

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to deadlines for Transformational Learning Aid) NOTICE OF PROPOSED ADOPTION) NO PUBLIC HEARING) CONTEMPLATED

TO: All Concerned Persons

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

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m. on July 5, 2019, to advise us of the nature of the accommodation that you need. Please contact Pete Donovan, Executive Director, 46 N. Last Chance Gulch, Suite 2B, PO Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I DEADLINES FOR APPLICATIONS: (1) For applications submitted for transformational learning aid in 2019 the following deadlines apply:
(a) The opening date for applications is September 1, 2019; and
(b) The closing date for applications is November 1, 2019.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA, 2019 Mont. Laws 402;
IMP: Mont. Const. Art. X, sec. 9, 2019 Mont. Laws 402.

REASON: The Board proposes to adopt the proposed rule to meet the requirement in HB 351 (2019) (2019 Mont. Laws 402) that the Board establish by rule the deadlines for applications. The Superintendent of Public Instruction recommended the proposed deadlines to the Board, after consultation with statewide education organizations, because the deadlines provide a reasonable time for school districts to prepare and file applications and provide a reasonable time for review of and decision on the applications prior to distribution of funds. The Superintendent of Public Instruction determined that the proposed deadlines are administrative in nature and, thus, the negotiated rulemaking process was unnecessary.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Pete Donovan, Executive Director, Board of Public Education, 46 N. Last Chance Gulch, Suite 2b, PO Box 200601, Helena, Montana, 59635; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov, and must be received no later than 5:00 p.m., July 19, 2019.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Pete Donovan at the above address no later than 5:00 p.m., July 19, 2019.

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

7. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in #5 above or may be made by completing a request form at any rules hearing held by the agency.

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

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by phone on May 21, 2019.

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

/s/ Pete Donovan
Executive Director
Rule Reviewer

/s/ Dr. Darlene Schottle
Dr. Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State June 11, 2019