ph.D.*  
<https://edforthefuture.com>
- *Goalbook*  
<https://goalbookapp.com>
- *Unique Learning System by N2Y*  
<https://www.n2y.com/unique-learning-system/>
- *US Department of Education, Office of Special Education and Rehabilitative Services*  
[www.ed.gov](http://www.ed.gov)



## APPENDIX 1. REVIEWER BIOGRAPHICAL SUMMARIES

Sowmya Kumar is a long-time special educator who has a systemic and student-centered approach to implementing programs and services for students who are at risk for learning due to disabilities, poverty, and limited language acquisition. She has a track record for improving programs and outcomes through continuous improvement planning based on data analysis and frequent monitoring of progress. Sowmya is a proponent of balancing compliance monitoring with improving outcomes for students through targeted professional development, clear and accessible operating guidelines, aligned resources and ongoing coaching, mentoring and support. She has conducted program reviews for special education, bilingual education and federal title programs at the state, regional and national levels.

In her long career, Sowmya has served in a variety of roles in New York, New Jersey and Texas at the school, district, and regional levels. For 7 years, she was the Assistant Superintendent of Special Education for the Houston Independent School District, the 7th largest school district in the nation, ensuring quality services for students with disabilities under Section 504 and the IDEA. She was an Education Specialist at Region 4 Education Service Center in Houston for thirteen years where she focused on developing products and providing professional development and technical assistance around school improvement, interpreting and implementing federal laws and state policies, funding, and state and federal accountability. Prior to moving to Houston, she served as Director of Special Services in Hackettstown, New Jersey for 6 years, and in



teaching and educational diagnostician roles in a few other school districts in New York and New Jersey.

In 2017, Sowmya founded Systemic Special Education Support, and has been working as a thought partner with school districts and organizations that seek her guidance and expertise in improving special education services,

Sowmya has a B.A in Chemistry from Queens College, City University of New York; and an M.A in Special Education/ Supervision and Administration from Teachers College, Columbia University.

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Perry A. Zirkel is university professor emeritus of education and law at Lehigh University, where he formerly was dean of the College of Education, and subsequently held the Iacocca Chair in Education for its 5-year term. He has a Ph.D. in Educational Administration and a J.D. from the University of Connecticut, and a Master of Laws degree from Yale University. Perry has done presentations in every state in the United States. He has written more than 1,600 publications on various aspects of school law, with an emphasis on legal issues in special education. He also writes a regular column for Exceptionality journal, NASP's Communiqué newsletter, and had previously written such columns for Phi Delta Kappan, Teaching Exceptional Children, and NAESP's Principal magazine.

Past president of the Education Law Association and co-chair of the Pennsylvania



*Systemic Special Education Support*

special education appeals panel from 1990 to 2007, he is the author of the CEC monograph: *The Legal Meaning of Specific Learning Disability*; the more recently published books: *A Digest of Supreme Court Decisions Affecting Education and Student Teaching and the Law*; and the 2- volume reference *Section 504, the ADA and the Schools*.

In 2012, he received the Research into Practice Award from the American Educational Research Association (AERA) and the Excellence in Research Award from AERA's Division A (Administration, Organization & Leadership). In 2013, he received the University Council for Educational Administration's Edwin Bridges award for significant contributions to the preparation and development of school leaders. In 2016, Perry received the Education Law Association's Steven S. Goldberg Award for Distinguished Scholarship in Education Law. In 2017 he received the Council for Exceptional Children's Special Education Research Award. In 2021, he received the President's Award for Excellence from the National Association of School Psychologists.

He provides a monthly special education legal update and shares his publications via his website [perryzirkel.com](http://perryzirkel.com)

APPENDIX 2. BILLINGS PUBLIC SCHOOLS – OCR, OPI DUE PROCESS AND OPI STATE COMPLAINTS

DATE	FORUM	ALLEGATIONS	STATUS
12/16/13	OCR Complaint	Complaint alleged the School District had retaliated against the parent of the student for filing a complaint with OPI and for her advocacy on behalf of her son, a special education student.	OCR investigated and determined that the evidence did not support a conclusion that the District retaliated against the parent or failed to comply with Section 504 or Title II
10/29/14	OCR Complaint	Complaint alleged disability discrimination by failing to provide the students with FAPE.	OCR contacted the District for early conflict resolution, no resolution reached, however, no contact from OCR or ECR since late 2014.
10/29/15	OPI State Complaint	Complaint alleged denial of FAPE in the areas of assessment and evaluation, transition goals and services and communication and so the student has shown general lack of progress. The parents assert that the District's 2011 policy change which treats special education and regular education students the same now deprives TPM of the full benefit of her education.	On January 11, 2016, OPI found that the District had failed to perform transition assessments and to comprehensively evaluate the student in all areas including communication and assistive technology. OCR found that the District failed to provide FAPE to TPM, and she had not been meeting her goals so she was entitled to continue in the District for an additional year. The District was required to provide staff training, additional assessment and evaluation of the student, and compensatory educational services



			to the student.
02/10/16	OPI Due Process	Parent filed request for due process hearing to challenge District's proposed placement of the student in a more supportive classroom at a different elementary school to better serve the student's needs.	Hearing held on 4/18 and 4/19/2016. The hearing officer issued Findings of Fact and Conclusions of Law on 4/29/16 determining that the IEP proposed by the District should be implemented as it provided FAPE to the student.
02/04/16	OPI State Complaint	Complaint alleged the District failed to complete timely and appropriate transition assessments, write transition goals, and provide transition services, denied the student FAPE because the 2015 IEP was not reasonably calculated to provide educational benefits, and failed to provide reading goals and services in the 2014 IEP. During investigation, an issue arose whether the District failed to follow District policy when considering whether the student was eligible for a waiver of the maximum age of mandatory enrollment.	OPI determined on 2/26/16 that --the District did not consider parents' request for a reevaluation or conduct appropriate transition assessments and so it was impossible to draft appropriate transition goals or offer appropriate transition services. --the student was denied FAPE in 2/5/15 IEP. --FAPE was not denied for the student re reading --the District failed to follow its policy when considering whether the student was eligible for a waiver of the maximum age of mandatory enrollment. OPI ordered the District to provide staff training, revised IEPs, additional assessment and evaluation, and compensatory ed. services to the student.

02/25/16	OPI Due Process	District filed a request for due process hearing, proposing successive IEPs for which the parents did not agree with any portion and will not sign the IEP with or without exceptions.	Parties reached settlement. Order dismissing case with prejudice on 2/22/17.
06/08/16	OCR Complaint	Complaint alleged discrimination on the basis of national origin by failing to provide EC with appropriate alternative language services to enable him to fully participate in and benefit from educational program.	Ongoing attempt to mediate was held from the end of 2017 through May 2018. As of 2020, OCR was evaluating whether dismissal would be appropriate in light of the passage of time and substantive changes made to policies and procedures in the District's ELL program. Nothing since from OCR.
01/21/16	OPI State Complaint	Complaint alleged denial of FAPE and, as a result, that the student had shown general lack of progress.	OPI determined that the District had provided FAPE and provided some additional recommendations and guidance, requesting the District to submit a copy of student's IEP for the next school year. The parties entered into an agreement on 6/7/16.
2017	OPI State Complaint	Complaint alleged failures (a) to provide FAPE, (b) to provide educational records promptly when requested by parent, and (c) to protect student's privacy by improperly sharing student's records.	OPI determined that the student was not denied FAPE and there were no violations of Part B. Due to the ongoing nature of missed speech and language sessions over the course of one school year, the District offered to provide compensatory education in speech and language for a





			10-week period.
2018	OCR Complaint	Complaint alleged disability discrimination by not allowing him to participate in school-sponsored football because he is enrolled at Yellowstone Academy.	On 7/25/18, OCR determined that the evidence did not support a conclusion that the district failed to comply with Section 504 or Title II.
01/17/18	OCR Complaint	Complaint alleged that certain pages on the district's website are not accessible to persons with disabilities.	OCR dismissed complaint – 3/29/18
05/09/18	OPI Due Process	District requested due process hearing, proposing placement in a specialized special education classroom. Parents decided to place K.S. in private school and sought tuition reimbursement from the District.	Hearing officer ordered the District to provide tuition reimbursement. Parties reached a settlement
02/04/19	OCR Complaint	Complaint alleged that the District knew that their child had a disability but failed to evaluate and implement an IEP and further alleged that the School District expelled B.H. from school in violation of the IDEA.	The parents and OCR did not pursue this matter, but we have not received a notice from OCR closing this file. It appears that we only received a copy of the complaint from the parent, not from OCR
03/01/19	OCR Complaint	Complaint alleged failure to implement the student's Section 504 plan regarding excused absences for disability-related reasons,	On 06/26/19, OCR determined that the evidence did not support a conclusion that the district failed to comply with Section 504



		thereby dropping the student from the district's education program for absenteeism.	
10/10/19	OPI State Complaint	Former teacher at Riverside Middle School filed a complaint with OPI on behalf of 6 <sup>th</sup> and 8 <sup>th</sup> grade students in her resource English class, alleging that the District violated IDEA and Montana special education laws by placing special education students in detention, which caused them to miss instruction and special education services.	In December 2019, OPI determined that while the District did not fully comply with the IDEA disciplinary mandates and LRE requirements, it did not rise to the level of a systematic violation of Part B of the IDEA. For 2 specific students, the District was required to schedule an IEP meeting, provide documentation to OPI, and provide training for all special education personnel.
03/18/20	OCR Compliant	Complaint alleged discrimination on basis of disability when revoked student's out-of-district enrollment agreement	The District entered into a Voluntary Resolution Agreement with the complainant.
08/07/20	OCR	Complaint alleged that the District failed to appropriately respond to reports that the student was being harassed on the basis of his disability.	OCR investigation still pending, but no communication from OCR on this matter since April 2021
2021	OPI State Complaint	Parent alleged the District violated the IDEA	OPI found that the School District did not violate Part B of the IDEA



06/08/22	OCR Complaint	Complaint alleged that District violated Section 504 in suspending the student for 18 days; excluding the student from the lunchroom and lunch recess for 10 days; and failing to address peer harassment of the student.	OCR investigation still pending
09/01/22	OPI State Complaint	Complaint alleged that the District violated the parent's opportunity to participate by failing to provide notice of the IEP meetings and by failing to include the parent as a member of the IEP team.	OPI found that the District made minor errors on the meeting notice forms but did provide proper notice to the parent and that the District did not deprive the Parent of her opportunity to be a member of the IEP team, thus not violating the IDEA.
09/22/22	OPI Due Process	District filed for expedited due process hearing	District withdrew expedited due process request and parties entered into mediated settlement agreement.
11/16/22	OPI State Complaint	Complaint alleged that the District improperly disclosed personally identifiable information of special education students and failed to allow their parents to inspect and review their educational records.	OPI investigation pending