

# **CERTIFICATION STANDARDS & PRACTICES** **ADVISORY COUNCIL MEETING MINUTES**

WEDNESDAY, JULY 13, 2011

*Montana State Capitol  
Room 152  
Helena, MT 59601*

## **CALL TO ORDER**

CSPAC Chair, Ms. Sharon Applegate, called the Certification Standards and Practices Advisory Council meeting to order on Wednesday, July 13, 2011 at 8:30 AM. CSPAC Council Members present were: Chair, Ms. Sharon Applegate, Teacher, Kalispell; Vice Chair, Mr. Jon Runnalls, Teacher, East Helena; Ms. Patty Muir, K-12 Specialist, Laurel; Ms. Janice Bishop, Teacher, Missoula; Ms. Tammy Lacey, School Administrator, Great Falls; Ms. Dianne Burke, Trustee, Frenchtown; and Dr. Cindy O'Dell; Post-Secondary Ed, Bigfork. Staff members present were: Mr. Peter Donovan, Administrative Officer for CSPAC; Mr. Steve Meloy, Executive Secretary for the Board of Public Education; and Ms. Anneliese Warhank, CSPAC Administrative Assistant. The following people signed the meeting roster: Dr. Linda Peterson, OPI; Ms. Elizabeth Keller, OPI; Ms. Ann Gilkey, OPI; Mr. Dennis Parman, OPI; Mr. Marco Ferro, MEA-MFT; and Mr. Bob Vogel, MTSBA.

*Ms. Tammy Lacey moved: **to approve the agenda.** This was seconded by Mr. Jon Runnalls. Motion was approved unanimously.*

*Ms. Tammy Lacey moved: **to approve the March 3, 2011 CSPAC meeting minutes.** This was seconded by Ms. Patty Muir. Motion was approved unanimously.*

An article from the University of Montana alumni magazine, The Montanan, highlighting how the Montana Digital Academy has benefited both students and educators from across the state was included. One student featured, Ms. Darby Lacey, is the daughter of CSPAC School Administrator member Ms. Tammy Lacey. Ms. Lacey noted how the Academy has allowed Darby to participate in downhill skiing activities while taking the courses she wishes to take.

## **INFORMATION ITEMS**

**\*Items are in the order they were discussed at the meeting.**

### **ITEM 1 EXECUTIVE COMMITTEE REPORT – Ms. Sharon Applegate and Mr. Jon Runnalls**

#### **Executive Committee**

Ms. Applegate introduced the two newest CSPAC members. Dr. Cindy O'Dell of Salish Kootenai College has been appointed to the Post Secondary Education position. Ms. Dianne Burke of Frenchtown has been appointed to the Trustee position. Each new member gave a brief background of their careers and their ties to education in Montana.

## **Elect Officers**

The Council moved to elect its officers.

*Ms. Dianne Burke moved: to nominate Ms. Sharon Applegate as Chair to the Certification Standards and Practices Advisory Council. This was seconded by Ms. Patty Muir. Motion was approved unanimously.*

*Ms. Patty Muir moved: to nominate Mr. Jon Runnalls as Vice Chair to the Certification Standards and Practices Advisory Council. This was seconded by Ms. Tammy Lacey. Motion was approved unanimously.*

## **Committee Appointments/Breakout Sessions**

Committee appointments followed. All existing committee members remained the same while the two new Council members were placed on the Pre-Professional Preparation and Development Committee. The Council members then broke up into their respective committees to discuss goals and areas of concentration they would like the committee, and possibly the full Council, to focus on at future meetings. Each committee wrote down specific plans and goals on a sheet of paper which was then collected by Ms. Applegate.

## **Set Calendar**

The CSPAC calendar was set for the upcoming year:

- Thursday-Friday, October 27-28, 2011 with MT Council of Deans (location to be determined at later date) NOTE: The location was set on August 3<sup>rd</sup> at the Montana Council of Deans Retreat. The meeting will be held on the MSU Campus in Bozeman.
- Friday, January 27, 2011 in Helena
- Friday, April 27, 2011 in Helena
- Wednesday-Thursday, July 11-12, 2012 in Helena with Board of Public Education

## **Goal Setting/ Plan for Joint BPE-CSPAC Meeting**

Ms. Applegate asked Mr. Dennis Parman of OPI about student drop-out data. Mr. Parman reported OPI had met with AA school districts to discuss graduation in Montana. Mr. Parman gave an overview of the meeting and stated toolkits are being developed to help with the thinking process to develop ways to increase graduation rates in Montana. Mr. Meloy brought up the issue of confidentiality in cases involving action against an educator's license. OPI is considering posting the outcomes of such cases on its website. Currently, the site simply states whether the license is active or inactive. Mr. Meloy stated the main concern the Board has with this proposed practice is the fact student's names are sometimes attached to the case. By making the case public, the possibility of that minor's name being made public is made a risk. Discussion ensued concerning educator confidentiality in discipline cases.

## **ITEM 2 BOARD OF PUBLIC EDUCATION REPORT – Mr. Steve Meloy**

Mr. Meloy informed the Council of the bill that passed this past session, House Bill 142, calling for a review of all state advisory councils. CSPAC was created by statute which gives the legislature both the power to create and disband it. Mr. Meloy then spoke about the Interim and Local Government Committee's interest in the Board and mentioned a few legislators plan on attending future Board meetings to better understand what the Board accomplishes at these

meetings. One area the Interim Committee would like to focus is performance based K-12 funding. This is occurring while the Board works with other educators to look at outcome based accreditation as part of the Chapter 55 Task Force. The outcome based model creates 5 different statuses 1) Accredited; 2) Accredited with Improvement Plan; 3) Accredited with Priority Improvement Plan; 4) Accredited with Need of Intensive Assistance; 5) Not Accredited (this means their ability to receive base aid would be in jeopardy). The goal of the State Superintendent's office is to better understand why some schools are not succeeding. Mr. Meloy announced to the Council they are invited to attend the Board's Strategic Planning Session following the conclusion of the CSPAC meeting, where the CSAPC budget would be one of the topics of discussion. Mr. Meloy concluded the report by announcing to the Council he has accepted a position with another employer. Mr. Meloy stressed that even if CSPAC were to disband (which he doesn't believe would happen) the need to address teacher licensure and preparation programs in the state would still exist. More teacher licensure cases continue to be heard by the Board and one former educator whose license was revoked at the May Board meeting has decided to appeal the Board's decision through the district court. The Council discussed the Interstate Teacher Assessment and Support Consortia (InTASC) and the Interstate School Leaders Licensure Consortium (ISLLC) and how they tie in to the re-writing of Chapter 55.

### **ITEM 3 ADMINISTRATIVE OFFICER'S REPORT – Mr. Peter Donovan**

Mr. Donovan reviewed all the meetings and conferences he has attended since the March 3, 2011 CSPAC meeting. Mr. Donovan highlighted the work Mr. Meloy made during the past legislative session including his successful attempt to restore the 5% budget cut. Mr. Donovan attended the ETS Client Praxis Conference in Princeton, NJ. The issue of policy decisions being made before testing companies can develop good assessments became a hot topic at the conference. The OPI School Staffing Project continues to move forward. Ms. Elizabeth Keller stated Mr. Dean Hupp has been contracted to work on the project that tracks teacher employment and retention across Montana. The goal of the project is to create one central database that will enable current and future educators to see hiring trends of not just educators, but other staff (such as paraprofessionals) as well.

### **ITEM 4 MONTANA COMMISSION ON TEACHING COMMITTEE REPORT Ms. Patty Muir and Ms. Janice Bishop**

Ms. Muir announced this year's mentor institute sponsored by MEA-MFT and OPI will take place August 7-8, 2011 in Bozeman. They will break up by a novice and intermediate sectional and hold the panel discussion at the beginning of the institute. This will allow educators who have mentor programs in their districts present on how they have started and sustained. Ms. Muir will be a part of the panel.

### **ITEM 8 AMENDMENTS TO ARM TITLE 10 CHAPTER 57, PART 6**

Ms. Ann Gilkey of OPI came to speak to the Council on some proposed changes she would like to see made to part 6 of Chapter 57 in the Administrative Rules of Montana. The proposed changes were presented to the Board at its May meeting. Ms. Gilkey discussed each change by rule number and the reasoning behind each. Ms. Gilkey suggested the following:

- ARM 10.57.217 – places limits on window for appeals of renewal unit denials. Unlike licensure denials, there is currently no time frame in which an appellant must respond.
- ARM 10.57.601 – changes “teacher, specialist, or administrator” to “licensed educator”.
- ARM 10.57.601A – new sub-section (f) adds significant misuse of technology/social networking to definition of “immoral conduct.” Discussion ensued surrounding technology. Mr. Parman stated he would like a document that reinforces common sense. The Code of Ethics could help by providing educators a guide for appropriate behavior. Mr. Parman continued stating he felt it wasn’t technology itself that was the problem, but the isolated environments computers and phones offers. Council members talked about ways to notify students in teacher prep programs about the expectations their schools will have.

*Mr. Jon Runnalls moved: **to send the Code of Ethics back to committee.** This was seconded by Ms. Dianne Burke.*

Ms. Bishop asked exactly what the committee could do. Mr. Runnalls stated if the draft Codes as they stand now are presented to the Board for them to vote on its approval, he wouldn’t feel comfortable with it. Mr. Runnalls felt the draft is pretty good, but a few things should still be reviewed. He would like to see a product that “stands the test of time”. Ms. Lacey stated she was under the impression the Codes were merely a discussion item at the joint meeting with the Board. She assumed the committee was ongoing. Ms. Applegate replied she didn’t want to go on an assumption. Mr. Marco Ferro spoke on MEA-MFT’s behalf. Mr. Ferro stated MEA wants to ensure due process, but understands the want to ensure and uphold high standards. He felt if the Codes are set in rule, CSPAC should be very cautious as to how they are written since they would be more permanent. Mr. Ferro continues by stating he sees 601 as a very specific rule, however the proposed sub-section (f) seems quite general. Mr. Ferro feels having a rule like this could lead to a Board, State Superintendent, and Council that is not as friendly to public education as we are now. He ended by stating MEA would be happy to be involved in the continued drafting of the Codes. Mr. Bob Vogel of MTSBA spoke next. Mr. Vogel worked on updating the Codes while he served on the Council. He understands the complexity and the desire to cover all the areas of education, but reminded the Council at some point they have to come to a conclusion.

*Motion passed unanimously.*

- 10.57.601B – Ms. Gilkey would like to change teacher, specialist, or administrator to licensed educator. Mr. Meloy stated the language is not consistent with statute. When the terminology was changed from certification to licensure the Board didn’t go into statute by stating in rule certification means licensure. He felt it should be considered instead of striking the current language in 10.67.601B, state educator license. Ms. Gilkey stated she thought this was clarified in her explanation, but they could talk about this a bit more.
- 10.57.602(2) – this new section would clarify the Board action when an appeal is resolved before a hearing.
- 10.57.603(3) – this new section places a 30 day time limit for appeals to denial of renewal units.

- 10.57.604 – addressed post-hearing procedures. The State Attorney General’s office feels the confidentiality issues presented in 10.57.604(4) should be made public. The Board also feels the name of the disciplined educator should be made public as well.
- 10.57.605(4) – clarifies that surrenders are permanent, unless otherwise specified.
- 10.57.606 – provides that OPI will post educator license status on its website.
- 10.57.607 – clarifies educator.
- 10.67.608 – addresses the problem of licensees treating revocation or surrender as a temporary hiatus and then taking the same matter to the Board within a matter of months.
- 10.57.609 – clarifies burden of proof. Sub-section (3), procedure for payment of evaluation, stricken since most other states don’t include this in rule or statute.
- 10.67.611 – no changes, but up for consideration. Mr. Meloy said 10.67.611, which deals with substantial and material non-performance, is very controversial for the Board since these are civil matters between teachers and school boards. As a result, the Board may consider removing themselves from future cases. The Board is currently involved since these cases often affect students in the school where educators have left prior to their contract has expired not allowing the school district time to hire a replacement.

## **ITEM 6 OPI UPDATE**

Dr. Linda Peterson turned the floor over to Deputy Superintendent Dennis Parman who spoke about performance based accreditation. Currently, assessment studies focus only on input standards, but they are working on blending these with performance based accreditation, allowing them to look also at drop-out and graduation rates and eventually average daily attendance. Commonly accepted definitions were created by the accreditation division at OPI to ensure students are not counted twice. Five levels of performance were developed to segregate schools. The chart: high one; high two; adequate; not adequate; and floor allow OPI to divide school over large graduation performance expectations. Those who are either not adequate or floor cannot be regularly accredited. There will still be areas that are non-negotiable, such as a school district’s bullying policy. However, there will be some flexibility if local schools districts have limited resources. Ms. Muir could not see how any district would be opposed to this new system. Discussion ensued about funding.

## **ITEM 7 UPDATE ON POSSIBLE AREA OF PERMISSIVE SPECIALIZED COMPETENCY IN DANCE – Ms. Karen Kaufman, U of M College of Visual and Performing Arts**

Ms. Kaufman updated the Council on what she has done since she last spoke with them during the January 13, 2011 CPSAC meeting. Ms. Kaufman had worked with Dr. Peterson at OPI to help reconstruct the draft language to include Indian Education for All and include broader language. The draft language now has 4 overarching areas in which educators should be competent. Dance may be used as curricular integration (such as in math), as well as used to teach as a discreet art form (such as hip-hop in P.E.). Ms. Applegate questioned the possibility of other Montana university institutions besides the University of Montana offering this ASPC. Currently, there are no other teacher preparation programs at an institution that also offers a major in dance. Ms. Kaufman informed the Council she has worked with Mr. Mike Jetty at OPI who has provided her with the resources needed to teach elements of Native American dance in

her classes since there currently are not qualified Native American instructors in the Missoula area. The draft language was revised to distinguish between dances from historical periods and culture dances. Ms. Bishop asked that assuming this language is approved, are there people who already meet the standards? Ms. Kaufman estimated around 20-25 students in the U of M teacher preparation program are using dance as an area of concentration which could result in a great deal of interest. Ms. Applegate asked if Ms. Kaufman would be open to working with other campuses if they are interested in making this option available to which Ms. Kaufman stated she would.

*Mr. Jon Runnalls moved: **to accept and refer this area of specialized competency in dance to the Board of Public Education.** This was seconded by Ms. Janice Bishop. Motion passed unanimously.*

**ITEM 9 COMMON CORE STATE STANDARDS UPDATE – Ms. Nancy Coopersmith, OPI**

Ms. Nancy Coopersmith of OPI came to update the Council on the National Common Core State Standards. The Board will consider taking action on the timeline which dictates when and what the next steps the state will take to implement these standards at its July 14, 2011 meeting. A hearing date for the proposed standards has been set for October 24<sup>th</sup> and a final decision on adoption will take place at the November 2011 Board meeting. During the 2013 session, the Montana State Legislature will look at the fiscal impact of the standards and may provide funds. Ms. Coopersmith discussed the phases that will happen in the upcoming school years as the standards are gradually implemented into schools. First the state will participate in an assessment consortium. By late 2011 the second level will begin. During the 2013-2014 school year the standards will be implemented with the 2014-2015 school year being the first full school year the standards are in place along with a new assessment. An out-of-state analyst compared the Montana standards to the Common Core standards and felt the language in the Common Core were stronger in certain areas. One of the areas that was lacking with Common Core were Indian Ed for All, a concern that our state educators have stressed from the beginning. A result of this study was presented to the Council. It was discovered Montana's Communication Arts' standards aligned with 81 percent of the CCSS. The Mathematics findings resulted in 90 percent of the CCSS with the exclusion of high school science, technology, engineering, mathematics (STEM) "+" standards; the results were 81 percent of the CCSS matched the Montana Essential Learning Expectations (ELE). Discussion ensued surrounding assessment including what other subjects the CCSS hope to cover in the future, how OPI will notify the public of these new standards, and the assessment process.

**ITEM 5 LICENSURE AND ENDORSEMENT COMMITTEE REPORT – Mr. Jon Runnalls and Ms. Tammy Lacey**

Ms. Lacey explained the committee wanted to keep the Codes to just one page. The current draft has three main principles with each offering several philosophical statements of ethical situations educators are expected to follow. The committee worked with Dr. Jean Luckowski at the University of Montana who suggested they look closely at technology since this is an area that has become a much larger problem since the Code was last written in the 1990s. They also worked on finding a good balance on how restrictive the language should be. Ms. Burke was

impressed with the draft Codes and felt they appeared timeless. She did not feel a lack of specific language addressing technology was bad because it would give flexibility for changing societies. Ms. Bishop felt the draft Codes maintained the ideal qualities of the current Codes. Ms. Myers felt it was user friendly with the one page length and liked that each of the three principles all held the same number of sub-principles. Discussion ensued surrounding the need to get more input from out education partners and ways to ensure educators, both new and experienced, are aware of the Codes.

#### **ITEM 10 PLAN FOR FUTURE CONFERENCES**

The Montana Educator Forum is scheduled for September 30, 2011 in Helena. Mr. Ferro of MEA-MFT spoke about the move from keynote speakers to gathering innovative ideas from educators within our own state. As a result, speakers from both the Helena and Stevensville School Districts will speak. This year focuses on relationships to which Mr. Ferro encouraged communities to bring teams as a way to increase participation.

#### **ITEM 11 FUTURE AGENDA ITEMS**

The Council is scheduled to meet October 27-28, 2011 at a place that has yet to be determined (Note: as mentioned above, the location has been set for Bozeman, MT). CSPAC will review its by-laws and hold its annual joint meeting with the Council of Deans of Education. The Council will also like to hear about Graduation Matters and receive an update on the Montana Digital Academy.

#### **ITEM 12 PUBLIC COMMENT**

Ms. Keller spoke in regards to the revision to the Code of Ethics, suggesting looking at what other states are doing to address the issue of how to educate teachers about the Codes.

# **JOINT CSPAC/BPE MEETING MINUTES**

Thursday, July 14, 2011

Room 137  
Montana State Capitol  
Helena, MT 59601

## **CALL TO ORDER**

Chairperson Patty Myers called the meeting to order at 8:38 AM. The Pledge of Allegiance was led by Ms. Holly Capp. Ms. Carol Will and Ms. Anneliese Warhank took roll call; a quorum was noted.

## **PUBLIC COMMENT**

## **CONSENT AGENDA**

Consent agenda approved as presented.

## **ADOPT AGENDA**

Ms. Patty Myers noted that the Governor's report would not occur on Thursday, July 14, 2011.

***Ms. Sharon Carroll moved: to approve the agenda as amended. Mr. Bernie Olson seconded. Motion passed unanimously. Ms. Erin Williams and Ms. Lila Taylor were not present for the vote.***

Those in attendance included the following Board members: Chair Ms. Patty Myers, Vice Chair Ms. Sharon Carroll, Mr. Bernie Olson, Mr. John Edwards, Ms. Lila Taylor, Mr. Doug Cordier, and Student Representative Ms. Holly Capp. Staff present included: Mr. Steve Meloy, Executive Secretary, Board of Public Education; Mr. Peter Donovan, Administrative Officer, Certification Standards and Practices Advisory Council; Ms. Anneliese Warhank, Administrative Assistant, 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 and Dr. John Cech, Deputy Commissioner for Two-Year and Community College Education, represented Commissioner Sheila Stearns. Certification Standards and Practices Advisory Council included the following Council members: Chair Sharon Applegate, Vice Chair Jon Runnalls, Ms. Tammy Lacey, Dr. Cindy O'Dell, Ms. Patty Muir, Ms. Dianne Burke, and Ms. Janice Bishop. Visitors in attendance included: Ms. Nancy Coopersmith, Assistant Superintendent, OPI; Dr. Linda Vrooman Peterson, Accreditation Division Administrator, OPI; Mr. Dennis Parman, Deputy Superintendent, OPI; Ms. Norma Bixby, MACIE; Ms. Ann Gilkey, Chief Legal Counsel, OPI; Ms. Judy Snow, Assessment Specialist, OPI; Ms. Kelly Glass, Accreditation Accountability Specialist, OPI; Mr. Steve Gettel, Superintendent, MSDB; Mr. Tim Harris, Special Education Division, OPI; Ms. Leanne Kurtz, Education and Local Government Committee, Legislative Services; Mr. Bob Vogel, Director of Governmental Relations, MTSBA; Ms. Beck McLaughlin, MT Arts Council; Mr. Andrew



Boehm, Data Information Coordinator, OPI; and Ms. Kris Goyins, Communication Arts Curriculum Specialist, OPI.

**Items are presented in the order in which they appeared.**

## **CSPAC/BPE JOINT MEETING**

Board of Public Education Chair Ms. Patty Myers extended the chairmanship to Ms. Sharon Applegate, Certification Standards Practices Advisory Council Chair.

### **ITEM 1 CSPAC ANNUAL REPORT – Ms. Sharon Applegate**

Ms. Applegate reviewed the 2010 CSPAC member list and introduced the new post-secondary education member, Dr. Cindy O'Dell and new trustee member, Ms. Dianne Burke. The two new members gave brief backgrounds of their personal and professional lives.

Ms. Applegate moved onto the CSPAC goals for the upcoming year. Goals 1 and 2 focus on teacher education programs. During the 2010 October CSPAC meeting the Council decided to focus on teacher education from the point of teacher training programs through employment. They hope to continue focus on this by working with post-secondary programs. Ms. Applegate's role on the Chapter 55 task force ties in to this goal in terms of school accreditation standards and the need to have properly licensed teachers in Montana schools. Goal 3 addresses licensure denials, suspensions, and revocations. During the July 13 CSPAC meeting, the Council spoke with Executive Secretary Steve Meloy about the importance of confidentiality of an educator's name in these cases. The Board will continue to review this issue with input from CSPAC greatly appreciated. Goal 4 deals with the Montana Educator Code of Ethics. The CSPAC Licensure and Endorsement Committee is currently rewriting the Codes and is looking for input from their education partners. Goal 5 addresses alternative and nontraditional routes to teacher certification. Ms. Applegate noted how different states address this issue in their own unique way but is confident CSPAC, the Board, and OPI are all well aware of what needs to be done in the state to ensure the best educator preparation programs are accepted.

### **ITEM 2 JULY 13, 2011 CSPAC MEETING SUMMARY – Ms. Sharon Applegate**

With both seats on the Pre-Professional and Development Committee now filled with Dr. O'Dell and Ms. Burke, the Council spent a portion of the July 13 meeting separating into their respective committees and brainstorming on areas they would like to focus their committee time toward in the upcoming year. All of these ideas were documented by hand. Ms. Applegate collected all the hand-written notes to review for upcoming meetings.

### **ITEM 3 NASDTEC ANNUAL CONFERENCE REPORT – Ms. Sharon Applegate Mr. Peter Donovan, and Ms. Sharon Carroll**

The 2011 Annual NADTEC Conference took place June 5-8 in Sacramento, CA. Mr. Peter Donovan, Ms. Sharon Applegate, and Ms. Sharon Carroll attended. Mr. Donovan noted how interesting it was to see how different states addressed financial shortages. Unfortunately, many

of these cuts have had negative impacts on staffing educators in schools. Ms. Carroll thanked the Board for finding resources to send all three of them. She felt being familiar with the realm of professional practices is important and conferences such as this one is a great way to learn more on the subject. Alternative routes to licensure, and issues surrounding technology were to big areas and it helped to see what others states are doing. Ms. Applegate found the speaker from the Gates Foundation, Mr. Steve Cantrell to be very interesting in that he stressed the need to measure more than just the college bound students and that all students' success much be measured before we can even begin to measure teacher performance.

#### **ITEM 4      CODE OF ETHICS UPDATE – Ms. Sharon Applegate**

Ms. Lacey gave an overview of the Licensure and Endorsement Committee's work on the draft revision. The Committee has reviewed other states' codes to help develop codes that cover a broad range of areas. The Committee has also worked with Dr. Jean Luckowski of the University of Montana who helped write up the current Codes in the 1990s. The draft Code, which the Committee aimed at keeping to just one page, outline three areas of professional behavior and include sub-areas under each. The group did not want a list of do's and don'ts, but rather a philosophical list of good ethical behavior. Discussion ensued concerning the Board's involvement in the creation and revision of the Code if they were to be published in rule. If they are published in Chapter 57, the Board could use the Code to help in any discipline cases against an educator's license. By statute, CSPAC is responsible for creating the Code and does not need the approval or denial from the Board. By placing them in rule, every time the Code is revised, the rule would need to be revised as well. This would require the Board to approve or deny the revision of rule and thus, the Code. Mr. Olson felt with all the licensure issues that the Board has heard recently, the Codes would help to reflect on issues not stated strictly in rule. Mr. Runnalls felt there should be an established purpose of the Code to be either aspirational goals or rules. Ms. Ann Gilkey, legal counsel for OPI, stated the proposed rule would allow the Board to consider the Codes (as oppose to require). She felt the Code would be a good thing to rely on in that they could supplement the Board's argument when addressing an educator's license. She did not feel it would be misused because the Board is large enough to avoid this sort of behavior. MEA-MFT President Mr. Eric Feaver said the Code has value by itself. In his opinion, for the Board to adopt and then ask that districts to rely on evidence only when addressing licensure cases would be bad. He reiterated by having the Codes in rule, CSPAC would lose power to re-draft since the Board would have final say in approving or denying. Mr. Meloy stated if in rule, CSPAC would no longer be just an advisory council because by re-writing Code, they would essentially be re-writing rules. Deputy Superintendent Parman mentioned although it may be easy to recognize bad behavior, sometimes nothing can be done about it. He felts the Code would help to enforce rule. Ms. Bishop asked to clarify that since the rules are already in existence, why can't they be enforced if not in rule? Mr. Parman reminded her currently they are still a list of aspirations but if they are put in rule they can help to enforce behavior. Mr. Olson felt being in rule doesn't matter as much as having them on paper. Mr. Meloy added the Board shouldn't be held at fault if they use the Code in licensure cases even if they are not in rule. Ms. Lacey felt the Code shouldn't be the only document used to prosecute an educator reminding people that just cause must be considered. Ms. Gilkey pointed out to the Board that OPI handles more cases than what the Board sees which is why she included the term "may consider" in the draft language. Ms. Applegate concluded the conversation by announcing to the Board the

Licensure and Endorsement Committee will meet again in late September to further work on revision to the Code.

**ITEM 5      AMENDMENTS TO ARM TITLE 10 CHAPTER 57, PART 6 – Ms. Sharon Applegate**

ARM 10.57.604(4) deals with posting the results of an educator license hearing. Currently, the results of the hearing are posted in Board minutes referring to each case based on the case number, not the name of the holder of the license. The OPI website states whether or not an educator's license is active, but does not specify cases where licenses are inactive due to a surrender or revocation. OPI has stated it would like to begin posting the results of these hearings on their website. In a 2007 letter to the State Superintendent's office the State Attorney General's office stated since a teacher holds a position of public trust, the revocation of their license and a general description of the basis for such revocation is a proper matter for public scrutiny. Ms. Gilkey stated in the Montana Administrative Procedure Act title 2 chapter 4 number 603 (under which the Board hearing procedures are stated) it says: "An agency decision or order is not valid or effective against any person or party, and it may not be invoked by the agency for any purpose until it has been made available for public inspection as required in this section. This provision is not applicable in favor of any person or party who has actual knowledge of the decision or order or when a state statute or federal statute or regulation prohibits public disclosure of the contents of a decision or order." She does not believe that is a state or federal statute that prohibits public disclosure and if anything this statute promotes public disclosure. The most important risk that needs to be avoided is the accidental disclosure of any minors involved in the case. Mr. Meloy reminded the Board of how close they must follow MAPA when holding hearing and that there was a time where these hearings were public. It was not until Ms. Kim Kradolpher at the AG's office asked that the hearings be made private. Mr. Feaver felt the public should know at least the results or outcome of a hearing. He was more concerned with pre-hearing procedures. Mr. Meloy felt it was now up to the State Superintendent to determine whether or not to move forward with a hearing and review of MAPA.

ARM 10.57.611 deals with material non-performance cases. The problem with the Board handling these cases are they are civil cases, which are of no concern of the Board but rather an issue between an educator and a school district. The only time where the Board may take up issue with these cases are instances where children are somehow negatively affected.

Ms. Myers mentioned that on Friday October 21, 2011 the MEA-MFT Educators' Conference will take place at Sentinel High School in Missoula, MT. One section called, Rule Making and Makers in Montana Public Education will take place in the choir room at 10 AM. It was also noted that the Montana Educator Forum would take place September 30, 2011 in Helena, MT.

**SPECIAL ITEM      MONTANA EDUCATOR LICENSURE FEES**

At the previous day's BPE Strategic Planning Session, the Board and Council briefly discussed the current state of Montana educator licensure fees and the dwindling budget of the CSPAC Research Fund, which is funded by these fees. State auditors have enforced a rule which states

Special Revenue Funds must be spent before General Funds which have caused the Board to dip into the Research Fund. As a result, this fund has greatly reduced in amount. During the 2011 Montana Legislative session, a bill was proposed that would increase the licensure fee from \$6 to \$10 per year. The Board states a raise of this amount would be too large and would rather like to see an increase from \$6 to just \$8 per year. This would not be a tax but would allow CSPAC to build the surplus it needs while allowing staff to use the research funds to cover vital costs. The Board staff would like the Board's support in this request. The EPP request for this increase needs to be submitted to the governor's office by next April or May. Mr. Feaver stated MEA-MFT can support a \$2 raise in fees, but he would like to amend that by getting rid of the Research Fund. Ms. Applegate stressed how important it is to have funds for networking, continuing research, and discussion. Mr. Meloy reminding everyone it is for these reasons the Research Fund exists. Ms. Lacey stated it would be nice to find a listing of the licensure fee rates in other states. Mr. Feaver stated he would not allow CSPAC to disband and that the \$6 are there to fund CSPAC only.

Ms. Patty Myers adjourned the CSPAC/BPE Joint Meeting at 10:46 AM