

BOARD OF PUBLIC EDUCATION

SPECIAL MEETING

ZOOM

JANUARY 3, 2022

9:00 AM

CALL TO ORDER

- A. Pledge of Allegiance**
- B. Roll Call**
- C. Statement of Public Participation**
- D. Welcome Visitors**

AGENDA

BOARD OF PUBLIC EDUCATION
MEETING AGENDA

January 3, 2022
Zoom Meeting

Monday January 3, 2022
9:00 AM

CALL TO ORDER

- A. Pledge of Allegiance**
- B. Roll Call**
- C. Statement of Public Participation**
- D. Welcome Visitors**

PUBLIC COMMENT

(This meeting is open to the public electronically. This time will be provided for public comment on items not listed on the agenda. For those wishing to give virtual public comment, please contact bpe@mt.gov to request the zoom link for the meeting. Members of the public who have joined may “raise their hand” at the appropriate time and participate after being recognized by the Board Chair. Written public comment may be submitted to the Executive Director at bpe@mt.gov and will be shared with the Board members and included as part of the official public record.)

ADOPT AGENDA

INFORMATION ITEMS

❖ **EXECUTIVE COMMITTEE– Tammy Lacey (Item 1)**

Item 1 REQUEST APPROVAL OF THE NOTICE OF ADOPTION PERTAINING TO THE AMENDMENT OF ARM TITLE 10, CHAPTER 54, TRANSFORMATIONAL LEARNING APPLICATION WINDOW – (ACTION) – 15 Minutes
Sharyl Allen

PUBLIC COMMENT

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ADJOURN

The Montana Board of Public Education is a Renewal Unit Provider. Attending a Board of Public Education Meeting may qualify you to receive renewal units. One hour of contact time = 1 renewal unit up to 8 renewal units per day. Please complete the necessary information on the sign-in sheet if you are applying for renewal units.

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 Board 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 Board of Public Education 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.

ACTION

❖ EXECUTIVE COMMITTEE – (Item 1)

Tammy Lacey

ITEM 1

**REQUEST APPROVAL OF THE NOTICE OF
ADOPTION PERTAINING TO THE
AMENDMENT OF ARM TITLE 10, CHAPTER
54, TRANSFORMATIONAL LEARNING
APPLICATION WINDOW**

Sharyl Allen

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF ADOPTION
ARM 10.54.1010 pertaining to the)
transformational learning program)

TO: All Concerned Persons

1. On November 19, 2021, the Board of Public Education [Board] published MAR Notice No. 10-54-291 pertaining to the proposed amendment of the above-stated rule at page 1576 of the 2021 Montana Administrative Register, Issue Number 21.

2. The Board has adopted the above-stated rules as proposed.

3. The Board has thoroughly considered the comments and testimony received. A summary of the comment received, and the Board's response is as follows:

COMMENT #1: Comment from Abigail St. Lawrence, Counsel, representing the Montana Association for Gifted and Talented Education (AGATE), requesting the application window be extended one week from January 10, 2022 to January 17, 2022.

RESPONSE #1: The Board thanks Ms. St. Lawrence and the Association for Gifted and Talented Education (AGATE) for their comment. The Board recognizes the small window for submission this year, but notes that the Office of Public Instruction (OPI) has made the application available on the OPI website to be downloaded and completed and that the window is for submission of the application. This information has been made available to districts well in advance of the deadline of January 10, 2022.

/s/ McCall Flynn
McCall Flynn
Rule Reviewer

/s/ Tammy Lacey
Tammy Lacey
Chair
Board of Public Education

Certified to the Secretary of State January 4, 2022.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 10.54.1010 pertaining to the) AMENDMENT
transformation learning program)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. The Board of Public Education (board) proposes to amend the above-stated rule.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m. on December 10, 2021, to advise us of the nature of the accommodation that you need. Please contact McCall Flynn, Executive Director, 46 N. Last Chance Gulch, Suite 2B, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail mflynn@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.54.1010 DEADLINES FOR APPLICATIONS AND ANNUAL REPORTS

(1) For applications submitted for transformational learning aid, the following deadlines apply:

~~(a) for fiscal year 2020 annual report submission: February 3 – February 21, 2020;~~

~~(b) for fiscal year 2021 opening date for applications: February 3, 2020;~~

~~(c) for fiscal year 2021 closing date for applications: February 21, 2020;~~

(a) for fiscal year 2023, the opening date for applications: January 3, 2022;

(b) for fiscal year 2023, the closing date for applications: January 10, 2022;

~~(d) (c)~~ for all other fiscal years, the opening date for applications and for submission of annual reports is the first Monday of December each year; and

~~(e) (d)~~ the closing date for applications and for submission of annual reports is the second Monday of January each year following the opening date.

(2) remains the same.

AUTH: Mont. Const. Art. X, sec. 9, ~~20-2-114~~, 20-7-1506, 20-7-1602, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-7-1506, 20-7-1602, MCA

REASON: The board proposes to amend the rule to comply with HB 89 (2021). The Superintendent of Public Instruction recommended the proposed deadlines to the board to allow for the new lottery system to be utilized for the upcoming application period. The board also removes specific deadlines for FY 2020 and FY 2021, as

they are no longer applicable. The deadlines provide a reasonable time for review and qualification of the applications and annual reports prior to distribution of funds. The Superintendent of Public Instruction determined that the proposed deadlines are administrative in nature and, thus, the negotiated rulemaking process was unnecessary.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: McCall Flynn, Executive Director, Board of Public Education, 46 N. Last Chance Gulch, Suite 2B, P.O. Box 200601, Helena, Montana, 59635; telephone (406) 444-0300; fax (406) 444-0847; or e-mail mflynn@mt.gov, and must be received no later than 5:00 p.m., December 17, 2021.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to McCall Flynn at the above address no later than 5:00 p.m., December 17, 2021.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 41 persons based on 409 public school districts in Montana.

7. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the agency.

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

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

/s/ McCall Flynn
McCall Flynn
Executive Director
Board of Public Education

/s/ Tammy Lacey
Tammy Lacey
Chair
Board of Public Education

Certified to the Secretary of State November 9, 2021.