

Elsie Arntzen, Superintendent

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OFFICE OF PUBLIC INSTRUCTION
STATE OF MONTANA

Putting Montana Students First **A+**



MEETING PROJECT NAME: Education Advocates Meeting
DATE OF MEETING: July 14, 2020
TIME: 10:30 AM – 11:00 AM
Zoom Meeting

ATTENDEES:

PRESENT: As best of our records could show

Pete Donovan, Executive Director, Board of Public Education (BOPE)
Kirk Miller, Executive Director of School Administrators of Montana (SAM)
McCall Flynn, Education Policy Advisor, Governor's Office
Jule Walker, Field Specialist, Montana School Boards Association (MTSBA)
Dianne Burke, Executive Director, Montana Quality Education Coalition (MQEC)
Emily Dean, Director of Advocacy, Montana School Boards Association
Dan Rask, Executive Director, Montana Small Schools Alliance (MSSA)
Paul Furthmyre, Superintendent, Montana School for the Deaf and Blind
Angela McLean, Director, American Indian and Minority Achievement
Denise Williams, Executive Director, Montana Association of School Business Officials (MASBO)
Dennis Parman, Executive Director, Montana Rural Education Association (MREA)
Marco Ferro, Public Policy Director, Montana Federation of Public Employees (MFPE)
Nancy Hall, Governor's Office of the Budget and Program Planning (OBPP)

OPI STAFF

Elsie Arntzen, State Superintendent
Sharyl Allen, Deputy Superintendent
Tim Johnson, Deputy Superintendent
Dylan Klapmeier, Communications Director
Ken Bailey, Chief Financial Officer
Paul Taylor, Budget Analyst
Tracy Moseman, Chief Operations Officer
Julie Murgel, School Improvement ESSA Coordinator

RECORD KEEPER

Christy Perryman, Administrative Clerk, Office of Public Instruction

TOPIC & PRESENTER INFO

ETIC Draft Bill, *Dylan Klapmeier and Paul Taylor*

- Materials Follow

TOPIC & PRESENTER INFO

CARES Application Update, *Ken Bailey*

- Materials Follow

TOPIC & PRESENTER INFO

Transportation, *Ken Bailey*

- Materials Follow

TOPIC & PRESENTER INFO

BOPE/CSPAC and COVID Flexibility Discussions, *Sharyl Allen and Julie Murgel*

- Materials Follow

Thank you for your patience and **Putting Montana Students First** during this uncertain time.

[Full Education Advocates meeting can be listened to at this link](#)

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TEMPORARILY REDIRECTING AND STATUTORILY
6 APPROPRIATING TECHNOLOGY FUNDING TO E-RATE BROADBAND MATCHING FUNDS; PROVIDING
7 AN APPROPRIATION; AMENDING SECTION 20-9-534, MCA; PROVIDING AN EFFECTIVE DATE;
8 PROVIDING AN APPLICABILITY DATE; PROVIDING A TERMINATION DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 20-9-534, MCA, is amended to read:

13 **"20-9-534. Statutory appropriation for school technology purposes.** (1) The amount of \$1 million
14 a year is statutorily appropriated, as provided in 17-7-502, from the school facility and technology account
15 established in 20-9-516 ~~for grants for school technology purposes to the department of commerce office of~~
~~public instruction for providing~~
16 ~~funds for schools to use as state matching funds for special construction under the federal e-rate broadband~~
17 ~~program pursuant to 47 CFR 54.505, provided that none of the state matching funds may be used by schools~~
18 ~~for self-construction of their own or portions of their own networks.~~

19 ~~(2) By the third Friday in July, the superintendent of public instruction shall allocate the annual~~
20 ~~statutory appropriation for school technology purposes to each district based on the ratio that each district's~~
21 ~~BASE budget bears to the statewide BASE budget amount for all school districts multiplied by the amount of~~
22 ~~money provided in 20-9-343 for the purposes of 20-9-533."~~

23
24 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2021

25
26 NEW SECTION. **Section 3. Applicability.** [This act] applies to school fiscal years beginning on or
27 after July 1, 2021.

28

1 NEW SECTION. Section 4. Termination. [This act] terminates June 30, 2023.

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- END -

DRAFT



ESSER Grant Application Status

As of 7/9/2020

Status	Award Amount	# of districts
Final Approved	\$ 20,522,977	196
Not Started	\$ 735,134	23
In Process	\$ 16,521,589	89
Total	\$ 37,779,699	308
Cash Requests Submitted	\$ 45	
Cash Disbursements	\$ 1,421,661	



July 14, 2020

OPI Pupil Transportation Guidance for the COVID-19 Pandemic

The CDC has published [guidance](#) for pupil transportation and safety practices for [bus drivers](#) during the COVID-19 pandemic.

CDC Key guidance include:

- ⊗ Ensure physical distancing between riders by seating one student per row in every other row, when possible.
- ⊗ Provide guides (e.g. tape) on the bus aisles to ensure children remain 6 feet apart when embarking or disembarking the school bus.
- ⊗ Stagger arrival and drop-off times or locations, whenever possible.
- ⊗ Clean and disinfect frequently touched surfaces on school buses between use as much as possible and a minimum of daily.
- ⊗ Ensure ventilations systems operate properly to increase the outside air flow whenever possible.
- ⊗ Consider mask or face guards for drivers.
- ⊗ If you have a sick rider, close off the area used by the ill person and do not use that space again until it has been cleaned and disinfected. The recommended wait time before use of the space, is twenty-four hours.

Although the OPI recommends following CDC guidelines, they are not binding and each school district must decide which recommendations to incorporate in their practices.

Implementing the CDC recommendation to maintain social distancing on buses can have an impact on district transportation budgets because bus capacity will be reduced substantially which may create the need for additional bus routes. School districts have the responsibility to create sufficient bus routes to transport all pupils to school in an efficient manner. In order to be eligible for state and county transportation reimbursement, school districts are required to have all bus routes approved by the county transportation committee prior to operation. County transportation committees must meet in July for approving existing and new bus routes for the ensuing year. The bus routes are also submitted to the OPI for approval. OPI approval triggers funding from the county and from the state as specified in statute, but generally the state and county reimbursements do not cover the full cost of a bus route.

There are potentially four sources of funding to cover the additional transportation expenditures:

- ESSER funds may be used to cover added transportation costs.



- The state reimbursement is set in statute and will increase as routes increase. However, the total appropriation for the state may be exceeded and require a supplemental appropriation by the legislature.
- The county reimbursement is also set in statute and will increase as routes increase. However, the increased reimbursement may cause the county to increase its permissive levy.
- The school district can add the portion of the cost not covered by the county, state or ESSER funding to its budget which may also cause a levy increase.

The OPI encourages districts to also apply for the Governor's \$1.3 billion in Corona virus Relief Funds (CRF) as another mechanism that may aid with transportation costs.

The OPI is currently drafting a request to the Governor to use CRF funds to help offset state, county, and district costs associated with additional bus routes in coordination with MACO and education partners.

Questions regarding this guidance should be directed to Ken Bailey, CFO, 406 444-2562, kbailey2@mt.gov or Donell Rosenthal, Director of Pupil Transportation, (406) 444-3024, drosenthal@mt.gov.

Statute references:

OPI approval of routes – [20-10-112\(5\), MCA](#)

County Transportation Committee – [20-10-132, MCA](#)

State and county reimbursement – [20-10-141, MCA](#), [20-10-145, MCA](#), [20-10-146, MCA](#)



To: The Board of Public Education

From: Elsie Arntzen, Superintendent

Date: June 30, 2020

RE: Flexibilities Requests for Montana Schools

The past few months have been among the most challenging in the careers of our educators. No one has experience with a pandemic of the proportion and scale of COVID-19 in education, business, government, or simply life. The traditional learning model that the majority of Montana's teachers learned to implement through both education preparation and experience did not fit the landscape created by this pandemic. School leadership, faculty, and staff were and are faced with uncertainty, the digital divide, and ways to meet the unique needs of learners. The response by Montana's educators to the unknown challenges was nothing short of incredible. Stories of teachers holding tutoring sessions at 7:00 p.m., checking on students one-by-one while practicing physical distancing, districts that deployed busses to deliver meals not only for kids but also for senior citizens on established routes, and the valiant efforts to meet the social-emotional wellbeing of children and adults deserve our utmost gratitude and respect. The coming school years will look different from years past not only in Montana but throughout the globe. Grappling with a dramatic change requires new learning for all of us.

However, there are some things we do know:

1. The health, safety, and well-being of students, staff, and families is the priority. This number one priority supersedes other competing demands.
2. Student learning has been threatened at new levels, as due to COVID-19, the spotlight on child vulnerability in its many forms; low-income, ethnic or religious minorities, students with special needs, students in remote rural areas, family fractures, and those in risky home situations may have negative impacts that last a lifetime.
3. The academic learning that occurred during COVID-19 of all students is unknown.
4. There are always unknown ripple effects in the change process. Children and adults alike are faced with ambiguities, fear, and unanticipated results of this rapid and dramatic change. Thoughtful, intentional support for school districts is critical during this current crisis and the ongoing impact on our children.

5. Longstanding procedures, policies, rules, do not necessarily fit the new learning environment with which our districts are grappling.
6. The U.S. university system is adapting to COVID-19 and requirements for admission. The ACT and SAT in some states have permanently been placed, in the past. The Montana University system waived the ACT as a requirement for the fall of 2020 admission.
7. Due to COVID-10 “what is learning and the assumptions” about best practices for student learning have been challenged.

Today, in the roles held by the Board of Public Education, State Legislators, federal and state advocates, our educational advocates, and the OPI team, we worry about the same thing our local education leaders do, how best to serve our students, will the funding be sufficient to address the many new challenges, and will the flexibilities that could be provided by the state and federal government be provided as districts struggle through **known COVID-19 impacts**.

This is the time to ease the added burdens directly caused by COVID-19 upon our districts. A key solution that can be provided, **is re-evaluating regulatory requirements** that may not be relevant in a COVID-19 or post COVID-19 learning environment. However, easing the regulatory burden requires the action of the OPI, the Board of Public Education, the legislature, and the U.S. Department of Education.

The key factors that the OPI’s team is working to accomplish for the 2020-2021 school year include:

1. FEDERAL: Waivers with amendments to the Montana Consolidated State Plan under the Every Student Succeeds Act (ESSA) plan that would:
 - a. Seek an addendum to use interim assessments with a minimum of two data points (September and April) to address requirements for growth indicators that rely on multiple year data and determine exit criteria for Comprehensive and Targeted Support and Improvement schools.
 - b. By October 2020, establish if a federal waiver is necessary to waive mandated standardized assessments for the 2020-2021 school year.
 - c. Seek continued waivers on the alternative science field testing for the 2020-2021 school year.
 - d. Provide time for Montana to revise and enhance the accountability system within its State Plan, including the flexible fifth indicator which is heavily based on attendance. By September 2020, determine if a federal waiver is needed to suspend the remaining statutory requirements for 2019-2020 report card provisions that were not included in the Spring federal assessment, accountability, and reporting waiver.

- e. If it is determined in September 2020, that a reporting waiver is not essential, set the timeline and format for a truncated version of the report cards that will be published and include the remaining 2019-2020 data components (Graduation rates, post-secondary enrollment, attendance rates, educator qualification data, civil rights information, per-pupil expenditures, National Assessment of Educational Progress (NAEP) results, and details for federal school improvement funding.)
 - f. Continue to pursue extensions for all the school nutrition waivers that were given during the spring shutdown.
2. LEGISLATIVELY: Seek support that would:
 - a. Provide funding options through permissive levies that are then determined with local control.
 - b. Initiate the process of permanent removal of aggregate hours.
 - c. Clean-up current bills and pursue new bills that support flexibility for local school districts.
 3. BOARD OF PUBLIC EDUCATION: Seeking flexibilities that would:
 - a. Provide flexibility in licensure. (see page 4)
 - b. Maintain accreditation status of districts earned in the 2018-19 school year into the 2020-21 school year. (see page 5)
 4. The OPI would:
 - a. Ensure flexibilities are consistently communicated to districts.
 - b. Engage staff and stakeholders per MCA 20-7-101 in a comprehensive review of Chapter 55.
 - c. Participate in 10.57.101 (2) 5-year review as requested by the Board of Public Education.
 - d. Analyze the impact **COVID-19** has had on the data collected from our districts and the crucial data that is needed as districts restructure learning for their students.
 - e. Unpack unusual circumstances within licensure recommendations to the BOPE to ensure a transparent and consistent process.
 - f. Continue working with our education partners on an identified path that may provide relief from state and federal policies that present educators with barriers that impede student learning.

LICENSING

Recognition: By authority of 20-4-102, MCA, the Board of Public Education adopt rules for the issuance of educator licenses which are administered by the Superintendent of Public Instruction
Issues: Districts face the challenge of recruitment of teachers from out-of-state and getting them through the Montana licensure system. Often acquiring teachers with subject area licensures is a challenge from the smallest to the largest school districts. Districts are searching for ways that they can deploy staff to meet student needs, that have changed due to **COVID-19**, even when proper endorsements may be vacant.

Why Now: A worldwide pandemic of the proportion facing school districts today has never been experienced in the lifetime of those serving our students. In navigating uncharted issues, the OPI believes that it is incumbent on those in state government to relieve regulations for our local districts without placing the safety and wellbeing of students, at-risk. Furthermore, as districts identify that recruitment is often hampered by getting licensed, to serve our students, the flexibilities and being at the five-year review cycle, provides effective timing to respond for the 2020-2021 school year.

Recommendations:

1. Ensure that we have Montana certified teachers in our classrooms. Due to COVID-19 challenges faced by our teachers, provide a no-cost extension for one-year renewal for all class licenses and/or endorsements whose license expires in 2020. (ARM 10.57.215).
2. Allow accommodation (ARM 10.57.107 (1b)) to the existing emergency authorization to allow a currently licensed educator to teach a course in another subject area or be repurposed to fill a high-need position. In particular, **provide emergency authorization** to allow a currently licensed educator to teach a course in another subject area or be repurposed to fill a high-need position, in which they are not endorsed but have appropriate educational experience (ARM 150.57.204) or some level of academic qualifications (i.e. - transcript reflects at least three completed courses related to the subject area for which authorization is being sought).
3. Accept a comparable state licensing exam to the PRAXIS under ARM 10.57.410 (4a), ARM 10.57.411 (2a), ARM 10.57.424 (4a) providing out-of-state reciprocity.
4. Authorize reciprocity where a current teaching license is held by another state with verification of three years of successful teaching experience confirmed. (ARM 10.57.410 (4c)).
5. Request as identified that the Board of Public Education initiates a comprehensive review of licensing rules to be completed during the 2020-21 school year (ARM 10.57.101 (2)).

ACCREDITATION FLEXIBILITIES

Recognition: By authority of 20-7-101, MCA, the Board of Public Education adopts standards of accreditation for all schools. Furthermore, 20-9-309 MCA provides the purpose for accreditation standards and there is no intent through these requested flexibilities to disregard this purpose.

Issues: Longstanding procedures, policies, and rules do not necessarily fit the new learning environment with which our districts are grappling.

Why Now: The OPI does not have state achievement data from the 2019-2020 school year. As we enter the 2020-2021 school year, it is still **unknown, due to COVID-19**, whether we will be able to collect statewide achievement data through statewide approved exams. In the past, the OPI has used “past data” in an attempt to maintain a longitudinal look and safe harbor districts. This approach is discouraged for two key reasons: (1) Prior or time-dependent data could **unintentionally create winners and losers**, in this COVID-19 environment that is already being viewed as creating winners and losers amongst our children, without being an accurate view of student outcomes (2) as shared by the federal accountability division, measuring student data from different times and data sets may create equity issues. The spring of 2021 may not be a fair and equitable measure for student academic growth or performance. Growth is important to equity issues. Simply using 2020 graduation rates may not be an accurate indicator of factors impacting graduation rates. We simply do not know. The recommendations presented reflect the commitment to our educational leaders to ease regulations on our school districts. The **key regulatory burdens** that may not be relevant in the COVID-19 environment need to be thoroughly identified as we move forward. The OPI will continue to dedicate the time and resources of the OPI, in a joint effort with our education advocates, to ensure that the data collected is the vital data for this **current COVID-19 learning environment**. It is anticipated to reflect the need for an accelerated review of our accreditation standards.

A worldwide pandemic of the proportion facing school districts, today has never been experienced in the lifetime of those serving our students. In navigating uncharted issues, the OPI believes that it is incumbent on those in state government to relieve regulations for our local districts without placing the safety and wellbeing of students, at-risk.

Recommendations:

1. Maintain the accreditation status of schools identified in the 2019-2020 school year for the 2020-21 school year.
2. Extend the opportunity for the OPI team to recommend at the September Board of Public Education meeting, the critical data points that will be needed to assess student learning and school effectiveness in a pandemic environment that will maintain school quality. At this time, data to be collected is not clearly understood due to this pandemic and the overnight change of the landscape of public education.
3. Current steps that are underway related to data collection and recommended actions include:
 - a. Analysis of the OPI data collection system known as TEAMS.
 - i. Extend the TEAMS data collection window by 2 months to 8/1-12/1. This will allow school systems additional time to complete their report and the flexibility to edit data COVID-19 impacts the scenario or scenarios by which school districts would be operating.
 - ii. Look at the value of Capturing Teacher Class information for both onsite and digital learning courses. This could provide insight into the COVID-19 impact on learning challenges and the assumptions regarding student learning in this new and challenging environment.
 - iii. Deadlines and data that impact Quality Educator, EdFacts, TRS reporting, non-waived federal mandates, etc., would continue to be collected.

In conclusion, this quote by Dan Domenech, Executive Director of The American School Superintendents Association, seems to capture the heart of the flexibility recommendations presented to you.

"This is the beginning of a powerful change in American education. We all agree that we cannot return to business as usual. This can be a watershed point in our history where we succeed in promoting equity and excellence for all learners."