



Steve Bullock, Governor

Sheila Hogan, Director

December 13, 2019

*Sent via email*

Montana State Legislature  
Children, Families, Health, and Human Services Interim Committee  
c/o Sue O'Connell  
[SOConnell@mt.gov](mailto:SOConnell@mt.gov)

Re: DPHHS rules on healthy learning environments in schools

Chairman Moore and Members of the Committee:

I write to follow-up on interim committee's meeting discussion of the Department's proposed administrative rule revisions pertaining to healthy learning environments in schools (MAR Notice 37-873) on November 14, 2019. During the meeting, the committee requested that the Department provide a draft of the rules it intends to adopt with the revisions made in response to public comments received during the rulemaking process.

Please find enclosed a "redline" version of the proposed rules that tracks the revisions made during the rulemaking process. The interlined and underlined text in black font shows the revisions initially proposed by the Department to the existing rules. The interlined and underlined text in red font shows revisions to the proposed rules made in response to comments received during the rulemaking process. I have also enclosed a "clean copy" of the rules, which incorporates the revisions made and represents the text of the rules the Department intends to adopt. In order to meet the time requirements set forth under the Montana Administrative Procedure Act in section 2-4-305(7), MCA, the Department intends to file a notice on January 7, 2020, adopting these rules.

As you will see from the enclosed documents, the Department carefully considered all public comments received and extensively revised the proposed rules in response to the comments. The Department is continuing to work with school advocacy groups, the Office of Public Instruction, and other interested parties to ensure the rules are implemented in a manner that is both workable for schools and that protects the health and safety of students and staff. Most recently, the Department attended a meeting with education stakeholders hosted by the Department of Environmental Quality to discuss the financial resources available for schools to implement the lead testing rule. In addition to the federal grant funding covering the initial

cost of lead testing, multiple funding sources that schools can use for remediation have been identified.

As the Department moves forward with adoption of these rules, it remains committed to providing technical assistance and support to schools with implementing the rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan S. Terry". The signature is written in a cursive style with a large initial "M".

For: Sheila Hogan, Director  
Montana DPHHS

enc.