

TO: Education and Local Government Interim Committee  
FROM: Laura Sankey, Staff Attorney  
RE: Administrative Rule Report -- June 2013 Meeting  
DATE: June 24, 2013

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The Board of Public Education has filed the following notices with the Secretary of State's office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> and are searchable by notice number.<sup>1</sup>

**MAR NOTICE NUMBER:** 10-64-261

**SUBJECT:** School bus requirements

**NOTICE TYPE:** Public Hearing on Proposed Amendment

**SUMMARY:** The Board of Public Education (BPE) proposed to amend ARM 10.64.301. BPE stated that the minimum standards for school bus specifications and procedures must be consistent with the recommendations adopted by the National Congress on School Transportation. The proposed amendment incorporated changes from the 2010 National School Transportation Specifications and Procedures and the 2012 Standards for School Buses in Montana.

**NOTES/HEARINGS:** A public hearing was held on February 28, 2013.

**ADOPTION:** BPE published a "Notice of Amendment" in the MAR that these proposed amendments were adopted on March 28, 2013.

**MAR NOTICE NUMBER:** 10-66-264

**SUBJECT:** High school level tests of general education development (GED)

**NOTICE TYPE:** Public Hearing on Proposed Adoption and Repeal

**SUMMARY:** The GED Testing Service recently transitioned to a for-profit company and intends to make significant changes to GED testing. In response, BPE proposed to adopt 9 new rules and repeal 9 existing rules to provide the Board more flexibility in adopting other tests and maintaining quality control. The proposed new rules are: (1) "New Rule I Definitions"; (2) "New Rule II Qualifications for Candidate to Receive High School Equivalency Diplomas"; (3) "New Rule III Qualifications – Exceptions"; (4) "New Rule IV Age Requirement – Waiver"; (5) "New Rule V Requirements for Testing"; (6) "New Rule VI Fees"; (7) "New Rule VII Resting"; (8) "New Rule VIII Issuance of Equivalency Diplomas and

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<sup>1</sup> Pursuant to 5-5-224, MCA, the Education and Local Government Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

Official Transcripts”; and (9) “New Rule IX Official HSE Test Centers”. The proposed repealers affect the following ARMS: (1) 10.66.101 (Requirements Which Must Be Met in order to Receive High School Equivalency Diplomas); (2) 10.66.102 (Waiver of Age Requirement); (3) 10.66.103 (Method of Applying); (4) 10.66.104 (Fees); (5) 10.66.105 (Waiting Period for Retesting); (6) 10.66.106 (Issuance of Equivalency Diplomas); (7) 10.66.107 (Official Transcripts); (8) 10.66.108 (Official GED Test Centers); and (9) 10.66.109 (Definitions).

**NOTES/HEARINGS:** A public hearing was held on February 28, 2013.

**ADOPTION:** BPE published a “Notice of Adoption and Repeal” in the MAR that these proposed new rules and repealed rules were adopted on March 28, 2013.

**MAR NOTICE NUMBER:** 10-55-265

**SUBJECT:** High school transcripts and accreditation standards

**NOTICE TYPE:** Public Hearing on Proposed Adoption and Amendment

**SUMMARY:** The Board of Public Education (BPE) proposed to adopt a new rule regarding an official high school transcript. The rule provides the minimum requirements for the information that must be included on the transcript. BPE proposed this rule to help establish data linkages between K-12 and post-secondary education.

BPE proposed minor amendments to 10.55.701, 10.55.704, 10.55.708 and 10.55.906 to correct errors and to maintain consistency with rules that were adopted in the Notice of Adoption and Amendments published on October 11, 2012 (relating to MAR Notice No. 10-55-262). BPE proposed an amendment to 10.55.804 to delete the Administrative Code Committee objection from December 1989. That objection was subsequently litigated and in 1992, the objection was overruled. BPE stated that because the objection has been overruled and was not appealed, the objection should be deleted from the Administrative Rules.

**NOTES/HEARINGS:** A public hearing was held on April 22, 2013.

**ADOPTION:** BPE published a “Notice of Adoption and Amendment” in the MAR that the proposed new rule and amendments were adopted on June 6, 2013.