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OFFICE OF PUBLIC INSTRUCTION  
STATE OF MONTANA

Putting Montana Students First **A<sup>+</sup>**



# **Educator Licensure Process for Denial Letters of Reprimand Suspension Revocation**

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Originated: March 10, 2010

# How Licensure Division Helps

## Mission

State Superintendent of the Montana Office of Public Instruction (OPI) has defined our agency's mission as Putting Montana Students First. This objective, in conjunction with the Board of Public Education (BPE) laws and rules, are conscientiously applied by the Licensure Division when reviewing educator applications. Every effort is made to license qualified applicants.

There are times when an applicant's education, credentials and or experience do not meet our licensure requirements as defined in our Montana laws and rules. These applicants are provided a letter explaining the denial of their educator license in Montana, also included is the information and steps to follow to appeal this decision if they choose to do so.

Unfortunately, there are times when a licensed Montana educator has violated the trust that has been placed in them. When this occurs and the OPI becomes aware of such a situation, the Licensure Committee convenes to discuss the issue and determine the appropriate course of action.

OPI representatives who serve on the committee to review licenses include representatives from Licensure, Legal, and the office of the State Superintendent.

## Authority

The Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) give the OPI authority to take appropriate action.

OPI may learn of an incident or issue, as outlined in [20-4-110, MCA](#), through multiple channels per [10.57.601\(2\), ARM](#), as follows:

- School District
  - School District is required to submit a written report to the State Superintendent (further referenced as Superintendent) per [20-4-110\(3\), MCA](#) when employment relationship is terminated or not renewed or if resignation was given in lieu of termination or nonrenewal because the trustees have reason to believe the licensee engaged in conduct described in [20-4-110\(1\)\(e\) and or \(f\), MCA](#).
  - Failure a School District to report such incident per [20-4-114, MCA](#) constitutes official misconduct within the meaning of [2-16-306, MCA](#).
- Media
- Victim
- Parent
- Private citizen

- National Association of State Directors of Teacher Education and Certification (NASDTEC)

## **Educator Licensure Committee Process**

When the OPI learns of an incident or issue:

- The OPI investigates per [20-4-110\(3\)\(b\), MCA](#). The OPI may:
  - Contact School District for its documentation per [20-4-112, MCA](#)
  - Contact courts per [20-4-113, MCA](#)
  - Interview witnesses
  - Request meeting and or phone conference with licensee
  - Gather evidence
- The OPI makes determination per [20-4-110\(3\)\(b\), MCA](#):
  - If no reason exists for action, issue is not pursued
  - If Superintendent is satisfied that sufficient grounds for concern exist, may request disciplinary action by the BPE
  - Licensee may surrender license per [10.57.605, ARM](#)
    - a) If surrender is accepted:
      - i. Surrender of license is permanent and irrevocable, unless specified otherwise in the document of surrender. Surrender of a license is a sanction against the licensee and may prejudice the ability to ever relicense.
      - ii. Superintendent reports surrender and circumstances to the BPE. The Superintendent retains a record of the circumstances, the contents of which shall be available for review by the licensing authority from any other jurisdiction in which the former licensee seeks licensure.
      - iii. Superintendent reports surrender to NASDTEC. (Per [10.57.606, ARM](#) the Superintendent shall maintain membership in NASDTEC and report information concerning disciplinary action taken to the NASDTEC Clearinghouse.)
    - b) If surrender is denied, Superintendent will recommend action, e.g., reprimand, suspension or revocation, be taken by the BPE.
  - Superintendent proceeds to recommend action be taken by the BPE per [10.57.601\(2\), ARM](#); this must be done within 12 months from the date of receiving direct notification of alleged misconduct from a school district or from any other credible source.
    - a) Superintendent sends letter to the BPE requesting action, e.g., reprimand, suspension or revocation. Copy of letter is sent to licensee.

## Types of Action – How Initiated

**Denials** – Superintendent denies issuance of initial license or renewal license per [20-4-102, MCA](#) and [20-4-103, MCA](#). Applications for licensure are evaluated under two criteria, Academic and Character.

- Academic denial
  - Determination is made applicant does not meet requirements of [ARM Chapter 57](#)
  - Denial of licensure letter is mailed to applicant outlining denial reasons and advising of option to appeal per [10-20-110\(7\), MCA](#) and [10.57.607, ARM](#)
- Character denial
  - The OPI is aware of concerning incident or issue through multiple channels
    - a) Self-disclosure on application
    - b) Fingerprint background check results
    - c) Victim
    - d) Media
    - e) NASDTEC
  - OPI investigates
    - a) Request more information from applicant
    - b) Interview witnesses
    - c) Gather evidence
  - Determination is made per [20-4-104\(1\)\(b\), MCA](#) as outlined in [10-20-110, MCA](#)
    - a) If the OPI is satisfied applicant meets requirements, licensure process continues
    - b) If the OPI determines applicant is not of good character, denial process begins
      - i. Denial of licensure letter is mailed to applicant outlining denial reasons and advising of option to appeal per [10-20-110\(7\), MCA](#) and [10.57.607, ARM](#)

In either Academic or Character denial, if the applicant chooses to appeal, the [Contested Hearing Process](#) as outlined on page 5 of this document is followed.

**Revocation** – BPE is notified by either a trustee of the School District or by the Superintendent per [20-4-110\(2\)\(a\)\(b\), MCA](#) and [10.57.601, ARM](#) of an incident or issue

- BPE reviews allegations per [20-4-110\(5\), MCA](#) and [10.57.601B, ARM](#)

- If notification is submitted by a School District, the licensee must either be currently employed with the district or have been employed by the district within the past 12 months
- If notification is submitted by the Superintendent, it must have been provided within 12 months from the date of the OPI receiving direct notification of alleged misconduct from a School District or from any other credible source
- Requests for discipline from either the School District or the Superintendent to the BPE must include information outlined in [10.57.601\(3\), ARM](#)
- BPE will notify affected licensee by certified mail of the request for discipline
- Licensee has 10 days to respond to charges
- BPE makes determination per [10.57.601B\(3\), ARM](#)
  - If no substantial reason for a hearing exists, matter is closed
    - a) BPE notifies the OPI
  - If sufficient cause, the BPE provides notice to the licensee of a hearing on possible disciplinary action
- Notification of Hearing Per [20-4-110\(4\), MCA](#) and [10.57.602, ARM](#)
  - The BPE provides by registered mail not less than 30 days' notice to the licensee of a hearing on pending disciplinary action
  - If licensee contests proposed disciplinary action, BPE shall conduct a contested hearing per [10.57.603, ARM](#)
  - If resolution reached prior to hearing, parties report such to BPE and request dismissal

## **Hearing/Appeal Process for Licensee – Contested Hearing Process**

Per [20-4-110\(5\), MCA](#) and as outlined in [10.57.603, ARM](#), the BPE will:

- Select the method of hearing
- Provide a minimum of 30 days' notice to the licensee
  - Notification will include information outlined in [10.57.602, ARM](#)
  - The OPI is provided a copy of the notice
- Hearing is conducted per [Contested Hearing Rule 1.3.211 through 1.3.224](#)
- After the hearing, the BPE will take the appropriate action as outlined in [204-110\(6\), MCA](#) and [10.57.604, ARM](#)

## **OPI Reporting After Board Action**

Reporting to NASDTEC