



ADMINISTRATIVE RULES OF MONTANA

10.16.3194 SUPERINTENDENT OF PUBLIC INSTRUCTION NOTIFICATION TO LOCAL EDUCATIONAL AGENCY OF INELIGIBILITY TO RECEIVE FUNDS UNDER PART B

- (1) Local educational agency federal funds applications shall be consistent with state and federal regulations and be completed according to application instructions and timelines as stated in notice of availability of federal funds.
- (2) The Superintendent of Public Instruction's approval procedures shall include:
 - (a) consideration of a local educational agency's response to program monitoring and the early assistance program as defined in ARM 10.16.3660, complaint investigation or due process hearing decisions which are adverse to the local educational agency;
 - (b) consideration of any previous Superintendent of Public Instruction or Board of Public Education decisions resulting in withholding of funds;
 - (c) determination of maintenance of fiscal effort; and
 - (d) consideration of an approved program narrative.
- (3) The Superintendent of Public Instruction shall provide written notice of approval of the application and federal funds award which shall include:
 - (a) amount of the funds approved;
 - (b) the period during which the local educational agency may obligate funds; and
 - (c) statement of federal requirements which apply to the use of the funds.
- (4) If an LEA is determined to be not eligible for receipt of Part B funds for failure to comply with any of the requirements under Part B and implementing federal and state regulations, the Superintendent of Public Instruction will not withhold funds without first providing reasonable notice and an opportunity for a hearing in accordance with 34 CFR 300.155.
- (5) If a local educational agency or education cooperative makes a significant amendment to its application for federal funds, the local educational agency or education cooperative shall follow the procedures for submitting the original application.

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.