



ADMINISTRATIVE RULES OF MONTANA



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 Superintendent of Public Instruction is authorized to exercise judgment in unusual cases and report any such actions to the Board of Public Education on an annual basis.
- (2) If the Superintendent of Public Instruction denies an unusual case, the denial may be appealed to the Board of Public Education within 30 days of the denial.
- (3) Upon receiving a timely notice of appeal from the denial of an unusual case, the Board of Public Education shall set an unusual case hearing and shall provide notice of the hearing to the prospective licensee and Superintendent of Public Instruction, 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 if they so choose at their own cost.
 - (b) The notice shall advise the prospective licensee that the unusual case hearing will be open to the public unless an individual's right to privacy outweighs the public's right to know as determined by the Board of Public Education.
- (4) The prospective licensee and/or the Superintendent of Public Instruction may waive their right to the 30 days' notice in order to be placed on the next meeting agenda by writing a letter to the Board of Public Education.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-4-102, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-4-102, MCA

History: 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; AMD, 2022 MAR p. 799, Eff. 5/28/22.