

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW	)	NOTICE OF PUBLIC HEARING ON
RULES I and II; the amendment of	)	PROPOSED ADOPTION,
ARM 10.57.102, 10.57.107,	)	AMENDMENT, AND REPEAL
10.57.109, 10.57.112, 10.57.201A,	)	
10.57.215, 10.57.216, 10.57.217,	)	
10.57.218, 10.57.301, 10.57.410,	)	
10.57.411, 10.57.412, 10.57.413,	)	
10.57.414, 10.57.415, 10.57.418,	)	
10.57.419, 10.57.420, 10.57.421,	)	
10.57.424, 10.57.425, 10.57.427,	)	
10.57.428, 10.57.431, 10.57.432,	)	
10.57.433, 10.57.434, 10.57.435,	)	
10.57.436, 10.57.437, 10.57.601A,	)	
10.57.601B, 10.57.607; and the	)	
repeal of ARM 10.57.416, 10.57.417,	)	
10.57.426, 10.57.429, and 10.57.430	)	
pertaining to Teacher Licensing	)	

TO: All Concerned Persons

1. On February 24, 2022, at 9:00 a.m., the Board of Public Education will hold a public hearing in Room 303 of the Montana State Capitol Building, Helena Montana, to consider the proposed adoption, amendment, and repeal of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 pm on February 17, 2022, to advise us of the nature of the accommodation that you need. Please contact 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 bpe@mt.gov.

3. The rules as proposed to be adopted provide as follows:

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

REASON: The Board of Public Education recognizes the need for reciprocity for military spouses and dependents. According to written testimony from the U.S. Department of Defense, "Barriers to the transfer and acceptance of certifications and licenses that occur when state rules differ can have a dramatic and negative effect on the financial well-being of military families. Removing these barriers, creating reciprocity in licensing requirements, and facilitating placement opportunities can help a military family's financial stability, speed the assimilation of the family into its new location, and create a desirable new employee pool for a state (especially in education and health care)."

Providing reciprocity for military spouses and dependents, who move on an average of every three years, would maximize flexibility when accepting current out-of-state licenses, expedite applications from military spouses/dependents, and waive cumbersome deadlines and other requirements.

During the 2021 calendar year, this licensing mechanism would have been utilized in at least four known cases.

#### 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

REASON: The Superintendent of Public Instruction has the authority to deny licensure consistent with the rules of ARM Title 10, chapter 57 if the standards of the educator preparation program are determined to not be substantially equivalent or greater than the Montana standards. If the quality of an educator preparation program is below the Montana standards, the Superintendent of Public Instruction has the discretion to deny a license. This is consistent with ARM 10.57.102(2)(b).

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.~~

(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 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) "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 educator preparation program approved by a state board of education or a state agency that leads to licensure in the state of preparation.

~~(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 (early childhood);
- (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 (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.

~~(40)~~ (13) "License" or "licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.

~~(44)~~ (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) 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.

~~(42)~~ (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.

~~(43)~~ (18) "Year of administrative experience" means employment as a licensed administrator at any level within a state accredited P-12 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). 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 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). Experience gained prior to initial licensure is not considered.

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

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

REASON: (2)(b) In order to implement the recommended changes to treat traditional and alternative pathways equally, it is essential to define a term for "approved educator preparation program." This ensures that both types of programs are approved by a state agency and lead to licensure in the state the program was approved. The term "accredited program" generally applies only to traditional programs that participate in a professional accreditation process.

(6) Proposed new definition of approved educator preparation program to recognize traditional and alternative educator preparation more equally for licensure purposes.

(9) Proposed language to define the additional pathways to demonstrate content and pedagogical knowledge for Coursework GPA. Also, to clarify that the GPA represents not only content knowledge but all the coursework required for the Educator Program of Study.

(10) Changed "3" to "P" to align with the most commonly used language across the field. Removed "accredited" to include all Montana schools.

(11) Added to define "exchange teacher" and clarify difference between exchange teacher and someone who may be working on a visa.

(13)(14) This is proposed to eliminate a common misunderstanding for this definition when it is interpreted or applied. For example, the common misconception is that 5 years of experience for 0.5 FTE for a year comparable to 180-day school year is equivalent to 2.5 years of experience. That math calculation also leads to confusion that 1.0 FTE for 3 years would equate to 6 total years of experience. As a result, we proposed language that would better explain the meaning of the definition.

(15) Proposed language to define the additional pathways to demonstrate content and pedagogical knowledge using a student-teaching portfolio.

(16) Aligned with the new definition of approved educator preparation program. Language change allows for flexibility in evidence outside of just a transcript.

(17) Added for clarity of phrase used throughout rule and inclusion of lifetime licenses.

(18) Simplified the language for the definition of "years of experience" to better convey the concept of a "year of experience" and make it easier to understand and use. Removed "state accredited" to include all P-12 schools' systems.

(19) Simplified the language for the definition of "years of experience" to better convey the concept of a "year of experience" and make it easier to understand and use. Removed "state accredited" to include all P-12 schools' systems.

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 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.

(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.

(3) Experience as a classroom teacher when authorized pursuant to this rule qualifies as teaching experience as defined in ARM 10.57.102(44)(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

REASON: The IDEA Statute Sec. 300.156 Personnel Qualifications states emergency authorization may not be granted in the area of Special Education.

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

REASON: To return the authority to review unusual cases back to the Superintendent. This rule was changed in 2017.

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

REASON: Transferred to the definition rule, ARM 10.57.102(11).

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

REASON: To reference to the correct MCA.

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

REASON: Augment recency requirements to include professional development options that can be used in lieu of additional coursework or credit requirements. This may increase access to qualified educators who have an expired license and want additional options beside attending college or university courses. The wide range of cost-effective professional development opportunities often exceed the variety of college courses offerings. This expansion allows educators to better personalize their professional learning and growth. Language adjusted to align with the 6 semester or 60 PD units for recency. They cannot be considered renewal units because a candidate does not have a license yet to renew. They first need to earn 6 credits or the 60 units to first earn a renewable license.

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

REASON: Language adjusted from "renewal" to "professional development" to align with the 6 semester or 60 professional development units for recency.

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

REASON: Language adjusted from "renewal" to "professional development" to align with the 6 semester or 60 PD units for recency.

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

REASON: Language adjusted from "renewal" to "professional development" to align with the 6 semester or 60 PD units for recency.

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), 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 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 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), 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

REASON: Montana certificate endorsements focus on teaching topics and are intended to add value to a license or certificate. Like teaching certificates, the characteristics (including grade level) and focus of the state's endorsements can complicate an educator's desire to either add a subsequent endorsement or apply for an endorsement when moving to the state.

The Board of Public Education wants to allow more flexibility for current and future educators to obtain subsequent endorsements areas which may help address teacher shortages, particularly in rural schools. This increased flexibility strives to find more time and cost-effective ways for educators to expand their credentials, whether it is through college coursework, work experience, or testing.

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 4, 2, or 3 standard teacher's license whose degree is more than five years old and who do not have current out-of-state licensure must have earned ~~six semester credits from a regionally accredited college or university~~ 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.~~

~~(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

REASON: Language added to allow flexibility for these specific cases to obtain a license without having to take additional university classes.

Removed language regarding National Board Certification because recommended changes have NBPTS eligible for Class 1 Professional license.

Included rather than prohibited a lifetime license to the list of approved current out-of-state licenses.

Inclusion of multiple pathways to show competency beyond the Praxis.

Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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

REASON: National Board Certification (NBC) is a voluntary, advanced teaching credential that goes beyond state licensure. NBC has national standards for what accomplished teachers should know and be able to do. The National Board for Professional Teaching Standards (NBPTS) certifies teachers who successfully complete its rigorous certification process. Based on the rigorous requirements for certification by the National Board for Professional Teaching Standards which includes extensive professional learning activities equivalent to master's level work, it is proposed to elevate the NBC from a Class 2 Standard Teacher's License to a Class 1 Professional Teacher's License. Language added to align with previous changes for 60 professional development units.

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~~), 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, special education P-12 hearing impairment, special education P-12 vision impairment, theater, traffic education, and world languages K-12.

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

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

(5) To obtain an early childhood (~~age 3 to grade 3 P-3~~), elementary (K-8), or middle grades (4-8), secondary (5-12 content-specific), K-12, or P-12 (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.~~

~~(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 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

REASON: Aligned with change in ARM 10.57.102. All endorsement areas combined to reduce replication. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes. Synthesized to reduce replication.

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. 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

REASON: School counselors seeking a Class 3 administrative license first need to gain classroom teaching experience, which may deter school counselors from pursuing administrator licensure. If a counselor to administrator pathway were reverted to a similar pathway available prior to 2015, more school counselors may pursue administrative licenses. The majority of licensure denials in the last three years have been for school counselors seeking administrative licenses who do not have teaching experience.

Added language to align with previous changes for 60 professional development units. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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;

(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

REASON: To increase flexibility for EPPs to design programming based on the Montana specific requirements rather than a set number of courses and credits (60 professional development units). The recommended language change replaces the "three credits" with "Montana educator preparation program requirements" in each of the following: (i) Montana school law; (ii) Montana school finance; and (iii) Montana collective bargaining and employment law. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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

REASON: Synthesized to reduce replication. Matched the language in ARM 10.57.415(1)(c) to the language used throughout the chapter. Generalized the requirement for school law. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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

REASON: Inclusion of counseling component. Matched the language in ARM 10.57.418(1)(a) to the language used throughout the chapter. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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

REASON: Reduced the 5-year to a 3-year requirement for a special education supervisor. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes. Removed "accredited" to include all P-12 schools.

#### 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

REASON: The Board of Public Education proposes the inclusion of an associate degree and apprenticeship certificate to the 4B license. This flexibility is proposed to expand CTE pathways for trained and qualified individuals to support student learning in these areas. Inclusion of IEFA requirement for all classes of licenses. Added language to replace renewal units with professional development units to align with previous changes.

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

REASON: OPI researched other states' requirements, which range from 2,000 to 10,000. Montana with 10,000 is on the high end. 5000 hours is recommended, based on equivalence 5000 hrs./8 hrs. per day/235 calendar workdays. Recommendation to lower the hours from 80 to 60 hours to align with the requirements of recency and renewal requirements.

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

(a) a Class 5A provisional license that is valid for ~~three~~ one years; and

(b) ~~a Class 5A provisional license that is valid for one year.~~ a Class 5B provisional license that is valid for 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

REASON: (5)(a) Maintain the one-year time frame to complete and pass the Praxis.  
(5)(b) 3 years' time frame to complete an EPP while employed or residing in MT.

(5)(c) 3 years' time frame language added to allow flexibility for specific cases where an out-of-state license has expired, and the candidate does not have recent credits within the last 5 years. This allows a teacher to obtain a license by opting to complete 60 professional development units, or 6 semester credits, or a combination of college credits and PD units.

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), 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, special education P-12 hearing impairment, special education P-12 vision impairment, theater, traffic education, and world languages K-12.

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

(4) To obtain an early childhood (P-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 (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

REASON: Synthesized to reduce replication. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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;~~

(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

REASON: Included the counseling component and the three options for professional development courses for college course work. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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

(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

REASON: The Board of Public Education intends to include a pathway for counselors to become licensed. Revised to recognize traditional and alternative educator preparation more equally for licensure purposes. The language was synthesized to reduce replication.

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

REASON: The Board of Public Education intends to reduce the required years and include a pathway for counselors. Also align language for the educator preparation program.

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

REASON: Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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) 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~~ 60 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

REASON: The Board of Public Education intends to include the Indian Education for All in Montana course as a requirement for all licenses. The board also intends to increase flexibility for educators. It is proposed to adjust the 6-semester requirement for recency to include the option of 60 professional development units. As a result, the term renewal units are renamed as professional development units.

Including rather than prohibiting a lifetime license to the list of approved current out-of-state licenses.

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.

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

REASON: The Board of Public Education intends to clarify that the rule is a or b. This is not a content change, just language clarification.

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

REASON: Revised to recognize traditional and alternative educator preparation more equally for licensure purposes.

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

REASON: The Board of Public Education intends to include the Indian Education for All in Montana course as a requirement for all licenses. Extending the term for a Class 7 American Indian Language and Culture Specialist from 5 years to lifetime, which also removes the requirement for renewal.

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

REASON: The Board of Public Education intends to include the Indian Education for All in Montana course as a requirement for all licenses. The board intends to remove barriers to Class 8 licenses and develop a more expedient approach for university faculty to apply for a Class 8 license. This eliminates duplicative and extensive evidence of content knowledge that an applicant must submit. Currently, the requirements for a Class 8 license include the submission of a curriculum vitae, teaching philosophy, syllabi, course examples of assignments/projects along with official transcripts and recommendation and verification from a college or university. Most of the supplemental materials (curriculum vitae, teaching philosophy, syllabi, course examples of assignments/projects) are not requested for any other license nor used as criteria to issue or deny a license. The suggestion is to simplify the



criteria based on ARM 10.57.437 (3)(a) through (c): verification of faculty employment from the chief academic officer or an appropriate official of the employing regionally accredited college or university; compliance with all other nonacademic requirements for licensure as required by 20-4-104, MCA, ARM 10.57.201 and 10.57.201A; and recommendation from the chief academic officer from a regionally accredited college or university verifying the following: the applicant plans to teach in a subject covered by the K-12 endorsement areas in ARM.

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 non-consensual 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

REASON: To correct the rule to reflect legislative changes in HB 701.

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

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

REASON: Clarification to specify which board as it could mean the Board of Trustees or the Board of Public Education.

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

REASON: The Board of Public Education intends to include email as an appropriate form of communication.

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

REASON: Not necessary as it was synthesized into ARM 10.57.415.

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

REASON: Not necessary as it was synthesized into ARM 10.57.415.

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

REASON: Not necessary as it was synthesized into ARM 10.57.425.

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

REASON: Not necessary as it was synthesized into ARM 10.57.415.

10.57.430 CLASS 5 PROVISIONAL LICENSE - K-12 PRINCIPAL ENDORSEMENT

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

REASON: Not necessary as it was synthesized into ARM 10.57.415.

6. Concerned persons may submit their written data, views, or arguments 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 [bpe@mt.gov](mailto:bpe@mt.gov), and must be received no later than 5:00 p.m., April 8, 2022.

7. McCall Flynn, Executive Director, has been designated to preside over and conduct this hearing.

8. The Board of Public Education 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 paragraph 7 or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

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

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

/s/ McCall Flynn  
McCall Flynn  
Rule Reviewer

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

Certified to the Secretary of State January 18, 2022.