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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: September 1, 2023
 RE: Administrative Rule Review – September 2023

OFFICE OF PUBLIC INSTRUCTION

MAR Notice No.	10-75-101 – Montana Indian Language Preservation Grants
Status	PROPOSED
Public Hearing Date	August 11, 2023
Public Comment Period	CLOSED: August 18, 2023
Summary of Proposed Changes	<p>The Office of Public Instruction (OPI) has proposed draft rules for the Montana Indian Language Preservation grants to comply with the changes to the program from HB 287 (2023). The new rules:</p> <ul style="list-style-type: none"> • outline the roles of OPI, tribal governments, and culture and language departments; • provide a definition of "fluency", including a 3-level scale to measure progress and development of fluency for a tribe; • describe the contracting requirements, including deadlines, agreements with subrecipients, eligible and ineligible uses of funds, and fund distribution; • provide procedures and requirements for the administrative process; and • include specific information and requirements for grant recipients to report to OPI on an annual basis, including a start-up assessment, midterm progress report, and final program closeout report. <p>While the proposal notice points to 20-9-537, MCA as the source of rulemaking authority, there is a potential question about that authority. As noted in a previous email to the committee, the statute (including the changes made in HB 287) refer to the creation of program guidelines, rather than an explicit direction to adopt administrative rules.</p>