



ADMINISTRATIVE RULES OF MONTANA



10.16.3345 LOCAL EDUCATIONAL AGENCY RESPONSIBILITY FOR PROMOTION OF STUDENTS WITH DISABILITIES

- (1) The local educational agency shall have procedures to ensure continuation of a free appropriate public education for students with disabilities when promoting the student from preschool to elementary school and from elementary school to junior high or middle school and from junior high or middle school to high school.
- (2) Whenever a student with disabilities is receiving special education and related services in a nongraded program and the student is age 14 on or before September 10th of the school year, the responsibility for ensuring a free appropriate public education changes from the elementary local educational agency to the high school local educational agency.
- (3) Chronological age and physical development should be strong factors in the decision to move a student from the junior high or middle school to the high school. Consideration also must be given to the least restrictive environment principle in planning for promotion.
- (4) A student with disabilities shall be promoted or retained according to local educational agency criteria unless waived in the student's IEP.
- (5) A student with disabilities who has completed a prescribed course of studies shall be eligible for graduation from high school.
 - (a) A student who has successfully completed the goals on the IEP shall have completed a prescribed course of study.
 - (b) Documentation of completion of the annual goals shall be included in the periodic review of the IEP.

Authorizing statute(s): 20-7-402, MCA

Implementing statute(s): 20-7-403, 20-7-414, MCA

History: NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.