



Negotiated Rulemaking Committee Information Document

PURPOSE

The Montana Office of Public Instruction (OPI) is charged with establishing an independent negotiated rulemaking committee (Committee). The Committee will consider issues for the purpose of reaching a consensus on the proposed amendment accreditation standards, and consult on the preparation of an economic impact statement to reflect the most accurate needs of schools in order 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 for reaching consensus on a proposed amendment to the ARM, and recommend an economic impact statement to be presented to the Superintendent of Public Instruction.
- The Superintendent of Public Instruction will present the proposed amendment and the economic impact statement to the 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 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 implementing the requirements established by the rulemaking process, pursuant to §2-3-324, MCA, and as outlined in the Constitution of the State of Montana, Article X, Part X, Section 8.

ROLES

Education Interim Committee—The Education Interim Committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the Board of Public Education for administrative purposes, pursuant to §5-5-224, MCA. The Education Interim Committee will review the recommendation from the Superintendent of Public Instruction.

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

individuals 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 business officials, parents, and taxpayers. Members of the Committee will be selected based on the following criteria:

- Cultural diversity
- Geography
- Suicide prevention experience
- District and school size
- Grade levels served

The OPI will consult with the Committee on the preparation of an economic impact statement, as outlined in §2-4-405, MCA.

Individuals Representing State Agencies on the Negotiated Rulemaking Committee—The OPI will select individuals to represent state agencies to serve on the negotiated rulemaking committee.

Negotiated Rulemaking Committee (Committee)—The Committee will consider issues for the purpose of reaching a consensus on the proposed amendment to the ARM. In consultation with the OPI, 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.

Board of Public Education (BPE)—The BPE exercises general supervision over the public school system and such 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.

School District Trustees (Trustees)—The Trustees will implement the policies of the Board of Public Education, or the rules of the Superintendent of Public Instruction, 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. Policy creation and implementation will be the responsibility of the local board of trustees for their school district.