



Negotiated Rulemaking Process Overview

PURPOSE

The Montana Office of Public Instruction (OPI) is charged with establishing an independent negotiated rulemaking committee (Committee). The Committee will consider issues to reach consensus on the proposed amendments to accreditation standards, and consult on the preparation of an economic impact statement that reflects the most accurate needs of schools to facilitate local practice. The negotiated rulemaking process is required by §20-7-101, Montana Code Annotated (MCA).

PROCESS STEPS AND ROLES

PROCESS STEPS

All process steps are pursuant to the general provisions of Titles 2 and 20, MCA.

- The OPI will establish a negotiated rulemaking committee.
- The Committee will consider the matters proposed by the OPI and will consider the issues to reach consensus on a proposed amendment to the ARM, and recommend an economic impact statement to the Superintendent of Public Instruction (SPI).
- The SPI will recommend a proposed amendment and an economic impact statement to the Board of Public Education (BPE).
- The BPE will submit each proposal, including the economic impact statement, to the Education Interim Committee for review at least one month prior to a scheduled committee meeting.
- The proposed amendment will pass through the Montana Administrative Procedure Act (MAPA) Title 2, Chapter 4, MCA, prior to any formal adoption by the BPE.
- School district trustees are responsible for administration of the requirements established by the rulemaking process, pursuant to §20-3-323(1)(a-b), MCA, and as outlined in the Constitution of the State of Montana, Article X, Part X, Section 8.

ROLES

Office of Public Instruction (OPI)—The OPI will establish the negotiated rulemaking committee, seeking nominations of/ applications from interested stakeholders to serve on the Committee.

State Agencies Committee (Agency Team) —The OPI will select individuals to represent state agencies to serve on the agency team for each negotiated rulemaking committee.

Negotiated Rulemaking Committee (Committee)— The Agency Team recommends to the SPI individuals to serve on the Committee who are likely to be significantly affected by the proposed rule amendment, including individuals from the following groups: school district trustees, K-12 school administrators, K-12 teachers and counselors, school clerks/business officials, parents, taxpayers, and students as needed.

Members of the Committee will be selected based on the following criteria:

- Cultural diversity
- Geographic location
- School and community members with experience in the content area of the proposed amendment
- District and school size
- Grade levels served

The Committee will consider issues to reach consensus on the proposed amendments to the ARM. In consultation with the OPI and the Agency Team, the Committee will prepare an economic impact statement, as outlined in §2-4-405, MCA.

Negotiated Rulemaking Facilitator (Facilitator)—The Facilitator will impartially aid in the discussions and negotiations among the members of the Committee. The Facilitator does not have decision-making authority. The Facilitator will apply the general provisions of §2-5-101, et seq., MCA.

Superintendent of Public Instruction (SPI)—The SPI reviews the work of the Committee and recommends a proposed amendment and an economic impact statement to the BPE.

Board of Public Education (BPE)— The BPE submits each proposal, including the economic impact statement, to the Education Interim Committee for review at least one month prior to a scheduled committee meeting. The BPE exercises general supervision over the public school system and other public educational institutions as may be assigned by law, pursuant to the Constitution of Montana, Article X, Part X, Section 9, and will adopt standards of accreditation and establish the accreditation status of every school, pursuant to §20-2-121(6), MCA.

Education Interim Committee— The Education Interim Committee will review the BPE's recommended economic impact statement. The Education Interim Committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions of the BPE for administrative purposes, pursuant to §5-5-224, MCA.

Local School District Boards of Trustees (Trustees)— Trustees are responsible for policy creation and implementation in their school districts. Trustees will implement the policies of the BPE, or the rules of the SPI, pursuant to §20-3-324(31), MCA, and are responsible for the supervision and control of schools in their school district, pursuant to the Constitution of Montana, Article X, Part X, Section 8.