

BEFORE THE OFFICE OF PUBLIC INSTRUCTION  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 10.13.309 pertaining to traffic	)	AMENDMENT
education	)	
	)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. The Office of Public Instruction proposes to amend the above-stated rule.

2. The Office of Public Instruction 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 Office of Public Instruction no later than 5:00 p.m. on July 29, 2020, to advise us of the nature of the accommodation that you need. Please contact Tracy Moseman, Office of Public Instruction, 1201 Prospect Avenue, Helena, Montana, 59601; telephone (406) 444-3000; fax (406) 444-2893; TDD/Montana Relay Service 711 or e-mail [tmoseman@mt.gov](mailto:tmoseman@mt.gov).

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

10.13.309 REIMBURSEMENT TO PUBLIC SCHOOL DISTRICTS (1) The administrative official of the eligible public school district shall submit a "Traffic Education Program Reimbursement Request" (a certified list of pupils who have completed a state-approved traffic education program) ~~on or before July 10~~ for all students who completed the program during the preceding fiscal year.

(a) In 2020 the eligible public school district may either submit the list of pupils by July 10 or December 31.

(b) For 2021 and thereafter, the eligible public school district shall submit the list of pupils by July 10.

(2) Reimbursement per student shall be based on the completion of at least 50% of the classroom portion and 50% of the behind-the-wheel portion of the course, and minimum age requirements. Reimbursement per student shall be paid whether the student passed or failed the course.

~~(3) On or before August 31 of each year,~~ The superintendent of public instruction shall disburse to the eligible public school districts the amount of traffic education reimbursement money to which they are entitled based on the number of students listed on the reimbursement forms and on the money available for reimbursement in the state traffic education account.

(a) For submissions by July 10, 2020, and all years thereafter, the superintendent of public instruction shall disburse to the eligible public school

districts the reimbursement money due them by August 31, 2020, and August 31st of every other year thereafter.

(b) For submissions by December 31, 2020, the superintendent of public instruction shall disburse to the eligible public school districts the reimbursement money due them by January 15, 2021.

(4) Traffic education reimbursements received by eligible public school districts must be deposited in the district's traffic education fund and shall only be expended for traffic education related expenses.

(5) State reimbursement for traffic education shall not be issued to public school districts that provide traffic education with unapproved teachers or operate a traffic education program not in compliance with Montana statutory and administrative law.

AUTH: 20-7-502, MCA

IMP: 20-7-502, 20-7-507, 20-9-510, MCA

REASON: This rule outlines specific reimbursement timelines. Due to the timing of the COVID-19 pandemic, many students were registered for spring 2020 programs, but were unable to finish prior to the implementation of the Governor's order regarding school closures and the phased reopening plan. The current rule requires districts to submit to the Montana Office of Public Instruction a list of student names by July 10th that have completed at least 50% of the program. The Office of Public Instruction acknowledges many districts will not have their spring courses complete and ready for submission by July 10th, thus missing the reimbursement date. The office does not want the health and safety of staff and students to be placed in jeopardy if districts try to complete courses prior to the July 10th deadline to receive reimbursement if their district is not safely able to meet the current deadline. This rule amendment would allow districts flexibility in completing their courses when it is safe to do so without being financially penalized. The Office of Public Instruction proposes the dates be extended for the 2019-2020 school year to accommodate districts who need additional time to finish classes due to COVID-19 mandatory closures, but would not penalize those who were safely able to complete by the currently approved date.

4. Concerned persons may submit their data, views, or arguments concerning the proposed rulemaking in writing to: Tracy Moseman, Office of Public Instruction, 1201 Prospect Avenue, Helena, Montana, 59601; telephone (406) 444-3000; fax (406) 444-2893; or e-mail [tmoseman@mt.gov](mailto:tmoseman@mt.gov), and must be received no later than 5:00 p.m., June 29, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Tracy Moseman at the above address no later than 5:00 p.m., June 29, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 13 persons based on data showing there were 133 high school districts running Traffic Education programs in 2018-2019.

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

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

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

/s/ Julia W. Swingley

Julia W. Swingley  
Chief Legal Counsel  
Rule Reviewer

/s/ Elsie Arntzen

Elsie Arntzen  
Superintendent  
Office of Public Instruction

Certified to the Secretary of State May 19, 2020.