



## Negotiated Rulemaking Committee for Suicide Prevention and Response Information Document

### PURPOSE

The Montana Office of Public Instruction (OPI) is charged with establishing an independent negotiated rulemaking committee (Committee) to propose an amendment to the Administrative Rules of Montana (ARM) to require local school district implementation of a policy on suicide prevention and response, and to 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 attempt to reach 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 and the Education Interim Committee.
- The proposed amendment will pass through the Montana Administrative Procedure Act (MAPA) Title 2, Chapter 4, MCA, prior to any formal adoption by the Board of Public Education.
- 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.

**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.

The individuals proposed to represent state agencies on the Committee are: Timothy Tharp, Deputy Superintendent, Office of Public Instruction; Linda Vrooman Peterson, Accreditation and Educator Preparation Division Administrator, Office of Public Instruction; Tracy Moseman, Director of Coordinated School Health, Office of Public Instruction; Karin Olsen Billings, Health Enhancement and Safety Division Administrator, Office of Public Instruction; Donald Wetzel, Education, Youth and Community Outreach Coordinator, Indian Education, Office of Public Instruction; Kyle Moen, Chief Legal Counsel, Office of Public Instruction; and Peter Donovan, Executive Director, Board of Public Education.

**Negotiated Rulemaking Committee (Committee)**—The Committee will consider issues for the purpose of reaching a consensus on the proposed amendment to the ARM. Policy creation and implementation will be the responsibility of the local board of trustees for each district. Upon 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.

## Montana Suicide Prevention and Response Negotiated Rulemaking Process Timeline

| Date         | Action  | Responsible Party | Complete |
|--------------|---|-------------------|----------|
| <b>2017</b>  |   |                   |          |
| November 17  | Establish specific date and time of teleconference for first meeting                                  |                   |          |
| November 17  | Recommend committee membership to the State Superintendent for approval                               |                   |          |
| November 17  | Negotiated Rulemaking committee membership list approved by State Superintendent                      |                   |          |
| November 20  | Prepare proposed rule language for committee to review  |                   |          |
| November 20  | Agencies Committee work session - Packet Information  |                   |          |
|              | Meeting Invitation  |                   |          |
|              | Agenda  |                   |          |
|              | Timeline  |                   |          |
|              | Proposed NEW RULE   |                   |          |
|              | Economic Impact Survey Draft  |                   |          |
|              | Press Release   |                   |          |
| November 21  | Superintendent approves Committee membership recommendations (letter of appointment/ non-appointment) |                   |          |
| November 22  | Mail letters of appointment (non-appointment) to applicants   |                   |          |
| November 27  | Identify and confirm facilitator  |                   |          |
| November 29  | Finalize Committee membership   |                   |          |
| December 06  | Agencies Committee Meeting  |                   |          |
| December 6-8 | Facilitator communicates with Committee Members   |                   |          |
| December 07  | Finalize Press Release  |                   |          |
| December 07  | Identify meeting location-State Capitol Building  |                   |          |
| December 07  | Post calendar information of Committee meeting date, time, location                                   |                   |          |
| December 07  | Distribute bulk email to Legislative partners, Interested Persons,                                    |                   |          |
| December 07  | Recommend approval of Press Release with Superintendent   |                   |          |
| December 11  | Distribute Press Release  |                   |          |



## Montana Suicide Prevention and Response Negotiated Rulemaking Process Timeline

| Date              | Action   | Responsible Party | Complete |
|-------------------|--|-------------------|----------|
| December 15       | Negotiated Rulemaking Committee Packet distributed to Committee Members  |                   |          |
|                   | Facilitator Statement  |                   |          |
|                   | Proposed Process Timeline  |                   |          |
|                   | HB 318; § 20-7-1310, MCA   |                   |          |
|                   | Proposed NEW RULE  |                   |          |
|                   | List of Committee Members, including the Facilitator and State Agency Representatives  |                   |          |
|                   | Press Release  |                   |          |
| December 20       | Initial Negotiated Rulemaking Committee Meeting- MTSBA   |                   |          |
| <b>2018</b>       |  |                   |          |
| TBD               | Distribute Economic Impact Survey ( <i>Plan 1/2/18</i> )   |                   |          |
| TBD               | Economic Impact Survey Due Date ( <i>Plan 1/22/18</i> )  |                   |          |
| TBD               | Economic Impact Survey Analysis (Agency Team) ( <i>Plan Week of 1/22/18</i> )  |                   |          |
| <b>January 30</b> | <b>Second Committee Meeting</b>  |                   |          |
| January 31        | Recommendations to Superintendent  |                   |          |
| February 01       | Email NEW RULE and Economic Impact Statement to Education Interim Committee  |                   |          |
| January           | Develop Video of Negotiated Rulemaking Process for Suicide Prevention and Response   |                   |          |
| January           | Post Suicide Prevention Negotiated Rulemaking Process video  |                   |          |
| February          | Present New Rule and Economic Impact Statement to Education Interim Committee  |                   |          |
| February          | Prepare BPE agenda item for Superintendent approval-MAPA process begins  |                   |          |
| March             | Present information item to BPE on NEW RULE and Economic Impact Statement of the implementation of a suicide prevention and response programs in Montana schools |                   |          |
| May               | BPE sets Amend Tule Proposal for public hearing  |                   |          |
| June              | BPE Public Hearing on rule change  |                   |          |
| July              | BPE Meeting to review and adopt proposed amendments  |                   |          |



## **Superintendent Arntzen Announces Suicide Prevention and Response Negotiated Rulemaking Committee Members**

December 11, 2017

HELENA—State Superintendent Elsie Arntzen has selected 16 people to serve on the Suicide Prevention and Response negotiated rulemaking committee (Committee). The Committee will provide a recommendation to Superintendent Arntzen to amend ARM 10.55.701, requiring a policy on suicide prevention programs in schools, and will consult on the preparation of an economic impact statement for the amendment.

The committee members represent a diverse group of Montanans who are experts in education, business, suicide prevention and response, culturally relevant practices, and school finance 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 were selected based on the following criteria: cultural diversity, geographic location, suicide prevention experience, district and school size, and grade levels served. The state agencies represented on the negotiated rulemaking committee are the Office of Public Instruction and the Board of Public Education.

“I am humbled to bring this highly qualified, diverse, and passionate group of Montanans together to discuss how we can best promote positive mental health for all of our students. Putting Montana students first through my Montana Hope initiative is my number one priority,” Arntzen said Monday.

Committee members include:

- Kim Aarstad, East Helena School Business Official
- Victoria Falls Down, Lodge Grass School Administrator
- Cynthia Glavin, Big Timber K-12 Teacher
- Dee Hensley-Maclean, Hamilton Parent of School Aged Children
- Heather Ireland, East Helena Parent of School Aged Children
- Heidi Kendall, Missoula School Trustee
- Matthew Kuntz, Helena Taxpayer
- Mary Kynett, Hobson K-12 Teacher
- Jeramie Robinson, Helena School Counselor
- Karl Rosston, Montana City Taxpayer
- Melody Sand, Harlem School Counselor
- Melissa Sanders, Savage K-12 Teacher
- Susan Sherman, Kalispell School Counselor
- Gail Staffanson, Brorson School Administrator
- Rex Wertz, Polson School Administrator
- Steven Ziegrowsky, Stevensville School Counselor

OPI and Board of Public Education staff on the Committee include:

- Timothy Tharp, Office of Public Instruction Deputy Superintendent
- Linda Vrooman Peterson, Office of Public Instruction Accreditation and Educator Preparation Division Administrator
- Karin Billings, Office of Public Instruction Health Enhancement and Safety Division Administrator
- Tracy Moseman, Office of Public Instruction Director of Coordinated School Health

- Kyle Moen, Office of Public Instruction Chief Legal Counsel
- Peter Donovan, Board of Public Education Executive Director

Once the negotiated rulemaking committee finishes its work, it will be up to the Board of Public Education to approve the suggested amendment. The Committee will convene its first meeting on December 20<sup>th</sup> in Helena.

Additional Resources:

OPI Suicide Prevention and Awareness Resources: <http://opi.mt.gov/Educators/School-Climate-Student-Wellness/Suicide-Prevention>

OPI Standards of Accreditation: <http://opi.mt.gov/Leadership/Assessment-Accountability/School-Accreditation/Chapter-55>

OPI Administrative Rules Notice Page: <http://opi.mt.gov/Leadership/Management-Operations/Legal-Division/Administrative-Rules-Notices-Standards>

Board of Public Education Home Page: <http://bpe.mt.gov/>

OPI Call for Nominations for Suicide Prevention and Response Policy: <http://opi.mt.gov/Leadership/Assessment-Accountability/School-Accreditation>

###

BEFORE THE OFFICE OF PUBLIC INSTRUCTION  
OF THE STATE OF MONTANA

In the matter of soliciting applications ) NOTICE OF NEGOTIATED  
for membership on a negotiated ) RULEMAKING  
rulemaking committee to amend ARM )  
10.55.701 to require a policy for )  
suicide prevention programs in )  
schools )

TO: All Concerned Persons

1. The Office of Public Instruction intends to establish an independent negotiated rulemaking committee to amend ARM 10.55.701 requiring a policy on suicide prevention programs in schools and to consult on the preparation of an economic impact statement. This negotiated rulemaking process is required by 20-7-101, MCA (2015).

2. The independent negotiated rulemaking committee will consider issues for the purpose of reaching a consensus on the proposed rule amendment requiring schools to adopt a policy for suicide prevention.

3. Interests that are likely to be significantly affected by the proposed rule are those related to Montana K-12 public schools of all sizes.

4. The individuals proposed to represent state agencies on the negotiated rulemaking committee are: Timothy Tharp, Deputy Superintendent, Office of Public Instruction; Linda Vrooman Peterson, Accreditation and Educator Preparation Division Administrator, Office of Public Instruction; Tracy Moseman, Director of Coordinate School Health, Office of Public Instruction; Karin Olsen Billings, Health Enhancement and Safety Division Administrator, Office of Public Instruction; Kyle A. Moen, Chief Legal Counsel, Office of Public Instruction; and Peter Donovan, Executive Director, Board of Public Education.

5. The agency is 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

6. The proposed working schedule for the negotiated rulemaking committee is as follows:

(a) On September 22, 2017, this notice will be published in the Montana Administrative Register (MAR). The notice will also be mailed to persons known to the agency to have an interest in this matter.

(b) Applications for membership on the negotiated rulemaking committee must be received no later than October 23, 2017. After receipt and consideration of the comments and applications, the agency will establish a negotiated rulemaking committee no later than October 27, 2017. The members selected to serve on the committee must be able to adequately represent the interests of the persons that will be significantly affected by the proposed rule amendment. The committee members will be notified in writing of their selection and receive an information packet.

(c) The negotiated rulemaking committee will convene its first meeting in November, 2017. Teleconferencing and e-mail correspondence will be utilized as much as possible. The committee will begin with an initial draft of the amendment at this meeting.

(d) The committee will transmit a report to the agency specifying the areas in which the committee has reached consensus and the issues that remain unresolved.

(e) Thereafter the Superintendent of Public Instruction will develop recommendations and present them to the Board of Public Education for formal rulemaking.

7. Any individual or entity interested in applying for or nominating another person for membership on the committee must submit the following information in writing to Dr. Linda Vrooman Peterson, [lvpeterson@mt.gov](mailto:lvpeterson@mt.gov), Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620, no later than October 23, 2017:

(a) the person's name or the nominee's name, address, and contact information including telephone or e-mail address;

(b) evidence that the person or nominee represents any of the specific criteria of interest groups listed above;

(c) the name of the school district in which the nominee lives or works, and the relationship of the person or nominee to it;

(d) a commitment that the person or nominee will be able to participate in the negotiated rulemaking process and will actively participate in good faith in the development of the proposed rule amendment under consideration; and

(e) the ability of the person or nominee to cover committee participation costs (such as telephone calls, travel, and per diem expenses).

8. Interested parties may submit their views and comments concerning the proposed negotiated rulemaking process to Beverly Marlow, Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620, faxed to (406) 444-2893, or electronic mail to [bemarlow@mt.gov](mailto:bemarlow@mt.gov) no later than October 23, 2017.

9. The agency proposes to limit the size of the negotiated rulemaking committee to no more than fifteen persons and two "alternate" members selected in the event a member is unable to participate. However, after receipt of comments



and applications, the agency may determine that a smaller or larger number is necessary to adequately represent the interests of the persons significantly affected by the proposed rule amendment. The selected committee members may represent other parties or agencies that have a significant relationship with Montana schools.

10. The agency will make reasonable accommodations for persons with disabilities who wish to participate on the committee. If you require an accommodation, please advise the agency of the nature of the accommodation you need when applying for membership on the committee.

11. Please note the following concerning the process of negotiated rulemaking:

(a) "Interest" for the purpose of this process means multiple parties that have similar points of view or that are likely to be affected in a similar manner in relationship to matters affected by the rule(s) (2-5-103(5), MCA).

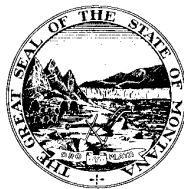
(b) Negotiated rulemaking is not a substitute for the public notification and participation requirements of the Montana Administrative Procedure Act, and a consensus agreement by a negotiated rulemaking committee may be modified by an agency as a result of the subsequent rulemaking process (2-5-102, MCA).

12. The specific grant of rulemaking authority authorizing the Board of Public Education to adopt the proposed rules is found in 20-7-101, MCA. The proposed rule amendment will implement Title 20, chapter 7, part 1, MCA.

/s/ Kyle A. Moen  
Kyle A. Moen  
Rule Reviewer

/s/ Elsie Arntzen  
Elsie Arntzen, Superintendent  
Office of Public Instruction

Certified to the Secretary of State, September 11, 2017.



AN ACT REQUIRING SCHOOL DISTRICT TRUSTEES TO ADDRESS SUICIDE PREVENTION AND RESPONSE; PROVIDING IMMUNITY; AMENDING SECTION 20-7-1310, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-7-1310, MCA, is amended to read:

**"20-7-1310. Youth suicide awareness and prevention training.** (1) This section may be cited as the "Suicide Awareness and Prevention Training Act".

(2) The office of public instruction shall provide guidance and technical assistance to Montana schools on youth suicide awareness and prevention training materials. All training materials offered must be approved by the office of public instruction, meet the standards for professional development in the state, and be periodically reviewed by a qualified person or committee for consistency with generally accepted principles of youth suicide awareness and prevention training.

(3) The legislature recommends that youth suicide awareness and prevention training be made available annually to each employee of a school district and to staff of the office of public instruction who work directly with any students enrolled in Montana public schools. The training must be provided at no cost to the employee. The training may be offered through any method of training identified in subsection (4).

(4) The legislature recommends that employees under subsection (3) take at least 2 hours of youth suicide awareness and prevention training every 5 years. Appropriate methods for delivery of the training include:

- (a) in-person attendance at a live training;
- (b) videoconference;
- (c) an individual program of study of designated materials;
- (d) self-review modules available online; and
- (e) any other method chosen by the local school board that is consistent with professional development standards.

(5) The trustees of a school district shall establish policies, procedures, or plans related to suicide prevention and response.

(6) No cause of action may be brought for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this section, or resulting from any training, or lack of training, related to this section. Nothing in this section shall be construed to impose a specific duty of care."

**Section 2. Two-thirds vote required.** Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

**Section 3. Effective date.** [This act] is effective July 1, 2017.

- END -

HOUSE BILL NO. 381

INTRODUCED BY D. LENZ, F. GARNER, E. MCCLAFFERTY, L. SHELDON-GALLOWAY

AN ACT REQUIRING SCHOOL DISTRICT TRUSTEES TO ADDRESS SUICIDE PREVENTION AND RESPONSE; PROVIDING IMMUNITY; AMENDING SECTION 20-7-1310, MCA; AND PROVIDING AN EFFECTIVE DATE.

10.55.701 BOARD OF TRUSTEES (1) The local board of trustees shall ensure that the school district complies with all local, state, and federal laws and regulations.

(2) Each school district shall make available to the staff and public:

- (a) goals that reflect the district's strategic plan of education;
- (b) sequential curriculum for each program area that aligns to the content standards, specific grade-level learning progressions, and program area standards;
- (c) policies establishing student assessment procedures that ensure evaluation of the district's curriculum and student learning. These procedures shall specify how and when data are to be collected, analyzed, and reported;
- (d) policies that delineate the responsibilities of the local board of trustees, superintendent, and personnel employed by the school district. The local board of trustees shall review these policies on a regular basis;
- (e) a policy on student, parent, and school employee due process rights;
- (f) policies addressing bullying, hazing, intimidation, and harassment of students and meeting the requirements in ARM 10.55.719;
- (g) an equity policy;
- (h) a transfer policy for determining the appropriate placement of incoming students;
- (i) an academic freedom policy;
- (j) a materials selection policy, including a challenge procedure, for all curricular and support materials;
- (k) a copyright policy;
- (l) a policy that defines the use of school facilities and resources;
- (m) comprehensive family engagement policy aligned to meet the following goals:
  - (i) families actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;
  - (ii) families and school staff engage in regular, two-way meaningful communication about student learning;
  - (iii) families and school staff continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
  - (iv) families are empowered to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;
  - (v) families and school staff partner in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and
  - (vi) families and school staff collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation;

(n) a policy incorporating the distinct and unique cultural heritage of American Indians, ensuring integration of the history and contemporary portrayals of Indians, and that is aligned with district goals;

(o) a policy addressing distance, online, and technology-delivered learning as defined in ARM 10.55.602;

(p) a policy that defines a significant writing program; and

(q) a policy that addresses student health issues that arise in the school setting.

(3) The local board of trustees shall have valid, written contracts with all regularly employed licensed administrative, supervisory, and teaching personnel.

(4) The local board of trustees shall have written policies and procedures for regular and periodic evaluation of all regularly employed personnel. The individual evaluated shall have access to a copy of the evaluation instrument, the opportunity to respond in writing to the completed evaluation, and access to his or her files. Personnel files shall be confidential.

(a) The evaluation system used by a school district for licensed staff shall, at a minimum:

(i) be conducted on at least an annual basis with regard to nontenure staff and according to a regular schedule adopted by the district for all tenure staff;

(ii) be aligned with applicable district goals, standards of the Board of Public Education, and the district's mentorship and induction program required under ARM 10.55.701(5)(b);

(iii) identify what skill sets are to be evaluated;

(iv) include both formative and summative elements; and

(v) include an assessment of the educator's effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator's duties.

(b) The Superintendent of Public Instruction shall develop and publish model evaluation instruments that comply with this rule in collaboration with the MEA-MFT, Montana Rural Education Association, Montana School Boards Association, School Administrators of Montana, and Montana Small School Alliance. A school district adopting and using one of the model instruments shall be construed to have complied with this rule, though use of one of the models shall not be required provided that the district's evaluation instrument and process substantially conforms to the requirements set forth in this section.

(5) The local board of trustees shall:

(a) establish conditions that contribute to a positive school climate which:

(i) keep parents/guardians up to date on students' progress;

(ii) engage in a continuous school improvement process; and

(b) establish mentoring and induction programs to assist licensed staff in meeting teaching standards as defined in ARM 10.55.701(4)(a) and (b). (History: 20-2-114, MCA; IMP, 20-2-121, MCA; NEW, 1989 MAR p. 342, Eff. 7/1/89; AMD, 2000 MAR p. 3340, Eff. 12/8/00; AMD, 2006 MAR p. 755, Eff. 3/24/06; AMD, 2007 MAR p. 692, Eff. 5/25/07; AMD, 2012 MAR p. 2042, Eff. 7/1/13; AMD, 2013 MAR p. 961, Eff. 6/7/13.)