

MEETING PROJECT NAME: Education Advocates' Meeting

DATE OF MEETING: October 23, 2018

TIME: 9:00 AM – 9:45 AM

LOCATION: OPI - 1201 11th Avenue Conference Room

ATTENDEES:

PRESENT

Dianne Burke, Executive Director, Montana Quality Education Coalition (via phone)

Cameron Evans, K-12 Education Reporter, Missoulian (via phone)

Pete Donovan, Executive Director, Board of Public Education

Pad McCracken, Research Analyst, Legislative Services Division

Angela McLean, Director of American Indian/Minority/Achievement and K-12 Partnerships,
Office of the Commissioner of Higher Education (via phone)

Kirk Miller, Executive Director, School Administrators of Montana

Dan Rask, Executive Director, Montana Small School Alliance

Nick VanBrown Lead Fiscal Analyst, Legislative Fiscal Division

Denise Williams, Executive Director, Montana Association of School Business Officials

OPI STAFF

Elsie Arntzen, State Superintendent

Ken Bailey, Chief Financial Officer

Karin Billings, Health Enhancement and Safety Division Administrator

Susie Hedalen, Deputy Superintendent of Educational Services

Ashley McGrath, State Assessment Director

Kara Sperle, School Finance Division Administrator

Jule Walker, Deputy Superintendent of Operations

RECORD-KEEPER

Sydney Bangerter, Administrative Clerk, Office of Public Instruction

TOPIC	PRESENTER INFO
<p>ESSA Reporting for School Finance</p> <p><i>Susie Hedalen, Ken Bailey and Kara Sperle</i></p>	<ul style="list-style-type: none"> • ESSA added a requirement for reporting expenditure per pupil by school. Kara Sperle worked with all school districts with enrollment greater than 1,000 students to develop the procedures and protocols. These districts have modified their accounting systems and are collecting data on a per school basis that will be reported on the FY 2019 Trustees' Financial Statement. The School Finance Division will then create the required expenditure per pupil report for each of these districts' ESSA Report Card. • Susie Hedalen has been working with USED on how to meet this requirement for districts with less than 1,000 students without creating an unreasonable administrative burden for those districts. We should receive guidance from USED and advise these school districts on any new requirements by January 1, 2019. It will not be reflected in the 2018-2019 report card, but will be implemented in 2019-2020.
<p>Collections Calendar</p> <p><i>Jule Walker</i></p>	<ul style="list-style-type: none"> • Jule Walker briefly discussed some of the issues surrounding data collections. For example, a collection closed last week for the previous year: graduate, cohort and dropout data. Thirty-seven districts did not submit their graduate data. 138 districts did not report their 7-12 dropout data. This delay slows down the entire process for receiving, verifying, certifying and returning data to schools. The OPI would like to know how to assist or receive this information in a timely manner; therefore, we are eliciting input to improve this process. The OPI is working diligently to return meaningful data to schools in a timely manner, including discussion with our vendors. The assessment contracts are up in 2019 and the OPI will be pressing these vendors to expedite processes. • The Office of Public Instruction's Collections Calendar can be found at the link below:

	<ul style="list-style-type: none"> ○ https://gems.opi.mt.gov/ReportsAndData/Pages/OPIDataCollectionsDueDates.aspx ● The Data Task Force has met twice this year. It was created by the 2013 Montana Legislature through the adoption of 20-7-104, MCA. The K-12 Data Task Force advises the OPI on data collection policies and practices and the use of data in schools. The committee works to streamline data collected by the state, while supporting local control in the use of data to improve student performance.
<p>Negotiated Rulemaking for Student Assessment <i>Ashley McGrath</i></p>	<ul style="list-style-type: none"> ● Please see the attached Negotiated Rulemaking for Student Assessment document presented by Ashley McGrath at the Education Advocates' meeting.
<p>Negotiated Rulemaking for School Safety <i>Dr. Linda Peterson and Karin Billings</i></p>	<ul style="list-style-type: none"> ● Please see the attached Negotiated Rulemaking for School Safety map presented by Karin Billings at the Education Advocates' meeting. ● Please see the attached Negotiated Rulemaking for School Safety documents provided by Dr. Linda Peterson after the meeting.
<p>Wrap-Up from Convention Week <i>Open to Discussion</i></p>	<ul style="list-style-type: none"> ● National Rural Education Association (NREA) Conference: October 11-13, 2018, Denver, CO ● Montana Conference of Education Leadership (MCEL): October 17-19, 2018, Missoula, MT ● Montana Association for Career and Technical Education (MACTE) Conference: October 18-19, 2018, Billings, MT

**Other
Business**

- The next Education Advocates' meeting will be held on November 20, 2018 at 9:00 AM.
- Save the Dates:
 - OPI School Safety Summit: January 7, 2019 at 2:30 PM in room 303 at the Capitol Building
 - Indian Ed Rotunda Day: January 18, 2019 in the Capitol Building
 - Montana READY Rotunda Day: April 3, 2019 in the Capitol Building

October Education Advocates Meeting

Date: Tuesday - October 23, 2018

Assessment Parallel Planning Strategy:

1. **Transition/Communication Plan** – Administration plans for statewide assessment including science transition and partnership with OCHE to administer the ACT in Grade 11 (see plans for §20-7-104).
2. **Comprehensive Rule Approach** – Address assessment transition needs; respond to Peer Review and Title I Audit; comply with federal statute and guidance to ensure the highest technical quality and soundness of our Montana Comprehensive Assessment System.
3. **Competitive Bid Process** – Solicitation plans for test delivery services including the design, development, and delivery needs for science.

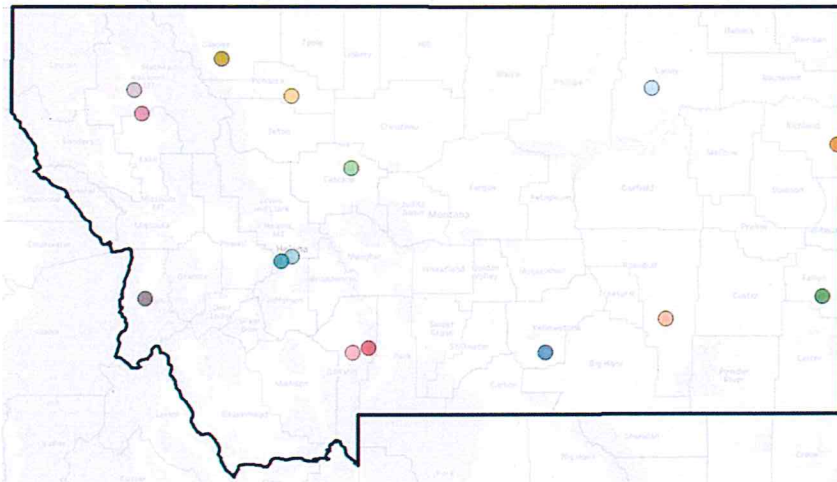
Topic: Student Assessment Negotiated Rulemaking Committee Updates

Materials Housed on OPI Website:

opi.mt.gov > Leadership > Statewide Testing > [Student-Assessment-Negotiated-Rulemaking-Committee](#)

Committee Representation: 17 independent members from across the state.

K-12 Curriculum Director	K-12 Teacher	K-12 Testing Coordinator	Parent of School Aged Children	School Administrator	School Business Official	School Trustee	Taxpayer
3	4	1	1	5	1	1	1



Note: Map last updated 7/31/2018

August 6th Meeting:

- Establish Committee Membership.
- Review Negotiated Rulemaking Roles, Responsibilities, and Process.
- Establish Committee’s Consensus Definition.
- Confirm Facilitator.
- Provide OPI’s Background and Context behind Rule Recommendations.
- Present Student Assessment Rule Recommendations.
- Rule Discussion.

Facilitator: Dr. Jason Nicholas

October 1st Meeting:

- Discussion on Student Assessment Rules.
- Consensus on Student Assessment Rules.
- Proposal of Economic Impact Survey Language.

Economic Impact Survey (October):

- Distribute economic impact survey to school districts (10/9–10/19/2018).
- Distribute implementation impact survey to school districts (10/9–10/19/2018).

November 5th Meeting:

- Review and prepare recommendations for the Superintendent.
 - Review and prepare Rule Recommendation Report.
 - Review and prepare Economic Impact Statement Report.

Negotiated Rulemaking Timeline:

✓	January – April 2018	Sufficient evidence to warrant amendments to 10.56.101 Student Assessment.
✓	January – April 2018	Convene internal working group to review evidence for changes and draft amendments to propose to the negotiated rulemaking committee (Committee).
✓	May 2018	Submit notice to Montana Administrative Register (MAR or Register).
✓	May 2018	Recruit for members to serve on the negotiated rulemaking committee.
✓	May 2018	Recruit for a Facilitator to facilitate the work of the Committee.
✓	July 2018	Finalize the members of the Committee.
✓	August 6, 2018	Convene first Committee meeting.
✓	October 1, 2018	Convene second Committee meeting.
	November 5, 2018	Convene third Committee meeting.
	December 2018	Make recommendations to the Superintendent.
	January 2019	Superintendent presents proposed amendments and economic impact to the Board of Public Education.

Questions? Contact:

Ashley McGrath
 Assessment Director
 Phone: 406.444.3656
 E-mail: amcgrath@mt.gov



Negotiated Rulemaking Committee Information Document

PURPOSE

The Montana Office of Public Instruction (OPI) is charged with establishing an independent negotiated rulemaking committee (Committee). The Committee will consider issues to reach consensus on the proposed amendments to accreditation standards, and consult on the preparation of an economic impact statement that reflects the most accurate needs of schools to facilitate local practice. The negotiated rulemaking process is required by §20-7-101, Montana Code Annotated (MCA).

PROCESS STEPS AND ROLES

PROCESS STEPS: All process steps are pursuant to the general provisions of Titles 2 & 20, MCA.

- The OPI will establish a negotiated rulemaking committee.
- The Committee will consider the matters proposed by the OPI and will consider the issues to reach consensus on a proposed amendment to the ARM, and recommend an economic impact statement to the Superintendent of Public Instruction (SPI).
- The SPI will recommend a proposed amendment and an economic impact statement to the Board of Public Education (BPE).
- The BPE will submit each proposal, including the economic impact statement, to the Education Interim Committee for review at least one month prior to a scheduled committee meeting.
- The proposed amendment will pass through the Montana Administrative Procedure Act (MAPA) Title 2, Chapter 4, MCA, prior to any formal adoption by the BPE.
- School district trustees are responsible for administration of the requirements established by the rulemaking process, pursuant to §20-3-323(1)(a-b) and §20-3-324(31), MCA, and as outlined in the Constitution of the State of Montana, Article X, Part X, Section 8.

ROLES

Office of Public Instruction (OPI)—The OPI will establish the negotiated rulemaking committee, seeking nominations of/ applications from interested stakeholders to serve on the Committee.

State Agencies Committee (Agency Team) —The OPI will select individuals to represent state agencies to serve on the agency team for each negotiated rulemaking committee.

Negotiated Rulemaking Committee (Committee)— The Agency Team recommends to the SPI individuals to serve on the Committee who are likely to be significantly affected by the proposed rule amendment, including individuals from the following groups: school district trustees, K-12 school administrators, K-12 teachers and counselors, school clerks/business officials, parents, taxpayers, and students as needed.

Members of the Committee will be selected based on the following criteria:

- Cultural diversity
- Geographic location
- School and community members with experience in the content area of the proposed amendment
- District and school size
- Grade levels served

The Committee will consider issues to reach consensus on the proposed amendments to the ARM. In consultation with the OPI and the Agency Team, the Committee will prepare an economic impact statement, as outlined in §2-4-405, MCA.

Negotiated Rulemaking Facilitator (Facilitator)—The Facilitator will impartially aid in the discussions and negotiations among the members of the Committee. The Facilitator does not have decision-making authority. The Facilitator will apply the general provisions of §2-5-101, et seq., MCA.

Superintendent of Public Instruction (SPI)—The SPI reviews the work of the Committee and recommends a proposed amendment and an economic impact statement to the BPE.

Board of Public Education (BPE)— The BPE submits each proposal, including the economic impact statement, to the Education Interim Committee for review at least one month prior to a scheduled committee meeting. The BPE exercises general supervision over the public school system and other public educational institutions as may be assigned by law, pursuant to the Constitution of Montana, Article X, Part X, Section 9, and will adopt standards of accreditation and establish the accreditation status of every school, pursuant to §20-2-121(6), MCA.

Education Interim Committee— The Education Interim Committee will review the BPE's recommended economic impact statement. The Education Interim Committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions of the BPE for administrative purposes, pursuant to §5-5-224, MCA.

Local School District Boards of Trustees (Trustees)— Trustees are responsible for policy creation and implementation in their school districts. Trustees will implement the policies of the BPE, or the rules of the SPI, pursuant to §20-3-324(31), MCA, and are responsible for the supervision and control of schools in their school district, pursuant to the Constitution of Montana, Article X, Part X, Section 8.



Superintendent Arntzen Announces Emergency Response Plans Negotiated Rulemaking Committee Members

July 26, 2018

HELENA—State Superintendent Elsie Arntzen has selected 17 people to serve on the All Hazard Emergency and Response Plans negotiated rulemaking committee (Committee), in addition to six OPI staff members and one BPE staff member. The Committee will provide Superintendent Arntzen with a proposed amendment to [ARM 10.55.701](#), with the goal of requiring a policy for implementation of all hazard emergency and response plans in schools. The Committee will also consult on the preparation of an economic impact statement for the proposed amendment.

The committee members represent a diverse group of Montanans who are experts in education, business, safety and emergency management, coordination and response, culturally relevant practices, school finance, and student voices. School safety has been a priority at the Office of Public Instruction with Superintendent Arntzen [serving](#) on a national school safety steering committee and the state [applying](#) for federal STOP school safety and violence prevention grant funds.

“I am honored to bring together this diverse group of Montanans for the important purpose of making our schools safer,” Arntzen said Thursday. “Emergency plans should reflect the unique needs of our communities through local control, but we must all do our part to ensure that Montana schools and students are safe.”

Committee members include:

- Lester “Dale” DeCoteau, Fort Peck Tribes Mental Health Manager/ Suicide Prevention Coordinator
- Kerry Drown, Whitefish K-12 School Administrator
- Cindy Glavin, Big Timber K-12 Teacher
- Greg Gould, Two Eagle River- Lake County/ State Disaster and Emergency Service Coordinator
- Charles “Chuck” Hyatt, Bainville Parent/ Taxpayer
- Bridger Kelch, Whitefish Police Department Law Enforcement Officer
- Marilyn King, Bozeman K-12 School Administrator
- Barbara “Dee Ann” Kipp, Browning K-12 Teacher
- Hannah Kopp, Laurel Student
- Clara McRae, Helena Student
- David Pafford, Noxon School District Trustee
- Ashley Parks, Frenchtown K-12 School Administrator



- Edgar “Randy” Radke, Belgrade K-12 Teacher
- Shanna Smith, Belgrade K-12 School Administrator
- Stephen “Dick” Swingley, Montana State Fire Marshal
- Angela Williams, Terry K-12 Public Schools Superintendent
- Lorie Carey, Jefferson High School District Clerk

OPI and Board of Public Education staff on the Committee include:

- Jule Walker, Office of Public Instruction Deputy Superintendent
- Linda Vrooman Peterson, Office of Public Instruction Accreditation and Educator Preparation Division Administrator
- Karin Billings, Office of Public Instruction Health Enhancement and Safety Division Administrator
- Kara Sperle, Office of Public Instruction School Finance Division Administrator
- Tracy Moseman, Office of Public Instruction Director of Coordinated School Health
- Kyle Moen, Office of Public Instruction Chief Legal Counsel
- Peter Donovan, Board of Public Education Executive Director

Once the negotiated rulemaking committee finishes its work, it will be up to the Board of Public Education to approve the suggested amendment. The Committee will convene its first meeting on August 14, 2018 in Helena.

Additional Resources:

OPI Emergency Planning and Safety Resources

Website: <http://opi.mt.gov/Leadership/Management-Operations/Emergency-Planning-Safety>

OPI Hazard and Emergency Response Plans Negotiated Rulemaking Resource webpage:

<http://opi.mt.gov/Leadership/Assessment-Accountability/School-Accreditation/Montana-All-Hazard-Emergency-and-Response-Plan-Negotiated-Rulemaking-Committee>

OPI Standards of Accreditation: <http://opi.mt.gov/Leadership/Assessment-Accountability/School-Accreditation/Chapter-55>

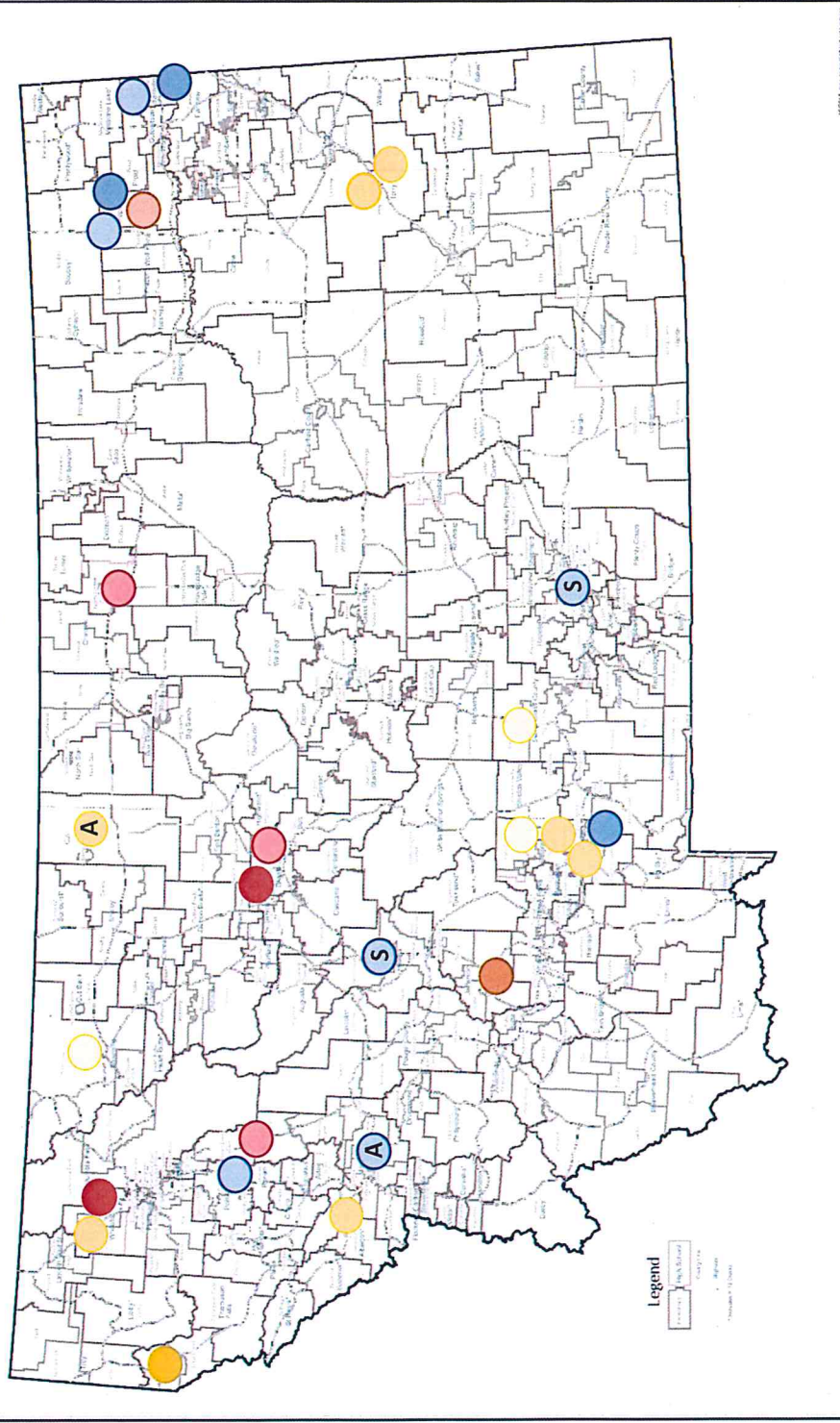
OPI Administrative Rules Notice Page: <http://opi.mt.gov/Leadership/Management-Operations/Legal-Division/Administrative-Rules-Notices-Standards>

Board of Public Education Home Page: <http://bpe.mt.gov/>

OPI Call for Nominations for All Hazard and Emergency Response Plans Policy:
<http://opi.mt.gov/Leadership/Assessment-Accountability/School-Accreditation>

Geographic Representation of Negotiated Rulemaking Committee for Hazard and Emergency Response Plans

Montana Elementary and High School Districts



- school district trustees
- K-12 school administrators
- parents
- nurses and special education service providers
- K-12 teachers and counselors
- taxpayers
- law enforcement
- school clerks/business officials and IT personnel
- county/state disaster and emergency service coordinators
- A= Alternate Member
- S= Student



Disaster Drills To Be Conducted Regularly -- Districts To Identify Disaster Risks And Adopt School Safety Plan

20-1-401. Disaster drills to be conducted regularly -- districts to identify disaster risks and adopt school safety plan. (1) As used in this part, "disaster" means the occurrence or imminent threat of damage, injury, or loss of life or property. Disaster drills must be conducted regularly in accordance with this part.

(2) A board of trustees shall identify the local hazards that exist within the boundaries of its school district and design and incorporate drills in its school safety plan or emergency operations plan to address those hazards.

(3) A board of trustees shall adopt a school safety plan or emergency operations plan that addresses issues of school safety relating to school buildings and facilities, communications systems, and school grounds with the input from the local community and that addresses coordination on issues of school safety, if any, with the county interdisciplinary child information and school safety team provided for in 52-2-211. The trustees shall certify to the office of public instruction that a school safety plan or emergency operations plan has been adopted. The trustees shall review the school safety plan or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to 20-9-236 to make improvements to school safety and security.

History: En. 75-8308.1 by Sec. 1, Ch. 424, L. 1973; R.C.M. 1947, 75-8308.1; amd. Sec. 1, Ch. 423, L. 1997; amd. Sec. 2, Ch. 364, L. 2013; amd. Sec. 1, Ch. 323, L. 2015.

Negotiated Rulemaking for Hazard and Emergency Plans DRAFT Proposed Rule Amendment

Pursuant to §20-1-401(3), MCA ...*The trustees shall certify to the office of Public instruction that a school safety plan or emergency operations plan has been adopted. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to 20-9-236 to make improvements to school safety and security.*

DRAFT PROPOSED RULE AMENDMENT LANGUAGE – ARM 10.55.701

10.55.701 BOARD OF TRUSTEES

(1) The local board of trustees shall ensure that the school district complies with all local, state, and federal laws and regulations.

(2) Each school district shall make available to the staff and public:

PROPOSED AMENDMENT: a policy addressing hazard and emergency plans as outlined in the ARM NEW RULE.

Negotiated Rulemaking for Hazard and Emergency Plans DRAFT Proposed NEW RULE

Pursuant to Section 20-1-401, MCA, “Disaster Drills to be Conducted Regularly-Districts to Identify Disaster Risks and Adopt School Safety Plans.”

DRAFT PROPOSED NEW RULE LANGUAGE

NEW RULE: HAZARD AND EMERGENCY PLANS

The board of trustees shall adopt a new rule addressing hazard and emergency plans. Hazard and emergency plans shall include the following components:

- 1) A risk assessment to identify potential hazards “within the boundaries of its school district”;
- 2) A section within the hazard and emergency plan that addresses training, including emergency drills and exercises associated with the identified risks and hazards; and
- 3) A hazard and emergency plan that addresses actions for prevention, mitigation, response, and recovery (before, during, and after) an event.



Economic Impact Survey Questionnaire Introduction Hazard and Emergency Plans Accreditation Standard

Purpose: The purpose of this communication is to determine the perceived economic impact to district budgets that may be realized through the proposed rule amendment and new rule of the Administrative Rules of Montana (ARM) 10.55 Standards of Accreditation. School district administrators, county superintendents, school board trustees, school clerks/business officials, PK-12 teachers, school counselors, special education services, and nurses are asked to complete the **Economic Impact Survey Questionnaire**. Community partners, tribal officials, law enforcement, and disaster and emergency personnel are encouraged to respond as appropriate to Districts. Topics on the questionnaire include available resources, personnel, and professional development that your district may use currently or require in the future to adopt the proposed rule amendment and new rule, and to administer Hazard and Emergency Plans.

The State Superintendent has initiated the negotiated rulemaking process to amend the accreditation standards. Proposed changes to the accreditation standards require that the State Superintendent establish an independent negotiated rulemaking committee ("Committee") under §20-1-701, MCA. Superintendent Arntzen selected 17 members to serve on the Committee.

The Committee met on August 14, 2018 and reached consensus on language for proposed changes to the accreditation standards incorporating the new legislative requirements. In consultation with the negotiated rulemaking committee, the OPI is developing an Economic Impact Statement (per §2-4-405, MCA) relating to proposed accreditation standard changes as required.

The OPI needs your help to develop the Economic Impact Statement for the proposed accreditation standards rule amendment and new rule. First, please review the language for the proposed rule amendment to ARM 10.55.701(2) Board of Trustees, and the proposed language for ARM 10.55 New Rule. ([Click to view](#)).

Background information on the OPI proposed rule amendment and new rule and instructions on how to complete the questionnaire can be found below, along with a list of FEMA Definitions used in the questionnaire and rule documents.

Background:

In 2013 SB 348 amended §20-1-401, MCA to require trustees to *"adopt safety plans"* and *"certify...on or before July 1, 2014, that a school safety plan has been adopted"*. New language was also included, allowing trustees to transfer state and local revenue from budgeted or non-budgeted funds for expenditures relating to a range of safety measures, with a deadline of 2015 for expenditures. In 2015 SB 213 further adjusted the same section of law and moved the deadline for expenditure transfers to 2019, with revised language to include *"school safety plan OR EMERGENCY OPERATIONS PLAN"*.

In 2015 SB 213 further adjusted the same section of law and moved the deadline for expenditure transfers to 2019, with revised language to include “*school safety plan OR EMERGENCY OPERATIONS PLAN*”.

In 2017 SB 307 amended §20-9-236, MCA requiring expenditures made under §20-1-401, MCA be made within two full fiscal years and removed the 2019 deadline, along with other amendments. The 2017 amendment effectively ensures permanence to the ability to transfer state and local monies for school safety expenditures.

In accordance with the legislation, an extensive list of free resources is available to Montana schools on the [OPI Website](#). These resources help support in the creation and administration of a comprehensive emergency operations plan (EOP). Resources include links to the Federal Emergency Management Agency (FEMA) website; the FEMA Emergency Management Institute (EMI); the U.S. Homeland Security website; and Montana Disaster and Emergency Services. Districts may also use some of their Title IVA budget to support school safety expenditures.

Questionnaire: The OPI, in consultation with the Committee, developed a questionnaire to determine the economic impact to district budgets. The questionnaire seeks information about perceived economic impact to district budgets that may be realized through the amendment and new rule.

The OPI values your input and asks that you please contribute to the survey of the economic impact the rule amendment and new rule may have on your district budget. The questionnaire will be available for school districts from October 25, 2018 at 8:00 A.M. until 5:00 P.M. on Tuesday, November 13, 2018.

Please see the definitions below for terms commonly used in the Economic Impact Questionnaire and OPI Negotiated Rulemaking process for Hazard and Emergency Plans.

THANK YOU for your time and effort to complete this questionnaire and assist in the survey process. If you have questions about the proposed new rule/ rule amendment, please contact Linda Vrooman Peterson at lvpeterson@mt.gov, or 406-444-5726.

Click here to begin the survey.

FEMA DEFINITIONS:

Hazard: “In disaster management, a hazard refers to the potential for a disaster.”
(Pearce 2000, Chapter 2, 12)

Emergency (or Disaster): an actual event when it occurs.

Prevention: the capabilities necessary to avoid, deter, or stop an event or emergency.

Mitigation: the capabilities necessary to eliminate or reduce the loss of life and property damage by lessening the impact of an event or emergency.

Response: the capabilities necessary to stabilize an event or emergency once it has already happened or is certain to happen in an unpreventable way.

Recovery: the capabilities necessary to assist schools and districts affected by an event or emergency in restoring the learning environment.

Montana Hazard and Emergency Plans Negotiated Rulemaking Process Timeline

Date	Action
2018	
10/22/2018	Finalize the Economic Impact Survey
10/25/2018	Send Economic Impact Questionnaire to Superintendent for Approval
10/26/2018	Distribute Economic Impact Survey Questionnaire
11/13/2018	Economic Impact Survey Questionnaire Due Date
11/15/2018	Economic Impact Survey Questionnaire Analysis-Agency Team
11/19/2018	Economic Impact Survey Statement and Final Report Draft-Superintendent Review
11/21/2018	Agency Team Meeting-Finalize Materials for Committee Meeting
	Committee Materials - Agenda, Timeline, Communication Plan, OPI NR Process Document.
	Economic Impact Survey Analysis- Final Draft Statement Development
11/27/2018	NR Committee Report to Superintendent Draft Review
11/28/2018	Send Meeting Packet to NR Committee
12/4/2018	Second NR Committee Meeting, Great Northern Hotel, Helena, 10 a.m. to 4 p.m.
12/18/2018	Committee Recommendations and Final Report to Superintendent
2019	
MAPA	Montana Administrative Procedures Act Timeline - TBD

