



Education Interim Committee

66th Montana Legislature

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TO: Education Interim Committee Members
 FROM: Laura Sankey Keip, Staff Attorney
 DATE: June 21, 2019
 RE: Administrative Rule Review – June 2019

The following administrative rulemaking action has taken place since the end of the last interim in September 2018:

BOARD OF PUBLIC EDUCATION (BPE)

MAR Notice No.	10-57-284 – Teacher Licensure – Class 4 Endorsements
Status	ADOPTED
Public Hearing Date	October 25, 2018
Public Comment Period	CLOSED: October 5 – November 2, 2018
Summary of Proposed Changes	BPE added two new occupations to the list of occupations eligible for a Class 4 educator license – emergency medical technician (EMT) and fire and disaster services. The change is intended to allow secondary students to receive CTE credit in these areas toward graduation requirements. BPE did not receive any comments on the proposed changes. The new rule took effect December 8, 2018.

MAR Notice No.	10-56-285 – New and Amended Rules Regarding Student Assessment
Status	PROPOSED
Public Hearing Date	June 26, 2019
Public Comment Period	OPEN: May 24 – June 26, 2019
Summary of Proposed Changes	The proposed rules come from the work of the negotiated rulemaking committee convened by the Superintendent of Public Instruction (see below). The new and amended rules include: BPE approves the statewide assessments; the assessments are to be aligned with Montana content standards and administered in the spring; the Office of Public Instruction (OPI) is to provide guidance to districts on informing parents and students about the assessments; OPI must audit test administration to test the security of the assessments; schools must ensure the accessibility and provide accommodations based on

	individual student need; OPI must report annual results to BPE and the Legislature.
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MAR Notice No.	10-55-286 – Hazard and Emergency Plans
Status	PROPOSED
Public Hearing Date	June 26, 2019
Public Comment Period	OPEN: May 24 – June 26, 2019
Summary of Proposed Changes	BPE proposes that local boards of trustees be required to adopt a policy addressing a school safety plan or emergency operations plan. The plan must include identifying and assessing risks; conducting regular disaster drills; training; and preventing, mitigating, responding to and recovering from before, during, and after an event.

MAR Notice No.	10-57-287 – Amend Class 1, 2, and 5 Teacher License Create Class 5A Teacher License
Status	PROPOSED
Public Hearing Date	June 26, 2019
Public Comment Period	OPEN: May 24 – June 26, 2019
Summary of Proposed Changes	BPE proposes to allow current certification from the National Board for Professional Teaching Standards to substitute for the current requirement of a minimum passing score on the PRAXIS Subject Assessment. BPE also proposes to create a new Class 5A provisional license for individuals seeking initial licensure and meeting all requirements except for successful completion of the PRAXIS exam. The Class 5A license is valid for one year and is not renewable.

MAR Notice No.	10-54-288 – Deadlines for Transformational Learning Aid
Status	PROPOSED
Public Hearing Date	None contemplated
Public Comment Period	OPEN: June 21 – July 19, 2019
Summary of Proposed Changes	BPE proposes to set the application period for districts to apply for transformational aid as established in HB 351 (2019). The opening date is proposed as October 1, 2019, and the closing date for applications to be submitted is proposed as November 1, 2019.

SUPERINTENDENT OF PUBLIC EDUCATION (SPI)

MAR Notice No.	10-1-131 – Negotiated Rulemaking Committee – Use of Assessment Results Regarding Accreditation Status
Status	Committee Appointed – see 10-55-286 for resulting proposal
Public Hearing Date	None
Public Comment Period	CLOSED: Applications were due March 12, 2019.
Summary of Proposed Changes	SPI solicited applications for members to a negotiated rulemaking committee to discuss changes to ARM 10.55.606, pertaining to procedures in determining

	accreditation status using student performance measures based on results of the required statewide assessments.
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MAR Notice No.	10-16-132 – Extended Comment Period for Amendments to Proposed Changes to Rules Pertaining to Special Education
Status	PROPOSED/EXTENDED
Public Hearing Date	March 12, 2019
Public Comment Period	OPEN: Extended: through July 22, 2019
Summary of Proposed Changes	In February 2019, SPI proposed to make changes to rules pertaining to special education (10-16-132 Proposal), including changes to the rules addressing special education allowable costs and criteria for identifying: a child 3-9 with a developmental delay; a student with autism; and a student with visual impairment. SPI held a hearing on the proposed changes on March 12, 2019 and received numerous public comments. Subsequently, SPI decided to make changes to the rule regarding autism. She also has extended the comment period to allow for additional public comment on the newest version of the proposed changes.

MONTANA STATE LIBRARY (MSL)

MAR Notice No.	10-102-1801 – Depository Procedures for State Publications
Status	ADOPTED
Public Hearing Date	None
Public Comment Period	CLOSED: November 2 through November 30, 2018
Summary of Proposed Changes	MSL adopted 3 new rules to provide for a State Publications Management Plan, to require depository libraries to make state government information available at no charge on their websites, and requiring state agencies to post their state publications to the agencies' publicly available websites.