

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

A.H., by and through her parent, L.H.;
and A.K., by and through is parent,
V.B., on behalf of a class of those
similarly situated; and DISABILITY
RIGHTS MONTANA,

Plaintiffs,

v.

SUSIE HEDALEN, in her official
capacity as Montana Superintendent of
Public Instruction; GREG
GIANFORTE, in his official capacity
as Governor of the State of Montana,

Defendants.

CV 25–20–H–DLC

AMENDED JUDGMENT

On August 13, 2025, the Court entered its Judgment (Doc. 25) (the “Original Judgment”) based on the Parties’ Joint Motion to Enter Judgment (Doc. 24) pursuant to Defendant’s accepted Offer of Judgment (*See* Docs. 23 and 23-1).

Paragraph 16 of the Original Judgment set forth a process for the Parties to resolve payment of Plaintiffs’ attorneys’ fees and costs and extended the time for Plaintiffs to file their petition for fees and costs if the parties could not reach agreement. The Parties have since reached agreement on the issue. (Doc. 28 at 1.)

Additionally, subsequent to the Original Judgment, the Parties noted a typographical error in a citation to the Administrative Rules of Montana in Paragraph 4 of the Original Judgment, which should be amended to identify the correct regulation and subsection the Court determined violated the Individuals with Disabilities Education Act (IDEA) in the Original Judgment.

The Parties have filed their Joint Motion to Amend Judgment (Doc. 28) asking the Court to amend the Original Judgment to correct this typographical error and incorporate their agreement on fees and costs (Doc. 28). For good cause shown,

IT IS ORDERED that:

1. The Joint Motion to Amend Judgment (Doc. 28) is GRANTED.
2. Paragraph 4 of the Original Judgment is replaced with the following amended Paragraph 4:
 4. Defendants stipulate that Mont. Admin R. § 10.55.805(4) violates the IDEA to the extent that it allows a school district to terminate special education services for students who have not earned a regular high school diploma or reached the age of 22.
3. Paragraph 16 of the Original Judgment is replaced with the following amended Paragraph 16:
 16. The Parties reached an agreement on Defendants' payment of Plaintiff's attorneys' fees and costs accrued to date in this

action. Within 30 days of this Amended Order, Defendants shall pay to the “Disability Rights Montana Trust Account” the sum of \$55,000.00, which sum shall be in full satisfaction of all attorneys’ fees and costs owing to Plaintiffs or any of their counsel in this action to date. This Court has the authority to award fees and costs in this case pursuant to 20 U.S.C. § 1415(i)(3)(B)(I).

4. All other provisions of the Original Judgment shall remain in full force and effect, except as expressly modified by this Order, including all deadlines not expressly modified by this Order, which run from the dates set forth in the Original Judgment.

DATED this 3rd day of October, 2025.



Dana L. Christensen, District Judge
United States District Court