



Chapter 55 Negotiated Rule Making Committee Meeting Minutes Wednesday, April 20, 2022 3:30 PM – 5:00 PM

Meeting Start Time: 3:30 PM

Roll Call

Negotiated Rule Making Members

Sharyl Allen
Alex Ator
Sue Corrigan
Patti Drake
Tara Hubing
Susan Lake
Kitty Logan
Rhonda Long
Craig Mueller
Julie Murgel
Chris Olszewski
Lisa Petersen
Renee' Schoening
Stephen Schreibeis
Curtis Smeby
Ruth Uecker
Christina Wekkin
Krystal Zentner

BPE Representation

McCall Flynn

Facilitator

Aislinn Brown

Executive Support

Tristen Loveridge
Sheri Harlow

Welcome and Review

1. Aislinn Brown: Asks Negotiated Rule Making Committee (NRM) to confirm the March 17th and 18th minutes
 - a. No dissent, minutes are adopted
2. Aislinn Brown: Follows up on NRM comment on public comment. Asks the NRM if would like to hold public comment at the beginning of the meeting and at the end.
 - a. Chris Olszewski: He knows during the longer meetings there is a lot of work to progress. The opportunity for public comment at the end as well would be useful. He gets questions from people after the

meetings. It is nice to hear the overall reaction on the work from the public. Proposal to add public comment at the end of the longer in person meeting.

- b. No dissent, proposal passes.
3. Aislinn Brown: Follows up on NRM comment on tabled definitions. Wants to know if the NRM has further comments on ensuring one person does not do all of the work.
 - a. Alex Ator: His intent is to make sure the work does not land on one person. It would not be fair on that person but also not what a large group should do.
 - b. Aislinn Brown: Proposes the meeting continue today, and then will get a feel for what is needed at the end.
4. Aislinn Brown: Reviews:
 - a. Definition of consensus
 - b. NRM ground rules

Public Comment

1. Dennis Parman, Executive Director, Montana Rural Education Association:
 - a. Appreciates the conversation of additional public comment periods at the longer meetings. Would like to speak about the Ch55 School Quality Task Force. The group is scheduled to meet for the last time tomorrow and are nowhere near the completion of their work. He has done a comparison of the scheduled times our committee and task force compared to when he went through the process. There are glaring differences. We are scheduled to meet 11.5 hrs. more than they were. This is essentially a two-day face to face session. The Task force was scheduled to meet 20 hrs. via zoom. Spoke to several of the TF members after their meeting last week and did not hear that they could be done at the meeting tomorrow. It is his observation that it is not a matter of working harder, faster, or smarter but simply that enough time has not been scheduled. Wants the NRM to have that and do with it as you will.

Discussion of Definitions

1. Graduation Rate
 - a. Ruth Uecker: Proposes an additional definition is included for completion rate. Proposes language along the lines: Graduation completed any time after the four-year cohort group. Is open to additional suggestions for language.
 - i. McCall Flynn: How would this be used in rule?
 - ii. Ruth Uecker: There is a big difference between completion and graduation rate. She hopes there will be a time for the group to discuss using a completion rate instead of a graduation rate. For some of our learners it might take more than four years to complete the high school coursework. If it takes more than four years, it is still a success.
 - iii. Sharyl Allen: Loves the idea we're talking about students that cross the finish line not when they cross. Concurs with the idea to look at completion rates instead.
 - iv. Julie Murgel: Agrees. Also thinks using the word completion rate is critical. The words graduation rate is too technical in how it is defined federally and measured. Completion rate is defining what we are trying to measure, that students are completing the program.
 - b. Aislinn Brown: Asks the NRM if they looking to use completion rate instead of graduation rate?
 - i. Julie Murgel: Would probably need to keep both. Currently in rule and accreditation, graduation rate is part of the student performance standard that makes up the overall rating. The number is pulled from a four-year adjusted graduation rate. If we transitioned to a completion rate instead, there would not be a need for that.
 - c. Alex Ator: He is picturing a Venn Diagram with graduation rate, completion rate, and GED/other? Wants to make sure he is on the same page.

- i. Sharyl Allen: If we move to a completion rate, we will not need a graduation rate because the graduation rate encompasses in the completion rate. Some students need more time to get to the outcome of completion.
 - ii. Ruth Uecker: Concurs with Sharyl.
 - d. McCall Flynn: Would want to be thoughtful about removing the term graduation. We do have graduation requirements, and the term graduation is used throughout rule. Suggests keeping both of them for now then as we work through the rule, determine what would work best.
 - e. Renee Schoening: If we're talking about completion that includes pathways like GED/other that is not related to the school, does that count? It would need to be clarified that it is completion from the High School. Schools would not have influence over an autonomous decision to complete another pathway.
 - f. Ruth Uecker: Graduation Rate and Completion Rate are two ways of measuring when a child completes High School education. There are multiple ways to complete high school, but completion means you have more than 4 years to complete your coursework, but still receive a diploma.
 - i. Julie Murgel: Concurs with Ruth. Graduation means something different than graduation rate, because it is a measurement.
 - g. Aislinn Brown: Completion rate language is tabled
 - i. Julie proposed language Describes the proportion of the number of students who start a high school program to successfully complete a high school program.
- 2. Independent elementary school district
 - a. No dissent, adopted by committee
- 3. Indian Education for All
 - a. Julie Murgel: Looks like language in (b) needs to have shall instead of must
 - b. Chris Olszewski: Asks if the group should consider may instead of shall.
 - i. Aislinn Brown: There was some discussion around this. This came from advice from OPI legal counsel that shall generally means must but it can mean may.
 - ii. Julie Murgel: Concurs with Aislinn. There was counsel to not use may.
 - iii. Chris Olszewski: Understands and remembers that conversation.
 - c. No dissent, adopted by committee with changes
- 4. Instructional paraprofessional
 - a. No dissent, adopted by committee
- 5. Intensive assistance
 - a. McCall Flynn: Asks Julie Murgel if there would be a problem with this rule if changes in Ch57 is passed?
 - i. Julie Murgel: No, if the district is emergency authorized, they would be endorsed to teach.
 - ii. Sharyl Allen: This is a good question. What if direct supervision means in the same classroom or if they're in a different location.
 - b. No dissent, adopted by committee
- 6. Internship
 - a. No dissent, adopted by committee
- 7. Learning progression
 - a. No dissent, adopted by committee
- 8. K-12 district
 - a. No dissent, adopted by committee
- 9. Learning progression
 - a. No dissent, adopted by committee
- 10. Licensure
 - a. Sharyl Allen: Proposes language ends after "Montana". We're not talking about how to get to licensing, we're defining what licensure is.

- b. Julie Murgel: The last sentence, is important because it is often confusing that individuals are getting licenses with endorsements on top of it. She thinks that sentence is important.
- c. Renee: would be more comfortable leaving in the “approved educator preparation program” language. She thinks it should be an approved EPP and it should be part of the definition.
 - i. Sharyl: There are elements of Ch57 that the BPE may pass in May that won’t align to that. There are paths to licensing that are not always through an approved EPP.
 - ii. Renee: Can we table this until the other portion is discussed in Ch57 and ensure they align?
 - iii. Kitty Logan: Agrees that it should be kept because there are programs out there that do not mean quality like we have in place now in MT. In favor of keeping the language.
 - iv. Alex Ator: Ch57 is the chapter specifically in licensure? Proposes to adjust language to point the definition to ch57 by using something like “as defined in Ch57”
- d. Sue Corrigan: Was part of the ch57 task force and talked at length about alternative paths to teacher certification. Is in favor of Alex’s suggestion. Does not think it needs to be specific here because it is addressed in 57.
- e. Alex Ator: Proposal: “as issued by the state of Montana and defined in ch57”
- f. Julie: It is important to understand we are talking about an approved educator program. All accredited programs are approved but not all approved programs are accredited. You can’t get a license unless it is approved. Every time we issue a license in MT we check that they come from an approved program. Voices support of Alex’s suggestion.
- g. Chris Olszewski: Thinks it is important to support what university systems are doing. Proposes to table this rule for now and discuss further.
 - i. No dissent, rule is tabled.

11. Literacy

- a. Renee Schoening: Should expand the definition to include what it means in a broader context. We talk about literacy in cultural literacy, media literacy, and emotional literacy. This definition only discusses language. Proposes language: “Constructing and validating knowledge in specific content areas, which includes interpretation and meaning.”
- b. Sharyl Allen: Proposes language: “Literacy means the development of skilled readers, critical listeners and accomplished writers and spellers.”
 - i. Renee Schoening: This does not quite encompass what she is looking for in broader content areas.
 - ii. Sharyl Allen: The global understanding of literacy has a strong tenant to language development. She appreciates the ideas to expand the ideas of literacy but does thing there are some things we need to keep the core foundation on.
- c. Julie Murgel: 10.55.904 uses reading literacy and writing literacy. She thinks this is interesting.
- d. Renee Schoening: Agrees with Sharyl that we need to keep it core foundational. We need to do these reviews, so we are staying up to date with the times. The word literacy is used all the time in tech, cultural, media, and emotional literacy.
- e. Aislinn Brown: Any dissent to table for further discussion?
 - i. No dissent, rule is tabled

12. Measure

- a. Sharyl Allen: Wonders if measure means multiple methods?
- b. Lisa Petersen: Likes the simplicity of the second part of the definition with “means to assess”.
 - i. Sharyl Allen: Concur with Lisa
- c. Julie Murgel: Would like to clarify what the proposal is?
- d. Lisa Petersen: Would need to be reworded for clarity. She proposes to take out method of assessing.
 - i. NRM Discussion to clarify language

- e. No dissent, rule adopted by committee with proposal
- 13. Middle grades
 - a. No dissent, rule adopted by committee
- 14. Minimum aggregate hours
 - a. No dissent, rule adopted by committee
- 15. Minimum requirement
 - a. No dissent, rule adopted by committee
- 16. Misassignment
 - a. No dissent, rule adopted by committee
- 17. Non accredited status
 - a. No dissent, rule adopted by committee
- 18. Non licensed
 - a. No dissent, rule adopted by committee
- 19. Offsite instructional setting
 - a. Sharyl Allen: Would encourage 20-7-118 cross-reference. Proposes to table rule
 - i. No dissent, tabled
- 20. Online learning
 - a. No dissent, rule adopted by committee
- 21. On-site peer evaluation
 - a. Krystal Zentner: Would like to clean up grammar for language "...administrative peers reviews...".
 - i. Sharyl Allen: proposes "an external team of peers".
 - ii. Julie Murgel: Concurs with Krystal. Proposes "an external peers who review"
 - iii. NRM discussion on grammar and language.
 - b. No dissent, rule adopted by committee with proposed changes
- 22. Personalized learning
 - a. Rule tabled for later discussion
- 23. Postsecondary and workforce readiness
 - a. Sharyl Allen: should "have" replaced by "has".
 - b. Curtis Smeby: Proposes adding "knowledge skills and dispositions".
 - c. NRM discussion on language
 - d. No dissent, adopted with proposals
- 24. Postsecondary readiness
 - a. Lisa: Wonders if we should word this like we did (50).
 - b. No dissent, adopted with proposal
- 25. Principal
 - a. No dissent, adopted
- 26. Proficiency based diploma
 - a. McCall: Proposes this be tabled has gone through administrative rule making process. The rule out right now for the proficiency-based diploma. Doesn't want to include anything here till that process is done.
 - b. Ruth Uecker: Proposes this rule is tabled. Thinks there needs to be guidelines to delineate what this will look like.
 - c. Sharyl Allen: Concurs
 - d. No dissent, rule tabled
- 27. Proficiency-based learning
 - a. Sharyl Allen: Agrees with what was said for (53). Until we know what is happening with the proficiency-based diploma, she proposes 54 and 55 are tabled since they are connected.
 - b. No dissent, tabled

28. Proficient

- a. No dissent, tabled

29. Program area standards

- a. Julie Murgel: There are new pieces like library media and technology that need to be updated with the program area standards. Proposes this is tabled until we have the complete list.
- b. No dissent, tabled

30. Program delivery standards

- a. Sharyl Allen: Would like to see equal education opportunities. Helps to align with the constitutional language.
- b. No dissent, adopted with proposal

31. Pupil instruction

- a. McCall Flynn: Retracts the comment about if it is more accurate to say teacher or licensed educator. Suggests it read PK-12 schools.
- b. Sharyl Allen: Proposes to change to PK-12 Schools
- c. Craig Mueller: was there discussion on the definition of distributive? Does not see how it fits in the definition.
 - i. Sharyl Allen: She is not sure if any of the language after under the supervision of a teacher. It could be more comprehensive
- d. No dissent, adopted with proposals

Wrap up

- 1. Will continue to review the definitions. NRM should continue reviewing the definitions
- 2. McCall Flynn: requests the definitions document be cleaned up for the next meeting
- 3. Julie Murgel: Lets the group know that the TF is meeting from 10-5 in person tomorrow and will have additional meetings after discussion with the TF.

Meeting Adjourned: 5:00PM