

Minutes from the 2019 Accreditation Negotiated Rulemaking Committee meeting April 4, 2019

Call to Order

The meeting was called to order at 10:07 am by Office of Public Instruction (OPI) Deputy Superintendent Jule Walker. Housekeeping items, such as internet connectivity and speakerphones, were discussed.

Committee Introductions

Committee members, OPI staff, and facilitator Kirsten Madsen, introduced themselves and discussed how their experiences, expertise, and representation contributes to the committee's work. Board of Public of Education Executive Director Peter Donovan thanked the committee for their work. Ms. Madsen announced that OPI Accreditation and Educator Preparation Division Administrator Linda Vrooman Peterson would be the person voting for OPI.

Confirm Facilitator

The committee voted unanimously to confirm Kirsten Madsen as facilitator of the negotiated rulemaking process. After she was confirmed as facilitator, Ms. Madsen reviewed the meeting agenda.

Confirm Committee Membership

Ms. Madsen asked the committee to verify their intent to be part of the committee. Everyone present and virtually confirmed their intent to be part of the committee. Lewistown Superintendent Matthew Lewis was not present at the meeting.

Establish Committee's Consensus Definition

Ms. Madsen lead the discussion on what consensus means to the committee. The committee agreed that a thumbs up meant they understood and were in agreement with the proposal; a thumb sideways meant they did not understand the proposal; and a thumbs down meant they understood the proposal and did not agree with it.

Review Negotiated Rulemaking Roles, Responsibilities, and Process

Ms. Madsen reviewed the roles and responsibilities of the committee in the negotiated rulemaking process. The committee confirmed that the groups that would be the most impacted by the rule changes were represented.

OPI's Background and Context behind Rule Recommendations

Ms. Peterson gave the big picture view as to why the committee was meeting. Ms. Peterson introduced OPI State Assessment Director Ashley McGrath as the next presenter. Ms. McGrath gave an overview of the assessment process, changes to assessment of student learning in the state, and the status of recent negotiated rulemaking process for Chapter 56. There was a discussion about the changes, and future testing for students' science proficiency.

Ms. Peterson introduced OPI State Title I Director Jack O'Connor. Mr. O'Connor gave an overview of the changes in accountability regarding the No Child Left Behind Act and Every Student Success Act. There was a discussion about the differences between the accountability models for the No Child Left Behind Act and Every Student Succeeds Act.

Ms. Madsen introduced OPI Measurement and Accountability Assessment Analyst Scott Furois. Mr. Furois gave an overview of the four main indicators that make the state accountability system: the graduation rate, assessment proficiency, growth in assessment for reading and math, and English learners proficiency improvement. A fifth indicator and the elements that make up the indicator (attendance rates, college and career readiness measures, and science proficiency) were also reviewed.

Ms. Madsen reminded everyone that the meeting was a public meeting that was being recorded.

Ms. Peterson led the discussion about OPI's background and context behind the rule recommendation. Ms. Peterson said the rule recommendations were solely for Administrative Rules of Montana (ARM) 10.55.606, with the most changes to section 3 of the rule. The rule recommendations are to allow OPI flexibility to adapt to changes at the federal level, and to separate how OPI determines its accreditations of schools based on assessment data OPI collects from data collected for the federal level. Ms. Peterson said the language of the rule recommendations are specifically vague to accommodate this need, and ensure the data OPI is collecting for federal and state programs are working together.

Ms. Peterson introduced OPI Accreditation Program Director Patty Muir. Ms. Muir explained for the committee the work she and OPI Accreditation Data Specialist Nathan

Miller do. Ms. Muir reviewed the accreditation process and the various statuses of accreditation based on the assurance standards listed in Chapter 55 of the ARM.

Ms. Muir introduced Mr. Miller, who reviewed the current and proposed student performance measures and final accreditation statuses for the committee. There was a discussion about the changes to the high school graduation rates across the board and its potential impact on smaller high schools. The committee also discussed the weight given to the indicators that make up a school's accreditation status, and the role the Board of Public Education (BPE) plays in the setting of the statistical thresholds that make up the indicators. It was agreed to continue the discussion about the weight given to indicators at another time.

Rule Discussion

Ms. Madsen led the discussion on the rule recommendations. The rule recommendations were reviewed section by section. The committee started its review with Section 3 of ARM 10.55.606, since there were no recommended changes to Section 1 and 2.

Proposed Section 3

The committee read and discussed the proposed Section 3. The committee voiced concerns about the removal of the negotiated rule making process from the section. BPE Executive Director, Peter Donovan, explained the board's process for reviewing rule changes. Ms. Peterson said OPI was not trying to avoid the negotiated rulemaking process, as Chapter 56 of the ARM is now in the negotiated rulemaking process. The committee discussed adding a work group or task force language to the proposed language so future changes will still have input from stakeholders. The committee revised proposed Section 3 from:

“(3) Student performance standards are described in Chapter 56 Student Statewide Assessment and defined in the state accountability system as recommended by the state superintendent and approved by the Board of Public Education.

(a) The Board shall establish the minimum statistical threshold for reporting valid and reliable student group results and to protect student privacy based on the recommendation of the Office of Public Instruction.

(b) Modifications to the accreditation determination procedures shall be made in writing by the State Superintendent for consideration and approval by the Board.”

to

“(3) Student performance standards are described in Chapter 56 Assessment and defined in the state accountability system as recommended by the state superintendent and approved by the Board of Public Education.

(a) The Board shall establish the minimum statistical threshold for reporting valid and reliable student group results and to protect student privacy based on the recommendation of the Office of Public Instruction.

(b) Modifications to the accreditation determination procedures shall be made in writing by the State Superintendent for consideration and approval by the Board.

(i) Modifications shall be submitted after consultation with representative stakeholders.

After reviewing the revised Section 3, the committee reached a consensus and approved proposed Section 3 as revised.

Proposed Section 4

The committee reviewed the proposed Section 4 language. There was a discussion about what defines a preschool and how it is reported to OPI. The committee discussed how the proposed rule could be potentially interpreted by school districts, and how these grades are not currently subject to statewide testing requirements. The committee revised proposed Section 4 from:

“(4) For schools with combinations of grades PK-2, only the assurance standards shall be used to determine accreditation status.”

to

“(4) For schools with only combinations of grades PK-2, only the assurance standards shall be used to determine accreditation status.”

After reviewing the revised Section 4, the committee reached a consensus and approved proposed Section 4 as revised.

Proposed Section 5

The committee reviewed the proposed Section 5 language. The committee made minor revisions to proposed language to make consistent with language in ARM 10.55.605. The committee revised the proposed Section 5 from:

“(5) There shall be four categories for assurance standards and student performance standards used to determine accreditation status, pursuant to the ARM 10.55.605 Accreditation Categories.”

to

“(5) There shall be four categories of assurance standards and student performance standards used to determine accreditation status, pursuant to the ARM 10.55.605 Categories of Accreditation.”

After reviewing the revised Section 5, the committee reached a consensus and approved proposed Section 5 as revised.

Proposed Section 6

The committee reviewed the proposed Section 6 language. There was a discussion about the clarity of the language, and how the wording matches ARM 10.55.605. The committee revised the language to include all three categories of regular accreditation status. The language was changed from:

“(6) A school shall be designated with regular accreditation status by using the combined results of the assurance standards and student performance standards as follows:

- (a) Regular status for assurance standards and regular or regular with minor deviations for student performance standards;
- (b) Regular status or regular with minor deviations or for assurance standards and regular status for student performance standards.”

to

“(6) A school shall be designated with regular accreditation status by using the combined results of the assurance standards and student performance standards as follows:

- (a) Regular status for assurance standards and Regular status for student performance standards;
- (b) Regular status for assurance standards and Regular with Minor Deviations for student performance standards; or
- (c) Regular with Minor Deviations for assurance standards and Regular status for student performance standards.”

After reviewing the revised Section 6, the committee reached a consensus and approved proposed Section 6 as revised.

Proposed Section 7

The committee reviewed the proposed Section 7 language. The committee discussed changes to the language. The language was changed from:

“(7) A school shall be designated with regular with minor deviation accreditation status by using the combined results of the assurance standards and student performance standards with regular with minor deviation in both sets of standards.”

to

“(7) A school shall be designated with Regular with minor deviation accreditation status by using the combined results of the assurance standards and student performance standards with Regular with minor deviation.”

After reviewing the revised Section 7, the committee reached a consensus and approved proposed Section 7 as revised.

Proposed Section 8

The committee reviewed the proposed Section 8 language. The committee discussed changes to the language. The language was changed from:

“(8) A school shall be designated with advice accreditation status by using the combined results of the assurance standards and student performance standards with advice status in either set of standards.”

to

“(8) A school shall be designated with Advice accreditation status by using the combined results of the assurance standards and student performance standards with Advice status in either set of standards, or as stated in ARM 10.55.605.”

After reviewing the revised Section 8, the committee reached a consensus and approved proposed Section 8 as revised.

Proposed Section 9

The committee reviewed the proposed Section 9 language. The committee discussed changes to the language. The language was changed from:

“(9) A school shall be designated with deficiency accreditation status by using the combined results of the assurance standards and student performance standards with deficiency status in either set of standards.”

to

“(9) A school shall be designated with Deficiency accreditation status by using the combined results of the assurance standards and student performance standards with Deficiency status in either set of standards, or as stated in ARM 10.55.605.”

After reviewing the revised Section 9, the committee reached a consensus and approved proposed Section 9 as revised.

Ms. Peterson mentioned that the status of intensive assistance is not an accreditation status.

Economic Impact Statement

Ms. Madsen led the review of the draft Economic Impact Statement survey. Committee member Erin Lipkind said she appreciated the inclusion of county superintendents as part of the survey. The committee discussed and suggested streamlining the survey by condensing the Personnel section (questions 6-9), Available Resources section (questions 10-15), and Professional Development section (16-19) to include a “if yes [to the question], what or why?” open ended answer area. The committee then voted on the changes to the Economic Impact Statement survey, and consensus was reached on the changes.

Public Comment and Adjournment

Ms. Madsen reviewed where the committee was in the negotiated rule making process. The next meeting date was announced as Thursday, April 25, 2019. Ms. Madsen thanked the committee for its work.

Ms. Madsen asked for public comment about the committee’s work and the day’s proceedings. Finding none, the meeting was adjourned at 3:30 pm.