

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.22.701, 24.22.704, )  
24.22.707, and 24.22.713 and the )  
repeal of ARM 24.22.710 pertaining to )  
work-based learning grants )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT AND  
REPEAL

TO: All Concerned Persons

1. On March 1, 2024, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/82948472300>  
Meeting ID: 829 4847 2300, Passcode: 539197  
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656  
Meeting ID: 829 4847 2300, Passcode: 539197

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on February 23, 2024, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail [laborlegal@mt.gov](mailto:laborlegal@mt.gov).

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.22.701 DEFINITIONS For the purposes of this subchapter, the following definitions apply:

~~(1) "Declaration" means a sworn statement by the employer on the application for reimbursement that the requested reimbursement is only for the workers' compensation premiums paid for a student employed in a qualified high-quality work-based learning opportunity.~~

~~(2) "Department" means the Department of Labor and Industry.~~

~~(3) "Employer" means a profit or non-profit business entity that hires a student pursuant to a learning partnership agreement.~~

~~(4)~~(1) "Employment" means a student's term-limited, paid, on-the-job instruction work in a high-quality work-based learning opportunity pursuant to a learning partnership agreement for academic credit.

~~(5)~~(2) "Enrolled" means a student is participating in or has successfully completed a qualified high-quality work-based learning opportunity.

~~(6) "Learning partnership agreement" means an agreement setting forth expectations and commitments for the student's employment in a high-quality work-based learning opportunity. Each agreement must include:~~

~~(a) a description of classroom and on-the-job instruction, including two hours of safety instruction;~~

~~(b) the days and hours of employment;~~

~~(c) the wage that the student will be paid;~~

~~(d) the criteria for determining how the high-quality work-based learning opportunity and the student's skill development will be evaluated;~~

~~(e) the criteria for earning academic credit;~~

~~(f) the number of credits to be earned; and~~

~~(g) signatures by the school or other educational provider, the employer, the participating student, and the student's parents if the student is a minor.~~

~~(7) "Notice of eligibility" means an e-mail sent to the employer by the department after the school, or other educational provider, completes registration at the end of a semester. The notice of eligibility notifies the employer that they can submit an application for reimbursement. The notice of eligibility is not a guarantee of reimbursement.~~

~~(8) "Portal" means a department-created online database for a school, or other educational provider, to register information relating to high-quality work-based learning programs and for employers to apply for reimbursement of workers' compensation premiums paid on behalf of a student.~~

~~(9) "Qualified high-quality work-based learning opportunity" means a successfully completed high-quality work-based learning opportunity. The school's registration of the employer in the department's portal confers qualification on the high-quality work-based learning opportunity.~~

~~(10) and (11) remain the same but are renumbered (3) and (4).~~

~~(12)(5) "Student" means an individual enrolled in a high-quality work-based learning opportunity through a public or private secondary school, multidistrict cooperative, home school providing secondary instruction, or equivalent educational provider.~~

~~(13)(6) "Term-limited educational program" means a semester-long high-quality work-based learning opportunity established for a specified time.~~

~~(14) remains the same but is renumbered (7).~~

AUTH: 39-71-319, MCA

IMP: 39-71-319, MCA

REASON: Reasonable necessity exists to strike the definition of "declaration" because the term is used in its regular, legal meaning and need not be further defined. The definitions of "department" and "employer" are proposed to be removed because those terms are defined in the Workers' Compensation Act, and clarified at 39-71-319, MCA, and need not be further defined in rule. The definition of "learning partnership agreement" is proposed to be repealed in favor of clarity in ARM 24.22.713.

"Notice of eligibility" and "portal" are proposed to be removed because, through this rulemaking, the department seeks to reduce red tape associated with the program and to reduce barriers for application. As a result, the need for school registration of work opportunities is proposed to be eliminated. Instead, employers will be required to submit an application containing all necessary information. The specificity as to a "qualified" high-quality work-based learning opportunity is proposed to be incorporated into ARM 24.22.704.

The definition of "student" is proposed to be amended to clarify that employers of public, private, and home school students may qualify for this program.

24.22.704 ATTRIBUTES OF A HIGH-QUALITY WORK-BASED LEARNING OPPORTUNITY (1) A high-quality work-based learning opportunity features a partnership between employers and schools or other educational providers to provide students with structured learning both in the classroom and at the employer's job site. It must include the following:

(a) ~~learning partnership agreement~~ an agreement satisfying 20-7-307(1), MCA;

(b) through (e) remain the same.

(2) A high-quality work-based learning opportunity is qualified upon completion, whether the term-limited educational program has concluded or not.

AUTH: 39-71-319, MCA

IMP: 39-71-319, MCA

REASON: Reference to a learning partnership agreement is stricken in favor of a cross reference to the written agreement of 20-7-307(1), MCA, which is proposed to reduce the administrative burden of establishing a work-based learning opportunity. Reasonable necessity exists to include (2) to simplify the definitions rule and to put all attributes of a high-quality work-based learning opportunity into a single rule for ease of reader use.

24.22.707 GENERAL PROVISIONS RELATING TO REIMBURSEMENT

(1) remains the same.

(2) Reimbursement is limited to the employer's workers' compensation premiums for a student's ~~completion of a~~ qualified high-quality work-based learning opportunity. ~~If the employer does not receive a notice of eligibility from the department, an employer is not eligible to apply for reimbursement.~~

(3) remains the same.

AUTH: 39-71-319, MCA

IMP: 39-71-319, MCA

REASON: Reasonable necessity exists to strike a portion of (2) because the requirement for a school to register a program is being eliminated. As a result, the department will not be able to provide additional notice of the program to an employer based on registration.

24.22.713 REIMBURSEMENT APPLICATION PROCESS ~~(1)~~ After the school registers an employer in the department's portal, the department will send a notice of eligibility to each registered employer.

~~(2)~~(1) Within 45 days of the date of the department's notice of eligibility qualification of the high-quality work-based learning opportunity, the employer shall complete an application electronically through the department's portal and provide all required documents. The application must include:

(a) remains the same.

(b) a fully executed copy of the agreement satisfying 20-7-307(1), MCA;

(b) through (g) remain the same but are renumbered (c) through (h).

(3) and (4) remain the same but are renumbered (2) and (3).

AUTH: 39-71-319, MCA

IMP: 39-71-319, MCA

REASON: There is reasonable necessity to amend this rule to remove references to school registration of programs.

4. The following rule is proposed to be repealed:

24.22.710 REGISTRATION

AUTH: 39-71-319, MCA

IMP: 39-71-319, MCA

REASON: There is reasonable necessity to repeal this rule to reduce red tape associated with this program. By repealing this rule, employers may directly apply for reimbursement without the need for a school registration.

5. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at [dli.mt.gov/rules](http://dli.mt.gov/rules) or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., March 8, 2024.

6. An electronic copy of this notice of public hearing is available at [dli.mt.gov/rules](http://dli.mt.gov/rules) and [sosmt.gov/ARM/register](http://sosmt.gov/ARM/register).

7. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at [dli.mt.gov/rules](http://dli.mt.gov/rules) or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

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

9. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

10. Department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR  
Quinlan L. O'Connor  
Rule Reviewer

/s/ SARAH SWANSON  
Sarah Swanson, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 30, 2024.