

**BOARD OF PUBLIC EDUCATION**  
**MEETING MINUTES**

July 16-17, 2009

MONTANA STATE CAPITOL  
Room #317  
Helena, MT

**July 16, 2009 - Thursday**  
**8:30 AM**

**CALL TO ORDER**

Chairperson Patty Myers called the meeting to order at 8:35 a.m. Mr. Tim Seery led the Board in the Pledge of Allegiance. Ms. Carol Will took roll call; a quorum was noted. State Superintendent Denise Juneau introduced Mr. Dennis Parman as the Deputy Superintendent and Ms. Deb Halliday as the Policy Advisor for the Community at the Office of Public Instruction. Chairperson Patty Myers noted that the nominations for MACIE will be presented under the State Superintendent's Report. The Governor's Office Report will be presented before the State Superintendent's Report. The Montana School for the Deaf and Blind's report will be presented on Thursday, July 16, 2009 instead of Friday, July 17, 2009.

***Ms. Angela McLean moved: to adopt the agenda as revised. Mr. John Edwards seconded and motion was unanimously approved.***

**PUBLIC COMMENT**

**CONSENT AGENDA**

**Items Pulled from Consent Agenda if Requested**

Items on the consent agenda were adopted as presented.

Those in attendance at the meeting included the following Board members: Chair Ms. Patty Myers, Vice Chair Ms. Angela McLean, Ms. Sharon Carroll, Mr. Storrs Bishop, Mr. Cal Gilbert, Mr. Bernie Olson, Mr. John Edwards, and Student Representative Mr. Tim Seery. 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 included: State Superintendent Denise Juneau; Dr. Mary Sheehy Moe represented Commissioner Sheila Stearns, and Mr. Dan Villa represented Governor Brian Schweitzer. Visitors in attendance included: Ms. Nancy Coopersmith, Assistant Superintendent OPI; Mr. Dennis Parman, Deputy Superintendent, OPI; Dr. Linda Vrooman Peterson, Accreditation Division Administrator, OPI; Mr. Eric Feaver, MEA-MFT; Mr. Dale Kimmet, Accreditation Specialist, OPI; Mr. Al McMilin, Educator Quality Program Specialist, OPI; Ms. Jean Howard, Mathematics Curriculum Specialist, OPI; Dr. Larry Baker, Dean of Education, MSU-Bozeman; Mr. Bill Sykes, Finance Director, MSDB; Mr. Steve Gettel, Superintendent, MSDB; Dr. Bruce Messinger, Superintendent, Helena School District; Ms. Cathy Kendall, Health Enhancement Division Administrator, OPI; Mr. T.J. Eyer, Operations Manager, OPI; Ms. Sue Buswell, Montana Association of School Nurses; Ms. Sue Mohr, Administrator of the Division of Measurement & Accountability, OPI; Mr. Andy Boehm, Research Specialist, OPI; Ms. Margaret Bowles, Instructional Coordinator, OPI; Ms. Madalyn Quinlan, Chief of Staff, OPI; Dr. Joanne Erickson, Interim Department Head, MSU-Bozeman; Mr. Michael Munson-Lenz, Indian Education Specialist, OPI; Mr. Tim Harris, Special Education Division Administrator, OPI;

and Ms. Judy Snow, Statewide Student Assessment Specialist, OPI ; Ms. Nancy Hall, Lead Budget Analyst, Governor's Budget Office; Ms. Kathy Boutilier, RN, BSN; and Mr. Bruce Swanson.

## INFORMATION ITEMS

### Item 1

#### **CHAIRPERSON'S REPORT - Patty Myers**

- May 23, 2009 MSDB Graduation – Great Falls, MT
- June 12, 2009 BPE Executive Committee Meeting – Helena, MT
- June 17, 2009 Virtual Academy discussion with Assistant Superintendent Tom Moore, GFPS – Great Falls, MT
- June 19, 2009 Accreditation Process via conference call
- July 7, 2009 MSDB Committee Meeting via conference call
- July 15, 2009 Executive Committee Meeting – Helena, MT

#### **EXECUTIVE COMMITTEE REPORT**

- **BOARD APPOINTEES TO THE MT VIRTUAL ACADEMY (Action)**

The BPE Executive Committee met on July 15, 2009 in Helena, MT to review the applications for the Montana Virtual Academy's Governing Board. The Executive Committee recommended to the Board of Public Education to postpone the application process until August 18, 2009 at 5:00 p.m. to extend the diversity of the applicant pool. The University of Montana has been selected as the sight. Commissioner Sheila Stearns and Deputy Superintendent Dennis Parman will be on the Governing Board of the Montana Virtual Academy representing the Office of the Commissioner of Higher Education and the Office of Public Instruction respectively.

- **COMMON CORE STANDARDS**

The development of the state's common core standards is an initiative from CCSSO and the NGA. The underwriters appear to be ACHIEVE, ACT, College Board and others of those in the assessment business. It appears as if no state will be eligible for the Race to the Top grant money unless they adopt or align 85% of the suggested common core standards. The state, through the OPI and the Governor's Office, will facilitate the application for grant monies which will be funneled through the OPI with spending authority garnered through the executive branch and not the legislature. The common core standards will be sent directly to the OPI. The adoption of these standards is voluntary and the OPI and the BPE are moving forward very cautiously, but feels the need to be at the table.

- **SCHOOL NURSE/STUDENT RATIO**

The BPE noted during its strategic planning session on July 15, 2009 that this issue will be incorporated in the Chapter 55 standards when it is up for review. See Item 16 that provided the recommendation for review of ARM Chapter 55 – Proposal and Timeline.

- **TEACHER SHORTAGE AT MSDB**

Ms. Patty Myers noted that June 12, 2009 Executive Committee Meeting Minutes provided a thorough summary of this issue. CSPAC will be considering an area of special competency to address this need.

#### **BOARD OF PUBLIC EDUCATION APPEARANCES**

##### **Angela McLean**

- June 10-11, 2009 Making Opportunity Affordable Conference – Denver, CO
- June 12, 2009 BPE Executive Committee Meeting – Helena, MT

- June 14-18, 2009 We the People Conference – Billings, MT
- June 24, 2009 Reviewing the legal road map – revising licensure via conference call
- July 15, 2009 Executive Committee Meeting – Helena, MT

**Bernie Olson**

- May 14, 2009 K- College Workgroup – Helena, MT

**Storrs Bishop**

- June 19, 2009 Accreditation Process via conference call

**Cal Gilbert**

- July 7, 2009 MSDB Committee Meeting via conference call

**Item 2 EXECUTIVE SECRETARY’S REPORT - Steve Meloy**

Mr. Steve Meloy addressed some of the following topics during this report: HB 459, sponsored by Representative Grinde; common core standards; Learning First Alliance; and the “legal roadmap” for handling license discipline cases.

**STRATEGIC PLANNING**

Mr. Steve Meloy reviewed the work of the strategic planning session held on July 15, 2009. Topics of discussion from the BPE Members, its partners, and the public included: Professional development; engaging school boards and their trustees in accreditation standards; school nurse/student ratio to be addressed in the Chapter 55 revisions; BPE’s response to continued deviations; initiate and review research on effective instruction; advocate when standards are threatened or at-risk; monitor and evaluate federal reform efforts; determine cooperative measures to seek ways to prepare educators for the teacher shortage at MSDB; NCATE and other accrediting entities; P-20; common core standards; alternative pathways to diplomas; early childhood education; recruitment and retention; and engage in the discussion of the fundamentals of school law. The BPE discussed the following topics on boardsmanship: committee structure; consent agendas; public comment vs. board discussion; and the student representative’s role.

**Item 3 CSPAC REPORT - Peter Donovan**

Mr. Peter Donovan informed the Board of Public Education that the Class 8 Review Panel will meet on July 22, 2009 to review approximately 50 applications for Class 8 licenses. He stated that a number of applicants, particularly in the sciences and social studies, have requested endorsement in a broad area when their credentials suggest a much narrower expertise. It is the consensus of the OPI/CSPAC/OCHE leadership that the broadfields endorsement should not be granted in these instances according to the rule. There is further discussion to amend the rule to allow for Class 8 endorsements in limited, narrow academic areas. Ms. Angela McLean requested that Mr. Peter Donovan consult with CSPAC and the Council of Deans to discuss the NCATE accreditation process for Montana’s teacher preparation institutions and provide a recommendation to the Board of Public Education as this topic was addressed at the BPE’s strategic planning session. In conclusion, Mr. Peter Donovan provided the Board with a list of meetings attended from April to July, 2009.

**Item 6 GOVERNOR’S OFFICE REPORT - Dan Villa**

Mr. Dan Villa discussed HB 645 which is the act implementing the American Recovery and Reinvestment Act of 2009 that will provide appropriations of federal stimulus and recovery funds. He stated that as of May 15, 2009, The Montana Department of Commerce has been providing competitive grants for Montana schools to perform energy audits and energy efficiency upgrades. Quick Start, one of Governor Schweitzer’s priority initiatives approved by the 61st Legislature in the Montana Reinvestment Act (HB 645), implements the federal American Recovery Reinvestment Act of 2009. This program is designed to assist schools with conducting energy audits and completing energy efficiency projects that provide long-

term, cost-effective benefits to K-12 school facilities.

The Department of Commerce will distribute up to \$14,950,000 million in Quick Start funds on a reimbursement basis until September 30, 2009. As of June 22, 2009, the Department has awarded \$8,852,331.59 in Quick Start grants. Energy efficiency audits have accounted for \$1,767,290.59, with energy efficiency improvement projects accounting for \$7,085,041.00. The Department of Commerce has \$6,137,668.41 remaining in Quick Start funds and will accept applications for both energy efficiency audits and energy efficiency improvement projects until September 1, 2009 or until the funds are exhausted.

The Department will not reimburse any costs incurred by successful grant applicants after September 30th, 2009. Per legislation, any funding not obligated for reimbursement by this date will roll into the Quality Schools Grants Program created by the 61st Legislature and signed by Governor Schweitzer in HB152.

There has been money left in flex funds and Governor Brian Schweitzer has charged Mr. Dan Villa with figuring out how he can get some of this money into the classrooms of Montana. Schools are allowed to use flex funds to exceed the maximum budget authority.

Mr. Dan Villa stressed the 5 points of the Governor's educational plan are: affordability, accessibility, portability, durability, and sustainability.

Discussion ensued about the "Race to the Top" in conjunction with the common core standards and how they are all tied together in the broader scheme. These State Incentive Grants encourage 3 multi-state consortia to seek excellence in the reform areas. States must show progress on the assurances to obtain one of these grants, and 50% of the funds will flow to districts based on the Title I formula. Mr. Dan Villa stated that it is still uncertain how these funds will be going to the schools. Anyone can write grants, but when they expire then the funds revert back to the general fund. In addition, Montana needs to be careful in not allowing private schools to obtain public school funds. State Superintendent Denise Juneau would like to draft a letter with the Governor's Office, the Board of Public Education and partners to Secretary Arne Duncan explaining Montana's point-of-view in regards to charter schools. The Board of Public Education was in support of drafting a letter to the U.S. Department of Education.

**10:05 a.m. Dan Villa departed**

**Item 4 STATE SUPERINTENDENT'S REPORT - State Superintendent Denise Juneau**

State Superintendent Denise Juneau provided the Board of Public Education with a memorandum dated July 16, 2009 with the nominees for the Montana Advisory Council on Indian Education (MACIE). The following representatives have been nominated to MACIE by their respective organizations:

- James DeHerrera, nominated by the Montana School Boards Association
- Luke Enemy Hunter, nominated by Indian Impact Schools of Montana
- Norma Bixby, nominated by the Montana Indian Education Association
- Peggy Cochran Seelye, nominated by the Missoula Indian Center to represent Missoula urban Indians
- Mariah Maxwell, nominated by the Northern Cheyenne Tribe
- Dale Four Bear, nominated by the Fort Peck Tribes
- Sandra Boham, nominated by the Indian Family Health Clinic to represent Great Falls urban Indians

***Mr. Cal Gilbert moved: to accept the nominations of the MACIE appointments as recommended by State Superintendent Denise Juneau. Mr. Bernie Olson seconded and was motion was unanimously approved.***

State Superintendent Denise Juneau stated that after visiting the College Board she stressed the need to expand Advanced Placement Courses in rural Montana to raise expectations for all students across the state. Some other events that she attended were: Montana Girls' State; Montana Educator Institute; MASBO; Making Opportunity Affordable Conference; Class 8 meetings; Land Board; and the Montana Behavioral Initiative (MBI) Summer Institute. Other projects that the OPI is working on are: OPI's strategic planning to ensure that every child graduates with a P-20 education; address and meet the needs of high priority schools; create agency-wide educational opportunities for continuing education; use and analyze data to make policy change and professional development; create shared policy goals between the OPI and the BPE to develop shared policy goals to be submitted to the Legislative Interim Committee.

Discussion ensued about the lack of money to promote Advanced Placement Courses, but the OPI has some money available to assist students to pay for their testing fees. There may be Title II type D funds available for technology. Ms. Angela McLean and Ms. Sharon Carroll stressed the need of increased funding to promote professional development for educators.

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

Dr. Mary Sheehy Moe presented a PowerPoint representing some information from the Making Opportunity Affordable Conference that was held in Denver, CO in June 2009.

- To keep pace with leading nations, by the year 2025 the U.S. needs to produce 64 million more undergraduate degrees
- Montanans' engagement in higher education is low in comparison to other states
- Although enrollments and completions in two-year colleges have increased significantly in the past 20 years, the percentage of Montana's college students enrolled in two-year colleges (24%) is far below the regional average (45%)
- Montana ranks last in the west and 49<sup>th</sup> in the nation in the percentage of its population over 25 years of age engaged in higher education
- Montana ranks last in the west and 45<sup>th</sup> in the nation in the percentage of 15- to 17- year-olds taking at least one college course
- At critical points in the education pipeline, Montana fails to retain American Indians, resulting in associate degree and baccalaureate degree completion rates that lag behind overall Montana rates
- Although remediation rates have dropped recently, nearly 1/3 of Montana high school graduates attending a campus of the Montana University System must take at least one development course
- College participation rates of low-income students in Montana have been steadily declining since 1999

The Board of Regents adopted the following resolutions:

1. Bring the full two-year mission to all two-year colleges and charge them to serve as regional hubs for workforce development, dual credit, and adult access
2. Coordinate approaches to dual credit, transfer, and adult access
3. Use an integrated information system to facilitate access, coordination, resource-sharing, and efficiency

The questions that Dr. Mary Sheehy Moe left with the Board of Public Education are:

- Where do these themes intersect with K-12?
- How can we work together to improve all Montanans' educational opportunities?

Discussion ensued about the cost ratio of attending a 4-year institution vs. a 2-year institution, following Wyoming's model of funding one university, being more effective and efficient, and the focus of low economic students.



**Item 9****KINDERGARTEN TO COLLEGE WORKGROUP REPORT - Bernie Olson and Steve Meloy**

Mr. Bernie Olson reported that the Kindergarten to College Workgroup met on May 14, 2009 in Helena and he specifically addressed the Montana Career Information System (MCIS)'s Progress Report that was presented by Mr. Keith Kelly, Commissioner of Department of Labor & Industry. Mr. Bernie Olson stated that the federal Carl Perkins program requires states to develop sequences of courses that lead to careers. The state needs an effective way to distribute that information to students and parents and MCIS is a free resource already embedded in schools across the state. Schools can upload their course offerings into the system and Montana University System course data specific to programs of study will be uploaded over the summer. The new tool will also have the capacity to identify courses that are dual-credit or dual-enrollment. In addition, the new MCIS tool will help students see the relevancy of high school courses if students can map how high school courses are prerequisites for a college degree and a career. Mr. Bernie Olson questioned how the MCIS would be available in every school? What can the state do to get all schools on the same page? Mr. Tim Seery thinks that it is a powerful system and that its expansion should be promoted for students across Montana.

**Adjourned for Lunch at 12:15 p.m.  
Reconvened at 1:30 p.m.**

**Item 10****DROPOUT AND GRADUATE REPORT FOR 2007-08 - Andy Boehm**

The Montana School Accreditation Standards (Administrative Rules of Montana 10.55.603) require schools to do follow-up studies of graduates and students no longer in attendance. The overview of this report provided information on students who graduated or dropped out of Montana public, state-funded and non-public, accredited schools, during the 2007-2008 school year.

Ms. Madalyn Quinlan, the Office of Public Instruction's Chief of Staff, introduced Mr. Andy Boehm and Ms. Sue Mohr as the Division of Measurement & Accountability staff. Mr. Andy Boehm pointed out some of the following facts from the 2007-2008 Montana Statewide Dropout Rate Summary:

- Montana accredited schools reported that 2,540 students dropped out of grades 7 through 12 during the 2007-08 school year. The corresponding October enrollment was 69,943 yielding a dropout rate of 3.6% for the 2007-08 school year.
  - The 2007-08 dropout rate for Montana grades 7 and 8 was relatively low (0.3%), but represents 65 students leaving school.
  - The 2007-08 dropout rate for Montana high schools was 5.2%.
  - Dropouts increased this year due to an increase in accountability in the student information system (AIM) and quality control procedures.
- For the 2007-08 school year, American Indian students represented 10.7% of the total school enrollment for grades 7 through 12, but account for 24.1% of the total dropouts.
  - The 2007-08 American Indian dropout rate for Montana grades 7 and 8 was 1.3%.
  - The 2007-08 American Indian dropout rate for Montana high schools was 11.5%.
  - The American Indian Dropout rate increased by 3.0%, while the dropout rate went up to 0.8% for White students from the 2006-07.
  - The five year average for all students increased by 0.8% to 3.3%.

Discussion ensued about the following: If the OPI tracked the 36 students that left the Butte Public School System; who is responsible about tracking students; what happens when a student leaves a public school and attends a private school or is homeschooled; what constitutes a transfer vs. a dropout; is the graduation rate affected by a student completing a GED to participate in a Job Corp; what if a student drops out of high school and enrolls in college; OPI's effort to change the age a student may drop out by law; the need to evaluate the completion rate when students takes longer to graduate than 4 years; and redefining the definition of Montana's graduation rate.

**Item 11 ANNUAL GED REPORT - Margaret Bowles**

The 2008 Montana GED Statistical and Demographic Reports were used to give an overview of the GED testing program in Montana and to identify current trends occurring in the state. The yearly status report of the GED included an overview of the implementation of the GED Online and the development of standards to guide adult educators to better prepare students for the GED. Ms. Margaret Bowles, GED Administrator, stated that the people who take the GED are some of the most courageous people because they put themselves on the line to take the GED. Most take the GED for some of the following reasons: family, job, pregnant, felt like they didn't belong in school, trouble in reading, trouble in math, excessive absenteeism, and personal satisfaction. People who take the GED are better prepared and are exhibiting a 79% passage rate. Ms. Margaret Bowles stated that she anticipates a much higher passage rate in the future. Some changes that have occurred: implementing the GED on-line; more rigorous to keep up with the high school standards; and students can no longer bank scores. Each person who passes the GED receives a letter signed by the State Superintendent and the Governor, a diploma, and a transcript. In conclusion, no one should view anyone with a GED as having a lesser education than any high school graduate.

**Item 12 SPECIAL EDUCATION REPORT - Tim Harris**

The report covered a discussion of the numbers of students with disabilities served through public education in Montana, the types of disabilities served, and numbers of students per category. The report also compared the funding sources, trends of participation of the funding sources over a number of years, and concluded with a description of 20 performance indicators the Office of Special Education programs in the Department of Education requires the states to address each year.

Analysis of the December 1, 2008 Child Count data (term used for the collection of student special education data) shows there was a decrease of 513 students from the previous year with the most significant decreases occurring in the speech-language impairment and learning disabilities categories. Analysis of the data also showed a significant decrease in the count of students reported in the disability category of emotional disturbance. Factors affecting the decrease include implementation of positive behavioral supports in general education and the positive effects of the implementation of over 100 Comprehensive School and Community Treatment Services (CSCT) programs in schools across the state. Students are not required to be eligible for special education services to receive CSCT services.

Mr. Tim Harris reviewed the charts that demonstrate the expenditures of state, federal, and local funds in comparison by year. He stressed that the financial burden is being placed further and further on the local tax payer because school districts need to pass levies to fund their special education programs.

Part 3 of the report is on accountability which is separated by 20 indicators. Most of the indicators demonstrate that the target has been met; however, in the following areas Montana did not meet the necessary target:

- Child Find – All regions
- Part C to Part B Transition – All regions
- Secondary Transition with IEP Goals – All regions
- Post-School Outcomes – Region II
- General supervision system identifies and corrects noncompliance as soon as possible, but in no case later than one year from identification – All regions

Discussion ensued about the reasons why there is a decrease in state funding, how the autism legislation is going to affect school districts; and how special education co-ops are formed and obtain approval.

**DISCUSSION ITEMS**

**Item 13 ASSESSMENT UPDATE - Judy Snow**

Reports: 1) Online Writing Assessment Pilots; 2) MontCAS Presents; and 3) 2010 Assessment

Conference. Ms. Judy Snow provided the following information from MontCAS's online professional development:

- May 4, 2009 Strategies for including students with disabilities in the general curriculum-information on standards-based IEPs
- May 21, 27, 2009 MontCAS presents information sessions
- May 28, 2009 Montana Analysis and Reporting System (MARS): Introduction and review of accessing CRT and CRT-Alternate test results
- June 4, 2009
- June 18, 2009 Book discussion of Jim Popham's, *Transformative Assessment*
- August 20, 2009 Online course on Formative Assessment presented by Dr. Margaret Heritage of CRESST/UCLA (Course outline and syllabus was provided)
- December 3, 2009

In addition, Ms. Judy Snow provided the school sites, number of students, grade, contractors, and programs for those who are piloting the online writing assessments. The contracted assessment companies are: Vantage Learning, NCS Pearson, Houghton-Mifflin/Harcourt/Riverside, and CTB/McGraw Hill.

#### **Mr. Storrs Bishop arrived at 3:00 p.m.**

Discussion ensued on the following: Obtaining a range of experience and quality; alignment with the university system's assessments; the common core standards and its implications for assessment in Montana; and the BPE taking an active role in promoting fine arts education. Ms. Sharon Carroll stressed that even though she was only able to attend one NASBE Assessment Study Group session; she has been kept informed through podcasts and electronic data. She believes that the fine arts are being neglected.

#### **Item 14 NO CHILD LEFT BEHIND UPDATE - Nancy Coopersmith**

This presentation included information about the scheduled determination of Adequate Yearly Progress for Montana schools, as required by the No Child Left Behind Act. In addition, information was presented about issues surrounding requirements for qualifications of teachers of core academic areas. The 2009 timelines for adequate yearly progress and assessment data was included. Ms. Nancy Coopersmith noted that July 27-29, 2009 the proposed AYP determinations are printed and mailed to schools/districts.

Districts have 10 working days to file an appeal. There were a number of appeals in the beginning, but now that schools/districts understand the process better the numbers of appeals have decreased substantially. Mr. Steve Meloy requested if the Board would be able to see this data before the schools/districts. Ms. Nancy Coopersmith said that the OPI would be able to provide an embargoed report to the Board in the future.

Ms. Nancy Coopersmith noted that the reauthorization of No Child Left Behind is probably not going to happen within the next couple of years. She has provided the BPE with information at the last couple of meetings in regard to the Highly Qualified Teacher issues from the ESEA. The OPI has received a letter of resolution that says Montana is on the track to address the findings from the monitoring review. The OPI reported that Montana did not have an attachment T assigned to the ESEA Title II funds that will be appropriated this fall. The attachment T is distributed to states that have compliance problems. Much kudos of congratulations was expressed between the Board of Public Education and the Office of Public Instruction.

#### **Item 15 RECOMMENDATION FOR THE CONTINUED REVIEW OF ADMINISTRATIVE RULES OF MONTANA CHAPTER 54 CONTENT AND PERFORMANCE STANDARDS, 10.54.2503 - Linda Vrooman Peterson**

The Office of Public Instruction provided to the Board of Public Education the revised Standards Review Schedule.



remedy the deviations that resulted in the deficiency status, the Superintendent of Public Instruction will recommend to the Board of Public Education that the school be placed in an intensive assistance process.

This process provides for a timely prescriptive technical assistance program for the school to be administered by the Office of Public Instruction. It is understood that the OPI would have been working with the school and district to resolve the issues without taking this additional step. The OPI will work with the district administrator and local board of trustees to ensure the intensive assistance process is coordinated with, and supported by the district. This process represents the final effort to resolve the significant accreditation issues facing the school and can and will lead to a recommendation by the Superintendent of Public Instruction to the Board of Public Education to move the school to non-accreditation status, and the BPE to order the withholding of all state equalization aid or county equalization funds. Section 20-9-344, MCA, gives the Board of Public Education the authority to withhold distribution of state equalization aid when the district fails to submit required reports or maintain accredited status. Rules 10.67.102 and 10.67.103, ARM, establish the procedures and hearing schedules as adopted by the Board of Public Education. The draft document listed the steps. Discussion ensued about the need to ensure that collaboration is occurring between superintendents, school boards, and their constituents. Mr. Storrs Bishop stressed the significance of streamlining this process.

**State Superintendent Denise Juneau departed at 4:45 p.m.**

**Item 26**

**MSDB COMMITTEE MEETING REPORT - Steve Gettel**

The following items were presented: MSDB Annual Report; Adoption of MSDB Strategic Plan; Human Resources of Personnel Actions; Professional Development of the Orientation plans for 2008-09; MSDB Foundation Update of Activities; Conferences, Meetings, and Contacts; Finance and Facilities; School Calendar of Events; and Student News.

Mr. Steve Gettel distributed a letter from Ms. Alice Guilbert, Secretary of the Montana Association of the Deaf, Inc. This letter extended heartfelt thanks to Mr. Steve Gettel for support and success of maintaining the high standards of education at the Montana School for the Deaf and Blind.

There are open positions at MSDB which produced a very limited applicant pool. It was decided to re-open these positions with the hope to expand the applicant pool. It was noted that there are fewer students coming into the program on campus which results in a growing outreach. Presently the budget will allow for MSDB to complete the work with the budget constraints, but they feel that there may be some challenges with the vacancy savings requirements.

Mr. Steve Gettel visited the South Dakota School for the Deaf in Sioux Falls, SD and stated that its Board of Regents decided to close the school. This decision was made because the enrollment dropped significantly due to political issues. Mr. Steve Gettel questioned how the state is able to meet its responsibility to its students. Montana has some similarities and MSDB hopes that some of these issues are dealt with proactively in its strategic plan for 2009-2016. Ms. Steve Gettel appreciated the fact that the Board of Public Education addressed the teacher shortages at MSDB in the BPE strategic plan. The key is providing professional development for the teachers who serve these students so deaf and blind impaired children have equal access to meet their constitutional rights. Discussion ensued about considering an area of special competency to promote professional development. Another thought was sending teachers from Montana to other states that have the resources to properly train these teachers, much like a Western Interstate Commission for Higher Education (WICHE) program that would enable Montana students to pay same fees as resident students. If all options are expended, then litigation may be necessary to come to a solution.

Mr. Bill Sykes presented the finance and facilities report. Mr. Bill Sykes and Ms. Carol Will met in FY09 to review the Board of Public Education's and the Montana School for the Deaf and Blind's internal control procedures as recommended by the Montana State Legislative Auditor.

***Mr. Bernie Olson moved: to accept the Montana School for the Deaf and Blind's strategic plan for 2009-2016. Mr. Cal Gilbert seconded and motion was unanimously approved.***

**Meeting adjourned at 5:33 p.m.**

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**July 17, 2009 – Friday**

**8:30 AM**

**Meeting reconvened at 8:32 a.m.**

**Deputy Superintendent Dennis Parman represented State Superintendent Denise Juneau  
Deputy Commissioner Dr. Mary Sheehy Moe represented Commissioner Sheila Stearns**

**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 18                      RECOMMEND APPROVAL OF NOTICE OF PUBLIC ADOPTION RELATING  
TO ADMINISTRATIVE RULES OF MONTANA 10.54.4010 THROUGH  
10.54.4098 MATHEMATICS CONTENT STANDARDS AND PERFORMANCE  
DESCRIPTORS - Jean Howard**

Ms. Patty Myers noted that the Board of Public Education will not approve the mathematics content standards and performance descriptors as written because there was language that was inadvertently omitted throughout the document. The words were, "including those of Montana American Indians."

**Mr. Storrs Bishop moved: to amend the proposed adoption notice which pertains to the math content standards and performance descriptors to extend the comment period for 30 days. Mr. Cal Gilbert seconded.**

**Public Comment**

Mr. Bruce Swanson apologized that he did not participate in the public hearing for the mathematics content standards and performance descriptors. He stated that he is a radical, wants the Board to hear what he has to say, and include it in the public record. Mr. Bruce Swanson believes that he observed a school district damaged his sons by the way they taught mathematics. He has spoken with significant people involved in math and believes that they cannot and do not disagree with his arguments. He has experienced mathematics in the industry and it is nothing like it is being represented in the university classroom. Mr. Bruce Swanson encouraged the Board of Public Education not to listen to the university math professors because they are only justifying their positions in the system. Their research can be largely discounted. Mr. Bruce Swanson provided a bullet point summary of his presentation to the Board of Public Education. Here is some of the bulleted information that was provided:

- "I have pointed out the brain programming disadvantages of the strands-and-spiral structure to OPI over the years and while that organization was formulating the proposed new standards. Although I was politely listened to the final form of the standards shows my assertions were completely disregarded. They understood full well what my points were and they offered no defense against them. (I did not put my points in writing as promised.) They seemed intent on

adopting standards that were compatible with the tentative emerging national standards despite any counter argument and that is what they did (in my opinion).”

- “As I remember the strands-and spiral pedagogical structure was introduced into the nation’s elementary schools in the middle 1960s. This means most people under the age of 50 have been put through the program including the teachers in that age range. I’ve yet to meet a teacher who has passed through the strand-and-spiral structure who can articulate a coherent operationally tight elementary math program.”

Mr. Bruce Swanson concluded by stating that he cannot hold back the engine, but believes that his way to educate children is better. Mr. Bernie Olson questioned what country in the world provides the type of math instruction that Mr. Bruce Swanson referred to as being the best. Mr. Bruce Swanson stated the only country that doesn’t seem to be dedicated to social engineering is the Republic of China using the Singapore Program. Mr. Bruce Swanson went on to say that Saxon math is the best program available in the state of Montana. Mr. Steve Meloy noted that Mr. Bruce Swanson’s comments will be included in the notice to be filed with the Secretary of State as part of the hearing process. Ms. Patty Myers repeated the motion and noted that the action brought before the Board is extending the notice of hearing for 30 days.

***Motion was unanimously approved.***

**Item 19**

**APPROVAL PROCEDURES AND FOLLOW-UP – RECOMMEND APPROVAL OF PROVISIONAL ACCREDITATION OF THE PROFESSIONAL EDUCATION UNIT OF THE COLLEGE OF EDUCATION, HEALTH AND HUMAN DEVELOPMENT AT MONTANA STATE UNIVERSITY - Linda Vrooman Peterson and Dr. Joanne Erickson, Interim Department Head**

At the March 2009 Board of Public Education meeting, Dr. Lynette Zuroff, On-Site State Verification Review Team Chairperson, presented the exit report and team recommendations of the provisional accreditation of the Professional Education Unit at MSU. Dr. Larry Baker, Dean of the College of Education, Health and Human Development, provided to the BPE the MSU Rejoinder to the exit report.

In May 2009 the OPI presented to the BPE the On-Site State Verification Review Team’s Response to the MSU Rejoinder. The state team reconfirmed the recommendation of provisional accreditation. The BPE accepted for consideration and review the Response to the MSU Rejoinder and recommendation for provisional accreditation.

This presentation requested that the BPE approve the recommendation of provisional accreditation of the Unit of the College of Education, Health and Human Development. Dr. Joanne Erickson, Interim Department Head at MSU, reported to the BPE as to the Unit’s progress toward meeting the standards “Met with Weakness” and “Not Met.” If the report to the BPE indicates the Unit is making progress, the team chairperson and appropriate team members will conduct a focused site visit of the Unit within six months of the final action.

***Ms. Angela McLean moved: to accept State Superintendent Denise Juneau’s recommendation to approve the exit report as presented. Ms. Sharon Carroll seconded and motion was unanimously approved.***

***Ms. Angela McLean moved: to accept the State Superintendent Denise Juneau’s recommendation to approve the provisional accreditation of the Professional Education Unit of the College of Education, Health and Human Development at Montana State University – Bozeman. Mr. John Edwards seconded and motion was unanimously approved.***

Dr. Larry Baker and Dr. Joann Erickson presented Montana State University-Bozeman’s plan and progress to correct each deficiency to the Board of Public Education. Dr. Linda Vrooman Peterson stated

that the Office of Public Instruction pledged to help Montana State University-Bozeman move forward with the plan that was presented.

**Ms. Angela McLean moved: to accept the State Superintendent Denise Juneau's recommendation to approve MSU-Bozeman's plan to correct each deficiency and to have the Office of Public Instruction conduct a follow-up on-site focused visit within six months. Ms. Sharon Carroll seconded and motion was unanimously approved.**

#### **Public Comment**

Mr. Eric Feaver noted that he was very disappointed that Montana State University-Bozeman did not continue with NCATE, but believes this action by the Board of Public Education documented evidence that there are still standards that need to be met by all.

#### **Item 20**

#### **UPDATE ON BROCKTON PUBLIC SCHOOLS' PLAN TO CORRECT ONGOING EMPLOYMENT OF NON-LICENSED TEACHER BASED ON THE ON-SITE REVIEW OF THE PLAN IN EARLY JULY WITH THE NEW BROCKTON SUPERINTENDENT - Dale Kimmet**

The Montana State Superintendent directed Mr. Dale Kimmet and Mr. Al McMillin to meet with the new Brockton Public Schools' Superintendent and the Board of Trustees prior to the July Board of Public Education meeting. The new superintendent and board will receive all the information and documents to date concerning the non-licensure issue and how the accreditation status of Brockton Public Schools is being affected. The report and process was provided to the Board of Public Education during this agenda item.

Mr. Dale Kimmet stated that the State Superintendent Denise Juneau recommended approval of the following plan that was submitted to the Office of Public Instruction on July 1, 2009 via an e-mail by Terry L. Falcon, Brockton Public Schools' Superintendent:

"I am writing in reference to the use of a non-certified music teacher in our school during the 2008-2009 school year. [The teacher in question] has been removed as the school music teacher and hired as a teacher's aide. We are presently advertising for a certified music instructor. In case we are unable to hire a certified music teacher for the high school, we will not be offering music this year. We have a certified art teacher and her class will be our fine arts for our high school students. This is our present plan if we are unable to hire a certified music teacher."

**Mr. Storrs Bishop moved: to accept the recommendation of the State Superintendent to approve the Brockton Public Schools' corrective plan to address the continued use of a non-licensed teacher. The Office of Public Instruction will monitor the implementation of the plan and provide an update report at the Board of Public Education's September 2009 meeting. While this Board is confident that this plan can, and will succeed, the Brockton Board of Trustees needs to be noticed that should the plan not be followed, or if it is found that the district is using any other non-licensed teacher during the coming year, the Board of Public Education will resume the course of action initiated at its May 2009 meeting to move the schools of Brockton to non-accreditation status effective July 1, 2010. Mr. John Edwards seconded.**

Board discussion following the motion centered on the need to express the need to the superintendent and the board of trustees to communicate this action to the community of Brockton. This is an excellent opportunity for Mr. Terry Falcon to open the lines of communication with the community.

#### **Public comment**

Mr. Eric Feaver stated that Brockton Public Schools bear scrutiny, but it is not the only school district that

defies the Board of Public Education's standards. Oversight is essential.

***Motion was unanimously approved.***

**Item 21                            2008-2009 ACCREDITATION STATUS RECOMMENDATIONS – ADDENDUM 2 - Dale Kimmet**

This presentation provided to the Board of Public Education for consideration an addendum to the 2008-2009 accreditation determinations for all schools as recommended by State Superintendent Denise Juneau. These changes are due to errors identified by the Office of Public Instruction after the accreditation determinations were acted on during the March 2009 BPE meeting and the districts were notified of those determinations. The report was included.

Mr. Dale Kimmet noted that all of the schools improved their accreditation status with the exceptions of Valier Elementary and Valier High School that moved into deficient status due to using an aide to teach math classes. Mr. Dale Kimmet said that the new superintendent was not aware of the arrangement, but has since been informed and intends to address the teacher licensure issue immediately.

**Mr. Storrs Bishop moved: to accept and approve State Superintendent Denise Juneau's recommendations regarding the 2008-2009 Accreditation Status Recommendations – Addendum 2 as presented. Mr. Cal Gilbert seconded and motion was unanimously approved.**

**Item 22                            RECOMMENDATIONS FOR ALTERNATIVE TO STANDARD REQUESTS - Dale Kimmet**

This presentation provided to the Board of Public Education for consideration of the Initial Alternative Standard and/or Five-Year Renewal Alternative Standard Requests recommended either for approval or disapproval by State Superintendent Denise Juneau. The report was included. A spreadsheet of the current approved variance was included. This report was requested as an ongoing report. The yellow band represents the alternative to the standards to be approved at this meeting. The green band represents the alternative to the standards that expire at the end of June.

Mr. Dale Kimmet provided a memorandum to State Superintendent Denise Juneau dated June 19, 2009 that provided a review of the Montana Small Schools Alliance (MSSA) Plan for Alternative Standard Collaboration. Also contained in this memorandum were 22 renewal alternative standard requests representing 15 districts and 15 schools that have been received and evaluated in accordance with 10.55.604, ARM. In conclusion the memorandum included 5 initial alternative standard requests representing 5 districts and 5 schools that were received and evaluated in accordance with 10.55.604, ARM. Mr. Dale Kimmet reviewed some of the specifics for several school districts noting which ones were recommended for approval or disapproval.

**Mr. Storrs Bishop moved: to approve State Superintendent Denise Juneau's recommendations to the alternative standard requests as presented. Ms. Angela McLean seconded and motion was unanimously approved**

**Item 23                            RECOMMENDATION FOR APPROVAL OF PROVISIONAL ACCREDITATION FOR LONE PEAK HIGH SCHOOL, BIG SKY, MONTANA - Dale Kimmet**

The Ophir School District has been working since 2004 to accomplish their vision of having a high school located in Big Sky, Montana. That vision is almost complete. During the past three years the district has worked with the Office of Public Instruction to insure the new school's facilities and programs will meet the accreditation standards. The accreditation team has completed their third and final formal visit/review and has submitted a report to the Montana State Superintendent. The Montana State Superintendent is ready to recommend provisional accreditation be granted. Lone Peak High School will remain in provisional status for three years. Any accreditation deviations resulting in Advice or Deficiency status



Specialized Competency, Mentor Teachers. This presentation requested the BPE to adopt the proposed amendment to create a new Area of Permissive Specialized Competency (APSC) for Mentor Teachers. The current APSCs authorized by the BPE include: early childhood education, gifted and talented education, and technology in education. The APSCs are statements of specialized competency that appear on educator licenses to indicate that the educator has completed a minimum of 20 semester college credit hours or equivalency in a specific academic area that has been approved by the Board of Public Education. Mr. Peter Donovan reviewed the process that occurred and explained that this is the fourth area of specialized competency if approved. Discussion ensued about whether or not a specialized competency could be considered to promote training for Advanced Placement teachers and the need to select the best faculty to teach AP. The discussion then refocused to the mentoring rule in regard to retaining qualified teachers through effective mentoring.

***Ms. Angela McLean moved: to adopt the proposed amendment of ARM 10.57.412 and 10.58.527 pertaining to mentor teachers. Mr. John Edwards seconded and motion was unanimously approved.***

Mr. Peter Donovan noted that there was a typo stating an incorrect rule number on the executive summary that was included in the agenda packet. The notice has the correct rule numbers.

#### **PRELIMINARY AGENDA ITEMS – September 10-11, 2009**

Set Annual Agenda Calendar  
Election of Board Officers  
Committee Appointments  
Superintendent Goals  
BPE Goal Review  
Assessment Update  
NCLB Update  
MACIE Update  
Youth Risk Behavior Survey Update (Odd years)

***Mr. Bernie Olson moved: to adjourn the Board of Public Education Meeting. Ms. Angela McLean seconded and motion was unanimously approved.***

**Meeting adjourned at 10:54 a.m.**

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