

# Negotiated Rulemaking Committee (Committee) for Suicide Prevention and Response December 20, 2017

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**Montana School Boards Association**  
**Great Northern Boulevard**  
**10 AM—2 PM**

**Negotiated Rulemaking Committee Members Present (Absent):** Kim Aarstad, (Victoria Falls Down), Cynthia Glavin\*, Dee Hensley-Maclean, Heather Ireland, Heidi Kendall\*, Matthew Kuntz, Mary Kynett\*, Jeramie Robinson, Karl Rosston, Melody Sand\*, Melissa Sanders, Susan Sherman, Gail Staffanson, Rex Weltz, Steven Ziegrowsky\*, Jeff Hindoien- Facilitator

**State Agency Negotiated Rulemaking Committee Representatives Present**

**(Absent):** Peter Donovan, Linda Vrooman Peterson, Karin Billings, (Kyle Moen), Tracy Moseman, Timothy Tharp, Donnie Wetzel, Rehanna Olson- Notes

**Public/ Guests Present:** Marco Ferro, Siri Smilie, Representative Dennis Lenz\*

\*indicates participation by teleconference

## **Agenda**

- Welcome and Introductions—Jeff Hindoien, Facilitator
- Review Charge
- Confirm Nomination of Facilitator
- Determine Consensus Process / Definition
- Confirm Committee Membership
- Review Proposed Standard / Rule Language
- Overview of Economic Impact Analysis
- Next meeting date: January 24, 29, or 30, 2018

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Facilitator's Note: In terms of public comment, I generally approach that on an agenda item-by-agenda item basis, and it's only "technically" required on those items where the Committee actually takes action on something. Therefore, for the meeting of this Committee, the opportunity for public comment will be offered when:

- The Committee confirms my nomination;
- The Committee decides on a definition of "consensus";
- The Committee takes action to either confirm its current membership or decides to expand its membership per 2-5-107;
- The Committee takes action to approve proposed standard/rule language; and
- The Committee takes action to a final EIS instrument.

## Meeting Notes

The meeting convenes and is called to order at 10:20 AM, following technical difficulties with the teleconference equipment.

- Welcome and Introductions—Jeff Hindoien, Facilitator  
Mr. Hindoien welcomes the group. Each attendee (conference call and in-room) provides a brief introduction for the group.
- Review Charge  
Mr. Hindoien explains that the legislature has directed that Negotiated Rulemaking (NR) be used in the process of developing or changing accreditation standards. He outlines the NR process and gives background information to explain why the group has convened, which stakeholder groups must be represented, and outlines the role of the group and the process by which the Committee will develop a report (even if the group does not reach consensus) to provide to the Superintendent of Public Instruction. The Committee will also consult on the creation of an Economic Impact Statement.

The Superintendent will then make her recommendation to the Board of Public Education, where the matter will undergo a very rigorous process, and the Board of Public Education will also provide a recommendation to the Education Interim Committee of the Montana State Legislature.

- Confirm Nomination of Facilitator  
Mr. Hindoien explains the Office of Public Instruction's choice to use a facilitator, and outlines the role of the facilitator, and the need of the NR Committee (Committee) to confirm the nomination of facilitator (Jeff Hindoien).

**ACTION ITEM:** Do the members of the Committee confirm the OPI nomination of Jeff Hindoien to facilitate this rulemaking process?

Hearing no comment, the facilitator is confirmed through the consensus of the Committee.

- **Determine Consensus Process / Definition**

Mr. Hindoien, in preparation for this meeting, sent a memo to the Committee Members for review regarding reaching consensus. He reviews the contents of the memo, and the group agrees to a “Consensus minus one” approach for determining group consensus. This model is defined as, “Consensus minus one”, if there is more than one person not on board with a decision, there is not consensus. Mr. Hindoien reminds the group, using this structure, to try to reach a place where you can be in consensus even if you’re not in 100% agreement with the group. He also reminds the group that the report will be developed for the Superintendent regardless of the group reaching 100% consensus.

**ACTION ITEM:** Do the members of the Committee agree upon the “Consensus minus one” model for determining group consensus?

Mr. Hindoien asks for public comment on the consensus model.

Hearing no comment, the consensus model of “Consensus minus one” is confirmed as the method to determine group consensus of the Committee.

As a second item, Mr. Hindoien references a “Ground Rules” document he sent to the Committee Members, listing some general ground rules for meetings. The Committee reaches consensus that it is good to have a process outlined, but does not feel it necessary to formally adopt a specific set of ground rules.

- **Confirm Committee Membership**

Mr. Hindoien reviews the ability of the Committee to expand its membership beyond the present members by consensus. Interested parties can be nominated and integrated into the Committee by Committee members if the Committee feels that there are people who are integral to the NR process who are not on the membership roster. Interested parties can also make a petition to the Committee to be included as a Committee member. The Committee can add additional members by consensus.

Committee discusses the absence of a medical provider (practitioner) on the Committee. As this is not a required stakeholder group by statute, the Committee feels that the membership is complete at this time, and would encourage anyone not present to submit a written statement to the Committee, to be incorporated into the final Committee report.

Mr. Hindoien asks for public comment on the Committee membership as structured. Hearing no comment, Mr. Hindoien moves on to a 5-minute break.

- **Review Proposed Standard / Rule Language**

Committee discusses provided proposed rule language, some changes in words used and not used, and comes to a consensus to move forward with a recommendation to amend ARM 10.55.701 and to propose a new standalone rule also be implemented.

**ACTION ITEM:** Do the members of the Committee agree to propose language to amend 10.55.701 to include suicide prevention and response, and to create new rule language for a standalone rule addressing establishing policies, procedures, or plans related to suicide prevention and response?

Mr. Hindoien asks for public comment on the proposed language.

Hearing no comment, the proposals to amend 10.55.701 and create new rule language are confirmed.

- **Overview of Economic Impact Analysis**

Mr. Hindoien introduces the Economic Impact Draft Survey to the Committee as a handout. The Committee agrees on language changes to make the documents uniform, and agrees to provide additional comment to Linda Peterson, Jeff Hindoien, or Rehanna Olson by Friday, December 22, 2017 for inclusion in the survey.

- **Next meeting date: January 24, 29, or 30, 2018**

Committee members provide feedback on the proposed dates for the next Committee Meeting. Consensus of the Committee is to meet January 30, 2018 in Helena and by teleconference.

**ACTION ITEM:** Mr. Hindoien asks for public comment on items not on the agenda.

Hearing no comment, the meeting is adjourned at 2 PM.