



SB 14 and Special Education in Montana

1. **Would the passage of SB 14 change the special education requirements for school districts?**
 - a. No. Under the Individuals with Disabilities Education Act (IDEA) states are allowed to determine the maximum age of attendance for students. With Montana's strong local control laws this determination is made by the local school board.

2. **What is the maximum age of attendance now?**
 - a. Based on a requirement in the IDEA, the special education division at OPI collects district attendance policies. Local school boards typically have adopted the model policies made available by the Montana School Boards Association. In the vast majority of school districts students are allowed to attend if they have not yet turned 19 years of age by September 10th. The Office of Special Education Programs at the Department of Education officially acknowledges that the age cohort for Montana is from age 3 to age 18.

3. **Can a school district waive the attendance policy and allow a student to attend beyond age 19?**
 - a. Yes. During the 2011-2012 school year Montana schools reported a total of 37 students with disabilities who were age 19 and exited special education by receiving a regular diploma. This means that these students were 19 years old on the enrollment count date in October and were allowed to complete their education.

4. **Are districts required to allow students with disabilities to continue to attend if ANB funding is provided for students who are 19 on the count date?**
 - a. No. The district attendance policy applies equally to all students.

5. **If a school district changed the attendance policy to allow 19 year olds to attend would that change mean that students with disabilities who were 19 could continue to attend school?**
 - a. Yes. The district attendance policy applies equally to all students.