

CERTIFICATION STANDARDS & PRACTICES ADVISORY COUNCIL MEETING MINUTES

FEBRUARY 9, 2022

*Montana State Capitol Building, Room 152
Helena, MT*

Starting at 9:00 A.M.

CALL TO ORDER

Chair Elder called the meeting to order at 9:00 AM. The Chair led the Council in the Pledge of Allegiance and Ms. Stockton took Roll call. The Chair read the Statement of Public Participation and welcomed guests to the meeting.

Council members present: Mr. Kelly Elder, Chair; Ms. Teresa Marchant, Vice Chair; Ms. Barbara Brown; Dr. Kate Eisele; Dr. Trent Atkins; Dr. Rob Watson; Ms. Ann Wake. Staff present: Ms. McCall Flynn, Executive Director, Board of Public Education and CSPAC; Ms. Kris Stockton, Administrative Specialist; Ms. Julie Balsam, Administrative Assistant. Guests present: Ms. Amanda Curtis, MFPE; Ms. Tammy Lacey, Chair, Board of Public Education; Ms. Madalyn Quinlan, Vice Chair, Board of Public Education; Ms. Crystal Andrews, OPI; Dr. Julie Murgel, OPI; Ms. Diane Fladmo, MFPE; Dr. Kirk Miller, SAM; Mr. Lance Melton, MTSBA; Ms. Emily Bogus, Western Governor's University; Mr. Dennison Rivera; Mr. Darren Gaub; Ms. Chavlik; Ms. Eileen Guthrie; Ms. Ruth Rater; Ms. Elizabeth Hoganson; Ms. Christie Delaney; Ms. Moffie Funk; Ms. Cathy Carlson, Ms. Elizabeth Hale; Mr. Dylan Klapmeier, Governor's Office; Ms. Sherri Reynolds; Ms. Pamela Rainey; Ms. Heidi Keaster; Mr. Joshua (no last name provided); Mr. Tom Cabbage, Former CSPAC member; Ms. Elsie Arntzen, Superintendent of Public Instruction.

APPROVE AGENDA

Dr. Kate Eisele moved to approve the agenda. Dr. Rob Watson seconded the motion.

No discussion. Motion passed unanimously.

APPROVE MINUTES

Ms. Teresa Marchant moved to approve the October 14, 2021, and November 3, 2021, Meeting Minutes. Motion seconded by Ms. Ann Wake.

No discussion. Motion passed unanimously.

ITEM 1 EXECUTIVE COMMITTEE REPORT

Mr. Kelly Elder

Chair Elder reviewed the meeting agenda and the upcoming agenda items for the April agenda. The Chair asked Council members for any additional announcements. Dr. Watson announced it is National School Counselors Week, and Ms. Marchant noted it is "I Love to Read" month.

ITEM 2 BOARD OF PUBLIC EDUCATION REPORT

Ms. McCall Flynn

Ms. Flynn reviewed the November and January Board of Public Education meetings which included educational site tours in Missoula, licensure items, and the Board of Education meeting also held in Missoula in November. Ms. Flynn reviewed the special January meeting the Board held to approve the Transformational Learning and Advanced Opportunities Grant applications, and reviewed the January 13-14, 2022, Board meeting. Highlights included the interview and hiring of Mr. Paul Furthmyre as the permanent Superintendent of the Montana School

for the Deaf and Blind. Ms. Flynn announced the appointment of Ms. Renee Rasmussen as the newest member of the Board of Public Education, replacing Dr. Darlene Schottle, whose term ended January 31, 2022.

ITEM 3 MENTORSHIP AND INDUCTION (INFORMATION)

Ms. McCall Flynn

Ms. Flynn reviewed the Mentorship Manual originally created by CSPAC in 1993, and updated in the 2000's. Ms. Flynn discussed items in the document before turning it over for Council discussion. Council members reviewed the manual and discussed how it is being used, and by whom. Chair Elder asked that a committee be created to review the manual and report back at the April meeting. Dr. Watson noted that Board of Public Education member Anne Keith is currently working on mentorship with Montana State University Bozeman, and that she would be a helpful resource. Ms. Ann Wake, Ms. Teresa Marchant, and Dr. Eisele, volunteered to be on the subcommittee to review the Mentorship Manual.

ITEM 4 CSPAC BYLAWS (ACTION)

Ms. McCall Flynn

Ms. Flynn reviewed the revisions the Council made previously to the Bylaws.

Ms. Ann Wake moved to accept the revised Bylaws as presented. Ms. Barbara Brown seconded the motion.

No discussion. Motion passed unanimously.

ITEM 5 MONTANA PROFESSIONAL EDUCATOR CODE OF ETHICS (ACTION)

Ms. McCall Flynn

Ms. Flynn discussed the review and revisions to the Code of Ethics since the February 2021 CSPAC meeting when a committee was created to review the Code. The committee worked on the revisions during the spring of 2021, and a revised Code was presented to the full Council at the July 2021 meeting. At the July 2021 meeting, Mr. Pete Donovan, former Executive Director of the Board of Public Education and CSPAC, gave a presentation on the history of CPSAC and the Code of Ethics. Public comment was heard on the proposed revisions and the Council agreed to have the committee meet and review the revisions again. The committee reconvened after the July meeting and presented three options for Principle III(B) at the October 2021 CSPAC meeting. Dr. Watson reviewed the work of the committee over the past year, the areas being revised, and reasons why the committee moved forward with the revisions. Dr. Atkins discussed the proposed revisions to Principle III (B) stating that some words have become political hot topics, but that is not what the proposed changes were meant to reflect. The Chair mentioned that CSPAC members had received written public comment (attached) and asked for public comment.

Mr. Dennison Rivera spoke in opposition to the proposed changes and submitted a document for the record (attached).

Mr. Darren Gaub spoke in opposition to the proposed changes.

Ms. Donna Elford spoke in opposition to the proposed changes.

Ms. Chalivk spoke in opposition to the proposed changes.

Ms. Eileen Guthrie, Bozeman MT, opposed removal of the word "honesty", and stated her opposition of the proposed revisions to Principle III (B).

Ms. Ruth Rater, Helena, MT, spoke in opposition to the proposed revisions, and her concerns with removing "honesty"

Ms. Elizabeth Hoganson spoke in opposition to the proposed revisions and the relationship the proposed changes have to Critical Race Theory.

Ms. Christie Delaney, spoke in opposition to the words equity, inclusion, and diversity.

Ms. Moffie Funk, spoke in favor of the proposed revisions and thanked the Council for their hard work.

Ms. Cathy Carlson, spoke in opposition to the proposed revisions.

Ms. Elizabeth Hale spoke about the proposed revisions.

Mr. Dylan Klapmeier, Education Policy Advisor to Governor Gianforte, spoke about the public comment letter submitted by the Governor (attached).

Ms. Sherri Reynolds spoke in opposition to removing the words “honesty” and “equality”.

Ms. Amanda Curtis, President of MFPE, spoke in support of the proposed revisions to the Code of Ethics, and thanked the Council for their work.

Ms. Pamela Rainey spoke in opposition to the proposed revisions and the words “equity and inclusion”.

Mr. Joshua (no last name provided), Great Falls, spoke in opposition to the proposed revisions, specifically the words “equity and inclusion”

Ms. Heidi Keaster, Helena, spoke in opposition to the proposed revisions.

Mr. Tom Cabbage, former CSPAC member and Code of Ethics subcommittee member spoke in favor of the changes and gave context to the reasons why the committee chose the words they did. Mr. Cabbage stated that these are professional goals for educators.

Superintendent of Public Instruction Elsie Arntzen spoke in support of Governor Gianforte’s letter in opposition to the proposed revisions. The Superintendent reviewed the licensure process at the OPI including the criminal background check all potential teachers are subject to, and the oath to the US Constitution and Montana Constitution that teachers must take. The Superintendent also submitted a letter for the record (attached).

Chair Elder spoke about the concerns of the word “honesty” being removed but noted that “integrity” remains in the proposed revisions and that in and of itself means honesty. The Chair commented on the concerns that Critical Race Theory is being taught in schools in Montana and encouraged everyone in the room to observe classrooms, to observe his classroom, and that they will find that Critical Race Theory is not present in any Montana classrooms. Chair Elder noted that he is proud of the committee’s work, and of the Code of Ethics.

Dr. Atkins thanked the Chair for his comments.

Dr. Trent Atkins moved to approve the Montana Educator Code of Ethics. Motion seconded by Dr. Kate Eisele.

Dr. Watson noted the administrative rule that outlines the scope of CSPAC and that setting the Code of Ethics is part of that. Dr. Watson spoke to Superintendent Arntzen’s concerns regarding including the Code in the licensure process.

No further comments. Motion passed unanimously.

ITEM 6 REVIEW OF SUPERINTENDENT ARNTZEN’S RECOMMENDATIONS TO REVISIONS TO ARM TITLE 10, CHAPTER 57, EDUCATOR LICENSURE (INFORMATION)

Dr. Julie Murgel, Crystal Andrews

Dr. Julie Murgel and Ms. Crystal Andrews, OPI, reviewed the Superintendent’s recommendations to the revisions to Chapter 57, Title 10, Educator Licensure. Dr. Murgel reviewed the layout of the document and proceeded to review the proposed revisions. Council members asked questions of Dr. Murgel and Ms. Andrews as they went through the revisions, and thanked Dr. Murgel and Ms. Andrews for their work.

ITEM 7 DISCUSSION AND RECOMMENDATION TO THE BOARD OF PUBLIC EDUCATION ON REVISIONS TO ARM TITLE 10, CHAPTER 57, EDUCATOR LICENSURE (ACTION)

Mr. Kelly Elder

Chair Elder called for public comment before the Council moved forward with recommendations to the Board of Public Education.

Mr. Dylan Klapmeier, Education Policy Advisor to Governor Gianforte stated support for the revisions and the Governor’s Office looks forward to working with the Board of Public Education on the proposals.

Ms. Flynn clarified that public comment today is specific to the discussion at hand. Public comment in reference to the Chapter 57 revisions can be made at the Public Hearing on February 24th, or by submitting comments to the Board of Public Education.

Mr. Lance Melton on behalf of the Montana Public Education Center (MT-PEC) gave public comment and Ms. Amanda Curtis distributed a written document (attached) with the concerns the MT-PEC has, and Mr. Melton reviewed the document for the Council.

Dr. Kate Eisele moved that CSPAC requests the Board of Public Education retain the Indian Education for All requirements throughout the proposed revisions. Ms. Teeresa Marchant seconded the motion.

No discussion. Motion passed unanimously.

Ms. Teresa Marchant moved that CSPAC request the Board of Public Education to retain the replacement of Renewal Units to Professional Development Units. Dr. Kate Eisele seconded the motion.

No discussion. Motion passed unanimously.

Dr. Kate Eisele moved that CSPAC requests the Board of Public Education to retain the CTE hour changes from 10,000 to 5,000 hours of experience and from 80 hours to 60 hours of professional development. Dr. Rob Watson seconded the motion.

No discussion. Motion passed unanimously.

Dr. Rob Watson moved that CSPAC request the Board of Public Education to retain the Counselor to Administrator pathway recommended throughout the Superintendents proposal. Ms. Barbara Brown seconded the motion.

No discussion. Motion passed unanimously.

Ms. Teresa Marchant moved that CSPAC request the Board of Public Education to adopt the changes to Class 7 Licensure to obtain lifetime licensure. Dr. Kate Eisele seconded the motion.

No discussion. Motion passed unanimously.

Ms. Teresa Marchant moved that CSPAC requests the Board of Public Education to define the use of dependents or remove in New Rule 10.57.221. Ms. Barbara Brown seconded the motion.

No discussion. Motion passed unanimously.

Dr. Rob Watson moved that CSPAC requests the Board of Public Education to consider the MT-PEC suggestion to change the 180-day school year definition in 10.57.102(18) and (19). Dr. Kate Eisele seconded the motion.

No discussion. Motion passed unanimously.

Ms. Teresa Marchant moved that CSPAC requests the Board of Public Education to remove the grade requirements and replace with age requirements throughout the ARM as proposed by MT-PEC. Dr. Kate Eisele seconded the motion.

No discussion. Motion passed with Chair Elder dissenting.

Dr. Kate Eisele moved that CSPAC requests the Board of Public Education to consider the MT-PEC revisions to 10.57.424. Dr. Rob Watson seconded the motion.

No discussion. Motion passed unanimously.

Dr. Rob Watson moved that CSPAC request the Board of Public Education to accept the recommendations from MT-PEC 10.57.107 (1)(b), and (2), and OPI's recommendation in (4) and (1)(c)(iv). Dr. Kate Eisele seconded the motion.

No discussion. Motion passed unanimously.

Dr. Kate Eisele moved that CSPAC recommends the Board of Public Education accept the changes to 10.57.301 from the Superintendent regarding additional endorsements, and to include the age range recommendations from MT-PEC. Ms. Barbara Brown seconded the motion.

Discussion regarding this proposal with concerns from Dr. Atkins.

Dr. Watson offered an amendment to the motion to recommend the Board to adopt 10.57.301 item (3)(a) and (b) with the exception that the Board define "student teaching portfolio" with the Council of Deans. Dr. Kate Eisele seconded the motion.

No discussion. Motion passed unanimously.

Discussion ensued regarding 10.57.437, Class 8 license applications proposed revisions. Dr. Julie Murgel, OPI, clarified the proposals and answered Council member questions.

Dr. Watson moved that CSPAC request the Board of Public Education to accept the proposed revisions to 10.57.437, Class 8 license applications. Dr. Kate Eisele seconded the motion.

Clarifying question from Ms. Marchant.

No further questions. Motion passed unanimously.

The Council discussed the Superintendent’s proposed changes replacing “accredited” with “approved” throughout the full recommendations. Dr. Atkins asked what the justification for the change is, and asked if there were any entities in Montana who would fall under the “approved” category? Dr. Murgel noted that all 10 Educator Preparation Programs in Montana are “approved and accredited” and explained the reasoning behind the proposed revisions.

Dr. Kate Eisele moved that CSPAC advise the Board of Public Education to define “approved program” and outline more clearly what that is, and how that differs from “accredited program”. Dr. Rob Watson seconded the motion.

Dr. Trent Atkins amended the motion to include the original motion and add to “consult with the Council of Deans in defining “approved”. Dr. Kate Eisele seconded the amended motion.

No discussion. Motion passed unanimously.

ITEM 8 FUTURE AGENDA ITEMS

Draft Annual Report
Western Governor’s University report
PRAXIS Presentation
School Funding Presentation

PUBLIC COMMENT

Ms. Madalyn Quinlan, Vice Chair of Board of Public Education thanked the Council for their work and thoughtful consideration of the revisions.

Mr. Dennis Parman, MREA, clarified his earlier comments regarding Emergency Authorization teachers.

ADJOURN

Meeting adjourned at 2:53PM.

Agenda items are handled in the order listed on the approved agenda. Items may be rearranged unless listed “time certain”. Action may be taken by the Council on any item listed on the agenda. Public comment is welcome on all items but time limits on public comment may be set at the Chair’s discretion.

The Certification Standards and Practices Advisory Council will make reasonable accommodations for known disabilities that may interfere with an individual’s ability to participate in the meeting. Individuals who require such accommodations should make requests to the Board of Public Education as soon as possible prior to the meeting start date. You may write to: Kris Stockton, PO Box 200601, Helena MT, 59620, email at: kmstockton@mt.gov or phone at 444-0302.

CSPAC
Public Comment

1. Brian Cayko
Great Falls, MT

Thank you to the board for this opportunity to comment. This is in regard to the code of ethics you are considering.

1. I continue to be disappointed for the ability to make people aware of these kinds of action items. There are a lot of concerned citizens & parents that would want to weigh in on this yet have no idea that most of these decisions take place with very little public awareness.
2. The language there is concerning because it requires you to ask “what do you mean by diversity, equity, etc. “It is very vague. Does this mean they have to respect the diversity of the pedophile? The polyamorous? The violent supremacist?

Words matter & more so making sure we define them, especially when they have been recently gutted of meaning & used to mean any number of things that someone decides it should mean. These terms, undefined, cannot logically withstand scrutiny for the points I just made & therefore should either be withdrawn or narrowly defined. Equity simply needs to go unless we are now redefining that as well. No one should strive for mandated equity. As defined by the national school board association (not that that is reason to agree, actually likely the opposite) defines it as what most would consider equality. Disappointing that of all groups they would get that wrong. Even then, Some kids rightfully need more support than others. True equity as defined by that group would not allow you to help the poor struggling student any more or less than the others all would have to receive the same treatment. It is an awful war of semantics & philosophy that fails to support its own theory.

A much better term would be equality of opportunity.

The goal with this language as currently presented is to fool enough people into thinking it sounds good & righteous when really it’s a wolf in sheeps clothing. If their intentions are pure, they will have no problem defining those terms narrowly. All it takes to bring truth out is to expose the lie to the light. For too long, this kind of philosophy take over of our schools had been done unnoticed by the public. It is now being noticed & you are being called out on it.

3. The current language is exactly the same as CRT, etc. which is illegal in montana. Get rid of it.

Please, Please, follow the law, use good logic, evidence & hear the concerned parents & know that if most parents actually were aware that you were meeting to discuss these issues you would be overwhelmed with opposition to this language.

2. Kodi Hoffmann
Fairview Public Schools

I support the proposed ethics changes:

Proposed Code of Ethics Changes

Principle II. Commitment to the Profession. The ethical educator:

~~E. Manages information, including data, with honesty.~~ Manages information, including student data and assessments, with integrity.

Principle III. *Commitment to the Community. The ethical educator:*

~~B. Understands and respects diversity.~~ Demonstrates a commitment to equity and inclusion, and respects human diversity.

H. Uses social media and digital communications responsibly and professionally.

**3. Laura Ferguson
Helena, MT**

Dear members of Board of Public Ed,

I have read the draft amendments to the code of ethics and am writing now to say these are necessary and meaningful changes. Inclusion and equity are what PUBLIC education is all about. In recent years, we've seen some pretty harsh attacks on public education in an attempt to instill narrow-minded biases into Montana's education system or to truncate the ability of educators to teach about and too ALL Montanans.

The proposed changes to the code of ethics make sense and reinforce the values in Montana's Constitution. Integrity is built on inclusion and equity. I encourage you to adopt the amended code of ethics.

4. Kristine M. Kelly-Coburn

I as a professional educator for 26 years am in favor of the changes proposed to the educator code of ethics specifically principle IIIb.

**5. Nancy Loeza
Bozeman, MT**

Esteemed Certification Standards and Practices Advisory Council,

Please note my support for the changes to the *Educator Code of Ethics*. I have worked in public education for over four decades, and supporting access to the learning for every student is an important part of our work with the public. In education we use the words "equity" and "inclusion" to define the actions we take to provide learner access. It is unfortunate that these words have become politicized at this moment in our history.

Thank you for working for our public schools! They are a lifeline to so many of us. In the 1940's, Montana public schools helped my parents and their siblings develop skills that gave them the opportunities to succeed. The same with my sisters and me two decades later. Now my granddaughter is in a Montana public elementary school sopping up learning. I teach at a middle school and I, along with my colleagues, work at providing a quality public education to EVERY Montana student. It's our future.

6. Tammy Dalling

As an educator, I know that "equity" and "inclusion" aren't just buzzwords. As a professional educator I know they're not inappropriate words and should not be deleted from our code of ethics. **As a professional educator, I support the proposed changes to my professional code of ethics.**

Thank you for your work and uplift the good work WE all do every day to provide a quality public education to EVERY Montana student, despite a global pandemic.

**7. Rebecca Croghan
Belgrade, MT**

I am a public educator in Belgrade. I am writing to support the changes being proposed to our professional code of ethics. As an educator, I feel that these changes reflect the current practices and professional conduct of the majority of educators in the state. Codifying these practices and professional conduct would ensure that the commitment to these ethical practices continues in the future. I work with diverse students who have diverse needs. Committing to equity and inclusion means that I, as a professional, take into account the varying needs of my students and work with my colleagues to ensure each student has what they need to be successful academically and as a citizen of our community within my own classroom environment and within the larger school environment. As a professional educator, I acknowledge and embrace difference and diversity in my classroom and ensure that all experiences and ways of being in the classroom and community are treated with fairness and justice. These words are important to my role as an educator, and I appreciate that they are included in the ethical code of conduct. Thank you for your time and effort on this important work.

**8. Anna Shchemelinin
Bozeman, MT**

Dear members of the Board of Public Education,

I don't completely understand the reasoning behind replacing straightforward short statements with words among the most overused and misinterpreted terms in modern English. Still, these changes are not what concerns me most.

I'm writing regarding two items from Principle III.

The ethical educator: "...*Protects civil and human rights of students and colleagues*" and "*Assumes responsibility for personal actions.*"

By now, every teacher who spent at least a few hours in a class where children were forced to wear face masks has more than enough evidence that face masks harm students' physical and emotional well-being and don't provide any benefits in reducing the spread of airborne viruses. This means that teachers who still force students to wear masks and social distancing are knowingly and intentionally getting involved in systematic violation of students' fundamental human rights to breathe freely and have natural human communications with their peers. In other words, these teachers are guilty of child abuse that must never be tolerated by a free democratic society that prioritizes children's rights over dictatorial aims of Teachers' Unions.

It doesn't matter whether teachers genuinely believe that forcing children to wear masks and shaming them into getting vaccinated "protects lives," or they just "do their jobs" and follow orders. History has several examples of government employees "doing their jobs," and the Nuremberg trials and Principle III - D of Professional Educators of Montana Code of Ethics address specifically this issue.

Forcing students to wear masks and shaming students because their parents believe in the right to informed consent is currently the most disturbing issue of our public education system in Montana. The BPE must address this issue and ensure that this violation of students' human rights stops immediately and could never happen again.

You must make a public statement condemning forced medical measures in schools as a severe violation of the right to informed consent and demanding personal accountability for every teacher refusing to abandon these policies. If you don't, the entire discussion of revisiting the Professional educators' Code of Ethics would be nothing but a political farce, wasting taxpayers' money on meaningless changes that no one is expected to take seriously.

I'm an immigrant from the USSR who grew up in a country where the government officials had the authority to grant regular citizens human rights and take these rights away for "the greater good of the society." If you know history, you know how it worked out for the Soviet people. You must know how it works out for people in China, North Korea, Venezuela, Iran, and Afghanistan. The United States of America, the State of Montana, cannot afford to follow examples of these fascist dictatorships. The meeting dedicated to revising the Professional educators' Code of Ethics could serve as a perfect opportunity for you to send a message to Montana teachers that their job is to represent students' best interests. If they cannot do it, they must not be allowed to teach.

Please do your part and do the right thing.

9. Kristeen Keup

Thank you for your dedicated work on behalf of educators and quality education. Please know that you are appreciated.

As a retired educator, NBCT, Fulbright scholar, and a born and raised Montanan, I firmly support the proposed changes to the professional code of ethics to be voted on Tuesday, February 8.

I think it is important that you are addressing social media and digital communications.

10. Lynn Navratil Livingston, MT

I want to voice my support for the clear and specific code of ethics language in the draft, specifically principle IIIb.

Thank you for your work to make our profession better.

11. Tom Burnett Bozeman, MT

Dear members of the Board of Public Education:

I oppose the change that adds the words equity and inclusion to the goal of diversity in the Professional Educators of Montana Code of Ethics.

~~B. Understands and respects diversity. Demonstrates an understanding of educational equity and inclusion, and respects human diversity.~~

“Diversity, equity and inclusion” is an inappropriate pledge for teachers to make. It requires them to take sides in one of the fiercest debates of our time. It contradicts the foregoing value of eschewing bias.

F. Teaches without distortion, bias, or prejudice.

Diversity, equity, and inclusion is a modern catechism that teachers should not be required to recite or sign on to.

Stick with “Understands and respects diversity.”

12. Heather Higgs

Dear Members of the Certification Standards and Practices Advisory Council,

Thank you for the opportunity to provide my comments as a mom to students currently enrolled in the Montana public school system.

The changes proposed to the Montana Professional Educator Code of Ethics, specifically Principle III, Part B, speaks volumes to the democratic virtues and political persuasion of those recommending this pervasive, sanctimonious, and divisive Communist tripe. Doubt has been removed about this group's allegiance to its union and political party, rather than students, and it is insulting to parents' intelligence to suggest that this proposed change is actually for the good of Montana students. Rather, this unholy Trinity of equity, diversity and inclusion promotes Karl Marx's ideology as follows:

Equity: everyone loses equally and loses all opportunity.

Diversity: everyone is defined by race, ethnicity or sexual orientation, i.e. identity politics.

Inclusion: identity-based quotas to obtain a misconceived state of equity.

If these progressive and activist ideals are forced upon educators, who then have to implement them into their classrooms--and by extension their impressionable students--then this leads to the further erosion of freedom of speech and our current meritocracy. Opposing viewpoints will be seen as oppressive and those "woke" educators furthering this political agenda will consider it a moral obligation to stifle opposing viewpoints.

Furthermore, this Marxist philosophy sets up within the classroom a dichotomy of victims, those who can do no wrong, and oppressors, those who can do nothing right.

The real test to the origins of this change is to answer the question, "If the Republicans were putting forth this policy change, would I support it?" Be honest! This proposal is merely a tactic to usurp the legal opinion of Attorney General Austin Knudsen against critical race theory and is aimed to further the Democrat-backed Montana Federation of Public Employees' agenda to which many educators pay their dues.

I strongly urge you resist submission to this bullying and intimidating policy change which ensures that all Montana students lose equally and advocates for the depravation of real education for all Montana students.

13. Linda Semones Bozeman, MT

I am in full support of the language used in item III of the revised code of ethics. This language should not be politicized in any way. Equity is a word that teachers, who provide fair and equitable treatment

for all students, have used for many years. The code is just catching up with reality. Inclusion is also a word that all teachers use to mean that Indian Education for all is important, that inclusion classrooms for special ed students are required, and that all groups will receive equitable treatment under the law. These words are not political footballs in this State and I ask that you not let them become excuses for division. The words I love are DEMONSTRATES and RESPECTS. These are action words, and every teacher knows how to take action to make a classroom inclusive, equitable, and student-centered.

**14. Wayne Stanford
Stevensville, MT**

Thank you for your service to Montana students, educators, and schools. I am a long-time educator in Montana. I am supportive of the proposed changes to the Montana Educator Code of Ethics. Thank you for your thoughtful work and consideration in this matter.

**15. Karin Stanford
Stevensville, MT**

Thank you for your thoughtful consideration of the changes to the Educator Code of Ethics. The proposed changes give added strength that all of us as professionals believe and practice daily.

The work that you all do on behalf of the students, educators, and schools in Montana is vitally important to anyone connected to educating of our future. Your time and wisdom is noted and appreciated. Thank you.

**16. Kathy Milodragovich
Butte, MT**

Committee Members:

As a retired educator I would like to encourage you to include "equity and inclusion" in the Educators Code of Ethics. We need to include everyone in public education.

These words seem self evident for our public school system.

Thank you for allowing me to give input in this process.

**17. Terry Minow
Boulder, MT**

Dear members of CSPAC,

Please support the proposed changes to the educator code of ethics, specifically Principle IIb. It is important that our educators respect equity, inclusion and diversity. I support high ethical standards for our teachers.

As a proud graduate of Montana public schools whose two daughters also had an excellent education thanks to our great schools, I know the huge impact educators have on the lives of our students.

Thank you for your good work on this important committee. Thank you for supporting our educators who work so hard to provide the opportunities our students need for a quality public education.

18. Mary Sheehy Moe
Great Falls, MT

Dear Chair Elder and Members of the Council:

As chair of CSPAC's first Ethics Committee, I have followed the work of subsequent committees with interest. Over the past 20+ years, the continuing revisions and the discussions that surround them have elevated awareness of the expectations for ethical behavior in our profession, both for the professionals themselves and for the public we serve.

I write today in support of the revisions the Ethics Committee is bringing to the Council. I am particularly appreciative of the proposed substitution of the word "integrity" for "honor" in Principle II.E. "Integrity" captures far better the range of ethical considerations –e.g., privacy issues, statistical factors – than the word "honesty" does.

I am also supportive of the changes in Principle III.B., particularly the inclusion of the concept of educational equity since it is so frequently considered by the courts. I have to confess that I am disappointed that the original language – "demonstrates a commitment to" – has been revised to "demonstrates an understanding of" because I think ethical conduct is determined by deeds. We measure commitment by behavior in the critical moment; we measure understanding by a pencil-and-paper test. However, it is more important to include the concepts of educational equity and inclusion to the standard on diversity than to quibble over nuance over how both are shown. I support the language you have settled on.

The addition of III.H. is much-needed. 'Nuff said.

Thank you for continuing the work of our profession to hold ourselves to high standards in all we do.

19. Gloria Curdy

As a former chair of CSPAC and a teacher for 30years, I strongly support the proposed changes to the professional code of ethics: E., B, and the addition, H.

20. Missey Dore
Bozeman, MT

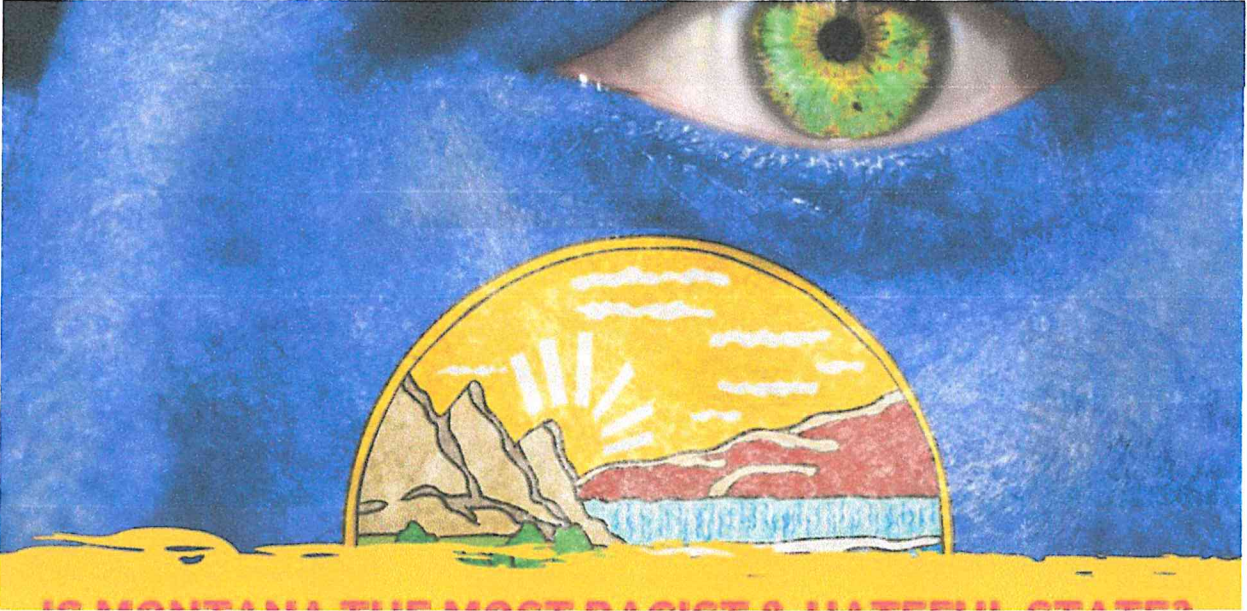
Dear Certification Standards and Practices Advisory Council,

Please adopt the proposed language changes to the Ethics Code. I am a 5th grade teacher at Morning Star Elementary in Bozeman. I am in favor of these changes because I know what equity and inclusion mean in education, and I understand that equity and inclusion are inherent in public education's mission. Equity and inclusion mean the we educators find all possible ways to help all the children we serve. It's that simple, and we'll keep it that way as we follow our ethics and put our noses to the grindstone to teach our charges. I urge you not to let outside forces, particularly loud and fearful voices, warp the meaning of equity and inclusion in our ethics. Language matters because language has

power. It's critical that we educators hold fast to language that we understand fosters the highest ethical standards and emboldens our noble cause to educate all students. Thank you very much for your work, your time, your mental effort and your patience in this important endeavor. I imagine it's a lot more than you bargained for.

IS MONTANA THE MOST RACIST & HATEFUL STATE?

May 7, 2021 Is Montana the Most Racist & Hateful State? Op-Ed, RNHA News Articles Dennison Rivera



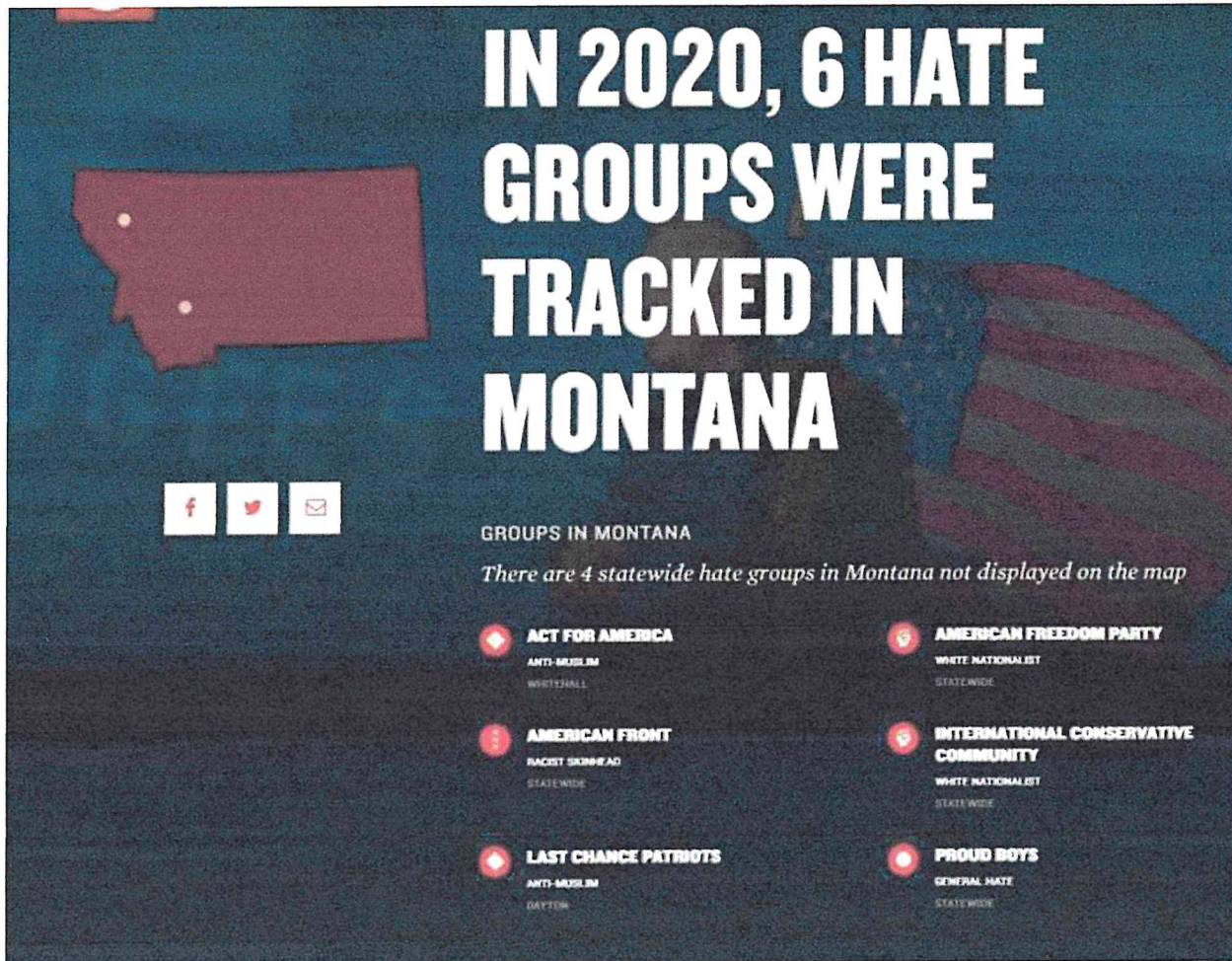
HELENA — In February, the 24/7 Wall St, a financial news corporation, published a list of the 17 States with the most hate groups per capita, and Montana ranked as number one. Grant Suneson, the senior editor at 24/7 Wall St wrote the article.

The claim from this article compelled Rep. Mary Ann Dunwell (D) to sponsor, and introduce a bill that would declare that “White Supremacist Neo-Nazi violence is domestic terrorism” to the Montana Legislature. The joint resolution failed after being tabled by House Republicans, who exposed Dunwell’s folly after she struggled to identify what a hate group is or identify one that exists in Montana.

Suneson’s article influenced legislative action and implies that Montana is rampant with racism, hate groups, and hate crimes to the whole world.

The primary source in Suneson’s article is the “Southern Poverty Law Center’s ambiguous Hate Map” report. I decided to take it upon myself to fact-check these claims and provide more information on their validity or lack thereof.

Analysis: Does Montana Have the Most “Hate Groups” In the Country Per Capita?



Suneson’s article depends on the data provided by SPLC, which names six “hate groups” in Montana. According to data from the SPLC, Montana possesses 5.55 hate groups per 1 million residents. He further states that there are a total of 6 hate groups per million.

Are these groups legitimate “hate groups?” Per SPLC definition, they identify hate groups based on ideology and rhetoric rather than organizations engaging in criminal activities and unlawful actions committed by said groups. The SPLC does not require an organization to commit a crime to be labeled a hate group under their definition.

For example, Last Chance Patriots are labeled as the largest hate group headquartered in Montana. The SPLC does not explain or expound on their reasons for labeling the Last Chance Patriots as Anti-Muslim. In response, Last Chance Patriots published this to the FAQ section on their website when asked, aren’t you just another hate group?

“According to the Montana Human Rights Council and the Southern Poverty Law Center, we are. However, nothing we share, no speakers we sponsor, and nothing we’re involved in has anything to do with hate. We’re about truth, which today is considered hate.”

Moreover, him and his partner, explain how they are not against individuals Muslims but rather the “totalitarian ideology” behind Islam. In my recent interview, with the founder, Ed Kugler, I discovered that ironically Last Chance Patriots has no membership; but rather an online organization that is only made up of him and his partner.

Therefore, according to the SPLC either Last Chance Patriots are not a hate group or all the other groups have less than two members. Does this qualify as a group? Are these really the standards?

ACT for America is another organization labeled as a “hate group” for Anti-Muslim rhetoric; however, it’s actually a national organization created in response to the 9/11 attacks. Brigitte Gabriel, a Lebanese-American conservative author, is the one who started this organization in hopes of informing Americans about national security and terrorism. Much like Last Chance Patriots, they also express the dangers behind radical Islam as a dominating political force rather than attacking individual Muslims.

Note that these two organizations are the only two displayed on the SPLC hate map, and the other four are classified as being state-wide. There is no basis or data to reflect that these other four groups exist in Montana.

Rep. Skees asked Rep Dunwell if she could name one such white supremacist hate group and Dunwell named the infamous “Proud Boys.” However, the leader of the Proud Boys is an Afro-Latino man named Enrique Tarrío. Tarrío, in several interviews, denounces white supremacy. When she was asked about where the Proud Boys headquarters were located in Montana, she said she did not know exactly and asked to redirect the question.

During the entire hearing, the only thing of note that was mentioned that could be labeled as malicious activity is Anti-Semitic literature distributed by an unnamed individual or group to the front doors of Jewish communities. It is evident that the SPLC failed to produce any legitimate proof to suggest that any of the six hate groups they mentioned actually exist in Montana. The SPLC hate map is not a creditable source.

Is SPLC Creditable?

This is all without mentioning that ironically SPLC has now been discredited and denounced by ACT for America, Prager U, Center for Security Policy, and many other organizations at SPLCExposed.com. They are accused of using their Hate Map as a political tool to intimate organizations with opposing views.

What Does a Lack of Diversity Prove?

According to the 24/7 Street article, Montana is among the least diverse states with 85.8% of residents identifying as White and it possesses the third-lowest share of foreign-born residents among states, at 2.3 %. Mr. Suneson mentions this to insinuate that States with “outsized hate groups tend to have several characteristics in common”, like being majority white or have a lower diversity score.

The Montanan majority that identifies as white, although that alone does not suggest that this State has an influx of hate groups, discrimination, racism, or white supremacy. The interesting thing is that instead of outright claiming white people are racist, he claims that this happens to be a common trait among these States.

This syllogistic premise is an association fallacy. For example, “John is a con artist. John has black hair. Therefore, all people with black hair are con artists.” Mr. Suneson indirectly asserts this by first claiming these States have the top number of hate groups and then deviously adds in the traits to solidify his point. The lack of diversity does not automatically mean that Montana is a racist state. There are other factors that might account for the lack of diversity.

What do a State’s low Median Household Incomes and Poverty Rates Prove?

“States with high concentrations of hate groups also tend to have low median household incomes and high poverty rates.”

Mr. Suneson notes that Montana has a Median Household income of \$57,153 (11th lowest). Although Montana is comparatively has a low poverty rate and relatively low cost of living than other States, he wanted to suggest that places making less income like Montana have more hate groups.

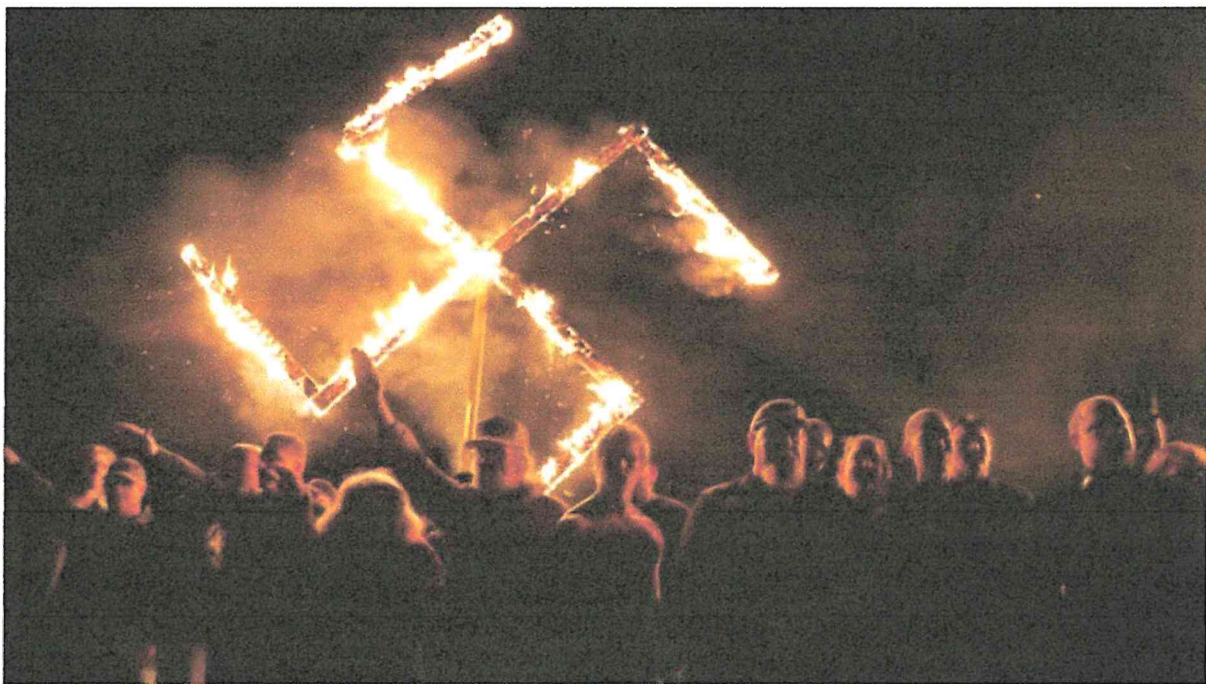
Same as the previous point, this is a pang of guilt by association fallacy. There is no distinct connection between household incomes and hate groups.

Having low median household incomes and poverty rates don’t prove anything.

Is the Senior Editors' Intent to Malign These States and Specifically Montana?

What I have discovered is this isn't the first time Montanan has been ranked as number one. In 2017, the 24/7 Wall St. published an article naming the top 10 states with the most hate groups, again ranking Montana as number one. A different writer wrote this article with similar intent and false data but with one distinct difference.

The most significant distinction between the 2017 and 2021 articles is the featured image for the State. What is interesting is that the former used a picture that showed a mountain representing Montana. However, Mr. Suneson used an image that shows Members of the



Source: Spencer Platt / Getty Images News via Getty Images

1. Montana

- > **Hate groups in 2020:** 5.55 per million people (total: 6)
- > **Pct. pop. identifying as white:** 85.8% (5th highest)
- > **Pct. pop. foreign born:** 2.3% (3rd lowest)
- > **Median household income:** \$57,153 (11th lowest)
- > **Largest hate group headquartered in state:** Last Chance Patriots

National Socialist Movement, one of the largest neo-Nazi groups in the U.S., holding a swastika burning after a rally.

If you are from Montana or live here, you would know that this is not something that would happen. In fact, this image is only a stock image produced by "Spencer Platt at Getty Images News via Getty Images." This photo actually took place on April 21, 2018, in Draketown, Georgia.

My question is, why post a stock photo to make it appear or give an impression as if this happened in Montana? Most of all 17 states mentioned appear to have a stock image provided by Getty Images.

It is obvious the Senior Editors intended to falsely paint Montana as a racist State by reporting false data, misapplied stats, and using White Supremacist stock images.

What Do Local Montanan Agencies Say in Regard to Hate Crimes and Hate Groups?

I called several local police agencies to get their perspective state-wide. Montanan area law enforcement agencies all seem to be on the same page and consistent with the perspective that there are random reports of hate speech or hate activity but have never been aware of any large, organized hate groups. The impression given was that it doesn't seem to be an issue in Montana in general.

What Do the Stats Say about Hate Crime in Montana and Nationally?

Montana Board of Crime Control report in 2018 reveals that there were only seven reported incidents state-wide. Six of which were related to a mixed group of either being Anti-Lesbian, Gay, Bisexual or Transgender.

In November of 2020, the FBI released statistics that showed the number of hate crimes reported nationally. This report showed that Montana ranked 35th out of 51 with only 35 reported hate crimes. (Statista)

On the category of "per bias motivation," the report shows 16 incidents in Montana between 9 cities. The rest shows nine incidents due to religion, and the rest towards sexual orientation, disability, gender, and gender identity.

What's interesting is that 11 of the 17 States ranked by 24/7 Wall St. are under 100 reported incidents, with the average being 36 incidents between them.

But why did 24/7 Wall St. fail to mention that California has 1,221 bias-motivated crimes? Which is double the amount of New York (618), New Jersey (478), Washington (664), and even Texas (560). Even the U.S. News made a report about this!

Conclusion

It's evident that the Chief Editor of 24/7 Wall St. Mr. Suneson's goal was to tarnish Montana and the other 17 States' reputation. Despite actual data provided by the FBI, that proves otherwise.

I've shown how SPLC, the source used to identify hate groups, is ambiguous and has no real tracking data on the whereabouts of said hate groups in Montana.

Moreover, the fact Last Chance Patriots being named as the largest group should be embarrassing enough by the fact it only consists of two members.

Then the false comparisons were made between States regarding low median household income and high poverty rates.

Lastly, the rhetoric and images posted were used to manipulate the American people, especially Montanans.

I'm appalled that the top four states with the most problems with hate-crime incidents are all run by Democrats, with California having double the number. All while pushing the narrative that the issue is between the States with the lowest reported hate crimes.

Grant Suneson, 24/7 Wall St, and SPLC should be ashamed of themselves for suggesting Montanans are racist and hateful. In my experience, all Montanans have the same skin color with a blue shade and with a Treasure State seal in their hearts. This is a state that welcomes all despite your skin color.

- Dennison Rivera

February 10th, 2022
Board of Public Education
Professional Educators of Montana Code of Ethics
Public Testimony

Principle III B. Professional Educators | Commitment to the Community, the ethical educator:
"Demonstrates a commitment to equity and inclusion, and respects human diversity."

Chair and members of the board, my name is Dennison Rivera – I'm not here in my official capacity at OPI. I'm here representing myself and as the elected State Chairman of the Montana Young Republicans. I'm here today in strong opposition to the draft revision Principal III B. which states:

"Professional Educators demonstrates a commitment to equity and inclusion, and respects human diversity."

I moved to Montana about six years ago from Houston, Texas and it's obvious that Montana is majority white. Over the years, I have noticed that many white people claim to be advocates against racism and discrimination but ironically know nothing about it. It's real interesting.

I've seen and experienced the viciousness of racism and discrimination and yet see white advocates here fearing not the act of racism but rather being labeled as one. It's true. Because when racism does occur, these people are blind to it or ignore it completely.

To me, it's all just virtue signaling. People want to be part of the latest trend, be part of the "cool" crowd, and avoid being labeled as a racist, privileged, bigot, etc. My theory is that some white Montanans are ashamed of being white, so they try to make everything politically correct to prove they are better people.

We need to stop treating Montana as if it's the racist capital of the world. It's not, and far from it. Especially in comparison to other states like California, U.S. News reported that it has 1,221 bias-motivated crimes, which is double the amount of New York (618), New Jersey (478), Washington (664), and even my home state of Texas (560). And Montana has only 35.

I encourage you to read the report I've passed around to you that proves that biased organizations are focused on vilifying Montana and disgracing our good state. Unfortunately, this revision you are proposing plays into this false narrative.

My wife and I would like to have children; Lord willing, that could happen tomorrow or at any time. As I mentioned before, my father is white with green eyes and blonde hair, and he is 100% Colombian. I have no idea what skin color my child will be born with one day, and I want

my son and daughter to be treated equally and judged by the content of their character and not their skin color.

When you press for equity of outcome, which truly means making efforts to ensure opportunities and success based on a person's racial identity, you dismiss the beauty of who they are as a person on the inside.

I don't want to raise my children in a place where all you see is their skin color. Frankly, I'm tired of people confessing their white guilt or considering me marginalized or oppressed. I have the same opportunities here as does anyone else.

Let's be honest this principle is a component of Critical Race Theory that is banned from Montana and violates federal and state law because it discriminates. Diversity creates inequity when you favor people based on their race, sex, or religion over others. Furthermore, equity eliminates diversity when you eliminate any difference in socialization, such as boys or girls.

It makes no logical sense to include contradicting standards in your code of ethics. So my question is, why are you doing this?

I'll be blunt. White people are not superior, and you are not special. You aren't born with special privileges. What's actually racist is to believe you are superior to others because of your skin color.

Hence, why I implore this body to reject the principle using "equity, inclusion, and diversity" and instead replace it with "At any time will not discriminate on the basis of race, sex, or nationality" as a commitment to the community."

- Dennison Rivera

July 14th, 2021
Board of Public Education
Professional Educators of Montana Code of Ethics
Public Testimony

Principle III B. Professional Educators | Commitment to the Community, the ethical educator:
“Demonstrates a commitment to equity and inclusion, and respects human diversity.”

Chair and members of the board, my name is Dennison Rivera – I am the newly elected State Chairman of the Montana Young Republicans. I'm here today in strong opposition to the draft revision Principal III B. which states:

“Professional Educators demonstrates a commitment to equity and inclusion, and respects human diversity.”

The main reason why I oppose this revision is because “equity, inclusion, and diversity,” code would be used as a moral weapon by hyper-partisan individuals who wish to subjectively discriminate against white students, racially profile minorities and creates gender inequality.

A clinical psychologist, Dr. Jordan Peterson states that equity is “predicated on the idea that the only certain measure of “equality” is outcome, educational, social, and occupational. The equity-pushers assume axiomatically that if all positions at every level of hierarchy in every organization are not occupied by a proportion of the population that is precisely equivalent to that proportion in the general population that systemic prejudice (such as racism, sexism, homophobia, etc.) is definitely at play, and that there are perpetrators who should be limited or punished that have or are currently producing that prejudice.”

Dr. Peterson emphasizes on how “equity” in practice contradicts diversity. He gives an examples on how extremists call to eradicate any differences in the socialization of boys and a girls, is by definition an elimination of diversity.

As well, emphasizing on diversity will in turn create inequity and discrimination by focusing to favor people based on their race, sex, or religion over others.

This is inexcusable, immoral and corrupt. Though in the letter it seems to be something good, but in practice it's evil.

This principle will lead to racial profiling of students. People of ethnicities, like myself, will be labeled as marginalized and oppressed just because of the color of their skin. This is already happening in Montana, where I'm expected to be unsuccessful and oppressed because of the color of my skin rather than my merits. It's unjustifiable to suggested marginalized people is

synonymous with minorities. My family came to this country to be free of oppression and for opportunity and not to be labeled as insignificant which is the definition of marginalized.

And in-turn this is prejudiced against white skinned students because it in turn will identify them to be racist perpetrators just because they are white. Which is also significantly dangerous for the Latino community. Why? Because we aren't a race but an ethnicity. Latinos literally consist of all color skin there is, including white people. My dad is 100% Colombian, speaks more Spanish than English, has blonde hair, green eyes, and white skin. My brother looks just like him but was born in Puerto Rican and yet both don't consider themselves to be white.

Therefore, in the name of equity should my father and brother be treated differently because of their skin color? Or even perhaps labeled as inherently racist because they are white?

This principle at its core is a component of Critical Race Theory that as you all know is banned from Montana because of the Attorney's General's opinion which specifically states to be discrimination and concludes that it violates federal and state law. Don't break the law.

If that isn't enough for you to reject this revision, then consider:

- Equal Educational Opportunities Act (EEOA) – which prohibits public schools from discriminating on the basis of race, color, or nationality.
- The Civil Rights Act of 1964 – prohibits schools that receive public funding from discriminating on the basis of race or religious belief.
- The Education Amendments of 1972 – bans discrimination on the basis of gender or sex.
- 14th Amendment of the Constitution – prohibits denying individuals the equal protections of the law.

Equal is quite different than equity. Equity focuses on "equality of outcomes" meaning ensuring proportionality of an outcome for all. However, equality, when applied to the law, especially those I mentioned, ensures each citizen will be treated fairly regardless of their status. That we all have an equal opportunity in this country despite our race, color, religion, sex or national origin.

I don't need you to ensure an equal outcome for minorities but instead your job is to ensure we all have the equal access to education and the equal opportunity to succeed. Chair, in conclusion I implore this body to reject the principle using "equity, inclusion, and diversity" and instead replace it with "At any time will not discriminate on the basis of race, sex, or nationality" as a commitment to the community.

- Dennison Rivera

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

February 8, 2022

Certification Standards and Practices Advisory Council
46 N Last Chance Gulch, Suite 2B
PO Box 200601
Helena, MT 59620

Dear Chairman Elder and CSPAC Members:

I write to comment on CSPAC's proposed revisions to the Montana Professional Educator Code of Ethics. As state education leaders, it is our responsibility to ensure students have access to the best educational opportunity available to them so they may learn, develop their unique gifts and talents, and achieve their full, outstanding potential. We owe that to our students. I believe that the current language in the educator code of ethics achieves that goal by recognizing that teachers must understand and respect the diverse needs of the students they serve.

Montana's schools do an excellent job of serving their diverse students, but better is always possible. I respect that you, as educators and administrators, are well-intentioned in trying to ensure that our state's teachers recognize and meet the needs of all Montana students with this updated language. I remain concerned, however, that some leaders have attempted to replace equality with equity, the results of which could have dire consequences for our students.

In November 2020, Vice President Kamala Harris said, "Equitable treatment means we all end up at the same place." The results of this idea have had profound impacts on public education in other states.

In the name of equity, the State of Oregon last year enacted a law revising its high school graduation standards. Designed to achieve what the governor's office described as "equitable graduation standards," the law repeals the state's requirement that a graduating student demonstrate an ability to read, write, and do math at a high school level.

In the name of equity, the State of California's Department of Education last year developed a plan to end accelerated math opportunities, closing the door on students to expand their horizons with higher level mathematics classes, like calculus.

These are just a couple of examples where the political pursuit of equity in education undermines the interests of students.

I don't wish to see Montana's public schools fall into the traps of promoting a political agenda, in the name of equity, that jeopardizes our students' opportunities. This would do a grave disservice to the students who should, and must, come first. Their interests must come before any politically motivated interests that will compromise their education.

Instead of promoting equity, the concept that "we all end up at the same place" or with equal results, we should promote equality in education, the idea that every student should enjoy equal opportunity to learn, thrive, and reach his or her full, outstanding potential.

I urge CSPAC to avoid unnecessary controversy in our classrooms by keeping the current language in Principle III, Part B. Further, Montana law prohibits advisory councils such as CSPAC from setting policy. Modification of the Code of Ethics is a policy decision that ultimately is under the jurisdiction of the Board of Public Education and not CSPAC in its advisory role to the Board.

Thank you for your service to our students and the State of Montana.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte". The signature is stylized and cursive.

Greg Gianforte
Governor

cc: Montana Board of Public Education



February 9, 2022

Certification Standards and Practices Advisory Council
46 N Last Chance Gulch, Suite 2B
PO Box 200601
Helena, MT 59620

Dear Chairman Elder and Members:

It is critical to the success of our schools that our education leaders be supported in their work to increase student success through educational improvements. Our students deserve the best quality education Montana can offer and to do so, we must collectively have their future success in mind. When our Montana schools are given the opportunity to advance our students will follow. It is our job as leaders to provide resources that allow for advancement in standards, not a decline.

As we all work together to serve Montana students, the focus on the addition of equity language into the code of ethics calls into question the understanding of the Certification Standards and Practices Advisory Council (CSPAC) and its role. The purpose of CSPAC is in an advisory capacity only and is not a policymaking authority. I believe we must make clear the authority of this board is to report to the Board of Public Education.

I agree with Governor Gianforte. It is unfortunate that some in education instead of leading are choosing to follow the failed policies from other parts of the country where their politics do not represent Montana values. I implore you to join me in putting Montana children first and removing politics from our classrooms. We can and must do better.

Sincerely,

Elsie Arntzen
State Superintendent





MASBO
Montana Association of
School Business Officials

MFPE
Montana Federation
of Public Employees

MQEC
Montana Quality
Education Coalition

MREA
Montana Rural
Education Association

MTSBA
Montana School Boards
Association

SAM
School Administrators
of Montana

ARM Chapter 57, Educator Licensure Comprehensive Review and Revision

MT-PEC Combined Response to OPI Recommendations

February 9, 2022

MT-PEC extends thanks to the Task Force and Feedback Group members, Superintendent, and staff who dedicated hours to the statutorily required process of revisiting Montana educator licensure rules. **We have provided detailed comments regarding several of the rule proposals below. Before providing rule by rule comments, we want to specifically call out and express our support for incorporation of Indian Education for All requirements throughout these administrative rules. We have organized our comments below by starting with the current text of the rule with any proposed changes highlighted in yellow and presented in red font, followed by our consensus recommendations regarding disposition of any proposed changes.**

NEW RULE I RECIPROCITY FOR MILITARY SPOUSES/DEPENDENTS

- (1) A Class 1, 2, 3, 4, or 6 license may be issued to a military spouse and/or dependents who holds a current, out-of-state unrestricted license.
- (2) The license shall be valid for a term of five years.
- (3) The applicant must:
 - (a) be the spouse and/or a dependent of an active-duty member of the United States armed forces who has been transferred to Montana, is scheduled to be transferred to Montana, is domiciled in Montana. or has moved to Montana on a permanent change-of-station basis; and
 - (b) submit verified completion of the online course "An Introduction to Indian Education for All in Montana."
 - (c) An applicant for a Class 3 administrative license must submit verified completion of the requirements of ARM 10.57.415.

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

MT-PEC Agrees with the changes to this rule as proposed.

NEW RULE II EDUCATOR PREPARATION PROGRAM VERIFICATION

(1) The Superintendent of Public Instruction has discretion to deny licensure consistent with these rules if the standards for an educator preparation program are not substantially equivalent to or greater than the standards required in Montana, subject to approval by the Board of Public Education upon appeal of the denial.

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

MT-PEC believes this rule is unnecessary and duplicative. There are options under current rule for someone to become regularly licensed when their prep program was comparable to Montana license standards and for someone to become alternatively licensed when they are successful in practice (which we have recommended at 2 years success). There is also provision for unusual cases in 10.57.109. Between these different rules, there is adequate provisio and guidance in the rules without this supplemental guidance that creates a potential competing path for the exercise of discretion by the state superintendent.

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

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) "Acceptable evidence" means relevant official transcripts, university recommendation, certificates of completion, and other documentation as required by the Board of Public Education or the Superintendent of Public Instruction.

(2) "Accredited educator preparation program" means:

(a) an educator preparation program accredited by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) or the Montessori Accreditation Council for Teacher Education (MACTE). A MACTE educator preparation program is subject to the following restrictions:

(i) Completion of a MACTE accredited program may only be used by an applicant for licensure who has also completed at least a bachelor's degree; and (ii) The resulting license granted to an applicant for licensure who has completed a MACTE accredited program shall be limited to early grades or middle grades licensure and only for the grade levels covered by the MACTE accredited program completed by the applicant; ~~or~~

~~(b) an educator preparation program at a regionally accredited college or university approved or accredited by a state board of education or a state agency. The Superintendent of Public Instruction has discretion to deny licensure~~

~~consistent with these rules if the standards are not substantially equivalent to or greater than the standards required in Montana, subject to approval by the Board of Public Education upon appeal of the denial.~~

~~(b) an educator preparation program at a regionally accredited college or university approved or accredited by a state board of education or a state EDUCATION agency. The Superintendent of Public Instruction has discretion to deny licensure consistent with these rules if the standards are not substantially equivalent to or greater than the standards required in Montana, subject to approval by the Board of Public Education upon appeal of the denial.~~

(3) "Accredited specialist program" means:

(a) for school psychologists, a program accredited by the National Association of School Psychologists (NASP); and

(b) for school counselors, a program for the preparation of specialists approved or accredited by:

(i) the Council for the Accreditation of Counseling and Related Education Programs (CACREP); or

~~(ii) a state board of public education or a state EDUCATION agency. The Superintendent of Public Instruction has discretion to deny licensure consistent with these rules if the standards are not substantially equivalent to or greater than the standards required in Montana, subject to approval by the Board of Public Education upon appeal of the denial~~

(4) "AGE 3-21" DENOTES A SCOPE OF SERVICE TO CHILDREN BY LICENSED EDUCATORS BEGINNING AT AGE 3, INCLUDING PRESCHOOLS, KINDERGARTENS AND OTHER EARLY CHILDHOOD PROGRAMS AUTHORIZED BY LAW AND CONTINUING THROUGH THE AGE OF 21 UNDER CIRCUMSTANCES AUTHORIZED BY LAW.

(4) "Appropriate grade level(s)" means early childhood, elementary, middle, secondary, or other levels as defined by the Board of Public Education.

(5) "Appropriate official" means the Superintendent of Public Instruction, the dean of the school of education or another official designated by them.

~~(6) "Approved preparation program" means an ACCREDITED educator preparation program approved by a state board of education or a state agency that leads to licensure in the state of preparation AS DEFINED IN (2) OF THIS RULE.~~

(6) (7) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of a teacher, administrator, or specialist program of an accredited college or university. Certification includes grade level(s), endorsement(s), and classification.

(7) (8) "College credit" means credit received for completion of a course from a regionally accredited college or university.

~~(9) "Course work GPA" means the weighted average of teacher education program course grades calculated over the defined period of study at a regionally accredited college or university. The weights reflect the relative contributions of teacher education program course requirements measured in arbitrary units, called credit value, based on contact hours or presumed total student workload.~~

~~(8) (10) "Endorsement" means an official indication on a license of the grade level(s), subject area(s), or specialist program area(s) as listed in Subchapter 4 for which the licensee is authorized to practice in Montana accredited schools. Grade levels are:~~

- (a) age 3 P—grade 3 AGE 3 TO GRADE 3 (early childhood PROGRAMS, INCLUDING PRESCHOOL OR OTHER EARLY CHILDHOOD PROGRAMS AUTHORIZED UNDER EXCPETIONAL CIRCUMSTANCES PURSUANT TO 20-5-101);
- (b) K-8 (elementary);
- (c) 4-8 (middle grades);
- (d) 5-12 (secondary, content-specific); (e) K-12 (as delineated in ARM 10.57.412); and
- (f) P-12 AGE 3-21 (special education and school psychologist).

(11) "Exchange teacher" means a person from outside the United States with exceptional expertise and contracted to provide instruction that is on an exchange program with a school district or university.

~~(9)~~ (12) "Lapsed license" means:

- (a) the licensee has not earned the required number of renewal units during the term of the license; or
- (b) the licensee has earned the required number of renewal units during the term of the license but has not renewed the license by June 30 following the year of expiration.

(10) (13) "License" or "licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.

(11) (14) "Regionally accredited" means a college or university accredited by one of the following:

(a) Higher Learning Commission;

~~(a)~~ (b) Middle States Association of Schools and Colleges;

~~(b)~~ (c) New England Association of Schools and Colleges;

~~(c) North Central Association of Schools and Colleges;~~

~~(d)~~ (d) Northwest Commission on Colleges and Universities; (e) Southern Association of Schools and Colleges; or (f) Western Association of Schools and Colleges.

(15) "Student-teaching portfolio" is a collection of artifacts to document evidence of student learning outcomes for teacher education program course requirements.

~~(12)~~ (16) "Supervised teaching experience" means teaching experience while under the supervision of an approved accredited professional educator preparation program and is identified through acceptable evidence as delineated in ARM 10.57.102(1) on a college or university transcript as field experience, internship, practicum, or student teaching.

(17) "Unrestricted license" means a current renewable license that is not an emergency or provisional license.

~~(13)~~ (18) "Year of administrative experience" means employment as a licensed administrator at any level within a state accredited P-12 AGE 3-21 school system, or in an educational institution specified in 20-9-707, MCA, for the equivalent of at least .5 full time employee (FTE) for a school year comparable to a 180-day school year for a minimum of a 180-day school year and during that year, must have been at least a 0.5 full time employee (FTE) FOR THE EQUIVALENT OF AT LEAST .5 FULL TIME EMPLOYEE (FTE) FOR A SCHOOL YEAR COMPARABLE TO A 180 DAY SCHOOL YEAR.

Experience as a County Superintendent may be considered as "administrative" experience with evidence of the following:

- (a) possession of a Class 3 license for the time period requested to be considered as administrative experience; and

(b) the school(s) they are claiming to hold or have held supervisory responsibilities over have provided notice that the county superintendent served in an administrative role.

(14) (19) "Year of teaching experience" means employment as a licensed teacher at any level within a state-accredited P-12 AGE 3-21 school system, or in an educational institution specified in 20-9-707, MCA, for the equivalent of at least .5 FTE for a school year comparable to a 180-day school year for a minimum of a 180-day school year and during that year, must have been at least a 0.5 full-time employee (FTE) FOR THE EQUIVALENT OF AT LEAST .5 FULL TIME EMPLOYEE (FTE) FOR A SCHOOL YEAR COMPARABLE TO A 180 DAY SCHOOL YEAR. Experience gained prior to initial licensure is not considered UNLESS SUCH EXPERIENCE IS GAINED AS A STUDENT TEACHER ENGAGED IN "SUPERVISED TEACHING EXPERIENCE" AS DEFINED IN ARM 10.57.102(16).

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

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

MT-PEC proposes adjustments to the changes to this rule as noted. Please note that we believe describing programs by connecting them to the ages of the students served is a more student-focused method of doing so than by using system-based acronyms, hence our recommendations for 3-21 throughout.

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT (1) In accordance with 20-4-111, MCA, district administrators who have exhausted all possibilities for hiring a licensed teacher may request that the Superintendent of Public Instruction issue an emergency authorization of employment to the district to employ a person to teach. The following requirements must be met to ensure consideration APPROVAL of the request:

- (a) The request must originate with the school district.
- (b) The position must have been advertised at least statewide far enough in advance to reasonably enable qualified applicants to submit applications and be interviewed. THE OBLIGATION OF A STATEWIDE ADVERTISEMENT MAY BE SATISFIED THROUGH ANY REASONABLE MEANS, INCLUDING USE OF THE MONTANA JOBS FOR TEACHERS SERVICE OF THE OFFICE OF PUBLIC INSTRUCTION.
- (c) The individual for whom the emergency authorization is being sought shall not be currently endorsed in the area of requested authorization and shall:
 - (i) have previously held a teacher or specialist license; or
 - (ii) provide acceptable evidence of academic qualifications or significant experience related to the area for which the emergency authorization of employment is being sought; or
 - (iii) provide evidence of experience as a paraprofessional; or
 - (iv) provide evidence to be assigned as a student teacher engaged in "supervised teaching experience" as defined in ARM 10.57.102(16).

- (2) An emergency authorization of employment is valid for one year **AND IS ELIGIBLE FOR CONTINUED AUTHORIZATION FROM YEAR TO YEAR DEPENDING ON SATISFACTION OF CONDITIONS SET FORTH IN THIS RULE.**
- (3) Experience as a classroom teacher when authorized pursuant to this rule qualifies as teaching experience as defined in ARM 10.57.102(14)(19).
- (4) Emergency authorization of employment for special education teachers is prohibited under federal regulations and is unavailable to a district for such positions.

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

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

MT-PEC proposes adjustments to the changes to this rule as noted.

Language was also added to the rule, to codify that the emergency authorization can be used as a way for paraprofessionals and student teachers to be a teacher of record, be compensated similar to a teacher salary rate, and earn teaching experience. Even though the teacher would not qualify the school district for the highly qualified educator payment, this would continue to ensure that the school would not earn a deficiency in accreditation for an unlicensed teacher.

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 ~~Board of Public Education~~ Superintendent of Public Instruction 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 an annual basis.

(2) If the Superintendent of Public Instruction denies an unusual case, the denial may be appealed to the Board of Public Education within 30 days of the denial.

(3) Upon receiving a timely notice of appeal from the denial of an unusual case, the Board of Public Education shall set an unusual case hearing and shall provide notice of the hearing to the prospective licensee and Superintendent of Public Instruction, by certified mail not less than 30 days prior to the date of the hearing.

(a) Such notice shall include:

- (i) a statement of the time, place, and nature of the hearing;
- (ii) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (iii) a reference to the particular sections of the statutes and rules involved;
- (iv) a statement of the matters asserted;
- (v) a designation of who will hear the allegation pursuant to ARM 10.57.603; and

(vi) a statement of the licensee's right to be represented by counsel at the hearing if they so choose at their own cost.

(b) The notice shall advise the prospective licensee that the unusual case hearing will be open to the public unless an individual's right to privacy outweighs the public's right to know as determined by the Board of Public Education.

(4) The prospective licensee and/or the Superintendent of Public Instruction may waive their right to the 30 days' notice in order to be placed on the next meeting agenda by writing a letter to the Board of Public Education.

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

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

MT-PEC Agrees with the changes to this rule as proposed.

The Office of Public Instruction (OPI) has an Educator Licensure Review Committee in place that reviews denial, suspension, unusual cases, and revocations matters. This committee currently drafts the letters for unusual cases for consideration for the Board of Public Education (BPE) and would continue to enact a review process.

Returning the authority back to the superintendent would reduce the time frame that an educator license remains in pending status while the unusual case is presented and considered by the BPE on a bimonthly schedule. This would also decrease the need to request a 30-day waiver, which is a result of attempting to hear the unusual cases in a timelier manner. If the OPI was to deny an unusual case, there is an appellate procedure for the prospective licensee.

10.57.112 LICENSE OF EXCHANGE TEACHERS ~~(1) An exchange teacher is a person from outside the United States with exceptional expertise and contracted to provide instruction.~~

~~(2)~~ (1) A Class 5 license may be issued to an exchange teacher as defined in ARM 10.57.102(11) educator who is on an exchange program with a school district or university.

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

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.201A CRIMINAL HISTORY BACKGROUND CHECK (1) The National Child Protection Act of 1993, as amended, (codified at 42 United States Code sections 5119a and 5119c) (the "Act") authorizes a state and national criminal history background check to determine the fitness of an employee, volunteer, or other person with unsupervised access to children, the elderly, or individuals with disabilities. The purpose of this rule is to support the Superintendent of

Public Instruction's duty to determine whether an applicant for licensure has been convicted of a crime that bears upon the applicant's fitness related to the safety and well-being of children and the integrity of the teaching profession.

(2) Each of the following applicants shall provide to the Montana Department of Justice information and material sufficient to obtain a fingerprint-based national criminal history background check:

(a) any applicant for initial Montana educator licensure;

(b) any applicant seeking to reinstate a lapsed, surrendered, revoked, or suspended educator license; or

(c) an individual for whom a school district is seeking emergency authorization of employment pursuant to ~~20-4-110~~ 20-4-111, MCA, and ARM 10.57.107.

(3) Neither the Superintendent of Public Instruction nor the Board of Public Education shall bear the costs of the background check.

(4) The Superintendent of Public Instruction shall not issue a Montana educator license pursuant to 20-4-101, et seq., MCA, until the applicant's background check has been completed and the results delivered to and reviewed by the Superintendent of Public Instruction.

(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 acceptable for licensure.

(6) As part of the licensure application process, the applicant must provide character and fitness information to the Superintendent of Public Instruction. If the applicant has any criminal history record, the applicant must provide a description and explanation of the circumstances of the crime.

(7) Each applicant who is the subject of a criminal history background check is entitled to receive a copy of the report from the Superintendent of Public

Instruction with the appropriate identification and signed release. The applicant may challenge the accuracy and completeness of any information contained in any such report through the Montana Department of Justice procedures.

(8) The Montana Office of Public Instruction shall make a determination whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon the applicant's fitness related to the safety and well-being of children or the teaching profession.

(9) Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the Superintendent of Public Instruction in the licensure process if the conviction was for a sexual offense, a crime involving violence, the sale of drugs, theft, or any other offense related to public health, welfare, and safety as it applies to the teaching profession.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.215 PROFESSIONAL DEVELOPMENT AND RENEWAL

REQUIREMENTS (1) Montana Class 1, 2, 3, and 6 educator licenses may be renewed with verification of 60 renewal professional development units earned during the five years of validity through August 31 of the year the license expires. (a) Applicants for an initial Montana Class 1, 2, 3, and 6 license whose degree is more than five years old and who do not have a current out-of-state licensure may be issued with verification of 60 professional development units earned within the five-year period preceding the effective date of the license.

(2) Participation in renewal professional development activities is equivalent to the following renewal professional development units:

(a) one hour of attendance at a professional development activity = one renewal professional development unit;

(b) one quarter college credit = 10 renewal professional development units;

(c) one semester college credit = 15 renewal professional development units. (3) Renewal Professional development activities used to renew or obtain all licenses must be a planned and structured experience, of benefit to the licensee's professional development as defined in ARM 10.55.714, an exposure to a new idea or skill or an extension of an existing idea or skill, and in compliance with (4). (4) Activities acceptable to renew or obtain licenses are professional development, training, workshops, or coursework consistent with PK-12 public school curriculum and may include:

(a) credits earned from a regionally accredited college or university; (b) activities offered by renewal professional development unit providers approved pursuant to ARM 10.57.216 and documented on an OPI renewal professional development unit certificate;

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

(d) another state's validated professional development activities other than college or university credit when the intent and structure of the process ensures the meeting or exceeding of Montana renewal professional development unit requirements for licensure;

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

(f) verification of completing the National Board Certification (NBC) process through the National Board of Professional Teaching Standards or successfully achieving and renewing NBC licensure shall result in 60 renewal professional development units. NBC renewal professional development units may apply to renewal of an expiring license.

(5) The licensee shall be solely responsible for retaining the renewal professional development unit verification to be used in the application for license renewal.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.216 APPROVED PROFESSIONAL DEVELOPMENT AND RENEWAL

ACTIVITY (1) Organizations wishing to offer professional development activities for the award of ~~renewal~~ professional development units must receive approval from the Superintendent of Public Instruction prior to offering activities. Status as an approved provider will continue as long as the provider is in compliance with (2).

- (2) Approved providers of professional development for the award of ~~renewal~~ professional development units must:
- (a) provide activities deemed appropriate for professional development of licensees in compliance with ARM 10.55.714 and 10.57.215;
 - (b) prepare and award completed ~~renewal~~ professional development unit certificates provided by the Superintendent of Public Instruction, ~~or an approved facsimile~~, to eligible participants;
 - (c) annually report the activities offered to the Superintendent of Public Instruction, including:
 - (i) the activity title and brief description;
 - (ii) date(s) and location(s) of the program; and
 - (iii) program schedule, name, and number of participants; and
 - (d) maintain records of all professional development activities for which ~~renewal~~ professional development unit awards are made for five years following the date of completion of the annual reporting requirement.
- (3) The Superintendent of Public Instruction shall provide access to approved professional development providers and annually provide a report to the Board of Public Education, which shall include, at a minimum, a list of providers.

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

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.217 APPEAL PROCESS FOR RENEWAL PROFESSIONAL

DEVELOPMENT ACTIVITY (1) Decisions of the Superintendent of Public Instruction on matters of ~~renewal~~ professional development unit activity or provider status may be appealed to the Board of Public Education pursuant to ARM 10.57.603.

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

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.218 RENEWAL PROFESSIONAL DEVELOPMENT UNIT

VERIFICATION (1) Applications to the Superintendent of Public Instruction for license renewal shall include a listing of the activities completed for renewal as required by ARM 10.57.215. The licensee is responsible for maintaining official documentation verifying completion of ~~renewal~~ professional development activities during the term of the license.

(2) The Superintendent of Public Instruction may conduct an audit of any renewal applications submitted. Those licensees selected for audit will be required to submit official transcripts or original ~~renewal~~ professional development unit certificates within 60 days from the date the renewal application is submitted or from the date of the audit letter.

(3) Failure to respond within the time allowed to a request for ~~renewal~~ professional development 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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.301 ENDORSEMENT INFORMATION (1) The only endorsements on

Montana teaching, administrative, or specialist licenses are those approved by the Board of Public Education.

(2) An initial endorsement may be granted by the Superintendent of Public Instruction based on the program of study completed as verified by the appropriate official defined in ARM 10.57.102.

(3) To add an additional endorsement to a Class 1 or 2 license, an applicant must submit verification of one of the three pathways:

(a) Endorsement program completion and recommendation for the endorsement from the appropriate official from an approved professional program, and

(i) proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the requested endorsement as established by the Office of Public Instruction and approved by the Board of Public Education; on the endorsement related content area exam; or

(ii) evidence of a passing score on a student teaching portfolio as defined in ARM 10.57.102 and verified by the appropriate official from the educator preparation program; or

(iii) evidence of a 3.00 or higher coursework Grade Point Average (GPA) as defined in ARM 10.57.102 and verified by the appropriate official from the educator preparation program.

(b) Posted Degree, Major, Minor, or National Board for Professional Teaching Standards Certification: Evidence of completion of at least one of the following degrees in the area applicable to the requested endorsement:

- (i) a doctorate degree;
- (ii) a master's degree;
- (iii) a baccalaureate degree, with a major or posted minor of at least 18 semester hours in the endorsement area requested;
or

(iv) a certificate for National Board of Certification for Teaching; (v) This method is not available for early childhood (P-3 AGE 3 - GRADE 3), elementary education (K-8), reading (K-12), english as a second language (K-12); School Administrator (Superintendent, Principal, or Supervisor); Specialist (School Psychologist or School Counselor); and initial endorsements in Special Education fields.

(c) Content Area Knowledge and Teaching Experience: Evidence of two years of teaching experience while appropriately licensed documented by a recommendation from a P-12 AGE 3-21 school employer on a form prescribed by the Superintendent of Public Instruction and proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the requested endorsement as established by the Office of Public Instruction and approved by the Board of Public Education; on the endorsement-related content area exam. Only where content area exam(s) have been identified may endorsements be added with this method. (i) If the applicant has a categorical special education endorsement, the applicant must pass the state-designated content test for a K-12 special education endorsement. If the applicant has a P-3 AGE 3 - GRADE 3 or K-8 special education endorsement, the applicant must have a minimum of two years of teaching experience as appropriately licensed in special education and pass the state-designated pedagogy test for the secondary level to add the K-12 special education endorsement.

(ii) This method is not available for early childhood (P-3 AGE 3 - GRADE 3), elementary education (K-8), reading (K-12), english as a second language (K-12); School Administrator (Superintendent, Principal, or Supervisor); Specialist (School Psychologist or School Counselor); and initial endorsements in Special Education fields.

(3) (4) An endorsement may be dropped from a license at the end of its valid term if licensure requirements pursuant to these rules are met.

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

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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE (1) A Class 2 standard teacher's license shall be valid for a term of five years.

(2) Applicants for an initial Montana Class 1, 2, ~~or 3~~ standard teacher's license whose degree is more than five years old and who do not have current outof-state licensure must have earned ~~six semester credits from a regionally accredited college or university~~ 60 professional development units as defined in ARM 10.57.215(4) within the five-year period

preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional, or 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) a bachelor's degree from a regionally accredited college or university; (b) completion of an ~~accredited professional approved~~ 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;

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

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

(ii) a passing score on a student-teaching portfolio as defined in ARM 10.57.102 and verified by the appropriate official from the educator preparation program; or

(iii) a 3.00 or higher course work grade point average (GPA) as defined in ARM 10.57.102 and verified by the appropriate official from the educator preparation program.

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

~~(a) proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the requested endorsement as established by the Office of Public Instruction and approved by the Board of Public Education; or hold current certification from the National Board for Professional Teaching Standards in an area approved for endorsement in Montana, and apply for endorsement in the same area; and~~

~~(b) verified completion of the on-line 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.~~

(e) VERIFIED COMPLETION OF AN EDUCATOR PREPARATION PROGRAM, A CURRENT STANDARD, UNRESTRICTED OUT-OF-STATE EDUCATOR LICENSE, AND TWO YEARS OF SUCCESSFUL TEACHING EXPERIENCE AS DEFINED IN ARM 10.57.102 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.

- (5) (4) A Class 2 standard teacher's license is renewable pursuant to the requirements of ARM 10.57.215.
- (6) (5) A lapsed Class 2 standard teacher's license may be reinstated by earning 60 renewal professional development units as defined in ARM 10.57.215(4) units during the five-year period preceding the date of application for the new license.

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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE (1) A Class 1 professional teacher's license shall be valid for a period of five years.

- (2) To obtain a Class 1 professional teacher's license an applicant must submit verification of all the following:
 - (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 if the educator preparation program completed by the applicant is not in Montana; or hold current certification from the National Board for Professional Teaching Standards in an area approved for endorsement in Montana, and apply for endorsement in this same area;~~
 - (b) completion of "An Introduction to Indian Education for All in Montana"; and
 - (c) a master's degree in education or an endorsable teaching area(s) from a regionally accredited college or university or certification by the National Board for Professional Teaching Standards; ~~and~~
 - (d) ~~three years of teaching experience as defined by ARM 10.57.102.~~
- (3) A Class 1 professional teacher's license shall be renewable pursuant to the requirements of ARM 10.57.215.
- (4) A lapsed Class 1 professional teacher's license may be reinstated by earning 60 renewal professional development units as defined in ARM 10.57.215(4) units during the five-year period preceding the date of application for the new license.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.412 CLASS 1 AND 2 ENDORSEMENTS (1) Subject field endorsement must be in areas approved for endorsement by the Board of Public Education.

(2) Areas approved for endorsement on Class 1 and 2 licenses include the following: agriculture, art K-12, biology, business education, chemistry, communication, computer science, early childhood (age 3 to grade **P-3 AGE 3 – GRADE 3**), earth science, economics, elementary education (K-8), English, English as a second language K-12, family and consumer sciences, geography, health, health and physical education K-12, history, industrial trades and technology education, journalism, library K-12, 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 AGE 3-21**, special education **P-12 AGE 3-21** hearing impairment, special education **P-12 AGE 3-21** 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.

(5) To obtain an early childhood (age 3 to grade 3 **P-3 AGE 3 – GRADE 3**), elementary (K-8), or middle grades (4-8), secondary (5-12 content-specific), K-12, or **P-12 AGE 3-21** (special education) endorsement, an applicant must provide verification of completion of an ~~accredited teacher education~~ approved educator preparation program at the grade level(s) identified by the program, in those areas to include including supervised teaching experience or a waiver of this requirement if the applicant has previously had supervised teaching experience.

~~(6) To obtain a secondary (5-12) or K-12 endorsement other than special education, the applicant must provide verification of:~~

~~(a) completion of an 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) 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.~~

COMPLETION OF AN EDUCATOR PREPARATION PROGRAM, A CURRENT STANDARD, UNRESTRICTED OUT-OF-STATE EDUCATOR LICENSE, AND TWO 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.

~~(7) To obtain an endorsement in special education P-12, the applicant must provide verification of:~~

~~(a) completion of an accredited professional educator preparation program; or (b) completion of a state-approved special education P-12 professional educator preparation program from a regionally accredited college or university; and (c) supervised teaching experience or a waiver of this requirement if the applicant has previously had supervised teaching experience.~~

- (8) ~~(6)~~ Applicants must also submit a recommendation for any endorsement requested from the appropriate official from an approved educator preparation ~~accredited professional educator~~ program.
- (9) ~~(7)~~ Applicants who have completed an approved ~~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 qualify for a special education **P-12 AGE 3-21** 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.
- (10) ~~(8)~~ Applicants with graduate degrees in an endorsable area may use experience instructing in relevant college or university courses as credit in that endorsement area for licensure.

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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.413 CLASS 3 ADMINISTRATIVE LICENSE (1) A Class 3 administrative license shall be valid for a period of five years.

(2) Appropriate administrative areas which may be approved for license endorsement are: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.

(3) To obtain a Class 3 administrative license, except pursuant to ARM 10.57.419, an applicant must be eligible for an appropriately endorsed Class 1, 2, or 5 teaching license or Class 6 School Counseling license to work teach in the school(s) in which the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57.414, ~~10.57.415, and~~ through 10.57.418. (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, who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five three 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 and approved by the Board of Public Education.~~

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, WHO IS CURRENTLY LICENSED IN ANOTHER STATE AT THE SAME LEVEL OF LICENSURE, MAY BE CONSIDERED FOR LICENSURE WITH VERIFICATION OF TWO 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 AND APPROVED BY THE BOARD OF PUBLIC EDUCATION.

The requirements of ARM 10.57.414(1)(c)(i) through (iii) must be met by an applicant seeking a superintendent endorsement.

(5) An applicant for a Class 3 administrative license must submit verified completion of the online course "An Introduction to Indian Education for All in Montana."

(6) A Class 3 administrative license shall be renewable pursuant to the requirements of ARM 10.57.215.

(7) A lapsed Class 3 administrative license may be reinstated by ~~showing verification of earning 60 renewal units earned~~ professional development units as defined in ARM 10.57.215(4) during the five-year period preceding the date of application for the new license.

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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE - SUPERINTENDENT ENDORSEMENT (1) To obtain a superintendent endorsement an applicant must provide verification of all of the following:

(a) an education specialist, master's, or doctoral degree from a regionally accredited college or university in education or education leadership; (b) completion of an approved accredited professional educator preparation program as defined in ARM 10.57.102 for superintendents with a recommendation for the license requested from the appropriate official from the educator preparation program;

~~(c) a minimum of 18 semester graduate credits in a school administrator preparation program, of which 12 must be beyond the master's degree in education leadership and include three credits in each of the following:~~ **completion of**

Montana requirements through online professional development courses or graduate coursework in each of the following areas: (i) Montana school law; and

(ii) Montana school finance; and

(iii) Montana collective bargaining and employment law;

COMPLETION OF COURSES COVERING MONTANA SCHOOL FINANCE, MONTANA SCHOOL LAW AND MONTANA COLLECTIVE BARGAINING AND EMPLOYMENT LAW, IN ORDER TO QUALIFY, SUCH COURSES MUST HAVE BEEN PROVIDED EITHER BY:

**(I) AN APPROVED PROFESSIONAL DEVELOPMENT PROVIDER PURSUANT TO ARM 10.57.216 THAT HAS PROVIDED APPROVED COURSES FOR AT LEAST FIVE CONSECUTIVE YEARS IN THE REQUIRED AREAS FOR WHICH A CANDIDATE SUBMITS EVIDENCE TO QUALIFY FOR LICENSURE; OR
(II) AN APPROVED SCHOOL ADMINISTRATOR PREPARATION PROGRAM.**

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

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

(e) (f) licensure and endorsement as a principal (P-12); and (f) (g) a minimum of one year of administrative experience as an appropriately licensed principal or one year of a supervised Board of Public Education approved administrative internship as a superintendent.

~~(2) Applicants must also submit a recommendation for the endorsement requested from the appropriate official from accredited professional 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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.415 CLASS 3 ADMINISTRATIVE LICENSE - ELEMENTARY

PRINCIPAL ENDORSEMENTS (1) To obtain an elementary, secondary, or K-12 principal endorsement an applicant must provide verification of: (a) a minimum of three years of teaching or school counseling experience with a standard, unrestricted license at the elementary level of the requested endorsement;

(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 from a regionally accredited college or university in education or education leadership;

(c) completion of an approved accredited professional educator preparation program as defined in ARM 10.57.102 for elementary principals at the level of the requested endorsement with a recommendation from the appropriate official from the educator preparation program;

(d) completion of three semester credits of college courses in Montana school law, including special education law; and

(e) recommendation for the endorsement from the appropriate official from an accredited professional principal program verified completion of the online course "An Introduction to Indian Education for All in Montana."

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) ~~This administrative~~
~~To obtain a supervisor endorsement is issued in specific fields such as math, music, and school counseling- an~~
~~applicant must provide verification of: This endorsement may be issued to applicants who submit verification:~~
(a) ~~of completion of an accredited~~ approved educator preparation program with a recommendation from the appropriate
official from the educator preparation program;
(b) ~~of completion of a master's degree in the area requested for endorsement at a regionally accredited college or~~
~~university;~~
(c) ~~that the applicant meets~~ eligibility requirements for a Class 1 or Class 2 teaching license endorsed in the field of
specialization or Class 6 school counseling license;
(d) ~~of three years of teaching experience~~ or school counseling with a standard, unrestricted license;
(e) ~~of completion of a supervised practicum/internship at an accredited professional~~ approved educator preparation
program; and
(f) ~~of recommendation for the endorsement from the appropriate official from an accredited professional supervisor~~
~~program~~ verified completion of the online course "An Introduction to Indian Education for All in Montana."

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE - SPECIAL EDUCATION SUPERVISOR ENDORSEMENT (1)
~~This administrative~~ To obtain a supervisor endorsement is issued in the specific field of special education an applicant
must provide ~~This endorsement may be issued to applicants who submit~~ verification of: (a) completion, at a regionally
accredited college or university, of a master's degree in special education or a master's degree in the following special
education- related service fields: school psychologist, speech-language pathologist, audiologist, physical therapist,
occupational therapist, registered nurse, clinical social worker, or clinical professional counselor;
(b) full licensure in the field of specialization;
(c) three years of teaching experience ~~in an accredited school setting with a standard, unrestricted license,~~ or five
three years of experience in an accredited school setting with a standard, unrestricted license as a fully licensed
and assigned related services provider;

- (d) three semester credits in special education law;
- (e) a supervised practicum/internship from an ~~accredited~~ approved special education supervisor program;
- (f) verified completion of the online course "An Introduction to Indian

Education for All in Montana;" and

(f) ~~(g)~~ recommendation for the endorsement from the appropriate official from an ~~accredited~~ approved 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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE (1) A Class 4 license is specific to career and technical education and shall be valid for a period of five years.

(2) There are three types of Class 4 licenses:

- (a) A Class 4A license issued to individuals holding a valid Montana teaching license, but without an appropriate career and technical education endorsement;
- (b) A Class 4B license issued to individuals with an apprenticeship program or associate or 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) A Class 4C license issued to individuals who hold at least a high school diploma or high school equivalency diploma and meet the minimum requirements for endorsement.

(3) To obtain a Class 4 career and technical educator license an applicant must:

- (a) meet the requirements of (2)(a), (b), or (c) above and qualify for one or more endorsements as outlined in ARM 10.57.421-; and
- (b) verify completion of the online course "An Introduction to Indian Education for All in Montana."

(4) A Class 4 license shall be renewable pursuant to the requirements of ARM 10.57.215 and the requirements specific to each type of Class 4 license. (a) Class 4A licenses shall be renewable by earning 60 professional development ~~renewal~~ units. Endorsement related technical studies may be accepted. ~~Additionally,~~ The first renewal must show evidence of ~~renewal~~ professional development units earned in each of the following areas: (i) curriculum and instruction in career and technical education; and (ii) safety and teacher liability.

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

(i) curriculum and instruction in career and technical education; and (ii) safety and teacher liability.

(c) Other professional development appropriate to renew a Class 4B or 4C license includes the following:

- (i) principles and/or philosophy of career and technical education;

- (ii) curriculum and instruction in career and technical education;
- (iii) learning styles/teaching styles; including serving students with special needs;
- (iv) safety and teacher liability;
- (v) classroom management;
- (vi) teaching methods;
- (vii) career guidance in career and technical education; or
- (viii) endorsement related technical studies, with prior OPI approval.

(5) A lapsed Class 4 license may be reinstated by showing verification of 60 ~~renewal~~ professional development units earned during the five-year period preceding the validation date of the new license, including ~~renewal~~ professional development units in:

- (a) curriculum and instruction in career and technical education;
- (b) safety and teacher liability; and
- (c) endorsement related technical studies or industry validated training.

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

MT-PEC Agrees with the changes to this rule as proposed.

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: agriculture business, agriculture mechanics, auto body, automotive technology, aviation, building maintenance, building trades, business marketing, computer coding, computer information systems, culinary arts, diesel mechanics, drafting, electronics, emergency medical technician (EMT), engineering, fire and disaster services, 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, teacher education, videography, and welding.

(2) Endorsements removed from the list of recognized occupations may be retained as long as the licensee continues to renew the license.

(3) To obtain an endorsement on a Class 4 license, an applicant must provide verification of a minimum of ~~10,000~~ 5,000 hours of documented, relevant work experience which may include apprenticeship training, documenting the knowledge and skills required in the specific trade in which they are to teach. Acceptable documentation of relevant work experience is determined by the Superintendent of Public Instruction and may include, but is not limited to:

(a) work experience completed and verified by previous employers, to include a detailed description of the duties performed during employment; (b) for self-employed individuals, examples of projects completed, letters of verification from clients or customers, profit and loss statements demonstrating the viability of the business or self-employment; (c) verification of teaching experience in the area requested for endorsement, accompanied by verification of substantial work experience in the area requested for endorsement; or (d) certificates of completion of appropriate technical programs or related college degrees and coursework, and industry certification (e.g., ASE, AWS). (4) For health science education, engineering, computer information systems, computer coding, teacher education, EMT, or fire and disaster services, an alternative to the above requirement of ~~40,000~~ 5,000 hours of work experience may be substituted as recognized by the Office of Public Instruction and the Board of Public Education as follows:

(a) For health science education:

- (i) hold a Class 1 or 2 license with an endorsement in health or any of the science areas;
- (ii) provide verification of successful completion of a blended learning professional development course of at least ~~80~~ 60 hours by a provider recognized by the Office of Public Instruction and the Board of Public Education; and
- (iii) successful completion of coursework in human biology or anatomy and physiology; or
- (iv) hold a current professional license 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~~ 60 hours by a provider recognized by the Office of Public Instruction and the Board of Public Education.

(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 industry standard certificate recognized by the Office of Public Instruction and the Board of Public Education.

(d) For computer coding:

(i) hold a Class 1 or 2 license; and

(ii) provide verification of successful completion of a blended learning professional development course of at least ~~80~~ 60 hours by a provider recognized by the Office of Public Instruction and the Board of Public Education. (e) For teacher education:

(i) hold a Class 1 or 2 license; and

(ii) provide verification of successful completion of five years of professional experience as a licensed educator.

(f) For EMT:

(i) hold a Class 1 or 2 license;

(ii) hold a current CPR/First Aid certificate and a current license as a lead instructor obtained through the Montana Board of Medical Examiners;

(iii) provide verification of a minimum of 2,000 hours of EMT experience; and

(iv) provide verification of successful completion of a blended learning professional development course offered by the Office of Public Instruction. (v) In addition to renewal requirements outlined in ARM 10.57.420, renewal of this endorsement will also require a current CPR/First Aid certificate and a current license as a lead instructor obtained through the Montana Board of Medical Examiners.

(g) For fire and disaster services:

- (i) hold a Class 1 or 2 license;
 - (ii) provide verification of a minimum of 2,000 hours of employment in fire services or law enforcement; and
 - (iii) provide verification of successful completion of a blended learning professional development course offered by the Office of Public Instruction.
- (5) A Class 4A, 4B, or 4C career and technical education license may be approved to teach traffic education if the license meets the requirements of ARM 10.13.310.
- (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~~ 5,000 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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.424 CLASS 5 PROVISIONAL LICENSE (1) There are ~~two~~ three types of Class 5 licenses:

- (a) a Class ~~5A~~ 5B provisional license that is valid for ~~three~~ one years; and
- (b) a ~~Class 5A~~ Class 5B provisional license that is valid for ~~one year~~ three years; and
- (c) a Class 5C provisional license that is valid for three years.

(2) A Class 5A provisional license will be issued to those individuals seeking their initial Montana educator license who meet all licensure requirements except need successful completion of the Montana required Praxis test. This license is valid for one year and is non-renewable.

~~(2)~~(3) A Class 5B provisional license is valid for a term of three years, is not renewable, and may not be reinstated. A Class 5B provisional license will be issued to those individuals who hold a bachelor's degree from a regionally accredited college or university but have not completed an approved educator preparation program. 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.

(3) (a) An applicant for a Class 5B provisional license must sign and file with the Superintendent of Public Instruction a plan of professional intent leading, within three years of the date of validity of the provisional license, to an appropriately endorsed Class 1, 2, 3, or 6 license as provided in ARM 10.57.412, 10.57.414, 10.57.415, 10.57.418, through 10.57.419, or 10.57.434 and 10.57.435 ~~10.57.436~~. (4) A Class 5C provisional license is valid for a term of three years, is not renewable, and may not be reinstated. A Class 5C provisional license will be issued to those seeking a license in Montana whose degree is more than five years old, do not hold a current standard, unrestricted educator licensure, and have not earned 60 professional development units as defined in ARM 10.57.215(4) within the five-year period preceding the effective date of the license.

(a) An applicant for a Class 5C provisional license must sign and file with the Superintendent of Public Instruction a plan of professional intent to obtain 60 professional development units which lead, within three years of the date of validity of the provisional license, to an appropriately endorsed Class 1, 2, 3, or 6 license as provided in ARM 10.57.412, 10.57.414, 10.57.415, 10.57.418, 10.57.419, or 10.57.434 and 10.57.435.

~~(4) (5)~~ An applicant for a Class 5A, 5B, or 5C provisional license ~~who has graduated from an educator preparation program outside of Montana must provide proof of~~ must provide verification of:

~~(a) a minimum passing score on the Praxis Subject Assessment applicable to the requested endorsement; or hold current certification from the National Board for Professional Teaching Standards in an area approved for endorsement in Montana, and apply for endorsement in the same area~~ a bachelor's degree from a regionally accredited college or university; and

~~(b) have a current Montana address or job offer from an accredited or a state-funded P-12 school in Montana;~~ and

~~(5) (c)~~ An applicant for a Class 5 provisional license ~~must provide verified completion of the online course "An Introduction to Indian Education for All in Montana."~~

~~(6) A Class 5A, 5B, or 5C provisional licensee is not eligible for a Board of Public Education approved internship program in the same endorsement area subsequent to the Class 5A, 5B, or 5C licensure expiration date.~~

~~(7) A Class 5A provisional license will be issued to those individuals seeking their initial Montana educator license who meet all licensure requirements except for successful completion of the Montana required Praxis test. This license is valid for one year and is non-renewable.~~

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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.425 CLASS 5 PROVISIONAL LICENSE - ELEMENTARY LEVEL

ENDORSEMENTS (1) To obtain a Class 5 provisional license with an elementary, middle, or early childhood level endorsement, an applicant must provide verification of: Subject field endorsement must be in areas approved for endorsement by the Board of Public Education.

(a) a bachelor's degree from a regionally accredited college or university; and (b) for those applicants who have not completed an accredited professional education 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) Areas approved for endorsement on Class 5 provisional license include the following: agriculture, art K-12, biology, business education, chemistry, communication, computer science, early childhood (P-3 AGE 3 – GRADE 3), earth science, economics, elementary education (K-8), English, English as a second language K-12, family and consumer sciences, geography, health, health and physical education K-12, history, industrial trades and technology education, journalism, library K-12, 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 AGE 3-21, special education P-12 AGE 3-21 hearing impairment, special education P-12 AGE 3-21 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) To obtain an early childhood (P-3 AGE 3 – GRADE 3), elementary (K-8), middle grades (4-8), secondary (5-12 content-specific), K-12 (as delineated in ARM 10.57.412), or P-12 AGE 3-21 (special education and school psychologist) endorsement, an applicant must provide verification of:

(a) a bachelor's degree from a regionally accredited college or university; and (b) for those applicants who have not completed an approved educator preparation program, a plan of study from an approved 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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.427 CLASS 5 PROVISIONAL LICENSE – SUPERINTENDENT ENDORSEMENT (1) To obtain a Class 5 provisional license with a superintendent endorsement, an applicant must provide verification of:

(a) a master's degree in ~~educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 from a regionally accredited college or university in education or education leadership~~; (b) eligibility for a Class 1, 2, or 5 teaching license or school counseling 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~~;

AND TWO 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) a minimum of three years of experience as an appropriately licensed and assigned teacher or school counselor license at any level;

(d) one year of appropriately licensed experience as a principal;

(e) completion of an ~~accredited professional~~ approved educator preparation program, as defined in ARM 10.57.102, for superintendents; and

(f) for those applicants who have not completed the ~~required courses in Montana school law, Montana school finance, and Montana collective bargaining and employment law, a plan of intent as detailed in ARM 10.57.424. Montana requirements through online professional development courses or graduate coursework in each of the following areas:~~

(i) Montana school law; and

(ii) Montana school finance; and

(iii) Montana collective bargaining and employment law; a plan of intent as detailed in ARM 10.57.424.

(2) Applicants required to complete coursework other than Montana requirements in Montana school law, Montana collective bargaining and employment law, and Montana school finance 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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.428 CLASS 5 PROVISIONAL LICENSE - ~~ELEMENTARY~~ PRINCIPAL ENDORSEMENT (1) To obtain a Class 5 provisional license with an elementary, secondary, or K-12 principal endorsement, an applicant must provide verification of: (a) a master's degree from an ~~accredited professional educator preparation program~~ a regionally accredited college or university in education or education leadership;

(b) ~~eligibility for a Class 1, 2, or 5 teaching or school counseling license at the elementary level of the requested endorsement 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 TWO 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 or counselor at the level of the requested endorsement.

(2) Applicants required to complete coursework requirements other than Montana school law, including special education law 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

MT-PEC proposes adjustments to the changes to this rule as noted.

10.57.431 CLASS 5 PROVISIONAL LICENSE - SUPERVISOR

ENDORSEMENT (1) To obtain a Class 5 provisional license with a supervisor endorsement, an applicant must provide verification of:

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

(b) three years of appropriately licensed experience as a teacher or counselor in the area requested for supervisory endorsement or ~~five~~ three 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~~ approved 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

MT-PEC Agrees with the changes to this rule as proposed.

- 10.57.432 CLASS 5 PROVISIONAL LICENSE - SPECIALIST ENDORSEMENT (1) To obtain a Class 5 provisional license with a specialist endorsement in school psychology, an applicant must provide:
- (a) verification of a master's degree or greater in school psychology or related field from a regionally accredited college or university; and
 - (b) for those applicants who have not completed an ~~accredited~~ approved specialist preparation program, verification from an ~~accredited~~ approved specialist program, of being within four course deficiencies of completing full requirements as outlined in ARM 10.57.434.
- (2) To obtain a Class 5 provisional license with a specialist endorsement in school counseling an applicant must provide:
- (a) verification of a bachelor's degree; and
 - (b) verification from the ~~accredited~~ approved specialist program, of being within four course deficiencies of completing full requirements as outlined in ARM 10.57.435.

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

MT-PEC Agrees with the changes to this rule as proposed.

- 10.57.433 CLASS 6 SPECIALIST LICENSE (1) A Class 6 specialist license is valid for a period of five years.
- (2) Class 6 specialist licenses may be issued with the following endorsements:
- (a) school psychologist; or (b) school counselor.
- (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~~ 60 professional development units as defined in ARM 10.57.215(4) within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional; or restricted; ~~or lifetime~~ licenses.
- (4) An applicant must verify completion of the online course "An Introduction to Indian Education for All in Montana."
- (4) ~~(5)~~ (5) A Class 6 specialist license may also be endorsed in traffic education if the licensee meets the requirements of ARM 10.13.310 and is approved by the Superintendent of Public Instruction.
- ~~(5)~~ (6) Class 6 specialist licenses may be renewed pursuant to the requirements of ARM 10.57.215.
- ~~(6)~~ (7) A lapsed Class 6 specialist license may be reinstated by showing verification of 60 ~~renewal~~ professional development units earned during the five-year period preceding the date of application for the new license.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.434 CLASS 6 SPECIALIST LICENSE - SCHOOL PSYCHOLOGIST

(1) To obtain a Class 6 specialist license with a school psychologist endorsement an applicant must provide verification of:

- (a) current credentials as a nationally certified school psychologist (NCSP) from the National Association of School Psychologists (NASP); or
- (b) completion of a specialist level degree from a NASP accredited school psychologist program which included a 1200-hour internship, of which 600 hours were in a school setting; or
- (c) for those applicants who did not earn at least a specialist level school psychology degree from a NASP accredited program:
 - (i) a master's degree or higher in school psychology or a related field from a regionally accredited college or university; and
 - (ii) recommendation from a NASP accredited specialist program defined in ARM 10.57.102, attesting to the applicant's qualifications being equivalent to NASP training standards, which included a 1200-hour internship experience of which 600 hours were in a school setting.

MT-PEC Agrees with the changes to this rule as proposed.

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) To obtain a Class 6 specialist license with a school counselor endorsement an applicant must provide verification of:

- (a) a master's degree from a regionally accredited college or university; and (b) completion of a CACREP accredited school counselor program which included an internship in a school setting of 600 hours; or
- (c) for those applicants who did not earn a degree from a CACREP accredited program:
 - (i) a master's degree in school counseling from a regionally accredited college or university; and
 - (ii) recommendation from an ~~accredited~~ approved specialist program defined in ARM 10.57.102, which included an internship in a school setting of 600 hours.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE

SPECIALIST (1) A Class 7 American Indian language and culture specialist license is valid for ~~a period of five years~~ the lifetime of the license holder.

- (2) The Superintendent of Public Instruction shall issue a Class 7 license based upon verification by the authorized representative of a tribal government, that has a memorandum of understanding with the Superintendent of Public Instruction, that the applicant has met tribal standards for competency and fluency as a requisite for teaching that language and culture.
- (3) The Board of Public Education will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.
- (4) An application must verify completion of the online course "An Introduction to Indian Education for All in Montana."

- (4) ~~(5)~~ A Class 7 American Indian language and culture specialist licensee may be approved to teach traffic education if the licensee meets the requirements of ARM 10.13.310 and is approved by the Superintendent of Public Instruction.
- (5) ~~A Class 7 American Indian language and culture specialist license may be renewed upon verification by the tribe that the professional development plan, as defined by the memorandum of understanding in (2) is met.~~
- (6) A school district may assign an individual licensed under this rule to only specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No other teaching license or endorsement is required for duties within this prescribed field.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.437 CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY

LICENSE (1) A faculty member of a college or university is required to hold a Class 8 dual credit license, unless already licensed or eligible for licensure as a Class 1, 2, or 4 and properly endorsed, whenever a faculty member is teaching a dual credit course at the college or university for which one or more students will earn both high school and college credit.

- (2) The license is valid for five years.

- (3) To obtain a Class 8 dual credit postsecondary faculty license, an applicant shall provide the following:
- (a) verification of faculty employment from the Chief Academic Officer or an appropriate official of the employing regionally accredited college or university;
 - (b) compliance with all other nonacademic requirements for licensure as required by 20-4-104, MCA, ARM 10.57.201 and 10.57.201A; and
 - (c) recommendation from the Chief Academic Officer from a regionally accredited college or university verifying the following:
 - (i) the applicant plans to teach in a subject covered by the K-12 endorsement areas in ARM 10.57.438, and will teach a subject in which the applicant has a major or minor; and
 - (ii) ~~the applicant demonstrates adequate education and experience to instruct dual enrollment courses as demonstrated by the following criteria:~~
 - (A) ~~ability to create learning environments that support creativity, critical thinking, individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self-motivation;~~
 - (B) ~~understanding and ability to use a variety of instructional and assessment strategies to encourage learners to develop understanding of content areas and to build skills to apply knowledge in meaningful ways; and~~
 - (C) ~~understanding of individual differences and diverse cultures with an ability to integrate history, culture, heritage, and contemporary status of American Indians and tribes in Montana.~~
 - (d) verification of completion of the online course "An Introduction to Indian Education for All in Montana."
- (4) Class 8 dual credit license applications will be reviewed by the Certification Standards and Practices Advisory Council for recommendation regarding issuance of the license by the Superintendent of Public Instruction. Denial of an application for licensure shall be appealable to the Board of Public Education pursuant to ARM 10.57.607.
- (5) A Class 8 dual credit postsecondary faculty license may be consecutively reissued upon submission and approval of an application for renewal. An educator with a lapsed Class 8 license must submit a new application.
- (6) A Class 8 license shall not be valid unless the licensee is in an employment relationship with a regionally accredited college or university.

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.601A DEFINITION OF "IMMORAL CONDUCT" (1) "Immoral conduct" related to the teaching profession, under 20-4-110(1)(f), MCA, includes, but is not limited to:

- (a) sexual contact, as defined in 45-2-101, MCA, or sexual intercourse as defined in 45-2-101, MCA, involving a minor or a person the applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school;
- (b) conduct, whether resulting in the filing of criminal charges or not, which would constitute an offense under any of the following statutes of this state:
 - (i) 45-5-502, MCA, (sexual assault);
 - (ii) 45-5-503, MCA, (sexual intercourse without consent);
 - (iii) 45-5-504, MCA, (indecent exposure);
 - (iv) 45-5-505, MCA, (deviate sexual conduct), if the conduct either was nonconsensual or involved a minor or a person the applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school;
 - (v) 45-5-507, MCA, (incest);
 - (vi) 45-5-601, 45-5-602, or 45-5-603, MCA, (offenses involving prostitution);
 - (vii) 45-5-622(2), MCA, (endangering the welfare of children);
 - (viii) 45-5-623, MCA, (unlawful transactions with children);
 - (ix) 45-5-625, MCA, (sexual abuse of children);
 - (x) 45-8-201, MCA, (obscenity);
 - (xi) 45-5-627, MCA, (ritual abuse of minor);
 - (xii) any statute in Title 45, chapter 9, part 1, MCA, (dangerous drugs), ~~provided that a first offense under 45-9-102(2), MCA, shall not fall within this definition;~~
 - (xiii) 45-5-220, MCA, (stalking);
 - (xiv) 45-5-223, MCA, (surreptitious visual observation or recordation);
 - (xv) 45-10-103, MCA, (criminal possession of drug paraphernalia);
 - (xvi) 45-10-105, MCA, (delivery of drug paraphernalia to a minor);
 - (xvii) 45-8-334, MCA, (possession of a destructive device);
 - (xviii) 45-8-361, MCA, (possession or allowing possession of weapon in school building);
 - (xix) 45-8-403, MCA, (use of threat to coerce gang membership);
 - (xx) 45-8-406, MCA, (supplying of firearms to criminal street gang);
 - (xxi) 45-5-622(3), MCA (endangering welfare of children);
- (c) repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated convictions, taken together, demonstrate that the teacher, specialist or administrator is unwilling to conform their conduct to the requirements of law;
- (d) occurrences related to ARM 24.9.1003(3), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:

- (i) submission to the conduct is explicitly or implicitly made a term or condition of education;
 - (ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual; and/or
 - (iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment.
- (e) submitting false credentials, omitting relevant information, or making any statement of material fact an applicant or licensee knows to be false to apply for a license, endorsement, employment, or promotion. False credentials include but are not limited to:
- (i) college degrees or credit from non-accredited or -approved colleges or universities;
 - (ii) false professional development credit;
 - (iii) false academic awards; or
 - (iv) inaccurate employment history;
- (f) significant misuse of technology or electronic communication involving a minor or a person an applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school, including but not limited to misuse of computers, cellular telephones, or other electronic devices; or
- (g) intentionally falsifying or deliberately misrepresenting information regarding standardized assessment of students, including but not limited to providing or changing test answers or using inappropriate testing accommodations or modifications.

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

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.601B REVIEW (1) Upon receipt of a request for disciplinary action by the trustees of a district or the Superintendent of Public Instruction pursuant to 20-4-110(2), MCA, and ARM 10.57.601, the Board of Public Education shall review the allegations to determine whether there is sufficient cause to believe that professional misconduct occurred.

(2) This review shall include notifying the affected licensee of the request for discipline and allegations against the licensee by certified mail and allowing the licensee ten days to respond to those charges.

(3) If the ~~board~~ Board of Public Education determines there is sufficient cause to believe that professional misconduct occurred, the ~~board~~ Board of Public Education 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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.607 APPEAL FROM DENIAL OF AN EDUCATOR/SPECIALIST

LICENSE (1) Written notice of appeal from the decision of the Superintendent of Public Instruction to deny issuance or renewal of an educator/specialist license must be submitted to the Board of Public Education. Written notice of appeal must be postmarked or received by the board no later than 30 days from the date of the letter of denial sent from the office of the Superintendent of Public Instruction.

(2) ~~The written notice of appeal may not be submitted by e-mail.~~ The written notice of appeal shall be submitted by email or sent via post mail. The notice must be signed by the appellant and must:

- (a) summarize the appellant's responses to the superintendent's denial of licensure;
- (b) provide preliminary statements supporting the appellant's contention that the superintendent's denial should be overturned; and
- (c) if applicable, show that the appeal satisfies the requirements of ARM 10.57.608.

(3) When an appeal of a denial from the decision of the superintendent is before the Board of Public Education, the board shall provide notice by certified mail at least 30 days prior to a hearing of the appeal.

(a) Such notice shall include:

- (i) a statement of the time, place, and nature of the hearing;
- (ii) the legal authority and jurisdiction under which the hearing is to be held;
- (iii) reference to the particular sections of the statutes and rules involved;
- (iv) a statement of the matters asserted; and
- (v) designation of who will hear the allegation pursuant to ARM 10.57.603.

(b) The notice shall advise the applicant that the applicant has the right to contest the denial and that the applicant may do so by appearing at the hearing either personally or through counsel, or by requesting the board to consider the matter on the basis of the available evidence without an appearance by the applicant.

(c) The notice shall advise the licensee that the hearing will be open to the public unless an individual's right to privacy outweighs the public's right to know. (d) The hearing officer or person designated pursuant to ARM 10.57.603 to hear the appeal shall conduct a pre-hearing conference to determine matters relevant to scheduling, evidence, witnesses, and other matters related to the hearing as delineated in ARM 10.57.603.

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

IMP: Mont. Const. Art. X, sec. 9, 20-4-102, 20-4-110, MCA

MT-PEC Agrees with the changes to this rule as proposed

5. The Board of Public Education proposes to repeal the following rules:

10.57.416 CLASS 3 ADMINISTRATIVE LICENSE - SECONDARY PRINCIPAL ENDORSEMENT

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.417 CLASS 3 ADMINISTRATIVE LICENSE - K-12 PRINCIPAL ENDORSEMENT

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.426 CLASS 5 PROVISIONAL LICENSE – SECONDARY, K-12, AND P-12 SPECIAL EDUCATION LEVELS

AUTH: 20-4-102, MCA
IMP: 20-4-106, 20-4-108, MCA

MT-PEC Agrees with the changes to this rule as proposed.

10.57.429 CLASS 5 PROVISIONAL LICENSE - SECONDARY PRINCIPAL ENDORSEMENT

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

MT-PEC Agrees with the changes to this rule as proposed.

10.57.430 CLASS 5 PROVISIONAL LICENSE - K-12 PRINCIPAL
ENDORSEMENT

AUTH: 20-4-102, MCA
IMP: 20-4-106, 20-4-108, MCA

MT-PEC Agrees with the changes to this rule as proposed.