

BOARD OF PUBLIC EDUCATION
MEETING MINUTES

May 16 & 17, 2002
Montana Higher Education Complex
2500 Broadway
Helena MT 59624

Chairperson Dr. Kirk Miller called the meeting to order at 8:30 a.m. on Thursday, May 16, 2002.

Board members present were: Kirk Miller, Diane Fladmo, Storrs Bishop, Joyce Silverthorne, John Fuller, Patty Myers, and Josh Ewing, Student Representative. Randy Morris was absent at the time of roll call, but arrived later during the first day.

Staff present were: Steve Meloy, Executive Secretary, Peter Donovan, CSPAC Administrative Officer, and Tana Haxton, CSPAC Administrative Assistant.

The following people were registered on the meeting roster: Joyce Scott, OCHE; Eric Feaver, MEA-MFT; Christian Hur, Board of Regents; Robin Hur; Nikki Sandve, OPI; Jan Clinard, OCHE; Jeff Weldon, OPI; Connie Erickson, Legal Services; Nancy Coopersmith, OPI; Conrad Stroebe; Beverly Marlow, OPI; Sue Dandliker, OPI; Amy Carlson, OBPP; Jeff Hindoi, Governor's Office; Jim Kelly, MSDB; and Kim Kradolfer, Assistant Attorney General.

CALL TO ORDER

Dr. Miller led the Pledge of Allegiance. Ms. Haxton conducted the Roll Call. Dr. Miller then introduced and welcomed Derek Duncan, who will be the new student representative on the board. Mr. Duncan gave a brief biography of himself, which was followed by Dr. Miller's reading of the Statement of Public Participation. He also noted some changes to the agenda, which included changing the Chairperson's Report to Item 2 and moving the State Superintendent's Report to Item 1. Item 6, the Governor's Report was moved to Friday, May 17, 2002. Item 10, the Annual School Drop-Out Report was postponed until the July 2002 meeting. Item 12, OPI-EPP Request will be presented by Bill Cooper instead of Madalyn Quinlan. Item 15, Report on Testing RFP for Title I Math and Reading will be presented by Jeff Weldon. Item 31 should not include a hearing summary. Dr. Miller added Item 36.5, Position Description for CSPAC Administrative Officer, which would become Item 37, subsequently moving all other agenda items down, to include a total of 40 items on the agenda. Items 35 and 36 would not include discussion of position descriptions.

MOTION: Ms. Fladmo moved to adopt the revised agenda for the May 16 & 17, 2002 meeting. Ms. Silverthorne seconded the motion and the motion unanimously carried.

CONSENT AGENDA

Ms. Myers pointed out that her name was misspelled on the minutes of the conference call of April 16, 2002. Ms. Silverthorne also pointed out on the March 2002 minutes that the motion following Item 18 should be moved to Item 29, as it came about as a result of the Legal Affairs Report.

MOTION: Ms. Myers moved to adopt the consent agenda with the revisions. Ms. Fladmo seconded the motion and the motion unanimously carried.

Item 4 State Superintendent Report

Linda McCulloch gave an overview of her report. The topics that she highlighted to the Board included:

- ❖ List of education agencies whose websites are posted on the Office of Public Instruction's server.
- ❖ Regional workshops regarding the implementation of ESEA
- ❖ Reorganization of Education Accountability Division; Tom Rogers returning to Thailand to teach
- ❖ Measured Progress Selected as Test Contractor for Criterion-Referenced Test
- ❖ Spring test results scheduled to arrive by May 22, 2002
- ❖ METNET Teleconference to be held on June 3, 2002, site to be announced
- ❖ Stabilizing Indigenous Languages Conference to be held June 9-11, 2002 on the campus of MSU-Bozeman
- ❖ News Release regarding Yellow School Bus Tour beginning May 6, 2002 in Harlowton, and ending May 9, 2002 in Twin Bridges
- ❖ Letter to Budget Director, Chuck Swysgood, regarding 3% and 10% cuts
- ❖ Update on progress of Five-Year Comprehensive Plan
- ❖ Outcome of Recent Request for Proposals (RFP)

Item 1 Chairperson's Report

Dr. Kirk Miller gave a summary of events that had transpired since the last Board meeting. Some of the topics highlighted in his report were:

- ❖ Met with Linda McCulloch, Bill Cooper, Madalyn Quinlan, and Jeff Weldon to discuss compliance issues relating to ESEA 2001, No Child Left Behind. Network between the Governor's Office, the Board of Education, Department of Education, legislature, and people from the field is necessary to apply for potential technical assistance.
- ❖ Attended the Spring Superintendent's Conference in Great Falls. BPE and CSPAC earned a round of applause from the Superintendents for their work in adopting a temporary rule for reciprocity and certification.
- ❖ Met with the Board of Regents in Havre to update them on the work that has been done with regards to the temporary rule on reciprocity, elimination of the PPST and the budget preparation process.

- ❖ Met in Havre on April 11 for the CSPAC meeting and attended a reception for CSPAC at MSU-N.
- ❖ Represented BPE at the Havre “Stand Up for Education” Community Forum on April 25. Commended all the participants who have attended these forums.
- ❖ Montana Teacher Forum is being held on September 15 & 16, 2002, and Dr. Miller will be participating on a panel titled The Testing Dilemma: From Mandates to Opportunities.

Item 2 Executive Secretary Report

Mr. Meloy gave a brief overview of his report, stating the budget looks good. Some of the highlights of his report were:

- ❖ Attended an ISLLC meeting conducted by Joe Murphy.
- ❖ Worked with Dr. Miller and NASBE for nomination of Bob Brown for National Policy Leadership Award
- ❖ Wrote letter of support for Vice Chair’s nomination to position on the NASBE Executive Board
- ❖ Attended Chapter 57 to finalize actions regarding PPST and temporary rules for educational leadership reciprocity
- ❖ Prepared a draft of a column for a NASBE publication article on Montana, which was subsequently published
- ❖ Presided over a joint MACIE/Indian Education For All sub-committee meeting in Great Falls
- ❖ Attended Leadership meeting to further discuss Unified Budget
- ❖ Attended SAELP meeting update with Pete Donovan to discuss legislation
- ❖ Prepared draft contracts for BPE personnel
- ❖ Attended Helena rally for “Stand Up for Education” with Pete Donovan

Item 3 CSPAC Report

Mr. Donovan reported on the activities of the council since the last Board meeting, thanking Dr. Miller for his participation at the March CSPAC meeting in which he provided an overview of the Board’s activities, including E-Learning. Mr. Donovan offered CSPAC’s assistance with any of the projects that the Board is considering. He also related that the reception at MSU-Northern was well attended and a great success. Mr. Donovan reported that May 16 was an exceptional day in education history as it represented the adoption of two new rules, temporary rule for educator reciprocity and the repeal of the PPST.

Item 5 Commissioner of Higher Education Report

Dr. Joyce Scott provided an overview in Commissioner Richard Croft’s absence. She reported that the Gear-Up program is in its third year of the five-year federal grant. Staff has been working with middle schools on integration of the pro-college message and on developing sustainability plans. In addition, the Gear-Up program has provided a number of professional development opportunities around the state in the past year. Dr.

Scott reported that the Gear-Up Annual Performance Report has been completed and it will be posted it on the website. With regards to speech pathology, Dr. Scott mentioned that a survey has been developed to collect information.

Christian Hur reported on the GED proposal, stating that he still maintains that it would be in the best interest of the state of Montana to persuade students to stay in high school while preparing for the GED. Currently, GED policy states that a student has to drop out of high school, which Mr. Hur feels encourages the dropout rate. Mr. Hur asked of the Board what preparations have been made to deal with the 3% and 10% decrease in the budget. Mr. Meloy addressed Mr. Hur's question by stating that the services that would be impacted by the cuts might possibly be contracted services (which pays legal services) and supplies and materials.

Item 7 Student Representative Report

Student representative, Josh Ewing, presented to the Board the finished survey he had compiled, which has been sent to over 181 different schools to be completed by students. So far, approximately 100 surveys have been returned to Mr. Ewing. He will then assemble the results of the findings of the survey and report those findings back to the Board at the July 2002 meeting.

Item 8 Montana Commission on Teaching Report

Mr. Pete Donovan reported to the Board that the Montana Commission on Teaching subcommittees would be meeting in the Higher Education Complex on May 20, 2002. The main topic of the meeting is how to educate the public on the value of student assessments and the appropriate use of such a tool. A draft PowerPoint presentation has been compiled, as well as a brochure, to be presented to various groups to educate them on how assessments are being used in the schools and what the appropriate use for those assessments are. MCOT will be looking at these materials at the meeting and hopefully a clearer picture of what the presentation and the brochure will entail will arise subsequent to this meeting.

Item 9 Proficiency Admissions

Dr. Jan Clinard offered to the Board two flyers she had created, which described math and writing proficiency standards that students must be aware of in order to succeed in college. She also presented detailed information and statistics regarding the benefits of proficiency admissions. She reiterated what is expected of students with regards to their writing abilities and their mathematical skills. The student should be able to write a one or two page piece of persuasive writing and be capable of solving basic algebraic computations in order to meet these admission standards.

Item 10 Annual School Drop-out Report

This item has been postponed until the July 2002 Board meeting.

Item 11 Middle School Provisional Status Report

Dr. Linda Peterson and Sue Dandliker presented to the Board the requests from Cascade and Somers schools for provisional middle school status for the school year 2002-2003. The Office of Public Instruction will conduct onsite reviews of these schools in the fall of 2002.

Item 13 Regional Professional Development Update

Dr. Linda Peterson, Ms. Nikki Sandve, and Mr. John Fuller presented an update of the Regional Professional Development program to the Board. Susan Bailey-Anderson, Nikki Sandve and Linda Peterson have traveled to several sites in Montana conducting regional conversations addressing professional development .Key issues that relate to this topic include: identifying and securing fiscal and human resources necessary to foster regional professional development centers; ensuring value-added professional development; providing state support and leadership to the field; establishing and maintaining regional and state networks through electronic and conventional means; and clarifying roles and involvement of OPI, MEA-MFT, other professional education organizations, and higher education in regional professional development centers. Accomplishments that subsequently arose from the Professional Development Conversations include participation by approximately 200 educators and development of vision statements and strategic directions from each of the five regions involved.

Item 12 OPI-EPP Report

Mr. Bill Cooper presented to the board the six basic proposals that have arisen from the educational community that OPI has passed on as their number one priority to the Governor. These proposals include: increases in the basic and per-ANB entitlements, countywide levy for school employee health insurance costs in excess of \$300/month, 3-year averaging of ANB, recruitment of certified staff, retention of certified staff, and payment of \$1,000 per certified FTE to each school district.

Item 14 EDAG Update

Dr. Mary Sheehy Moe presented an overview of the results of the Economic Development Action Group Business/Industry-Education Roundtables, the first of which was held on December 6, 2002, in Great Falls, MT. The purpose of these meetings was for business/industry leaders to understand how Montana's learning providers could assist their sectors prosper in the knowledge economy. Dr. Moe summarized the findings by assessing all of the data compiled on December 6. Computer literacy and oral/interpersonal communication proficiency were found to be essential in workforce preparation.

Item 15 Report on Testing RFP for Title I Math & Reading

Mr. Jeff Weldon presented an update to the Board on the RFP process to select a testing company for the requirements under the ESEA No Child Left Behind Act of 2001. The committee chair forwarded a recommendation on behalf of the committee to the State Procurement Bureau that Measured Progress be awarded the contract for a five-year period. He also passed out the two most recent issues of the monthly newsletter from OPI, Join Us In Measuring Progress, which focuses on assessment issues.

Item 16 Five -Year Strategic Plan

Ms. Diane Fladmo reported that a date has been set for the Board of Public Education Strategic Planning Session. The date is July 17, 2002, preceding the regular Board meeting. The reason for this meeting is to lay a foundation for overall goals of the Board for a five-year period. Mr. Carlos Vega from NASBE will facilitate the session. Following the session, an action plan will be created by the Executive Secretary in collaboration with the board's strategic planning committee, the board, and Mr. Vega. A list of partners for the session has been presented and Mr. Vega will survey each participant prior to the session.

Item 18 NASBE Study Group on E-Learning

Ms. Joyce Silverthorne reported on the progress of the E-Learning Study Group. She suggested that a group of members meet to do some brainstorming on this issue.

Item 19 ITBS Follow-Up Report

Ms. Judy Snow gave an overview of the 2001 statewide testing. She also presented a guide to prepared reports for grades 4,8, and 11 in reading, language arts, mathematics, social studies and science. Included in the guide was a summary of overall results by grade and subject.

Item 17 Overcrowding in Urban High Schools/Accreditation Concerns in Billings School District 2 Schools

Mr. Conrad Stroebe presented a summary of what he perceives to be the overcrowding conditions of the Billings Schools, along with possible solutions, as offered by principals of these schools. He also informed the Board about the need for discussion regarding the accreditation standards, and the possibility of a solution to this problem. Mr. Stroebe requested a summary of the Board's response to his concerns.

Item 20 Update on MACIE/Board of Education Sub-Committee Hearing

Ms. Joyce Silverthorne reported on the update on the MACIE/Board of Education Sub-Committee Hearing. The MACIE organization hearing was held in conjunction with the Indian Education for All committee meeting. The testimony was notably in support of

legislation and/or funding for the legislation and/or implementation after the legislation was passed.

Item 21 Board Member Appearances

Ms. Patty Myers reported on some of the board members' appearances since the last meeting. Ms. Joyce Silverthorne was a keynote speaker with MWIEA, Ms. Diane Fladmo and Ms. Patty Myers worked as members of the school community on the funding study conducted in Billings and Mr. Kirk Miller, Ms. Myers, and Ms. Fladmo all participated on panels for the Stand Up For Education forums held. Ms. Myers thanked all of the board members who had attended these forums.

Item 22 Legislative Update

Mr. John Fuller reported that, by the conclusion of the July meeting, legislation would be ready to take to the legislatures. Mr. Meloy interjected that he had let the members at the last two Ed Forum meetings know that the Board is interested in submitting some legislation for the good of the order of education. Mr. Meloy currently is a chairperson on a sub-committee for SAELP that is looking at the statutory language under which school education leaders function and their job is to compile some language that ties their performance/job duties to student achievement. He feels this would be an appropriate piece of legislation for the board to submit. This sub-committee will be convening by the second week in June.

Item 23 Fiscal Payment Schedule 2002-2003

Mr. Bill Cooper presented the Fiscal Payment Schedule for K-12. This presentation provided the Board information regarding the timing of state aid payments to schools in 2002-2003.

MOTION: Ms. Silverthorne moved to approve the K-12 Payment Schedule for 2002-2003. The motion was seconded by Mr. Bishop and the motion unanimously carried.

Item 24 GED Rule Change Regarding Fees

Mr. David Strong and Ms. Bev Marlow presented a follow-up to the recommendation made by the Office of Public Instruction at the Board of Public Education's March, 2002 meeting. The OPI recommended that the Board amend the rule relating to GED fees and discussed current GED test costs. The legal staff at OPI has made the recommended changes and wishes the board to review the proposed Notice of Rule Amendment, establish a hearing date between June 24th and July 5th, authorize the filing of the proposed rule notice and consent to the noted GED fees.

MOTION: Ms. Fladmo moved to notice rule amendment, establish a hearing date between June 24th and July 5th, authorize the filing of the proposed rule notice and

consent to the noticed GED fees. The motion was seconded by Mr. Bishop and unanimously carried.

Item 25 Address Comments on Proposed Material & Substantial Non-Performance Rule

Mr. Steve Meloy stated to the Board that this rule had been brought before the board at the last meeting and the board voted to notice for adoption. Mr. Meloy informed the Board that action needs to be taken on the Proposed Amendment to Rule Notice. Mr. Meloy walked through the proposed changes in this rule.

MOTION: Ms. Patty Myers moved to adopt the rule on Substantial and Material Non-Performance as amended. The motion was seconded by Mr. Bishop and unanimously carried.

MOTION: Ms. Diane Fladmo moved to direct Mr. Meloy and Mr. Jeff Weldon to collaborate on a system to provide information regarding proposed disciplinary action to be disclosed in an appropriate manner and to bring a recommendation to the Board for consideration. The motion was seconded by Ms. Myers and unanimously carried.

Item 26 Adoption of Proposed Bus Standards

Ms. Maxine Mougeot and Ms. Bev Marlow presented to the Board a follow-up to the recommendation made by the Office of Public Instruction at the March, 2002 Board meeting. The OPI recommended that the Board adopt the Standards for School Buses in Montana-2002 and then amend the Board's rules relating to school buses.

MOTION: Ms. Fladmo moved to adopt the Proposed Bus Standards for school buses in Montana, establish a hearing date between June 24th and July 5th and authorize the filing of the proposed rule. The motion was seconded by Ms. Myers and unanimously carried.

Item 27 Adopt Rule Notice of Revisions to Rule Associated with New Bus Standards

See Item # 26

Item 28 2001-2002 Accreditation Recommendations

Ms. Sue Dandliker and Ms. Linda Vrooman Peterson provided the Board with the Accreditation Recommendation Reports from Superintendent Linda McCulloch. These reports addressed the accreditation status recommendations for Deficiency, Advice, Middle School, and Alternative Standards.

MOTION: Ms. Fladmo moved to accept the final recommendation of the state superintendent for advice status for school year 2001-2002 with the exception of Libby School District with the decision on accreditation status for Libby schools to be postponed until Libby school is given the opportunity to appear before the board at our July 2002 meeting. The motion was seconded by Ms. Myers and unanimously carried.

MOTION: Ms. Fladmo moved to accept the final recommendation of the state superintendent for deficiency status for school calendar year 2001-2002. The motion was seconded by Mr. Fuller and unanimously carried.

MOTION: Mr. Bishop moved to accept the superintendent's final recommendation for those schools categorized as regular accreditation. The motion was seconded by Ms. Silverthorne and unanimously carried.

Item 29 Middle School Approvals

Ms. Sue Dandliker, Ms. Linda Peterson and Ms. Becky Charles presented to the board the schools seeking middle school status; Hamilton and Columbus Middle Schools.

MOTION: Ms. Myers moved to approve for middle school status Hamilton and Columbus Middle Schools. The motion was seconded by Mr. Fuller and unanimously carried.

Item 30 Alternative Standards Approval

Ms. Sue Dandliker, Ms. Linda Peterson and Ms. Becky Charles presented to the board

MOTION: Ms. Fladmo moved to approve the two-year Alternative Standard request with the exception of the Turner School request. The motion was seconded by Ms. Silverthorne and unanimously carried.

MOTION: Ms. Myers moved to approve the schools listed in the report for five-year renewal requests for alternative standards (2002-2007). The motion was seconded by Mr. Fuller and unanimously carried.

Item 6 Governor's Office Report

Mr. Jeff Hindoiien presented to the board issues his office has been working on since the last meeting. He has met with Mr. Meloy and Commissioner Crofts to discuss the unified budget process and the proper steps which need to be taken. Mr. Meloy suggested to the board that the unified budget process be presented to the sub-committee of the Board of Education in June and then convene the Board of Education in July (hopefully on the 18th), with an invitation to the governor to attend.

Item 31 BPE-EPP Submittal & Fiscal Year 2003 Budget Cuts

Mr. Meloy started his discussion of the fiscal year 2003 budget cuts by stating he thought these were budget cuts that the Board was exempt from. He clarified his statement by quoting law MCA 17-7140, which allows the governor, during a biennium, to request budget cuts of all agencies in order to ensure that the balance of the General Fund doesn't dip below 1% of the total at the end of the biennium (\$28 million). Mr. Meloy passed out a document that he worked with Mr. Bishop and Mr. Miller on to arrive at figures that would cause the least damage. He proposed to reduce the amount of money we have in contracted services for next fiscal year, namely agency legal services, and supplies and materials. The major cut proposed for the 10% reduction would be the NASBE dues (\$15,000). Mr. Meloy reviewed the EPP Requests that were passed out during the meeting. Two of the requests require General Fund spending and two require Special Revenue spending. One request allows the board to send two members to the national meeting once a year, approximately \$1,200 per person.

MOTION: Mr. Bishop moved to forward to the Governor's Office the recommendations for proposed reductions to the 2003 budget as presented. The motion was seconded by Ms. Myers and unanimously carried.

MOTION: Ms. Silverthorne moved to approve the anticipated biennium requests for 2004-2005 proposed on the EPP by the Executive Secretary. The motion was seconded by Mr. Fuller and unanimously carried.

Item 32 Ballot for NASBE Western Region Director

Mr. Miller discussed the various candidates for President, Vice-President and Area Director for the 2003 NASBE Board of Directors election. Mr. Miller inquired of the board any recommendations regarding the various candidates.

MOTION: Mr. Bishop moved to cast the ballot for the candidates as indicated. The motion was seconded by Mr. Fuller and the motion unanimously carried.

Item 33 CSPAC Applications/Appointments

Mr. Donovan spoke to the board regarding the current positions that are due for reappointment. Dr. Michael Kolis has accepted a position in Wisconsin, which opened up a higher education faculty position. Ms. Charla Bunker, who is the current incumbent, under the teacher position, has expressed interest in being reappointed, as has Ms. Gloria Curdy, who has served a full term for the specialist position. Dr. Sellers from MSU-Northern and Dr. White from MSU-Billings have submitted applications for the higher education position. Ms. Silverthorne interjected that she would like to see the board make a concerted effort to encourage a Native American to apply for appointment to the Council.

MOTION: Ms. Fladmo moved to appoint Ms. Gloria Curdy, Ms. Charla Bunker, and Dr. George White to CSPAC Council. The motion was seconded by Mr. Bishop and the motion unanimously carried.

Item 34 MSDB Committee Meeting/Report

Mr. Steve Gettel presented an update of various issues which have transpired since the last board meeting. Mr. Gettel expressed the need for more outreach staff to work with the public schools and the call for additional funds for professional development and maintenance needs. He proceeded to take the board through his agenda, item by item, asking for questions. Student enrollment is up five students from the last meeting, eleven for the whole year. He discussed various personnel changes such as retirements, and people leaving positions to pursue other avenues and how they are struggling to fill these vacancies. The policies and procedures item will be on the agenda at the July board meeting, as well as a revised strategic plan. Mr. Sykes explained the specific budget items they could decrease in order to comply with the proposed budget cut. A few of the items affected would be school trust revenue, outreach staff travel expense, subscriptions to magazines, work study program, vehicle replacement, computer replacement, and the education program operating budget. Mr. Sykes also passed out the Information Technology Plan that has been submitted.

MOTION: Mr. Morris moved to approve the proposed budget reductions for the 2003 school year. The motion was seconded by Ms. Silverthorne and unanimously carried.

MOTION: Mr. Morris moved to submit the 5% budget reductions . The motion was seconded by Mr. Bishop and unanimously carried.

MOTION: Mr. Morris moved to approve the EPP request for the 2005 biennium. The motion was seconded by Ms. Myers and unanimously carried.

Item 39 Legal Affairs

Ms. Kradolfer, Assistant Attorney General, Agency Legal Services, stated that her report contained confidential information and advised the meeting to be closed. Dr. Miller agreed and the meeting was closed.

The meeting was opened at 4:01 p.m.

MOTION: Ms. Fladmo moved to have case 2-2002 heard on July 19, 2002. The motion was seconded by Patty Myers and unanimously carried.

Item 35 BPE Executive Secretary Contract

MOTION: Ms. Silverthorne moved to approve the contract for the Executive Secretary of the Board of Public Education for a salary approved by the Board in Executive session and reflected on the 3-year contract on file in the Board's office. The motion was seconded by Ms. Myers and unanimously carried.

Item 36 MSDB Contract and Position Description

Mr. Miller deemed that the meeting be closed for this item.

MOTION: Ms. Silverthorne moved to approve the contract for the Superintendent of MSDB at 4% over the current pay. The motion was seconded by Ms. Myers and unanimously carried.

Item 37 Draft Coordinated School Health Policy

Mr. Meloy presented to the Board a draft copy of the Health Schools proposal being worked on by Mr. Rick Chiotti of the Office of Public Instruction. The final draft will be presented to the Board at their next regularly scheduled meeting.

Item 38 Fall SAELP Forum

Mr. Meloy reported on the "State Action for Educational Leadership Project" and the hosting of a fall forum by the Board of Public Education. The forum is scheduled for September 24 in Bozeman in conjunction with the ending of the school administrative conference. Dr. Joanne Erickson will appear at the next board meeting to update the board on the entire SAELP project.