

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULES I through XV pertaining to )  
preschool programming for public )  
schools )

TO: All Concerned Persons

1. On October 9, 2014, the Board of Public Education published MAR Notice No. 10-63-269 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 2318 of the 2014 Montana Administrative Register, Issue Number 19.

2. The board has adopted the following rules as proposed:

NEW RULE III	ARM 10.63.103	LEADERSHIP
NEW RULE IV	ARM 10.63.104	TEACHER ASSIGNMENTS AND QUALIFICATIONS
NEW RULE V	ARM 10.63.105	EARLY CHILDHOOD PARAPROFESSIONAL QUALIFICATIONS
NEW RULE VI	ARM 10.63.106	EARLY CHILDHOOD PARAPROFESSIONAL SUPERVISION
NEW RULE VII	ARM 10.63.107	CLASS SIZE
NEW RULE VIII	ARM 10.63.108	AGGREGATE HOURS
NEW RULE IX	ARM 10.63.109	ENROLLMENT ELIGIBILITY
NEW RULE XIV	ARM 10.63.114	CHILD GUIDANCE

3. The board has adopted the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (ARM 10.63.101) PROCEDURES (1) and (2) remain as proposed.

(3) Montana's preschool standards shall be reviewed and revised on a five-year cycle beginning July 1, 2017.

NEW RULE II (ARM 10.63.102) DEFINITIONS (1) through (1)(b) remain as proposed.

~~(c) "Collaborative inquiry" means a teaching strategy in which teachers and students engage in joint learning, discovery, or intellectual effort, or when groups of students work together to search for understanding, meaning, or solutions.~~

(d) and (e) remain the same but are renumbered (c) and (d).

~~(f) "Experiential learning" means to engage in learning through exploration, experimentation, and discovery.~~

(e) "Learning center" means a self-contained area of the classroom featuring a wide variety of hands-on materials that children can choose and use independently which are organized around a curriculum area (science, math, art, music, dramatic play, literacy) or a specific kind of play material (blocks, sensory, manipulative).

(g) and (h) remain as proposed but are renumbered (f) and (g).

NEW RULE X (ARM 10.63.110) EARLY LEARNING CONTENT STANDARDS DEVELOPMENTAL DOMAINS (1) through (2)(a)(ii) remain as proposed.

(iii) use of ~~their~~ the senses to explore the environment and develop skills through sight, smell, touch, taste, and sound.

(b) through (3)(a) remain as proposed.

(i) receptive communication, wherein students use listening and observation skills to make sense of and respond to spoken language and other forms of communication; enter into the exchange of information around what is seen, heard, and experienced; and ~~they~~ begin to acquire an understanding of the concepts of language that contribute to learning;

(ii) through (4)(e) remain as proposed.

(i) engage in scientific thinking and the use of the scientific methods through investigation using their senses to observe, manipulate objects, ask questions, make predictions, and develop conclusions and generalizations;

(ii) through (f)(iv) remain as proposed.

NEW RULE XI (ARM 10.63.111) CURRICULUM AND ASSESSMENT

(1) through (2)(a) remain as proposed.

(b) informing instruction through observation and documentation of children's strengths, interests, and needs in their play, work, and behavior;

(b) through (e) remain as proposed but are renumbered (c) through (f).

NEW RULE XII (ARM 10.63.112) INSTRUCTION (1) through (2)(b) remain as proposed.

(c) support children's development by providing opportunities for all children to play with and learn from each other;

(c) through (g) remain as proposed but are renumbered (d) through (h).

NEW RULE XIII (ARM 10.63.113) PHYSICAL AND LEARNING ENVIRONMENT (1) through (2)(b) remain as proposed.

(i) planned learning center time where students have individual choice of activities;

(ii) daily opportunities to learn and play individually, in small groups, and as a whole group; and

(iii) remains as proposed.

NEW RULE XV (ARM 10.63.115) FAMILY AND COMMUNITY ENGAGEMENT (1) through (2)(b) remain as proposed.

(c) support the child and the family through regular, ongoing, two-way communication;

(c) through (h) remain as proposed but are renumbered (d) through (i).

4. The following comments were received.

COMMENT 1: Over 400 commenters (total of 481) provided oral and written testimony in support of the proposed rules for early childhood education. Organizations in support of the standards include: School Administrators of Montana, MEA-MFT, the Department of Public Health and Human Services, Head Start, Quality Education Coalition, Rocky Mountain Development Council, and Montana School Boards Association.

RESPONSE: The Board of Public Education appreciates the support of the commenters for these rules.

COMMENT 2: Tammy Lacey, Superintendent of the Great Falls Public Schools and chair of the Certification Standards and Practices Advisory Council (CSPAC), stated the district supported the standards and that Great Falls has a public preschool which has a waiting list and private preschools are still in operation.

COMMENT 3: Mary Meehan from Evergreen Public Schools in Kalispell testified in support of the standards. She stated that 75% of the children in their area qualify for free and reduced lunch and would benefit from a district-sponsored preschool.

COMMENT 4: Several preschool instructors testified in support of the standards. One instructor stated that 60% of Montana children don't attend any preschool.

RESPONSE: The board thanks commenters referred to in 2-4 above and appreciates their support of early childhood education.

COMMENT 5: The Montana Montessori Educators' Association submitted a comment requesting that the board give thoughtful consideration for an alternative path of certification for preschool teachers. Several other commenters felt that the requirements for licensed preschool teachers was restrictive and would prohibit them from continuing to operate private preschools.

RESPONSE: The board thanks the Montana Montessori Educators' Association and the other commenters who expressed their concerns about licensure issues. The Office of Public Instruction together with the Montana University System through the Chapter 58 educator preparation program stakeholders are working on procedures for pathways to licensure for preschool educators which are intended to include pathways to initial early childhood endorsement based on training and experience.

COMMENT 6: The Education and Local Government (ELG) Interim Committee adopted a resolution to oppose the proposed rules on a 6-5 vote.

RESPONSE: The board has reviewed the ELG resolution and appreciates the consideration the legislators have given to the early childhood standards. However, the board would like to point out a misconception in the ELG's resolution. The accreditation standards will apply only to public preschool programs operated by school districts in the state. Private preschools will not be required to follow these accreditation standards. The board concurs that the decision to utilize a preschool program rests exclusively with the parents and/or guardians of the children. The proposed rules provide that establishing a public preschool program is at the discretion of the locally elected board of trustees. The rules also provide that attendance at a public preschool is voluntary – not required.

COMMENT 7: Several commenters opposed the rules based on their belief that the rules would "put private preschools out of business."

RESPONSE: The board thanks the commenters for their interest and understands their concerns. There are currently some districts which do operate preschools. The board feels it is necessary to adopt these rules to ensure consistent high-quality preschool standards across the state. These standards are for public preschools which can only be established at the discretion of locally elected boards of trustees. It is anticipated that some school districts may wish to collaborate with established private preschools to provide preschool services.

COMMENT 8: A commenter testified that schools are already overcrowded and that the standards would take away the parent's right to educate their children.

RESPONSE: The board thanks the commenter for her comment, but under these rules the decision to operate a public preschool is at the discretion of the local board of trustees and all parents continue to have the right to determine whether to educate their children at home or send them to a preschool of their choice.

COMMENT 9: A commenter expressed a concern about the studies used to draft the standards feeling that they focused only on extremely disadvantaged children. She also stressed the importance of the family and the child being home with the mother.

RESPONSE: The board thanks the commenter for her comment and states that the studies used were nationwide studies that included all children, not just disadvantaged children. Again, enrolling a child in a public preschool is voluntary and is the parent's decision.

COMMENT 10: A commenter stated that she felt the amount of time the standards require a child to attend preschool will be stressful and the commenter referred to a study that says "chronic stress predisposes the brain to mental illness."

RESPONSE: The board thanks the commenter for her comment and states that the board is not aware of any research-based evidence to support her contention.

COMMENT 11: Several persons stated their concerns for the time frame in which the rules were drafted.

RESPONSE: The board thanks the commenters for their comments and states that the board has followed and in many cases exceeded the Montana Administrative Procedure Act in providing notice of the intended rulemaking action.

COMMENT 12: A commenter stated that a voluntary preschool would offer less wealthy families a valuable opportunity and requested that the standards include time outside in nature and world languages.

RESPONSE: The board thanks the commenter and states that New Rule X (ARM 10.63.110) in (3) addresses language development. Although the rules do not require offering world languages, this does not preclude schools from offering age-appropriate language instruction. This is a local decision. In (4)(e) of that rule the standards provide for students to develop an understanding for the physical world, nature, and properties of energy and nonliving matter. It is up to each local school board to determine the specific curriculum.

COMMENT 13: A commenter provided written testimony that a high number of Montana children have had four or more adverse childhood experiences (ACEs). He recommends that the standards require child care providers to attend training on the Adverse Childhood Experiences Study.

RESPONSE: The board thanks the commenter for his concern. The commenter refers to child care providers however; these rules do not apply to child care. The standards provide that the preschool classes be taught by highly qualified preschool teachers. Districts with a high number of children experiencing ACEs can provide such training for their teachers.

5. The following comments refer to specific rules which are noted above the comment.

#### New Rule II (ARM 10.63.102) DEFINITIONS

COMMENT 14: The Montana Early Childhood Higher Education Consortium (MECHEC) commented that the definitions should include a definition of "learning center" and provided a suggested definition.

RESPONSE: The board thanks the consortium for its comment, concurs, and has amended the rule accordingly.

COMMENT 15: A commenter stated that as a director of a private, nonprofit child care center she applauded the Governor's recent emphasis and commitment to early childhood education and was pleased that the proposed standards included much of the language from the Montana Early Learning Standards (MELS). She requested that the following definitions be added to the standards:

1. what a learning center looks like;
2. developmentally appropriate practice;
3. what play looks like (and expand this concept in the rules);
4. collaborative inquiry; and
5. experiential learning.

RESPONSE: The board thanks the commenter for her comment. A definition for "learning center" has been added; however, the "collaborative inquiry" and "experiential learning" definitions have been removed because these terms are not used in the rules. The concept of "play" has been included in the rules and the board does not feel it needs to be specifically defined. The board declines to define in rule the term "developmentally appropriate practice" because it feels it would be too prescriptive and interfere with local control of schools.

#### New Rule X (ARM 10.63.110) EARLY LEARNING CONTENT STANDARDS DEVELOPMENTAL DOMAINS

COMMENT 16: The MECHEC commented that grammatical changes needed to be made to New Rule X (2)(a)(iii), (3)(i), and (4)(e)(i). They also requested that the term "receive support" in (3)(a)(iv) be deleted and replaced with "gain proficiency."

RESPONSE: The board thanks the consortium for its comments, concurs with the grammatical changes, and has amended the rule accordingly. The board respectfully disagrees with the requested change to (3)(a)(iv) and believes proficiency is an issue that should be left to the local board of trustees.

#### New Rule XI (ARM 10.63.111) CURRICULUM AND ASSESSMENT

COMMENT 17: The MECHEC recommended that the rules integrate a provision for observing and documenting children's strengths, interests, and needs in their play, work, and behavior to inform instruction.

RESPONSE: The board thanks the consortium for its comment, concurs, and has amended the rule as set forth above.

#### New Rule XII (ARM 10.63.112) INSTRUCTION

COMMENT 18: The MECHEC recommended that the rules provide more support for children's development of friendships and opportunities for children to play and learn from each other.

RESPONSE: The board thanks the consortium for its comment and has adopted language to support children's development by providing opportunities for all children to play with and learn from each other.

New Rule XIII (ARM 10.63.113) PHYSICAL AND LEARNING ENVIRONMENT

COMMENT 19: The Office of Public Instruction submitted a comment stating that language was inadvertently omitted from the proposed rule and requests that the words "learning center" be added after "planned" in New Rule XIII (2)(b)(i) and the word "daily" be added before "opportunities" in New Rule XIII (2)(b)(ii).

RESPONSE: The board thanks the OPI for its comment, concurs with the amended language, and has amended the rule accordingly.

New Rule XV (ARM 10.63.115) FAMILY AND COMMUNITY ENGAGEMENT

COMMENT 20: The MECHEC submitted a recommendation that the board include the following language:

1. at the end of New Rule XV(1):  
"...and to recognize and respect the primacy of families through planning for family engagement that includes decision-making, addressing family needs, and accessing comprehensive services."
2. a new (2)(c):  
"(c) support the child and family through regular, ongoing, two-way communication that includes a variety of strategies such as home visits and family teacher conferences; "

RESPONSE: The board thanks the MECHEC for its comments, but believes that the suggested language for (1) is substantially covered elsewhere in the rule and has amended the rule by adding some of the suggested language for (c) but will leave the determination of how and what methods to use to implement the rule to the discretion of the local boards of trustees.

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

/s/ Peter Donovan  
Peter Donovan  
Rule Reviewer

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

Certified to the Secretary of State December 1, 2014.