

BOARD OF PUBLIC EDUCATION
MEETING AGENDA

September 11-12, 2008

SALISH KOOTENAI COLLEGE
Michel Building
58138 HWY 93
Pablo, MT

September 11, 2008 - Thursday
1:30 p.m.

CALL TO ORDER

Chairperson Patty Myers called the meeting to order at 1:38 p.m. Ms. Angela McLean led the Board in the Pledge of Allegiance. Ms. Carol Will took roll call; a quorum was noted. A welcome was extended to Ms. Pat Chlouber and additional guests. Ms. Patty Myers amended the agenda by moving Item 8 (MACIE Report) before Item 1 (Chairperson's Report). The Montana School for the Deaf and Blind report contained an action item within the information items listed.

CONSENT AGENDA

Items Pulled from Consent Agenda if Requested

MOTION: Ms. Angela McLean moved to approve the agenda as revised and the consent agenda as presented. Mr. Cal Gilbert seconded. Motion carried unanimously.

Those in attendance at the meeting included the following Board members: Chair Ms. Patty Myers, Vice Chair Ms. Angela McLean, Ms. Sharon Carroll, Dr. Kirk Miller, Mr. Storrs Bishop, Mr. Cal Gilbert, Mr. Bernie Olson, and Student Representative Ms. Katie Wood. Staff present at the meeting included: Mr. Steve Meloy, Executive Secretary, Board of Public Education; Mr. Peter Donovan, Administrative Officer, Certification Standards and Practices Advisory Council; and Ms. Carol Will, Administrative Assistant, Board of Public Education. Ex-officio members present at the meeting included: State Superintendent Linda McCulloch, Dr. Mary Moe represented Commissioner Sheila Stearns and Ms. Jan Lombardi represented Governor Schweitzer as ex-officio members. Visitors in attendance at the meeting included Mr. Bud Williams, Deputy Superintendent, OPI; Ms. Nancy Coopersmith, Assistant Superintendent, OPI; Dr. Linda Vrooman Peterson, Accreditation Division Administrator, OPI; Ms. Anna Green, Governor's Office; Mr. Eric Feaver, MEA-MFT; Ms. Norma Bixby, MACIE; Ms. Patricia Chlouber, U.S. Department of Education; Mr. Dale Kimmet, Accreditation Specialist, OPI; Mr. Al McMilin, Educator Quality Program Specialist, OPI; Mr. Bill Sykes, MSDB; Mr. Steve Gettel, Superintendent, MSDB; Ms. Mary Torske, Teacher; Mr. George Shryock, Flathead Valley Community College; Ms. Megan Morris, Attorney, Kaleva Law Office; Mr. Keith Wood, Grandparent; and Ms. Faye Wood, Grandparent.

PUBLIC COMMENT

Mr. Eric Feaver invited everyone to the Education Forum and the MEA-MFT Educators' Conference.

INFORMATION ITEMS

Item 8 MACIE REPORT - Norma Bixby

Ms. Norma Bixby, Chair of the Montana Advisory Council of Indian Education (MACIE), was happy to hear that the Governor is in support of dual credit because it works well for students on Indian reservations. There are many talented American Indian students that can do college-level work and should have the opportunity to participate. Like Mr. Cal Gilbert, Ms. Norma Bixby is concerned that

American Indian children are over represented in special education programs. There is a need for additional data from the Office of Public Instruction to determine why this population is being over represented. Discussion ensued about the use and abuse of Indian Education for All funding and the need to ensure that the funding is being utilized for its intended purpose. The Board of Public Education decided to continue to put the MACIE Report on each agenda to ensure that the Board is kept informed.

Item 1 CHAIRPERSON’S REPORT - Patty Myers

Ms. Patty Myers acknowledged and congratulated Ms. Sally Broughton for being named the 2009 Montana Teacher of the Year, and Ms. Sarah Zook for being named 2008-2009 Economics Teacher of the Year. She noted that the No Child Left Behind Blue Ribbon School is going to be named soon.

- July 30, 2008 BPE Conference Call Meeting
- August 20, 2008 Learning First Alliance Meeting – Helena, MT
- September 2, 2008 MSDB Committee Meeting – Great Falls, MT

LEARNING FIRST ALLIANCE

Ms. Patty Myers reported that the Learning First Alliance is working on its mission statement. The Board continues to listen and has not obligated the Board of Public Education to anything at this point in time. There are many issues that are uncertain and Ms. Patty Myers has grave concerns when representatives from MEA-MFT and MTSBA are not at the table. She stressed that we do not need to replicate anything that is currently in existence.

BOARD OF PUBLIC EDUCATION APPEARANCES

- **Ms. Angela McLean**
July 30, 2008 BPE Conference Call Meeting
- **Dr. Kirk Miller**
July 30, 2008 BPE Conference Call Meeting
- September 4, 2008 K-12 Committee Meeting – Helena, MT
- **Ms. Sharon Carroll**
July 30, 2008 BPE Conference Call Meeting
- **Mr. Cal Gilbert**
July 30, 2008 BPE Conference Call Meeting
- **Mr. Bernie Olson**
July 30, 2008 BPE Conference Call Meeting

Item 2 EXECUTIVE SECRETARY’S REPORT - Steve Meloy

- July 17, 2008 Literacy/Library Media Hearing – Helena, MT
Technology Hearing – Helena, MT
- July 18, 2008 Policy Subcommittee School Counseling Leadership Committee – Helena, MT
- July 21 – 25, 2008 Legislative Auditors in BPE Office – Helena, MT
- July 24, 2008 CSPAC Meeting – Helena, MT
- July 30, 2008 BPE Conference Call Meeting
- July 31, 2008 K-College Workgroup – Helena, MT
- August 1, 2008 OPI’s High School Re-design Project – Helena, MT
- August 4, 2008 ACT Meeting – Helena, MT
- August 20, 2008 Learning First Alliance Meeting – Helena, MT
- August 21, 2008 Review September BPE Meeting Topics with OPI – Helena, MT
- August 22, 1008 ACT Meeting – Helena, MT
- August 26, 2008 Distance Learning Rules Hearings – Helena, MT
- August 27, 2008 K-12 Meeting – Helena, MT
- September 2, 2008 MSDB Committee Meeting Conference Call
- September 4, 2008 K-12 Committee Meeting – Helena, MT
- September 5, 2008 Education and Local Government Meeting – Helena, MT

- September 6, 2008 Risk Management Meeting – Helena, MT
Exit Interview with Auditors – Helena, MT
NWREL Meeting – Helena, MT
- September 10, 2008 MSELC Board Meeting – Helena, MT

Mr. Steve Meloy reported that the past few months has seen the culmination of the work of the Distance Learning Task Force and the Board is contemplating members of the Certification Standards Practices Advisory Council (CSPAC) to act as the core of the review committee for the implementation of the new rule and adding core members to the Class 8 Review Committee . The Board of Public Education completed its exit interview with the Legislative Audit Division and noted that most all agencies are receiving the recommendation that the Board implement external procedures for monitoring and testing its internal control procedures. As a result, the Board has initiated a review process relationship with the accounting staff at MSDB. In like manner, the Board will provide internal review support to MSDB to address its recommendation as well.

Item 3 CSPAC REPORT - Peter Donovan

Mr. Pete Donovan provided the Board with the 2008-2009 CSPAC meeting calendar. He also expressed the Council's interest in supporting the implementation of the Class 8 license. In addition, he reviewed the highlights of the CSPAC meeting held on July 24, 2008. Some topics included the possibility of creating an area of permissive special competency for teacher mentors, the revisions to Chapter 57, a presentation from Lewis and Clark County Superintendent on *Teacher Retention & Montana 6E School Districts*, and CSPAC's plan for future conferences. Ms. Angela McLean noted that she continues to converse with Ms. Elizabeth Keller in regard to safety awareness, but will wait to move forward with this work until Chapter 57 is finished.

INTERPRETER WORKGROUP

Mr. Pete Donovan provided the Board with the Special Education Child Count School Year 2007-2008 with the disability categories for deaf (DE) and hearing impaired (HI). Discussion ensued about whether or not there was missing data in the report due to some districts not being represented. Mr. Donovan will follow-up with Tim Harris from OPI and report back to the Board.

Item 4 STATE SUPERINTENDENT'S REPORT - State Superintendent Linda McCulloch

State Superintendent Linda McCulloch recognized the partnership with Ms. Patricia Chlouber, Secretary's Regional Representative, U.S. Department of Education, with a certificate of appreciation. She presented a copy of a Power Point that has been shown around the state of Montana titled *No Child Left Behind Act of 2001 (NCLB) – Adequate yearly Progress (AYP): Montana 2008*. It noted that math proficiency targets increased by 17% and reading proficiency targets increased by 9%. Superintendent McCulloch provided the Board with a news release dated August 22, 2008 titled *Sixth "Adequate Yearly Progress" Report Released on Montana Schools*. This news release stated that the AYP report shows 589 (72% of Montana's 824 public schools currently meeting the requirements of the federal law. 231 (28%) Montana schools are identified as not making the adequate yearly progress required by the law. 286 (68%) of Montana's 421 school districts met the federal AYP requirements. 133 (32%) Montana districts did not meet the federal requirements. Other handouts included:

- NCLB scores come out Friday; don't be alarmed by them – Great Falls Tribune, August 19, 2008
- Revamp No Child Left Behind, but keep accountability – Great Falls Tribune, August 20, 2008
- Montana Student ACT Scores Remain High – Press Release, August 18, 2008
- Montana Student SAT Scores Continue to Beat National Average – Press Release – August 26, 2008
- Superintendent McCulloch's highlights for June, July, and August
 - Terri Knapp appointed as OPI's Communication Director
 - Full Time Kindergarten Conference – Billings, MT – August 12-13, 2008
 - "Read for the Record" – Helena, MT - October 2, 2008
 - Annual Data Collection Opens - September 2, 2008
 - Changing Times for Accreditation Division

- Scholastic review team visits
- Official E-mail from OPI
- Bus driver training requirements – 10 hours per year
- When are OPI payments made?
- “Montana Kindergarten Handbook” now available
- “No Child Left Behind” Hurts Small Schools – Press Release – September 4, 2008
- Are you Ready for Success?

STATE SUPERINTENDENT’S GOALS

- Reading, K-12
- Indian Education
 - American Indian Dropout Prevention
 - Closing the Achievement Gap
 - Indian Education for All – Implement MCA 20-1-501
- Legislative Agenda
 - 2009 Session – Budget and Legislation
 - School Funding
- President Bush’s No Child Left Behind Law
 - Continue working to “Montanaize” NCLB
- Reauthorization of the Elementary and Secondary Education Act (ESEA)
 - Continue Montana Information to Congress and U.S. Senate
- Services and Resources to Schools
 - Yellow School Bus Tour
 - Communication to Schools
 - OPI Webpage – content and design
 - Official E-mail
 - Vision Net
- MontSASE (Montana State Accountability System for Education)
 - AIM (Achievement in Montana)
 - E-Grant System
- Prepare Students for the 21st Century
 - High School Redesign Initiative
 - Increase College Preparation/Rigorous Core

INDIAN EDUCATION REPORT

The following topics were presented: American Indian Heritage Day, September 26, 2008; new textbook for Fall 2008 titled Montana: Stories of the Land; new resources from the Indian Education Division; new grant opportunity for districts to design professional development for implementation of Indian Education for All; and the Montana Indian Education Association (MIEA) Summit, October 5-6, 2008. Mr. Terry Pitts was nominated to the Montana Advisory Council on Indian Education on behalf of the Confederated Salish & Kootenai Tribes.

The Board of Public Education accepts the nomination of Mr. Terry Pitts representing the Confederated Salish & Kootenai Tribes on the Montana Advisory Council on Indian Education (MACIE).

Item 5 COMMISSIONER OF HIGHER EDUCATION’S REPORT - Commissioner Sheila Stearns

Deputy Commissioner of Two-Year Education Dr. Mary Sheehy Moe reported on the current status of the implementation of the Carl D. Perkins Career and Technical Education Improvement Act that has made resources available from this Act and federal funds to update career and technical education services and provide more options for students wishing to pursue postsecondary studies. In implementation of the new Perkins Act, the Montana Office of the Commissioner of Higher Education, and the Montana Office of Public Instruction are collaborating on program development and oversight. The agencies are creating a joint leadership structure to provide ongoing review of state activities and progress in improving CTE

programs. All CTE programs at the high school and postsecondary levels will benefit from upgraded curriculum, high quality technology, and ongoing training to help CTE teachers demonstrate excellence in their knowledge of current industry standards and good teaching practices. Discussion ensued around the collaborative efforts of these agencies and the progress of implementing uniform course numbers throughout the Montana University System.

Item 6 GOVERNOR'S OFFICE REPORT - Jan Lombardi

Ms. Jan Lombardi notified the Board of Public Education with a list of some activities that she, First Lady Nancy Schweitzer, and the Governor participated in during the past couple of months that included the Full Time Kindergarten Conference; Operation Read to Me; launching road signs; and the Forest for Every Classroom. Ms. Lombardi provided information on the Montana Children & Nature 2008 Summit and the September 8, 2008 news release titled *Top State Education Policy Organizations form Expert Advisory Group on International Benchmarking*. Ms. Lombardi thanked the Board of Public Education for the continued support of the Kindergarten to College Workgroup and the work it has done to accomplish the homework assignments.

Item 7 STUDENT REPRESENTATIVE'S REPORT - Katie Wood

In October 2008, Ms. Katie Wood will be attending the Montana Association of Student Councils annual conference in Belgrade, Montana. Ms. Wood continues to work with Mr. Terry Beaubois from Montana State University-Bozeman concerning going to college in Montana.

DISCUSSION ITEMS

Item 9 ASSESSMENT UPDATE - Nancy Coopersmith and Bud Williams

Update on the status of the following statewide assessment recommendations:

1. Analysis of seven years of NRT results – report at November 7, 2008 Board of Public Education Meeting
2. Creating interest and awareness in formative assessment – keynote speaker at January 2009 Assessment Conference, Margaret Heritage, Assistant Director for Professional Development, National Center for Research Evaluation, Standards, and Student Testing (CRESST) at UCLA
3. Form an assessment task force – task force reviews questionnaire draft
4. Survey of school districts to identify needs for state and local assessment

An update of the timeline was provided with the following dates:

- August 15 – 22, 2008 BPE/OPI task force review draft questionnaire
- August 28, 2008 Information and links in JUMP newsletter
- September 15 – 30, 2008 Survey window
- November 6, 2008 BPE presentation

Ms. Nancy Coopersmith and Mr. Bud Williams distributed the *Jump*, August 2008 Newsletter from OPI with information in regard to the MontCAS Montana Comprehensive Assessment System. The Assessment Task Force announced the following members:

Sharon Carroll	scarroll@midrivers.com
Cindy Quade	cquade_98@yahoo.com
Bobbie Barrett	barrettb@wfps.k12.mt.us
Josh Middleton	josh_middleton@laurel.k12.mt.us
Cal Gilbert	cal_gilbert@gfps.k12.mt.us
Gail McGregor	mcmgregor@ruralinstitute.umt.edu
Madalyn Quinlan	mquinlan@mt.gov
Bud Williams	budwilliams@mt.gov
Judy Snow	jsnow@mt.gov

Discussion ensued about the CRT contract expiring, writing assessment for at least two grade levels, and keeping social studies and civic education in the forefront of the task force's thoughts as they proceed in the assessment work.

Item 10 UPDATE OF FEDERAL EDUCATION ISSUES - Patricia Chlouber, Secretary's Regional

Representative, U.S. Department of Education, Region 8

Ms. Pat Chlouber expressed her appreciation concerning her relationship with the Montana Board of Public Education and the Office of Public Instruction during her tenure as the Secretary's Regional Representative for the U.S. Department of Education. She stated that there has been success with No Child Left Behind in having schools and teachers being accountable for student success. Ms. Chlouber is concerned about the over identification of students in Special Education. Even though No Child Left Behind was not reauthorized, she believes that it will become more flexible when it is brought back before Congress. Ms. Chlouber supported the PowerPoint that State Superintendent Linda McCulloch presented during Item 4 of this agenda. The Foundations for Success from the findings and recommendations from the National Mathematics Advisory Panel was distributed to the Board along with the 2008 final report.

Item 11 K-12 SUBCOMMITTEE- Dr. Kirk Miller

Dr. Kirk Miller reviewed the rule changes on the distance learning rule and Class 8 licensure to the K-12 Subcommittee on Thursday, September 4, 2008. The following proposed committee bills (LC)'s were discussed: Administrative efficiencies, LC-555; K-12 performance reporting, LC-2345; and Statewide pay schedule for certain teachers and instructors, LC-2222.

JOINT MEETING OF K-12 & PEPB SUBCOMMITTEES

The next interim Education and Local Government (ELG) configuration was discussed in LC-1234.

EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

Synopsis, discussion, public comment, vote, and assignment of sponsors were considered on the following proposed committee bills: Special districts, Uniform Act, LC-9208; Special districts, housekeeping legislation, LC – 9209; Approve the Bitterroot Valley Community College, LC-154; Study community college establishment process, LC-151; Statewide pay schedule for certain teachers and instructors, LC-2222; Clarify legislative approval of a community college, LC-153; Dentists' incentives, LC-152; K-12 performance reporting, LC-2345; Higher education performance reporting, LC-3456; and Investigating administrative efficiencies, LC-555.

None of the proposed concepts listed above were considered for submittal as committee bills.

PUBLIC COMMENT

Mr. Eric Feaver announced Ms. Sally Broughton from Monforton Elementary in Bozeman, MT was named 2009 Montana Teacher-of-the-Year.

Item 12 NO CHILD LEFT BEHIND UPDATE - Nancy Coopersmith

This presentation included a summary of the 2008 Final Adequate Yearly Progress (AYP) Determinations for Montana schools and districts. In addition, the Board was provided with available information concerning the Office of Public Instruction E-Grants system for districts to apply for NCLB funding, the latest information of the NCLB Highly Qualified Teacher issues in Montana, and data on the U.S. Congressional actions to begin to appropriate NCLB funding. Ms. Nancy Coopersmith noted a correction on page 3 of the Summary of 2008 Final AYP Determinations as of 8/18/2008 should read School District – level Determinations. Discussion ensued that 72% of Montana schools making AYP is better than any other state in the nation when OPI Googled this information. Many attributed Montana's success to the small schools accountability process. The question arose about the number of schools making it by safe harbor. Some additional issues that were addressed included meeting the federal requirements for highly qualified teachers of special education in the elementary and middle school level and teachers who are teaching with minors needing to look at a multiple measure process. Mr. Bernie Olson is concerned that NCLB can take funds from public schools not making AYP and distribute them to private schools or other sources that do not have the same accountability measures in place. Most districts have applied for the consolidated E-grants which bring \$80 million to our state. Federal appropriations should be made

available by September 30th of each year, but when they are late the state uses continuing resolution. Next year there will be no funding for Reading First, but increased funding for IDEA and Title I.

Item 13 BPE GOAL REVIEW - Steve Meloy

Mr. Steve Meloy presented to the Board the 2008-2013 revised (draft) mission statement and goals for the Board of Public Education. These revisions were based on the potential goal topics that were derived from the 2008 strategic planning session with Ms. Brenda Welburn from NASBE.

Mission Statement (draft)

The Board of Public Education was created by Montana's Constitution and exists to supervise, serve, maintain, and strengthen our free quality public education system in pursuit of high academic achievement for all of Montana's students.

Goals (draft)

1. Work toward assurances that the accreditation standards are contemporary, effective and supported by all school districts in their obligations to meet high quality education for all of Montana's students.
2. Incorporating collaborative leadership strategies, strive toward the advancements of quality teachers and administrators in an era of high school reform and 21st century learning.
3. Promote philosophically and technically sound governing decisions in the Board's lawful role in leading innovations and change.
4. Advocate for strong educational reform policies to ensure that all of our students are prepared for work or college.

Mr. Steve Meloy noted his belief in maintaining the verbiage of "constitution" in the mission statement and his attention to the use of active verbs in the goals. These goals are not represented in any sense of priority. Mr. Meloy did not present any strategies at this time until he receives feedback from the Board and its educational partners.

ACTION ITEMS

PUBLIC COMMENT

The public will be afforded the opportunity to comment before the Board on every action item on the agenda prior to final Board action.

Item 14 SET ANNUAL AGENDA CALENDAR - Steve Meloy

Mr. Steve Meloy presented the Board of Public Education's Annual Agenda Calendar dated September 2008 – November 2009.

MOTION: Dr. Kirk Miller moved to accept the Board of Public Education's Annual Agenda Calendar as presented. Ms. Angela McLean seconded.

Discussion ensued about whether or not the MACIE Report should be on the annual agenda calendar every meeting or every other meeting as discussed in the MACIE Report on this particular agenda and the Board of Regents interest in changing the Board of Education meeting from January to March in their attempt to reduce their number of meetings. The Board felt that the MACIE Report should continue to be on the annual agenda calendar for each Board of Public Education meeting and provide flexibility with MACIE as needed. The Board was concerned about changing the Board of Education meeting from January to March due to the BOE bylaws, changing the joint BPE and CSPAC meeting, financial concerns due to additional travel, and Board members who are practicing teachers being out of the classroom. It was suggested that having the BOE meeting be available via video conference might support the Board of Regents in their plan of moving the BOE meeting to March. The Board of Public Education wanted to continue with its September meeting occurring on one of the Montana reservations.

Mr. Steve Meloy and Ms. Carol Will will work with the Governor's Office and the Board of Regents to determine the location of the September 10-11, 2009 meeting. It was suggested to consider Browning, MT or on a reservation in the northeast corner of the state.

Motion carried unanimously.

Item 15 ELECTION OF BOARD OFFICERS - Steve Meloy

Ms. Patty Myers extended the chairmanship of the meeting to Executive Secretary Steve Meloy. Mr. Meloy opened the meeting for nominations of chairperson. Dr. Kirk Miller nominated Ms. Patty Myers for the Board of Public Chairperson. Mr. Meloy asked for any other nominations. There were none and nominations were closed.

MOTION: Ms. Angela McLean moved to accept the nomination of Ms. Patty Myers as Chairperson to the Montana Board of Public Education. Mr. Storrs Bishop seconded. Motion carried unanimously.

Mr. Steve Meloy extended the chairmanship to Ms. Patty Myers and she opened the meeting for nominations of vice-chairperson.

MOTION: Dr. Kirk Miller nominated Ms. Angela McLean as Vice-Chairperson to the Montana Board of Public Education with a unanimous ballot. Ms. Sharon Carroll seconded. Motion carried unanimously.

Item 16 COMMITTEE APPOINTMENTS - Patty Myers

Ms. Patty Myers recommended appointing Mr. Bernie Olson as the BPE representative to the Kindergarten to College Workgroup as a voting member in addition to the Executive Secretary to the Board of Public Education as documented in the motion at the Board of Education meeting on September 11, 2008. In the event that Mr. Bernie Olson could not attend, Ms. Sharon Carroll or Ms. Angela McLean would be alternates to provide a high school perspective at the workgroup. Mr. Bernie Olson will also remain on the committee assignments representing the Board on the MSDB Foundation until June 2009.

MOTION: Ms. Angela Mclean moved to approve the Board of Public Education's Committee Assignments for 2008-2009 with the addition of Mr. Bernie Olson becoming a voting member to the Kindergarten to College Workgroup and the expiration of his term on the MSDB Foundation in June 2009. Mr. Cal Gilbert seconded. Motion carried unanimously.

Item 17 NASBE BOARD OF DIRECTORS ELECTION - Steve Meloy

The statements of intents and biographical information were included for the following NASBE Board of Directors: President-elect Randy DeHoff, Colorado Board of Education; President-elect Lowell Johnson, West Virginia Board of Education; and President-elect Isis M. Castro, Virginia Board of Education. The statement of interest was included for Mark Cluff from the Utah State Board of Education for Western Area Director on the NASBE Board of Directors. Dr. Kirk Miller knew all of the individuals and their service. He expressed his support for President-elect Lowell Johnson who served as the chair of the Government Affairs Committee at NASBE. Dr. Miller also expressed great respect for President-elects Randy DeHoff and Isis M. Castro. Dr. Miller believed that Mark Cluff from the Utah State Board of Education would represent the western region well as the Western Area Director. Ms. Patty Myers recommended President-elect Lowell Johnson as well.

MOTION: Dr. Kirk Miller moved that the Montana Board of Public Education cast its vote for NASBE's President-elect Lowell Johnson from the West Virginia Board of Education and Mark Cluff from the Utah State Board of Education for Western Area Director on the NASBE Board of Directors. Ms. Angela McLean seconded. Motion carried unanimously.

Item 18 ALTERNATIVE TO STANDARD REQUESTS - Al McMilin and Dale Kimmert

The Board of Public Education considered the Five-Year Renewal Alternative Standard Requests

recommended for approval of Cooke City Elementary, Park County by State Superintendent Linda McCulloch. Mr. Al McMilin and Mr. Dale Kimmet reviewed the proposals for Cooke City Elementary library media and school counseling services and stated that they meet or exceed the current standard.

MOTION: Mr. Storrs Bishop moved to accept the State Superintendent's recommendation to approve the five-year renewal alternative standard request for Cooke City Elementary in Park County. Ms. Sharon Carroll seconded. Motion carried unanimously.

Item 19 FINAL PROGRESS REPORT AND RECOMMENDATIONS FOR ON-SITE ACCREDITATION VISITS FOR SCHOOLS WITH CONTINUING SERIOUS ACCREDITATION DEVIATIONS - Al McMilin and Dale Kimmet

This presentation provided to the Board of Public Education a progress report and recommendations regarding on-site accreditation visits for schools with continuing serious accreditation deviations. Remaining reports included: Frazer Public Schools and Cheyenne Tribal Schools. Attached are copies of the most recent summary of the continuing serious deviations for both Frazer and Cheyenne Tribal Schools. The outlying issue remains that the State Superintendent of Public Instruction provides annual recommendations to the Board of Public Education for accreditation status determinations for all Montana accredited schools. The continuing concern is: How does the Office of Public Instruction's accreditation staff address continuing deviations fairly, consistently, and with intention toward continuous education improvement? The State Superintendent follows the process approved by the Board of Public Education to address ongoing accreditation deviations. These were brought before the Board in January 2008. Mr. Al McMilin and Mr. Dale Kimmet reported the recommended approval of Frazer Public Schools and provided an update only to Northern Cheyenne Tribal School in Busby, MT.

Frazer Public Schools submitted a corrective plan from a former superintendent that was not acceptable. After hiring the new Superintendent Don Johnson, Frazer Public Schools resubmitted another corrective plan that was acceptable and has filled all of the positions with properly licensed teachers with the exception of Science, but is addressing this deficiency in its corrective plan. State Superintendent Linda McCulloch recommended approval of Frazer Public Schools corrective plan and the Office of Public Instruction's Accreditation Division will schedule another visit at the district and report back to the Board of Public Education in March 2009. Mr. Eric Feaver requested a copy of the corrective plan.

The Office of Public Instruction has been working with the Bureau of Indian Education (BIE) to address the continued deviations of the Northern Cheyenne Tribal Schools because they remain in advice and/or deficiency status. State Superintendent Linda McCulloch recommended disapproval of the overall plan. The Office of Public Instruction's Accreditation Division will schedule another visit at the district and report back to the Board of Public Education in March 2009. Discussion ensued around what will happen if they are not able to meet the accreditation requirements. Mr. Al McMilin stressed that the school administrator and the chairperson of the board will be required to appear before the Board of Public Education to be dealt with directly.

MOTION: Mr. Storrs Bishop moved to authorize the Office of Public Instruction's Accreditation Team to continue with the compliance of the Frazer School District as indicated in this report. Dr. Kirk Miller seconded. Motion carried unanimously.

Item 20 FINAL ACTION IN THE MATTER OF THE PROPOSED ADOPTION OF (NEW RULE I) ARM 10.57.437 CLASS 8 DUAL CREDIT-ONLY POSTSECONDARY FACULTY LICENSE AND AMENDMENT OF ARM 10.57.102 DEFINITIONS "FACULTY"; ARM 10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES RELATING TO CLASS 8 LICENSURE; AND PROPOSED AMENDMENT OF ARM 10.55.907(3) AND (3)(a) RELATING TO DISTANCE LEARNING - Steve Meloy

The Montana Distance Learning Task Force (DLTF), appointed by the Board of Public Education (BPE) September 2006, began its work on December 4, 2006. Dr. Kirk Miller, BPE, and Mr. Bud Williams, OPI, served as the task force co-chairs. The Board of Public Education established the task force to review and revise Administrative Rules of Montana (ARM) 10.55.907 Distance, Online, and Technology

Delivered Learning as needed to align the standard with current best practices. Distance, online, and technology delivered education must serve the learning needs of Montana student for today and tomorrow by providing flexibility and ensuring quality. The Distance Learning Task Force, as charged, provided to the BPE recommendations for amendment to ARM 10.55.907 Distance, Online, and Technology Delivered Learning. Recommended amendments to the ARM comply with MAPA rules for public hearing. The BPE adopted ARM 10.55.907 as amended on May 11, 2007.

In October 2007 the DLTF reconvened to consider other related issues including teacher licensure associated with distance, online, and technology delivered learning and New Class 8 postsecondary faculty license for K-12 students earning dual credit (simultaneously earning high school and college credit).

In July 2008, the Board of Public Education approved the Notice of Public Hearing for amendment to the ARM 10.55.907(3) and (3)(a) relating to Distance, Online, and Technology Delivered Learning; ARM 10.57.437 Class 8 Dual Credit-Only Postsecondary Faculty License; ARM 10.57.102 Definitions "Faculty"; and ARM 10.57.210 General Provisions to Issue Licenses. The Board of Public Education conducted public hearings for these amendments on August 26, 2008.

MOTION: Dr. Kirk Miller moved to adopt New Rule I ARM 10.57.437 Class 8 Dual Credit-only Postsecondary Faculty License and amend ARM 10.57.102 Definitions "Faculty"; ARM 10.57.201 General Provisions to Issue Licenses relating to Class 8 Licensure; and ARM 10.55.907(3) and (3)(a) relating to Distance Learning. Beginning fall semester 2009, all postsecondary instructors of dual-credit courses will be required to hold an active teaching license – Class 1, Class 2, Class 4, or Class 8 license. The Office of Public Instruction will provide guidance and technical assistance to interested postsecondary faculty on the application and approval process to implement Class 8. Ms. Angela McLean seconded.

Discussion ensued around the capacity and flexibility to ensure that higher education faculty can obtain the Class 8 license and not effect current programming. The act of teaching with a license and endorsement is being supported by the Board of Public Education and its partners. "This is a valuable compromise that will last," stated Mr. Eric Feaver. State Superintendent Linda McCulloch stressed that this license will meet the definition of highly qualified teachers according to No Child Left Behind at the federal level. Mr. George Shryock, Flathead Valley Community College claimed that many higher education faculty will choose not to apply for the license and expressed his concerns with the license. Dr. Mary Sheehy Moe commended the work of the task force even though she remains concerned about the "tsunami wave" of licensing higher education, but will extend her support to the Board of Public Education.

Motion carried unanimously.

Ms. Jan Lombardi said that she is looking forward to calling Governor Schweitzer with this news.

INFORMATION ITEMS

Item 21 MSDB COMMITTEE MEETING REPORT - Steve Gettel

1. Student Enrollment/Evaluation
2. Human Resources
 - Personnel actions – Mr. Steve Gettel presented the recommended amendments to Personal Conduct 5223 with the legal reference MCA §20-1-201. The following changes were noted: An MSDB employee ~~may~~ shall, prior to acting in a manner which may impinge on any fiduciary duty, disclose to school administration the nature of the private interest which creates a conflict. Failure to disclose a personal relationship that creates a conflict of interest in carrying out an employee's fiduciary duties will result in disciplinary action, up to and including termination. Care should be taken to avoid using, or avoid the

appearance of using, official positions and confidential information for personal advantage or gain.

Motion: Mr. Storrs Bishop moved to accept the amendments to the personal conduct 5223 as referenced in MCA §20-1-201 as recommended. Mr. Bernie Olson seconded. Motion carried unanimously.

3. School Improvement
 - 2008-09 SIP
 - Update on Strategic Plan
4. 2009 Legislative Action
5. Professional Development Activities
 - Update on in-service training
 - Fall conferences
6. MSDB Foundation Activities
7. Conferences, meetings, and contacts
8. Budget and Finance
 - Update on budget
 - Update on LFD audits
 - Update on maintenance projects
9. Facilities and Safety
 - Update on current projects
10. School Calendar of Events
11. Student News
12. Public Comment for Non Agenda Items

MEETING WAS CLOSED FOR ITEMS 22 – 24

Closed meeting at 12:45 p.m. and opened meeting at 1:27 p.m. for the following information and actions.

Item 22 SURRENDER OF EDUCATOR LICENSE – Bud Williams

Mr. Bud Williams reported to the Board of Public Education the surrender of Educator License Folio No. 50599.

ACTION ITEMS

Item 23 HEARING – MATERIAL AND NON-PERFORMANCE CASE NO. 2008-06 - Steve Meloy and Elizabeth A. Kaleva

MOTION: Having determined that the respondent in case #2008-06 BPE has satisfied the “good cause” argument of the Board rule 10.57.611(2) relating to substantial and material non-performance, Ms. Angela McLean moved not to impose a sanction on the license of the teacher in case #2008-06. Ms. Sharon Carroll seconded.

Mr. Storrs Bishop and Mr. Bernie Olson believe the motion should be reconsidered to be sensitive to the burden that a material and non-performance case puts on a school district. The contract has been breached and there should be more emphasis placed on a contract when a teacher agrees to the conditions. A letter of reprimand would serve as a notice to future employers. There may have been other circumstances, but a letter of reprimand is a minimal sanction and states that the Board of Public Education does not treat these issues lightly. Discussion ensued around the “good cause” of this particular case. Dr. Kirk Miller believes that if the conditions are outlined in the contract then it becomes the responsibility of the school board. The Board of Public Education needs to place some of the control and supervision on the school board. Nonetheless in this particular case, Dr. Miller believes that this

teacher has demonstrated “good cause” and he agrees with the motion.

Motion carried with a 5-2 vote.

Item 24 HEARING – DENIAL CASE NO. 2008-07 - Steve Meloy and Bud Williams

MOTION: Ms. Angela McLean moved to uphold the State Superintendent’s denial of a request by petition 2008-07 to extend a Montana Class 5 Alternative Educator License endorsed Business Education for three years. Mr. Cal Gilbert seconded.

Discussion ensued around the school district in which the petitioner works being in deficiency. The following substitute motion was provided:

Mr. Bernie Olson moved to put the Denial Case No. 2008-07 under advisement until 2009 due to extenuating circumstances.

Several Board Members stated that the Board needs to support licensure and there will be a growing number of similar cases if it does not uphold the State Superintendent’s recommendation. Concern remained whether or not the petitioner would lose the teaching job and if the accreditation rules are getting in the way of properly licensing teachers. The Board believes that it does need to strictly enforce licensure, but some members felt there were extenuating circumstances in this particular case.

Mr. Bernie Olson withdrew the substitute motion.

Discussion continued about emergency authorization and if the district applied. Mr. Bud Williams stated that the school district did not apply for emergency authorization. Ms. Patty Myers noted that there was no second to Mr. Bernie Olson’s substitute motion; therefore the original motion remained as written.

Motion carried unanimously.

PRELIMINARY AGENDA ITEMS

Assessment Update
NCLB Update
Alternative Standards Request
MACIE Annual Report
Joint MACIE/BPE/OPI Meeting
Proposed Findings Case 2008-04
Chapter 57
Class 8 Implementation
Denial Case No. 2008-08

MOTION: Ms. Angela McLean moved to adjourn the Board of Public Education meeting. Mr. Cal Gilbert seconded. Motion carried unanimously.

Meeting adjourned at 2:04 p.m.