

EXHIBIT

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**MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS & CLARK COUNTY**

The MONTANA QUALITY
EDUCATION COALITION;
DISABILITY RIGHTS MONTANA,

Plaintiffs,

vs.

STATE OF MONTANA, *et al.*,

Defendants,

vs.

SUE VINTON, in her official capacity as a
member of the Montana House of
Representatives and Sponsor of HB 393,

Intervenor-Defendant.

Cause No. ADV 2024-44

Declaration of Clifton Grilley

State of Montana)
) ss.
First Judicial District)

I, Clifton Grilley, declare as follows:

1. My wife Angela and I are residents of Power, Montana. I am an adult over the age of 18 years, have personal knowledge as to all matters contained herein, and am fully competent to make this declaration.

2. We are the parents of three sons, two of whom have special needs. W.G. is an eleven-year-old boy and a sixth grader at Choteau Public Schools, and E.G. is a thirteen-year-old boy and seventh grader at Choteau Public Schools.

3. My wife and I have sole legal and physical custody of our children.

4. I served in the United States Navy for 22 years, retiring with the rank of E-7 (Chief Petty Officer) in May of 2022. I currently maintain inactive reserve status with the United States Navy.

5. After I retired from the U.S. Navy, we returned with our family to Montana, where I grew up. In Montana I farm and serve as a water district superintendent. Angela works as a homemaker.

6. Our son W.G. is a high functioning child with autism.

7. Our son E.G. is a child with dysgraphia.

8. While in public school in San Diego, W.G. had an Individualized Education Program (“IEP”) under the federal Individuals with Disabilities Education Act (IDEA).

9. W.G.’s IEP provided occupational therapy among other accommodations to improve his typing, handwriting, sensory sensitivity, and general regulation of behavior.

10. When we transferred W.G.’s IEP to Choteau Public Schools, school staff changed his IEP, including removing the occupational therapy services. They reduced his services without performing the needed evaluation.

11. While W.G. has been enrolled at Choteau Public Schools, a co-op system called Big Sky Cooperative—and not Choteau Public Schools—has provided W.G.'s IEP services. Accordingly, W.G. spends half of each school day in a regular classroom and half with para-professionals providing IEP services.

12. After revisiting W.G.'s IEP with school staff, we were able to add some occupational therapy, but the therapy offered is mainly provided by unqualified para-professionals at Big Sky Cooperative.

13. W.G. has regressed over the last three-and-a-half years with the diminished services provided. His agitations have returned including hitting himself, kicking, and exhibiting meltdowns.

14. No one at Choteau Public Schools or Big Sky Cooperative had the training necessary to address W.G.'s needs. At our insistence, they have made some attempts to address his needs, but the services are not as good as he needs.

15. E.G. received an IEP from Choteau Public Schools. While the school has classified him as having dysgraphia, I believe autism is a more accurate classification. The different classification may be contributing to the lack of services offered to him.

16. Under the diagnosis for dysgraphia, he is provided with additional time to take tests and afforded the use of a resource room which is a quiet area where he can ask questions to a classroom monitor.

17. The occupational therapist at Big Sky Cooperative determined that E.G. would not benefit from her services. However, it is our belief that the school could address his handwriting difficulties and other issues in occupational therapy.

18. We have been frustrated with the uphill battle with the local school district to obtain needed services for our sons. We believe that many existing services and interventions were achieved only through our advocacy and that the services are still lacking compared to what our sons need.

19. We also recognize that Choteau Public Schools has a higher-than-average number of special education students and that they are overwhelmed with the needs of their students.

20. We previously attempted to transfer our sons to a different public school that offers the services they need. We enrolled in the school and their current school sent the IEPs, but the day before school started, the school informed us that it was at capacity and could not accept our sons.

21. In May 2024 we applied to the Montana Office of Public Instruction for both W.G. and E.G. to participate in the Montana Special Needs Equal Opportunity Education Savings Account Program.

22. We intend to use the ESA funds available to us under HB 393 to educate our sons through a hybrid homeschool program where they will have better resources available to them. We see this as the best option due to the geographical location of our home and services available. We also intend to obtain needed services, such as occupational therapy or speech therapy, even if the ESA funds do not cover all costs. We intend to begin the hybrid homeschool program for both boys as soon as ESA funds are available in July 2024.

23. The ESA option allows us as parents to find the right programs for our special-needs children when our local public school does not have the time, space and expertise to provide the appropriate programs.

24. We generally believe in the ideals of public education and want our local school district to succeed in improving its services for special needs students. We hope the Montana special needs ESA program will not only help our sons acquire an appropriate education, but also will enable competition

that will prompt public schools to improve their offerings so that other families will have better choices for their children with special needs.

I declare under penalty of perjury that the foregoing is true and correct.



Clifton Grilley

17 MAY 2024
Date

POWER, MT

City and State