

BOARD OF PUBLIC EDUCATION
MEETING MINUTES

March 14-15, 2019
Montana School Board Association Conference Room
863 Great Northern Blvd, 4th Floor
Helena, MT

Thursday, March 14, 2019
10:00 AM

CALL TO ORDER

Chair Schottle called the meeting to order at 10:00 AM. The Board said the Pledge of Allegiance and the Chair read the Statement of Public Participation and welcomed guests. Ms. Stockton took roll call.

Board members present: Dr. Darlene Schottle, Chair; Ms. Tammy Lacey, Vice Chair; Ms. Mary Jo Bremner; Mr. Scott Stearns; Ms. Madalyn Quinlan; Ms. Anne Keith; Mr. Jesse Barnhart; Ms. Paris Becker, Student Rep. Ex-Officio Members: Ms. Angela McLean, Commissioner of Higher Education's Office; Ms. Siri Smillie, Governor Bullock's Office; Superintendent of Public Instruction Elsie Arntzen. Staff members present: Mr. Pete Donovan, Executive Director; Ms. Kris Stockton, Administrative Assistant. Guests present: Mr. Rob Stutz, Counsel, Agency Legal Services; Dr. Linda Peterson, OPI; Ms. Patty Muir, OPI; Mr. Nathan Miller, OPI; Ashley McGrath, OPI; Kyle Moen, Chief Legal Counsel, OPI; Kristine Thatcher, OPI; Chris Emerson, OPI; Colet Bartow, OPI; Ron Whitmoyer, Superintendent East Helena Public Schools; Donna Sorensen, Superintendent Montana School for the Deaf and Blind; Susie Hedalen, OPI; Michelle Mitchell, OPI; Ms. Nancy Hall, Governor's Budget Office; Mr. Ron Whitmoyer, Superintendent, East Helena Public Schools; Mr. Randy Hiatt, Billings; Mr. Marco Ferro, MFPE.

PUBLIC COMMENT

No public comment.

ADOPT AGENDA

Mr. Scott Stearns moved to approve the agenda as presented. Motion seconded by Mr. Jesse Barnhart.

No discussion. Motion passed.

CONSENT AGENDA

Ms. Mary Jo Bremner moved to approve the consent agenda as presented. Motion seconded by Ms. Tammy Lacey.

No discussion. Motion passed.

*****Items are listed in the order in which they are presented*****

INFORMATION ITEMS

❖ REPORTS – Dr. Darlene Schottle (Items 1-6)

Item 1 CHAIRPERSON’S REPORT **Dr. Darlene Schottle**

Chair Schottle thanked the Board staff for their work during the legislative session, taking particular note of the Governor and Superintendent’s bill regarding Computer Science. Chair Schottle also noted a recent tour of the Missoula schools which are under construction and remodel, noting the hard work underway in that community. Appreciation was extended by the Chair to Ms. Lacey and Ms. Keith for their work since the last meeting on the Licensure Committee and Assessment Committee respectively. Chair Schottle also noted that Ms. Bremner is active on the MSDB Committee between meetings.

Item 2 EXECUTIVE DIRECTOR REPORT **Pete Donovan**

Mr. Donovan thanked Chair Schottle for the work she does for the Board. Mr. Donovan noted the Board confirmation hearings for SR 19 for Board members Barhnhart, Stearns, and Quinlan scheduled for Friday March 15 at 3:00 PM. Mr. Donovan updated the Board on the status of the 2018 Legislative Audit, and a review of HB 351 and HB 387 pertaining to the Board. Ms. Lacey suggested creating a new Board committee regarding Innovative Learning should these two bills pass and be funded.

- **BPE Legal Update**

Mr. Donovan turned the report over to Mr. Stutz to update the Board on a lawsuit filed that could have implications for the Board regarding the Board’s decision on the Oelkers case in January 2019. Mr. Stutz reviewed the issue at hand, answered Board member questions, and clarified that should the case move forward, and the Board become involved, the Board would need to retain outside counsel.

Item 3 STATE SUPERINTENDENT’S REPORT **State Superintendent Elsie Arntzen**

Superintendent Arntzen notified the Board of a letter the OPI received from ACT regarding an information breach of 8,000+ Montana students. The Superintendent continued with her report updating the Board on different bills the office is following or has requested, regarding students and education in Montana. The Superintendent answered Board member questions.

Item 4 COMMISSIONER OF HIGHER EDUCATION’S REPORT **Angela McLean**

Ms. McLean discussed legislation tracked by OCHE, mainly the Governor’s budget request including a request for a tuition freeze, increasing need-based aid, a request to refund the Quality Educator Loan Repayment program, and a ‘grow your own’ teacher program to support rural communities. Ms. McLean also discussed a new online course of Indian Education for All in Montana for MUS faculty and staff to take as a professional development course.

Item 5 GOVERNOR’S OFFICE REPORT **Siri Smillie**

Ms. Siri Smillie updated the Board on the Governor’s budget request for education funding specifically Special Education, Preschool, and the Quality Educator Loan Repayment program. Ms. Smillie then updated the Board on the draft recommendation from the Future Ready MT Cabinet to the Governor. Ms. Smillie noted that this report is open for comment and encouraged Board members to review the report and contact her with any suggestions. Once the report is complete the Governor will request approval from the Board.

Item 6**STUDENT REPRESENTATIVE'S REPORT****Paris Becker**

Ms. Becker reported on issues in Fairfield and surrounding communities, specifically concerns surrounding e-cigarettes, vaping, and educating students on the dangers. Fairfield is participating in a Graduation Matters walk, the ACT for juniors will be held in this spring, and Ms. Becker discussed preparation assistance the school is providing to students prior to the test. Ms. Becker noted that Fairfield was chosen by ACT as a site to offer the Pre-ACT. Ms. Becker noted the upcoming State Student Council Conference and some realignment going on with districts to encourage more schools to actively participate. Ms. Becker discussed probable changes to how the State Student Council President is selected which would change the process from an appointment process to an election process. The National Student Conference will be held in July in Pittsburgh and a representation of 15 students from Montana will attend, including Ms. Becker.

❖ MSDB LIAISON - Mary Jo Bremner (Item 7)**Item 7****MSDB REPORT (ACTION)****Donna Sorensen**

Ms. Sorensen presented the MSDB report to the Board, announcing that 1 new student was accepted yesterday. Ms. Sorensen reviewed the Listening Sessions she holds at the school with faculty and staff, an IT training the IT Administrator at the MSDB took and noted that he realized that the training is not ADA compliant so not all staff can take the training. The school is working with State ITSD regarding ADA accessibility. Ms. Sorensen noted a recommendation from a recent AdvancedED audit requiring the school to keep their governing Board informed and that she will be discussing it at the next MSDB Committee meeting. Ms. Sorensen reviewed student activities, Academic Bowl Competition, Student Life happenings, audit review, budgeting, and upcoming school celebrations.

- **Approve Out of State Travel Requests**

Ms. Mary Jo Bremner moved to approve the Out of State Travel request for a Student Life Behavioral Counselor to attend the Residential Child and Youth Care Professional Training April 29-May 3, 2019 in Cleveland, Ohio. Motion seconded by Mr. Scott Stearns.

No discussion. Motion passed unanimously.

- **Superintendent Leave Report**

Ms. Mary Jo Bremner moved to approve the Superintendent Leave Report for Annual Leave Days to be taken March 29, 2019, May 3, 2019, and May 31, 2019. Ms. Tammy Lacey seconded the motion.

No discussion. Motion passed unanimously.

- **Human Resource hirings**

Ms. Mary Jo Bremner moved to approve the Human Resource Hirings at the MSDB for: Louie (Lou) Collins, Cottage Life Counselor, Boys Cottage, and Erin Faulkner, Cottage Life Attendant, Girls Cottage. Ms. Tammy Lacey seconded the motion.

No further discussion. Motion passed unanimously.

Board members asked questions of Ms. Sorensen regarding the AdvancedEd accreditation process, legislative issues, which were answered by Ms. Sorensen.

Mr. Hiatt made closing remarks to the Board and thanked the Board for their time.

Ms. Tammy Lacey moved to deny the appeal of the licensure denial of Mr. Hiatt. Motion seconded by Ms. Madalyn Quinlan.

Mr. Stearns noted that he will vote against the motion.

Ms. Lacey noted as Chair of the Licensure Committee that there are specific rules for specific reasons, set forth in good faith, and that to grant a license would not be following the Administrative Rules of Montana that the Board is required to uphold.

Ms. Bremner noted that OPI has often come forward with a request for Special Circumstance, and although she has always voted against those requests, she questions why OPI did not do so in this matter.

Chair Lacey noted previous reasons for Special Circumstance in prior cases the Board has heard.

Mr. Stearns also commented regarding Special Circumstance, and that a future discussion may need to be held regarding how and when Special Circumstances are used.

Mr. Stutz noted the ARM for Special Circumstance under 10.57.109 in which the rule states that the Special Circumstances must come before the Board "upon a recommendation from the Superintendent of Public Instruction".

Roll call vote: Yes: Chair Schottle, Tammy Lacey, Mary Jo Bremner, Anne Keith, Madalyn Quinlan. No: Scott Stearns, Jesse Barnhart.

Motion passes 5-2.

❖ **EXECUTIVE COMMITTEE - Dr. Darlene Schottle (Item 8)**

Mr. Stearns noted that this will be the last Board meeting for Chief Legal Counsel at OPI Kyle Moen as he will be joining a private firm in Billings practicing educational law.

**Item 8 FEDERAL REPORT (INFORMATION ONLY)
Susie Hedalen**

Ms. Susie Hedalen presented the Federal Report to the Board, speaking first about the preliminary allocations presented in the President's budget. No Montana Congressional members are on the education subcommittee, though both Senators Tester and Daines are on the full committee, and Ms. Hedalen and Ms. Walker will be in communication with both Senators regarding education funding for Montana. Ms. Hedalen noted that Title IV funding will hopefully remain the same as Montana uses their Title IV funding consistently, specifically mentioning the #letstalk app Ms. Lacey referred to in an earlier report and noted that is a specific app to Montana developed in Great Falls and in collaboration with the OPI Title IV Administrator. Ms. Hedalen noted the OPI staff numbers have gone from 188 to 163. A review of the After-School Programs was given and the 21st Century Grants in which schools can apply for to run their After-School Programs. Applications will be open in the coming weeks. Ms. Hedalen updated the Board on the progress of the report card, which should be available by the end of April 2019. Only information required by Federal Law will be included on the report card for this year. Schools will be notified 1 week prior to the media being notified of the report card being released so schools have time to analyze the data prior to receiving questions about the data for their school.

Ms. Lacey thanked the Assessment Committee for their work on the revisions. Ms. Bremner noted her thanks to the committee for adding clarification to the rule. Ms. Quinlan commended the OPI for the work they have done, and that she was impressed with the Negotiated Rulemaking report.

No further discussion. Motion passed unanimously.

Chair Schottle noted that the process worked the way it was designed to work.

❖ **ACCREDITATION COMMITTEE – Jesse Barnhart (Items 17-22)**

**Item 17 RECOMMEND APPROVAL OF THE 2018-2019 ACCREDITATION STATUS OF ALL SCHOOLS (ACTION)
Patty Muir, Nathan Miller**

Ms. Patty Muir presented the embargoed copy of the 2018-2019 Annual Accreditation Report to the Board noting that both she and Mr. Nathan Miller will co present the report to the Board. Ms. Muir thanked the BPE Accreditation Committee for meeting with OPI earlier this week to discuss the report and answer any questions and address any concerns the Board had. Ms. Muir and Mr. Miller presented the report to the Board highlighting changes from last year's report. Ms. Muir and Mr. Miller answered Board member questions. Mr. Stearns extended his appreciation for the report being mailed to Board members in advance of the meeting for proper preparation. Ms. Muir recommended the approval of the report.

Mr. Jesse Barnhart moved to approve the 2018-2019 Accreditation Status of All Schools as recommended by the Superintendent of Public Instruction. Motion seconded by Ms. Anne Keith.

No discussion. Motion passed unanimously.

**Item 18 RECOMMEND APPROVAL OF THE 2018 – 19 REPORT OF SCHOOLS TO EXIT INTENSIVE ASSISTANCE; SCHOOLS TO ENTER INTENSIVE ASSISTANCE; SCHOOLS TO MOVE TO STEP 2 OF INTENSIVE ASSISTANCE; SCHOOLS TO REMAIN IN STEP 2 OF INTENSIVE ASSISTANCE. (ACTION)
Patty Muir**

Ms. Muir presented the item to the Board and discussed how schools move into and out Step 2 of Intensive Assistance. Ms. Bremner thanked Ms. Muir and Mr. Miller for all the travels they make across the state to visit these schools.

Mr. Jesse Barnhart moved to approve the Exit of 10 schools from Intensive Assistance as presented. Motion seconded by Ms. Tammy Lacey.

No discussion. Motion passed unanimously.

Mr. Jesse Barnhart moved to approve the Superintendent's recommendation to move 20 schools in to Intensive Assistance as presented. Motion seconded by Ms. Anne Keith.

Clarification questions from Mr. Stearns and Ms. Lacey. Motion passed unanimously.

Mr. Jesse Barnhart moved to approve the Superintendent's recommendation for 13 schools to move to Step 2 of the Intensive

Assistance process as presented. Motion seconded by Ms. Mary Jo Bremner.

No discussion. Motion passed unanimously.

Mr. Jesse Barnhart moved to approve the Superintendent's recommendation for seven schools to remain in Step 2 with ongoing assistance as presented. Motion seconded by Ms. Madalyn Quinlan.

No discussion. Motion passed unanimously.

Item 21

ACCREDITATION EAST HELENA AND LOCKWOOD HIGH SCHOOL (INFORMATION ONLY) – 15 minutes

Patty Muir; Mr. Ron Whitmoyer, Superintendent, East Helena Schools

Ms. Muir updated the Board on the status for Lockwood High. Groundbreaking has taken place and the school is expecting approximately 100 students to begin attending Fall 2019. Job postings are open currently, and the Superintendent hopes to present to the BPE at the May meeting in Great Falls.

Superintendent Ron Whitmoyer presented the plan for the East Helena High School to the Board. Mr. Whitmoyer reviewed the process of how the district and community made the decision to create a new high school.

Mr. Whitmoyer invited the Board to meet in September at the new Prickly Pear Elementary School in September 2019, or at the new East Helena High School in September 2020. Mr. Whitmoyer also noted that groundbreaking for the new High School is Monday, March 18.

Item 19

RECOMMEND ACCEPTANCE OF THE NEGOTIATED RULEMAKING COMMITTEE FOR HAZARD AND EMERGENCY PLANS AND ECONOMIC IMPACT STATEMENT (ACTION) – 15 minutes

Dr. Linda Peterson

Dr. Peterson presented the item to the Board, reviewing the rulemaking process going forward for the Board to adopt the proposed plan. Dr. Peterson walked through the Final Report and the Economic Impact Statement with the Board and answered questions.

Mr. Jesse Barnhart moved to accept the Economic Impact Statement Report recommended by the State Superintendent, direct the Office of Public Instruction to prepare the Notice of Public Hearing and Timeline for Hazard and Emergency Plans pertaining to the proposed rule changes to ARM 10.55.701 and related new rule. Motion seconded by Ms. Madalyn Quinlan.

No discussion. Motion passed unanimously.

Item 20

UPDATE ON PROGRESS OF THE NEGOTIATED RULEMAKING PROCESS TO AMEND ARM 10.55.606 – (INFORMATION ONLY) – 15 minutes

Dr. Linda Peterson

Dr. Peterson presented the item to the Board and reviewed the proposed revisions the Office of Public Instruction is requesting.

Item 22

CONTENT STANDARDS REVISION TIMELINE AND OVERVIEW OF ACTIVITIES - (INFORMATION ONLY) – 15 minutes

Colet Bartow

Ms. Colet Bartow briefly reviewed the timeline for Content Standards review and discussed the timeline with the Board and answered questions.

❖ **EXECUTIVE COMMITTEE – Dr. Darlene Schottle (Item 23)**

Item 23 **SCHOOL NUTRITION PROGRAMS 2018 ANNUAL REPORT (INFORMATION ONLY) – 15 minutes**
Christine Emerson

Ms. Christine Emerson presented the Annual School Nutrition Report to the Board. Ms. Emerson reviewed the report, how the division at OPI supports schools across the state, reviewed the two USDA grants that help administer the program, and highlighted areas of the report for Board members.

FUTURE AGENDA ITEMS May 9-10, 2019

CSPAC Appointments

Student Representative Last Meeting & Recognition

Approve K-12 Schools Payment Schedule

Assessment Update

Accreditation Report

Variance to Standards Requests & Renewals

Federal Update

MACIE Update

Approve MSDB School Calendar

Executive Director Performance Evaluation

Mr. Donovan discussed a proposed rule amendment to Chapter 57 to create a one-year Class 5 license for individuals seeking license in Montana who need to take the PRAXIS test to complete certification but are unable to complete the test timely fashion due to scheduling. The proposed revisions would allow educators to be granted a Class 5 license for one year pending completion of the PRAXIS test, when they could receive a Class 1 or Class 2 license. The proposed language will be presented to CSPAC on April 17, and if approved, will forward to the Board for the May meeting to approve the Notice of Public Hearing. Possible adoption of the new rule would be in July.

Ms. Lacy requested for an OPI staffing report from May 2017 to May 2019, by division, and what impact those staffing changes have had on students and districts. The report should also include additions to FTE or new positions created due to legislation or policy changes. Chair Schottle asked for information on whether positions are state or federally funded.

PUBLIC COMMENT

ADJOURN at 12:27 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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