



ADMINISTRATIVE RULES OF MONTANA



10.16.3141 SUPERINTENDENT OF PUBLIC INSTRUCTION RESPONSIBILITY FOR MONITORING

- (1) The Superintendent of Public Instruction shall provide an ongoing and systematic monitoring process consistent with the requirements of 34 CFR 300.600 through 300.602 and 300.606 through 300.608 to ensure compliance with IDEA and its implementing regulations at 34 CFR, part 300, and Montana statutes pertaining to special education at Title 20, chapter 7, part 4, MCA, and implementing administrative rules at ARM Title 10, chapter 16. The procedures shall apply to all educational programs for students with disabilities including those administered by other state agencies and educational programs for students with disabilities referred to or placed in private schools by a public agency.
 - (a) The procedures shall include:
 - (i) review of local educational agency policies, procedures, services, and performance data;
 - (ii) determination of the need for further information, on-site visitation, training, technical assistance, or intervention;
 - (iii) development of strategies to enable the local educational agency to improve services, educational practices, and outcomes for students with disabilities;
 - (iv) Superintendent of Public Instruction review of the performance of each local educational agency on the targets in the state's performance plan in accordance with 34 CFR 300.608 and 300.646; and
 - (v) procedures for identification of noncompliance and its correction including:
 - (A) the local educational agency's response to the findings;
 - (B) written documentation verifying immediate discontinuance of the violation, elimination of any continuing effects of past violations, and prevention of the occurrence of any future violations and the steps taken to address the violation; and
 - (C) verification of compliance by the Superintendent of Public Instruction.
- (2) If a local educational agency is not meeting the requirements under Part B of IDEA, including the targets in the State Performance Plan, or fails to voluntarily take steps to correct an identified deficiency or fails to take any of the actions specified in a local educational agency corrective action plan, the Superintendent of Public Instruction shall notify the local educational agency in writing of the actions the Superintendent of Public Instruction intends to take in order to enforce compliance with IDEA and its implementing regulations, and Montana statutes pertaining to special education and implementing administrative rules.

- (a) The notice shall include a statement of the actions the Superintendent of Public Instruction intends to take, right to a hearing, and consequence of the local educational agency's continued noncompliance on its accreditation status and approval for state and federal funding of special education services.
- (b) The Superintendent of Public Instruction may initiate one or more of the options under ARM 10.16.3121 and implement the provisions of 34 CFR 300.608 to ensure compliance.

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

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

History: NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00; AMD, 2007 MAR p. 678, Eff. 5/25/07.