

281—120.23(34CFR303) Local educational agency.

120.23(1) General. “Local educational agency” or “LEA” means a public board of education or other public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of the state, or for a combination of school districts or counties as are recognized in the state as an administrative agency for its public elementary schools or secondary schools.

120.23(2) Educational service agencies and other public institutions or agencies. “Educational service agencies and other public institutions or agencies” includes the following:

- a.* “Educational service agency,” defined as a regional public multiservice agency:
- (1) Authorized by state law to develop, manage, and provide services or programs to LEAs; and
 - (2) Recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the state.
- b.* Any other public institution or agency having administrative control and direction of a public elementary school or secondary school, including a public charter school that is established as an LEA under state law.

c. Entities that meet the definition of “intermediate educational unit” or “IEU” in Section 602(23) of the Act, as in effect prior to June 4, 1997. Under that definition, an “intermediate educational unit” or “IEU” means any public authority other than an LEA that:

- (1) Is under the general supervision of the state educational agency;
- (2) Is established by state law for the purpose of providing FAPE on a regional basis; and
- (3) Provides special education and related services to children with disabilities within the state.

120.23(3) BIE-funded schools. “BIE-funded schools” includes an elementary school or secondary school funded by the Bureau of Indian Education, and not subject to the jurisdiction of any SEA other than the Bureau of Indian Education, but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the Act with the smallest student population.

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