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Education Interim Committee

68th Montana Legislature

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TO: Education Interim Committee Members
FROM: Laura Sankey Keip, Staff Attorney
DATE: January 8, 2024
RE: Administrative Rule Review – January 2024

BOARD OF PUBLIC EDUCATION

MAR Notice No.	10-54-292 – Early Literacy Targeted Intervention Programs
Status	PROPOSED
Public Hearing Date	January 4, 2024
Public Comment Period	CLOSED: January 7, 2024
Summary of Proposed Changes	<p>The Board of Public Education has published its proposal notice regarding the adoption of two new rules for the early literacy targeted intervention programs enacted in HB 352 (2023). The proposal is based on the recommendations of the Early Literacy Advisory Council, which met several times throughout the fall to develop its recommendations.</p> <p>New Rule I requires local trustees to adopt and use an approved evaluation methodology to identify, admit, and enroll kids into early literacy targeted interventions, only at the request of the parent or guardian. The evaluation must assess at least one of the identified literacy skills, with different skills identified for each cohort. The evaluation is to be administered in April, May, or June. The Board will maintain a list of approved screening tools, but the trustees are not required to choose a screening tool from the list, as long as the chosen tool complies with the requirements in subsection (1) of the rule.</p> <p>New Rule II provides a framework for the jumpstart program. The jumpstart program is the summer program that takes place prior to a student entering kindergarten through 3rd grade. To be compliant, the program must support early intervention for a child based on an evaluation methodology identified in New Rule I and must be designed to increase the likelihood of a student being at or above a trajectory to be proficient at reading at the end of 3rd grade. The program must be aligned to the Early Childhood Education Standards and the Content Standards for English Language Arts and Literacy and must be overseen by qualified employees. The program must last at least 4 weeks and provide at least 120 instruction hours between the end of one school calendar year and the start of the next school calendar year.</p>

MONTANA STATE LIBRARY

MAR Notice No.	10-102-2301 – Update Rules to Comply with Recent Legislation
Status	ADOPTED
Public Hearing Date	December 1, 2023
Public Comment Period	CLOSED: December 1, 2023
Summary of Proposed Changes	<p>The Montana State Library Commission adopted the new rules, rule amendments, and rule repealers without any changes from the proposed version.</p> <p>Regarding the changes to ARM 10.102.1160 to remove the requirement that a director of a library serving more than 25,000 people have a Master of Library Science or equivalent degree, the Commission received 120 comments in support of the amendment and 412 comments in opposition of the amendment. After summarizing the opposition comments, the Commission provided the following response:</p> <p>"Many residents are misguided in believing that amending ARM 10.102.1160 to remove the MLS degree requirement will result in libraries abandoning quality assurance standards and placing too much power in the hands of trustees. Specifically, if this standard is eliminated, there are 30 other quality assurance standards in place, that should assuage any fears. It is not going to be a no holds barred, every library does whatever they want kind of scenario if this one standard is abandoned. Pursuant to 22-1-310, MCA, the board of trustees of each library shall appoint and set the compensation of the chief librarian. The MCA clearly provides a library board of trustees with the power to make the hiring decisions of their library directors. It is not an opinion; it is Montana law. Further, 22-3-109, MCA, gives library boards broad power and the responsibility for making decisions like this."</p> <p>The new rules were effective as of December 23, 2023.</p>