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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: June 28, 2024
 RE: Administrative Rule Review – June 2024

BOARD OF PUBLIC EDUCATION

MAR Notice No.	10-56-286 – Assessment Standards
Status	UNDER CONSIDERATION FOR ADOPTION
Public Hearing Date	May 2 at 10am
Public Comment Period	CLOSED: as of 5pm on May 10
Summary of Proposed Changes	<p>The Board has proposed amendments to better align assessment standards with the Elementary and Secondary Education Act and to provide additional flexibility within the assessment system. The amendment clarifies that the obligation for funding statewide assessments is the responsibility of the state. The English language arts and math assessment that was formerly administered in 11th grade may now be given at least once in grades 9-12. Rather than giving the science assessments in grades 5, 8, and 11, now they must be administered at least once for each grade band: 3-5, 6-9, and 10-12. Statewide assessments will be administered in assessment windows set by the Superintendent of Public Instruction. Finally, the reporting rule is clarified to require the Superintendent to provide a report annually to the Legislature and the Board of Public Education regarding statewide assessment results.</p> <p>The Board will consider any public comment received and determine whether to adopt the amendments as proposed or make any changes before finalizing.</p>

MAR Notice No.	10-57-289 – Educator Licensure Standards
Status	ADOPTED
Public Hearing Date	March 5 at 10am
Public Comment Period	CLOSED: as of 5pm on March 8
Summary of Proposed Changes	<p>The Board received numerous comments regarding the proposed changes, and ultimately disagreed with many of the comments submitted. The Board noted that many of the changes are meant to increase flexibility and allow more individuals to various license classes, including for school counselors and specialists. The Board adopted the proposed amendments to the educator licensure standards without making further changes.</p> <p>The amendments take effect July 1, 2024.</p>

MAR Notice No.	10-63-270 – Early Childhood Education Standards
Status	ADOPTED
Public Hearing Date	March 5 at 9:30 am
Public Comment Period	CLOSED: as of 5pm on March 8
Summary of Proposed Changes	The changes to Chapter 63, Early Childhood Education Standards, were adopted by the Board as proposed. The Board did not receive any public comments or testimony regarding the amendments. The amendments were effective April 13, 2024.

OFFICE OF PUBLIC INSTRUCTION

MAR Notice No.	10-16-133 – Education Savings Accounts
Status	PROPOSED
Public Hearing Date	June 17 at 10am
Public Comment Period	OPEN: until 5pm on June 21
Summary of Proposed Changes	The Office of Public Instruction has proposed a new rule regarding education savings accounts. There will be 2 windows each year for parents to notify OPI of their intent to participate in the program. OPI will notify the parent within 30 days after the close of the relevant window whether the student is qualified and eligible for the program. For eligible students, the parent must execute a contract with OPI within 45 days after the close of the application window. Once a contract is in place, OPI will notify the applicable school district, which must remit the calculated amount of funds to OPI, based on the ESA student amount and the prior month BASE aid distribution to the district. Finally, OPI will provide both a hardcopy and an electronic process by which a parent may submit the required paperwork to be reimbursed for the purchase of allowable educational resources. OPI held a hearing on Monday and the public comment period remains open until Friday.

MONTANA STATE LIBRARY

MAR Notice No.	10-102-2302 – Updating Rules to Comply with Legislation
Status	ADOPTED
Public Hearing Date	None Contemplated
Public Comment Period	CLOSED: as of 5pm on March 8
Summary of Proposed Changes	The second proposed rulemaking to correct inadvertent errors in the first proposal was adopted as published. The agency did not receive any public comments or testimony regarding the corrections. The amendments were effective March 23, 2024.

MAR Notice No.	10-102-2303 – State Aid to Public Libraries
Status	UNDER CONSIDERATION FOR ADOPTION
Public Hearing Date	None Contemplated
Public Comment Period	CLOSED: as of 5pm on June 7
Summary of Proposed Changes	The State Library Commission has proposed changes to the rule calculating direct state aid to public libraries for per capita and per square mile served. The amendments clarify that the per square mile portion of direct state aid will be updated during the decennial census process. Additionally, the State Library staff will consult with the Governor’s Office of Budget and Program Planning each year and use OBPP’s collected tribal enrollment number to calculate the amount of direct state aid for the eligible accredited tribal college libraries, which will then be subtracted from the overall state aid budget distributed annually based on the criteria established in the existing rule.