



**MONTANA
ADMINISTRATIVE
REGISTER**



BOARD OF PUBLIC EDUCATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-176.1

Summary

Adoption of NEW RULE 1 (10.55.725) and amendment of ARM 10.55.602 and 10.55.805 pertaining to the Special Education Technician in the Accreditation Standards

Hearing Date and Time

Tuesday, September 1, 2026, at 10:00 a.m.

Virtual Hearing Information

Please click the link below to join the webinar:

<https://mt-gov.zoom.us/j/89725865122>

Comments

Comments may be submitted using the contact information below. Comments must be received by Thursday, September 10, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, August 18, 2026, at 5:00 p.m.

Contact

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General Reasonable Necessity Statement

The Board of Public Education is seeking to clarify ARM 10.55.805 regarding special education graduation requirements and to consider the addition of definitions, duties, and responsibilities of a special education technician. The Negotiated Rulemaking Process is required by 20-7-101, MCA. The rules recommended by the Superintendent of Public Instruction were developed through the negotiated rulemaking process under Title 2, chapter 5, part 1, MCA. Based on the adoption of ARM 10.57.439, for the new Special Education Technician certification, it is necessary to concurrently define the roles and responsibilities of the technician and supervising special education teacher.

The purpose of the Special Education Technician certification, defined in ARM 10.57.439, is to increase the capacity of Montana's paraprofessionals to provide a higher level of support to Montana students with disabilities. In particular, the purpose is to certify a technician, who meets requirements to provide technical services to a special education supervising teacher, while outlining the qualifications and supervision requirements under a Supervising Special Education Teacher.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

10.55.602 DEFINITIONS

For the purposes of this chapter, the following terms apply:

- (1) "Accreditation" means certification by the Board of Public Education that a school meets the adopted standards of the Board of Public Education for a specified school year.
- (2) "Assessment" means the gathering, organizing, and evaluation of information about student learning progression, growth, and proficiency in order to monitor and measure the effectiveness of the instructional program.

- (3) "Assurance standards" means the minimal standards of a quality education program comprised of the following subchapters:
- (a) Subchapter 6, General Provisions, ~~ARM 10.55.601 through 10.55.608~~;
 - (b) Subchapter 7, School Leadership, ~~ARM 10.55.701 through 10.55.724~~;
 - (c) Subchapter 8, Educational Opportunity, ~~ARM 10.55.801 through 10.55.806~~;
 - (d) Subchapter 9, Academic Requirements, ~~ARM 10.55.901 through 10.55.910~~; and
 - (e) ARM 10.55.1001 through 10.55.2301.
- (4) "Asynchronous" means not occurring at the same time. "Asynchronous" refers to instruction and communication between participants (i.e., students and teachers) that occur at different times.
- (5) "Charter school" means a publicly funded school that may be exempt from an assurance standard or a section of assurance standards as defined in ARM 10.55.602(3). A charter school operates under the supervision and control of an existing locally elected board of trustees in an existing public school district.
- (6) "Class 6 specialist" means a person with a Class 6 specialist license in a nonteaching role of school psychologist or school counselor.
- (7) "Community engagement" means the partnership between members of the community and schools that may share resources and volunteer to support student well-being and learning development.
- (8) "Comprehensive needs assessment" means a process that is used to identify district and school area(s) of need, the root causes of identified gaps, set priorities, and inform an action plan for improvement.
- (9) "Content standard" means what all students should know, understand, and be able to do in a specific content area.
- (10) "Corrective plan" means a systematic procedure and timeline for resolving deviations when a school has an accredited with probation status.
- (11) "Deviation" means a citation of noncompliance with any given standard.
- (12) "Digital content provider" means an entity, organization, or individual registered pursuant to ARM 10.55.907 offering K-12 educational content for distance, online, and technology-delivered programs and courses.
- (13) "Distance learning" means instruction in which students and teachers are separated by time, location, or both with synchronous or asynchronous content, instruction, and communication between student and teacher. This instruction may consist of learning opportunities provided through online (Internet-based) and other emerging technologies.

- (14) "Endorsement" means an official indication on a license of the subject area(s), specialized program area(s), or both for which the holder of the license is authorized to practice in Montana accredited schools.
- (15) "Facilitator" means the individual assigned to monitor distance, online, and technology-delivered learning programs pursuant to ARM 10.55.907. The facilitator may be an instructional paraprofessional as long as there is a licensed teacher providing the instruction.
- (16) "Family engagement" means a partnership with shared responsibility among families, educational staff, and community groups to promote each student's learning, well-being, and development of full educational potential during their entire K-12 experience.
- (17) "Graduate profile" means a learner centered model(s) based on a shared vision of learner attributes that students should have when they graduate.
- (18) "Graduation rate" means a calculation based on the four-year adjusted cohort graduation rate for all students and for each student group.
- (19) "Instructional paraprofessional" means school or district personnel whose positions are instructional in nature and who work under the direct supervision of licensed school personnel. The supervising licensed school personnel are responsible for:
 - (a) the design, implementation, and assessment of learner progress; and
 - (b) the evaluation of the effectiveness of learning programs and related services for children.
- (20) "Integrated strategic action plan" means a district plan adopted by the board of trustees that:
 - (a) is aligned with the peoples' goal in Article X, section 1 of the Montana Constitution of developing the full educational potential of each person;
 - (b) ensures a learner centered system and continuous improvement that reflects local context and needs;
 - (c) is based on school level comprehensive needs assessment;
 - (d) has engaged stakeholders and addresses stakeholder input and feedback; and
 - (e) aligns with requirements of applicable state and federal programs.
- (21) "Intensive assistance" means a required process for schools in accredited with probation status. Such schools have failed to develop or implement an approved corrective plan to remedy accreditation deviations within the designated timeline.
- (22) "Internship" as provided for in ARM 10.57.114 means an agreement between a fully licensed Class 1, 2, or 3 educator, the school district, and a Montana accredited educator preparation program. Internships are permitted in endorsement areas

approved by the Board of Public Education in ARM 10.57.412 and 10.57.414 through 10.57.419.

- (23) "Learning model" means the learning experiences students engage in and teachers facilitate that are aligned to the desired attributes of a graduate profile.
- (24) "Learning progression" means the specific performance expectations in each content area and grade-level or grade-band from kindergarten through grade 12.
- (25) "Licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.
- (26) "Literacy" means constructing and validating knowledge in specific content areas which includes interpretation and learning with language, numeracy, and media .
- (27) "Measure" means a way to assess the level of proficiency on a performance indicator aligned to the district graduate profile.
- (28) "Middle grades" means grades 4 through 9.
- (29) "Minimum requirement" as used in ARM 10.55.606 means groups of 10 or more students for reporting valid and reliable results as it pertains to student performance .
- (30) "Nonlicensed" means a person who does not hold a current Montana educator license, except for a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111, MCA.
- (31) "Personalized learning" means to:
 - (a) develop individualized pathways for career and postsecondary educational opportunities that honor individual interests, passions, strengths, needs, and culture;
 - (b) support the student through the development of relationships among teachers, family, peers, the business community, postsecondary education officials, public entities, and other community stakeholders;
 - (c) embed community-based, experiential, online, and work-based learning opportunities; and
 - (d) foster a learning environment that incorporates both face-to-face and virtual connections.
- (32) "Principal" means a person who holds a valid Montana Class 3 educator license with an applicable principal endorsement and who is employed by a district as a principal, or who is enrolled in a Board of Public Education approved principal internship program under ARM 10.57.114.
- (33) "Professional development" means adult learning that increases educator effectiveness and learning outcomes for all students.

- (34) "Proficiency-based learning" means systems of instruction, assessment, and academic reporting that are based on students demonstrating that they have learned the knowledge and skills as outlined in the state content standards.
- (35) "Proficient" means that a student demonstrated a level of knowledge and skills that are expected to be learned signaling that a student is well prepared to progress on the learning continuum aligned to the content standards, learning progressions, and necessary readiness skills.
- (36) "Program area standards" means the subject matter Montana school districts are required to offer and the strategies and proven practices used to instruct. The program area standards include: English language arts, arts, health and physical education, mathematics, science, social studies, career and technical education, technology integration, computer science, library media and information literacy, world languages, and school counseling.
- (37) "Program delivery standards" means the conditions and practices school districts are required to provide ensuring that every student is afforded equal educational opportunities to learn, develop, and demonstrate achievement in content standards and content-specific grade-level or grade-band learning progressions.
- (38) "Pupil instruction" is as defined in 20-1-101, MCA.
- (39) "Pupil instruction day" means a school day of pupil instruction.
- (40) "Pupil instruction-related (PIR) day" means days of teacher activities devoted to improving the quality of instruction. The activities may include, but are not limited to: in-service training, attending state meetings of teacher organizations, and conducting parent conferences.
- (41) "School" means, for accreditation purposes, an educational program and grade assignments designated by the local board of trustees in one of the following categories:
 - (a) an elementary school, which offers any combination of kindergarten through eighth grade;
 - (b) a seventh and eighth grade school, which comprises the basic education program for grades 7 and 8 that may be funded at the high school rate pursuant to 20-9-306, MCA;
 - (c) a junior high school, which offers the basic education program for grades 7 through 9;
 - (d) a middle school, which offers education programs for grades 4 through 8 or any combination thereof; and

- (e) a high school, which offers the educational programs for grades 9 through 12 or grades 10 through 12 when operating in conjunction with a junior high school.
- (42) "School administrator" means a person who is a part of the school's administrative or supervisory staff and who holds a Class 3 license and is appropriately endorsed, or who is enrolled in a Board of Public Education approved administrator internship program under ARM 10.57.114.
- (43) "School district" means the territory, regardless of county boundaries, organized under the provisions of Title 20, MCA to provide public educational services under the jurisdiction of the local board of trustees. A high school district may encompass all or parts of the territory of one or more elementary districts. "School district" refers to all state-funded special purpose schools that are accredited under this chapter.
- (44) "School system" means the administrative unit of a district or combination of districts. In Montana, types of school systems are as follows:
 - (a) "combined elementary-high school district" means an elementary district and a high school district which are combined into a single school system for district administration purposes through a K-12 district, unified school system, or joint board;
 - (b) "independent high school district" means a district organized for the purpose of providing public education for all or any combination of grades 9 through 12 that is operated independent of an elementary district; and
 - (c) "independent elementary school district" means a district organized for the purpose of providing public education for all or any combination of grades kindergarten through grade 8 that is operated independent of a high school district.
- (45) "Special education technician" means an individual that is certified under ARM 10.57.439 to work under the direction of the supervising special education teacher as defined in (51), and provides services authorized in [NEW RULE 1 (10.55.725)].
- (4546) "Stakeholders" means community members who may be involved and invested in districts, schools, programs, and outcomes for students. Stakeholders include students, families, educators, leaders, business and community leaders, taxpayers, and the many partners who support them.
- (4647) "State accountability system" means federally mandated academic measures and Montana defined flex indicator(s) within the annual meaningful differentiation process.
- (4748) "Student growth" means changes in student learning as measured from one point in time to another as determined by state or local measures, or both. The

federal accountability system uses a growth model to demonstrate student learning across time as measured by statewide assessments.

- (4849) "Student performance standards" means the measurement of student performance and proficiency on annual state level summative assessments and graduation rates used to determine the accreditation status of a school.
- (4950) "Superintendent" means a person who holds a valid Montana Class 3 educator license, with an applicable superintendent's endorsement, or who is enrolled in a Board of Public Education approved superintendent internship program under ARM 10.57.114.
- (51) "Supervising special education teacher" means an individual who holds a current Class 1 or Class 2 teacher's license with a special education P-12 endorsement and supervises a special education technician as defined in (45).
- (5052) "Synchronous" means occurring at the same time. "Synchronous" refers to instruction and communication between participants (i.e., students and teachers) that occurs at the same time even though they may be in different physical locations. For example, instruction in which students and teachers are online at the same time so that a question can be immediately answered.
- (5153) "Teacher" means a person, except a district superintendent, who holds a valid Montana educator license issued by the Superintendent of Public Instruction under the policies adopted by the Board of Public Education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111, MCA.
- (5254) "Technology-delivered learning" means instruction and content digitally delivered via technologies.
- (5355) "Variance to standard" means an alternate approach to meeting or exceeding the minimum standards.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-2-121, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

10.55.805 SPECIAL EDUCATION

- (1) Each district shall provide educational programs and services to students eligible to receive special education services as identified under IDEA.

- (2) Each district shall comply with all federal and state laws and regulations addressing special education.
- (3) Each district shall provide structured support and assistance to regular education teachers in identifying and meeting the diverse needs of students receiving special education services.
- ~~(4) A student eligible to receive special education services as identified under IDEA and who has successfully completed the goals identified on an individualized education program for high school completion shall be awarded a diploma.~~

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, MCA

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 (10.55.725) SPECIAL EDUCATION TECHNICIAN

- (1) Special education technicians, as defined in ARM 10.55.602(45), shall be under the direction of the supervising special education teacher, as defined in ARM 10.55.602(51), who is responsible for instruction and assessment of students with special needs.
- (2) Special education technicians, under the direction of a licensed special education teacher, may:
 - (a) schedule and coordinate special education meetings;
 - (b) collect, prepare, and organize student-specific data and information;
 - (c) deliver instruction in 1:1 and small group settings; and
 - (d) conduct district-level assessments and mandatory statewide assessments.
- (3) Special education technicians shall not:
 - (a) create or develop documents related to the special education record, with the exception of the contact log;
 - (b) conduct or interpret special education evaluations;
 - (c) make independent decisions regarding a student's Individualized Education Program (IEP); or

- (d) conduct special education meetings.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-2-121, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

Small Business Impact

The Board of Public Education adopts rules that primarily impact teachers, administrators, and school district operations. The board works in cooperation with public schools across the state to implement the rules that are adopted. Given that the board does not work directly with small businesses, the small business impact analysis performed as required under 2-4-111, MCA, indicates that no small businesses are likely to be directly impacted by the proposed rule changes.

Bill Sponsor Notification

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Interested Persons

The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by email unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the board.

Rule Reviewer

McCall Flynn

Approval

Dr. Tim Tharp
Board Chair