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Education and Local Government Interim Committee
64th Montana Legislature

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TO: ELG Members
FROM: Laura Sankey, Staff Attorney
DATE: January 5, 2016
RE: Administrative Rule Review – January 2016

The following administrative rulemaking action has taken place since the committee last received a rulemaking update from October:

PREVIOUSLY PROPOSED RULES THAT HAVE BEEN ADOPTED

MAR Notice No. 10-16-124: The amendments to rules regarding special education have been adopted as revised and repealed according to the final adoption notice. The public hearing in November 2015 was well-attended and generated a lot of public comment regarding the proposed rule changes. The Superintendent's final notice incorporates some of the suggestions made via public comment. Of note: the proposed changes to ARM 10.16.3505, regarding the process for obtaining parental consent to an individualized education program (IEP), were opposed in many public comments and in the final notice, the Superintendent declined to adopt any amendments to that rule. The Superintendent also amended the proposed changes to the process for selecting a hearing officer to maintain the opportunity for parties to have some input in the selection of a hearing officer in ARM 10.16.3509. The rule changes took effect on December 25, 2015.

MAR Notice No. 10-102-1502: The Montana State Library's amendment to ARM 10.102.1152 clarifying waiver of a public library standard was adopted and took effect on December 25, 2015. The Library did not receive any public comment on the amendment.

OFFICE OF PUBLIC INSTRUCTION – NEGOTIATED RULEMAKING COMMITTEE

MAR Notice No. 10-1-127: The Office of Public Instruction intends to establish a negotiated rulemaking committee to develop and amend the K-12 content standards and performance indicators for science, pursuant to the requirements of 20-7-101, MCA. OPI seeks applications from interested parties wishing to serve on the committee. The notice includes specific information that must be included in an application or nomination. Membership selection criteria includes cultural diversity, geography, science content experience, district and school size, and grade levels served. The committee will work via teleconference and email as much as possible, and will begin its work with an initial draft of amendments to the current content standards and performance indicators.

Proposal Notice: Applications for membership are due to OPI by January 29, 2016.

Adoption: The agency intends to establish the committee by February 19, 2016. The first meeting will be in March or April 2016.