

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 10.57.101, 10.57.102,)	PROPOSED AMENDMENT AND
10.57.107, 10.57.109, 10.57.201A,)	REPEAL
10.57.215, 10.57.218, 10.57.410)	
through 10.57.421, 10.57.424,)	
10.57.427 through 10.57.433,)	
10.57.435, 10.57.438, 10.57.601B,)	
and 10.57.602 and the repeal of ARM)	
10.57.201 pertaining to educator)	
licensure)	

TO: All Concerned Persons

1. On November 9, 2016, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Superintendent's conference room at 1227 11th Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on November 2, 2016, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted mater interlined:

10.57.101 REVIEW OF POLICY (1) and (2) remain the same.

(3) The Superintendent of Public Instruction shall provide an annual report to the Board of Public Education on the number of Montana educator licenses issued, licensure denials, number of emergency authorizations of employment, and other relevant, available data pertaining to recruitment and retention of educators in Montana.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) through (12) remain the same.

(13) "Year of administrative experience" means employment at any level within a state accredited P-12 school system, or in an educational institution

specified in 20-9-707, MCA, as a licensed administrator for the equivalent of at least .5 full-time employee (FTE) ~~for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days~~ the duration of a school year. Experience gained prior to ~~eligibility~~ for initial licensure is not considered. Experience as a County Superintendent may be considered as "administrative" experience with evidence of the following:

(a) and (b) remain the same.

(14) "Year of teaching experience" means employment at any level within a state accredited P-12 school system, or in an educational institution specified in 20-9-707, MCA, as licensed instructional staff for the equivalent of at least .5 FTE during for the duration of a school fiscal year ~~for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days~~. Experience gained prior to ~~eligibility~~ for initial licensure is not considered.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, MCA

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT (1) through (1)(b) remain the same.

(c) The individual for whom the emergency authorization is being sought shall not be currently licensed ~~or eligible for a license~~ endorsed in the area of requested authorization and shall:

(i) have previously held a teacher or specialist license; or

~~(ii) hold a bachelor's degree related to the area for which the emergency authorization of employment is being sought; or~~

~~(iii) provide acceptable evidence of academic qualifications and or significant experience related to the area for which the emergency authorization of employment is being sought.~~

~~(d) The individual for whom the emergency authorization is being sought shall not have held a Class 5 license within the year preceding the year for which emergency authorization of employment is being sought.~~

(2) An emergency authorization of employment is valid for one year.

(3) Experience as a classroom teacher when authorized pursuant to this rule qualifies as teaching experience as defined in ARM 10.57.102(14).

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-111, MCA

10.57.109 UNUSUAL CASES (1) The Board of Public Education is aware that these licensure rules cannot cover all the special circumstances that can arise. Therefore, the ~~Superintendent of Public Instruction~~ Board of Public Education is authorized to exercise judgment in unusual cases upon recommendation by the Superintendent of Public Instruction ~~and report any such actions to the Board of Public Education on a regular basis.~~

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

10.57.201A CRIMINAL HISTORY BACKGROUND CHECK (1) through (4) remain the same.

(5) To initiate the criminal history background check process, the applicant must submit a set of fingerprints on the appropriate form to the Montana Department of Justice for the purpose of licensure. Criminal background checks submitted for other purposes will not be accepted for licensure.

(6) through (9) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-103, 20-4-104, MCA

10.57.215 RENEWAL REQUIREMENTS (1) ~~All Montana educator licenses~~ Class 1, 2, 3, and 6 educator licenses may be renewed with verification of 60 renewal units earned during the five years of validity through August 31 of the year the license expires.

(2) and (3) remain the same.

(4) Activities acceptable to renew licenses are professional development, training, workshops, or coursework consistent with PK-12 public school curriculum and may include:

(a) and (b) remain the same.

(c) other professional development activities offered by providers who have not been approved as a renewal unit provider pursuant to ARM 10.57.216, when licensees have received approval for the professional development activity from the Superintendent of Public Instruction ~~or submit acceptable evidence of the professional development activity with their application for renewal;~~

(d) remains the same.

(e) the instruction of a relevant college or university course, ~~based upon the academic credit of the course,~~ by a Montana licensee who has achieved a graduate degree in an endorsed field of specialization; or

(f) and (5) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-121, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-102, 20-4-108, MCA

10.57.218 RENEWAL UNIT VERIFICATION (1) and (2) remain the same.

(3) Failure to respond within the time allowed to a request for renewal unit activities in connection with an audit may result in denial of license renewal.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-108, MCA

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE (1) remains the same.

(2) Applicants for an initial Montana Class 1, 2, or 3 license whose degree is more than five years old and who do not have current out-of-state licensure must have earned six semester credits from a regionally accredited college or university

within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional, restricted, or lifetime licenses.

(3) To obtain a Class 2 standard teacher's license an applicant must submit verification of all of the following:

(a) remains the same.

(b) completion of an accredited professional educator preparation program including appropriate supervised teaching experience as the terms are defined in ARM 10.57.102 with a recommendation for the license requested from the appropriate official from the educator preparation program; and

(c) qualification for one or more endorsement as outlined in ARM 10.57.412; or

(d) a current license from the National Board for Professional Teaching Standards in an area approved for endorsement in Montana.

~~(3)~~ (4) If the educator preparation program completed by the applicant is not in Montana, upon initial application of a Class 1, Class 2, or Class 3 license, the applicant must provide:

(a) proof of a minimum passing score on the PRAXIS ~~II~~ Subject Assessment applicable to the requested endorsement as established by the Office of Public Instruction and approved by the Board of Public Education;

(b) verified completion of the online course "An Introduction to Indian Education for All in Montana"; and

(c) verified completion of an accredited professional educator preparation program including appropriate supervised teaching experience as the terms are defined in ARM 10.57.102; or

(d) verified completion of an educator preparation program, a current standard, unrestricted out-of-state educator license, and five years of successful teaching experience as defined in ARM 10.57.102 and appropriately aligned to ARM 10.58.501 as documented by a recommendation from the out-of-state state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction.

(4) and (5) remain the same but are renumbered (5) and (6).

AUTH: Mont. Const. Art. X, sec. 9, 20-2-121, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE (1) and (2) remain the same.

(a) eligibility for the Class 2 standard teacher's license as set forth in ARM 10.57.410, including proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the requested endorsement and "An Introduction to Indian Education for All in Montana" online course if the educator preparation program completed by the applicant is not in Montana;

(b) through (4) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.412 CLASS 1 AND 2 ENDORSEMENTS (1) remains the same.

(2) Areas approved for endorsement on Class 1 and 2 licenses include the following: agriculture, art K-12, biology, business and information technology education, chemistry, communication, computer science K-12, early childhood (age 3 to grade 3), earth science, economics, elementary education (K-8), English, English as a second language K-12, family and consumer sciences, geography, health, health enhancement and physical education K-12, history, industrial trades and technology education, journalism, library K-12, ~~marketing~~, mathematics, middle grades (4-8), music K-12, physical education K-12, physics, political science, psychology, reading K-12, school counseling K-12, science (broadfield), social studies (broadfield), sociology, special education P-12, special education P-12 hearing impairment, special education P-12 vision impairment, theater, traffic education, and world languages K-12.

(3) As appropriate, grade level endorsements may be issued as consistent with the educator preparation program completed by the applicant.

(4) Permissive special competencies or endorsements identified on an educator license, but no longer offered, may be retained as long as the licensee continues to renew the license.

(4) and (5) remain the same but are renumbered (5) and (6).

(a) completion of an ~~NCATE or CAEP~~ accredited professional educator preparation program at the grade level(s) identified by the program, including supervised teaching experience, or a waiver of this requirement on the university recommendation if the applicant has previously had supervised teaching experience; or

(b) ~~for those applicants completing an educator preparation program at a regionally accredited college or university approved or accredited by a state board of education or a state agency:~~

~~(i) 30 semester credits in an approved major and 20 semester credits in an approved minor; or~~

~~(ii) 40 semester credits in an extended major; and~~

~~(iii) supervised teaching experience.~~ completion of an educator preparation program, a current standard, unrestricted out-of-state educator license, and five years of successful teaching experience as defined in ARM 10.57.102 documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction.

(6) remains the same but is renumbered (7).

(a) completion of an ~~NCATE or CAEP~~ accredited professional educator preparation program; or

(b) and (c) remain the same.

(7) remains the same but is renumbered (8).

~~(8)~~ (9) Applicants who have completed accredited professional educator preparation programs outside of Montana and hold endorsements in specific disability areas (for example, early childhood special education, autism, hearing impaired) in another state may ~~not~~ qualify for a special education P-12 endorsement in hearing and vision upon verification of program completion and proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the

special education endorsement.

(9) remains the same but is renumbered (10).

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.413 CLASS 3 ADMINISTRATIVE LICENSE (1) through (3) remain the same.

(4) An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction. The additional requirements set forth in ARM 10.57.414 through 10.57.418 must also be met.

(4) and (5) remain the same but are renumbered (5) and (6).

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE – SUPERINTENDENT ENDORSEMENT (1) remains the same.

(a) an education specialist, master's, or doctoral degree from a regionally accredited college or university in education or education leadership;

(b) and (c) remain the same.

(d) a minimum of three years of teaching experience as an appropriately licensed teacher or specialist;

(e) and (f) remain the same.

(2) Applicant must also submit a recommendation for the endorsement requested from the appropriate official from an accredited professional educator superintendent program.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.415 CLASS 3 ADMINISTRATIVE LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT (1) remains the same.

(a) a minimum of three years of teaching experience as an appropriately licensed and assigned Class 1 or 2 teacher with a standard, unrestricted license at the elementary level;

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 or a master's degree related to education from a regionally accredited college or university;

(c) and (d) remain the same.

(e) recommendation for the endorsement from the appropriate official from

an accredited professional educator principal program.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.416 CLASS 3 ADMINISTRATIVE LICENSE – SECONDARY PRINCIPAL ENDORSEMENT (1) remains the same.

(a) a minimum of three years of teaching experience ~~as an appropriately licensed and assigned Class 1 or 2 teacher~~ with a standard, unrestricted license at the secondary level;

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 or a master's degree related to education from a regionally accredited college or university;

(c) and (d) remain the same.

(e) recommendation for the endorsement from the appropriate official from an accredited professional educator principal program.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.417 CLASS 3 ADMINISTRATIVE LICENSE – K-12 PRINCIPAL ENDORSEMENT (1) remains the same.

(a) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 or a master's degree related to education from a regionally accredited college or university;

(b) remains the same.

(c) a minimum of three years of teaching experience ~~as an appropriately licensed and assigned Class 1 or 2 teacher~~ with a standard, unrestricted license;

(d) remains the same.

(e) recommendation for the endorsement from the appropriate official from an accredited professional educator K-12 principal program.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE – SUPERVISOR ENDORSEMENT (1) remains the same.

(a) of completion of an accredited educator preparation program;

(a) and (b) remain the same but are renumbered (b) and (c).

~~(e)~~ (d) of three years of teaching experience as an appropriately licensed and assigned teacher with a standard, unrestricted license;

(d) remains the same but is renumbered (e).

~~(e)~~ (f) of recommendation for the endorsement from the appropriate official from an accredited professional educator supervisor program.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE – SPECIAL EDUCATION SUPERVISOR ENDORSEMENT (1) through (1)(b) remain the same.

(c) ~~three years of teaching experience in an accredited school setting as an appropriately licensed and assigned teacher with a standard, unrestricted license,~~ or five years of experience in an accredited school setting as a fully licensed and assigned related services provider;

(d) three semester credits in special education law;

(e) a supervised practicum/internship ~~in an accredited professional educator preparation program~~ from an accredited special education supervisor program; and

(f) recommendation for the endorsement from the appropriate official from an accredited ~~professional educator preparation~~ special education supervisor program.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE

(1) through (2)(a) remain the same.

(b) A Class 4B license issued to individuals with at least a bachelor's degree from a regionally accredited college or university, but who do not hold a valid Montana teaching license with the appropriate career and technical education endorsement; and

(c) through (4) remain the same.

(a) Class 4A licenses shall be renewable by earning 60 renewal units. Endorsement related technical studies may be accepted. ~~The~~ Additionally, the first renewal must show evidence of renewal units earned in each of the following ~~content~~ areas:

(i) and (ii) remain the same.

(b) Class 4B or 4C licenses shall be renewable by earning 60 renewal units. The first renewal must show evidence of renewal units earned in the following ~~content~~ areas:

(i) through (5) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.421 CLASS 4 ENDORSEMENTS (1) Recognized occupations eligible for a Class 4 license shall be evaluated on an annual basis by the Superintendent of Public Instruction. Appropriate career and technical education areas acceptable for endorsement on the Class 4 license include but are not limited to the following: ~~automotive technology, welding, auto body, industrial mechanics, agriculture business (marketing and communications), livestock production, plant and soil sciences, small engines, heavy equipment operations, electronics, horticulture, agriculture mechanics, building trades, building maintenance, culinary arts, metals, drafting, computer information systems, graphic arts, aviation, health science~~

education, machining, diesel mechanics, videography, and stagecraft agriculture business, agriculture mechanics, auto body, automotive technology, aviation, building maintenance, building trades, business marketing, computer information systems, culinary arts, diesel mechanics, drafting, electronics, engineering, graphic arts, health science education, heavy equipment operations, horticulture, industrial mechanics, livestock production, machining, metals, plant and soil sciences, Reserve Officer Training Corps (ROTC) instruction, small engines, stagecraft, videography, and welding.

(2) and (3) remain the same.

(4) ~~for~~ For health science education, engineering, or computer information systems, an alternative to the above requirement of 10,000 hours of work experience may be substituted as approved by the Superintendent of Public Instruction as follows:

(a) and (a)(i) remain the same.

(ii) ~~verification of participation in or completion of an approved internship program in a medical setting~~ provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized both nationally and by the Office of Public Instruction; and

(iii) successful completion of coursework in human biology ~~and~~ or anatomy and physiology; or

(iv) hold a current professional license ~~or certificate~~ in a related health occupation field;.

(b) For engineering:

(i) hold a Class 1 or 2 license with an endorsement in math or science; and

(ii) provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized both nationally and by the Office of Public Instruction.

~~(b) (c)~~ For computer information systems an individual may provide verification of completion of an approved technical program in a recognized training institution and hold a professional license or recognized industry standard certificate.

(5) remains the same.

(6) To qualify for a ROTC instructor endorsement the applicant must provide evidence of certification by the appropriate branch of the U.S. military and successful completion of a criminal background check pursuant to ARM 10.57.201A. This endorsement does not require verification of 10,000 hours of work experience and may not be issued as a Class 4C license. A Class 4A or 4B license with a ROTC endorsement may be renewed every five years with resubmission of certification by the appropriate branch of the U.S. military.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.424 CLASS 5 PROVISIONAL LICENSE (1) A Class 5 provisional license is valid for a term of three years, is not renewable, and may not be reinstated. A Montana educator may be issued only one Class 5 provisional license per teaching license (Class 1 or 2), administrator license (Class 3), or specialist license (Class 6). A Class 5 provisional license is not available for an initial Class 4

license or a Class 7 or 8 license.

(2) remains the same.

(3) An applicant for a Class 5 provisional license who has graduated from an educator preparation program outside of Montana ~~and does not meet the testing requirements of ARM 10.57.410(3)~~, must provide proof of a minimum passing score on the Praxis Subject Assessment applicable to the requested endorsement and a current Montana address or job offer from an accredited or state-funded P-12 school in Montana.

(4) remains the same.

~~(5) When the endorsement-specific requirement in ARM 10.57.425 through 10.57.432 requires a master's degree, master's degrees which do not meet the specific requirement may be accepted with university approval as evidenced by enrollment in the accredited professional educator preparation program.~~

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.427 CLASS 5 PROVISIONAL LICENSE – SUPERINTENDENT ENDORSEMENT (1) remains the same.

(a) a master's degree in educational leadership from an accredited professional educator preparation program ~~or equivalent~~ as defined in ARM 10.57.102;

(b) eligibility for a Class 1, 2, or 5 teaching license or a current standard, unrestricted out-of-state license and five years of successful supervisory experience as a licensed administrator as defined in ARM 10.57.102, documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction;

(c) through (f) remain the same.

(2) Applicants required to complete coursework other than Montana school law, Montana collective bargaining and employment law, and Montana school finance ~~must be enrolled in a Board of Public Education-approved internship program as outlined in ARM 10.55.607~~ are not eligible for a Class 5 provisional license, but may enroll in an internship program pursuant to ARM 10.55.607.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.428 CLASS 5 PROVISIONAL LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT (1) and (1)(a) remain the same.

(b) eligibility for a Class 1, 2, or 5 teaching license at the elementary level or a current standard, unrestricted out-of-state license and five years of successful supervisory experience as a licensed administrator as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction; and

(c) a minimum of three years of experience as an appropriately licensed and assigned teacher at the elementary level; ~~and~~

~~(d) for those applicants who have not completed an accredited professional~~

~~educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:~~

~~(i) can meet the requirements for full licensure within the three-year valid period of the license; and~~

~~(ii) meets the professional educator preparation program's admission requirements.~~

~~(2) Applicants required to complete coursework other than Montana school law, including special education law must submit written evidence of enrollment in an accredited professional educator preparation program leading to the elementary principal endorsement and enrollment in the Board of Public Education approved are not eligible for a Class 5 provisional license, but may enroll in an internship program as outlined in pursuant to ARM 10.55.607.~~

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.429 CLASS 5 PROVISIONAL LICENSE – SECONDARY PRINCIPAL ENDORSEMENT (1) and (1)(a) remain the same.

~~(b) eligibility for a Class 1, 2, or 5 teaching license at the secondary level or a current standard, unrestricted out-of-state license and five years of successful administrative experience as a licensed administrator as defined in ARM 10.57.102, documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction; and~~

~~(c) a minimum of three years of experience as an appropriately licensed and assigned teacher at the secondary level; and~~

~~(d) for those applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:~~

~~(i) can meet the requirements for full licensure within the three-year valid period of the license; and~~

~~(ii) meets the professional educator preparation program's admission requirements.~~

~~(2) Applicants required to complete coursework other than Montana school law, including special education law must submit written evidence of enrollment in an accredited professional educator preparation program leading to the secondary principal endorsement and enrollment in the Board of Public Education approved are not eligible for a Class 5 provisional license, but may enroll in an internship program as outlined in pursuant to ARM 10.55.607.~~

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.430 CLASS 5 PROVISIONAL LICENSE – K-12 PRINCIPAL ENDORSEMENT (1) and (1)(a) remain the same.

~~(b) eligibility for a Class 1, 2, or 5 teaching license at any level within K-12 or current standard, unrestricted out-of-state licensure and five years of successful supervisory experience as a licensed administrator as documented by a~~

recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction; and

(c) a minimum of three years of experience as an appropriately licensed and assigned teacher at any level within K-12; ~~and~~

~~(d) for those applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:~~

~~(i) can meet the requirements for full licensure within the three-year valid period of the license; and~~

~~(ii) meets the professional educator preparation program's admission requirements.~~

(2) Applicants required to complete coursework other than Montana school law, including special education law ~~must submit written evidence of enrollment in an accredited professional educator preparation program leading to the K-12 principal endorsement and enrollment in the Board of Public Education approved~~ are not eligible for a Class 5 provisional license, but may enroll in an internship program as outlined in pursuant to ARM 10.55.607.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.431 CLASS 5 PROVISIONAL LICENSE – SUPERVISOR ENDORSEMENT (1) To obtain a ~~e~~Class 5 provisional license with a supervisor endorsement, an applicant must provide verification of:

(a) a master's degree from an regionally accredited college or university in the area requested for supervisory endorsement; and

(b) three years of appropriately licensed experience as a teacher in the area requested for supervisory endorsement or five years of experience in a school setting as a fully licensed and appropriately assigned related services provider; and

(c) a plan of study from an accredited professional educator preparation program verifying that the applicant:

(i) can meet the requirements for full licensure within the three-year valid period of the license; and

(ii) meets the professional educator preparation program's admission requirements.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.432 CLASS 5 PROVISIONAL LICENSE – SPECIALIST ENDORSEMENT (1) remains the same.

(a) verification of a master's degree or greater in school psychology or related field from a regionally accredited ~~program~~ college or university; and

(b) and (2) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.433 CLASS 6 SPECIALIST LICENSE (1) and (2) remain the same.

(3) Applicants for an initial Montana Class 6 license with a degree more than five years old and who do not have current out-of-state licensure must have earned six graduate semester credits from a regionally accredited college or university within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional, restricted, or lifetime licenses.

(3) through (5) remain the same but are renumbered (4) through (6).

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.435 CLASS 6 SPECIALIST LICENSE – SCHOOL COUNSELOR

(1) remains the same.

(a) a master's degree from a regionally accredited college or university; and

(b) and (c) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.438 CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY LICENSE ENDORSEMENTS (1) Areas approved for endorsement on Class 8 dual credit-only postsecondary faculty licenses are listed in ARM 10.57.412 and 10.57.421.

(2) remains the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA

10.57.601B REVIEW (1) and (2) remain the same.

~~(3) After receiving a response from the licensee, the board may request further information to ensure the preliminary review properly reflects the facts and position of each party.~~

(4) If the board determines there is sufficient cause to believe that professional misconduct occurred, the board shall provide notice to the licensee of a hearing on possible disciplinary action as provided in ARM 10.57.602.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-110, MCA

10.57.602 NOTICE OF HEARING (1) ~~The~~ Upon notice of a request for disciplinary action pursuant to ARM 10.57.601 and determination of sufficient cause, ~~the~~ Board of Public Education shall provide notice of a pending disciplinary action to the licensee, by certified mail not less than 30 days prior to the date of the hearing.

(a) through (3) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-4-102, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-4-110, MCA

4. The board proposes to repeal the following rule:

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES, AUTH: 20-4-102, MCA; IMP: 20-4-103, MCA

5. The Board of Public Education proposes that the amendments to ARM 10.57.107 be effective upon adoption and the amendments to the remaining rules be effective January 1, 2017.

6. Statement of Reasonable Necessity: The Board of Public Education has determined it is reasonable and necessary to repeal ARM 10.57.201 and move relevant requirements to other applicable sections for clarification. Amendments to other rules are necessary for clarification of interpretation, consistency, and to correct errors and omissions. It is appropriate and reasonably necessary for the board to receive certain annual reports on licensing activities and to approve exceptions to the licensing requirements. It is also appropriate and reasonably necessary to assist with recruitment of qualified educators by allowing consideration of the experience of applicants who completed non-accredited educator preparation programs within strict parameters of quality assurance. Additional flexibility in emergency authorization for the hiring of staff in vacant positions is also appropriate and reasonably necessary.

The addition of a Class 4 endorsement of ROTC instructors allows those courses to be taught for student credit.

The board also proposes to include in the authorizing and implementing statutes a citation to its constitutional authority requiring the board "to exercise general supervision over the public school system." This inclusion would recognize the board's constitutional authority to conduct rulemaking.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., November 14, 2016.

8. Peter Donovan has been designated to preside over and conduct this hearing.

9. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which

program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 7 above or may be made by completing a request form at any rules hearing held by the board.

10. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

11. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

12. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

/s/ Sharon Carroll
Sharon Carroll
Board Chair
Board of Public Education

Certified to the Secretary of State October 3, 2016.