



Chapter 55 Negotiated Rule Making Committee Meeting Minutes Monday, May 2, 2022 10:00 AM – 5:00 PM

Meeting Start Time: 10:00 AM

Roll Call

Negotiated Rule Making Members

Sharyl Allen Present
Alex Ator Present
Corey Barron Present
Sue Corrigan Present
Kelly Day Present
Patti Drake Present
Tara Hubing Present
Susan Lake Present
Adrea Lawrence Present
Kitty Logan Present
Rhonda Long Present
Craig Mueller Present
Julie Murgel Present
Chris Olszewski
Renee Schoening Present
Stephen Schreiber Present
Curtis Smeby Present
Ruth Uecker Present
Christina Wekkin Present
Krystal Zentner Present

BPE Representation

McCall Flynn Present

Facilitator

Aislinn Brown

Executive Support

Tristen Loveridge
Joan Franke

Welcome and Review

1. Adoption of 4.13.22 and 4.20.22 minutes
 - a. No dissent, minutes are adopted
2. Aislinn Brown: Reviews Negotiated Rule Making (NRM):
 - a. Ground rules
 - b. Consensus definition

Public Comment

1. No public Comment given

Discussion of Definitions 10.55.602

1. Pupil Instruction Day
 - a. No dissent, Adopted by committee
2. Pupil instruction-related (PIR)Day
 - a. MCA coaches' convention in the summer, there are districts that recognize it. Not sure this definition gives the same level of flexibility.
 - b. This definition has not been changed from the previous.
 - c. This does fall in line with the fall service training.
 - d. No dissent, adopted by the committee
3. School
 - a. Does this need to include transitional Kindergarten in the language? Sees it as a component of this but is not sure what legal complications may come with this.
 - b. We should look into this. Should also look at attendance centers. Some schools are attendance centers. Need clarification around this. Propose to table rule until a legal review can be done.
 - c. No dissent, tabled
4. School administrator
 - a. No dissent, adopted by the committee
5. School district
 - a. No dissent, adopted by the committee
6. School system
 - a. Could be a good place for an attendance center. Proposes under (d). also proposes to include transitional kindergarten here (c).
 - b. Proposes we include a definition to encompass informal language used to identify the use of all exceptional circumstance's terms.
 - c. Would need to refer to MCA to ensure it is done properly.
 - d. No dissent tabled
7. Self-study
 - a. Provides context behind the definition if indeed a district provides a self-assessment, it is a potential for schools to do a self-study to do their own accreditation.
 - b. Aislinn Brown: if NRM chooses not to adopt something with Self-study, can come back and address later
 - c. No dissent, adopted by the committee
8. Specialist
 - a. There have been questions about curriculum specialists. Currently, you must have a class 3 license to be a curriculum specialist. Something for consideration is if someone does not have or want an administrator license but has a master's and wants to be a curriculum specialist do we want to allow that here.
 - b. Was this addressed in 57 at all? No, still a class 3
 - c. Do SLP, do they fit in as a specialist? There are a couple of others that do like: speech-language therapists and pathologists are licensed through DLI, not the OPI are considered specialists they have a different license.
 - d. Keeping class 7 in mind as well since they are a specialist as well.
 - e. Right now they have three administrators that are defined in statute Principals, Curriculum Directors, and Superintendent there is a lot of opportunity in districts that have master's degrees that don't have admin but have. a classroom focus. So, we put teachers on special assignments. Could be useful to have

a special designation. Doesn't know if we need a special designation as many already have a master's in it.

- f. Thinking of terminology like a curriculum director versus curriculum specialist, like a teacher on special assignment. Doesn't mind the idea but doesn't know if it needs to be included in the definition
- g. Adrea Lawrence: would point out that we have an EDS degree that is an education specialist. Clarity on this definition is important. Proposal to table.
- h. No dissent, tabled by a committee

9. State accountability system

- a. Five indicators. 4 federally mandated and academically based. A 5th Montana flex indicator that is defined: college and career readiness, attendance, STEAM. Wonder if the academic term includes all the measures that are included. In the State plan, it asks that we add in the fifth indicator, we should consider adding a school climate survey, and is not sure it's an academic measure. Goes beyond the academic with the accountability system.
- b. State accreditation system has two accreditation standards. The first is the assurance standards and the second is student performance standards measured by student proficiency assessments.
- c. The task force has been considering the second indicator based on growth. The group has been looking if we should be looking at student performance standards to also consider growth. They feel like growth is equally as important as the level of proficiency.
- d. Terminology of annual meaningful differentiation process does mean something. point of the which schools need more support. It is a key component of the system.
- e. Consensus
 - i. No dissent, adopted as revised

10. Student growth

- a. The task force may be coming forward with a recommendation to include student growth. They have also discussed student learning which encompasses growth, learning progression, and proficiency. They prefer the term growth over achievement. Growth is not an achievement.
- b. Proposal for the first part of the sentence was to try and tie it into proficiency-based models, especially with proficiency-based. Thinks it best to include state or local measures. In favor of replacing the first part of the definition and leaving the second part.
- c. yes can take it back to the task force but it does encapsulate their thinking.
- d. Consensus
 - i. No dissent, adopted by the committee

11. Student performance standards

- a. Ok for now but may need to come back if we see a change.
- b. Discussed having additional things we measure regarding student performance. Hopes to see a change here.
- c. Proposal to table this until more information is forthcoming.
- d. Consensus
 - i. No dissent, tabled

12. Superintendent

- a. Could hold the superintendent endorsement and not be employed as a superintendent. Proposes to strike the employed as superintendent language.
- b. Wonders if the ARM is referencing an individual who is employed and has the license, not potential employed but holds a license.
- c. Would be the same applicability. When we say, "and is employed." may give the illusion that if you have the license you need to be employed as a superintendent.
- d. Would assign rather than employed. Just thinking of the purpose of the ARM and the rest of the chapter

- e. This seems to be defining a role in a school district. Could say the same about a lot of different licenses. Someone could hold a license and not be actively engaged in that role.
- f. Maybe would help to give an example of the use of the term in the rule.
- g. Also found in the statute, MCA 20-4-402 is the duties of a district superintendent or a county principal. Duties of a county superintendent or high school principal and gives verbiage of present tense. ARM 10.55.702 references they should perform administrative duties in accordance with the statutes just provided. The district superintendent shall be appropriately licensed and endorsed under state or Board of Education Rules or in the internship program.
- h. 702 does describe well and this definition covers all that is in 702 this could go either way.
- i. Just pointing out what may be a misnomer in the rule.
- j. Strike and who is employed. You can hold the endorsement and not be employed. Statute and ARM identify the necessary duties of that role.
- k. Consensus
 - i. No dissent, adopted by the committee

13. Synchronous

- a. Makes her think about this past school year and the difference between remote learning and virtual learning. Distant learning and remote learning. Should NRM consider a definition for remote learning? Distance learning is already defined
- b. Where would we include this in the rule? Any ideas where to include it?
- c. Important to think about why we're adding a definition and where it would go. Thoughtful about not giving the group more work at the end of the day.
- d. Any reason example includes physical classrooms?
- e. Sometimes the students are in physical classrooms and a teacher is streaming into the classroom?
- f. When we enter this world we're talking about synchronous or asynchronous. synchronous is all at the same time.
- g. Is anyone using video conferencing? Or online web-based? Between online, synchronous, asynchronous, and remote. Table this?
- h. Do we need examples? Get rid of examples?
- i. Do we need the term?
- j. 10.55.3 has this term, 907 (3)c
- k. Asynchronous refers to online courses offered on LMS (Moodle, Google classroom)
- l. Doesn't want to remove the definition
- m. Need to include something in, partly because someone will ask down the road.
- n. Proposal: remove examples
- o. Consensus
 - i. No dissent, adopted by the committee

14. Targeted Support and Improvement

- a. Consensus
 - i. No dissent, adopted by the committee

15. Teacher

- a. Consensus
 - i. No dissent, adopted by the committee

16. Technology-delivered learning

- a. Consensus
 - i. No dissent, adopted by the committee

17. Transformational learning

- a. Consensus

- i. No dissent, adopted by the committee
- 18. Universal Support
 - a. Consensus
 - i. No dissent, adopted by the committee
- 19. Variance to standard
 - a. Consensus
 - i. No dissent, adopted by the committee
- 20. Whole School, Whole Community, Whole Child model
 - a. Important we find this in CDC and if CDC is a propensity to change to the question asked earlier. It could be a different term in the future.
 - b. Consensus
 - i. No dissent, adopted by the committee
- 21. Work-based learning
 - a. Consensus
 - i. No dissent, adopted by the committee

Reviews Ch55 School Quality Task Force discussions to this point.

5 recommendations

1. Staffing Ratios for librarians. Proposing to change the ratio to a 1 to 500 based upon a school system enrollment. Increase the school systems under 150 to provide flexibility to use the consortium models.
2. Graduation Requirements. Social studies need to include a half unit of civics or government. Basic Education Programs Elementary, Middle School, and High School. Discuss a consistent model as students move forward. Incorporation of reading and writing in all aspects of a student’s day.
3. Staffing Ratios for Counselors looking at a ratio of 1 to 300.
4. Variances to Standards Pulling the Charter School rules out to own
5. Taking out that the local board of trustees is the control and supervision of local schools. Strengthen local control.

Breakout Groups for Tabled Rules

1. Alternative education
 - a. Provides proposed definition to the NRM means A learner-centered system that ensures maximum flexibilities from which the student circumstances drive the educational opportunities.
 - b. Did the group think about whether it needs to be a part of a school system?
 - c. Did not have that conversation. Is it important?
 - d. Gives examples: Student wanted to pursue a course not found in the United States, found it in Australia. Students have unique circumstances children that need to work, allows for flexibility.
 - e. Is it implied that the school system awarded would credit? Does it help or hinder flexibility?
 - f. Not sure an accredited school is implied in this definition. Would welcome additional discussion on this.
 - g. All the items in 10.55 are about an accredited school. It has not been identified in any of the others because all are components of being an accredited school district or system.
 - h. In alternative education, a different meaning could be construed.
 - i. Proposal “as approved by a local district” or local board of trustees.
 - j. Alternative education has transitioned a lot since long ago when it was a place for high at-risk children. Alternative education means different options to meet the needs of students. Districts are already

looking at how to provide different options. We need to think about what we want and need in accreditation standards today.

- k. Doesn't know if we need to include either the local district or trustees but if the NRM wants to include it she would like to see the local level for decision making.
 - l. No dissent, adopted by the committee
2. Alternative Learning methods
- a. Proposed Definition: Alternative learning methods acknowledge the learner in all children and can inspire the creation of curriculum or proficiency measures that are responsive to the student's unique needs and promote student voice and learner agency.
 - b. What is a learner agency? Learner Agency means the student has a choice, the ability to drive their learning through choice. Moving the transition from adult-centered to student-centered learning.
 - c. Learner based agencies are frequently connected in models
 - d. If this is a definition of learning methods, why are we talking about the creation of efficiency and curriculum models doesn't mean learning methods. Interpreting it in a way the writers didn't intend? Do we need a definition for alternative learning methods? We could lump all inquiry-driven learning methods into this, which might be an alternative for one teacher and mainstream for another.
 - e. Has the task force been discussing alternative learning methods? Not around alternative just around proficiency-based and thinking not just about credits but around different ways students can demonstrate credit. It is a bigger umbrella not in the weeds this far. Part of the reason to include this is statute around the notion to strengthen local control and increase opportunities for pupils. Strengthen local control in 701 toward the idea of proficiency-based learning. Providing students opportunities to own their learning.
 - f. Concurs with comments. Alternative learning methods acknowledge that whatever methods take place they need to offer a depth of flexibility to the classroom, learner, and district.
 - g. Could argue that those are mainstream methods depending on the future. Proposes to table this and consider striking the definition. Perhaps we need to see how it interacts with the rule.
 - h. Proposal to table until substantive rule discussion.
 - i. Tabled for substantive rule discussion.
3. College and Career Readiness
- a. Proposed definition: Acquiring the Skills knowledge and dispositions to be a productive member of society in a way that is meaningful to the student.
 - b. What is the thought process behind striking "and abilities"? The team believes the word abilities show up in dispositions. The ability to be flexible, humble, and teachable, and the ability to self-regulate.
 - c. Abilities fit in the skills and dispositions component.
 - d. Would like to hear more about " as a productive member of society in a way that is meaningful to the student"
 - e. Whether the student chose college or a career, or a combination, the meaningfulness is for the student.
 - f. Looking at the proposed definition, it was lengthier. To clearly articulate what they want to accomplish short and long term after leaving the school system.
 - g. By striking in a way that is meaningful to the student. Does that change the definition of trying to establish what is meaningful to the student language and where it fits?
 - h. Discussed a lot about channeling the definition to the student. Kept it in definition to keep it student-centered.
 - i. Goes back to the conversations on how we define student success. Capture that not everyone is the same and wanted to be inclusive of students that have special needs or disabilities.
 - j. No dissent, adopted by the committee
4. College and career readiness indicator

- a. Shares proposed definition: Measure the growth in students' knowledge, skills, and dispositions with the focus on their short-term and long-term goals.
 - b. Just the measures of their growth or the attainment and growth? Are you measuring their growth towards their goals or the attainment of their goals? Or both?
 - c. Is there an instrument that is being used to measure college and career readiness? Or Is this something that the state or local districts would need to develop?
 - d. Indicator was lending itself more toward an instrument survey instrument or pre and post-work or growth in the students' work it is important to use instrument to indicate that districts should be looking at the instrument by which they measure.
 - e. In the fifth indicator of required federally measurements does measure college and career readiness by four points currently: using the ACT in math and ELA, CTE ASMA, and dual enrollment.
 - f. Is it instrument or instruments? Is there any indication of what that instrument is? The Governor's office and the state chamber of commerce are in discussion about reinstating ACT work keys. There are a lot of ACT indicators and crosswalks that it is for both college and career readiness. The majority of students don't go/finish college but still take the ACT so it is a valid indicator of both college and career readiness.
 - g. Proposed language of "multiple measures based of the attainment and growth based upon the student skills.
 - h. Attainment and growth, does the NRM want to include or instead of and? Students with IEPs may not attain their goals but want to include their growth. And/or?
 - i. No dissent, adopted by the committee
5. Community engagement
- a. Shares proposed definition: Organized groups that may create partnerships with schools share resources and volunteer to support student learning development and health-related activities.
 - b. if 17 and 28 were discussed to combine the definitions? Felt to have 2 definitions. Hard to define individually at a state level rather than group together and try to define details that might be applied separately.
 - c. We're seeing family and community engagement used interchangeably more and more. They are not independent anymore. The way we have described may be seen more as activities that the community supports rather than actual equal partners for the student outcomes.
 - d. Likes the separation because family engagement is a crucial part, more so than the community. Is concerned with the community engagement definition. Some community groups will say that they support student learning development and health-related activities but may not mesh with school priorities. Is there something we can add to show that community engagement groups share school priorities? That would be open to the local school board policies.
 - e. Had looked at the past discussion of trying to combine them. The group decided that it would be easiest to have two separate definitions for this as it is difficult to define on their own. ...
 - f. When we look at 10.55.701 it does indicate under (m) "comprehensive family engagement..." in alignment with family and goals. The way it is written would be good to think about them separately as definitions.
 - g. Is organized groups too restrictive? Does community engagement need to be an organized group?
 - h. Used organized groups to make it a broader definition. Proposes to strike organized
 - i. Proposes language "is the creation of meaningful partnerships"
 - j. Did we mean to take members out? Take group out.
 - k. Who defines meaningful?
 - l. Defining too specifically would go backwards. Usually create an MOU between the business partner, school, and the family for the learner outcomes for the internship could like.

- m. 10.55.701 (m)(vi) would this replace that subsection, or would it be a new section? It is setting a new potential rule? Or is this just a definition of what that means as identified in statute?
 - n. The group working through this was doing it in the context of 701 as it is written now. Applying this in the context of 10.55.701.
 - o. Proposal to table for substantive rule discussion
 - i. No dissent, tabled
6. Family engagement
- a. Shares proposed definition: Means a shared partnership with shared responsibilities among families, educational staff, and community groups to promote each students learning, well-being and development of full educational potential during their entire P-12 experience.
 - b. Proposal to table for substantive rule discussion (same as Community engagement definition)
 - i. No dissent, tabled
7. Demonstration options
- a. Shares proposed definition: The methods by which a student has the ability to demonstrate learning proficiencies, college, and career readiness, or graduation requirements as specifically selected by the local school board in which a student is enrolled.
 - b. Consent to adopt
 - i. No dissent, adopted by the committee
8. Dual enrollment
- a. Shares the proposed definition: The opportunity for high school students to be enrolled in high school and post-secondary courses at the same time.
 - b. Do you have to be in high school? A gifted and talented student wouldn't be in High School.
 - c. As a High School student, you do earn credit. You're not necessarily enrolled in two different places at the elementary and Junior High level. Not receiving the benefits of both.
 - d. Appreciates the thought to have middle school or elementary students accelerate. If a middle school student is taking a dual enrollment course, would they be considered a High School student? If we're not defining them as a high student, then it is a non-issue.
 - e. There is not much reason why a middle school student couldn't be earning HS credit.
 - f. Could have a case in which a middle school student could get High school credit if the teacher was licensed for high school. It wouldn't necessarily apply in this place because the credit was attained at a college level.
 - g. You don't receive credit at the younger levels, at High school and college level but, not at the Junior high level. As we look at proficiency-based, there is an opportunity to receive credit. As we look at proficiency-based there is an expanded acceleration opportunity. You're earning credit once you get to HS
 - h. Looking at this in the context of high school, and college dual enrollment credit does anyone know the Board of Regents rules regarding age? Perhaps it is 16 years old but up to a local college to allow someone in under 16. It is implied that they are a high school student if they are doing dual enrollment.
 - i. That makes sense in this rule, is there another place we can talk about middle school high school credit.
 - j. Looking at HB 246 in particular and go to the offsite learning component it talks about the advantage another school district may offering over another. The sending district does not have to agree only the receiving district. This potential it could become a measurable advantage. There are districts that offer High School credit to students that are not full-time High school students. We should keep our minds open to is there somewhere else this goes into rule? There are already high schools providing credit for non-high school students. As the methodologies by which students can access post-secondary instruction, we are going to see more and more pressures to respond. Open courses that allow students under 16

- k. State legislature in 2018 defined dual enrollment programs for students 16 and older.
 - l. Looking at the policy for the dual enrollment page in MUS. Exceptions can be granted, the most common exemption requested is age.
 - m. MSU policy manual 301 a
 - n. Admissions May 2021, Early admission refers to a High School student who can earn college credit while enrolled in High School. Doesn't include an age.
 - o. Proposal to strike high school
 - p. Consensus as amended
 - i. Adopted by the committee as amended
9. College credit only no change
- a. Numbering changed to 26
No dissent, adopted by the committee
10. Dual credit
- a. Students receive both high school and college credit for courses taken from a post-secondary institution. Students may or may not be taking these courses during the school day.
 - b. Numbering changed to 27
 - c. Consensus
 - i. No dissent, adopted by the committee
11. Concurrent enrollment
- a. Numbering changed to 28
 - b. No NRM discussion
 - c. Consensus
 - i. No dissent, adopted by the committee
12. Graduation rate
- a. No changes
 - b. No additional NRM discussion
 - c. Consensus
 - i. No dissent, adopted by the committee
13. Licensure
- a. Shares proposed definition to align with Ch57: License or Licensure means a certificate issued or applied for under M.C.A. 20-4-101.
 - b. No dissent, adopted by the committee
14. Offsite instructional setting
- a. Reviews proposed definition: an instructional setting at a location, separate from a main school site, including the provision of service through electronic means, where the school district provides for the delivery of instruction to a student who is enrolled in the district.
 - b. No additional NRM discussion
 - c. Consensus
 - i. No dissent, adopted by the committee
15. Program area standards
- a. Shares proposed definition means
 - b. Chris Olszewski: don't currently have counseling standards, are we bringing them back?
 - c. Julie Murgel: concurs with Chris and notes that library media needs to be aligned to the new standards term (library media and information literacy)
 - d. Renee: is the TF discussing adding standards for school counseling?
 - e. Julie: no there has not been a discussion on that.
 - f. Consensus

- i. No dissent, adopted by the committee

16. School system

- a. McCall Flynn: Reviews group discussion and proposed definition
- b. Julie Murgel: wonders if it means this should be included under definition 61 School rather than under school system
- c. Sharyl: School and School system mean two different things?
- d. Julie Murgel: needs to come back to this conversation of where it sits with attendance centers and transitional kindergarten.
- e. Ruth: perhaps we need to find a different location. Perhaps these are subsets of what is in an elementary or high school district.
- f. Julie: Is attendance center what is being referenced but not called out in the definition of a school district?
- g. Sharyl: every district is organized for its territory. It is not referencing an attendance center. The only definition that exists for that is from a 1974 attorney general opinion.
- h. Consensus
 - i. No dissent, adopted by committee

17. Discussion around attendance center

- a. There is no place in statute that defines an Attendance center.
- b. Are attendance centers within Hutterite colonies?
- c. Does the NRM want to have a definition for attendance center? Attendance centers are not accredited. They are attached or affiliated with a school in some way. The accreditation is through the HS the students belong to.
- d. If the definition is not anywhere, it should be somewhere. The only question is if this is the right spot.

18. Discussion around transitional kindergarten

- a. No additional discussion of where the definition should go. Perhaps it should be in a similar area as attendance centers.

Public Comment

- 1. Dennis Parman, Executive Director, Montana Rural Education Association:
 - a. There are two references for attendance center. The one that Deputy Allen mentioned is the oldest. There is another that uses Attendance Center in the definition from 2015. For the purposes of accreditation, attendance center has not been used historically. Attendance Center is not found on the OPI website. Attendance Center comes up with two documents on a google search. There is a not very well-known connection between accreditation and school funding. When a school district wants to have a Hutterite colony join their district, there is a question that needs to be answered. Is it a remote classroom or is it a stand-alone school? There could be effects because of accreditation rules and need to think of the funding and payments. He wouldn't include Attendance center in accreditation.
 - b. Community engagement reminds him of the freedom of speech we have in the constitution. There is nothing that can be put into law, rule, or board policy that says if we don't like what they have to say you cant come say it. If community engagement is about partnerships, schools can go to go to the community and express ideas or vice versa. In either case, the responsibility and authority lies with the board of trustees. Rules cannot be written to restrict those rights. There is a saying, that everyone in democracy gets their say but not everyone gets their way, and that is ok.

Wrap Up

- 1. Aislinn Brown: reviews tomorrows agenda and upcoming meetings
- 2. Discussion and clarification of School Quality Task Force and Negotiated Rule Making Committee

3. Julie Murgel: Asks if we bring what the TF has discussed to do groundwork to prepare for the documents would be helpful?
 - a. NRM concurs with Julie

Meeting Adjourned: 4:45 PM