

BOARD OF PUBLIC EDUCATION **MEETING MINUTES**

November 14th, 2014
Red Lion Colonial Inn
2301 Colonial Dr.
Helena, MT

Friday November 14th, 2014
8:30 AM

CALL TO ORDER

The meeting was called to order at 8:33 AM by Chair Carroll. The Board recited the Pledge of Allegiance and roll call was taken. Chair Carroll welcomed all visitors.

Board members present included: Ms. Sharon Carroll, Chair; Mr. Bernie Olson; Ms. Lila Taylor; Ms. Mary Jo Bremner; Ms. Greta Gustafson, Student Representative. Members absent included Mr. John Edwards; Mr. Paul Andersen, Vice Chair; Ms. Erin Williams. Ex Officio members present included: Dr. Shannon O'Brien, Governor's Office; Superintendent of Public Instruction Ms. Denise Juneau; Dr. Neil Moisey, Office of Commissioner of Higher Education Office. Staff present included Mr. Pete Donovan, Executive Director; Ms. Kris Stockton, Administrative Specialist. Guests present included: Ms. Kelly Cresswell, Student Assistance Foundation; Ms. Nancy Coopersmith, OPI; Dr. Linda Peterson, OPI; Ms. Ann Gilkey, OPI; Mr. Dennis Parman, OPI; Ms. Patty Muir, OPI; Ms. Judy Snow, OPI; Ms. Donna Sorensen, MSDB; Ms. Donna Schmidt, MSDB; Ms. Tonya Shellnut, Billings, MT; Ms. Karen Cox, Billings MT; Ms. Kari Zeier, Concerned Women of America-Montana Chapter; MT; Mr. Rob Watson, Superintendent Bozeman Public Schools; Ms. Carol Clayton Bye, MSDB; Ms. Donna Schmidt, MSDB; Ms. Donna Sorensen, MSDB; Senator Dee Brown, Hungry Horse, MT; Ms. Madalyn Quinlan, OPI; Dr. Kirk Miller, School Administrators of Montana; Ms. Laura Sankey, Legislative Services Division; Mr. Bob Vogel, Montana School Boards Association; Ms. Terri Barclay, OPI; Mr. Marco Ferro, MEA-MFT.

PUBLIC COMMENT

No public comment was given.

CONSENT AGENDA

Consent agenda approved as presented.

ADOPT AGENDA

Mr. Bernie Olson moved to adopt the agenda as presented. Motion seconded by Ms. Lila Taylor.

No discussion. Motion passed unanimously.

INFORMATION ITEMS

❖ REPORTS – Sharon Carroll (Items 1-6)

Item 1 CHAIRPERSON'S REPORT **Sharon Carroll**

Chair Carroll updated the Board on activities she has taken part in on behalf of the Board including the Data Governance Council, the audit exit meeting, and the HiSet Conference she will be attending in

December. Chair Carroll extended her thanks on behalf of the Board to board member Olson whose term will be expiring at the end of January. Mr. Olson was presented with gifts from the Board staff and Chair Carroll.

Item 2 **EXECUTIVE DIRECTOR REPORT**
Pete Donovan

Mr. Donovan updated the Board on the status of the audit report. The Board received a clear audit and Mr. Donovan will appear before the Audit Committee in December. Mr. Donovan will be attending the Board of Regents meeting in the upcoming week. Mr. Donovan thanked the Board staff and OPI for all their work and help with the 3 administrative rule changes over the past two weeks. Ms. Carroll added that she and Mr. Donovan also attended the MEA-MFT Educator Conference in October and were part of a panel with the Office of Public Instruction and the Commissioner's Office regarding "Who Makes the Rules for Education in Montana".

Item 3 **STATE SUPERINTENDENT'S REPORT**
State Superintendent Denise Juneau

Superintendent Juneau thanked the Board and staff for their work on the three Administrative Rules up for adoption later on the agenda. The Superintendent updated the Board on the bills that OPI will bring forward in the next session including ANB funding for 19 year olds and increasing the drop out age from 16 to 18, and funding for training for AP teachers during the summer months. The OPI and Student Assistance Foundation have partnered to help students with the FAFSA process. Mr. Ken Bailey is the new Assistant Superintendent at the OPI replacing Ms. Julia Dilly who retired.

Item 4 **COMMISSIONER OF HIGHER EDUCATION'S REPORT**
Dr. Neil Moisey

Dr. Moisey announced several upcoming meetings including the Board of Regents Meeting in Missoula the following week. One of the items to be discussed is Financial Literacy as a training for new students along with the alcohol and sexual assault courses the students already take. Dr. Moisey discussed items for the upcoming Legislative Session for the Commissioner's Office. Dr. Moisey and Dr. Cech visited all the Tribal colleges in the state the previous two weeks and had a successful trip and will be working on transferability issues, dual credit, and continuing education for high school teachers all for Tribal Colleges.

Item 5 **GOVERNOR'S OFFICE REPORT**
Shannon O'Brien

Dr. O'Brien thanked the Board for their work and extended gratitude on behalf of Governor Bullock and Lieutenant Governor McLean as well. Dr. O'Brien discussed her travels across the state with Superintendents discussing with them the Governor's education agenda. Dr. O'Brien also updated the Board on the status of the Main Street Montana Project and SMART Schools, the Lieutenant Governor's Initiative, encouraging schools to save money and promote health. Dr. O'Brien also discussed Dual Enrollment, new funding for Jobs for Montana Graduate programs to expand to Native American communities, and the Governor's Early Edge program and funding regarding the program.

Item 6 **STUDENT REPRESENTATIVE'S REPORT**
Greta Gustafson

Ms. Gustafson updated the Board on her recent activities including her volleyball team's season, the State Student Conference she attended, and a workshop she led at the Conference. Ms. Gustafson attends her local school board meetings and updates them on her work with the Board of Public Education and what they do. She also attended her first Student Advisory Board for Graduation Matters meeting. Cut Bank High School also participated in College Application week, and she completed a survey on random drug testing at her school which her school was in favor of.

DISCUSSION ITEMS

❖ MSDB LIAISON - Lila Taylor (Item 7)

Item 7 MSDB REPORT Donna Sorensen

Ms. Donna Sorensen updated the Board on activities going on at the MSDB since the September meeting. The new Outreach Director, Carol Clayton Bye, updated the Board on Outreach Activities on going at the school including a partnership with a Deaf and Blind School in Russia. Ms. Donna Schmidt updated the Board on safety at the school. Injuries and Worker's Comp incidents were down 50% in 2013 from 2012. Ms. Schmidt also gave the Facilities update which included a water leak that required gutting one section of a cottage. The MSDB Foundation has raised funds for the school to update some of the cottages so the work is being done simultaneously. Ms. Schmidt updated the Board on the upcoming session in regards to the school, most importantly asking for funds to get employees' salaries to market which are currently 25-48% lower than other state employees doing the same work. The issue of accreditation for the MSDB was discussed and Ms. Patty Muir, OPI, addressed the school's accreditation deficiency regarding a Library Aide. The deficiency has been corrected.

ACTION

PUBLIC COMMENT

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

Ms. Lila Taylor moved to approve the MSDB Policies as presented. Mr. Bernie Olson seconded the motion.

No discussion. Motion passed unanimously.

❖ ASSESSMENT COMMITTEE – Sharon Carroll (Item 8)

Item 8 SMARTER BALANCED FORMATIVE ASSESSMENT PRACTICES DIGITAL LIBRARY DEMONSTRATION Judy Snow

Ms. Judy Snow gave a demonstration with Mr. Rob Watson, Superintendent, Bozeman Public Schools, and Jacob Warner, OPI Math Content Specialist on the Smarter Balanced Digital Library. Chair Carroll asked if teachers had access now and Ms. Snow answered in the affirmative and said she will work with the Board staff to obtain secure sign-on and passwords for Board members who would like one.

❖ LICENSURE COMMITTEE – Lila Taylor (Item 9)

Item 9 NOTICE OF SURRENDER OF AN EDUCATOR LICENSE Ann Gilkey

Ms. Ann Gilkey presented an Educator License surrender per ARM 10.57.605. A former Billings educator was suspended for alleged theft of district property. The educator has surrendered her license for a period of three years.

ACTION

PUBLIC COMMENT

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

❖ **EXECUTIVE COMMITTEE – Sharon Carroll (Item 10)**

**Item 10 CRITICAL QUALITY EDUCATOR SHORTAGE AREAS REPORT
Madalyn Quinlan**

Ms. Quinlan updated the Board on the history of the Quality Educator Shortage program in which a teacher may be eligible for up to \$3000 per year repayment for a total of \$12,000 over four years on Federal Education student loans for a full time licensed teacher at an impacted school. Ms. Quinlan reviewed how schools are determined as being impacted: rural isolation, economic impact, performance level of school.

Ms. Lila Taylor moved to approve the report on the Critical Quality Educator Shortage Areas Report as presented by the Office of Public Instruction. Ms. Mary Jo Bremner seconded the motion.

Board member Taylor asked how the program was funded. Ms. Quinlan answered the Legislature appropriates funds each biennium. Motion passed unanimously.

❖ **ACCREDITATION COMMITTEE – Bernie Olson (Items 11- 14)**

**Item 11 RECOMMEND APPROVAL OF REPORT ON THE 2013-2014 ADDENDUM TO
THE FINAL ACCREDITATION STATUS OF ALL SCHOOLS
Patty Muir**

Ms. Patty Muir presented the addendum report to the Board and requested approval.

Mr. Bernie Olson moved to approve the report on the 2013-14 addendum to the final accreditation status of all schools as presented by the Office of Public Instruction. Motion seconded by Ms. Mary Jo Bremner.

No discussion. Motion passed unanimously.

**Item 12 RECOMMEND APPROVAL OF REPORT ON 2013-2014 CORRECTIVE PLANS
Patty Muir**

Ms. Patty Muir presented to the Board the list of schools who presented corrective action plans and the Superintendent's recommendation to accept or reject. Also provided was a list of schools who have not presented a corrective action plan. Ms. Muir asked the Board for approval of the report.

Board member Taylor asked what happens if the school does not present a plan. Ms. Muir answered that the school goes into Intensive Assistance and the Office of Public Instruction goes on site to assist. If the school cannot meet the standard or chooses not to, the school must appear before the Board for action. If a school is not accredited, they do not receive funding and cannot participate in MHSAs sports.

Chair Carroll inquired regarding the accreditation status of Billings Public Schools. Dr. Peterson answered that BPS is currently in Intensive Assistance and has a variance to standards regarding class size. The School Counseling issue is being worked on with the OPI right now.

Mr. Bernie Olson moved to approve the report on the 2013-14 corrective plans as presented by the Office of Public Instruction. Motion seconded by Ms. Mary Jo Bremner.

No discussion. Motion passed unanimously.

Item 13

**RECOMMEND APPROVAL OF 2014-2015 ACCREDITATION PROCESS
Dr. Linda Peterson**

Dr. Peterson reviewed that since the Smarter Balanced Assessments in the spring of 2014 did not produce results for this year, the OPI will be using the most recent reports they do have from schools, which is the 2012-2013 results, to determine accreditation. The only 2014 reports which will be used are the 2014 CRT scores for science, and the 2014 high school graduation rates. Nationally this is the method being used for states to determine school accreditation for reading and math. Schools that are carrying deviations into the next year that cannot provide proof of improvement will be held harmless for this year and will be reviewed next year using the 2015 assessment results.

Mr. Bernie Olson moved to approve the 2014-15 Accreditation Determination Process of all Montana accredited schools. This process will use the 2014-15 assurance data and student performance data from the 2012-2013 Reading and Math CRT results, the 2014 spring Science CRT results, and the 2014 high school graduation rates. Because there are no new data for schools to use to improve their situation, for this year only, accredited schools with 2012-13 deviations in reading and math will be held harmless for those deviations. Ms. Mary Jo Bremner seconded the motion.

Board member Bremner thanked the OPI for their hard work to determine a solution to the problem and explaining it to the Board for their approval.

Motion passed unanimously.

Item 14

RECOMMEND ACCEPTANCE OF THE REQUEST FROM MOUNT ELLIS ACADEMY TO VOLUNTARILY WITHDRAW FROM MONTANA STATE ACCREDITATION, AND FURTHER RECOMMEND THAT FUTURE REINSTATEMENT OF ACCREDITATION MUST BE IN COMPLIANCE WITH ARM 10.55.605 (1) AND (10).

Dr. Linda Peterson

Dr. Peterson reviewed the request from Mount Ellis Academy to voluntarily withdraw from state accreditation status.

Mr. Bernie Olson moved to accept the request from Mount Ellis Academy to voluntarily withdraw from Montana state accreditation, and further recommend that future reinstatement of accreditation must be in compliance with ARM 10.55.605 (1) and (10). Motion seconded by Ms. Lila Taylor.

No discussion. Motion passed unanimously.

Meeting recessed for lunch at 11:50 AM

Meeting reconvened at 1:00 PM

❖ **LICENSURE COMMITTEE – Lila Taylor (Items 15-17)**

Item 15

**RECOMMEND APPROVAL OF THE REVISIONS TO THE CAEP AND MONTANA PARTNERSHIP AGREEMENT
Dr. Linda Peterson**

Dr. Linda Peterson presented the revisions to the partnership agreement between OPI, CAEP, and the BPE. CAEP found some errors in the agreement paperwork that was sent to the states, so the errors have been corrected and revised documents sent out. Dr. Peterson reviewed the revisions for the Board.

Ms. Lila Taylor moved to approve the state Superintendent's recommendation to revise Section III Standards and Processes for program Review C of the state partnership agreement between Montana and CAEP as presented and move to approve the revisions as presented. As evidence of quality, CAEP accepts the decisions of national accrediting organizations for specialized professional program areas that are recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. Proper documentation of current accreditation must be presented by the EPP. Further, the partnership with CAEP will be effective November 14, 2014 through June 30, 2021. Motion seconded by Mr. Bernie Olson.

No discussion. Motion passed unanimously.

**Item 16 RECOMMEND APPROVAL OF THE NOTICE OF ADOPTION OF ARM, TITLE 10,
CHAPTER 57, EDUCATOR LICENSURE
Ann Gilkey**

Mr. Pete Donovan announced that items 16, 17, and 18 each have a hearing report and the Adoption Notice available on the back table, as well as being posted on the Board website. Mr. Donovan briefly reviewed the dates of the 3 hearings and the public comment received both in person and in writing and thanked those individuals for their comments.

Mr. Dennis Parman then reviewed the Chapter 57 Notice of Adoption and addressed some of the changes being proposed and changes made due to public comments.

Board Member Edwards joined the meeting via phone. Chair Carroll read the BPE By-Laws Article 6 stating that meetings can be held in person or via phone or combination of both.

Mr. Parman continued with his presentation.

Mr. Rob Stutz noted a typographical error in the definitions for 10.57.102 reference to MCA 20-9-307 under definitions and comment number #4. The MCA reference should be 20-9-707.

Ms. Lila Taylor moved to approve the notice of adoption of ARM Title 10 Chapter 57 with the corrections to the definitions and comment #4 of the reference to MCA code 20-9-707 in 10.57.102. Motion seconded by Ms. Mary Jo Bremner.

Public comment from Dr. Kirk Miller, School Administrators of Montana and noted that educators and administrators from across the state were involved in the process and requested the Board to adopt.

Mr. Marco Ferro, MEA-MFT supports the rules as amended and thanked the Board for the addition of the Montana Youth Challenge and Job Corp for years of experience.

No further comment. Motion passed unanimously by roll call vote.

Board member Williams joined via phone.

Item 17 RECOMMEND APPROVAL OF THE NOTICE OF ADOPTION OF ARM, TITLE 10, CHAPTER 58, PROFESSIONAL EDUCATOR PREPARATION PROGRAM STANDARDS

Dr. Linda Peterson

Dr. Linda Peterson reviewed the Chapter 58 Notice of Adoption beginning with the comments and reviewing each of the comments on the Notice of Adoption.

2:08 PM brief recess to confirm numbers on adoption notice.

2:13 PM meeting reconvened.

Ms. Lila Taylor moved to approve the notice of adoption of ARM Title 10 Chapter 58 Professional Educator Preparation Program Standards, which includes the adoption of New Rules I through XIV; the amendment of ARM 10.58.102 through 10.58.104, 10.58.501 through 10.58.503, 10.58.505, 10.58.507, 10.58.509 through 10.58.511, 10.58.513 through 10.58.524, 10.58.526, 10.58.528, 10.58.705, 10.58.707, and 10.58.802; the amendment and transfer of ARM 10.58.508 and 10.58.512; and the repeal of ARM 10.58.210, 10.58.304 through 309, 10.58.525, 10.58.527, 10.58.601 through 10.58.603, 10.58.801, and 10.58.901 all pertaining to educator preparation programs. Mr. Bernie Olson seconded.

No discussion. Motion passed unanimously by roll call vote.

❖ ACCREDITATION COMMITTEE – Bernie Olson (Item 18)

Item 18 RECOMMEND APPROVAL OF THE NOTICE OF ADOPTION OF ARM, TITLE 10, CHAPTER 63, PRESCHOOL STANDARDS

Terry Kendrick

Superintendent Denise Juneau presented the new rules for the Chapter 63 Preschool Standards to the Board. The Superintendent briefly reviewed the benefits of the preschool standards which are voluntary for school districts and voluntary for parents. The Superintendent discussed the process used to create the standards, the Public Hearing on November 3, 2014, suggested revisions from the Public Hearing and requested the Board to adopt the new rules.

Mr. Dennis Parman reviewed the Notice of Adoption and the changes accepted from Public Comment and reviewed the public comments. Mr. Parman requested the Board to adopt the standards and called for questions.

Board member Taylor asked how a community with Head Start can prevent families from pulling children from Head Start and putting in the district preschool. Mr. Parman stated that they encourage districts to work with Head Start if they have one in their community or with other private providers. They expect there will be some shifting, but most Head Start schools have a waiting list and those children could then attend Head Start.

Mr. Bernie Olson moved to approve the Notice of Adoption of ARM Title 10 Chapter 63 Preschool education which includes new rules pertaining to preschool programming for public schools with review and revision on a five year cycle beginning July 1, 2017. Ms. Mary Jo Bremner seconded the motion.

Chair Carroll called for Public Comment

Senator Dee Brown gave public comment regarding the Board's constitutional authority to make rules on something that the Legislature has not funded and questioned how Mr. Parman can say that the Education and Local Government Interim Committee does not have authority to tell the Board what to do.

Mr. Rob Watson, Superintendent Bozeman Public Schools spoke as a proponent.

Ms. Tonya Shellnutt, Small Businesses of Montana, spoke as an opponent.

Mr. Rob Stutz spoke in regards to Article 10 section 9, 3(a) regarding the Board's constitutional rulemaking authority. Mr. Stutz also spoke in regards to the interim committee and their administrative rule review and the committee's role in the review process.

Ms. Karen Cox, Billings, MT, concerned parent spoke as an opponent.

Ms. Barbara Rush, Helena, spoke as an opponent.

Mr. Marco Ferro, MEA-MFT spoke as a proponent.

Dr. Kirk Miller, School Administrators of Montana spoke as a proponent.

Ms. Terry Kendrick, Office of Public Instruction entered 6 letters of support into the record.

Mr. Bob Vogel, Montana School Boards Association spoke as a proponent.

Ms. Patricia Dahl, Head Start Director for Rocky Mountain Development Council stated that she supports the standards and is grateful for the inclusion of the changes she requested at the Public Hearing.

Ms. Kari Zeier, State Director of Concerned Women for America-Montana spoke as an opponent.

Ms. Lila Taylor stated that she has concerns that the Board may offend the Legislature with the reference to the ELG and also has concerns about taking students away from local Head Start programs.

Mr. Bernie Olson stated that everything the Board does applies only to public education not private or home school. Mr. Olson also stated that Montana has the most liberal law in regards to parental rights over children's education and this Board has no authority over the parent's decision.

Ms. Greta Gustafson commented as a student that she did not attend preschool though her parents had the resources to send her. What she likes about the rule is that it is optional.

Ms. Shannon O'Brien made these points: 1) the proposed standards promote high quality education 2) overwhelming research shows that if high quality education occurs there is not a fall off after 3rd grad, and 3) she and Ms. Siri Smilie have been presenting to the ELG and the ELG has been up to speed on the preschool standards. In addition, there was representation from private industry and private preschool providers on the workgroup.

Ms. Mary Jo Bremner made a comment in regards to the statement about the Board being a rubber stamp. She stated that she feels that she is free to vote on her own free will, and that she believes firmly that it is important to delegate and that OPI and the Governor's office has been thorough in their research.

No further discussion. Motion passed unanimously by roll call vote.

Chair Carroll thanked those who gave public comment and she thanked those who worked on the standards.

PUBLIC COMMENT

No public comment was made.

FUTURE AGENDA ITEMS January 16TH, 2015

Exiting Board Member – Last Meeting

Transportation Report

MACIE Update

Annual School Food Services Report

Assessment Update

Accreditation Report

5 YCEP Progress Report

Educator Preparation Program Report

Federal Update

ADJOURN

Mr. Bernie Olson moved to adjourn the meeting. Ms. Lila Taylor seconded the motion.

No discussion. Meeting adjourned at 3:20 PM.

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Agenda items are handled in the order listed on the approved agenda. Items may be rearranged unless listed "time certain". Action may be taken by the Board on any item listed on the agenda. Public comment is welcome on all items but time limits on public comment may be set at the Chair's discretion.

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