

Legal

The OPI Legal Counsel provides legal advice and services to the Superintendent of Public Instruction and all divisions and programs of the Office of Public Instruction. The Legal Division consists of the chief legal counsel, an attorney assigned to special education matters, and two legal support staff. The Legal Division also supervises the Education Licensure Program.

The Legal Division:

- Drafts and reviews OPI documents, policies and contracts for legal content and compliance.
- Ensures OPI compliance with state and federal statutes and rules.
- Ensures Montana educators are qualified to be licensed by providing background check review, and investigation of issues potentially affecting applicants' qualifications for licensure.
- Represents OPI before the Board of Public Education in approximately 10 cases per year regarding educator licensure matters.
- Issues Superintendent of Public Instruction decisions on contested cases appealed from county superintendents and county transportation committees.
- Provides information on school law to parents, teachers and school officials fielding approximately 2,600 inquiries per year.
- Represents the Superintendent of Public Instruction in court proceedings.
- Assists with the adoption and amendment of administrative rules and of state education laws.
- Provides technical assistance to parents, schools and advocacy organizations regarding the delivery of free, appropriate public education for special education students. This includes resolving the vast majority of approximately 2,800 calls per year, which last year resulted in managing 17 due process hearings, and investigating and writing reports for 12 formal complaints.
- Resolves special education related legal questions and disputes through mediation and informal dispute resolution.
- Revises and produces *School Laws of Montana*, a post-legislative session compilation of Montana's statutory laws affecting our schools.