



Education and Local Government Interim Committee
63rd Montana Legislature

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TO: ELG Committee Members
FROM: Laura Sankey, staff attorney
DATE: September 4, 2014
RE: Administrative Rule Review

Since ELG last met in June, there has been a lot of proposed rule-making activity that has been undertaken by both the Board of Public Education (Board) and the Superintendent of Public Instruction (Superintendent). The following memo provides a brief overview of the content of the proposed rulemaking and a timeline for when the proposed rulemaking activity is expected to take place.

NOTE: the Board meets September 11th and 12th, and their meeting agenda includes consideration of changes to administrative rule chapters 57, 58, 59, and 63 and they will vote on whether to move forward with the proposals. The full text of the changes and additions to chapters 57, 58, 59, and 63 are available as part of the Board's September meeting packet, which is online at: <http://bpe.mt.gov/content/PDF/BPEAgendas/Agendas2014/AgendaPacketRevised>.

Chapter 7 & Chapter 64: SCHOOL BUS DRIVER REQUIREMENTS

MAR NOTICE 10-7-123: The Superintendent adopted the amendments to ARM 10.7.111 with minor changes to the proposed version presented at the ELG meeting in June. The minor changes include requiring recertification every two years instead of annually and allowing renewal to be in person or online. The amendment was adopted August 7, 2014.

MAR NOTICE 10-64-266: The Board adopted the amendments to ARM 10.64.201 as proposed and as presented at the ELG meeting in June. The amendment was adopted August 7, 2014.

Chapter 57: EDUCATOR LICENSURE

MAR NOTICE TBD: The Superintendent is recommending that the Board adopt a number of changes to Chapter 57, Educator Licensure. The proposed changes include the following:

- Redefine the grade level endorsements on an educator license as:
 - Age 3 through Grade 3: Early Childhood
 - Grades K through 8: Elementary
 - Grades 4 through 8: Middle Grades
 - Grades 5 through 12: Secondary, Content-Specific
 - Grades K through 12: Content-Specific
 - PK through Grade 12: Special Education and School Psychologist (ARM 10.57.102)

- Revise the activities that are acceptable for counting toward required renewal units. (ARM 10.57.215)
- Allow a certification from the National Board for Professional Teaching Standards to satisfy a requirement for obtaining a Class 1 Professional Teacher’s License. (ARM 10.57.410)
- Revise the available subject field endorsements and grade level endorsements an educator may seek. (ARM 10.57.412)
- Rename the Class 5 educator license from “Alternative License” to “Provisional License” and revise the requirements for eligibility for a Class 5 license. (ARMs 10.573.424 through 10.57.432)
- Require a tribal government to have an MOU with the Superintendent regarding appropriate professional development plans for Class 7 American Indian Language and Culture Specialist licenses. (ARM 10.57.436)
- Revise the requirements and criteria for a Class 8 Dual Credit Postsecondary Faculty License (ARM 10.57.437)
- Amend the notice and hearing provisions related to disciplinary action. (ARMs 10.57.602 through 10.57.607)

Important Dates:

- Sept. 11-12, 2014: The Board will vote to approve the Notice of Proposed Rulemaking
- October 9: If the Board approves the Notice, this is the publication date in the MAR
- November 3: Anticipated public hearing date
- November 6: Anticipated closing date of the public comment period
- November 14: The Board will vote on whether to approve the Notice of Adoption
- December 11: If approved, the Notice of Adoption will be published this date
- July 1, 2015: The date the new rules will become effective if adopted.

Chapter 58: PROFESSIONAL EDUCATOR PREPARATION PROGRAM STANDARDS

MAR NOTICE TBD: The Superintendent is recommending that the Board adopt new rules and amend and repeal existing rules for Professional Education Preparation Program Standards in Title 10, chapter 58 of the ARMs. The following summarizes some of the proposed additions and changes:

- Revises the term “professional education units” to “educator preparation providers”
- Repeals most of the existing rules for Curriculum Principles and Standards: Basic Programs (ARMs 10.58.304 through 10.58.309) and replaces them with new rules regarding content and pedagogical knowledge (ARM 10.58.311); clinical partnerships and practice (ARM 10.58.312); candidate quality, recruitment, and selectivity (ARM 10.58.313); program impact (ARM 10.58.314); and provider quality assurance and continuous improvement (ARM 10.58.315).
 - While the repealed rules contain a mix of references to K-12 and P-12 students, the new rules all refer to P-12 students.
 - Under proposed ARM 10.58.313, programs must set admissions requirements to include a minimum 3.0 GPA to meet Council for the Accreditation of Educator Preparation (CAEP) standards.
- Revises the general teaching standards to require successful candidates to meet 12 standards that: address how learners grow and develop; use understanding of individual

differences and diverse cultures and communities to ensure inclusive environments; work with other to create environments that support individual and collaborative learning; make the discipline accessible and meaningful for learners to assure mastery of the content; engage learners in critical thinking, collaborative problem solving, and creativity; use multiple methods of assessment; plan and implement individualized instruction; use a variety of instructional strategies; engage in ongoing professional development; interact knowledgeably and professionally with students, families, and colleagues; engage in leadership or collaborative roles; and integrate the history, cultural heritage, and contemporary status of American Indians and tribes in Montana.

- Updates and revises the content-specific standards, including agricultural education (ARM 10.58.502); art K-12 (ARM 10.58.503); business education (ARM 10.58.505); theatre (ARM 10.58.507); English/language arts (ARM 10.58.507); students with disabilities P-12 (ARM 10.58.510); world languages (ARM 10.58.511); health (ARM 10.58.513); family and consumer sciences (ARM 10.58.514); industrial trades and technology education (ARM 10.58.515); journalism (ARM 10.58.516); library media K-12 (ARM 10.58.517); mathematics (ARM 10.58.518); music K-12 (ARM 10.58.519); physical education (ARM 10.58.520); reading specialists K-12 (ARM 10.58.521); science (ARM 10.58.522); social studies (ARM 10.58.523); communication (ARM 10.58.524); traffic education (ARM 10.58.526); computer science (ARM 10.58.528);
 - Repeals trades and industry (ARM 10.58.525) and areas of permissive special competency (ARM 10.58.527).
- Creates a new rule with content-specific standards for early childhood education (New Rule 6) and middle grades (4-8) (New Rule 7); amends and renumbers elementary standards (ARM 10.58.508, to be renumbered to the end of subchapter 5).
- Repeals the existing rules for Curriculum Principles and Standards: Advanced Programs (ARMs 10.58.601 through 10.58.603) and replaces them with new rules for advanced programs (New Rule 8); content and pedagogical knowledge (New Rule 9); clinical partnerships and practice (New Rule 10); candidate quality, recruitment, and selectivity (New Rule 11); program impact (New Rule 12); and provider quality assurance and continuous improvement (New Rule 13).
- Updates and moves the existing rule for school counseling K-12 from ARM 10.58.512 into subchapter 6, which contains the rules for Curriculum Principles and Standards: Advanced Programs
- Updates and revises existing ARM 10.58.705 to apply only to school principals, supervisors, and curriculum directors and moves the requirements for superintendents into its own rule (New Rule 14).
- Expands the requirements for school psychologist candidates (ARM 10.58.707).
- Condenses the requirements for approval of new curricular programs by revising ARM 10.58.802 and repealing ARMs 10.58.801 and 10.58.901

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- October 31: Anticipated public hearing date
- November 6: Anticipated closing date of the public comment period
- November 14: The Board will vote on whether to approve the Notice of Adoption

- December 11: If approved, the Notice of Adoption will be published this date
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Chapter 59: MONTANA SCHOOL FOR THE DEAF AND BLIND

MAR NOTICE 10-59-270: The Board has proposed amending ARM 10.59.103 to eliminate the requirement that one of the Board's members also be appointed to serve as a member of the board of directors for the School for the Deaf and Blind Foundation. The Board worked jointly with the Superintendent of the Montana School for the Deaf and Blind to propose this change. The public comment period closes September 4, 2014 and the Board intends to adopt the rule amendment on September 11, 2014.

Chapter 63 (NEW): PRESCHOOL ACCREDITATION STANDARDS

MAR NOTICE TBD: The Superintendent is recommending that the Board adopt 15 new administrative rules to create standards of accreditation for public preschool programs. The following is a summary of the content of these new rules:

- Rule 1: Procedures.
 - Provides the requirements that the trustees of a school must follow to establish public preschool programs for 3- to 5-year-olds.
- Rule 2: Definitions.
 - Defines terms including accreditation; assessment; collaborative inquiry; curriculum; developmental domain; early childhood curriculum; experiential learning; paraprofessional, assistant teacher or teacher aide; and teacher.
- Rule 3: Leadership.
 - Requires leadership to create programs that support stable staff and strong management so students, families and staff have high quality experiences.
- Rule 4: Teacher Assignments and Qualifications.
 - Requires teachers to be licensed and endorsed according to statutes and Board rules
 - Allows teachers with a current Early Childhood Special Permissive Competency to keep that endorsement through July 1, 2018, after which those teachers will need a current endorsed license pursuant to Title 10, chapter 57 ARMs.
- Rule 5: Early Childhood Paraprofessional Qualifications.
 - A paraprofessional must have completed 2 years of study at an institute of higher education, have obtained at least an associate's degree, or meet a rigorous standard of quality and be able to demonstrate knowledge of and ability to deliver curriculum and instruction.
- Rule 6: Early Childhood Paraprofessional Supervision.
 - A paraprofessional must be under the direct supervision of a licensed teacher who is responsible for instructing and assessing students. The supervising teacher may not be simultaneously assigned to another teaching duty or preparation time when supervising a paraprofessional.
- Rule 7: Class Size.
 - Classes up to 10 students must have a licensed, endorsed teacher. Classes with between 11 and 18 students must have two adults, one of whom may be an early childhood paraprofessional.

- Rule 8: Aggregate Hours.
 - Preschool programs may be half-time or full-time, with a minimum of 720 hours. The school district trustees set the length of the school day, the number of school days in a week, and the number of school days in a term.
- Rule 9: Enrollment Eligibility.
 - A child must be at least 3 years old or obtain special permission from the board of trustees to enroll.
- Rule 10: Early Learning Content Standards Developmental Domains.
 - Emotional and social domain: culture, family and community; emotional development; social development
 - Physical domain: development of motor skills; health, safety, and personal care standards
 - Communication domain: early childhood communication and language; literacy standards
 - Cognitive domain: approaches to learn; development of reasoning and representational thought skills; instruction in creative arts; mathematics and numeracy; science; social studies
- Rule 11: Curriculum and Assessment.
 - The curriculum must include a written philosophy and framework; a selection of material and equipment; planned opportunities for active exploration, discovery, and social interaction; and play each day. The curriculum must be implemented in a manner that reflects students' family and community lives while being responsive to diversity
 - A preschool program must include an ongoing and systematic written assessment plan to monitor the progress of students, how to interpret assessment results, provide data to inform decision making and planning, involve and inform families in decisions about students' needs, and assess the effectiveness and areas for improvement in the program
- Rule 12: Instruction.
 - The program must ensure developmentally, culturally, and linguistically appropriate and effective teaching strategies. The program must use content and child development knowledge to create learning opportunities; use a variety of effective approaches and strategies; adjust strategies based on each student's development; build on students' language and understanding; build relationships that foster integral connections with the curriculum; use cultural and community resources in the classroom; and work as a team to implement learning plans.
- Rule 13: Physical and Learning Environment.
 - Requirements include protection of student health and safety; supervision primarily by sight; sanitization per state and federal standards; meals and snacks per state and federal guidelines; safe, supervised and adequate outdoor play space; written, predictable but flexible schedule; daily indoor and outdoor activities; planned time for students to choose activities; daily opportunities to learn and play; and use of developmentally appropriate materials and equipment.
- Rule 14: Child Guidance.
 - Programs should employ a variety of strategies to foster self-regulation, respect for others, problem solving, and emotional and social development.

- Rule 15: Family and Community Engagement.
 - Requires the program to establish and maintain collaborative relationships with each child's family and community to foster student development in all settings. This includes ensuring families are an integral part of the decision making team, assisting families in locating, contacting, and using community resources, collaborating with community-based programs, and providing access to health screenings and referrals.

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- November 6: Anticipated closing date of the public comment period
- November 13-14: The Board will vote on whether to approve the Notice of Adoption
- December 11: If approved, the Notice of Adoption will be published this date
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