

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

**July 16, 2020**  
**Zoom Meeting**

**Thursday July 16, 2020**  
**8:30 AM**

**CALL TO ORDER**

Chair Schottle called the meeting to order at 8:30 AM. 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. Jerry Lynch; Mr. Jesse Barnhart; Ms. Anne Keith; Ms. Madalyn Quinlan; Ms. Paige Lepard, Student Rep. Staff: Mr. Pete Donovan, Executive Director; Ms. Kris Stockton, Administrative Assistant. Ex Officio members: Superintendent of Public Instruction Elsie Arntzen; Ms. Angela McLean, OCHE; Ms. McCall Flynn, Governor's Office. Guests: Ms. Emily Fuller, OPI; Ms. Phoebe Williams, OPI; Dr. Linda Vrooman Peterson, OPI; Mr. Paul Furthmyre, MSDB; Mr. Dennis Parman, MREA; Ms. Ashley McGrath, OPI; Ms. Patty Muir, OPI; Mr. Matt Hoffman, Billings Gazette; Ms. Megan Harbaugh; Mr. Marco Ferro, MFPE; Ms. Jule Walker, MTSBA; Ms. Diane Burke, MQEC; Ms. Nancy Hall, Governor's Budget Office; Ms. Colet Bartow, OPI; Dr. Kirk Miller, School Administrators of Montana; Ms. Tracey Moseman, OPI; Mr. Rob Stutz, Agency Legal Services; Krystal Smith; OPI; Ms. Barbara Brown, CSPAC member; Ms. Kristine Thatcher, OPI; Ms. Marisa Graybill, Ms. Emily Dean, MTSBA; Ms. Julie Murgel, OPI; Ms. Shantel Niedersmith; Ms. Laura Sankey-Keip, Legislative Services; Ms. Donna Schmidt, MSDB; Ms. Melissa Romano; Dr. Ann Ewbank, MSU; Dr. Stevie Schmitz, Rocky Mountain College; Dr. Alison Harmon, MSU;

**PUBLIC COMMENT**

No public comment.

**CONSENT AGENDA**

**Ms. Tammy Lacey moved to approve the consent agenda as presented. Motion seconded by Ms. Madalyn Quinlan.**

***No discussion. Motion passed unanimously.***

**ADOPT AGENDA**

Chair Schottle noted that she is moving Item #11 before #10, and Item #22 prior to #9. These items all have information pertaining to Item #10.

**Ms. Tammy Lacey moved to adopt the agenda with the changes noted above. Motion seconded by Mr. Jesse Barnhart.**

***No discussion. Motion passed unanimously.***

\*\*\*\*\*/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 everyone in the education community for their hard work during the Covid 19 pandemic working to ensure the best decisions possible are being made for schools and students across the state of Montana.

**Item 2**                            **EXECUTIVE DIRECTOR REPORT**  
**Pete Donovan**

Mr. Donovan discussed funding quality education, pending lawsuits, and invited Ms. Diane Burke, Executive Director of the Montana Quality Education Coalition to update the Board with information regarding ongoing lawsuits. Ms. Burke reviewed recent information on Espinoza vs. Montana Dept of Revenue, and the recent ruling from the Supreme Court upholding the tax credit at issue in the case allowing the tax credit be made available to students attending private schools as well as public schools. Ms. Burke discussed a lawsuit MQEC has against the state regarding funding private education with public funds as they believe that should not be allowed. Ms. Burke answered Board member questions. Mr. Donovan thanked Ms. Burke for her update and concluded his report.

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

Superintendent Arntzen updated the Board with activities at the OPI including the FLEX2020 Task Force and the LEARN2020 Task Force, Covid 19 funds made available to schools via the CARES Act and from Governor Bullock’s Office, and an update on the Reading Grant at the OPI. Board member Lynch asked for clarification of the differences between the guidance issued from OPI for reopening schools and the guidance issued from the Governor’s Office for reopening schools. The Superintendent noted that their plan was devised with input from schools. Superintendent Arntzen introduced new Deputy Superintendent Tim Johnson to the Board.

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

Ms. McLean discussed the MUS Covid Task Force work that has been ongoing and the final report from that group was included in the Superintendent’s Reopening Guidance as well. Other information provided included an update on the Educator Recruitment and Retention Task Force; gains in Native American completers in the MUS; ongoing participation with MACIE; recruiting a Director of Enrollment and Admissions at the Commissioner’s Office as well as a College Access Manager.

**Item 5**                            **GOVERNOR’S OFFICE REPORT**  
**McCall Flynn**

Ms. Flynn thanked the Board for time to update them with activities at the Governor’s Office including the Governor’s plan for reopening schools during Covid that was created with guidance from public health officials and schools. Ms. Flynn also discussed the funds the Governor has made available to schools to assist with reopening during Covid, the bulk PPE which will be provided to schools for reopening purposes, and the Governor’s Emergency Education Relief Fund which came from the US Department of Education which allows the governor to provide grants to Elementary, Secondary, and Post-Secondary schools for Covid related issues, most of which is related to remote learning access. Childcare development block grants were also discussed, which went to support childcare providers during the Covid 19 crisis. Ms. Flynn answered Board member questions. Members asked Ms. Flynn for a listing of how the 75 million dollars granted by the Governor to schools will be allotted.

**Item 6**                                **STUDENT REPRESENTATIVE'S REPORT**  
**Paige Lepard**

Ms. Lepard updated the Board with an update on some of the reopenings at schools regarding sports, student groups, and planning for Homecoming activities, and fundraising activities. Ms. Lepard answered Board member questions.

❖ **MSDB LIAISON - Mary Jo Bremner (Item 7)**

**Item 7**                                **MSDB REPORT – (INFORMATION ONLY)**  
**Paul Furthmyre**

Ms. Bremner opened the item by thanking Mr. Furthmyre for his willingness to step up and the hard work he has shown during the Covid crisis and for pivoting as needed. Mr. Furthmyre thanked Ms. Bremner and the Board and updated the Board on enrollment numbers, what reopening might look like, campus numbers, PPE coming from the Governor's office, and how the school is planning to reopen for Fall 2020 and that the plan will be distributed in the coming weeks to parents, families, community members, public health officials, and the Board.

- **MSDB ACTION ITEMS:**
  - **Human Resources**

**Ms. Mary Jo Bremner moved to approve the Human Resource Hirings at the MSDB for: Amber Bateen, Deaf and Hard of Hearing Teacher, Jasmine Roach and Amanda Roach, On Call Life Guards. Motion seconded by Ms. Tammy Lacey.**

*No discussion. Motion passed.*

- **Agreements**

**Ms. Mary Jo Bremner moved to approve the Memo of Understanding between the Montana School for the Deaf and Blind and the Montana Digital Academy. Motion seconded by Ms. Anne Keith.**

*No discussion. Motion passed.*

**Ms. Mary Jo Bremner moved to approve the Request for Exception to the Authorized Representative. Motion seconded by Ms. Madalyn Quinlan.**

*No discussion. Motion passed.*

❖ **MACIE LIAISON - Mary Jo Bremner (Item 8)**

**Item 8**                                **MACIE REPORT – (INFORMATION ONLY)**  
**Jennifer Smith**

Ms. Smith updated the Board on the most recent meeting of MACIE including vacancies on the Council they are actively recruiting for, committee updates, video clips being designed for inclusion and unity from each tribe which will be done in their native language, a research study at OPI on the variables in Indian education that may be contributing to achievement gaps, and planning for the upcoming school year amidst Covid. Board members thanked Ms. Smith for her work, and Chair Schottle noted the 25<sup>th</sup> Anniversary of the Class 7 license. Ms. Smith noted that Billings has resumed some summer coursework for credit recovery, and the Native Summer Academy is also in session with 1<sup>st</sup>-5<sup>th</sup> graders in session.

❖ **ASSESSMENT COMMITTEE – Anne Keith (Item 22)**

**Item 22**                      **ASSESSMENT REPORT – (INFORMATION ONLY)**  
**Ashley McGrath**

Ms. McGrath updated the Board with the latest in Assessment, including changes to testing in the state due to Covid, including the waivers granted to the state. Ms. McGrath recapped for the Board how and why the Spring Testing waivers were granted due to Covid, and how the OPI is communicating with schools and supplying information regarding Assessment, how remote proctoring is working, a FAQ sheet the OPI has developed for schools, testing guidance, how the science assessment is coming along and public comment. Ms. McGrath also reviewed next steps for testing, and how each test has been impacted by Covid 19. Ms. McGrath noted that the NAEP 2020-2021 has been postponed on a national level due to Covid 19. Ms. McGrath reviewed the Spring 2021 Assessment schedule as it is listed as of now. Ms. McGrath answered Board member questions.

❖ **EXECUTIVE COMMITTEE – Dr. Darlene Schottle (Item 9-14)**

**Item 9**                      **STUDENT ACHIEVEMENT REPORT/FEDERAL UPDATE – (INFORMATION ONLY)**  
**Dr. Julie Murgel**

Ms. Murgel updated the Board on the Comprehensive and Targeted Support schools and that any schools identified in this category will continue to have support in the upcoming school year. New recommendations have come down from the Council of Chief State School Officers regarding Comprehensive and Targeted schools and the OPI is assessing the changes and considering how those may affect these schools in Montana. The OPI continues with support for these schools. The OPI has applied for a waiver for their 15% carryover limitation, that only once every three years can school's carryover 15% of their Title I funding. 9 districts in Montana qualify and the OPI hopes to receive the waiver to assist schools moving forward during the Covid 19 crisis.

**Item 11**                      **UPDATE ON LEARN2020 TASK FORCE – (INFORMATION ONLY)**  
**Colet Bartow**

Ms. Colet Bartow updated the Board on the LEARN2020 Task Force created by the Superintendent in May of 2020 to look at Academic Programing, Social and Emotional Support, and Physical and Structural Safety for the reopening of schools for the 2020-2021 school year. The Task Force was comprised of educators, parents, health professionals, students, and community members. The Task Force put together a report released on July 2<sup>nd</sup> for Reopening Guidance for Schools. Ms. Colet highlighted areas on the report for the Board. Board member Keith who was a member of the Task Force, commented that she is hearing from teachers that they are looking for more specific information such as teaching young children, best practices, etc., and that teachers are saying the document is too broad. Teachers are looking for more information and classes on the Teacher Learning Hub. Ms. Bartow responded that the Hub is in the process of gathering that information and getting resources and classes available for teachers to have access to the requested information. A target date of the end of July for Remote Learning resources is scheduled.

**Item 10**                      **UPDATE OF FLEX2020 TASK FORCE RECOMMENDATIONS– (INFORMATION ONLY)**  
**Dr. Julie Murgel**

Ms. Murgel updated the Board on the final recommendations from the FLEX2020 Task Force which looked at possible flexibilities for schools in reopening for Fall 2020. 5 subgroups were established to look at different areas. Ms. Murgel highlighted 3 key documents from the Task Force: 1) new flexibilities 2) Existing Flexibilities 3) Report to the Superintendent. Ms. Murgel noted that the report contains possible actions. Deputy Superintendent Sharyl Allen addressed the memo drafted to the Board from the Superintendent on June 30<sup>th</sup>. Ms. Allen reviewed the letter and the requests contained therein. The Superintendent requests to work with the Board Assessment, Licensing, and Accreditation sub

committees, and to have a special Board meeting in August to discuss. Mr. Parman, MREA, commented that the MT-PEC has created a document that was shared with the Board addressing some of their concerns, and requested the letter be entered into the record. Chair Schottle asked for comments from Ms. Lacey and Mr. Donovan who were participants in the Task Force. Ms. Lacey noted the documents contained in the packet were well summarized and noted that one recommendation her subgroup came up with was not included in the document pertaining to ARM 10.55.604. Mr. Donovan noted that the Board needs to have time to fully digest the recommendations before taking any action on them. Questions from the Board members to Ms. Allen were addressed regarding the specific requests and timelines. Chair Schottle noted that she appreciates the OPI request to work with sub committees, and the Board is flexible in having a special meeting in August, but that the items the Board takes action on need to be items that are necessary to help schools reopen, and other items that are less time sensitive can be addressed at the regularly scheduled September or November meeting.

\*\*\*\*\*TIME CERTAIN AT 1:00 PM\*\*\*\*\*

❖ **LICENSURE COMMITTEE – Tammy Lacey (Items 15-20)**

**Item 15 HEARING OF BPE CASE #2020-03, SPRYS – (ACTION)  
Rob Stutz**

Ms. Lacey opened the item and turned the item to Mr. Rob Stutz. Mr. Stutz noted that the educator filed his appeal but has not returned any correspondence, so Mr. Stutz outlined three options for the Board: 1) delay the hearing; 2) dismiss the hearing 3) continue with the hearing. Ms. Lacey noted that the certified return receipt was received by the Board, but Mr. Stutz noted that the Election form was not received. Question of clarification from Mr. Lynch.

**Ms. Tammy Lacey moved to dismiss Case 2020-03 Sprys for lack of response from appellant. Motion seconded by Mr. Jesse Barnhart.**

***No discussion. Motion passed unanimously.***

**Item 16 HEARING OF BPE CASE #2020-05, COOPER – (ACTION)  
Rob Stutz**

Mr. Stutz confirmed that all parties were present and then outlined the case for the Board of the request for an Unusual Case. Ms. Kristine Thatcher outlined the reasons for the denial. Ms. Thatcher answered Board member questions. Ms. Cooper and witnesses were sworn in and Ms. Cooper presented her case. Board members asked questions of Ms. Cooper. Ms. Jessica Baratta, witness for Ms. Cooper spoke on her behalf. Ms. Holly Walker, witness for Ms. Cooper spoke on her behalf.

**Ms. Tammy Lacey moved to deny the request of the Superintendent to grant a Class 3 License based on Unusual Cases. Motion seconded by Mr. Jerry Lynch.**

***Comment by Mr. Lynch with concerns over setting precedent.***

***Comment by Ms. Lacey to suggest a review of the Chapter 57 Licensure rules regarding School Counselors.***

***Chair Schottle noted that she will support the motion but agrees that it is an area which the licensure rules should be reviewed, but uncomfortable with overruling what is currently in rule.***

***No further discussion. Motion passed.***

**Item 17**                            **REPORT OF SURRENDER OF EDUCATOR LICENSE BPE CASE #2020-06 – (INFORMATION ONLY)**  
**Julia Swingley**

Ms. Swingley reported the voluntary Educator license surrender to the Board. No action is required by the Board.

**Item 18**                            **INITIAL REVIEW OF BPE CASE #2020-04 – (ACTION)**  
**Rob Stutz**

Mr. Stutz reviewed for the Board that no response from the Educator has been received by the Board since the initial letter was mailed regarding the investigation, and recommended the Board move the case to a hearing at the September meeting.

Ms. Tammy Lacey moved to move BPE Case #2020-04 to a hearing at the September meeting. Motion seconded by Ms. Madalyn Quinlan.

No discussion. Motion passed.

**Item 19**                            **LEGAL UPDATE – (INFORMATION ONLY)**  
**Rob Stutz**

Mr. Stutz reviewed a case at the MSDB that the Board and the MSDB were named in. The case has been revised to make the claim against the State of Montana and the Board and the MSDB are not named in the case. Ms. Kirsten Madsen from the Attorney General's office will represent the state.

Mr. Stutz also updated the Board on the status of the Oelkers case. The case has been remanded back to the Board and the parties are in discovery right now. Mr. Stutz noted that there may be a motion to dismiss that will come before the Board at the September meeting.

**Item 20**                            **UPDATE FROM EDUCATOR PREPARATION PROGRAMS RESPONSE TO COVID 19 – (INFORMATION ONLY) – 15 Minutes**  
**Dr. Linda Peterson, Dr. Stevie Schmitz, Dr. Alison Harmon, Dr. Andrea Lawrence**

Dr. Stevie Schmitz reviewed work the Universities have been doing in light of the Covid 19 crisis, how schools are adapting, and dates the schools will open. Dr. Alison Harmon provided specific examples of how learning will look, some are online, some are hybrid, some classes will be held in tents, or gyms, or auditoriums to maintain social distancing, but all Education Preparation Providers will be in school.

❖ **EXECUTIVE COMMITTEE – Dr. Darlene Schottle (Item 9-14)**

**Item 12**                            **ANNUAL SPECIAL EDUCATION REPORT – (INFORMATION ONLY)**  
**Jen Cline**

Ms. Cline reported to the Board the Annual Special Education report and answered Board member questions.

**Item 13**                            **ANNUAL HiSET REPORT – (INFORMATION ONLY)**  
**Emily Fuller**

Ms. Emily Fuller presented the Annual HiSet Report to the Board reviewing the report and highlighting the number of test centers, where they are located, options for taking the test whether paper or computer or both, and test center fees. The number of testers and test completers continues to remain level without any increase or decrease in the last five years, with most in the 16-24 age range. Ms. Fuller reviewed how test centers adapted with the Covid 19 crisis without being able to hold in center tests, and that most had to convert to an online option and holding Adult Education classes online. HiSet at home has also been launched for at home testing option.

**Item 14**                                    **REVIEW OF HB351 ANNUAL REPORTS – (INFORMATION ONLY)**  
**Kristal Smith**

Ms. Allen opened the item for the Board and briefly reviewed the process then turned the report over to Ms. Kristal Smith for her presentation. Ms. Smith reviewed several districts plans and how they used the program for their students. Discussion as to whether the Board or OPI presents the Annual Reports to the Education Interim Committee. Ms. Allen answered Board member questions.

❖ **LICENSURE COMMITTEE – Tammy Lacey (Items 21)**

**Item 21**                                    **ARM 10.58.604 ADVANCED PROGRAMS DEFINED – WORKING DRAFT:  
PROPOSED REVIEW AND REVISION TIMELINE FOR ADVANCED  
STANDARDS SUBCHAPTERS 6 AND 7 – (INFORMATION ONLY)**  
**Dr. Linda Peterson**

Dr. Peterson reviewed the Executive Summary of the item for the Board noting that the Council for Educator Preparation (CAEP) has done updates and revisions of the standards and the Montana Council of Deans determined the Montana Advanced Standards also need to be reviewed and revised to align with the CAEP standards. Dr. Schmitz noted the Council of Deans are working diligently. The standards will be brought to the Board for review when complete. Dr. Peterson answered Board member questions.

❖ **ACCREDITATION COMMITTEE – Jesse Barnhart (Items 23-24)**

**Item 23**                                    **RECOMMEND APPROVAL OF PROPOSED CONTENT STANDARDS,  
APPROVAL OF THE NOTICES OF PUBLIC HEARING, AND AUTHORIZE  
FILING OF THE NOTICES WITH THE SECRETARY OF STATE FOR  
PUBLICATION IN THE MONTANA ADMINISTRATIVE REGISTER FOR  
CAREER AND TECHNICAL EDUCATION (CTE), COMPUTER SCIENCE (CS),  
LIBRARY MEDIA AND INFORMATION LITERACY (LMIL), SOCIAL STUDIES  
(SS), AND TECHNOLOGY INTEGRATION (TI) – (ACTION)**  
**Colet Bartow**

Ms. Bartow summarized the differences in each set of standards and noted that the Economic Impact Statements are also contained in the packet for Board members to review, noting some standards are K-12, and some are only middle and high school, but all have Indian Education For All contained within the standards. Ms. Bartow highlighted each content area for the Board. Ms. Colet answered Board member questions.

**Mr. Jesse Barnhart moved to approve the recommendations of the State Superintendent for the Proposed Notices of Public Hearing and authorize filing of the notices with the Secretary of State's Office for: Career and Technical Education; Computer Science; Library Media; and Information Technology Integration. Motion seconded by Ms. Mary Jo Bremner.**

***No discussion. Motion passed.***

**Item 24**                                    **APPROVAL OF 2019-2020 CORRECTIVE PLANS AND TIMELINES OF  
SCHOOLS WITH ADVICE OR DEFICIENCY – (ACTION)**  
**Patty Muir**

Ms. Patty Muir presented the list of schools in Deficiency or Advice, explaining the process to the Board and asking for approval.

**Mr. Jesse Barnhart moved to approve the 2019-2020 Corrective Plans and Timelines for schools in advice or deficiency. Motion seconded by Ms. Tammy Lacey.**

***No discussion. Motion passed.***

**FUTURE AGENDA ITEMS September 10-11, 2020**

Election of Board Officers  
Set Yearly Board Meeting Calendar - C  
Set Annual Agenda Calendar – C  
BPE Goal Review – C  
MACIE *Update*  
Digital Academy Update  
*Assessment Update*  
*Federal Update*  
MACIE *Renewal (Even Years)*  
MSDB Superintendent Evaluation - preview

**PUBLIC COMMENT**

No public comment.

**ADJOURN**

Meeting adjourned at 4:20 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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