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Attorney for Intervenor-Applicants

MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS AND CLARK COUNTY

JESSICA FELCHLE; BEAU WRIGHT; the
MONTANA QUALITY EDUCATION
COALITION; the LEAGUE OF WOMEN
VOTERS OF MONTANA; SHARON
CARROLL; SUZANNE MCKIERNAN;
LINDA ROST; PENELOPE COPPS; LANCE
EDWARD; and CORINNE DAY,

Plaintiffs,

vs.

STATE OF MONTANA; GREG GIANFORTE,
in his official capacity as GOVERNOR OF
THE STATE OF MONTANA; and ELSIE
ARNTZEN, in her official capacity as
SUPERINTENDENT OF PUBLIC
INSTRUCTION,

Defendants.

Cause No.: D DV-25-2023-0000425-IJ

Hon. Chris Abbott

**Declaration of Kasey Koehler in
Support of Intervention**

I am over the age of 18 and competent to testify to the following:

1. I am an educator and former school administrator with over 20 years of experience as a teacher and principal in traditional public education, approximately 15 years of which has been focused on special needs education. The primary focus of my training and experience involves the needs of students and the parents of those students in a special needs educational setting.

2. I have a Bachelor of Arts degree in Human Development, a Master of Education in Special Education & Teaching, and a Master of Education in Educational Leadership.

3. I have served as both an administrator and a teacher. I have experience developing and organizing leadership teams, growing and supervising educational programs, planning curricula, and setting goals for school and student success. In 2018, I was honored to be a recipient of the Outstanding Special Education Teacher Award by the National Association of Special Education Teachers.

4. In my experience, I have witnessed positive impacts of the traditional public school system. Unfortunately, I have also witnessed aspects of the traditional public school model that have not been beneficial to students and have, in fact, impeded student progress, especially for students with special needs.

5. Based on my training and experience, it has become clear to me that a different public school model is needed for special needs students and other students who are not thriving in traditional public school, especially in the communities in which I have taught and been an administrator. I am excited by the potential that the Community Choice Schools Act (HB 562) offers to these students. I believe it is precisely the model that is needed to allow flexibility and curriculum development for the benefit of all students..

6. In 2023, I resigned my position as a school administrator in Miles City, and I am in the process of developing a Community Choice School under HB 562. The vision of the school is to include a large component focused on special needs students. Therefore, I am developing a curriculum that is designed specifically to address the educational needs and goals of our students, including those students with special needs.

7. Traditional public schools typically group students by age, rather than learning level. I believe the goal should be that students are in an environment where they are best able to progress, whether special needs students or general education students (“GenEd”). For some students, that means they need to be challenged by coursework beyond their age level. Other students need focused attention on coursework that may be below what would be considered their age level so that they can master the material and have a better foundation for development and academic success.

8. Students with special needs who have an Individualized Education Plan (“IEP”) benefit significantly by learning in an integrated learning environment with GenEd students. Yet, depending on the severity of the IEP, integrated learning is often limited in public schools to classes known as “specials,” like art, P.E., and library. There are many students with an IEP that are unable to receive integrated instruction in core subjects like math and science. This is because traditional public schools generally require that students be taught in the grade level they are assigned based on their chronological age; not their abilities. A more effective model includes comprehensive integration, but at an appropriate level, which may not always correlate with age.

9. Many Gen Ed students also have individualized needs that are often lacking in the traditional public school sector. Many GenEd students are below proficiency in a core subject such as reading, writing or math, yet they are not given the specific interventions to assist them. The advantage of the Community Choice School that I am creating is that the flexible curriculum will allow these students to work in groups at the level in which they are currently successful while giving them the tools needed to increase their abilities. For some students, that will mean

they will need additional and focused support to help them master the material. Conversely, other students may be ready for more advanced material.

10. Another advantage of a Community Choice school for these students is that a smaller educational setting can focus attention on students' individualized needs and recognize when they are at risk of developing gaps in learning or are not being challenged. With a Community Choice school, there is much more flexibility in designing class structure and size for personalized learning. This can be extremely important in avoiding learning gaps for students and ensuring that students are engaged in their learning.

11. Community Choice schools are also allowed to form governing boards with individuals in locations other than within the school district in which we are located or contiguous school districts. That allows a Community Choice public school like the one I am forming to draw on specialized experience of individuals outside my school district or contiguous districts.

12. HB 562 also allows for a virtual school component, which will be beneficial to some students. A virtual school component for some classes in the school I am forming will be discussed and introduced when/if we can ascertain that the high level of academics can be maintained through a virtual learning component for our students, both GenEd and Special Ed.

13. As a teacher, it is incredibly rewarding to see students who are challenged and learning at the level that most meets their needs, and that is especially true for students with an IEP. A tailored learning experience gives students confidence, it best prepares them for their future, and it often gives them a love of learning. Traditional public schools in which I have been an administrator and teacher have resisted that model or have not had the flexibility to implement it. The result has been that many students become frustrated and ill-prepared for their

futures. The goal should not be simply passing students through to graduation. The bottom line is that kids do best in an environment where they are challenged. But if a student has academic gaps, it does them no good to pass them through subjects that they do not understand. That impedes their ability to learn the material at more advanced levels, if at all. It also impedes student achievement and engagement. The traditional public school model fails many of these students who would benefit from more individualized instruction.

14. The plan for my school is to be small the first year, and grow in each subsequent year to accommodate student and parent needs. I know that maintaining the budget to provide for qualified, licensed teachers is necessary as well as to have the data to show the results that we are seeking.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my understanding and knowledge.



A handwritten signature in black ink that reads "Kasey Koehler". Below the signature, the name "KASEY KOEHLER" is printed in a small, sans-serif font.

—
September 15, 2023

Kasey Koehler

Miles City, Montana

CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit in Support to the following on 09-15-2023:

Rylee Sommers-Flanagan (Attorney)

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Electronically Signed By: Dale Schowengerdt

Dated: 09-15-2023