

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULES I through XV pertaining to) PROPOSED ADOPTION
preschool programming for public)
schools

TO: All Concerned Persons

1. On November 3, 2014, at 11:00 a.m., the Board of Public Education will hold a public hearing in the Office of Public Instruction conference room at 1300 11th Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Board of Public Education 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. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on October 21, 2014, to advise us of the nature of the accommodation that you need. Please contact Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I PROCEDURES (1) The trustees of a school may establish a public preschool program to meet the unique developmental needs for children between the ages of 3 and 5 years. When preschool programs are established they must be an integral part of the public school and must be governed according to the following accreditation standards for the preschool standards of early learning content and accreditation in coordination with the standards outlined for schools within Title 10, Chapter 55, excluding ARM 10.55.601, 10.55.602, 10.55.603, 10.55.704, 10.55.705, 10.55.709, 10.55.710, 10.55.712, 10.55.715, and Title 10, Chapter 55, subchapters 10 through 21. For the purposes of the accreditation process detailed in ARM 10.55.606, preschool programs will be assessed on the program's assurance standards only.

(2) Preschool programs shall meet this chapter's curriculum, instruction, and program delivery standards, supporting children's development of the knowledge and skills outlined in the content standards in subchapter 3, which describe the expectations for what young children should know and be able to do across the four core developmental domains of learning upon entrance to kindergarten.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE II DEFINITIONS (1) For the purposes of this chapter, the following terms apply:

(a) "Accreditation" means certification by the Board of Public Education that a school meets the adopted standards of the board **Board of Public Education** for a specified school year.

(b) "Assessment" means the gathering, organizing, and evaluation of information about student learning in order to monitor and measure **student learning**, the effectiveness of the instructional program, **and to inform local policies and decisions**.

(c) "Collaborative inquiry" means a teaching strategy in which teachers and students engage in joint learning, discovery or intellectual effort, or when groups of students work together to search for understanding, meaning, or solutions.

~~(d) "Curriculum" means the knowledge or skills students are expected to learn which includes the learning standards they are expected to meet.~~

(e) "Developmental domain" means **mean** the broad, interrelated categories or dimensions of early childhood development reflective of preschool children's learning and growth. The four core domains include emotional/social, physical, communication, and cognitive.

(f) "Early childhood curriculum" means an articulated educational plan for young children, which is grounded in research-based understandings of child development and developmentally appropriate practices. Curriculum guides the teaching process from identifying what to teach, including early content standards in each of the four developmental domains and how to teach, including developing learning experiences based upon individual and group outcomes, and assessing what was learned then using this data to inform future planning and teaching.

(g) "Experiential learning" means to **stimulate engage in learning through** exploration, experimentation, and discovery.

(h) "Paraprofessional, assistant teacher, or teacher aide" means an adult with the qualifications detailed in (New Rule V) who works under the direct supervision of a teacher and who may work independently in a teacher's absence, but for the majority of the time works directly with the teacher in the same space with the same group of students.

(i) "Teacher" means a licensed individual as defined in ARM 10.55.602, with primary responsibility for a group or class of preschool students.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

NEW RULE III LEADERSHIP (1) The program leadership shall effectively implement policies, procedures, and systems that support stable staff and strong personnel, fiscal, and program management so all students, families, and staff have high quality experiences.

(2) Professional development for preschool educators as required by ARM 10.55.714 should be tailored to early childhood development and learning.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE IV TEACHER ASSIGNMENTS AND QUALIFICATIONS

- (1) Teachers shall be assigned at the levels for which they are licensed and endorsed in accordance with state statutes and Board of Public Education rules.
- (2) Teachers with an Early Childhood Education Special Permissive Competency shall be considered to be appropriately licensed, endorsed, and assigned to teach in an accredited preschool program until July 1, 2018, at which time those teachers will need to be appropriately licensed and endorsed pursuant to Title 10, Chapter 57.
- (3) All other teachers or individuals with background, training, or experience in early childhood that are interested in teaching in a public school preschool program may apply for a Class 5 provisional license pursuant to ARM 10.57.424, if they do not have the proper endorsement.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE V EARLY CHILDHOOD PARAPROFESSIONAL QUALIFICATIONS

- (1) Early childhood paraprofessionals must have:
- (a) completed two years of study at an institution of higher education; or
 - (b) obtained an associate's (or higher) degree; or
 - (c) a high school diploma and met a rigorous standard of quality and be able to demonstrate, ~~through a formal state or local academic assessment,~~ knowledge of and the ability to assist in the delivery of the curriculum, instruction, and program delivery standards to support students' development of the knowledge and skills outlined in the early learning content standards.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE VI EARLY CHILDHOOD PARAPROFESSIONAL SUPERVISION

- (1) Early childhood paraprofessionals shall be under the direct supervision of a licensed teacher who is responsible for instruction and assessment of students.
- (2) Early childhood paraprofessionals assigned to assist students with special education needs shall be under the supervision of the teacher.
- (3) The supervising teacher shall be available while an early childhood paraprofessional is fulfilling his or her responsibilities and shall not be simultaneously assigned to another teaching duty or preparation time.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE VII CLASS SIZE (1) There must be one appropriately licensed and endorsed teacher for ten students, with an early childhood paraprofessional for

any additional students over ten, for up to no more than 18 total students in a classroom with two adults.

(2) Class size of 18 preschoolers is the maximum number of students, regardless of the number of staff.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

NEW RULE VIII AGGREGATE HOURS (1) Trustees may designate the preschool program as either a half-time or full-time program with a minimum of 720 hours. Outdoor play, snack, and meal time are included in the aggregate hours. Naptime and daily transportation to and from the classroom do not count as part of the 720 hour preschool program hours.

(2) The trustees of a school district shall set the number of days in the school term, the length of the school day, and the number of school days in a week.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

NEW RULE IX ENROLLMENT ELIGIBILITY (1) A child must have reached three years of age before the district's official start date of the preschool program or have been enrolled by special permission by the board of trustees.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

NEW RULE X EARLY LEARNING CONTENT STANDARDS
DEVELOPMENTAL DOMAINS (1) **The** emotional and social domain requires instruction which incorporates and includes:

- (a) culture, family and community, wherein students learn to develop:
 - (i) an awareness of and appreciation for similarities and differences between themselves and others;
 - (ii) an awareness of the functions and diverse characteristics of families; and
 - (iii) an understanding of the basic principles of how communities function, including work roles and commerce.
- (b) emotional development requires instruction which incorporates and includes standards for early childhood education wherein students:
 - (i) develop an awareness and appreciation of self as a unique, competent, and capable individual;
 - (ii) demonstrate a belief in their abilities;
 - (iii) manage internal states, feelings, and behavior, and develop the ability to adapt to diverse situations and environments; and
 - (iv) express a wide and varied range of feelings through facial expressions, gestures, behaviors, and words.
- (c) social development requires instruction which help students:
 - (i) develop trust, emotional bonds, and interact comfortably with adults;
 - (ii) interact and build relationships with peers; and

(iii) develop skills in cooperation, negotiation, and empathy.

(2) **The** physical domain requires development of motor skills, and instruction in health, safety and personal care.

(a) Development of motor skills includes:

(i) small muscle strength, coordination, and skills;

(ii) large muscle strength, coordination, and skills; and

(iii) use of their senses to explore the environment and develop skills through sight, smell, touch, taste, and sound.

(b) Health, safety, and personal care standards for early childhood education are that students:

(i) develop personal health and hygiene skills as they develop and practice self-care routines;

(ii) eat a variety of nutritional foods and develop healthy eating practices;

(iii) develop healthy behaviors through physical activity; and

(iv) develop an awareness and understanding of safety rules as they learn to make safe and appropriate choices.

(3) **The** communication domain includes communication, language, and literacy development.

(a) Standards for early childhood communication and language include:

(i) receptive communication, wherein students use listening and **using** observation skills to make sense of and respond to spoken language and other forms of communication; enter into the exchange of information around what is seen, heard, and experienced; and they begin to acquire an understanding of the concepts of language that contribute to learning;

(ii) expressive communication, wherein students develop skills in using sounds, facial expressions, gestures, and words, such as to help others understand their needs, ask questions, express feelings and ideas, and solve problems;

(iii) social communication wherein students develop skills to interact and communicate with others in effective ways; and

(iv) for dual language speakers, students receive support in their home language(s) while becoming proficient in English.

(b) Literacy standards for early childhood education are that students develop:

(i) an understanding, skills, and interest in the symbols, sounds, and rhythms of written language, and develop awareness that the printed word can be used for various purposes;

(ii) interest and skills in using symbols as a meaningful form of communication;

(iii) an understanding that print carries a message through symbols and words and that there is a connection between sounds and letters (the alphabetic principle); and

(iv) an awareness of the sounds of letters and the combination of letters that make up words and use this awareness to manipulate syllables and sounds of speech.

(4) **The** cognitive domain requires instruction which incorporates and includes:

(a) approaches to learning which help students develop:

- (i) curiosity through imagination, inventiveness, originality, and interest as they explore and experience new things;
 - (ii) initiative and self-direction through engagement in new tasks and to take risks in learning new skills or information;
 - (iii) persistence and attentiveness with the ability to focus their attention and concentration to complete tasks and increase their learning; and
 - (iv) reflections and interpretation skills in thinking about their learning in order to inform their future decisions.
- (b) development of reasoning and representational thought skills in causation, critical and analytical thinking, problem solving, and representational thought;
- (c) instruction in creative arts, including:
- (i) creative movement wherein students produce rhythmic movements spontaneously and in imitation with growing technical and artistic abilities;
 - (ii) drama, wherein students show appreciation and awareness of drama through observation, imitation, and participation in simple dramatic plots;
 - (iii) music, wherein students engage in a variety of musical or rhythmic activities; and
 - (iv) visual arts, wherein students demonstrate a growing understanding and appreciation for the creative process and visual arts;
- (d) mathematics and numeracy standards for early childhood education are that students:
- (i) develop number sense and operations through the ability to think and work with numbers, to understand their uses, and describe their relationships through structured and everyday experiences;
 - (ii) develop an awareness of measurement concepts through use of measurement instruments to explore and discover measurement relationships and characteristics, such as length, quantity, volume, distance, weight, area, and time;
 - (iii) apply mathematical skills in data analysis, such as counting, sorting, and comparing objects;
 - (iv) develop an awareness of initial algebraic thinking and operations through counting, sorting, and comparing objects; and
 - (v) build the foundation for geometric and spatial reasoning through recognition, creation, and manipulation of shapes, and learning spatial reasoning and directional words as they become aware of their bodies and personal space in their physical environment;
- (e) science standards for early childhood education are that students:
- (i) engage in scientific thinking and the use of scientific methods through investigation using their senses to observe, manipulate objects, ask questions, make predictions, and develop conclusions and generalizations;
 - (ii) develop an understanding of and compassion for living things;
 - (iii) develop an understanding of the physical world, **the nature and properties of energy, and nonliving matter**;
 - (iv) develop and understanding of the earth and planets; and
 - (v) develop an understanding of engineering as the process that assists people in designing and building;
- (f) social studies for early childhood education are that students:

- (i) develop an understanding of the concept of historical time, including past, present, and future;
- (ii) develop knowledge of geographical places and regions by understanding that each place has its own unique characteristics and the reciprocal effect individuals have with the world around them;
- (iii) become aware of their **physical natural** world, including the environment and our interdependence on the natural world; and
- (iv) **develop** an understanding of technology with awareness of technological tools and developmentally appropriate exploration of the ways to use these resources.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

NEW RULE XI CURRICULUM AND ASSESSMENT (1) The early childhood curriculum, as defined in (New Rule II), shall:

- (a) contain a written philosophy and framework, grounded in research-based understandings of child development, to provide a clear coherent focus for planning students experiences;
- (b) ~~include~~ **guide the learning process and daily plans for learning through** the selection of materials and equipment to enhance development and learning in each core domain, including emotional/social, physical, communication, and cognition; and encourage integration of early childhood content areas, including social, emotional, physical, health, safety, language, literacy, mathematics, science, social studies, creative expression and the arts, and technology;
- (c) include planned opportunities for active exploration, discovery, and social interaction;
- (d) plan for students engagement in play each day; and
- (e) be implemented in a manner reflective of students' family and community lives while being responsive to diversity, including gender, age, language, culture, and ability, including opportunities for students and families to learn about the distinct and unique heritage of American Indians, particularly Montana Indian tribes, in a culturally responsive manner (MCA-20-1-501).

(2) School districts shall develop ~~its~~ preschool programs to include an ongoing and systematic written assessment plan which includes protocols for:

- (a) monitoring the progress of students toward achieving content standards and **learning in the** developmental domains using formative and summative approaches that include universal screening, progress monitoring, and diagnostic assessments;
- (b) administration of assessments and interpretation of assessment results;
- (c) providing disaggregated data to educators and teams to inform instructional planning and decision making;
- (d) involving families as partners in linguistically and culturally responsive ways to inform decisions about students' needs; and
- (e) assessing the effectiveness of the instructional program that guide adjustments for improvement.

AUTH: 20-7-101, MCA
IMP: 20-1-501, 20-7-117, MCA

NEW RULE XII INSTRUCTION (1) The preschool program shall ensure developmentally, culturally, and linguistically appropriate and effective teaching strategies that enhance students' development and learning of the early learning content standards (New Rule X) through the program's curriculum.

(2) The preschool instructional program shall:

(a) use both content and child development knowledge to create learning opportunities and to engage young learners in meaningful, planned, and purposeful experiences related to the curriculum goals and content standards;

(b) use a variety of effective approaches and strategies which include opportunities for both teacher and student initiated interactions and activities;

(c) use knowledge of each student's development to enhance instruction, modify strategies and materials, and adjust supports and challenges as students gain competence, understanding, and skills;

(d) build upon student's language, understanding of concepts, and increase vocabulary;

(e) integrate knowledge of student's families and the community to build relationships that foster integral connections with the curriculum and learning experiences;

(f) use cultural and community resources in the classroom to enhance student's learning and development; and

(g) work as a team to implement learning plans, including plans for students with special needs.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE XIII PHYSICAL AND LEARNING ENVIRONMENT (1) The preschool program shall ensure an appropriate and well-maintained safe and healthful physical environment that:

(a) is designed to protect student's health and safety;

(b) allows for supervision of students primarily by sight;

(c) provides sanitization according to state and federal health standards;

(d) follows state and federal guidelines for meals and snacks; and

(e) provides safe, supervised, and adequate outside play space with age appropriate equipment and safe, adequate indoors space for each child.

(2) The preschool program shall ensure a safe and healthful learning environment by:

(a) providing a written predictable but flexible schedule that provides intentionally planned routines and transitions; and

(b) providing daily indoor and outdoor activities, including:

(i) planned time where students have individual choice of activities;

(ii) daily opportunities to learn and play individually, in small groups, and as a whole group; and

(iii) use of developmentally appropriate materials and equipment.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE XIV CHILD GUIDANCE (1) Child guidance means employing a variety of strategies to foster self-regulation, respect for others, problem solving, and emotional and social development in an ongoing interactive process and helps students learn how to communicate with others in developmentally appropriate ways. To ensure appropriate child guidance, the preschool program shall:

- (a) use positive behavior supports to ensure the social, emotional, and cultural development of each student;
- (b) provide a positive climate to ensure equality, inclusion, and citizenship;
- (c) develop relationships with the student and the student's family in ways that are linguistically and culturally sensitive;
- (d) provide opportunities for students to be contributing members of the classroom community;
- (e) provide clear behavioral expectations, including the use of effective methods to prevent and redirect misbehavior; and
- (f) partner with families and other professionals for students with challenging behavior to develop and implement an individualized plan that fosters the child's inclusion and success.

AUTH: 20-7-101, MCA
IMP: 20-7-117, MCA

NEW RULE XV FAMILY AND COMMUNITY ENGAGEMENT (1) The program staff shall establish and maintain collaborative relationships with each child's family and community to foster student's development in all settings.

(2) To ensure collaborative relationships between the community, school and families, preschool programs shall have protocols which:

- (a) establish intentional practices designed to foster strong reciprocal relationships with families;
- (b) ensure that families are an integral part of the decision making team through communication and family conferences which promote dialogue and partnership regarding their student's educational goals and services;
- (c) collaborate with families to help students participate successfully in early childhood settings;
- (d) ensure that all families, regardless of family structure; socioeconomic, racial, religious, and cultural diversity, gender, abilities, or preferred languages are included in their child's educational experience;
- (e) assist families in locating, contacting, and using community resources that support the student's well-being, development, and goals;
- (g) promote awareness and understanding of the unique legal and political structures of Montana Tribal Nations in order to best meet the needs of Indian students and families;

(h) collaborate with community-based programs to ensure that parents and families have the resources they need to be involved in their student's education, growth, and development; and

(i) provide access to health screenings and referrals for all students in the program.

AUTH: 20-7-101, MCA

IMP: 20-7-117, MCA

4. **Statement of Reasonable Necessity:** The Governor has announced an early childhood initiative, Early Edge, for the coming legislative session. It is necessary to have rules to ensure that programing and accreditation standards meet the needs of the state, reflect current and best practice, and are consistent with related laws and chapters of ARM Title 10.

The Board of Public Education has determined it is reasonable and necessary to adopt rules relating to preschool program standards for public schools. The Office of Public Instruction staff facilitated a comprehensive process to draft these new rules with input from Montana P-20 education stakeholders.

5. The effective date of these rules is July 1, 2015.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Donovan, Executive Secretary, 46 North Last Chance Gulch, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0302; fax (406) 444-0847; or e-mail pdonovan@mt.gov and must be received no later than 5:00 p.m., November 6, 2014.

7. Peter Donovan has been designated to preside over and conduct this hearing.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, 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 e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the board.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text

will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

11. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

Peter Donovan
Rule Reviewer

Sharon Carroll
Board Chair
Board of Public Education

Certified to the Secretary of State September 29, 2014.