



# Chapter 55 Negotiated Rule Making Committee Meeting Minutes

## Monday, May 3, 2022

### 8:00 AM – 2:00 PM

**Meeting Start Time:** 8:00 AM

#### **Roll Call**

##### **Negotiated Rule Making Members**

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

##### **BPE Representation**

McCall Flynn

##### **Facilitator**

Aislinn Brown

##### **Executive Support**

Tristen Loveridge

#### **Welcome and Review**

1. Aislinn Brown: Reviews work at yesterday's meeting and the definition of consensus.

#### **Task Force Survey Results**

1. Julie Murgel: Reviews School Quality Task Force Survey results.
2. Q1: How important do you think the following items related to School Performance are to determining K-12 school quality?

- a. Concern of survey sample size. Not big enough to make decisions due to small representation. More intention around distribution and ensuring all areas were represented. This is an important piece moving forward.
  - b. Not surprised by the results. Student attendance rates are critical.
  - c. Not surprised that state assessment scores were at the bottom. Has taken creativity out of teaching and put pressure on students and teachers
  - d. Business leaders may not understand what a school climate survey is.
  - e. Wished they would be able to disaggregate data further.
3. Q2: How important do you think each of the following items related to School Staff are to K-12 school quality?
- a. Surprised to see the length of employment is at the bottom
  - b. Noted schools tend to be the most stable have the best outcomes for students and how school staff feel about staying in the school/district
  - c. Noted most questions were related to licensure. What does that look like in terms of recent changes in the state and EPPs are responding to requests.
  - d. Did not reach any conclusions but curious most of the questions are around licensure
  - e. Importance of professional development in retention of teachers.
4. Q3: How important do you think having the following School Policy/Program requirements are to K-12 school quality?
- a. Question around school facility requirements responses were interesting
  - b. Interesting question was standards to guide how each content area is taught. Curious if that was a process of classrooms and pedagogy in the classroom. Would like to see how responses were recorded.
  - c. Ensuring all students have access to education that meet their needs. This is an area for transformational learning to meet students where they are. Would like to see how responses were drawn
  - d. References to world languages as a program that needs attention.
5. Q4: what do you like about the Accreditation Standards?
- a. Flexibility and accountability to standards stood out in comments. Standards are fair and levels the playing field in size of district.
  - b. Wonder how many comments are about librarians and counselors. About what they like about the standards. Strong support for these two areas
  - c. Comments about having quality teachers and educators in schools
  - d. Do not have specific recommendations. The TF coming forward with library ratios based on the school system may provide more flexibility in librarians.
  - e. Asks Julie if we have data on how many comments were from librarians. Wonders if other groups felt the presence of those comments.
    - i. Julie: Notes we have been receiving written public comment around library.
  - f. World languages was mentioned in reference to elementary
6. Q5: What do you dislike about the Accreditation Standards?
- a. Noted trends that are curious geared towards licensure and funding rather than accreditation standards.
  - b. Seems to be a lack of knowledge of what accreditation standards are
  - c. Difficult to please everyone. Some want more flexibility and others say it is too difficult or the bar is too low.
  - d. Variance to standards was perceived as too easy or too hard.
  - e. Would have like to see what type of person wrote each comment. It would have given a lot of info.
  - f. Recommendation is to educate people on the accreditation standards
7. Q6: What would you change?
- a. A lot of world language comments about 1/3 of responses about world language at elementary level

- b. Accreditation responses about what they would like to see. Some about support, reporting, timing of reporting, and keeping high standards.
  - c. Ch55 looking at accreditation and may mean supports come out of this.
8. Summary of discussion
- a. Attendance rate and student engagement
  - b. Creativity out of instruction
  - c. Licensure is an important piece
  - d. All students having access to meet needs
  - e. Flexibly and accountability
  - f. What is accreditation? What does it mean to be accredited? What is its connection to funding?
  - g. Easier reporting
  - h. Keeping the standards high
9. Lisa Petersen: Are these surveys sent out through the OPI Compass newsletter?
- a. Julie Murgel: Yes, and through MASS meetings
  - b. Lisa Petersen: is there another method to show the importance of the survey? Her Superintendent overlooked due to it being in the compass
10. Renee Schoening: Motivation to take the survey perhaps because they have been displeased with something. Incentivize the survey to motivate all individuals to engage. School counselor conference evaluation have 42% response rate due to incentive
- a. Aislinn Brown: what was the incentive?
  - b. Renee Schoening: Free registration for national conference and \$25 gift card.
11. Curtis Smeby: How do we support people that are doing better? Is there a better way or another way to support people to do the best they can?
- a. Sharyl Allen: Proposes the discussion should be on outputs. Accreditation standards are often inputs but the outputs are often not part of the discussion. What needs to show up in accreditation is outcomes. Student achievement outcomes have been flatlined. Retention rates should be alarming. As we retain effective educators there is stability in districts. Consider outputs and what those mean in student learning.

## TF Areas of Consideration

1. Library Media Specialists
- a. Julie Murgel: Reviews Library Media Specialist compiled data and potential considerations from the TF
  - b. NRM discuss and ask questions to understand data and TF conversations
  - c. Sharyl Allen: Looking at the element in shifting ratios. Was there discussion for a district to have a “district librarian” to deploy as needed throughout their district? Shares personal success in this type of set up to meet the needs of students.
  - d. Chris Olszewski: If you increase coop availability, which will help some bigger districts. Does not want to see smaller districts be penalized due to this change.
  - e. McCall Flynn: Shares TF has discussed this topic a lot. TF has also heard a lot of public comment around this topic. Voices that it is important to listen and seek positions from librarians as well.
  - f. Ruth Uecker: Would the schools that could be negatively affected by this change fall within the 10% grey area?
    - i. Julie Murgel: Yes.
  - g. Julie Murgel: It can get complicated. We know we need to solve this. Variance to standards could be leveraged in more areas other than just library media specialists, yet this is the area we see variances in. Small schools are already having to be creative in relation to contracting and the cooperatives.

- h. Christina Wekkin: There are already shortages in librarians. Finding a librarian that is willing to take a job part time between multiple schools. How can they meet the needs of multiple schools if they cannot meet the needs now?
  - i. Sharyl Allen: Curriculum consortiums see that if there is an increase in demand, there is an increase in cost. Wonders if we are approaching the need for virtual librarians.
  - j. McCall Flynn: Do we know how many school systems would be in a situation with several schools with a good distance between them?
    - i. Sharyl Allen: Golden Triangle cooperative has 37 they are serving. Prairie View is also serving several.
  - k. Ruth Uecker: How can we streamline the process in applying for a variance? It is very labor intensive. What is the percentage of acceptance of variance applications?
    - i. Julie Murgel: Has not denied an application in the last two years. Cannot speak to farther out than two years.
  - l. Susan Lake: Is a paraprofessional an option? Would they have the skillset necessary?
    - i. Sharyl Allen: This is an interesting question. Leads back to the idea that a consortium could provide 1 FTE. Districts are working to be flexible to meet requirements. When we think about the outcome that makes this a critical piece.
  - m. Krystal Zentner: MT Small School Alliance offers its consortium. But cannot find what a small school is or who is eligible to be a part of the MSSA.
    - i. Tara Hubing: 126 for library and counselors
  - n. Adrea Lawrence: Has the TF considered the library media specialist in relation to changes in Ch57? Like adding an endorsement through the PRAXIS test.
    - i. Julie Murgel: Yes, this is a possibility if those rules do come forward.
  - o. NRM discuss how to find solutions in innovative ways.
  - p. McCall Flynn: Notes TF member had commented that districts may not feel obligated to keep librarians if they are required to maintain less FTE.
2. Local Control
- a. Julie Murgel: Reviews research done around local control and TF discussions
  - b. Sharyl Allen: Notes this is constitutional language added to a rule. Rule does not need to be utilized to state what is already constitutional authority. Rule often references the constitution rather than quoting it.
  - c. Alex Ator: Is this in direct conflict with SB 18 that passed last year for anyone with extreme circumstances are required to graduate by state requirements rather than school board requirements.
    - i. McCall Flynn: Reviews bill language and further clarifies
  - d. Chris Olszewski: Notes that the school board has the authority to hire and fire superintendents, they are not able to fire principals as is. Does this imply that the school board has the authority to do that moving forward?
    - i. Julie Murgel: Notes the question to follow up.
3. Graduation Requirements
- a. Julie Murgel: Reviews research and TF discussion
  - b. NRM discussion on the uses of policy, how it is being used, if districts are utilizing resources and how regularly they are utilized. Also discuss how to transition into these requirements that would preserve culture and community satisfaction.
  - c. NRM discussion of options that exist in rule in 10.55.906. NRM notes the 9 MT SBA policies available to districts.
  - d. Sharyl Allen: Shares that it is a powerful component for a trustee to look at individual student situations.
4. Middle Grades

- a. Julie Murgel: Reviews TF discussion
  - b. Sharyl Allen: notes there are three units of social studies.
    - i. Julie Murgel: There is a difference between offering the three units and requiring two units for graduation.
  - c. Julie Murgel: Notes the TF will hear about requiring financial literacy for graduation
5. School Counselor Staffing Ratio
- a. Julie Murgel: Reviews research and TF discussion
  - b. Sharyl Allen: Research on the need for school counselors for mental health and wellbeing. Notes that guidance counselors are not trained in mental health.
    - i. Renee' Schoening: Term Guidance counselor is not used anymore, use licensed and trained school counselors. School counselors are trained with mental health therapists and have 80% of the same curriculum. Now trained to work in school systems and provide mental health services, suicide prevention and response, social emotional learning, and system change agents within systems.
    - ii. Sharyl Allen: If a counselor was trained 10+ years ago, are we ensuring they have the Professional development to be able to do all of these things?
    - iii. Renee' Schoening: Yes, PD is provided. If a district is using the term guidance counselor, they are out of date. Would need to do some research to find how many people need their training updated. Every year there are trainings on suicide prevention and response as well as other mental health topics. Accredited and non-accredited programs are different.
  - c. Julie Murgel: Of the four (MSU, UM, MSU Northern, and MSU Billings) how many are accredited through the national association for counseling?
    - i. Renee' Schoening: MSU and UM are both CACREP accredited.
    - ii. Curtis Smeby: Based on faculty numbers at MSU Northern. You need at least 3 faculty to be CACREP accredited and that is why MSU Northern is not accredited. They do offer a program with options. Notes in many rural areas of MT a school counselor is the only member of the committee with training for mental health services.
  - d. Renee Schoening: Given the current state of mental health, the suicide rate, behavioral problems, and the impact of the pandemic we need to see a ratio change for school counselors. When we consider economic impact, we cannot just look at the impact of schools. We need to look at the statewide impact. The national recommendation is 1/250. Thinks language is pointing towards helping the schools rather than helping the kids.
  - e. Sharyl Allen: Wonders if there are other services that could be considered for assistance with mental health.
  - f. NRM discuss additional points around difficulty to staff positions and how universities are building capacity to train more counselors.
6. Charter School
- a. Julie Murgel: Reviews TF discussion and purpose of the changes

### Recommendations to the TF

1. Sharyl Allen: We can align with current rule to allow cycles than a single year and align methods schools have to demonstrate they have an improvement plan.
2. Sue Corrigan: Timeframe of audits. Looking to extend the review process and make it meaningful
3. Sharyl Allen: As we look at the guidance, what are the outputs we have that are not satisfactory?
4. Krystal Zentner: Interested in the idea of approved vs accredited. Something schools can strive to accomplish.
5. Sharyl Allen: 10.55.802 heading does not seem to align with language

6. Sharyl Allen: 10.55.803(2)(a) may align to class options or unit options. Where learning experiences math to their learning interests and styles
7. Sharyl Allen: 10.55.804 around gifted and talented. Still applicable today or has it transitioned to what makes a student gifted and talented?
8. Stephen Schreiber: Looking at consequences of a misassigned teacher.
9. Sue Corrigan: Mentorship carried from Ch57 and what are the consequences if you do not have a mentorship program
10. Ruth Uecker: More info on charter school application process. Would like to see changed name of charter school perhaps innovative school. Possibility to see the application process Bozeman completed to understand what it looks like. Do they have separate input output measures to determine their accreditation? The schools can waive different accreditation standards in their application.
11. Renee' Schoening: School counseling staffing ratio change

### Next Steps discussion

1. Aislinn Brown: Reviews timeline conflicts and options
  - a. May 9<sup>th</sup> and 10<sup>th</sup> meeting is cancelled
  - b. Additional information will be provided to the NRM about meeting frequency and schedule going forward.

### Public Comment

1. Diane Fladmo, Director of Policy, Montana Federation for Public Employees:
  - a. Tread lightly to change requirements but requiring adequate staff for the needs today. Does not think she has talked to a librarian, counselor, parent, or teacher that has said they can take on more or do more. Our north star is to serve students according to our constitution. That is to provide students with what they need to get to their full potential. If we start backsliding now, we are not going to be able to meet the serious needs our schools need today like mental health, graduation rates, retention of staff. We must not make it more difficult to serve students and schools by trying to make it easier and lessening the requirements. Think carefully and thoughtfully and be research based on any changes. This process does not happen very often and deserves close attention. Your names will be on the lines. From a staff perspective, this is becoming a more difficult job and the pay is not commensurate with what they need to do. Don't make it more difficult on staff and on students. Do not drop our standards and look forward to brighter days with things like more affordable health insurance that may attract and retain. This group will do that and thanks the group for their work. Be careful of making a sweeping change.
2. Dennis Parman, Executive Director, Montana Rural Education Association:
  - a. Variance to standards review board meetings and administrative rule hopes to precipitate discussion around areas the NRM has been talking about. The hopes were if we saw a lot of variances to standard requests that touched a particular rule this process would look at it. They support the recommendation on librarian staffing ratios and appreciates the discussion. Not convinced that any reluctance of the committee members would still be there if they had watched one of the board meetings. Their goal is not to approve every proposal. They try to find a balance to ensure the intent of the rule is being met through the process. There was a statement made that no school has ever not been accredited. That is true but there have been many districts that have been in violation and have needed to address the issues. Thanks for the work done.
3. Flo Kiewel, Columbia Falls:
  - a. [Written Public Comment Submitted](#)
4. Angela Archuleta, KW Vina Elementary, Browning School District:

- a. [Written Public Comment Submitted](#)
5. Kit Stephenson, Montana Library Association:
  - a. [Written Public Comment Submitted](#)
6. Dana Carmichael, Whitefish:
  - a. [Written Public Comment Submitted](#)
7. Gary Carmichael, Whitefish:
  - a. [Written Public Comment Submitted](#)
8. Robert Moore, Marilyn King, Casey Bertram, Brenda Koch, Laurie Barron:
  - a. [Written Public Comment Submitted](#)
9. Shelly Weight, Forsyth High School, Principal:
  - a. [Written Public Comment Submitted](#)
10. Andrea Doles, Librarian, Been Steele Middle School:
  - a. [Written Public Comment Submitted](#)
11. Angela Giono, Townsend:
  - a. [Written Public Comment Submitted](#)
12. Mikayla Threadgoode, Laurel Middle School:
  - a. [Written Public Comment Submitted](#)
13. Brent Edgmond, School Counselor, Laurel High School:
  - a. [Written Public Comment Submitted](#)
14. Ceilon Aspensen, Laurel High School:
  - a. [Written Public Comment Submitted](#)
15. Jason Hill, Mathematics Instructor:
  - a. [Written Public Comment Submitted](#)
16. Lori Hodges, Librarian:
  - a. [Written Public Comment Submitted](#)
17. Nancy Robinson, Laurel High School:
  - a. [Written Public Comment Submitted](#)
18. Wendi Graves, Laurel Public Schools:
  - a. [Written Public Comment Submitted](#)
19. Andrea Feige, Monforton School:
  - a. [Written Public Comment Submitted](#)
20. Christine Kombol, Teresa Marchant, Johanna Freivalds, Kristine Laib, Lockwood:
  - a. [Written Public Comment Submitted](#)
21. Krik Vriesman, Executive Director, Montana Library Association:
  - a. [Written Public Comment Submitted](#)
22. Amy Andreas, Browning High School:
  - a. [Written Public Comment Submitted](#)
23. Anna Meadows, Librarian, Laurel:
  - a. [Written Public Comment Submitted](#)

**Meeting Adjourned: 2:00 PM**