

BOARD OF PUBLIC EDUCATION
MEETING MINUTES

April 28, 2022
Montana State Capitol Building, Room 152
Helena, MT

Thursday, April 28, 2022
9:30 AM

CALL TO ORDER

The Chair called the meeting to order at 9:30 AM. The Chair led the Board in the Pledge of Allegiance and Ms. Stockton took Roll Call. The Chair read the Statement of Public Participation and welcomed guests.

Board members present: Ms. Tammy Lacey, Chair; Ms. Madalyn Quinlan, Vice Chair; Dr. Tim Tharp; Ms. Anne Keith; Ms. Susie Hedalen; Ms. Renee Rasmussen; Ms. Jane Hamman. Ex-Officio members: Mr. Dylan Klapmeier, Governor's Office; Dr. Angela McLean, Commissioner's Office. Staff members present: Ms. McCall Flynn, Executive Director; Ms. Kris Stockton, Administrative Specialist. Guests present: Ms. Crystal Andrews, OPI; Dr. Julie Murgel, OPI; Mr. Dennis Parman, MREA; Ms. Diane Fladmo, MFPE.

PUBLIC COMMENT

No public comment was made.

ADOPT AGENDA

Ms. Madalyn Quinlan moved to adopt the agenda. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

❖ LICENSURE COMMITTEE – Madalyn Quinlan (Items 1-2)

Item 1 UNUSUAL CASE REQUEST BPE CASE #2022-08, EMMONS - (ACTION)
– 15 Minutes
Crystal Andrews

Ms. Quinlan opened the item and turned the item to Ms. Crystal Andrews, OPI. Ms. Andrews reviewed the ARM Rule for Class 5 Provisional licenses and explained the reasons behind the request to extend the Class 5 license for one year. Mr. Emmons explained the reason for his request.

Ms. Madalyn Quinlan moved to approve the Superintendents recommendation for an extension of the Class 5 Provisional License in

BPE Case #2022-08, Emmons. Ms. Jane Hamman seconded the motion.

Chair Lacey extended condolences from the Board to Mr. Emmons.

No discussion. Motion passed unanimously.

Item 2 REVIEW OF AND RESPONSE TO PUBLIC COMMENTS SUBMITTED ON SUPERINTENDENT’S RECOMMENDATIONS FOR REVISIONS TO ARM TITLE 10, CHAPTER 57, EDUCATOR LICENSURE – (ACTION) McCall Flynn

Chair Lacey reviewed the process for reviewing and revising the Chapter 57 Administrative Rules regarding Educator Licensure over the past year, extending her appreciation to Ms. Flynn and Vice Chair Quinlan for their work in preparing for today’s meeting. The Chair reviewed the process Vice Chair Quinlan will be using to review the public comments and determining what actions the Board will take.

Ms. Quinlan discussed the purpose of today’s meeting which is to review the public comments made and determining as a group whether the Board agrees or disagrees with the comments, and to provide enough information to Board staff to write the responses in the adoption notice, which will be presented to the Board at the May meeting for final action. Only sections of the rules in which public comment was made need to be reviewed. If a section of the proposed rule had no public comment made, that portion of the proposed rule revision will move forward as proposed. Ms. Quinlan reviewed the document for potential areas on consensus for the Board to review and act on.

Ms. Madalyn Quinlan moved to agree with items 1-16 as areas of consensus as proposed by the Board’s Licensure Committee. Ms. Anne Keith seconded the motion.

No discussion. Motion passed unanimously.

The Board went through each section of rule in which comments were submitted, reviewing the comments, and determining action.

NEW RULE I RECIPROCITY FOR MILITARY SPOUSES/DEPENDENTS – Pages 103-104

Comments 1-4

Ms. Madalyn Quinlan moved to agree with comments 1-4 for reciprocity for military spouses and dependents and the definition provided. Ms. Susie Hedalen seconded the motion.

Mr. Dennis Parman, MREA expressed support of the motion.

Mr. Dylan Klapmeier asked for clarification of whether the motion included

spouses.

Dr. Tharp asked clarification regarding Class 3 endorsements. Dr. Murgel noted the rule should read 10.57.413.

Ms. Hamman stated it is important to note in the record when changes are made.

No further discussion. Motion passed unanimously.

NEW RULE II EDUCATOR PREPARATION PROGRAM VERIFICATION – Page 104

Discussion regarding why this new rule is being proposed as it is defined in the definitions and the Superintendent has this authority already. Dr. Murgel clarified that it is not clarified well in the definitions and felt it needed a specific rule. Chair Lacey stated she agreed with the language and that the Superintendent should have the authority to do so,

Ms. Madalyn Quinlan moved to disagree with Comment #5 and supports the change in rule. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

10.57.102 DEFINITIONS – Pages 104-108

Comments 6-28

Approved vs. Accredited Preparation Programs definitions. Discussion ensued on how to prevent alternative types of licenses that may not be up to par or meeting state accreditation requirements. Board members discussed how other areas of rule have parameters that will prevent these situations from occurring.

Comment from Mr. Klapmeier that he believes this covers OPI's intent for the definition of approved but asked for Dr. Murgel to confirm, which she agrees it does.

Ms. Madalyn Quinlan moved to agree with comment #19, and to include the definition proposed in comment 19, and to direct Board staff to respond to comments 6, 7, 16 – 19 consistent with the definition adopted by the Board under comment 19. Ms. Jane Hamman seconded the motion.

Question of clarification from Ms. Hamman.

No further discussion. Motion passed unanimously.

Definition of Grade Levels Age 3-21

Comments 7

Ms. Madalyn Quinlan moved to disagree with comment #7, and to direct Board staff to draft responses to comments 8-15, 46, 47, 67, 68,

95, and 96. Ms. Renee Rasmussen seconded the motion.

Mr. Dennis Parman, MREA, explained the rationale from MTPEC in their comments regarding defining ages rather than grade levels.

Ms. Quinlan emphasized that when the board adopts content and performance standards, and accreditation standards, those define the grade level expectations in rule, and are also defined in statute.

Ms. Hedalen noted her agreement with Ms. Quinlan’s remarks.

No further discussion. Motion passed unanimously.

Comment 20:

Ms. Madalyn Quinlan moved to agree with comment 20 to use “approved educator preparation program” in place of “accredited educator preparation program” in the definition of Certification. Dr. Tharp seconded the motion.

No discussion. Motion passed unanimously.

Comment 21:

Ms. Madalyn Quinlan moved to agree with comment 21 including the recommendation to include content area coursework within the scope of teacher education program course requirements and the recommendation to describe how the weighted average is calculated for coursework GPA. Ms. Jane Hamman seconded the motion. Comment from Ms. Angela McLean thanking Ms. Quinlan and the Licensure committee for their work.

No further discussion. Motion passed unanimously.

Comments 23-25:

Ms. Madalyn Quinlan moved to agree with comments 23-25 including the proposed definition of “student-teaching portfolio” included in comment 23, which better aligns with the capstone assessments used by Montana EPP’s. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

Comment 26:

Definition of “unrestricted license” left out the creation of “lifetime licenses” created under revisions to Class 7. Define as “current renewable or unrestricted license”.

Ms. Madalyn Quinlan moved to agree with comment 26 including the definition of unrestricted license. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT– Pages 108-109

Comment 29-32

Ms. Madalyn Quinlan moved to agree with comments 29-32 regarding emergency authorization of employment. Ms. Anne Keith seconded the motion.

Dr. Murgel noted that she thinks this revision cleans up the language and makes it better.

No further discussion. Motion passed unanimously.

10.57.109 UNUSUAL CASES – Pages 109-110

Comments 33-35

Discussion on this topic of moving the authority back to the Superintendent. Dr. Tharp recommended changing the reporting to the Board on an annual basis to a twice-yearly basis.

Chair Lacey noted her concerns in not having this authority lie with the Board explaining that it has been helpful to know the ins and outs of the unusual cases and how the licensure rules play into that. It was noted that it helps the Board to know what is happening in the field, and how would the appeals process work if the Superintendent denied an unusual case request. Discussion ensued on how this process worked at the OPI prior to the rule change in 2017. Mr. Dennis Parman discussed with the Board how the process worked at the OPI prior to the rule change when he was Deputy Superintendent. Ms. Andrews noted that by giving the authority to the Superintendent it would speed the process up by not having to come to the Board before, and that there is an urgency from the candidates that this process needs to be more efficient. Ms. Andrews noted that the Annual Licensure Report given to the Board each January notes the number of Unusual Cases.

Ms. Madalyn Quinlan moved to agree with comment 33 and to direct the Board staff to draft responses to comments 34-35, and to change reporting from “annual basis” to “semi-yearly”. Dr. Tharp seconded the motion.

Dr. Murgel gave public comment that if the reporting is changed to semiannually, then 10.57.101 would also need to be changed.

Ms. Susie Hedalen commented that Board staff work with OPI to respond to comment 35 regarding the process.

No further discussion. Motion passed unanimously.

10.57.112 LICENSE OF EXCHANGE TEACHERS – Page 110

Consensus motion

10.57.201A CRIMINAL HISTORY BACKGROUND CHECK –Pages 110-11

Consensus motion

**10.57.215 PROFESSIONAL DEVELOPMENT AND RENEWAL REQUIREMENTS –
Pages 111-112**

Consensus motion

Ms. Madalyn Quinlan moved without objection to direct BPE staff to correct the incomplete sentence as recommended in comment 41.

**10.57.216 APPROVED PROFESSIONAL DEVELOPMENT AND RENEWAL ACTIVITY
– Pages 112-113**

Consensus motion

**10.57.217 APPEAL PROCESS FOR PROFESSIONAL DEVELOPMENT - ACTIVITY –
Page 113**

Consensus motion

10.57.218 PROFESSIONAL DEVELOPMENT UNIT VERIFICATION – Pages 113-114

Consensus motion

10.57.301 ENDORSEMENT INFORMATION – Pages 114-115

Comments 45-52

Dr. Murgel explained this revision is for adding additional endorsements specifically, and to add two additional pathways to earning endorsements. Dr. Murgel answered Board member questions. Comments from Dr. Tharp and Mr. Klapmeier. Dr. Angela McLean added her comments surrounding adding endorsements and programs at the Universities to aid in this process.

Ms. Madalyn Quinlan moved to approve comment 49 which recommends edits to subsection (3)(a) to use language for granting an additional endorsement that aligns with the language used for granting an initial endorsement. Ms. Jane Hamman seconded the motion.

Clarifying question from Ms. Keith regarding adding endorsement through PRAXIS only. Ms. Rasmussen clarified how Superintendents may use that process. Chair Lacey noted that salary schedules come into play as well. Ms. Quinlan also noted that a person could be going back to school as well.

No further discussion. Motion passed unanimously.

Ms. Madalyn Quinlan moved to agree with comment 45 and 50 and to strike subsection (3)(c) which allows a license teacher with 2 years of teaching in any field to add an endorsement by passing the PRAXIS Subject Assessment applicable to the requested endorsement. Ms. Anne Keith seconded the motion.

Comment from Mr. Klapmeier that striking this section goes against what the Superintendent has asked and from what Board members from rural schools have discussed.

Dr. Tharp noted that this is not preferable, but that it does help rural schools.

Ms. Hedalen stated that thinking about critical shortage areas it is challenging to find teachers in rural areas. It is always preferable to have the most qualified teacher, but flexibility is also needed.

Dr. Tharp made a substitute motion to disagree with comment 45 and agree with comment 50. Ms. Renee Rasmussen seconded the motion.

Mr. Klapmeier noted comment 48 should also be considered.

No further discussion. Motion passed 4-3.

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE – Pages 115-117

Comments 53 -62

Mr. Dennis Parman discussed the MT-PEC recommendation for obtaining a Class 2 Standard Teaching License, which is to add (3)(e)(iv) “verified completion of an educator preparation program, a current standard, unrestricted out-of-state license, and two years of successful teaching experience as defined in ARM 10.57.102 as documented by a recommendation from the out-of-state state accredited P-12 school employer on a form prescribed by the superintendent of public instruction”.

Ms. Madalyn Quinlan moved to agree with comments 53-56 and allow a teacher with a current standard unrestricted out of state educator license and two years of teaching experience as defined in ARM 10.57.102 to become licensed and endorsed in Montana based upon the endorsement areas included in the teacher's current license. Ms. Renee Rasmussen seconded the motion.

Clarification question from Ms. Keith on who may qualify under this new area.

No further discussion. Motion passed unanimously.

Staff are directed to respond to comments 57-62.

10.57.411 CLASS 1 PROFESSIONAL TEACHER’S LICENSE – Pages 117-118

Comments 63-66

Ms. Madalyn Quinlan moved to agree with comment 63 to approve the changes as proposed, and to disagree with comment 65 to provide lifetime licenses for National board-certified teachers as they are required to renew every 10 years. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

Staff are directed to respond to comments 64 and 66.

10.57.412 CLASS 1 AND 2 ENDORSEMENTS – Pages 118-119

Comments 67-72

Dr. Murgel explained the reasons behind the revisions.

Ms. Madalyn Quinlan moved to agree conceptually with comments 69-72 to allow a teacher with a current standard unrestricted out-of-state license and two years of successful teaching experience as defined in ARM 10.57.102 to become licensed and endorsed in Montana based upon the endorsement areas included in the teacher’s current license, and to disagree with the need to repeat this language in 10.57.412 because it is already stated in 10.57.410. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

Staff is directed to draft responses to remaining comments.

10.57.413 CLASS 3 ADMINISTRATIVE LICENSE – Pages 119-120

Comments 73-77

Ms. Madalyn Quinlan moved to agree with comments 73 & 75 which recommend re-inserting the language in subsection (4) of the existing rule but requiring the verification of two years of successful administrative experience rather than 5 years. Ms. Anne Keith seconded the motion.

After discussion Ms. Quinlan withdrew her motion. Ms. Keith withdrew her second from the motion.

Ms. Madalyn Quinlan moved to disagree with comment 77 for a pathway for

school psychologists to become administrators. *Ms. Jane Hamman seconded the motion.*

Ms. Hedalen commented on her experience with school psychologists and her thoughts on making a pathway to administration for them in the future.

No further discussion. Motion passed unanimously.

Staff directed to draft response to comment 76.

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE – SUPERINTENDENT ENDORSEMENT – Pages 120-121

Comments 78-79

Dr. Murgel explained the reasons for the revisions and recommendations from the Superintendent.

Ms. Madalyn Quinlan move to agree with comments 78 and 79 except the suggested requirement that the approved professional development provider must have provided approved courses for at least five consecutive years in the require areas for which a candidate submits evident to qualify for licensure. *Ms. Renee Rasmussen seconded the motion.*

No discussion. Motion passed unanimously.

10.57.415 CLASS 3 ADMINISTRATIVE LICENSE – PRINCIPAL ENDORSEMENT – Page 121

Comments 80-81

Ms. Madalyn Quinlan moved to agree with comment 80 to approve the changes as proposed and disagree with comment 81 that opposed the proposed rules. *Ms. Jane Hamman seconded the motion.*

Comment from Dr. Tharp regarding comment 81 regarding differences in school law and finance from state to state, and that hopefully the approved professional development providers can offer the coursework required.

No further discussion. Motion passed 6-1.

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE –SUPERVISOR ENDORSEMENT – Page 122

Comments 82-83

Ms. Madalyn Quinlan moved to agree with comment 82 to provide a pathway to for an educator with a Class 6 school counseling license to be eligible for a Class 3 Administrative – Supervisor endorsement. *Ms. Jane Hamman seconded*

the motion.

No discussion. Motion passed unanimously.

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE – SPECIAL EDUCATION SUPERVISOR ENDORSEMENT – Pages 122-123

Comments 84-86

Dr. Murgel explained the reasons for the proposed revisions.

Ms. Madalyn Quinlan moved to agree with comments 84 and 85. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

Staff is directed to respond to comment 86.

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE – Pages 123-124

Consensus motion

10.57.421 CLASS 4 ENDORSEMENTS – Pages 124-126

Consensus comment 90

Board staff directed to respond to comment 91

10.57.424 CLASS 5 PROVISIONAL LICENSE – Pages 126-128

Comment 92 and 94 consensus motion

Ms. Madalyn Quinlan moved to agree with comment 93 to move the sentences under (3) to relate to all Class 5 licenses, not just Class 5B. Ms. Susie Hedalen seconded the motion.

No discussion. Motion passed unanimously.

10.57.425 CLASS 5 PROVISIONAL LICENSE ENDORSEMENT – Pages 128-129

Consensus motion

10.57.427 CLASS 5 PROVISIONAL LICENSE – SUPERINTENDENT ENDORSEMENT – Page 129

Comments 97 and 98

Ms. Madalyn Quinlan moved to agree with comments 97 and 98 and to apply action from comment 78 to 10.57.427. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

10.57.428 CLASS 5 PROVISIONAL LICENSE – PRINCIPALENDORSEMENT – Pages 129-130

Comments 99-100

Ms. Madalyn Quinlan moved to disagree with comments 97-98 in relation to 10.57.427 and comments 99-100 in relation to 10.57.428. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed 6-1.

10.57.431 CLASS 5 PROVISIONAL LICENSE – SUPERVISORENDORSEMENT – Page 130

Comments 101-102

Ms. Madalyn Quinlan moved to agree with comments 101 and 102. Ms. Anne Keith seconded the motion.

No discussion. Motion passed unanimously.

10.57.432 CLASS 5 PROVISIONAL LICENSE – SPECIALISTENDORSEMENT – Page 132

Comment 103

Ms. Madalyn Quinlan moved to agree with comment 103. Dr. Tharp seconded the motion.

No discussion. Motion passed unanimously.

10.57.433 CLASS 6 SPECIALIST LICENSE – Pages 131-132

Comment 104

Ms. Madalyn Quinlan moved to agree with comment 104. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

10.57.434 CLASS 6 SPECIALIST LICENSE – SCHOOLPSYCHOLOGIST – Page 132

Comments 105-106

Ms. Madalyn Quinlan moved to agree with comments 105-106. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

10.57.435 CLASS 6 SPECIALIST LICENSE – SCHOOLCOUNSELOR – Pages 132-133
Comments 107-108

Ms. Madalyn Quinlan moved to agree with comments 107-108. Ms. Susie Hedalen seconded the motion.

No discussion. Motion passed unanimously.

10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST – Page 133

Comments 109 – 110

Ms. Flynn explained the comment from MACIE. Ms. Susie Hedalen added remarks from the tribes that they want to be held to the same standard as other licensed educators.

Ms. Madalyn Quinlan moved to agree with comment 110 from Montana Advisory Council on Indian Education (MACIE) and to direct BPE staff to draft response to comment 109. Ms. Susie Hedalen seconded the motion.

No discussion. Motion passed unanimously.

10.57.437 CLASS 8 DUAL CREDIT POSTSECONDARY FACULTY – Pages 133-135
Comment 111 on consensus

Comments 112-113

Ms. Madalyn Quinlan moved to agree with comment 112 regarding formatting and disagree with comment 113 because CSPAC is tasked with making recommendations on the issuance of Class 8 licenses. Ms. Anne Keith seconded the motion.

No discussion. Motion passed unanimously.

10.57.601 REQUEST FOR DISCIPLINE AGAINST THE LICENSE OF AN EDUCATOR/SPECIALIST: PRELIMINARY ACTION **Not included in Notice**

Comment 114-115

Ms. Madalyn Quinlan moved to agree with comment 115 to keep the original rule as written. Ms. Susie Hedalen seconded the motion.

Ms. Hedalen noted concerns with defining the phrase to ensure no one is left out.

Ms. Rasmussen noted that the way the OPI determines that now is acceptable.

No further discussion. Motion passed unanimously.

Staff directed to draft response to comment 114.

10.57.601A DEFINITION OF “IMMORAL CONDUCT” – Pages 135-136

Consensus motion

10.57.601B REVIEW – Pages 136-137

Comment 117

Ms. Madalyn Quinlan moved to agree with comment 117. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

10.57.607 APPEAL FROM DENIAL OF AN EDUCATOR/SPECIALIST LICENSE – Pages 137-138

Consensus motion

Comment 121

Ms. Madalyn Quinlan moved to agree with comment 121 to repeal rules as listed. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

Ms. Madalyn Quinlan moved without objection to direct BPE Staff to respond to comments 119, 120, 122, 124, 127, 128, 130-125 consistent with the Board’s action.

Dr. Tharp made summarizing comments of the revisions. Chair Lacey thanked Vice Chair Quinlan for all her hard work in organizing the comments and motions. Ms. Flynn summarized the process the Board staff will take in drafting the adoption notice and responding to the comments.

Chair Lacey summarized the May 12-13, 2022 meeting in Great Falls at the Montana School for the Deaf and the Blind, and that the school is excited to host the Board.

Ms. Hamman noted that in recent school board meetings she has attended class size has been a discussion and asked if that is something that can be looked at. Ms. Flynn noted that class size is contained in Chapter 55 Accreditation Standards which are being reviewed right now. Ms. Flynn encourage public comment to be made especially regarding class size during the Chapter 55 revisions process. Ms. Hedalen noted that class size overage can be handled using paraprofessionals but there is a shortage of paraprofessionals right now.

PUBLIC COMMENT

Mr. Dennis Parman gave public comment commending Ms. Quinlan on her hard work, as well as Ms. Flynn.

ADJOURN

Chair Lacey adjourned the meeting at 3:15.

DRAFT