

# Board of Public Education Regional Study

ALICE HECHT

Dec. 15, 2021

The Montana Board of Public Education (BPE) is charged under the Montana Constitution with general supervision of the public-school system and other public institutions assigned by law. Part of the statutory duties of the board include bringing about “an orderly and uniform system of teacher and specialist certification.” BPE appoints a seven-member Certification Standards and Practices Advisory Council (CSPAC) that advises the board on certification issues concerning teachers, administrators, and specialists; professional standards and ethical conduct; and the status of approved teacher education programs in Montana<sup>1</sup>. The BPE sets rules for educator licensure, reviews accreditation of educator preparation programs, and acts as a quasi-judicial entity in hearing licensure cases that OPI recommends for denial or suspension. While it is the duty of the BPE to establish rules for teacher certification, the Office of Public Instruction (OPI) issues teacher certificates. The fees for teacher certification are distributed to the BPE and make up roughly half of its budget. The board has a staff of 3.00 FTE that provide research, clerical functions, and management of business affairs for the board.

## **BPE AND OPI LICENSURE DUTIES**

Montana statute describes the duties of the BPE and the OPI regarding educator licensure:

The BPE is responsible for the following per Montana Code Annotated (MCA):

20-4-102. Board of public education policies. To effect an orderly and uniform system of teacher and specialist certification, the board of public education shall, upon the recommendation of the superintendent of public instruction and in accordance with the provisions of this title, prescribe and adopt policies for the issuance of teacher or specialist certificates. Such policies shall provide for:

(1) reasonable training and experience requirements for teacher, specialist, supervisor, and administrative certificates and endorsements thereon as provided by the certification classification in 20-4-106;

(2) the renewal of teacher or specialist certificates based on the same conditions prescribed for the initial issuance of certificates;

(3) the conduct of hearings on teacher or specialist certification revocation, suspension, or denial;

(4) the issuance of emergency authorization to a district to employ a person who is not the holder of a valid teacher certificate as an instructor of pupils; and

(5) any other policy, not inconsistent with the law, which is necessary for the proper operation of a system of teacher and specialist certification.

The OPI is responsible for issuing certificates of licensure per MCA:

20-4-103. Issuance of teacher or specialist certificates. The superintendent of public instruction shall issue all teacher and specialist certificates in the state of Montana. In issuing teacher or specialist certificates, the superintendent of public instruction shall comply with the provisions of this title and the teacher and specialist certification policies adopted by the board of public education. The superintendent of public instruction shall not issue a teacher or specialist certificate to any person who does not satisfy the qualifications or other requirements of this title and of the board of public education policies for teacher or specialist certification.

---

<sup>1</sup> Montana Department of Public Education Financial Compliance Audit 20-22, May 2021, page 1.

## LICENSURE FEES AND REVENUE GENERATED

In accordance with [20-4-109, MCA](#), licensure fees are collected by the Office of Public Instruction and deposited into a state special revenue account as follows: one-third is deposited into the research fund and used to fund the statutory duties of the BPE, CPSAC, and two-thirds of the fee revenue goes to the Advisory Council fund to support the activities of the CPSAC. The fee for a five-year license is \$30, an annual cost of \$6. Montana's fees are lower than any other state in the region. In the past 10 years, the annual license fee revenue portion allocated to the BPE has been between roughly \$155,000-\$170,000. Find a full report on educator license fees [here](#).

## LICENSURE EXPENDITURES

The BPE estimates 60.0% of personal services and operating costs are spent on BPE licensure issues and CSPAC, in addition to legal fees that averaged \$21,000 per year for the last five years.

The Office of Public Instruction is working to provide data requested regarding the responsibilities and costs associated with teacher licensing.

## LEGISLATIVE AUDIT RECOMMENDATION

The May 2021 financial compliance audit recommended that BPE establish controls to ensure the completeness and accuracy of fees collected by the Office of Public Instruction. The Board of Education lacks resources to follow audit recommendations to establish controls to ensure completeness and accuracy of fees. The board has requested that the legislature change the fee structure to reflect current agency structure. CSPAC was formerly a separate program within the BPE but the agency now has a single program.

## NEIGHBORING STATES-TEACHER LICENSING

Montana's neighboring states have licensing systems that can be divided into two categories. Wyoming and North Dakota both have independent licensing agencies fully funded by license fees that handle all aspects of licensing including setting standards, disciplinary cases, professional development or mentoring, teacher training program standards, and issuing licenses. Idaho and South Dakota each have boards that are appointed but exist under the state departments of education. Licenses in these two states are issued by the licensing departments under the departments of education. All neighboring states have several types of licenses with

Standard License Costs by State		
	5 year	annual cost
Montana	\$30	\$6
South Dakota	60	12
Idaho	75	15
North Dakota	130	26
Wyoming	175	35

varying costs. For the purpose of comparison only the cost of a standard five-year license is used here.

Montana is unique in having a board that overlooks most aspects of the K-12 system including teacher certification policy, whereas surrounding states have separate organizations to address teacher certification and accreditation. The following table provides details on the duties and funding of the agencies providing licensing services in

other states:

	Licensing Organization	Licensing Duties	Fee for standard license	Source of funding	Notes
Montana	Board of Public Education (BPE) -an independent state agency	Prescribe and adopt policies for issuance of educator license certificates, hear discipline cases, training program oversight, grant class 8 licenses	\$30 for 5 years Annual cost: \$6	Fees and general fund	Licensure related activities take 25%-30% of the BPE's time.
	Office of Public Instruction (OPI)	Issuance of certificates per policies of BPE		General fund	Duties are clear in statute.
North Dakota	North Dakota Education Standards and Practice Board -an independent state agency	All aspects of licensing: Policy, discipline, training, issue certificates, mentoring program	\$130 for 5 years Annual cost: \$26	Fully funded by fees, 1.00 position and mentoring program funded with flow-through grant	5.00 FTE, one of which is funded separately, PESBA member
South Dakota	Professional Teachers Practices and Standards Commission (SDPTPSC) – under SD Department of Education (SDDOE)	Ethics, disciplinary action/complaints. Separate commissions for teachers and administrators. Licenses are issued by SDDOE	\$60 for 5 years Annual cost: \$12	Fees and general fund	Agency has noted that fees do not cover full cost of licensure
Wyoming	Wyoming Professional Teaching Standards Board – an independent state agency	All aspects of licensing: Policy, discipline, training, issue certificates, professional development workshops	\$175 for 5 years Annual cost: \$35	Fully funded by fees	7.00 FTE, PESBA member, Many license types
Idaho	Professional Standard Commission (PSC) under Idaho State Department of Education (DOE)	PSC adjudicates licensure cases and makes recommendations to State Board of Education (not similar to Montana BOE)	\$75 for 5 years Annual cost: \$15	Fees support PSC	Idaho Board of Education has 54.00 FTE and oversees higher education as well as sets K-12 policy

## ACCREDITATION PROCESS AND POLICY DEVELOPMENT

In addition to teacher certification policy development, the board sets guidelines, reviews, and adopts content standards as part of the accreditation process. In addition, the board orders the distribution of the state equalization aid and sets policy for special education and school bus standards. Statutorily, the board hires, supports, and evaluates the Superintendent of the Montana School for the Deaf and Blind. The Montana Advisory Council for Indian Education (MACIE), comprised of representatives of the 11 tribal groups in

Montana, is administratively attached to the board. The MACIE advises the board and the Superintendent of Public Instruction on Indian Education.

The following table articulates the duties of the Board of Public Education and the role of the Office of Public Instruction in the accreditation process and other policy decisions.

<b>Board of Public Education Duty</b>	<b>Office of Public Instruction Role</b>
Adopt standards of accreditation for Montana schools and establish the accreditation status of each school	Recommendations are made by the Superintendent of Public Instruction and OPI performs administrative duties
Set guidelines, review, and adopt content standards as part of accreditation	Conducts content standards review per guidelines set forward by BPE, conducts negotiated rulemaking and prepares economic impact statement
Effect a system of teacher certification, including the accreditation of the post-secondary teacher and administrator preparation programs	OPI makes recommendations, performs administrative duties and issues licenses
Administer and order the distribution of state equalization aid	OPI performs the majority of this process
Adopt policies for the special education of handicapped and gifted and talented students	In partnership with OPI

## **NEIGHBORING STATES ACCREDITATION PROCESS**

The Montana BPE has more duties than comparable organizations in nearby states. Most neighboring states have something with a similar name to “Board of Education” but they mostly have different missions and the title is not meaningful. The Wyoming Board of Education is the most similar to the BPE for the accreditation process. No other state in the region uses the same organization for content and licensure.

### **Wyoming-**

The Wyoming State Board of Education, as established in statute, is an agency with 1.00 FTE and is responsible for accreditation, assessments and accountability. The board is autonomous but relies heavily on the Superintendent of the Department of Education who is a voting ex-officio member of the board. The board revises and prescribes state standards. Board takes action for contracting state assessment and is funded with general fund and the school foundation fund which are earmarked revenue streams for education (similar to state specials). The biennial budget is roughly \$600,000.

## **CONCLUSIONS**

The Montana Board of Public Education partners with OPI in order to provide services to the Montana education system. The BPE has more duties than similar organizations in nearby states and licensure fees are the lowest in the region. In most surrounding states, licensure fees are used to cover adjudication costs and oversight of post-secondary certification programs within the state, if not all aspects of educator licensure.

## **NEXT STEPS**

The Interim Budget Committee - Section E may wish to discuss the outcomes of this study and provide direction to the staff for next steps. Options the committee members may wish to consider are the following:

- The IBC-E is satisfied with the results of the BPE study and does not wish to pursue further action at this time
- The IBC-E (in conjunction with the EDIC) explores restructuring the teacher certification process
- The IBC-E considers options for funding the activities for funding the BPE budget and funding the OPI's licensing activities
- Acquire additional information from OPI regarding costs and FTE needed to run licensure unit