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## Education Interim Committee

### 66th Montana Legislature

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PAD MCCracken, Lead Staff  
LAURA SANKEY KEIP, Staff Attorney  
BRI NORDHAGEN, Secretary

TO: Education Interim Committee Members  
FROM: Laura Sankey Keip, Staff Attorney  
DATE: August 29, 2019  
RE: Administrative Rule Review – September 2019

The following administrative rulemaking action has taken place since the committee's first meeting of the interim in June:

#### **BOARD OF PUBLIC EDUCATION**

MAR Notice No.	<a href="#">10-55-289</a> - Amendment of Rules Pertaining to Accreditation Process
Status	PROPOSED
Public Hearing Date	August 21, 2019.
Public Comment Period	CLOSED: July 27, 2019 - August 26, 2019
Summary of Proposed Changes	<p>The Board has proposed amendments to rules governing the accreditation process. The proposed rule changes were developed through the negotiated rulemaking process and recommended by Superintendent Arntzen to the Board. The proposal adds a new definition for "state accountability system," ties student performance standards to the student assessment rule (ARM 10.56.101), and renames the 4 levels of accreditation status as categories of accreditation status (regular; regular with minor deviation; advice; deficiency).</p> <p>The Board held a hearing on August 21 and received no public comments at the hearing.</p>

MAR Notice No.	<a href="#">10-54-288</a> - Deadlines for Transformational Learning Aid Applications
Status	ADOPTED
Public Hearing Date	none
Public Comment Period	CLOSED
Summary of Adoption Notice	<p>The Board has adopted the deadlines for the applications for transformational learning aid. The application period opens October 1, 2019 and closes November 1, 2019.</p> <p>The new rule took effect as of July 27, 2019.</p>

MAR Notice No.	<a href="#">10-55-286</a> - Adoption and Amendment of Rules Pertaining to Hazard and Emergency Plans
Status	ADOPTED
Public Hearing Date	June 26, 2019
Public Comment Period	CLOSED
Summary of Adoption Notice	<p>The new rule requires local school board trustees to adopt policies addressing school safety or emergency operations plans and provides some required elements to be included in the plan, such as identification and assessment of risks, disaster drills, and training. The Board did not receive any public comments regarding the proposed rules.</p> <p>The rules took effect on July 27, 2019.</p>

MAR Notice No.	<a href="#">10-56-285</a> - Adoption and Amendment of Rules Pertaining to Student Assessment
Status	ADOPTED
Public Hearing Date	June 26, 2019
Public Comment Period	CLOSED
Summary of Adoption Notice	<p>The Board adopted the new rules and the rule amendments as published in the initial proposal notice. The rules pertain to required participation in statewide assessments, test security, accessibility and accommodations, and reporting requirements. The Board did not receive any public comment regarding these proposed changes.</p> <p>The new rules and amendments took effect on July 27, 2019.</p>

MAR Notice No.	<a href="#">10-57-287</a> - Amendment of Rules Pertaining to Educator Licensure
Status	ADOPTED
Public Hearing Date	June 26, 2019
Public Comment Period	CLOSED
Summary of Adoption Notice	<p>The Board adopted its proposed changes to rules regarding educator licensure as initially published in the proposal notice. The Board received one comment in support of the proposed changes. The amended rules allow National Board for Professional Teaching Standards certification to substitute for a PRAXIS exam score and creates a new one-year provisional license for an educator who meets all of the requirements to obtain a license except for a passing PRAXIS score.</p> <p>The rule amendments took effect on July 27, 2019.</p>

### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

MAR Notice No.	<a href="#">10-16-132</a> - Amendment of Rules Pertaining to Special Education
Status	ADOPTED
Public Hearing Date	March 12, 2019
Public Comment Period	CLOSED
Summary of Adoption Notice	<p>The Superintendent extended the initial comment period for the proposed amendments to special education rules to allow for additional feedback from the public. In response to the comments received, three of the rules have been amended as proposed in the <a href="#">original notice</a> (regarding identifying a child age 3-8 with a developmental delay; revising the criteria for identifying a student with a visual impairment; and clarifying special ed allowable costs for travel to in-state evaluation report team meetings), and one rule has been amended as proposed in the <a href="#">extension notice</a> (revising the criteria for identifying a student with autism). The notice of adoption provides the Superintendent's response to 29 different comments/types of comments received in the process.</p> <p>The rule changes took effect on August 24, 2019.</p>

### **OTHER RULE NOTICES OF INTEREST TO THIS COMMITTEE**

MAR Notice No.	<a href="#">37-873</a> - DPHHS - Healthy Learning Environments in Montana Public Schools
Status	PROPOSED
Public Hearing Date	July 11, 2019
Public Comment Period	<b>EXTENDED: until September 16, 2019</b>
Summary of Proposed Changes	<p>The Department of Public Health and Human Services extended the public comment period for the proposed rules regarding healthy learning environments in Montana public schools. The proposed rules cover a wide ranges of subjects, including indoor and outdoor air quality; science, shop, and art lab safety; building preconstruction review requirements; physical environmental requirements (including lockable janitorial facilities; locked nonportable medication containers; distance requirements for livestock and poultry from food service areas, offices, and classrooms; accommodations for breastfeeding employees and pupils); testing drinking water for lead; development of an integrated pest management plan; and more.</p> <p>Based on the Secretary of State's publication deadlines for the Montana Administrative Register, the soonest that the new rules could be adopted is October 4, 2019.</p>