10.55.604 VARIANCES TO STANDARDS

(1) A local board of trustees may apply to the Board of Public Education through the Superintendent of Public Instruction to implement a variance to a standard or a section of standards, excluding standards stating statutory criteria, standards pertaining to educator licensure or endorsement, and content standards as defined by the Board of Public Education and provided in guidance from the Superintendent of Public Instruction.

(a) In its application, the local board of trustees shall outline how and why its proposed variance would be workable, educationally sound, and designed to meet or exceed results under established standards and, where applicable, aligned with program standards under ARM 10.55.1101 through 10.55.1901.

(b) In its application, the school district shall provide evidence through official minutes of the board of trustees that local school community stakeholders were involved in the consideration and development of the proposed variance to standards. Stakeholder groups include trustees, administrators, teachers, classified school staff, parents, community members, and students as applicable. A district shall provide evidence it adopted its application for variance at an official, properly noticed meeting of its board of trustees.

(c) An application for variance to standards to take effect at the beginning of the academic year is due in writing to the Superintendent of Public Instruction no later than the first Monday in March. An application for variance to standards to take effect the second semester of the academic year is due in writing to the Superintendent of Public Instruction no later than the first Monday in July.

(d) Upon receipt, the Superintendent of Public Instruction shall refer applications for variance to standards to a pre-appointed review board. The Superintendent of Public Instruction shall facilitate and provide organizational support for the meetings of the review board.

(i) The review board shall consist of the following, appointed by the Superintendent of Public Instruction from a list of qualifying individuals jointly endorsed by MEA-MFT, Montana Rural Education Association (MREA), Montana Small Schools Alliance (MSSA), School Administrators of Montana (SAM), and Montana School Boards Association (MTSBA): one trustee, one district superintendent, one high school principal, one elementary principal, two high school teachers, and two elementary school teachers.

(ii) As needed, the review board shall seek advice from experts.

(A) The Superintendent of Public Instruction shall solicit a pool of experts from curriculum groups and educational associations to serve "on call" in an advisory capacity.

(B) The Superintendent of Public Instruction shall notify the review board of the pool participants with rationale and present them for review board approval.

(C) The review board shall notify the Superintendent of Public Instruction when and what type of experts are needed.

(D) The Superintendent of Public Instruction shall notify the appropriate pool of experts of this needed input and arrange for the pool member(s) to advise the committee.

(iii) The review board members shall serve five year terms with no limit to the number of terms any one person may serve. Terms shall be staggered where half

of all positions shall be filled every three years prior to the first meeting of the review board in the third year.

(e) The review board shall review all applications and use a uniform rubric, made available to districts in advance of applying to implement a variance to a standard or section of standards. The uniform rubric will ensure consistent and high quality applications from school districts across Montana.

(f) The review board shall provide its recommendations to the Superintendent of Public Instruction with a recommendation for approval, modification, or rejection of the review board's recommendation within 60 calendar days of the review board being referred an application.

(g) The Superintendent of Public Instruction shall provide the Board of Public Education with a recommendation for approval, modification, or rejection of the review board's recommendation.

(h) If the Superintendent of Public Instruction or review board finds an application to be preliminarily deficient, the superintendent shall advise the applicant school district why that application is not ready for consideration. The applicant district shall have the opportunity to change its application as suggested or submit it as originally proposed.

(2) The Board of Public Education shall approve or deny proposed variances to standards. If the board denies a proposed variance to standards, it shall remit in writing to the applicant school district why it has done so.

(3) If the Board of Public Education approves a proposed variance to standards, it shall initially do so for no more than two years pending ongoing review of the implementation by the Superintendent of Public Instruction.

(4) Following the second year of implementation of a variance to standards, the school district shall provide evidence to the Superintendent of Public Instruction that the methods selected by the district implement, meet, or exceed results that could have been achieved under established standards.

(5) If the Superintendent of Public Instruction finds the variance is workable and educationally sound, the Superintendent shall report findings and recommend continued approval to the Board of Public Education.

(6) If the Board of Public Education concurs with the Superintendent's recommendation, it may renew the variance for no more than three years.

(7) The Board of Public Education may subsequently renew the variance provided the district continues to show how the variance meets or exceeds established standards.

(8) If the Superintendent of Public Instruction finds the variance to standards is not working as intended or does not meet or exceed results that could be achieved under established standards, the superintendent shall recommend to the Board of Public Education that the variance be revoked.

(9) If the Board of Public Education accepts the Superintendent's recommendation to revoke a variance, the board's decision is final.

(10) A school district may discontinue an approved variance at any time. If it does so, it shall promptly notify the Superintendent of Public Instruction in writing.

(11) A school district may apply to the Board of Public Education through the Superintendent of Public Instruction to create a charter school.

(a) A charter school must provide an education that meets or exceeds the requirements of the Montana Constitution, state law, and school accreditation standards.

(b) The Board of Public Education may only grant charters to publicly funded schools or programs under the supervision and control of a locally elected board of trustees in an existing school district.

(c) The procedure by which a school district may apply to create a charter school and by which the Board of Public Education may approve, deny, evaluate, and renew a charter school shall be identical to that outlined in ARM 10.55.604.

(d) To be proposed by a school district and approved by the Board of Public Education, a charter school shall, at a minimum, guarantee the following:

(i) school district governance and control;

(ii) unrestricted, open student access;

(iii) compliance with all health and safety laws;

(iv) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;

(v) employee collective bargaining to the same extent as required or provided by state law; and

(vi) a plan for consideration of input by community members and staff as to formation and implementation issues. Consideration of input may be identified by formation of advisory committees involving staff and/or community members, conduct of a properly noticed public meeting for purposes of comment on the formation or operation of the charter school, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest to the public regarding the formation or operation of the charter school.

(e) A school district may discontinue an approved charter school at any time. If it does so, it shall promptly notify the Board of Public Education in writing.

History: 20-2-114, MCA; IMP, 20-2-121, 20-3-106, 20-7-101, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 1995 MAR p. 623, Eff. 4/28/95; AMD, 1998 MAR p. 2707, Eff. 10/9/98; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 2042, Eff. 7/1/13.

Montana
Office of Public Instruction
Denise Juneau, State Superintendent
opi.mt.gov

Date	Location	Applications	Documentation
August 4 & 5, 2015 -- No applications - meeting cancelled			
03/31/15	Comfort Inn, Helena, MT	**10.55.601(3) CSIP*** · Beaverhead County High School **10.55.705 Principal Assignment** · Cayuse Prairie 7-8 School · Canyon Creek 7-8 School **10.55.709 Librarian Assignment** · Troy 7-8 School · Thompson Falls 7-8 School · Bigfork 7-8 School **10.55.710 Counselor Assignment** · Corvallis (Edna Thomas & Corvallis 7-8) **Applications not considered due to request of variance to licensure:** **10.55.704 Supt Assignment** · Kila Elementary · Smith Valley Elementary · Swan River Elementary · Vaughn Elementary · Fair-Mont-Egan Elementary	• Agenda • VSRB Minutes - Unofficial • VSRB Recommendation to State Superintendent • State Superintendent Recommendation to BPE • BPE Minutes - Available after July BPE Meeting

- Continuous School Improvement Plan

August 6 & 7, 2014 – No applications – meeting canceled			
04/02-03/14	Red Lion, Helena, MT	**10.55.601(3) CSIP*** · Billings High Schools **10.55.705 Principal Assignment** · Independent Elementary **10.55.709 Librarian Assignment** · Laurel Middle School · Laurel High School · Malta K-12 Schools · Polson High School **10.55.710 Counselor Assignment** · Corvallis (Quentin Brown Primary)	• VSRB Recommendation to State Superintendent • State Superintendent Recommendation to BPE • May 8-9th, 2014 BPE Minutes
08/06/ 13	Holiday Inn Express, Helena, MT	**10.55.601(3) CSIP*** · Darby K-12 Schools · Manhattan High School · Powell County High School · Troy Public Schools · Flathead County High Schools · Sweet Grass County High School **10.55.710 Counselor Assignment** · Helena Elementary Schools	• Agenda • VSRB Minutes • VSRB Recommendation to State Superintendent • State Superintendent Recommendation to BPE • September 12, 2013 BPE Minutes