

**ITEM 25**

**ACTION ON THE NOTICE OF ADOPTION  
PERTAINING TO THE ADOPTION OF  
ARM, TITLE 10, CHAPTER 54, EARLY  
LITERACY TARGETED INTERVENTION  
STANDARDS, AND AUTHORIZE FILING  
OF THE NOTICE WITH THE SECRETARY  
OF STATE'S OFFICE FOR PUBLICATION  
IN THE MONTANA ADMINISTRATIVE  
REGISTER**

**Madalyn Quinlan**

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULE I and NEW RULE II pertaining )  
to early literacy targeted intervention )  
programs )

TO: All Concerned Persons

1. On November 28, 2023, the Board of Public Education (board) published MAR No. 10-54-292 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 1656 of the 2023 Montana Administrative Register, Issue Number 23.

2. The board has adopted the following rules as proposed: NEW RULE I (ARM 10.54.901) and NEW RULE II (ARM 10.54.902).

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received, and the board's responses are as follows:

COMMENT 1: One commenter opposed the requirement in New Rule I and New Rule II that prohibits a child from being evaluated for the purposes of participating in the early literacy targeted interventions unless requested by the child's parent or guardian.

RESPONSE: The Board disagreed with Comment 1 and stated that the parental notification requirements are prescribed in the early literacy targeted intervention statute in 20-7-1803(4), MCA.

4. The rules adopted in this notice are effective April 12, 2024.

/s/ McCall Flynn  
McCall Flynn  
Executive Director  
Board of Public Education

/s/ Tim Tharp  
Tim Tharp  
Chair  
Board of Public Education

Certified to the Secretary of State April 2, 2024.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF PUBLIC HEARING ON  
RULE I and NEW RULE II pertaining ) PROPOSED ADOPTION  
to early literacy targeted intervention )  
programs )

TO: All Concerned Persons

1. On January 4, 2024, at 10:00 a.m., the Board of Public Education (board) will hold a public hearing in Room 152 of the Montana State Capitol in Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The board 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 no later than 5:00 p.m. on December 22, 2023, to advise us of the nature of the accommodation that you need. Please contact McCall Flynn, Executive Director, 46 N. Last Chance Gulch, Suite 2B, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; or e-mail mflynn@mt.gov.

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

NEW RULE I EVALUATION METHODOLOGY FOR EARLY LITERACY TARGETED INTERVENTIONS (1) The local board of trustees shall adopt and ensure use of an evaluation methodology to identify, enroll, and admit children to early literacy targeted interventions. The evaluation methodology used must be overseen by and include application of professional judgment of qualified employees. A child may not be evaluated for the purposes of these interventions unless requested by the child's parent or guardian. The district must maintain evidence of the request. The evaluation methodology may be administered in April, May, or June, and must assess at least one of the following literacy skills:

- (a) For four-year-olds:
  - (i) oral language;
  - (ii) phonological awareness;
  - (iii) alphabet knowledge.
- (b) Prior to kindergarten:
  - (i) oral language;
  - (ii) phonological awareness;
  - (iii) alphabet knowledge.
- (c) Prior to first grade:
  - (i) phoneme awareness;
  - (ii) listening comprehension;
  - (iii) developmental spelling;
  - (iv) vocabulary (expressive or receptive);
  - (v) word reading (nonsense or real);

- (vi) reading composite.
- (d) Prior to second grade:
  - (i) listening comprehension;
  - (ii) developmental spelling;
  - (iii) vocabulary (expressive or receptive);
  - (iv) word reading (nonsense or real);
  - (v) connected text reading fluency;
  - (vi) connected text accuracy;
  - (vii) reading composite.
- (e) Prior to third grade:
  - (i) developmental spelling;
  - (ii) vocabulary (expressive or receptive);
  - (iii) word reading (nonsense or real);
  - (iv) connected text reading fluency;
  - (v) connected text accuracy;
  - (vi) reading comprehension;
  - (vii) reading composite.

(2) The list of approved evaluation methodology screening tools must be reviewed in odd years through a process of review complying with the provisions of Title 2, chapter 3, MCA, to ensure continuous adherence to developmentally appropriate and research-based screening tool requirements. Any changes to the list must be published and made publicly available by the Board of Public Education no later than 30 days after adoption of any changes. The removal of an evaluation methodology screening tool shall not be effective until July 1 following such removal.

(3) A local board of trustees adopting and using one of the approved evaluation methodology screening tools shall be construed to have complied with this rule.

(a) Use of one of the approved evaluation methodology screening tools shall not, however, be required, provided that the district's adopted evaluation methodology screening tool conforms to the requirements of (1).

(4) For the purposes of this rule, "evaluation methodology" means an age-appropriate research-based methodology, instrument, or assessment selected by the Board of Public Education to determine, based on a child's age or grade level, whether the child is above, at, or below a developmental trajectory leading to reading proficiency on completion of third grade.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-1803, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-7-1803, MCA

NEW RULE II JUMPSTART PROGRAM FRAMEWORK FOR EARLY LITERACY TARGETED INTERVENTION (1) The local board of trustees may offer a jumpstart program to support early literacy targeted intervention based on evaluation methodology identified in [NEW RULE I] as aligned to the Montana Early Childhood Education Standards and the Montana Content Standards for English Language Arts and Literacy.

(2) The jumpstart program must be overseen by and include application of professional judgment of qualified employees and must be designed in a manner to

increase the likelihood of a child being evaluated at the end of the ensuing school year to be at or above a trajectory leading to reading proficiency at the end of third grade.

(3) For the purposes of this rule, "jumpstart program" means a program that is at least four weeks in duration and provides at least 120 instructional hours and takes place during the time between the end of one school calendar year and the start of the next school calendar year, as determined by the trustees, preceding a child's entry into kindergarten, first grade, second grade, or third grade.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-1803, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-7-1803, MCA

REASON: The board proposes to adopt NEW RULE I and NEW RULE II to comply with HB 352 (2023). The Early Literacy Advisory Council, created by the Board of Public Education, recommended the proposed evaluation methodology and jumpstart program framework to address the purposes of the legislation to provide parents with voluntary early literacy interventions for their children, increase the number of children who are reading proficient at the end of third grade, and foster a strong economic return for the state on early literacy investments. NEW RULE I will be adopted as ARM 10.54.901 and NEW RULE II will be adopted as ARM 10.54.902, and they will be located in a new subchapter named "Early Literacy Targeted Interventions."

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: McCall Flynn, Executive Director, Board of Public Education, 46 N. Last Chance Gulch, Suite 2B, P.O. Box 200601, Helena, Montana, 59620; telephone (406) 444-0300; or e-mail [mflynn@mt.gov](mailto:mflynn@mt.gov), and must be received no later than 5:00 p.m., January 7, 2024.

5. McCall Flynn, executive director, Board of Public Education, has been designated to preside over and conduct this hearing.

6. 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, 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 4 above or may be made by completing a request form at any rules hearing held by the agency.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on November 7, 2023.

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

/s/ McCall Flynn  
McCall Flynn  
Executive Director  
Board of Public Education

/s/ Tim Tharp  
Tim Tharp  
Chair  
Board of Public Education

Certified to the Secretary of State November 28, 2023.