

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment and) NOTICE OF PUBLIC HEARING ON
repeal of rules in ARM Title 10,) PROPOSED AMENDMENT AND
chapter 57 pertaining to K-12) REPEAL
educator/specialist licensing)

TO: All Concerned Persons

1. On November 3, 2014, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Office of Public Instruction conference room at 1300 11th Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on October 21, 2014, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. Statement of Reasonable Necessity: ARM 10.57.101 requires the Board of Public Education to comprehensively review educator licensure rules at least every five years to ensure that the rules are meeting the needs of the state, reflect current practice, are more comprehensible, and are consistent with law and related chapters of ARM Title 10.

The proposed amendments and repeal better reflect current and best practices, clarify procedure, and are coordinated with ARM Title 10, chapter 58 and other relevant rules and law. Subchapter 6 more clearly details an educator's due process rights when appealing a denial of licensure or facing potential action against a license by the Board.

With input from members of the Montana Council of Deans, the Certification and Standards and Practices Advisory Council, professional education organizations and associations, and licensing professionals, the Board of Public Education has determined it is reasonable and necessary to amend and repeal rules relating to chapter 57, educator licensure to effectuate the requirements of 20-4-102, MCA.

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

10.57.101 REVIEW OF POLICY (1) By authority of Article X of the Montana Constitution and 20-4-102, MCA, the Board of Public Education exercises general

supervision over the public school system and such other public educational institutions as may be assigned by law. By authority of 20-4-102, MCA, the Board of Public Education adopts ~~policies~~ rules for the issuance of ~~teacher~~ educator licenses which are administered by the Superintendent of Public Instruction.

(2) The board ~~regularly~~ shall consider recommendations for revision of the ~~policies~~ rules at any time it deems necessary. ~~Notwithstanding any changes made in any five-year period, every~~ Every five years the board shall ~~have made~~ conduct a comprehensive review of ~~its~~ licensure ~~policies~~ rules to ~~insure~~ ensure that such ~~policies~~ rules are meeting the needs of the state.

AUTH: 20-4-102, MCA

IMP: 20-4-102, MCA

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) "Acceptable evidence" means ~~current~~ relevant official transcripts, ~~portfolio~~ university recommendation, certificates of completion, and ~~such other data~~ documentation as ~~may be deemed necessary~~ required by the Board of Public Education or the Superintendent of Public Instruction.

(2) ~~"Accredited" refers to program approval (accreditation) by the National Council for the Accreditation of Teacher Education (NCATE) or accreditation by a state board of education or a state agency. In circumstances where the accrediting body is a state board of education or a state agency, the Montana Board of Public Education has the discretion to determine whether such accreditation ensures that the standards are substantially equivalent or greater than the standards required in Montana.~~

(3) (2) "Accredited professional 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

(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. In circumstances where the accrediting body is a state board of education or a state agency, the Montana Board of Public Education has the discretion to determine whether such accreditation ensures that the standards are substantially equivalent or greater than the standards required in Montana. 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) (3) "Accredited specialist program" means:

(a) for school psychologists, a program for the preparation of specialists accredited by a the National professional accrediting body Association of School Psychologists (NASP); or 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. In circumstances where the accrediting body is a state board of education or a state agency, the Montana Board of Public Education has the discretion to determine whether such accreditation ensures that the standards are substantially equivalent or greater than the standards required in Montana. 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.~~

~~(5) "Appropriate endorsements" are those subject fields such as English, mathematics, science, social studies, etc. identified by the Board of Public Education.~~

~~(6) (4) "Appropriate grade level(s)" means early childhood, elementary, middle, secondary, or other levels as defined by the Board of Public Education.~~

~~(7) remains the same but is renumbered (5).~~

~~(8) (6) "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.~~

~~(9) (7) "College credit" means credit received for completion of a course from a regionally accredited college or university. College credits are counted as one quarter credit being equal to 10 clock hours, or one semester credit being equal to 15 clock hours. One semester credit is equivalent to one and one-half quarter credits and one quarter credit is equivalent to two-thirds semester credit.~~

~~(10) "Dual credit only postsecondary faculty" means:~~

~~(a) Qualified faculty employed by a regionally accredited postsecondary institution who:~~

~~(i) meet all qualifications for faculty set forth by the Montana Board of Regents or the regional accreditation organization, and the employing institution; and~~

~~(ii) have entered into a contractual employment relationship with the employing institution to assume formal teaching responsibilities for the course offered for dual credit.~~

~~(b) The regionally accredited postsecondary institution shall have hired the applicant through a process that includes all of the following:~~

~~(i) reference checks;~~

~~(ii) verification of the educational attainment level and experience appropriate and required for the discipline and the institution; and~~

~~(iii) compliance with the prevailing institution, system, and state policies, regulations, and laws.~~

~~(c) In addition to any postsecondary teaching assignments, an individual licensed as a dual credit only postsecondary faculty pursuant to ARM 10.57.437 and 10.57.438 is limited to teaching dual credit courses in their endorsed area to Montana high school students.~~

~~(11) "Elementary endorsement" means the holder is authorized to teach in grades kindergarten through eight.~~

~~(12) (8) "Endorsement" means an official indication on a license of the grade level(s), subject area(s), and/or specialized specialist program area(s) as listed in~~

Subchapter 4 for which the holder of the license licensee is authorized to practice in Montana accredited schools. Grade levels are:

- (a) age 3 - grade 3 (early childhood);
- (b) K-8 (elementary);
- (c) 4-8 (middle grades);
- (d) 5-12 (secondary, content-specific);
- (e) K-12 (content-specific); and
- (f) P-12 (special education and school psychologist).

~~(13)~~ (9) "Lapsed license" means ~~that a license is considered lapsed if:~~

~~(a) the holder licensee has not earned the required number of renewal units during the term of the license (units earned through August 31 immediately following the expiration date of a license also shall be considered for renewal); or~~

~~(b) the holder 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.~~

~~(14)~~ (10) "License" or "licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.

~~(15)~~ "Minimal educator licensure requirements" means:

~~(a) a bachelor's degree from a regionally accredited institution of higher education;~~

~~(b) six semester credits in any coursework under a department of education from an accredited education preparation program either in Montana or elsewhere; and~~

~~(c) verification of student teaching or one year of teaching experience in an elementary and/or secondary school or school district either in Montana or elsewhere or eligibility for a Class 5 alternative license to complete this requirement.~~

~~(16)~~ (11) "Regionally accrediting agency accredited" means a college or university accredited by one of the following accrediting associations:

~~(a) through (d) remain the same.~~

~~(e) Southern Association of Schools and Colleges; and~~ or

~~(f) remains the same.~~

~~(17)~~ "Regionally accredited institution" means an institution of higher education accredited by one of the regional accrediting agencies specified in ~~(16).~~

~~(18)~~ "Secondary level endorsement" means the holder is authorized to teach in grades 5-12 specifically in the subject field endorsement. ~~Those applicants who have completed a secondary level teacher preparation program shall be granted a 5-12 level license.~~

~~(19)~~ (12) "Supervised teaching experience" means teaching experience while under the supervision of an accredited professional educator preparation program and is identified on a college or university transcript as field experience, internship, practicum, or student teaching.

~~(20)~~ (13) "Year of administrative experience" means employment at any level within a state accredited K-12 school system as a licensed administrator of at least .5 full-time employee (FTE) in an accredited school during a school fiscal year for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days. as a licensed member of a supervisory or administrative staff. The experience required must be obtained in a school organization consistent with Montana's K-12

~~pattern.~~ Experience gained prior to basic eligibility for initial licensure is not considered. ~~Any individual wishing to have their e~~Experience as a County Superintendent may be considered as "administrative" experience ~~must provide~~ with evidence of the following:

(a) possession of a Class 3 ~~administrative~~ license for the time period ~~as~~ ~~County Superintendent they are requesting~~ requested to be considered for as administrative experience; and

(b) the school(s) they are claiming to hold or have held supervisory responsibilities over ~~have noted there is no superintendent or principal by having the chair of the Board of Trustees submit evidence of the supervisory role of the county superintendent~~ provided notice that the county superintendent served in an administrative role.

~~(21)~~ (14) "Year of teaching experience" means employment ~~in an accredited school during a school fiscal year as a licensed member of an instructional staff.~~ The experience required ~~must be obtained in a school organization consistent with Montana's K-12 pattern at any level within a state accredited K-12 school system as licensed instructional staff of at least .5 FTE during a school fiscal year for at least 1080 hours or 180 school days or a 1.0 FTE for at least 540 hours or 90 school days.~~ Experience gained prior to basic eligibility for initial licensure is not considered.

~~(22)~~ "Year of validity" means the full year of a teaching license. ~~All licenses are validated July 1 through June 30.~~

AUTH: 20-4-102, MCA

IMP: 20-4-106, MCA

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT (1) In accordance with 20-4-111, MCA, ~~school district~~ administrators who have exhausted all possibilities for ~~obtaining~~ 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 ~~in the emergency situation.~~ The following requirements ~~and standards set forth below~~ must be met to ~~assure~~ ensure consideration of a the request for an emergency authorization of employment:

(a) ~~The request for emergency authorization of employment must originate with the school district.~~

(b) The position must have been advertised at least statewide ~~through the teacher placement offices of the Montana job service and the Montana university system~~ far enough in advance to reasonably enable qualified applicants to submit applications ~~and credentials~~ and to be interviewed.

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

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

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

(iii) ~~shall~~ provide acceptable evidence of ~~cultural expertise~~ academic qualifications and experience related to the area for which the emergency

authorization of employment is being sought.

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

(2) remains the same.

AUTH: 20-4-102, MCA

IMP: 20-4-111, MCA

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

AUTH: 20-4-102, MCA

IMP: 20-4-102, MCA

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) A Class 5 license may be issued ~~for one year to a teacher, administrator, or specialist~~ an educator who is on an exchange program with a school district or university, ~~when the university-employed exchange teacher is assigned in the role of a Class 8 dual credit only postsecondary faculty.~~

AUTH: 20-4-102, MCA

IMP: 20-4-103, MCA

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES (1) remains the same.

(2) Applicants for an initial Montana Class 1, 2, 3, or 6 licensure license who qualify under subchapter 4 of this chapter and meet the following qualifications to practice may be licensed ~~Class 1, 2, 3, or 6~~ as appropriate:

(a) ~~individuals~~ applicants who have a current professional - (not provisional, ~~or alternative, or lifetime~~) - teacher, specialist, or administrator license from another state and completed an accredited professional educator preparation program in an area ~~that can be licensed~~ approved for endorsement in Montana. ~~This section applies only to individuals who have completed an applicable accredited professional educator preparation program in an area that can be licensed in Montana and have satisfied minimal educator licensure requirements as defined in ARM 10.57.102;~~

(b) ~~individuals~~ applicants who have graduated within the last five years from an accredited ~~teacher, specialist, or administrator~~ professional educator preparation program in an area ~~that can be licensed in Montana and have satisfied minimal educator licensure requirements as defined in ARM 10.57.102~~ approved for endorsement; or

(c) ~~individuals applicants~~ who hold a current license from the ~~nNational bBoard for pProfessional tTeaching sStandards~~ in an area that can be licensed approved for endorsement in Montana, and have satisfied minimal educator licensure requirements as defined in ARM 10.57.102; or

~~(d) individuals who currently hold a Class 5 alternative license who meet one or more of the above three qualifications and have satisfied minimal educator licensure requirements as defined in ARM 10.57.102;~~

(3) Applicants for an initial Montana Class 1 or 2 licensure license must verify completion of a supervised teaching experience either as part of an accredited professional educator preparation program ~~or successfully complete one year of supervised internship in a state accredited elementary and/or secondary school or school district either in Montana or elsewhere.~~

(4) Applicants for an initial Montana Class 1, 2, or 3 licensure license whose degree is more than five years old and who do not have current out-of-state licensure must have earned six semester credits from a regionally accredited college or university within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional or lifetime licenses.

(5) Applicants for an initial Montana Class 6 licensure license who meet ~~relevant sections~~ the requirements of ARM 10.57.433, 10.57.434, and 10.57.435 may be licensed as appropriate. ~~Those whose~~ Applicants with a degree is more than five years old and who do not have current out-of-state licensure must have earned six graduate semester credits from a regionally accredited college or university within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional or lifetime licenses.

(6) Applicants for an initial Montana Class 4 licensure ~~who have a current career and technical license from another state in an area that can be endorsed in Montana shall~~ license may be licensed as Class 4A, 4B, or 4C depending on the level of education and extent of training as required under ARM 10.57.420 and 10.57.421.

(7) Applicants for an initial Montana Class 5 alternative licensure license who meet the requirements of ARM 10.57.424 and the relevant section(s) of ARM 10.57.425 through 10.57.432 may be licensed as appropriate.

(8) Applicants for an initial Montana Class 7 Native American language and culture licensure license who meet the requirements of ARM 10.57.436 may be licensed as appropriate.

(9) Applicants for an initial Montana Class 8 dual credit-only postsecondary faculty licensure ~~shall~~ license who meet the requirements of ARM 10.57.437 and 10.57.438 may be licensed as appropriate.

(10) All applicants must meet all other nonacademic requirements for licensure in Montana pursuant to 20-4-104, MCA.

AUTH: 20-4-102, MCA

IMP: 20-4-103, MCA

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 background check contemplated herein shall be made pursuant to and with the support of the Act.~~ The purpose of this rule is to support the Superintendent of Public Instruction's duty to ~~evaluate a provider's moral and professional character and to determine whether a provider, as defined herein and in the Act, an applicant for licensure~~ has been convicted of a crime that bears upon the ~~provider's~~ applicant's fitness to have responsibility for related to the safety and well-being of children and the integrity of the teaching profession.

(2) ~~As applied to the Act and used in this rule, the following definitions shall apply:~~

(a) ~~"authorized agency" means the Montana Office of Public Instruction;~~

(b) ~~"identification document" means a document made or issued by or under the authority of the United States government, a state, political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;~~

(c) ~~"national criminal history background check" means a report generated from the criminal history record system maintained by the United States Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;~~

(d) ~~"provider" means those persons seeking educator licensure in Montana and listed in (3);~~

(e) ~~"qualified entity" means the Superintendent of Public Instruction.~~

(3) ~~Except as otherwise provided for herein, each~~ Each of the following persons ~~(the "applicants")~~ shall provide to the Superintendent of Public Instruction Montana Department of Justice information and material sufficient to obtain a fingerprint-based national criminal history background check ~~(a "background check")~~:

(a) remains the same.

(b) any person 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, MCA, and ARM 10.57.107; and

~~(c) any applicant seeking to reinstate a lapsed, revoked, or suspended educator license.~~

(4) remains the same but is renumbered (3).

~~(5)~~ (4) The Superintendent of Public Instruction shall not issue to an applicant a Montana educator license pursuant to 20-4-101, et seq., MCA, until the applicant's background check has been completed and the results of the background check ~~have been~~ delivered to and reviewed by the Superintendent of Public Instruction.

~~(6) The Superintendent of Public Instruction may accept the results of a background check conducted for field experiences required by a professional educator preparation unit of the Montana university system or for employment in a~~

~~public school or school district, provided the background check was completed no more than two years before the applicant submits a license application to 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.

~~(7) The Superintendent of Public Instruction shall not request a background check of a provider hereunder unless the provider first provides a set of fingerprints and completes and signs a statement that:~~

~~(a) contains the name, address, and date of birth appearing on a valid identification document of the provider;~~

~~(b) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;~~

~~(c) notifies the provider that the entity may request a background check hereunder;~~

~~(d) notifies the provider of the provider's rights under (8); and~~

~~(e) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a person to whom the qualified entity provides care.~~

(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.

~~(8) (7) Each provider applicant who is the subject of a background 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 and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency through the Montana Department of Justice procedures.~~

~~(9) (8) The authorized agency Montana Office of Public Instruction shall:~~

~~(a) upon receipt of a background check report lacking disposition data, conduct research in whatever state and local record keeping systems are available in order to obtain complete data; and~~

~~(b) make a determination whether the provider applicant has been convicted of, or is under pending indictment for, a crime that bears upon the provider's applicant's fitness to have responsibility for related to the safety and well-being of children, the elderly, or individuals with disabilities and shall convey that determination to the qualified entity or the teaching profession.~~

~~(40) (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, or theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA offense related to public health, welfare, and safety as it applies to the teaching profession.~~

AUTH: 20-4-102, MCA
IMP: 20-4-103, 20-4-104, MCA

10.57.209 EXTENSION OF LICENSES FOR MILITARY SERVICE (1) ~~The unexpired term of a valid teaching license held by When a person engaged in teaching at the time that person employed in a position requiring a Montana educator license is called into active military service, the unexpired term of an active educator license shall be extended in proportion to the length of active military service. Official notification of the beginning and termination dates of active military service must be submitted to the Superintendent of Public Instruction on when the person has been released from active duty to the Superintendent of Public Instruction to secure such extension of licensure.~~

~~(2) The unexpired term of a valid teaching license shall be extended one year for each year of active military service not to exceed five years. In calculating the unexpired term of a license for military extension purposes, an expired license year shall be any year in which a teacher has taught more than one-half of the school year.~~

~~(3) remains the same but is renumbered (2).~~

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

10.57.215 RENEWAL REQUIREMENTS (1) ~~Requirements for renewal of All Montana educator licenses are as follows: may be renewed with verification of 60 renewal units earned during the five years of validity through August 31 of the year the license expires.~~

- ~~(a) Class 1 licenses require 60 renewal units;~~
- ~~(b) Class 2 licenses require college credit and renewal units as follows:~~
 - ~~(i) three semester credits and 15 renewal units;~~
 - ~~(ii) four semester credits;~~
 - ~~(iii) four quarter credits and 20 renewal units;~~
 - ~~(iv) five quarter credits and 10 renewal units; or~~
 - ~~(v) six quarter credits;~~
- ~~(c) Class 3 licenses require 60 renewal units;~~
- ~~(d) Class 4 licenses require 60 renewal units. The requirements specific to each type of license are set forth in ARM 10.57.420(3);~~
- ~~(e) Class 5 licenses cannot be renewed;~~
- ~~(f) Class 6 licenses require college credit or renewal units as follows:~~
 - ~~(i) four graduate semester credits;~~
 - ~~(ii) six graduate quarter credits; or~~
 - ~~(iii) 60 renewal units;~~
- ~~(g) Class 7 licenses require 60 renewal units as verified by the tribe and as set forth in ARM 10.57.536;~~
- ~~(h) Class 8 licenses require 60 renewal units.~~

~~(2) remains the same.~~

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

(b) and (c) remain the same.

(3) ~~Renewal activities used to renew all licenses must be:~~

~~(a) for activities other than (3)(b) or (c);~~

~~(i) a planned and structured experience;~~

~~(ii) of benefit to the license holder's professional development as defined in ARM 10.55.714;~~

~~(iii) an exposure to a new idea or skill or an extension of an existing idea or skill; and~~

~~(iv) in compliance with (6) and (7); or~~

~~(b) the instruction of a relevant higher education course, based upon the academic credit of the course, by a Montana license holder who has achieved a graduate degree in an endorsed field of specialization; or~~

~~(c) the completion of the assessment process for national board licensure, or renewal of national board licensure, through the National Board for Professional Teaching Standards. Verification of completion of the national board assessment shall result in 60 renewal units. Renewal units earned may apply to renewal of an expiring license. Class 2 license holders may use national board renewal units in lieu of college course credits as required in (1). This process may also be used in lieu of any credits required to reinstate a lapsed license. Renewal activities used to renew 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) All renewal units must be earned during the valid term of the license. Renewal units earned through August 31 immediately following the expiration date of a license shall also be considered for renewal. Activities acceptable to renew licenses are:~~

~~(a) credits earned from a regionally accredited college or university;~~

~~(b) activities offered by renewal unit providers approved pursuant to ARM 10.57.216 and documented on an OPI renewal unit certificate;~~

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

~~(d) 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 unit requirements for licensure;~~

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

~~(f) 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 units. NBC renewal units may apply to renewal of an expiring license.~~

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

~~(6) Educators licensed in Montana who are living out of state and participate in another state's validated professional development activities other than college/university credit may use these renewal unit activities when the intent and structure of the process assures the meeting or exceeding of Montana renewal unit requirements for licensure.~~

~~(7) Educators licensed in Montana who are living in state and who wish to participate in professional development activities offered by providers who have not been approved as a renewal unit provider pursuant to ARM 10.57.216 may apply to the state superintendent for approval prior to beginning the program.~~

AUTH: 20-2-121, 20-4-102, MCA

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

10.57.216 APPROVED RENEWAL ACTIVITY (1) Organizations wishing to offer professional development activities for the award of renewal units may apply for annual provider status to the Superintendent of Public Instruction. The organization must receive approval from the Superintendent of Public Instruction prior to awarding renewal units offering activities. Status as an annual a provider must will be renewed July 1 of each year as long as the provider is in compliance with (2).

(2) Organizations which may be approved for status as a provider of professional development for renewal unit credit, upon submission and approval of an application for status as a provider of professional development renewal unit credit, may include:

(a) ~~regionally accredited college and university programs offering activities for units other than college credit;~~

(b) ~~public school districts or schools accredited by the Board of Public Education not part of a public school district which is an OPI-approved renewal unit provider;~~

~~(c) government agencies (federal, state, tribal, county, city); and~~

~~(d) other organizations providing professional development appropriate for educators in Montana's accredited K-12 schools.~~

(3) Approved providers of professional development for the award of renewal units must agree to:

(a) provide activities deemed appropriate for ~~educator license renewal~~ professional development of licensees in compliance with ARM 10.55.714 and 10.57.215;

(b) prepare and ~~issue~~ award completed renewal unit registration forms certificates provided by the Superintendent of Public Instruction, or an approved facsimile, to eligible participants. ~~This form shall be provided by the Superintendent of Public Instruction and this form, or an approved facsimile, must be utilized for all renewal unit awards;~~

(c) report the activities undertaken as professional development for renewal unit awards offered to the Superintendent of Public Instruction. ~~Annual provider status shall be continued upon complete reporting of all activities for the period of July 1 through June 30 of each year;~~

(d) be prepared to submit to an audit of records conducted by the Superintendent of Public Instruction, ~~Records which must be maintained by the~~

~~provider include~~ including:

(i) through (e) remain the same.

(4) (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: 20-4-102, MCA

IMP: 20-4-108, MCA

10.57.217 APPEAL PROCESS FOR RENEWAL ACTIVITY (1) Decisions of the ~~s~~Superintendent of Public Instruction on matters of renewal unit activity or provider status may be appealed to the Board of Public Education pursuant to ARM 10.57.603.

AUTH: 20-4-102, MCA

IMP: 20-4-108, MCA

10.57.218 RENEWAL 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 ~~educator~~ licensee is responsible for maintaining official documentation verifying completion of renewal activities during the term of the license.

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

~~(3) If an educator is unable to produce verification of renewal unit activities within 60 days from the date of the audit letter, the educator's license may be suspended or revoked by the Board of Public Education.~~

AUTH: 20-4-102, MCA

IMP: 20-4-108, MCA

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. ~~A major or a minor or the equivalent in the endorsement area is required.~~

(2) ~~An E~~endorsements are may be granted by the Superintendent of Public Instruction for the appropriate level(s) and area(s) of preparation based on the ~~college program of study completed~~ as verified by the appropriate official defined in ARM 10.57.102.

(3) An endorsement may be dropped from a ~~teaching~~ license at the end of the its valid term of the license if ~~minimum licensure requirements (major and minor or extended major)~~ pursuant to these rules are met ~~without that endorsement.~~

AUTH: 20-4-102, MCA
IMP: 20-4-103, 20-4-106, MCA

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

(a) ~~meeting or exceeding the minimum educator licensure requirements in ARM 10.57.102(15)~~ a bachelor's degree from a regionally accredited college or university;

(b) completion of an accredited professional educator preparation program which included appropriate supervised teaching experience defined in ARM 10.57.102; and

(c) remains the same.

(3) A Class 2 standard teacher's license ~~shall be~~ is renewable pursuant to the requirements of ARM 10.57.215.

(4) A lapsed Class 2 standard teacher's license may be reinstated by ~~showing verification of~~ earning 60 renewal units, ~~40 of which must be earned by college credit, earned~~ during the five-year period preceding the validation date of the new license.

AUTH: 20-2-121, 20-4-102, MCA
IMP: 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA

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

(b) a master's degree in ~~professional~~ education or an endorsable teaching area(s) from ~~an~~ a regionally accredited college or university or certification by the National Board for Professional Teaching Standards; and

(c) three years of ~~successful~~ teaching experience as defined by ARM 10.57.102(24).

(3) remains the same.

(4) A lapsed Class 1 professional teacher's license may be reinstated by ~~showing verification of~~ earning 60 renewal units ~~earned~~ during the five-year period preceding the validation date of the new license.

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

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

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

sociology, special education P-12, ~~speech-communication, speech-drama, technology education, theater, trades and industry, traffic education K-12, and world languages.~~

~~(3) A license holder may qualify for a statement of specialized competency by the completion of a minimum of 20 semester college credit hours or equivalency in a specific academic area as approved by the Board of Public Education. Approved areas of permissive specialized competency are: early childhood education, gifted and talented education, technology in education, mentor teacher, and dance. Permissive special competencies identified on an educator license may be retained as long as the licensee continues to renew the license.~~

~~(4) To obtain an elementary (K-8), early childhood (age 3 to grade 3), or middle grades (4-8) endorsement, an applicant must provide verification of completion of an accredited elementary teacher education program in those areas to include student teaching or university supervised teaching experience.~~

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

~~(a) 16 semester credits in a professional educator completion of an accredited professional educator preparation program at the grade level(s) identified by the program, including student supervised teaching experience or an appropriate college waiver; and~~

~~(b) for those applicants completing programs which are not an accredited professional educator preparation program:~~

~~(b) and (c) remain the same but are renumbered (i) and (ii).~~

~~(6) Both elementary and secondary preparation, including student teaching or university supervised teaching experience, are required for endorsement in any approved K-12 endorsement area. The K-12 endorsement areas outlined in (2) may also be endorsed at the elementary or secondary level depending on the verified level of preparation.~~

~~(a) A Class 1 or 2 license may be endorsed in special education P-12 with program preparation at the elementary or secondary levels, or a balanced K-12 program of comparable preparation.~~

~~(6) To obtain an endorsement in special education P-12, the applicant must provide verification of:~~

~~(b) The balanced K-12 license level option is available through Montana Board of Public Education-approved special education programs for those individuals with:~~

~~(i) (a) a minimum of a completed bachelor's degree; and~~

~~(ii) (b) verified completion of an out-of-state approved accredited special education P-12 program which includes student teaching or university supervised teaching experience.~~

~~(c) Completion of an accredited professional educator preparation program in any disability area shall result in a special education endorsement.~~

~~(7) Applicant must also submit a recommendation for any endorsement requested from the appropriate official from an accredited professional educator program.~~

~~(8) Applicants who have completed accredited professional educator preparation programs outside of Montana and hold endorsements in specific~~

disability areas (for example, early childhood special education, autism, hearing impaired) in another state may not qualify for a special education P-12 endorsement.

(9) Applicants with graduate degrees in an endorsable field of specialization area may use experience instructing in relevant higher education college or university courses as credit in that endorsement area for licensure.

AUTH: 20-4-102, MCA

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

10.57.413 CLASS 3 ADMINISTRATIVE LICENSE (1) remains the same.

(2) Appropriate administrative areas acceptable which may be approved for license endorsement are ~~the following~~: 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 ~~hold at least the appropriate master's degree and qualify for one of the endorsements~~ be eligible for an appropriately endorsed Class 1, 2, or 5 license to 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 through 10.57.419 418.

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

(5) remains the same.

AUTH: 20-4-102, MCA

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

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

(a) ~~a minimum of three years of successful teaching experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor; and an education specialist, master's, or doctoral degree in education or education leadership;~~

(b) completion of an accredited professional educator preparation program as defined in ARM 10.57.102 for superintendents;

~~(b) a minimum of 18 semester graduate credits in a school administrator preparation program, of which 12 must be beyond the master's degree, in each of the following content areas:~~

- ~~(i) organizational leadership;~~
- ~~(ii) instructional leadership;~~
- ~~(iii) facilities planning and policy;~~
- ~~(iv) personnel and labor relations;~~
- ~~(v) community and board relations;~~
- ~~(vi) policy development; and~~

(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 semester credits of college coursework in each of the following:

- ~~(i) Montana school law; and three semester credits of college coursework in~~
- ~~(ii) Montana school finance; and~~
- ~~(iii) Montana collective bargaining and employment law;~~
- ~~(d) a minimum of three years of teaching experience as an appropriately licensed teacher or specialist;~~
- ~~(e) licensure and endorsement as a P-12 principal; and~~
- ~~(f) 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) In addition to the requirements detailed in (1), every applicant must provide verification of either: Applicant must also submit a recommendation for the endorsement requested from the appropriate official from an accredited professional educator program.~~

~~(a) an education specialist degree or doctoral degree in education leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); and~~

~~(b) 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; or~~

~~(c) a master's degree in educational leadership from an accredited professional educator preparation program or a master's degree in education from an accredited program; and~~

~~(i) licensure and endorsement as a K-12 principal; and~~

~~(ii) a minimum of one year of administrative experience as defined in ARM 10.57.102(20) or a minimum of one year of a supervised Board of Public Education approved administrative internship as superintendent.~~

~~(3) A Class 3 administrative license endorsed as a superintendent shall be renewed as follows:~~

~~(a) for those applicants meeting all licensure requirements at the time of initial application, verification of 60 renewal units earned during the valid term of the license; or~~

~~(b) for those applicants not meeting the requirement of (1)(b)(vii), verification of three semester credits of college coursework in Montana school law and three semester credits of college coursework in Montana school finance earned during the valid term of the initial Class 3 license.~~

AUTH: 20-4-102, MCA

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

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

~~(a) a minimum of three years of successful experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor at the elementary level; and~~

~~(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); or a master's degree related to education;~~

(c) completion of an accredited professional educator preparation program as defined in ARM 10.57.102 for elementary principals;

~~(c) a master's degree from any accredited professional educator preparation program and a minimum of 24 graduate semester credits from a school administrator preparation program in the following content areas:~~

~~(i) school leadership;~~

~~(ii) instructional leadership to include supervision and elementary curriculum;~~

~~(d) (iii) successful completion of three semester credits of college coursework in Montana school law; and~~

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

~~(iv) school and community relations.~~

AUTH: 20-4-102, MCA

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

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

~~(a) a minimum of three years of successful experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor at the secondary level; and~~

~~(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); or a master's degree related to education;~~

(c) completion of an accredited professional educator preparation program as defined in ARM 10.57.102 for secondary principals;

~~(c) a master's degree from any accredited professional educator preparation program and a minimum of 24 graduate semester credits from a school administrator preparation program in the following content areas:~~

~~(i) school leadership;~~

~~(ii) instructional leadership to include supervision and secondary curriculum;~~

~~(d) (iii) successful completion of three semester credits of college coursework in Montana school law; and~~

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

~~(iv) school and community relations.~~

~~(2) A Class 3 administrative license endorsed as a secondary principal shall be renewed upon verification of 60 renewal units earned during the valid term of the license.~~

AUTH: 20-4-102, MCA

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

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

~~(a) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); or a~~

master's degree related to education;

~~(b) full eligibility for an elementary or a secondary principal endorsement or current endorsement as a Montana elementary or secondary principal; completion of an accredited educator preparation program for K-12 principals;~~

~~(c) a minimum of three years of successful experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor at any level within K-12; and~~

~~(d) at least six graduate semester credits in educational leadership and curriculum at the elementary level, if eligible at the secondary level, or at least six graduate credits in educational leadership and curriculum at the secondary level, if eligible at the elementary level. completion of three semester credits of college coursework in Montana school law; and~~

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

~~(2) A Class 3 administrative license endorsed as a K-12 principal shall be renewed upon verification of 60 renewal units earned during the valid term of the license.~~

AUTH: 20-4-102, MCA

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

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) This administrative endorsement is issued in specific fields such as math, music, and school counseling, ~~or in general areas such as elementary education, secondary education and curriculum development.~~ This endorsement may be issued to applicants who submit verification:

~~(a) of successful completion, at an accredited college or university, of a master's degree in the area requested for endorsement at a regionally accredited college or university;~~

~~(b) remains the same.~~

~~(c) of three years of successful experience as an appropriately licensed and assigned teacher;~~

~~(d) of at least 14 graduate semester credits in education or the equivalent to include:~~

~~(i) general school administration;~~

~~(ii) administration in the specific area to be endorsed;~~

~~(iii) supervision of instruction;~~

~~(iv) basic school finance; and~~

~~(v) school law; and~~

~~(e) completion of a supervised practicum/internship (minimum of four semester credits or appropriate waiver) at an accredited professional educator preparation program; and~~

~~(e) of recommendation for the endorsement from the appropriate official from an accredited professional educator program. The recommendation of the appropriate official(s) is required.~~

~~(2) A Class 3 administrative license endorsed as a supervisor shall be renewed upon verification of 60 renewal units earned during the valid term of the~~

license.

AUTH: 20-4-102, MCA

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

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE - SPECIAL EDUCATION SUPERVISOR ENDORSEMENT (1) remains the same.

(a) ~~successful~~ completion, at ~~an~~ a regionally accredited college or university, of a master's degree in special education or a master's degree in a the following special education-related service fields: ~~;~~, i.e., school psychologist, speech-language pathologist, audiologist, physical therapist, occupational therapist, registered nurse, clinical social worker, or clinical professional counselor;

(b) remains the same.

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

(d) ~~at least 14 graduate semester credits in education or the equivalent to include:~~ three semester credits in special education law;

~~(i) general school administration;~~

~~(ii) administration in the specific area to be endorsed;~~

~~(iii) supervision of instruction;~~

~~(iv) basic school finance; and~~

~~(v) school law; and~~

(e) a supervised practicum/internship ~~(minimum of four semester credits or appropriate waiver).~~ in an accredited professional educator preparation program; and

~~(f) The recommendation of~~ for the endorsement from the appropriate official ~~(s) is required from an accredited professional educator preparation program.~~

~~(2) A Class 3 administrative license endorsed as a special education supervisor shall be renewed upon verification of 60 renewal units earned during the valid term of the license.~~

AUTH: 20-4-102, MCA

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

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE

(1) and (2) remain the same.

(a) A Class 4A license ~~shall be~~ issued to individuals holding a valid Montana ~~secondary level~~ teaching license, but without an appropriate career and technical education endorsement;

(b) A Class 4B license ~~shall be~~ issued to individuals with at least a bachelor's degree, but who do not hold a valid Montana ~~secondary level~~ teaching license with the appropriate career and technical education endorsement; and

(c) A Class 4C license ~~shall be~~ issued to individuals who hold at least a high school diploma or ~~GED~~ high school equivalency diploma and meet the minimum requirements for endorsement.

(3) and (4) remain the same.

(a) Class 4A licenses ~~(with a bachelor's degree)~~ shall be renewable by earning 60 renewal units, ~~40 of which must be earned through college credit.~~ Endorsement related to technical studies may be accepted ~~with prior approval.~~ The first renewal must show evidence of renewal units earned in the following content areas:

(i) and (ii) remain the same.

~~(b) Class 4A licenses (with a master's degree) shall be renewable by earning 60 renewal units. The first renewal must show evidence of renewal units earned in the following content areas:~~

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

~~(ii) safety and teacher liability.~~

~~(c) (b) Class 4B or 4C licenses shall be renewable by earning 60 renewal units, 40 of which must be earned through college credit. Professional development appropriate Appropriate coursework to renew a Class 4B or 4C license includes the following:~~

~~(i) through (vii) remain the same.~~

~~(viii) endorsement related technical studies, with prior OPI approval.~~

(5) A lapsed Class 4 license may be reinstated by showing verification of ~~the~~ following:

(a) for Class 4A licenses:

~~(i) if the licensee does not have a master's degree, 60 renewal units, 40 of which must be earned by college credit or prior approved endorsement related technical studies, earned during the five-year period preceding the validation date of the new license; or~~

~~(ii) if the licensee has a master's degree, 60 renewal units earned during the five-year period preceding the validation date of the new license.~~

(b) for Class 4B and 4C licenses, the licensee must verify completion of ~~four semester credits of coursework~~ 60 renewal units earned during the five-year period preceding the validation date of the new license in the following areas:

(i) through (vii) remain the same.

(viii) endorsement related technical studies or industry validated training, with prior approval.

AUTH: 20-4-102, MCA

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

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

stagecraft.

(2) Endorsements ~~not on~~ removed from the list of recognized occupations may be retained as long as the ~~holder~~ licensee continues to renew the license.

~~(2)~~ (3) To obtain an endorsement on a Class 4 license, an applicant must provide the following:

(a) verification of a minimum of 10,000 hours of documented 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 is determined by the sSuperintendent of Public Instruction and may include, but is not limited to:

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

~~(iii)~~ (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

~~(iv)~~ (d) certificates of completion of appropriate technical programs or related college degrees and coursework, and industry certification (e.g., ASE, AWS);

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

~~(i)~~ (a) for health occupations science education:

(A) through (D) remain the same but are renumbered (i) through (iv).

(ii) remains the same but is renumbered (b).

(3) remains the same but is renumbered (5).

AUTH: 20-4-102, MCA

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

10.57.424 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE (1) A Class 5 alternative provisional license is valid for a term of three years, is not renewable, and may not be reinstated.

(2) An applicant for a Class 5 alternative 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 the an appropriately endorsed Class 1, 2, 3, or 6 license within three years of the date of the alternative license as provided in ARM 10.57.412, 10.57.414 through 10.57.419, or 10.57.434 and 10.57.436.

~~(3) A Class 5 alternative license is available with any endorsement normally allowed for Class 1, 2, 3, or 6 licenses.~~

~~(4)~~ (4) A Class 5 alternative provisional licensee is not eligible for a Board of Public Education approved internship program in the same endorsement area subsequent to the Class 5 licensure expiration date.

~~(5)~~ (4) When the endorsement-specific requirement in ARM 10.57.425 through 10.57.432 requires a master's degree, master's degrees which do not meet the specific requirement may be accepted with university approval as evidenced by enrollment in the accredited professional educator preparation program.

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

10.57.425 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE -
ELEMENTARY LEVEL

(1) To obtain a Class 5 alternative provisional license with an elementary, middle, or early childhood level endorsement, an applicant must provide verification of:

- (a) a bachelor's degree; and
- (b) ~~a minimum of 60 semester credits of academic preparation in language arts and literature, history, government and related social science, mathematics, and any two of the following: art, music, foreign languages, speech, drama, library science, or health;~~
- (c) ~~professional preparation of at least six semester credits to include human growth and development, reading and/or language arts, social studies, and arithmetic; and~~
- (d) for those applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:
 - (i) can meet the requirements for full licensure within the three-year valid period of the license; and
 - (ii) meets the professional educator preparation program's admission requirements.

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

10.57.426 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE -
SECONDARY, K-12, AND P-12 SPECIAL EDUCATION LEVELS (1) To obtain a Class 5 alternative provisional license with a secondary, K-12, or P-12 special education level endorsement, an applicant must provide verification of:

- (a) a bachelor's degree;
- (b) ~~a minimum of 30 semester credits in an area approved by the Board of Public Education for endorsement;~~
- (c) ~~professional educator preparation of at least six semester credits; and~~
- (d) for those applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:
 - (i) can meet the requirements for full licensure within the three-year valid period of the license; and
 - (ii) meets the professional educator preparation program's admission requirements.

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

10.57.427 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE -

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

- (a) remains the same.
- (b) eligibility for a Class 1, 2, or 5, or 6 teaching license at the appropriate level;
- (c) a minimum of three years of successful experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor at any level; and
- (d) of one year of appropriately licensed experience as a principal or one year of a supervised Board of Public Education approved administration internship as superintendent;
- (e) completion of an accredited professional 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.

(2) Applicants more than six semester credits from meeting requirements for full licensure required to complete coursework other than Montana school law, Montana collective bargaining and employment law, and Montana school finance must also submit written evidence of either:

- (a) enrollment in an accredited professional educator preparation program leading to the superintendent endorsement and enrollment in the be enrolled in a Board of Public Education-approved internship program as outlined in ARM 10.55.703 607; or
- (b) enrollment in an accredited professional educator preparation program leading to the superintendent endorsement and an equivalent accredited university-provided professional educator intern program which must include or provide:
 - (i) supervision of the licensee by university personnel;
 - (ii) annual on-site visitations by the university supervisor; and
 - (iii) progress toward completion of requirements for the superintendent endorsement.

AUTH: 20-4-102, MCA

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

10.57.428 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE - ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain a Class 5 alternative provisional license with an elementary principal endorsement, an applicant must provide verification of:

- (a) a master's degree from any accredited professional educator preparation program and nine graduate semester credits in school administration;
- (b) eligibility for a Class 1, 2, or 5, or 6 teaching license at the elementary level; and
- (c) a minimum of three years of successful experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor at the elementary level; and

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

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

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

(2) Applicants ~~more than six semester credits from meeting requirements for full licensure~~ required to complete coursework other than Montana school law must also submit written evidence of either:

~~(a) enrollment in an accredited professional educator preparation program leading to the elementary principal endorsement and enrollment in the Board of Public Education-approved internship program as outlined in ARM 10.55.703 607; or~~

~~(b) enrollment in an accredited professional educator preparation program leading to the elementary principal endorsement and an equivalent accredited university-provided professional educator intern program which must include or provide:~~

~~(i) supervision of the licensee by university personnel;~~

~~(ii) annual on-site visitations by the university supervisor; and~~

~~(iii) progress toward completion of requirements for the elementary principal endorsement.~~

AUTH: 20-4-102, MCA

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

10.57.429 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE - SECONDARY PRINCIPAL ENDORSEMENT

(1) To obtain a Class 5 ~~alternative provisional~~ license with a secondary principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program and nine graduate semester credits in school administration;

(b) eligibility for a Class 1, 2, or 5, or 6 teaching license at the secondary level; and

(c) a minimum of three years of ~~successful~~ experience as an appropriately licensed and assigned Class ~~1 or 2~~ teacher or Class ~~6~~ school counselor at the secondary level; and

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

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

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

(2) Applicants ~~more than six semester credits from meeting requirements for full licensure~~ required to complete coursework other than Montana school law must also submit written evidence of either:

~~(a) enrollment in an accredited professional educator preparation program~~

leading to the secondary principal endorsement and enrollment in the Board of Public Education-approved internship program as outlined in ARM 10.55.703 ~~607~~; or

~~(b) enrollment in an accredited professional educator preparation program leading to the secondary principal endorsement and an equivalent accredited university-provided professional educator intern program which must include or provide:~~

- ~~(i) supervision of the licensee by university personnel;~~
- ~~(ii) annual on-site visitations by the university supervisor; and~~
- ~~(iii) progress toward completion of requirements for the secondary principal endorsement.~~

AUTH: 20-4-102, MCA

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

10.57.430 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE - K-12 PRINCIPAL ENDORSEMENT (1) To obtain a Class 5 alternative provisional

license with a K-12 principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program ~~and nine graduate semester credits in school administration;~~

(b) eligibility for a Class 1, 2, or 5, ~~or 6~~ teaching license at any level within K-12; and

(c) a minimum of three years of successful experience as an appropriately licensed and assigned Class 1 or 2 teacher or Class 6 school counselor at any level within K-12; and

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

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

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

(2) Applicants ~~more than six semester credits from meeting requirements for full licensure~~ required to complete coursework other than Montana school law must also submit written evidence of ~~either:~~

~~(a) enrollment in an accredited professional educator preparation program leading to the K-12 principal endorsement and enrollment in the Board of Public Education-approved internship program as outlined in ARM 10.55.703; or 607~~

~~(b) enrollment in an accredited professional educator preparation program leading to the K-12 principal endorsement and an equivalent accredited university-provided professional educator intern program which must include or provide:~~

- ~~(i) supervision of the licensee by university personnel;~~
- ~~(ii) annual on-site visitations by the university supervisor; and~~
- ~~(iii) progress toward completion of requirements for the K-12 principal endorsement.~~

AUTH: 20-4-102, MCA

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

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

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

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

10.57.432 CLASS 5 ALTERNATIVE PROVISIONAL LICENSE - SPECIALIST ENDORSEMENT (1) To obtain a Class 5 alternative provisional license with a specialist endorsement in school psychology, an applicant must provide ~~verification of:~~

- (a) verification of a master's degree or greater in school psychology or related field from an regionally accredited school psychologist professional educator preparation program; and
- (b) ~~recommendation from the Montana Association of School Psychologists Competency Review Board.~~ for those applicants who have not completed an accredited specialist preparation program, verification from an accredited 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 alternative provisional license with a specialist endorsement in school counseling, an applicant must provide ~~verification of:~~

- (a) verification of a master's bachelor's degree; and
- (b) ~~institutional verification from the accredited specialist program,~~ of being within four course deficiencies of completing full requirements as outlined in ARM 10.57.435.

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

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

(3) 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.

(4) Class 6 specialist licenses may be renewed pursuant to the requirements of ARM 10.57.215.

~~(4)~~ (5) A lapsed Class 6 specialist license may be reinstated by showing verification of ~~four graduate semester credits or equivalent~~ 60 renewal units earned during the five-year period preceding the validation date of the new license.

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

10.57.434 CLASS 6 SPECIALIST LICENSE - SCHOOL PSYCHOLOGIST

(1) remains the same.

(a) current credentials as a nationally certified school psychologist (NCSP) from the ~~n~~National ~~a~~Association of ~~s~~School ~~p~~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 an ~~an~~ education specialist degree in a related field from an regionally accredited institution college or university; and

(ii) ~~recommendation from the Montana Association of School Psychologists Competency Review Board after completion of an oral examination 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: 20-4-102, MCA

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

10.57.435 CLASS 6 SPECIALIST LICENSE - SCHOOL COUNSELOR

(1) remains the same.

(a) a master's degree; ~~in school counseling (K-12); or~~ and

(b) ~~a master's degree with equivalent graduate level school counseling content; and~~

(c) ~~a supervised internship of at least 600 hours in a school or school related setting.~~

(2) ~~A Class 6 specialist endorsed in school counseling 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.~~

(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 specialist program defined in ARM 10.57.102, which included an internship in a school setting of 600 hours.

AUTH: 20-4-102, MCA

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

10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE

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

(2) The Superintendent of Public Instruction shall issue a Class 7 license based upon verification by the ~~American Indian tribe for which the language and culture licensure is desired~~ that the individual 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. ~~Candidates for Class 7 licensure must meet all nonacademic requirements for licensure in Montana.~~

(3) The ~~board~~ 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) remains the same.

(5) ~~Sixty units of renewal activities authorized and verified by the tribe will be required for renewal of a Class 7 license.~~ 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: 20-4-102, MCA

IMP: 20-4-103, 20-4-106, MCA

10.57.437 CLASS 8 DUAL CREDIT-ONLY POSTSECONDARY FACULTY LICENSE (1) A faculty member of a ~~postsecondary institution~~ 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 course for which one or more students will earn both high school and college credit.

(2) The license is valid for five years:

~~(a) as long as the license holder is a faculty member of a regionally accredited postsecondary institution;~~

~~(b) only for the delivery of courses that fall within an endorsable major or minor, or the equivalent, held by the faculty member; and~~

~~(c) only when teaching dual credit courses within the role and scope of their duties assigned by the employing postsecondary institution.~~

(3) To obtain a ~~€~~Class 8 dual credit-only postsecondary faculty license, an applicant shall provide the following:

(a) ~~V~~erification of faculty employment from the Chief Academic Officer or an appropriate official of the employing regionally accredited postsecondary institution college or university that the class 8 licensure applicant meets the definition in ARM 10.57.102(10) in their role of teaching a dual credit course at a regionally accredited postsecondary institution; and

(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

~~(b) (c) R~~ecommendation from the appropriate official Chief Academic Officer

from a Montana or NCATE regionally accredited professional educator preparation program college or university stating all of verifying the following:

(i) ~~the a~~Applicant has earned a major or minor or the equivalent in one of the endorsable teaching areas as set forth in ARM 10.57.438 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 a~~Applicant is competent, pursuant to ARM 10.58.501, as demonstrated by the applicant's satisfaction of criteria set forth in a rubric developed and published by the Superintendent of Public Instruction in consultation with K-12 education and higher education; and 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.

~~(c) Compliance with all other nonacademic requirements for licensure as required by 20-4-104, MCA, ARM 10.57.201(4), and 10.57.201A.~~

(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 eClass 8 dual credit-only postsecondary faculty license shall be renewed pursuant to the requirements of ARM 10.57.215.

(5) (6) A eClass 8 license shall not be valid unless the licensee is in an employment relationship with a regionally accredited postsecondary institution college or university.

~~(6) This rule shall be applied beginning with the fall semester of 2009.~~

AUTH: 20-4-102, MCA

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

10.57.438 CLASS 8 DUAL CREDIT-ONLY POSTSECONDARY FACULTY LICENSE ENDORSEMENTS (1) Dual credit instructors must qualify for licensure and endorsement under one of the following categories:

~~(a) Class 1 professional or Class 2 standard license according to ARM 10.57.410, 10.57.411, and 10.57.412;~~

~~(b) Class 4 career and technical license according to ARM 10.57.420 and 10.57.421; or~~

~~(c) Class 8 dual credit-only postsecondary license according to ARM 10.57.437 and this rule.~~

~~(2)~~ Areas approved for endorsement on Class 8 dual credit-only postsecondary faculty licenses include the following: ~~agriculture, art K-12, biology, business education, chemistry, computer science K-12, drama, earth science, economics, English, family and consumer sciences, geography, health, history, history-political science, industrial arts, journalism, marketing, mathematics, music K-12, physical education K-12, science (broadfield), social studies (broadfield), sociology, speech-communication, speech-drama, technology education, trade and industry and world languages~~ are listed in ARM 10.57.412.

~~(3)~~ (2) Applicants for the Class 8 license with degrees in highly specialized academic areas and hired by the postsecondary institution college or university under the policies set forth in ARM 10.57.102(10) to teach specific courses not covered by the K-12 endorsement areas in ~~(2)~~ (1), may be eligible for a designation in their area of specialization as approved by the Superintendent of Public Instruction.

AUTH: 20-4-102, MCA

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

10.57.501 SOCIAL WORKERS, NURSES, AND SPEECH AND HEARING THERAPISTS (1) remains the same.

(2) Speech and hearing therapists engaged in school services in the public schools of Montana who issued grades or credits in the pupil's school program must be licensed under the regularly established teacher licensure requirements in speech and hearing association. ~~For related school services which do not involve credits or promotion, the Superintendent of Public Instruction shall recognize speech and hearing therapists licensed by the American Speech and Hearing Association on the basis of professional association standards on file with the Superintendent of Public Instruction.~~

AUTH: 20-4-102, MCA

IMP: 20-4-102, MCA

10.57.601 REQUEST FOR DISCIPLINE AGAINST THE LICENSE OF AN EDUCATOR/SPECIALIST: PRELIMINARY ACTION (1) Pursuant to 20-4-110~~(2)~~,

MCA, requests to issue a letter of reprimand or to suspend or revoke an educator/specialist license shall be brought before the Board of Public Education by only:

(a) an official action of the board of trustees of a local district for any licensed educator/specialist currently employed by that district or under contract or otherwise employed by that district at any time during the 12 months prior to the receipt by the Board of Public Education of the discipline request ~~to issue a letter of reprimand or to suspend or revoke;~~ or

(b) the Superintendent of Public Instruction.

(2) The Superintendent of Public Instruction may initiate a request to the Board of Public Education for discipline against an educator/specialist's license within 12 months from the date of receiving direct notification of alleged misconduct from a local school district board of trustees or from any other credible source.

(3) Requests for discipline shall specify whether a letter of reprimand, revocation, or suspension is sought and shall include:

(a) through (c) remain the same.

(d) if the request is made by a board of trustees of a district, a copy of the minutes documenting the trustees' decision to request disciplinary action ~~a letter of reprimand or revocation or suspension of a license, if the request is made by the board of trustees.~~

AUTH: 20-4-102, MCA

IMP: 20-4-110, MCA

10.57.601A DEFINITION OF "IMMORAL CONDUCT" (1) remains the same.

(a) sexual contact, as defined in 45-2-101, MCA, or sexual intercourse as defined in 45-2-101, MCA, ~~between an educator/specialist and involving a minor or a person the educator/specialist~~ applicant or licensee knows, ~~or~~ 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) through (iii) remain the same.

(iv) 45-5-505, MCA, (deviate sexual conduct), if the conduct either was non-consensual or involved a minor or a person the educator/specialist applicant or licensee knows, ~~or~~ reasonably should know, or should have known is a student at a public or private elementary or secondary school;

(v) through (d)(iii) remain the same.

(e) submitting false credentials, omitting relevant information, or making any statement of material fact ~~the~~ 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) and (ii) remain the same.

(iii) false academic awards; ~~and~~ or

(iv) inaccurate employment history;

(f) significant misuse of technology or electronic communication ~~with involving a minor or a person an applicant or licensee licensed educator/specialist~~ knows, ~~or~~ 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) remains the same.

AUTH: 20-4-102, MCA

IMP: 20-4-110, MCA

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 ~~made pursuant to 20-4-110(2), MCA, and ARM 10.57.601, and for the purpose of complying with 20-4-110(5), MCA,~~ the Board of Public Education shall review the allegations to determine whether ~~or not a substantial reason exists to hold a hearing for the issuance of a~~

letter of reprimand or the suspension or revocation of the educator/specialist license there is sufficient cause to believe that professional misconduct occurred.

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

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

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

AUTH: 20-4-102, MCA

IMP: 20-4-110, MCA

10.57.602 NOTICE AND OPPORTUNITY FOR OF HEARING UPON DETERMINATION THAT SUBSTANTIAL REASON EXISTS TO HOLD A HEARING

~~(1) On the basis of the preliminary review conducted pursuant to ARM 10.57.601B, the Board of Public Education shall determine whether or not a substantial reason exists to hold a hearing to issue a letter of reprimand or to suspend or revoke the educator/specialist license.~~

~~(a) If the board determines that no substantial reason exists to hold such a hearing, the matter is ended.~~

~~(b) If the board determines that there is substantial reason to hold such a hearing, the The board Board of Public Education shall provide notice of the a pending disciplinary action to the educator/specialist licensee, by certified mail not less than 30 days prior to the date of the hearing.~~

~~(a) Such notice shall include:~~

~~(i) through (iv) remain the same.~~

~~(v) a designation of who will hear the allegation pursuant to ARM 10.57.603; and~~

~~(vi) a provision advising statement of the licensee's parties of their right to be represented by counsel at the hearing.~~

~~(e) (b) The notice shall advise the educator/specialist licensee that the educator/specialist licensee has the right to contest the proposed disciplinary action of the board, and that the educator/specialist licensee 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 educator/specialist filing a written signed statement contesting the matters asserted and requesting a hearing.~~

~~(d) The board shall enclose with the notice an election form on which the educator/specialist shall be asked to indicate whether the educator/specialist intends to appear at the hearing and contest the board's proposed action, contest the board's proposed action without appearing at the hearing, or accept the proposed letter of reprimand, suspension or revocation without contesting it. The notice shall require the educator/specialist to return the election form within 20 days of the date~~

on which the notice was mailed, and shall inform the educator/specialist that failure to return the form in a timely manner shall result in a letter of reprimand or the suspension or revocation of the license by default.

~~(e) If the educator/specialist or administrator does not return the completed election form within 20 days or elects to accept the proposed letter of reprimand, suspension, or revocation without contesting it, the board, at its next meeting, shall suspend or revoke the educator/specialist license or shall direct the chair to issue a letter of reprimand.~~

(c) The notice shall advise the licensee that the disciplinary hearing will be open to the public unless an individual's right to privacy outweighs the public's right to know.

~~(f) (2) If the licensed licensee educator/specialist or administrator elects to contest the proposed letter of reprimand, suspension, or revocation and complies with (1)(d), disciplinary action, the board shall conduct a contested case hearing pursuant to ARM 10.57.603.~~

~~(2) (3) If resolution is reached prior to the hearing, the parties may report such resolution to the board and ask for dismissal of the matter. Dismissal of the matter by the board based on mutual agreement of the parties must be granted in writing, but need not contain findings of fact or conclusions of law.~~

AUTH: 20-4-102, MC
IMP: 20-4-110, MCA

10.57.603 HEARING IN CONTESTED CASES (1) The Board of Public Education shall select one of the following methods for providing a hearing:

(a) a hearing before the ~~B~~board of Public Education at a special or regular meeting of the ~~B~~board;

(b) a hearing before a committee of the board that shall report to the board proposed findings of fact, proposed conclusions of law, and a proposed order; or

(c) a hearing before a hearing examiner appointed by the ~~B~~board of Public Education who shall report to the board proposed findings of fact, proposed conclusions of law, and a proposed order.

(2) At the time and place set in the notice to the ~~educator/specialist~~ applicant or licensee, the chairperson of the Board of Public Education, the designated committee, or an appointed hearing examiner shall conduct the hearing in accordance with Title 2, chapter 4, part 6, MCA, and ARM 1.3.211 through 1.3.224 of the Attorney General's model rules for hearing contested cases, as found in the Administrative Rules of Montana.

~~(3) In the case of an appeal made pursuant to ARM 10.57.217 regarding a denial of renewal units or provider status, written notice of the appeal must be made to the board within 30 days of the denial by the Superintendent of Public Instruction. For this type of appeal, the board may follow informal proceedings pursuant to 2-4-604, MCA, and the final board decision may be issued by letter from the chair of the board to the appellant. Prior to the hearing, the board's attorney or designated hearing officer shall schedule a pre-hearing conference to consider:~~

(a) simplification of the issues;

(b) the possibility of obtaining admissions of facts and documents;

- (c) the number of witnesses;
- (d) the exchanges of witness and exhibit lists; and
- (e) any other matters which may aid in the disposition of the matter.

(4) On appeal the burden is on the appellant to establish by a preponderance of the evidence that the appellant meets the statutory criteria for issuance of an educator/specialist license. In the case of a request for disciplinary action against a licensee pursuant to ARM 10.57.601 or 10.7.611, the burden is on the requestor to establish by a preponderance of the evidence that the disciplinary action is warranted.

AUTH: 20-4-102, MCA
IMP: 20-4-110, MCA

10.57.604 POST HEARING PROCEDURE (1) Either immediately following the hearing, or within ~~60~~ 30 days of the conclusion of the hearing regarding an educator/specialist license, the ~~Board~~ Board of Public Education shall, as ~~provided herein~~ applicable:

~~(a) make a final decision to:~~ uphold the decision of the Superintendent of Public Instruction to deny an application for licensure;

~~(i) through (iii) remain the same but are renumbered (b) through (d).~~

~~(iv)~~ (e) suspend or revoke the license for a specific period of time, up to and including permanent revocation of the educator/specialist license; and

~~(b) consistent with its decision, issue findings of fact, conclusions of law, and an order for suspension or revocation of the educator/specialist license; or~~

~~(c) dismiss the request for letter of reprimand, revocation, or suspension.~~

~~(2) Consistent with the board's a decision to suspend or revoke a license, the board chair or designee shall sign the stipulated agreement, the letter of reprimand, or in the case of a suspension or revocation, the final issue findings of fact, conclusions of law, and an order signed by the board chair or designee.~~

~~(3) The board shall record its decision in its minutes and shall serve provide its decision, including the letter of reprimand, or a copy of the findings of fact, conclusions of law, and order by certified mail on the educator/specialist to the licensee and on to any other involved party within 30 ten days of its decision.~~

~~(4) The date of the letter of reprimand, decision to uphold a denial of licensure by the superintendent, or final written decision and order of the board determines the date from which an appeal may be filed pursuant to 2-4-702, MCA.~~

~~(5) Pursuant to 2-4-623, MCA, decisions of the Board of Public Education shall be available for public inspection. Confidential information such as names of any minors, the educator/specialist's applicant's or licensee's address, telephone number, or medical records may be redacted from the posted final decision.~~

AUTH: 20-2-121, 20-4-102, MCA
IMP: 20-4-102, 20-4-110, MCA

10.57.605 SURRENDER OF AN EDUCATOR/SPECIALIST LICENSE

~~(1) An educator/specialist licensee may surrender that educator/specialist's his or her license to the Superintendent of Public Instruction. The Superintendent of~~

Public Instruction, upon review, may accept or reject the license surrender.

(2) remains the same.

(3) The Superintendent of Public Instruction may investigate further following the surrender of an ~~educator/specialist's~~ license and shall maintain a record of the circumstances surrounding the surrender of any license. The contents of that record shall be available for review by the licensing authority from any other jurisdiction in which the educator/specialist seeks licensure.

(4) Surrender of a license is permanent and irrevocable, unless specified otherwise in the document of surrender. Surrender of a license is a sanction against an educator or specialist and may prejudice the ability of an educator/specialist to successfully seek relicensure ~~in Montana in the same or any other class of license or educational endorsement.~~

(5) The Superintendent of Public Instruction shall ~~provide notice to~~ immediately inform the Board of Public Education of each surrender of a license and of the circumstances surrounding the surrender.

AUTH: 20-4-114, MCA

IMP: 20-2-121, MCA

10.57.606 REPORTING OF THE SURRENDER, DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE (1) The Superintendent of Public Instruction shall maintain membership in the National Association of State Directors of Teacher Education and Certification (NASDTEC) and shall report information concerning disciplinary action to the NASDTEC clearinghouse ~~concerning licensure as provided herein and as required by NASDTEC membership.~~

(2) Upon receipt of a license surrendered pursuant to ARM 10.57.605, the Superintendent of Public Instruction shall report to the NASDTEC clearinghouse that the Superintendent accepted the surrender of a license held by the ~~educator/~~ specialist licensee.

(3) ~~As provided herein,~~ The Superintendent of Public Instruction shall report to the NASDTEC clearinghouse the denial of licensure for cause. A denial "for cause" is defined as circumstances which:

(a) through (4)(b) remain the same.

(5) The Superintendent of Public Instruction shall report to the NASDTEC clearinghouse a letter of reprimand issued by the Board of Public Education, and the suspension or revocation of a license held by an educator/specialist licensed in Montana.

(6) If a denial of licensure or disciplinary action by the Board of Public Education is overturned by a court of competent jurisdiction, the Superintendent of Public Instruction will notify the NASDTEC clearinghouse of such action.

(7) The Superintendent of Public Instruction shall maintain, pursuant to the superintendent's record retention policies, a record of the circumstances surrounding the surrender, denial, revocation, suspension, or reprimand involving an ~~educator/specialist's~~ license or application for licensure. The contents of that record shall be available for review by the certifying authority from any other jurisdiction in which the educator/specialist seeks licensure.

AUTH: 20-4-102, MCA
IMP: 20-4-110, MCA

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 request notice of appeal may not be submitted by e-mail. The notice must be signed by the appellant and must be in a form which:

(a) summarizes the appellant's responses to the Superintendent's denial of licensure;

(b) ~~states that the appellant meets the minimum qualifications for issuance of a license established by law~~ provide preliminary statements supporting the appellant's contention that the Superintendent's denial should be overturned; and

(c) if applicable, shows 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: 20-2-121, 20-4-102, MCA
IMP: 20-4-102, 20-4-110, MCA

10.57.608 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104, MCA

(1) The Board of Public Education shall not consider an appeal from a denial by the Superintendent of Public Instruction based on 20-4-104, MCA, if the appellant has made an appeal to the board from the denial of an ~~educator/specialist~~ license within three years prior to the

application which is at issue, and ~~that appeal was denied by the board~~ the appellant did not prevail following a hearing, unless at the time of notice of appeal pursuant to ARM 10.57.607 the appellant demonstrates substantial changes in circumstances relating to the appellant's eligibility for a license.

(2) The board shall not consider an appeal by ~~an educator/specialist licensee~~ regarding a suspended, revoked, or surrendered license during the period of suspension, revocation, or surrender.

AUTH: 20-4-102, MCA

IMP: 20-4-110, MCA

10.57.611 SUBSTANTIAL AND MATERIAL NONPERFORMANCE (1) A licensed staff member commits ~~a violation of~~ substantial and material nonperformance of an employment contract pursuant to 20-4-110(1)(g), MCA, if, after signing a binding contract of employment with a Montana school district, the licensed staff member substantially and materially breaches such contract without good cause.

(2) through (2)(c) remain the same.

(3) Licensed staff members violating 20-4-110(1)(g), MCA, ~~may be penalized according to the following guidelines as follows:~~

(a) through (c) remain the same.

(4) In determining the severity of the sanction, if any, the ~~board~~ Board of Public Education will consider the following:

(a) through (c) remain the same.

(5) This rule ~~provides guidelines only and~~ shall not be construed to either require or to prohibit the board from exercising its discretion in overseeing discipline of license holders pursuant to 20-4-110(6), MCA.

AUTH: 20-2-114, 20-2-121, MCA

IMP: 20-2-121, 20-4-110, MCA

5. The board proposes to repeal ARM 10.57.609, Hearing on Appeal, AUTH: 20-1-102, MCA; IMP: 20-4-110, MCA.

6. The effective date of these rules is July 1, 2015.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., November 6, 2014.

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

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

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

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

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

/s/ Peter Donovan
Peter Donovan
Rule Reviewer

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

Certified to the Secretary of State September 29, 2014.