



Disability Rights Montana

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Class Action Filed, Montana Only State in America Not Educating Disabled Students Beyond Age 18.

Helena, MT— Two Montana high school students with disabilities and Disability Rights Montana have filed a class action lawsuit against Montana Superintendent of Public Instruction Susie Hedalen and Governor Greg Gianforte. The lawsuit challenges Montana’s policy of ending special education services for students with disabilities at age 18, despite federal law granting them a right to education until age 22.

“Education is not just about a diploma—it’s about gaining the skills to live independently and contribute to our communities,” said a parent representing the students involved in the case. “I am fighting for my child’s place in the community, and for all other students with disabilities who deserve recognition of their inherent value.”

Under the Individuals with Disabilities Education Act (IDEA), students with disabilities are entitled to a Free Appropriate Public Education (FAPE) until they reach age 22 or earn a regular high school diploma. However, under Montana law, most students lose their right to public education in the year they turn 18. Montana regulations allow schools to award students with disabilities diplomas based on meeting the goals in their Individualized Education Program (IEP) rather than meeting the same academic standards as their non-disabled peers.

“This case is about fundamental fairness and giving students with disabilities the time they need to prepare for further education, employment, and independent living” said Tal Goldin, Director of Advocacy at Disability Rights Montana and counsel for the Plaintiffs. “Montana provides publicly funded education to non-disabled adults beyond age 18 yet denies the same access to students with disabilities. This is exactly the kind of discrimination that, if eliminated, can strengthen our communities.”

The lawsuit seeks to ensure that students with disabilities in Montana receive the full education they are entitled to under the IDEA. Montana’s current law denies students with disabilities the chance to continue their education and develop critical life skills. Disability Rights Montana represents the plaintiffs along with national co-counsel Jason H. Kim of Schneider Wallace Cottrell Konecky, LLP, Gerald S. Hartman of the Barbara McDowell Social Justice Center, and Richmond, VA attorney James D. Jenkins. The complaint was filed with the U.S. District Court in Helena, MT.

Disability Rights Montana (DRMT) is the federally mandated protection and advocacy system for Montana. DRMT protects the human, civil, and legal rights of individuals with disabilities through advocacy, legal representation, and education. DRMT supports Montanans with disabilities in access to public services; independent living; education; employment; living free from abuse, neglect, exploitation and discrimination, and in other areas. DRMT's goal is to actualize full inclusion of disabled Montanans aiming toward an environment where all Montanans can live, work, and participate fully in their communities through self-determination. Disability Rights Montana is thankful for the contributions of national co-counsel in pursuing this important case.

The Barbara McDowell Social Justice Center dedicates itself to advancing social justice through litigation, education, advocacy, and grantmaking and is gratified to have the opportunity to join with Disability Rights Montana and other counsel in a class action on behalf of disabled youths in Montana who have been denied the full opportunity for a FAPE under IDEA.

Schneider Wallace Cottrell Konecky LLP is a national litigation law firm founded in 1993 that handles complex legal claims. From offices in California, Texas, and Puerto Rico, its lawyers represent classes of individuals, businesses, institutions, and individuals in jurisdictions nationwide. The firm focuses on class action, mass tort, and other complex commercial cases.

