

BOARD OF PUBLIC EDUCATION

CHAPTER 57

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Subchapter 1

General Information

10.57.101 REVIEW OF POLICY (1) By authority of Article X of the Montana Constitution and 20-4-102, MCA, the Board of Public Education exercises general supervision over the public school system and such other public educational institutions as may be assigned by law. By authority of 20-4-102, MCA, the Board of Public Education adopts rules for the issuance of educator licenses which are administered by the Superintendent of Public Instruction.

(2) The board shall consider recommendations for revision of the rules at any time it deems necessary. Every five years the board shall conduct a comprehensive review of its licensure rules to ensure that such rules are meeting the needs of the state.

(3) The Superintendent of Public Instruction shall provide an annual report to the Board of Public Education on the number of Montana educator licenses issued, licensure denials, number of emergency authorizations of employment, and other relevant, available data pertaining to recruitment and retention of educators in Montana. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1986 MAR p. 1305, Eff. 8/1/86; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) "Acceptable evidence" means relevant official transcripts, university recommendation, certificates of completion, and other documentation as required by the Board of Public Education or the Superintendent of Public Instruction.

(2) "Accredited educator preparation program" means:

(a) an educator preparation program accredited by the National Council for the Accreditation of Teacher Education (NCATE) or the Council for the Accreditation of Educator Preparation (CAEP) or the Montessori Accreditation Council for Teacher Education (MACTE). A MACTE educator preparation program is subject to the following restrictions:

(i) Completion of a MACTE accredited program may only be used by an applicant for licensure who has also completed at least a bachelor's degree; and

(ii) The resulting license granted to an applicant for licensure who has completed a MACTE accredited program shall be limited to early grades or middle grades licensure and only for the grade levels covered by the MACTE accredited program completed by the applicant; or

(b) an educator preparation program at a regionally accredited college or university approved or accredited by a state board of education or a state agency. The Superintendent of Public Instruction has discretion to deny licensure consistent with these rules if the standards are not substantially equivalent to or greater than the standards required in Montana, subject to approval by the Board of Public Education upon appeal of the denial.

(3) "Accredited specialist program" means:

(a) for school psychologists, a program accredited by the National Association of School Psychologists (NASP); and
(b) for school counselors, a program for the preparation of specialists approved or accredited by:

(i) the Council for the Accreditation of Counseling and Related Education Programs (CACREP); or

(ii) a state board of public education or a state agency. The Superintendent of Public Instruction has discretion to deny licensure consistent with these rules if the standards are not substantially equivalent to or greater than the standards required in Montana, subject to approval by the Board of Public Education upon appeal of the denial.

(4) "Appropriate grade level(s)" means early childhood, elementary, middle, secondary, or other levels as defined by the Board of Public Education.

(5) "Appropriate official" means the Superintendent of Public Instruction, the dean of the school of education or another official designated by them.

(6) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of a teacher, administrator, or specialist program of an accredited college or university. Certification includes grade level(s), endorsement(s), and classification.

(7) "College credit" means credit received for completion of a course from a regionally accredited college or university.

(8) "Endorsement" means an official indication on a license of the grade level(s), subject area(s), or specialist program area(s) as listed in Subchapter 4 for which the licensee is authorized to practice in Montana accredited schools. Grade levels are:

- (a) age 3 - grade 3 (early childhood);
- (b) K-8 (elementary);
- (c) 4-8 (middle grades);
- (d) 5-12 (secondary, content-specific);
- (e) K-12 (as delineated in ARM 10.57.412); and
- (f) P-12 (special education and school psychologist).

(9) "Lapsed license" means:

(a) the licensee has not earned the required number of renewal units during the term of the license; or

(b) the licensee has earned the required number of renewal units during the term of the license but has not renewed the license by June 30 following the year of expiration.

(10) "License" or "licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.

(11) "Regionally accredited" means a college or university accredited by one of the following:

- (a) Middle States Association of Schools and Colleges;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Schools and Colleges;
- (d) Northwest Commission on Colleges and Universities;
- (e) Southern Association of Schools and Colleges; or
- (f) Western Association of Schools and Colleges.

(12) "Supervised teaching experience" means teaching experience while under the supervision of an accredited professional educator preparation program and is identified on a college or university transcript as field experience, internship, practicum, or student teaching.

(13) "Year of administrative experience" means employment as a licensed administrator at any level within a state accredited P-12 school system, or in an educational institution specified in 20-9-707, MCA, for the equivalent of at least .5 full-time employee (FTE) for a school year comparable to a 180 day school year. Experience gained prior to initial licensure is not considered. Experience as a County Superintendent may be considered as "administrative" experience with evidence of the following:

(a) possession of a Class 3 license for the time period requested to be considered as administrative experience; and

(b) the school(s) they are claiming to hold or have held supervisory responsibilities over have provided notice that the county superintendent served in an administrative role.

(14) "Year of teaching experience" means employment as a licensed teacher at any level within a state accredited P-12 school system, or in an educational institution specified in 20-9-707, MCA, for the equivalent of at least .5 FTE for a school year comparable to a 180 day school year. Experience gained prior to initial licensure is not considered. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, MCA; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1982 MAR p. 379, Eff. 2/26/82; AMD, 1983 MAR p. 220, Eff. 3/18/83; AMD, 1987 MAR p. 591, Eff. 5/14/87; AMD, 1988 MAR p. 1812, Eff. 8/12/88; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2005 MAR p. 916, Eff. 6/17/05; AMD, 2008 MAR p. 2050, Eff. 9/26/08; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.103 GRADES (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1995 MAR p. 628, Eff. 4/28/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.104 STUDENT TEACHING/SUPERVISED PRACTICE (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2005 MAR p. 916, Eff. 6/17/05; REP, 2009 MAR p. 345, Eff. 3/27/09.)

10.57.105 CERTIFICATION OF NON-CITIZENS (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-203, MCA; Eff. 4/21/75; ARM Pub. 11/15/77; AMD, 1980 MAR p. 2645, Eff. 9/26/80; REP, 1982 MAR p. 379, Eff. 2/26/82.)

10.57.106 LIFE CERTIFICATES (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-203, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1984 MAR p. 1472, Eff. 9/1/85; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT (1) In accordance with 20-4-111, MCA, district administrators who have exhausted all possibilities for hiring a licensed teacher may request that the Superintendent of Public Instruction issue an emergency authorization of employment to the district to employ a person to teach. The following requirements must be met to ensure consideration of the request:

(a) The request must originate with the school district.

(b) The position must have been advertised at least statewide far enough in advance to reasonably enable qualified applicants to submit applications and be interviewed.

(c) The individual for whom the emergency authorization is being sought shall not be currently endorsed in the area of requested authorization and shall:

(i) have previously held a teacher or specialist license; or

(ii) provide acceptable evidence of academic qualifications or significant experience related to the area for which the emergency authorization of employment is being sought.

(2) An emergency authorization of employment is valid for one year.

(3) Experience as a classroom teacher when authorized pursuant to this rule qualifies as teaching experience as defined in ARM 10.57.102(14). (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-111, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1990 MAR p. 1547, Eff. 8/17/90; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1997 MAR p. 312, Eff. 2/11/97; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 12/10/16.)

10.57.108 SUBSTITUTE TEACHING (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/13/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1491, Eff. 10/27/78; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.109 UNUSUAL CASES (1) The Board of Public Education is aware that these licensure rules cannot cover all the special circumstances that can arise. Therefore, the Board of Public Education is authorized to exercise judgment in unusual cases upon recommendation by the Superintendent of Public Instruction. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.110 AREA OF PERMISSIVE SPECIALIZED COMPETENCY

(REPEALED) (History: 20-4-102, MCA; IMP, 20-4-103, MCA; NEW, 1994 MAR p. 954, Eff. 4/15/94; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; REP, 2009 MAR p. 345, Eff. 3/27/09.)

Rule 10.57.111 reserved

10.57.112 LICENSE OF EXCHANGE TEACHERS (1) An exchange teacher is a person from outside the United States with exceptional expertise and contracted to provide instruction.

(2) A Class 5 license may be issued to an educator who is on an exchange program with a school district or university. (History: 20-4-102, MCA; IMP, 20-4-103, MCA; NEW, 1983 MAR p. 601, Eff. 5/27/83; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.113 SUBSTITUTE TEACHERS (TRANSFERRED) (History: 20-4-102, MCA; IMP, 20-4-102, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD & TRANS, 2003 MAR p. 554, Eff. 3/28/03.)

Subchapter 2

Issuance of Licenses

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES (REPEALED)

(History: 20-4-102, MCA; IMP, 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2004 MAR p. 2910, Eff. 12/3/04; AMD, 2005 MAR p. 916, Eff. 6/17/05; AMD, 2008 MAR p. 2050, Eff. 9/26/08; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; REP, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.201A CRIMINAL HISTORY BACKGROUND CHECK (1) The National Child Protection Act of 1993, as amended, (codified at 42 United States Code sections 5119a and 5119c) (the "Act") authorizes a state and national criminal history background check to determine the fitness of an employee, volunteer, or other person with unsupervised access to children, the elderly, or individuals with disabilities. The purpose of this rule is to support the Superintendent of Public Instruction's duty to determine whether an applicant for licensure has been convicted of a crime that bears upon the applicant's fitness related to the safety and well-being of children and the integrity of the teaching profession.

(2) Each of the following applicants shall provide to the Montana Department of Justice information and material sufficient to obtain a fingerprint-based national criminal history background check:

- (a) any applicant for initial Montana educator licensure;
- (b) any applicant seeking to reinstate a lapsed, surrendered, revoked, or suspended educator license; or
- (c) an individual for whom a school district is seeking emergency authorization of employment pursuant to 20-4-110, MCA, and ARM 10.57.107.

(3) Neither the Superintendent of Public Instruction nor the Board of Public Education shall bear the costs of the background check.

(4) The Superintendent of Public Instruction shall not issue a Montana educator license pursuant to 20-4-101, et seq., MCA, until the applicant's background check has been completed and the results delivered to and reviewed by the Superintendent of Public Instruction.

(5) To initiate the criminal history background check process, the applicant must submit a set of fingerprints on the appropriate form to the Montana Department of Justice for the purpose of licensure. Criminal background checks submitted for other purposes will not be acceptable for licensure.

(6) As part of the licensure application process, the applicant must provide character and fitness information to the Superintendent of Public Instruction. If the applicant has any criminal history record, the applicant must provide a description and explanation of the circumstances of the crime.

(7) Each applicant who is the subject of a criminal history background check is entitled to receive a copy of the report from the Superintendent of Public Instruction with the appropriate identification and signed release. The applicant may challenge the accuracy and completeness of any information contained in any such report through the Montana Department of Justice procedures.

(8) The Montana Office of Public Instruction shall make a determination whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon the applicant's fitness related to the safety and well-being of children or the teaching profession.

(9) Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the Superintendent of Public Instruction in the licensure process if the conviction was for a sexual offense, a crime involving violence, the sale of drugs, theft, or any other offense related to public health, welfare, and safety as it applies to the teaching profession. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-103, 20-4-104, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.202 APPROVED PROGRAMS (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1995 MAR p. 628, Eff. 4/28/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.203 TRAINING EVALUATION (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.204 EXPERIENCE VERIFICATION (1) The determination of appropriate educational experience shall be made by the Superintendent of Public Instruction. (History: 20-4-102, MCA; IMP, 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1980 MAR p. 662, Eff. 2/29/80; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1989 MAR p. 2050, Eff. 12/8/89; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1918, Eff. 7/17/98; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 2244, Eff. 11/26/09.)

10.57.205 CONVERSION PROGRAM SECONDARY TO ELEMENTARY (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-106, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 1995 MAR p. 628, Eff. 4/28/95.)

10.57.206 EQUIVALENCY (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 1992 MAR p. 230, Eff. 3/1/92.)

10.57.207 CORRESPONDENCE EXTENSION AND INSERVICE CREDITS (REPEALED) (History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1981 MAR P. 843, Eff. 8/14/81; AMD, 1983 MAR p. 990, Eff. 7/29/83; AMD, 1985 MAR p. 112, Eff. 2/1/85; AMD, 1987 MAR p. 591, Eff. 5/15/87; REP, 1992 MAR p. 230, Eff. 3/1/92.)

10.57.208 REINSTATEMENT (REPEALED) (History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; AMD, 1978 MAR p. 1489, Eff. 10/27/78; AMD, 1981 MAR p. 844, Eff. 8/14/81; AMD, 1983 MAR p. 990, Eff. 7/29/83; AMD, 1985 MAR p. 112, Eff. 2/1/85; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1991 MAR p. 1552, Eff. 3/15/91; REP, 1992 MAR p. 795, Eff. 4/17/92.)

10.57.209 EXTENSION OF LICENSES FOR MILITARY SERVICE

(1) When a person employed in a position requiring a Montana educator license is called into active military service, the unexpired term of an active educator license shall be extended in proportion to the length of active military service. Official notification of the beginning and termination dates of active military service must be submitted to the Superintendent of Public Instruction when the person has been released from active duty.

(2) The extension period of the unexpired term of any license becomes automatically effective on the previous July 1 of the year of termination of active military service. On expiration of this extension period, renewal requirements must be met for further licensure. (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.210 HEALTH EXAMINATION (REPEALED) (History: 20-4-102, MCA; IMP, 20-1-104, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 1992 MAR p. 1473, Eff. 7/17/92.)

10.57.211 TEST FOR CERTIFICATION (REPEALED) (History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, MCA; NEW, 1985 MAR p. 1018, Eff. 7/1/86; AMD, 1990 MAR p. 1547, Eff. 8/17/90; AMD, 1991 MAR p. 298, Eff. 3/15/91; AMD, 1993 MAR p. 2781, Eff. 11/25/93; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1996 MAR p. 680, Eff. 3/8/96; AMD, 1996 MAR p. 2979, Eff. 11/8/96; AMD, 1997 MAR p. 1187, Eff. 7/8/97; REP, 2002 MAR p. 1463, Eff. 5/17/02.)

10.57.211A EDUCATOR RECRUITMENT (REPEALED) (History: 20-2-121, MCA; IMP, 20-4-102, MCA; NEW, 2002 MAR p. 1463, Eff. 5/17/02; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.212 MINIMUM SCORES ON TEST OF BASIC SKILLS (REPEALED)

(History: 20-2-121, MCA; IMP, 20-4-102, MCA; NEW, 1986 MAR p. 1020, Eff. 6/13/86; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1996 MAR p. 2979, Eff. 11/8/96; REP, 2002 MAR p. 1463, Eff. 5/17/02.)

10.57.213 REPORTING OF DENIAL OF INITIAL CERTIFICATION, OF REINSTATEMENT OR OF RENEWAL OF CERTIFICATION (REPEALED)

(History: 20-2-121, MCA; IMP, 20-4-102, MCA; NEW, 2000 MAR p. 1510, Eff. 6/16/00; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

Rule 10.57.214 reserved

10.57.215 RENEWAL REQUIREMENTS (1) Montana Class 1, 2, 3, and 6 educator licenses may be renewed with verification of 60 renewal units earned during the five years of validity through August 31 of the year the license expires.

(2) Participation in renewal activities is equivalent to the following renewal units:

(a) one hour of attendance at a professional development activity = one renewal unit;

(b) one quarter college credit = 10 renewal units;

(c) one semester college credit = 15 renewal units.

(3) Renewal activities used to renew all licenses must be a planned and structured experience, of benefit to the licensee's professional development as defined in ARM 10.55.714, an exposure to a new idea or skill or an extension of an existing idea or skill, and in compliance with (4).

(4) Activities acceptable to renew licenses are professional development, training, workshops, or coursework consistent with PK-12 public school curriculum and may include:

(a) credits earned from a regionally accredited college or university;

(b) activities offered by renewal unit providers approved pursuant to ARM 10.57.216 and documented on an OPI renewal unit certificate;

(c) other professional development activities offered by providers who have not been approved as a renewal unit provider pursuant to ARM 10.57.216, when licensees have received approval for the professional development activity from the Superintendent of Public Instruction;

(d) another state's validated professional development activities other than college or university credit when the intent and structure of the process ensures the meeting or exceeding of Montana renewal unit requirements for licensure;

(e) the instruction of a relevant college or university course by a Montana licensee who has achieved a graduate degree in an endorsed field of specialization; or

(f) verification of completing the National Board Certification (NBC) process through the National Board of Professional Teaching Standards or successfully achieving and renewing NBC licensure shall result in 60 renewal units. NBC renewal units may apply to renewal of an expiring license.

(5) The licensee shall be solely responsible for retaining the renewal unit verification to be used in the application for license renewal. (History: Mont. Const. Art. X, sec. 9, 20-2-121, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-102, 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1997 MAR p. 1188, Eff. 7/8/97; AMD, 1998 MAR p. 1919, Eff. 7/17/98; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2004 MAR p. 2910, Eff. 12/3/04; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.216 APPROVED RENEWAL ACTIVITY (1) Organizations wishing to offer professional development activities for the award of renewal units must receive approval from the Superintendent of Public Instruction prior to offering activities. Status as an approved provider will continue as long as the provider is in compliance with (2).

(2) Approved providers of professional development for the award of renewal units must:

(a) provide activities deemed appropriate for professional development of licensees in compliance with ARM 10.55.714 and 10.57.215;

(b) prepare and award completed renewal unit certificates provided by the Superintendent of Public Instruction, or an approved facsimile, to eligible participants;

(c) annually report the activities offered to the Superintendent of Public Instruction, including:

(i) the activity title and brief description;

(ii) date(s) and location(s) of the program; and

(iii) program schedule, name, and number of participants; and

(d) maintain records of all professional development activities for which renewal unit awards are made for five years following the date of completion of the annual reporting requirement.

(3) The Superintendent of Public Instruction shall provide access to approved professional development providers and annually provide a report to the Board of Public Education, which shall include, at a minimum, a list of providers. (History: 20-4-102, MCA; IMP, 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2004 MAR p. 2910, Eff. 12/3/04; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15.)

10.57.217 APPEAL PROCESS FOR RENEWAL ACTIVITY (1) Decisions of the Superintendent of Public Instruction on matters of renewal unit activity or provider status may be appealed to the Board of Public Education pursuant to ARM 10.57.603. (History: 20-4-102, MCA; IMP, 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.218 RENEWAL UNIT VERIFICATION (1) Applications to the Superintendent of Public Instruction for license renewal shall include a listing of the activities completed for renewal as required by ARM 10.57.215. The licensee is responsible for maintaining official documentation verifying completion of renewal activities during the term of the license.

(2) The Superintendent of Public Instruction may conduct an audit of any renewal applications submitted. Those licensees selected for audit will be required to submit official transcripts or original renewal unit certificates within 60 days from the date the renewal application is submitted or from the date of the audit letter.

(3) Failure to respond within the time allowed to a request for renewal unit activities in connection with an audit may result in denial of license renewal. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 2144, Eff. 10/13/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 977, Eff. 5/9/03; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.219 CONVERSION FROM RENEWAL CREDITS TO RENEWAL UNITS (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-108, MCA; NEW, 1992 MAR p. 794, Eff. 3/1/92; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.220 RECENCY OF CREDIT (REPEALED) (History: 20-4-102, 20-4-103, MCA; IMP, 20-4-102, 20-4-103, 20-4-106, MCA; NEW, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 2753, Eff. 7/17/98; AMD, 2000 MAR p. 1511, Eff. 6/16/00; AMD, 2003 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; REP, 2009 MAR p. 345, Eff. 3/27/09.)

Subchapter 3

General Endorsement Areas

10.57.301 ENDORSEMENT INFORMATION (1) The only endorsements on Montana teaching, administrative, or specialist licenses are those approved by the Board of Public Education.

(2) An endorsement may be granted by the Superintendent of Public Instruction based on the program of study completed as verified by the appropriate official defined in ARM 10.57.102.

(3) An endorsement may be dropped from a license at the end of its valid term if licensure requirements pursuant to these rules are met. (History: 20-4-102, MCA; IMP, 20-4-103, 20-4-106, MCA; Eff. 4/21/75; AMD, Eff. 7/12/76; AMD, Eff. 9/14/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1489, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1985 MAR p. 1396, Eff. 9/27/85; AMD, 1986 MAR p. 1902, Eff. 11/15/86; AMD, 1988 MAR p. 52, Eff. 1/15/88; AMD, 1989 MAR p. 662, Eff. 5/26/89; AMD, 1991 MAR p. 299, Eff. 3/15/91; AMD, 1991 MAR p. 300, Eff. 3/15/91; AMD, 1994 MAR p. 1690, Eff. 6/24/94; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1996 MAR p. 1835, Eff. 6/21/96; AMD, 1998 MAR p. 347, Eff. 1/30/98; AMD, 1998 MAR p. 1922, Eff. 7/17/98; AMD, 1998 MAR p. 1923, Eff. 7/17/98; AMD, 2000 MAR p. 1511, Eff. 6/16/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2004 MAR p. 2910, Eff. 12/3/04; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.302 COMPUTER ENDORSEMENT REVIEW COMMITTEE (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-103, MCA; NEW, 1991 MAR p. 300, Eff. 3/15/91; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

Subchapter 4

Classes of Licensure

10.57.401 CLASS 1 PROFESSIONAL TEACHING CERTIFICATE

(REPEALED) (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1979 MAR p. 158, Eff. 2/16/79; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1990 MAR p. 725, Eff. 4/13/90; AMD, 1991 MAR p. 1552, Eff. 3/15/91; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1924, Eff. 7/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.402 CLASS 2 STANDARD TEACHING CERTIFICATE (REPEALED)

(History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; AMD, 1978 MAR p. 1490, Eff. 10/27/78; AMD, 1981 MAR p. 845, Eff. 8/14/81; AMD, 1983 MAR p. 990, Eff. 7/29/83; AMD, 1985 MAR p. 112, Eff. 2/1/85; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1989 MAR p. 662, Eff. 5/26/89; AMD, 1992 Mar p. 230, Eff. 3/1/92; AMD, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.403 CLASS 3 ADMINISTRATIVE CERTIFICATE (REPEALED)

(History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; AMD, 1978 MAR p. 1490, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1981 MAR p. 419, Eff. 5/1/81; AMD, 1985 MAR p. 46, Eff. 2/1/85; AMD, 1986 MAR p. 1306, Eff. 8/1/86; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1988 MAR p. 52, Eff. 1/15/88; AMD, 1989 MAR p. 2050, Eff. 12/8/89; AMD, 1991 MAR p. 1552, Eff. 3/15/91; AMD, 1991 MAR p. 1487, Eff. 8/16/91; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1995 MAR p. 2802, Eff. 12/22/95; AMD, 1998 MAR p. 1925, Eff. 7/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.404 CLASS 4 VOCATIONAL CERTIFICATE (REPEALED)

(History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; Eff. 6/9/75; ARM Pub. 11/25/77; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1993 MAR p. 940, Eff. 5/14/93; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 934, Eff. 4/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.405 CLASS 5 PROVISIONAL CERTIFICATE (REPEALED)

(History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; AMD, Eff. 4/13/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1490, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1982 MAR p. 380, Eff. 2/26/82; AMD, 1984 MAR p. 828, Eff. 5/18/84; AMD, 1985 MAR p. 46, Eff. 2/1/85; AMD, 1986 MAR p. 1306, Eff. 8/1/86; AMD, 1992 MAR p. 1474, Eff. 7/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1995 MAR p. 2802, Eff. 12/22/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.406 CLASS 6 SPECIALIST CERTIFICATE (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1926, Eff. 7/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.407 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST (TRANSFERRED) (History: 20-4-102, MCA; IMP, 20-4-103, 20-4-106, MCA; NEW, 1995 MAR p. 2803, Eff. 12/22/95; TRANS to ARM 10.57.436, 2002 MAR p. 3309, Eff. 11/28/02.)

Rules 10.57.408 and 10.57.409 reserved

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE (1) A Class 2 standard teacher's license shall be valid for a term of five years.

(2) Applicants for an initial Montana Class 1, 2, or 3 license whose degree is more than five years old and who do not have current out-of-state licensure must have earned six semester credits from a regionally accredited college or university within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional, restricted, or lifetime licenses.

(3) To obtain a Class 2 standard teacher's license an applicant must submit verification of all of the following:

- (a) a bachelor's degree from a regionally accredited college or university;
 - (b) completion of an accredited professional educator preparation program including appropriate supervised teaching experience as the terms are defined in ARM 10.57.102 with a recommendation for the license requested from the appropriate official from the educator preparation program;
 - (c) qualification for one or more endorsement as outlined in ARM 10.57.412;
- or

(d) a current license from the National Board for Professional Teaching Standards in an area approved for endorsement in Montana.

(4) If the educator preparation program completed by the applicant is not in Montana, upon initial application of a Class 1 or Class 2 license, the applicant must provide:

- (a) proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the requested endorsement as established by the Office of Public Instruction and approved by the Board of Public Education;
- (b) verified completion of the on-line course "An Introduction to Indian Education for All in Montana"; and
- (c) verified completion of an accredited professional educator preparation program including appropriate supervised teaching experience as the terms are defined in ARM 10.57.102; or
- (d) verified completion of an educator preparation program, a current standard, unrestricted out-of-state educator license, and five years of successful teaching experience as defined in ARM 10.57.102 and appropriately aligned to ARM 10.58.501 as documented by a recommendation from the out-of-state state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction.

(5) A Class 2 standard teacher's license is renewable pursuant to the requirements of ARM 10.57.215.

(6) A lapsed Class 2 standard teacher's license may be reinstated by earning 60 renewal units during the five-year period preceding the date of application for the new license. (History: Mont. Const. Art. X, sec. 9, 20-2-121, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 978, 5/9/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE (1) A Class 1 professional teacher's license shall be valid for a period of five years.

(2) To obtain a Class 1 professional teacher's license an applicant must submit verification of all of the following:

(a) eligibility for the Class 2 standard teacher's license as set forth in ARM 10.57.410, including proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the requested endorsement and "An Introduction to Indian Education for All in Montana" online course if the educator preparation program completed by the applicant is not in Montana;

(b) a master's degree in education or an endorsable teaching area(s) from a regionally accredited college or university or certification by the National Board for Professional Teaching Standards; and

(c) three years of teaching experience as defined by ARM 10.57.102.

(3) A Class 1 professional teacher's license shall be renewable pursuant to the requirements of ARM 10.57.215.

(4) A lapsed Class 1 professional teacher's license may be reinstated by earning 60 renewal units during the five-year period preceding the date of application for the new license. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2003 MAR p. 978, Eff. 5/9/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.412 CLASS 1 AND 2 ENDORSEMENTS (1) Subject field endorsement must be in areas approved for endorsement by the Board of Public Education.

(2) Areas approved for endorsement on Class 1 and 2 licenses include the following: agriculture, art K-12, biology, business education, chemistry, communication, computer science, early childhood (age 3 to grade 3), earth science, economics, elementary education (K-8), English, English as a second language K-12, family and consumer sciences, geography, health, health and physical education K-12, history, industrial trades and technology education, journalism, library K-12, mathematics, middle grades (4-8), music K-12, physical education K-12, physics, political science, psychology, reading K-12, school counseling K-12, science (broadfield), social studies (broadfield), sociology, special education P-12, special education P-12 hearing impairment, special education P-12 vision impairment, theater, traffic education, and world languages K-12.

(3) As appropriate, grade level endorsements may be issued as consistent with the educator preparation program completed by the applicant.

(4) Permissive special competencies or endorsements identified on an educator license, but no longer offered, may be retained as long as the licensee continues to renew the license.

(5) To obtain an elementary (K-8), early childhood (age 3 to grade 3), or middle grades (4-8) endorsement, an applicant must provide verification of completion of an accredited teacher education program in those areas to include supervised teaching experience or a waiver of this requirement if the applicant has previously had supervised teaching experience.

(6) To obtain a secondary (5-12) or K-12 endorsement other than special education, the applicant must provide verification of:

(a) completion of an accredited professional educator preparation program at the grade level(s) identified by the program, including supervised teaching experience, or a waiver of this requirement on the university recommendation if the applicant has previously had supervised teaching experience; or

(b) completion of an educator preparation program, a current standard, unrestricted out-of-state educator license, and five years of successful teaching experience as defined in ARM 10.57.102 documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction.

(7) To obtain an endorsement in special education P-12, the applicant must provide verification of:

(a) completion of an accredited professional educator preparation program; or

(b) completion of a state-approved special education P-12 professional educator preparation program from a regionally accredited college or university; and

(c) supervised teaching experience or a waiver of this requirement if the applicant has previously had supervised teaching experience.

(8) Applicant must also submit a recommendation for any endorsement requested from the appropriate official from an accredited professional educator program.

(9) Applicants who have completed accredited professional educator preparation programs outside of Montana and hold endorsements in specific disability areas (for example, early childhood special education, autism, hearing impaired) in another state may qualify for a special education P-12 endorsement in hearing and vision upon verification of program completion and proof of a minimum passing score on the PRAXIS Subject Assessment applicable to the special education endorsement.

(10) Applicants with graduate degrees in an endorsable area may use experience instructing in relevant college or university courses as credit in that endorsement area for licensure. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2012 MAR p. 1038, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2015 MAR p. 2091, Eff. 11/26/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.413 CLASS 3 ADMINISTRATIVE LICENSE (1) A Class 3 administrative license shall be valid for a period of five years.

(2) Appropriate administrative areas which may be approved for license endorsement are: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.

(3) To obtain a Class 3 administrative license, except pursuant to ARM 10.57.419, an applicant must be eligible for an appropriately endorsed Class 1, 2, or 5 license to teach in the school(s) in which the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57.414 through 10.57.418.

(4) An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction and approved by the Board of Public Education. The requirements of ARM 10.57.414(1)(c)(i-iii) must be met by an applicant seeking a superintendent endorsement.

(5) An applicant for a Class 3 administrative license must submit verified completion of the online course "An Introduction to Indian Education for All in Montana."

(6) A Class 3 administrative license shall be renewable pursuant to the requirements of ARM 10.57.215.

(7) A lapsed Class 3 administrative license may be reinstated by showing verification of 60 renewal units earned during the five-year period preceding the date of application for the new license. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 978, Eff. 5/9/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE – SUPERINTENDENT ENDORSEMENT (1) To obtain a superintendent endorsement an applicant must provide verification of all of the following:

(a) an education specialist, master's, or doctoral degree from a regionally accredited college or university in education or education leadership;

(b) completion of an accredited professional educator preparation program as defined in ARM 10.57.102 for superintendents;

(c) a minimum of 18 semester graduate credits in a school administrator preparation program, of which 12 must be beyond the master's degree in education leadership and include three credits in each of the following:

(i) Montana school law;

(ii) Montana school finance; and

(iii) Montana collective bargaining and employment law;

(d) a minimum of three years of teaching experience as an appropriately licensed teacher;

(e) licensure and endorsement as a principal (P-12); and

(f) a minimum of one year of administrative experience as an appropriately licensed principal or one year of a supervised Board of Public Education approved administrative internship as a superintendent.

(2) Applicant must also submit a recommendation for the endorsement requested from the appropriate official from an accredited professional superintendent program. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.415 CLASS 3 ADMINISTRATIVE LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain an elementary principal endorsement an applicant must provide verification of:

(a) a minimum of three years of teaching experience with a standard, unrestricted license at the elementary level;

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 or a master's degree related to education from a regionally accredited college or university;

(c) completion of an accredited professional educator preparation program as defined in ARM 10.57.102 for elementary principals;

(d) completion of three semester credits of college courses in Montana school law, including special education law; and

(e) recommendation for the endorsement from the appropriate official from an accredited professional principal program. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.416 CLASS 3 ADMINISTRATIVE LICENSE – SECONDARY PRINCIPAL ENDORSEMENT (1) To obtain a secondary principal endorsement an applicant must provide verification of:

(a) a minimum of three years of teaching experience with a standard, unrestricted license at the secondary level;

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 or a master's degree related to education from a regionally accredited college or university;

(c) completion of an accredited professional educator preparation program as defined in ARM 10.57.102 for secondary principals;

(d) completion of three semester credits of college courses in Montana school law, including special education law; and

(e) recommendation for the endorsement from the appropriate official from an accredited professional principal program. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.417 CLASS 3 ADMINISTRATIVE LICENSE – K-12 PRINCIPAL ENDORSEMENT (1) To obtain a K-12 principal endorsement an applicant must provide verification of:

(a) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 or a master's degree related to education from a regionally accredited college or university;

(b) completion of an accredited educator preparation program for K-12 principals;

(c) a minimum of three years of teaching experience with a standard, unrestricted license;

(d) completion of three semester credits of college courses in Montana school law, including special education law; and

(e) recommendation for the endorsement from the appropriate official from an accredited professional K-12 principal program. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE – SUPERVISOR ENDORSEMENT (1) This administrative endorsement is issued in specific fields such as math, music, and school counseling. This endorsement may be issued to applicants who submit verification:

(a) of completion of an accredited educator preparation program;

(b) of completion of a master's degree in the area requested for endorsement at a regionally accredited college or university;

(c) that the applicant meets eligibility requirements for a Class 1 or Class 2 teaching license endorsed in the field of specialization;

(d) of three years of teaching experience with a standard, unrestricted license;

(e) of completion of a supervised practicum/internship at an accredited professional educator preparation program; and

(f) of recommendation for the endorsement from the appropriate official from an accredited professional supervisor program. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE – SPECIAL EDUCATION SUPERVISOR ENDORSEMENT

(1) This administrative endorsement is issued in the specific field of special education. This endorsement may be issued to applicants who submit verification of:

(a) completion, at a regionally accredited college or university, of a master's degree in special education or a master's degree in the following special education-related service fields: school psychologist, speech-language pathologist, audiologist, physical therapist, occupational therapist, registered nurse, clinical social worker, or clinical professional counselor;

(b) full licensure in the field of specialization;

(c) three years of teaching experience in an accredited school setting with a standard, unrestricted license, or five years of experience in an accredited school setting as a fully licensed and assigned related services provider;

(d) three semester credits in special education law;

(e) a supervised practicum/internship from an accredited special education supervisor program; and

(f) recommendation for the endorsement from the appropriate official from an accredited special education supervisor program. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE

(1) A Class 4 license is specific to career and technical education and shall be valid for a period of five years.

(2) There are three types of Class 4 licenses:

(a) A Class 4A license issued to individuals holding a valid Montana teaching license, but without an appropriate career and technical education endorsement;

(b) A Class 4B license issued to individuals with at least a bachelor's degree from a regionally accredited college or university, but who do not hold a valid Montana teaching license with the appropriate career and technical education endorsement; and

(c) A Class 4C license issued to individuals who hold at least a high school diploma or high school equivalency diploma and meet the minimum requirements for endorsement.

(3) To obtain a Class 4 career and technical educator license an applicant must meet the requirements of (2)(a), (b), or (c) above and qualify for one or more endorsements as outlined in ARM 10.57.421.

(4) A Class 4 license shall be renewable pursuant to the requirements of ARM 10.57.215 and the requirements specific to each type of Class 4 license.

(a) Class 4A licenses shall be renewable by earning 60 renewal units. Endorsement related technical studies may be accepted. Additionally, the first renewal must show evidence of renewal units earned in each of the following areas:

(i) curriculum and instruction in career and technical education; and

(ii) safety and teacher liability.

(b) Class 4B or 4C licenses shall be renewable by earning 60 renewal units. The first renewal must show evidence of renewal units earned in the following areas:

- (i) curriculum and instruction in career and technical education; and
- (ii) safety and teacher liability.

(c) Other professional development appropriate to renew a Class 4B or 4C license includes the following:

- (i) principles and/or philosophy of career and technical education;
- (ii) curriculum and instruction in career and technical education;
- (iii) learning styles/teaching styles; including serving students with special

needs;

- (iv) safety and teacher liability;
- (v) classroom management;
- (vi) teaching methods;
- (vii) career guidance in career and technical education; or
- (viii) endorsement related technical studies, with prior OPI approval.

(5) A lapsed Class 4 license may be reinstated by showing verification of 60 renewal units earned during the five-year period preceding the validation date of the new license, including renewal units in:

- (a) curriculum and instruction in career and technical education;
- (b) safety and teacher liability; and
- (c) endorsement related technical studies or industry validated training.

(History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/26/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.421 CLASS 4 ENDORSEMENTS (1) Recognized occupations eligible for a Class 4 license shall be evaluated on an annual basis by the Superintendent of Public Instruction. Appropriate career and technical education areas acceptable for endorsement on the Class 4 license include but are not limited to the following: agriculture business, agriculture mechanics, auto body, automotive technology, aviation, building maintenance, building trades, business marketing, computer information systems, culinary arts, diesel mechanics, drafting, electronics, engineering, graphic arts, health science education, heavy equipment operations, horticulture, industrial mechanics, livestock production, machining, metals, plant and soil sciences, Reserve Officer Training Corps (ROTC) instruction, small engines, stagecraft, videography, and welding.

(2) Endorsements removed from the list of recognized occupations may be retained as long as the licensee continues to renew the license.

(3) To obtain an endorsement on a Class 4 license, an applicant must provide verification of a minimum of 10,000 hours of documented, relevant work experience which may include apprenticeship training, documenting the knowledge and skills required in the specific trade in which they are to teach. Acceptable documentation of relevant work experience is determined by the Superintendent of Public Instruction and may include, but is not limited to:

(a) work experience completed and verified by previous employers, to include a detailed description of the duties performed during employment;

(b) for self-employed individuals, examples of projects completed, letters of verification from clients or customers, profit and loss statements demonstrating the viability of the business or self-employment;

(c) verification of teaching experience in the area requested for endorsement, accompanied by verification of substantial work experience in the area requested for endorsement; or

(d) certificates of completion of appropriate technical programs or related college degrees and coursework, and industry certification (e.g., ASE, AWS).

(4) For health science education, engineering, or computer information systems, an alternative to the above requirement of 10,000 hours of work experience may be substituted as approved by the Superintendent of Public Instruction as follows:

(a) For health science education:

(i) hold a Class 1 or 2 license with an endorsement in health or any of the science areas;

(ii) provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized both nationally and by the Office of Public Instruction; and

(iii) successful completion of coursework in human biology or anatomy and physiology; or

(iv) hold a current professional license in a related health occupation field.

(b) For engineering:

(i) hold a Class 1 or 2 license with an endorsement in math or science; and

(ii) provide verification of successful completion of a blended learning professional development course of at least 80 hours by a provider recognized both nationally and by the Office of Public Instruction.

(c) For computer information systems an individual may provide verification of completion of an approved technical program in a recognized training institution and hold a professional license or recognized industry standard certificate.

(5) A Class 4A, 4B, or 4C career and technical education license may be approved to teach traffic education if the license meets the requirements of ARM 10.13.310.

(6) To qualify for a ROTC instructor endorsement the applicant must provide evidence of certification by the appropriate branch of the U.S. military and successful completion of a criminal background check pursuant to ARM 10.57.201A. This endorsement does not require verification of 10,000 hours of work experience and may not be issued as a Class 4C license. A Class 4A or 4B license with a ROTC endorsement may be renewed every five years with resubmission of certification by the appropriate branch of the U.S. military. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/26/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.422 CLASS 4B CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/30/03; REP, 2009 MAR p. 345, Eff. 3/27/09.)

10.57.423 CLASS 4C CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/26/03; REP, 2009 MAR p. 345, Eff. 3/27/09.)

10.57.424 CLASS 5 PROVISIONAL LICENSE (1) A Class 5 provisional license is valid for a term of three years, is not renewable, and may not be reinstated. A Montana educator may be issued only one Class 5 provisional license per teaching license (Class 1 or 2), administrator license (Class 3), or specialist license (Class 6). A Class 5 provisional license is not available for an initial Class 4 license or a Class 7 or 8 license.

(2) An applicant for a Class 5 provisional license must sign and file with the Superintendent of Public Instruction a plan of professional intent leading, within three years of the date of validity of the provisional license, to an appropriately endorsed Class 1, 2, 3, or 6 license as provided in ARM 10.57.412, 10.57.414 through 10.57.419, or 10.57.434 and 10.57.436.

(3) An applicant for a Class 5 provisional license who has graduated from an educator preparation program outside of Montana must provide proof of a minimum passing score on the Praxis Subject Assessment applicable to the requested endorsement and a current Montana address or job offer from an accredited or state-funded P-12 school in Montana.

(4) A Class 5 provisional licensee is not eligible for a Board of Public Education approved internship program in the same endorsement area subsequent to the Class 5 licensure expiration date. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.425 CLASS 5 PROVISIONAL LICENSE – ELEMENTARY LEVEL

(1) To obtain a Class 5 provisional license with an elementary, middle, or early childhood level endorsement, an applicant must provide verification of:

(a) a bachelor's degree from a regionally accredited college or university; and
 (b) for those applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:

(i) can meet the requirements for full licensure within the three-year valid period of the license; and

(ii) meets the professional educator preparation program's admission requirements. (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 325, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 2091, Eff. 11/26/15.)

10.57.426 CLASS 5 PROVISIONAL LICENSE – SECONDARY, K-12, and P-12 SPECIAL EDUCATION LEVELS (1) To obtain a Class 5 provisional license with a secondary, K-12, or P-12 special education level endorsement, an applicant must provide verification of:

(a) a bachelor's degree from a regionally accredited college or university; and
(b) for those applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program verifying that the applicant:

(i) can meet the requirements for full licensure within the three-year valid period of the license; and

(ii) meets the professional educator preparation program's admission requirements. (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 2091, Eff. 11/26/15.)

10.57.427 CLASS 5 PROVISIONAL LICENSE – SUPERINTENDENT ENDORSEMENT (1) To obtain a Class 5 provisional license with a superintendent endorsement, an applicant must provide verification of:

(a) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102;

(b) eligibility for a Class 1, 2, or 5 teaching license or a current standard, unrestricted out-of-state license and five years of successful supervisory experience as a licensed administrator as defined in ARM 10.57.102, documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction;

(c) a minimum of three years of experience as an appropriately licensed and assigned teacher at any level;

(d) one year of appropriately licensed experience as a principal;

(e) completion of an accredited professional educator preparation program, as defined in ARM 10.57.102, for superintendents; and

(f) for those applicants who have not completed the required courses in Montana school law, Montana school finance, and Montana collective bargaining and employment law, a plan of intent as detailed in ARM 10.57.424.

(2) Applicants required to complete coursework other than Montana school law, Montana collective bargaining and employment law, and Montana school finance are not eligible for a Class 5 provisional license, but may enroll in an internship program pursuant to ARM 10.55.607. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.428 CLASS 5 PROVISIONAL LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain a Class 5 provisional license with an elementary principal endorsement, an applicant must provide verification of:

- (a) a master's degree from an accredited professional educator preparation program;
- (b) eligibility for a Class 1, 2, or 5 teaching license at the elementary level or a current standard, unrestricted out-of-state license and five years of successful supervisory experience as a licensed administrator as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction; and
- (c) a minimum of three years of experience as an appropriately licensed and assigned teacher at the elementary level.

(2) Applicants required to complete coursework other than Montana school law, including special education law are not eligible for a Class 5 provisional license, but may enroll in an internship program pursuant to ARM 10.55.607. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.429 CLASS 5 PROVISIONAL LICENSE – SECONDARY PRINCIPAL ENDORSEMENT (1) To obtain a Class 5 provisional license with a secondary principal endorsement, an applicant must provide verification of:

- (a) a master's degree from an accredited professional educator preparation program;
- (b) eligibility for a Class 1, 2, or 5 teaching license at the secondary level or a current standard, unrestricted out-of-state license and five years of successful administrative experience as a licensed administrator as defined in ARM 10.57.102, documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction; and
- (c) a minimum of three years of experience as an appropriately licensed and assigned teacher at the secondary level.

(2) Applicants required to complete coursework other than Montana school law, including special education law are not eligible for a Class 5 provisional license, but may enroll in an internship program pursuant to ARM 10.55.607. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.430 CLASS 5 PROVISIONAL LICENSE – K-12 PRINCIPAL ENDORSEMENT (1) To obtain a Class 5 provisional license with a K-12 principal endorsement, an applicant must provide verification of:

(a) a master's degree from an accredited professional educator preparation program;

(b) eligibility for a Class 1, 2, or 5 teaching license at any level within K-12 or current standard, unrestricted out-of-state licensure and five years of successful supervisory experience as a licensed administrator as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction.

(c) a minimum of three years of experience as an appropriately licensed and assigned teacher at any level within K-12.

(2) Applicants required to complete coursework other than Montana school law, including special education law are not eligible for a Class 5 provisional license, but may enroll in an internship program pursuant to ARM 10.55.607. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.431 CLASS 5 PROVISIONAL LICENSE – SUPERVISOR ENDORSEMENT (1) To obtain a Class 5 provisional license with a supervisor endorsement, an applicant must provide verification of:

(a) a master's degree from a regionally accredited college or university in the area requested for supervisory endorsement; and

(b) three years of appropriately licensed experience as a teacher in the area requested for supervisory endorsement or five years of experience in a school setting as a fully licensed and appropriately assigned related services provider; and

(c) a plan of study from an accredited professional educator preparation program verifying that the applicant:

(i) can meet the requirements for full licensure within the three-year valid period of the license; and

(ii) meets the professional educator preparation program's admission requirements. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.432 CLASS 5 PROVISIONAL LICENSE – SPECIALIST

ENDORSEMENT (1) To obtain a Class 5 provisional license with a specialist endorsement in school psychology, an applicant must provide:

(a) verification of a master's degree or greater in school psychology or related field from a regionally accredited college or university; and

(b) for those applicants who have not completed an accredited specialist preparation program, verification from an accredited specialist program, of being within four course deficiencies of completing full requirements as outlined in ARM 10.57.434.

(2) To obtain a Class 5 provisional license with a specialist endorsement in school counseling an applicant must provide:

(a) verification of a bachelor's degree; and

(b) verification from the accredited specialist program, of being within four course deficiencies of completing full requirements as outlined in ARM 10.57.435.

(History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.433 CLASS 6 SPECIALIST LICENSE (1) A Class 6 specialist license is valid for a period of five years.

(2) Class 6 specialist licenses may be issued with the following endorsements:

(a) school psychologist; or

(b) school counselor.

(3) Applicants for an initial Montana Class 6 license with a degree more than five years old and who do not have current out-of-state licensure must have earned six graduate semester credits from a regionally accredited college or university within the five-year period preceding the effective date of the license. For the purposes of this provision, current licensure does not include provisional, restricted, or lifetime licenses.

(4) A Class 6 specialist license may also be endorsed in traffic education if the licensee meets the requirements of ARM 10.13.310 and is approved by the Superintendent of Public Instruction.

(5) Class 6 specialist licenses may be renewed pursuant to the requirements of ARM 10.57.215.

(6) A lapsed Class 6 specialist license may be reinstated by showing verification of 60 renewal units earned during the five-year period preceding the date of application for the new license. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.434 CLASS 6 SPECIALIST LICENSE – SCHOOL PSYCHOLOGIST

(1) To obtain a Class 6 specialist license with a school psychologist endorsement an applicant must provide verification of:

(a) current credentials as a nationally certified school psychologist (NCSP) from the National Association of School Psychologists (NASP);

(b) completion of a specialist level degree from a NASP accredited school psychologist program which included a 1200-hour internship, of which 600 hours were in a school setting; or

(c) for those applicants who did not earn at least a specialist level school psychology degree from a NASP accredited program:

(i) a master's degree or higher in school psychology or a related field from a regionally accredited college or university; and

(ii) recommendation from a NASP accredited specialist program defined in ARM 10.57.102, attesting to the applicant's qualifications being equivalent to NASP training standards, which included a 1200-hour internship experience of which 600 hours were in a school setting. (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.435 CLASS 6 SPECIALIST LICENSE – SCHOOL COUNSELOR

(1) To obtain a Class 6 specialist license with a school counselor endorsement an applicant must provide verification of:

(a) a master's degree from a regionally accredited college or university; and

(b) completion of a CACREP accredited school counselor program which included an internship in a school setting of 600 hours; or

(c) for those applicants who did not earn a degree from a CACREP accredited program:

(i) a master's degree in school counseling from a regionally accredited college or university; and

(ii) recommendation from an accredited specialist program defined in ARM 10.57.102, which included an internship in a school setting of 600 hours. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE

SPECIALIST (1) A Class 7 American Indian language and culture specialist license is valid for a period of five years.

(2) The Superintendent of Public Instruction shall issue a Class 7 license based upon verification by the authorized representative of a tribal government, that has a memorandum of understanding with the Superintendent of Public Instruction, that the applicant has met tribal standards for competency and fluency as a requisite for teaching that language and culture.

(3) The Board of Public Education will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.

(4) A Class 7 American Indian language and culture specialist licensee may be approved to teach traffic education if the licensee meets the requirements of ARM 10.13.310 and is approved by the Superintendent of Public Instruction.

(5) A Class 7 American Indian language and culture specialist license may be renewed upon verification by the tribe that the professional development plan, as defined by the memorandum of understanding in (2) is met.

(6) A school district may assign an individual licensed under this rule to only specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No other teaching license or endorsement is required for duties within this prescribed field. (History: 20-4-102, MCA; IMP, 20-4-103, 20-4-106, MCA; NEW, 1995 MAR p. 2803, Eff. 12/22/95; TRANS, 2002 MAR p. 3309, 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.437 CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY

LICENSE (1) A faculty member of a college or university is required to hold a Class 8 dual credit license, unless already licensed or eligible for licensure as a Class 1, 2, or 4 and properly endorsed, whenever a faculty member is teaching a dual credit course at the college or university for which one or more students will earn both high school and college credit.

(2) The license is valid for five years.

(3) To obtain a Class 8 dual credit postsecondary faculty license, an applicant shall provide the following:

(a) verification of faculty employment from the Chief Academic Officer or an appropriate official of the employing regionally accredited college or university;

(b) compliance with all other nonacademic requirements for licensure as required by 20-4-104, MCA, ARM 10.57.201 and 10.57.201A; and

(c) recommendation from the Chief Academic Officer from a regionally accredited college or university verifying the following:

(i) the applicant plans to teach in a subject covered by the K-12 endorsement areas in ARM 10.57.438, and will teach a subject in which the applicant has a major or minor; and

(ii) the applicant demonstrates adequate education and experience to instruct dual enrollment courses as demonstrated by the following criteria:

(A) ability to create learning environments that support creativity, critical thinking, individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self-motivation;

(B) understanding and ability to use a variety of instructional and assessment strategies to encourage learners to develop understanding of content areas and to build skills to apply knowledge in meaningful ways; and

(C) understanding of individual differences and diverse cultures with an ability to integrate history, culture, heritage, and contemporary status of American Indians and tribes in Montana.

(4) Class 8 dual credit license applications will be reviewed by the Certification Standards and Practices Advisory Council for recommendation regarding issuance of the license by the Superintendent of Public Instruction. Denial of an application for licensure shall be appealable to the Board of Public Education pursuant to ARM 10.57.607.

(5) A Class 8 dual credit postsecondary faculty license may be consecutively reissued upon submission and approval of an application for renewal. An educator with a lapsed Class 8 license must submit a new application.

(6) A Class 8 license shall not be valid unless the licensee is in an employment relationship with a regionally accredited college or university. (History: 20-4-102, MCA; IMP, 20-4-106, 20-4-108, MCA; NEW, 2008 MAR p. 2050, Eff. 9/26/08; AMD, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2015 MAR p. 1051, Eff. 7/31/15.)

10.57.438 CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY LICENSE ENDORSEMENTS (1) Areas approved for endorsement on Class 8 dual credit-only postsecondary faculty licenses are listed in ARM 10.57.412 and 10.57.421.

(2) Applicants for the Class 8 license with degrees in highly specialized academic areas and hired by the college or university to teach specific courses not covered by the K-12 endorsement areas in (1), may be eligible for a designation in their area of specialization as approved by the Superintendent of Public Instruction. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X., sec. 9, 20-4-106, 20-4-108, MCA; NEW, 2009 MAR p. 2244, Eff. 11/26/09; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

Subchapter 5

Ancillary Services

10.57.501 SOCIAL WORKERS, NURSES, AND SPEECH AND HEARING THERAPISTS (1) Professionals such as social workers, nurses and speech and hearing therapists who are teaching in a classroom must have a teaching license appropriate for the level(s) and area(s) taught.

(2) Speech and hearing therapists engaged in school services in the public schools of Montana who issued grades or credits in the pupil's school program must be licensed under the regularly established teacher licensure requirements in speech and hearing association. (History: 20-4-102, MCA; IMP, 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1981 MAR p. 420, Eff. 5/1/81; AMD, 1982 MAR p. 380, Eff. 2/26/82; AMD, 1982 MAR p. 1606, Eff. 8/27/82; AMD, 1986 MAR p. 1307, Eff. 8/1/86; AMD, 1994 MAR p. 955, Eff. 4/15/94; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

Subchapter 6

Educator Licensure Disciplinary Procedures

10.57.601 REQUEST FOR DISCIPLINE AGAINST THE LICENSE OF AN EDUCATOR/SPECIALIST: PRELIMINARY ACTION (1) Pursuant to 20-4-110, MCA, requests to issue a letter of reprimand or to suspend or revoke an educator/specialist license shall be brought before the Board of Public Education by only:

(a) an official action of the board of trustees of a local district for any licensed educator/specialist currently employed by that district or under contract or otherwise employed by that district at any time during the 12 months prior to the receipt by the Board of Public Education of the discipline request; or

(b) the Superintendent of Public Instruction.

(2) The Superintendent of Public Instruction may initiate a request to the Board of Public Education for discipline against an educator/specialist's license within 12 months from the date of receiving direct notification of alleged misconduct from a local school district board of trustees or from any other credible source.

(3) Requests for discipline shall specify whether a letter of reprimand, revocation, or suspension is sought and shall include:

(a) the specific charge(s) against the educator/specialist;

(b) the subsection of 20-4-110, MCA, under which the charge(s) is brought;

(c) an outline of the facts and evidence related to the charge(s); and

(d) if the request is made by a board of trustees of a district, a copy of the minutes documenting the trustees' decision to request disciplinary action. (History: 20-4-102, MCA; IMP, 20-4-110, MCA; Eff. 12/10/75; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1991 MAR p. 1488, Eff. 8/16/91; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.601A DEFINITION OF "IMMORAL CONDUCT" (1) "Immoral conduct" related to the teaching profession, under 20-4-110(1)(f), MCA, includes, but is not limited to:

(a) sexual contact, as defined in 45-2-101, MCA, or sexual intercourse as defined in 45-2-101, MCA, involving a minor or a person the applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school;

(b) conduct, whether resulting in the filing of criminal charges or not, which would constitute an offense under any of the following statutes of this state:

(i) 45-5-502, MCA, (sexual assault);

(ii) 45-5-503, MCA, (sexual intercourse without consent);

(iii) 45-5-504, MCA, (indecent exposure);

(iv) 45-5-505, MCA, (deviate sexual conduct), if the conduct either was non-consensual or involved a minor or a person the applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school;

- (v) 45-5-507, MCA, (incest);
 - (vi) 45-5-601, 45-5-602, or 45-5-603, MCA, (offenses involving prostitution);
 - (vii) 45-5-622(2), MCA, (endangering the welfare of children);
 - (viii) 45-5-623, MCA, (unlawful transactions with children);
 - (ix) 45-5-625, MCA, (sexual abuse of children);
 - (x) 45-8-201, MCA, (obscenity);
 - (xi) 45-5-627, MCA, (ritual abuse of minor);
 - (xii) any statute in Title 45, chapter 9, part 1, MCA, (dangerous drugs), provided that a first offense under 45-9-102(2), MCA, shall not fall within this definition;
 - (xiii) 45-5-220, MCA, (stalking);
 - (xiv) 45-5-223, MCA, (surreptitious visual observation or recordation);
 - (xv) 45-10-103, MCA, (criminal possession of drug paraphernalia);
 - (xvi) 45-10-105, MCA, (delivery of drug paraphernalia to a minor);
 - (xvii) 45-8-334, MCA, (possession of a destructive device);
 - (xviii) 45-8-361, MCA, (possession or allowing possession of weapon in school building);
 - (xix) 45-8-403, MCA, (use of threat to coerce gang membership);
 - (xx) 45-8-406, MCA, (supplying of firearms to criminal street gang);
 - (xxi) 45-5-622(3), MCA (endangering welfare of children);
- (c) repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated convictions, taken together, demonstrate that the teacher, specialist or administrator is unwilling to conform their conduct to the requirements of law;
- (d) occurrences related to ARM 24.9.1003(3), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:
- (i) submission to the conduct is explicitly or implicitly made a term or condition of education;
 - (ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual; and/or
 - (iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment.
- (e) submitting false credentials, omitting relevant information, or making any statement of material fact an applicant or licensee knows to be false to apply for a license, endorsement, employment, or promotion. False credentials include but are not limited to:
- (i) college degrees or credit from non-accredited or -approved colleges or universities;
 - (ii) false professional development credit;
 - (iii) false academic awards; or
 - (iv) inaccurate employment history;

(f) significant misuse of technology or electronic communication involving a minor or a person an applicant or licensee knows, reasonably should know, or should have known is a student at a public or private elementary or secondary school, including but not limited to misuse of computers, cellular telephones, or other electronic devices; or

(g) intentionally falsifying or deliberately misrepresenting information regarding standardized assessment of students, including but not limited to providing or changing test answers or using inappropriate testing accommodations or modifications. (History: 20-4-102, MCA; IMP, 20-4-110, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2009 MAR p. 345, Eff. 3/27/09; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.601B REVIEW (1) Upon receipt of a request for disciplinary action by the trustees of a district or the Superintendent of Public Instruction pursuant to 20-4-110(2), MCA, and ARM 10.57.601, the Board of Public Education shall review the allegations to determine whether there is sufficient cause to believe that professional misconduct occurred.

(2) This review shall include notifying the affected licensee of the request for discipline and allegations against the licensee by certified mail and allowing the licensee ten days to respond to those charges.

(3) If the board determines there is sufficient cause to believe that professional misconduct occurred, the board shall provide notice to the licensee of a hearing on possible disciplinary action as provided in ARM 10.57.602. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-110, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.602 NOTICE OF HEARING (1) Upon notice of a request for disciplinary action pursuant to ARM 10.57.601 and determination of sufficient cause, the Board of Public Education shall provide notice of a pending disciplinary action to the licensee, by certified mail not less than 30 days prior to the date of the hearing.

(a) Such notice shall include:

(i) a statement of the time, place and nature of the hearing;

(ii) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) a reference to the particular sections of the statutes and rules involved;

(iv) a statement of the matters asserted;

(v) a designation of who will hear the allegation pursuant to ARM 10.57.603;

and

(vi) a statement of the licensee's right to be represented by counsel at the hearing.

(b) The notice shall advise the licensee that the licensee has the right to contest the proposed disciplinary action of the board, and that the licensee may do so by filing a written signed statement contesting the matters asserted and requesting a hearing.

(c) The notice shall advise the licensee that the disciplinary hearing will be open to the public unless an individual's right to privacy outweighs the public's right to know.

(2) If the licensee elects to contest the proposed disciplinary action, the board shall conduct a contested case hearing pursuant to ARM 10.57.603.

(3) If resolution is reached prior to the hearing, the parties may report such resolution to the board and ask for dismissal of the matter. (History: Mont. Const. Art. X, sec. 9, 20-4-102, MCA; IMP, Mont. Const. Art. X, sec. 9, 20-4-110, MCA; Eff. 12/10/75; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1991 MAR p. 1488, Eff. 8/16/91; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15; AMD, 2016 MAR p. 2330, Eff. 1/1/17.)

10.57.603 HEARING IN CONTESTED CASES (1) The Board of Public Education shall select one of the following methods for providing a hearing:

- (a) a hearing before the board at a special or regular meeting of the board;
- (b) a hearing before a committee of the Board that shall report to the board proposed findings of fact, proposed conclusions of law, and a proposed order; or
- (c) a hearing before a hearing examiner appointed by the board who shall report to the board proposed findings of fact, proposed conclusions of law, and a proposed order.

(2) At the time and place set in the notice to the applicant or licensee, the chairperson of the Board of Public Education, the designated committee, or an appointed hearing examiner shall conduct the hearing in accordance with Title 2, chapter 4, part 6, MCA, and ARM 1.3.211 through 1.3.224 of the Attorney General's model rules for hearing contested cases.

(3) Prior to the hearing, the board's attorney or designated hearing officer shall schedule a pre-hearing conference to consider:

- (a) simplification of the issues;
- (b) the possibility of obtaining admissions of facts and documents;
- (c) the number of witnesses;
- (d) the exchanges of witness and exhibit lists; and
- (e) any other matters which may aid in the disposition of the matter.

(4) On appeal the burden is on the appellant to establish by a preponderance of the evidence that the appellant meets the statutory criteria for issuance of an educator/specialist license. In the case of a request for disciplinary action against a licensee pursuant to ARM 10.57.601 or 10.57.611, the burden is on the requestor to establish by a preponderance of the evidence that the disciplinary action is warranted. (History: 20-4-102, MCA; IMP, 20-4-110, MCA; Eff. 12/10/74; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.604 POST HEARING PROCEDURE (1) Either immediately following the hearing, or within 30 days of the conclusion of the hearing regarding an educator/specialist license, the Board of Public Education shall, as applicable:

(a) uphold the decision of the Superintendent of Public Instruction to deny an application for licensure;

(b) dismiss the matter;

(c) issue a letter of reprimand;

(d) enter into a stipulated agreement; or

(e) suspend or revoke the license for a specific period of time, up to and including permanent revocation of the license.

(2) Consistent with a decision to suspend or revoke a license, the board shall issue findings of fact, conclusions of law, and an order signed by the board chair or designee.

(3) The board shall record its decision in its minutes and shall provide its decision, including the letter of reprimand, or a copy of the findings of fact, conclusions of law, and order by certified mail to the licensee and to any other involved party within ten days of its decision.

(4) The date of the letter of reprimand, decision to uphold a denial of licensure by the superintendent, or final written decision and order of the board determines the date from which an appeal may be filed pursuant to 2-4-702, MCA.

(5) Pursuant to 2-4-623, MCA, decisions of the Board of Public Education shall be available for public inspection. Confidential information such as names of any minors, the applicant's or licensee's address, telephone number, or medical records may be redacted from the posted final decision. (History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, 20-4-110, MCA; Eff. 12/10/74; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2000 MAR p. 1510, Eff. 6/16/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.605 SURRENDER OF AN EDUCATOR/SPECIALIST LICENSE

(1) A licensee may surrender his or her license to the Superintendent of Public Instruction. The Superintendent of Public Instruction, upon review, may accept or reject the license surrender.

(2) Surrender of a license to the Superintendent of Public Instruction does not relieve the reporting requirements set forth in 20-4-110, MCA.

(3) The Superintendent of Public Instruction may investigate further following the surrender of a license and shall maintain a record of the circumstances surrounding the surrender of any license. The contents of that record shall be available for review by the licensing authority from any other jurisdiction in which the educator/specialist seeks licensure.

(4) Surrender of a license is permanent and irrevocable, unless specified otherwise in the document of surrender. Surrender of a license is a sanction against an educator or specialist and may prejudice the ability of an educator/specialist to successfully seek relicensure.

(5) The Superintendent of Public Instruction shall immediately inform the Board of Public Education of each surrender of a license and of the circumstances surrounding the surrender. (History: 20-4-114, MCA; IMP, 20-2-121, MCA; NEW, 1994 MAR p. 2525, Eff. 9/9/94; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.606 REPORTING OF THE SURRENDER, DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE (1) The Superintendent of Public Instruction shall maintain membership in the National Association of State Directors of Teacher Education and Certification (NASDTEC) and shall report information concerning disciplinary action to the NASDTEC clearinghouse.

(2) Upon receipt of a license surrendered pursuant to ARM 10.57.605, the Superintendent of Public Instruction shall report to the NASDTEC clearinghouse that the superintendent accepted the surrender of a license held by the licensee.

(3) The Superintendent of Public Instruction shall report to the NASDTEC clearinghouse the denial of licensure for cause. A denial "for cause" is defined as circumstances which:

(a) resulted in a determination by the superintendent that the applicant lacked the requisite moral and professional character; or

(b) would, in the case of a licensed Montana educator, be grounds for suspension or revocation.

(4) The superintendent shall not report to NASDTEC under (3) until either:

(a) the period for appeal of denial as provided in ARM 10.57.607 has expired;

or

(b) the Board of Public Education affirms the denial.

(5) The Superintendent of Public Instruction shall report to the NASDTEC clearinghouse a letter of reprimand issued by the Board of Public Education, and the suspension or revocation of a license held by an educator/specialist licensed in Montana.

(6) If a denial of licensure or disciplinary action by the Board of Public Education is overturned by a court of competent jurisdiction, the Superintendent of Public Instruction will notify the NASDTEC clearinghouse of such action.

(7) The Superintendent of Public Instruction shall maintain, pursuant to the superintendent's record retention policies, a record of the circumstances surrounding the surrender, denial, revocation, suspension, or reprimand involving a license or application for licensure. The contents of that record shall be available for review by the certifying authority from any other jurisdiction in which the educator/specialist seeks licensure. (History: 20-4-102, MCA; IMP, 20-4-110, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2004 MAR p. 2910, Eff. 12/3/04; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.607 APPEAL FROM DENIAL OF AN EDUCATOR/SPECIALIST LICENSE

(1) Written notice of appeal from the decision of the Superintendent of Public Instruction to deny issuance or renewal of an educator/specialist license must be submitted to the Board of Public Education. Written notice of appeal must be postmarked or received by the board no later than 30 days from the date of the letter of denial sent from the office of the Superintendent of Public Instruction.

(2) The written notice of appeal may not be submitted by e-mail. The notice must be signed by the appellant and must:

(a) summarize the appellant's responses to the superintendent's denial of licensure;

(b) provide preliminary statements supporting the appellant's contention that the superintendent's denial should be overturned; and

(c) if applicable, show that the appeal satisfies the requirements of ARM 10.57.608.

(3) When an appeal of a denial from the decision of the superintendent is before the Board of Public Education, the board shall provide notice by certified mail at least 30 days prior to a hearing of the appeal.

(a) Such notice shall include:

(i) a statement of the time, place, and nature of the hearing;

(ii) the legal authority and jurisdiction under which the hearing is to be held;

(iii) reference to the particular sections of the statutes and rules involved;

(iv) a statement of the matters asserted; and

(v) designation of who will hear the allegation pursuant to ARM 10.57.603.

(b) The notice shall advise the applicant that the applicant has the right to contest the denial and that the applicant may do so by appearing at the hearing either personally or through counsel, or by requesting the board to consider the matter on the basis of the available evidence without an appearance by the applicant.

(c) The notice shall advise the licensee that the hearing will be open to the public unless an individual's right to privacy outweighs the public's right to know.

(d) The hearing officer or person designated pursuant to ARM 10.57.603 to hear the appeal shall conduct a pre-hearing conference to determine matters relevant to scheduling, evidence, witnesses, and other matters related to the hearing as delineated in ARM 10.57.603. (History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2000 MAR p. 1510, Eff. 6/16/00; AMD & TRANS, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.608 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104, MCA (1) The Board of Public Education shall not consider an appeal from a denial by the Superintendent of Public Instruction based on 20-4-104, MCA, if the appellant has made an appeal to the board from the denial of a license within three years prior to the application which is at issue, and the appellant did not prevail following a hearing, unless at the time of notice of appeal pursuant to ARM 10.57.607 the appellant demonstrates substantial changes in circumstances relating to the appellant's eligibility for a license.

(2) The board shall not consider an appeal by a licensee regarding a suspended, revoked, or surrendered license during the period of suspension, revocation, or surrender. (History: 20-4-102, MCA; IMP, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

10.57.609 HEARING ON APPEAL (REPEALED) (History: 20-4-102, MCA; IMP, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2012 MAR p. 1039, Eff. 5/25/12; REP, 2014 MAR p. 2930, Eff. 7/1/15.)

Rule 10.57.610 reserved

10.57.611 SUBSTANTIAL AND MATERIAL NONPERFORMANCE (1) A licensed staff member commits substantial and material nonperformance of an employment contract pursuant to 20-4-110(1)(g), MCA, if, after signing a binding contract of employment with a Montana school district, the licensed staff member substantially and materially breaches such contract without good cause.

(2) "Good cause" shall be determined by the board on a case-by-case basis. The following are examples of good cause:

(a) substantial hardship to the licensed staff member's family due to a change in employment of the spouse of the licensed staff member that necessitates a move;

(b) illness of a family member of the licensed staff member that necessitates a move for purposes of providing for, caring for, or tending to the ill family member; or

(c) intolerable working conditions, judged on the same basis as constructive discharge under Montana law.

(3) Licensed staff members violating 20-4-110(1)(g), MCA, may be penalized as follows:

(a) a first violation committed not more than 30 calendar days prior to the beginning of the school year may result in a sanction not to exceed placement of a letter of reprimand in the licensed staff member's public record certification file;

(b) a first violation committed on or after school starts shall result in a sanction ranging from placement of a letter of reprimand in the licensed staff member's public record licensure file to temporary suspension of the licensed staff member's license for not more than 30 days; and

(c) a second or subsequent violation shall result in a sanction ranging from a temporary suspension of the licensed staff member's license to revocation of the license.

(4) In determining the severity of the sanction, if any, the Board of Public Education will consider the following:

(a) any direct, harmful impact on students caused by the breach of contract;

(b) the length of prior notice provided to the employing board by the licensed staff member; and

(c) the impact of the licensed staff member's breach of contract on the district's compliance with accreditation standards.

(5) This rule shall not be construed to either require or to prohibit the board from exercising its discretion in overseeing discipline of license holders pursuant to 20-4-110(6), MCA. (History: 20-2-114, 20-2-121, MCA; IMP, 20-2-121, 20-4-110, MCA; NEW, 2002 MAR p. 1549, Eff. 5/31/02; TRANS, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2012 MAR p. 1039, Eff. 5/25/12; AMD, 2014 MAR p. 2930, Eff. 7/1/15.)

Subchapter 7

Procedures for Hearing Appeals from Decisions
Denying Issuance or Renewal of Teacher Certificates

10.57.701 APPEAL FROM DENIAL OF A TEACHER, SPECIALIST OR ADMINISTRATOR CERTIFICATE (TRANSFERRED) (History: 20-2-121, 20-4-102, MCA; IMP, 20-4-102, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2000 MAR p. 1510, Eff. 6/16/00; AMD & TRANS to 10.57.607, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.702 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104(1)(c), MCA (TRANSFERRED) (History: 20-4-102, MCA; IMP, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS to 10.57.608, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.703 HEARING ON APPEAL (TRANSFERRED) (History: 20-4-102, MCA; IMP, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS to 10.57.609, 2002 MAR p. 3309, Eff. 11/28/02.)

Subchapter 8

Substantial and Material Nonperformance

10.57.801 SUBSTANTIAL AND MATERIAL NONPERFORMANCE
(TRANSFERRED) (History: 20-2-114, 20-2-121, MCA; IMP, 20-2-121, 20-4-110,
MCA; NEW, 2002 MAR p. 1549, Eff. 5/31/02; TRANS to 10.57.611, 2002 MAR p.
3309, Eff. 11/28/02.)