

Committee on Education

Objection Raised to Adverse Committee Report

1 H. JOINT RESOLUTION NO. 44
2 INTRODUCED BY *Thorey Falge Mark Pota*

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING AN
6 AMENDMENT TO RULE 8-2.4(14)-S4520 OF THE MONTANA
7 ADMINISTRATIVE CODE TO DELETE SUBSECTION (1)(m) REQUIRING A
8 COMPLETED PERSONAL DATA FORM FOR EACH DIRECTOR,
9 ADMINISTRATOR, SUPERVISOR, TEACHER, OR AGENT.

10
11 WHEREAS, Subsection (1)(m) of Rule 8-2.4(14)-S4520 of
12 the Montana Administrative Code, promulgated by the
13 Department of Business Regulation, provides that an
14 application for a license to operate a proprietary school
15 must contain a completed personal data form as prescribed by
16 the department for each director, administrator, supervisor,
17 teacher, and agent; and

18 WHEREAS, the form prescribed by the department is
19 titled "Application for Montana Proprietary School
20 Instructional-Administrative Personnel Approval" which title
21 and the approval check boxes indicate an intent to pass
22 judgment on the qualifications of such personnel and, if not
23 so qualified in the judgment of the department, to deny such
24 approval; and

25 WHEREAS, the act regulating certain postsecondary

1 educational institutions provides specifically for licensing
2 by the department of postsecondary educational institutions
3 and for granting permits to agents seeking to enroll persons
4 in such institutions but nowhere provides the department
5 with the authority to grant permits to directors,
6 administrators, supervisors, or teachers; and

7 WHEREAS, this rule exceeds the bounds of the grant of
8 authority in the act and is unnecessary to achieve the
9 purposes of the act.

10
11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
12 OF REPRESENTATIVES OF THE STATE OF MONTANA:

13 That the Department of Business Regulation is directed
14 to proceed within 30 days to amend Rule 8-2.4(14)-S4520 of
15 the Montana Administrative Code to delete subsection (1)(m)
16 which requires a completed personnel data form, as
17 prescribed by the department, for each director,
18 administrator, supervisor, teacher, and agent to be
19 submitted for approval with an application for a license to
20 operate a postsecondary educational institution and to
21 provide that the education and experience qualifications of
22 directors, administrators, supervisors, and instructors be
23 accomplished by inspection of such records as are maintained
24 by the institution.

-End-

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