

BOARD OF PUBLIC EDUCATION
MEETING MINUTES

August 15, 2022
Montana State Capitol Building, Room 152
Helena, MT

Monday, August 15, 2022
1:00 PM

CALL TO ORDER

The Chair called the meeting to order at 1:00 PM. The Chair led the Board in the Pledge of Allegiance and Ms. Stockton took Roll Call. The Statement of Public Participation was read, and the Chair welcomed guests.

Board members present: Ms. Tammy Lacey, Chair; Ms. Madalyn Quinlan, Vice Chair; Ms. Susie Hedalen; Ms. Renee Rasmussen; Dr. Tim Tharp; Ms. Jane Hamman; Ms. Anne Keith; Mr. Charles Fox, Student Representative. Staff present: Ms. McCall Flynn, Executive Director; Ms. Kris Stockton, Administrative Specialist. Guests: Dr. Julie Murgel, OPI; Deputy Superintendent Sharyl Allen, OPI; Ms. Julie Merritt, Montana Association of Gifted and Talented Education; Mr. Isaac Nehring, Helena; Ms. Marla Unruh, School Librarian; Ms. Renee' Schoening, Montana School Counselor Association; Ms. Jessica Buboltz, Montana School Counselor Association; Ms. Shy Christensen, student; Mr. Elliot Cleary, Helena Middle School; Mr. Jacob Lighthorn, Helena Middle School; Ms. Amy Friez, Helena Middle School; Mr. Daniel Sybrant, Cognia; Ms. Moffie Funk, Helena; Mr. Dennis Parman, MREA; Dr. Rob Watson, SAM.

PUBLIC COMMENT ** written public comment received is attached**

(Public comment from current and former students from Helena on the proposed revisions was allowed early)

Students from the Student Library Council at Helena Middle School commented on the library revisions. Ms. Amy Friez, teacher/librarian at Helena Middle School spoke regarding the recommendations in Chapter 55-Standards of Accreditation for librarian ratios.

Isaac Nehring, former Helena student, gave public comment regarding the proposed revisions to the librarian and school counselor ratios in Chapter 55-Standards of Accreditation.

Shy Christensen, University of Montana student in the School of Education, gave public comment on the importance of librarians and school counselors, and the proposed revisions to the ratios in Chapter 55-Standards of Accreditation.

Chair Lacey thanked the students for their comments.

Mr. Daniel Sybrant, from COGNIA, read a letter from Dr. Bolling at COGNIA.

ADOPT AGENDA

Ms. Madalyn Quinlan moved to adopt the agenda as presented. Ms. Jane Hamman seconded the motion.

No discussion. Motion passed unanimously.

❖ EXECUTIVE COMMITTEE – Tammy Lacey (Item 1)

**Item 1 ACTION ON STIPULATED AGREEMENT IN MONTANA NEWSROOM AND MFPE vs. MONTANA BOARD OF PUBLIC EDUCATION (page 6)
Tammy Lacey**

Ms. McCall Flynn, Executive Director, thanked Ms. Bea Kaleva, attorney who represented the Board in this matter. At the recommendation of Ms. Kaleva, the Board settled this matter, and Ms. Flynn noted the settlement is contained in the Board packet. Ms. Flynn explained that the Board has met all the requirements listed in the agreement, and all parties have signed the agreement.

Ms. Madalyn Quinlan moved to approve the stipulated agreement in Montana Newsroom and MFPE vs. Montana Board of Public Education. Ms. Susie Hedalen seconded the motion.

No discussion. Motion passed unanimously.

❖ ACCREDITATION COMMITTEE – Susie Hedalen (Items 2-3)

**Item 2 DISCUSSION ON PROPOSED TIMELINE FOR REVISIONS TO ARM TITLE 10, CHAPTER 55, ACCREDITATION STANDARDS (page 11)
McCall Flynn**

Ms. Flynn discussed that the timeline is being worked on at this time, and that the Board is bound by the Montana Administrative Procedures Act and the Negotiated Rulemaking Act, which must be considered when determining the timeline. Ms. Flynn explained that the Board would have the timeline for consideration to approve at the September meeting. Chair Lacey explained that this is the beginning of the process and that no action will be taken today on the proposed recommendations from the Superintendent. Ms. Flynn noted that public comment should be made at the public hearing or during the public comment period to be included in the records, and to be considered in the final adoption of the revised rules. For any comments received at the Board office, Ms. Flynn is directing individuals to make their comments during the public comment period. When the timeline is complete, the dates for all that information will be made available to the public.

**Item 3 REVIEW OF SUPERINTENDENT ARNTZEN'S RECOMMENDATIONS TO REVISIONS TO ARM TITLE 10, CHAPTER 55, ACCREDITATION STANDARDS (page 12)
Dr. Julie Murgel, Ms. Sharyl Allen**

Dr. Murgel reviewed the order in which she and Ms. Allen will review the documents. A brief overview of the process to revise ARM Title 10, Chapter 55, Accreditation Standards was given, and Dr. Murgel discussed the document containing the recommendations as well as the Economic Impact Statement, before guiding the Board through the review of the recommendations.

10.55.601 – Board members asked questions on the proposed revisions regarding school improvement plans.

10.55.602 – Definitions Board member Hamman suggested several revisions to include new definitions, and Board member Rasmussen suggested adding taxpayers to the list of stakeholders.

10.55.605 – Categories of Accreditation: question from member Quinlan on the new status of “accredited with probation” category, and the bar for meeting accredited with distinction. Chair Lacey expressed concern with that new category as well, possibly restructuring or formatting the language in the new category “accredited with probation”, so that it does not appear punitive. Dr. Tharp made comments regarding graduation rates and questioned how those are calculated. Member Rasmussen commented on the “accreditation with distinction” category.

10.55.704 – Administrative Personnel: Assignment of District Superintendents: question of clarification from Chair Lacey confirming that the ratios for Superintendents have been removed but not for Curriculum Coordinators. Dr. Murgel confirmed that as correct.

10.55.705 – Administrative Personnel: Assignment of School Administrators/Principals: question of clarification regarding Class 3 licenses for principal and superintendent.

10.55.709 – Library Media Services, K-12: Clarifying questions from Chair Lacey on if the District Superintendent only makes the recommendations regarding library media specialists, or if the trustees make the decision. Dr. Murgel explained the trustees would make the final decision, not the district superintendent. Chair Lacey asked what the lowest level of FTE is to have an employed library media specialist. Dr. Murgel state that .002 is the minimum level which must be reported.

10.55.710 – Assignment of School Counseling Staff: comment from Dr. Tharp echoing Chair Lacey’s concerns from 10.55.709 that the Superintendent can recommend how many counselors to hire but in the proposed recommendations, trustees are not required to hire any. Member Hedalen made point of clarification that School Counselors are licensed to work with all students, not just specific students as some specialists are licensed to do.

10.55.712 – Class Size for Elementary: comment from member Hamman that more flexibility is needed regarding class sizes. Member Hedalen noted that even 5 students can be overwhelming for teachers, and that should be considered.

Dr. Tharp asked why in 10.55.717 and 10.55.1801 specific groups were named, but in Chapter 58 specific groups were not named. Dr. Murgel noted that there are no state standards to reference in Chapter 55, so it is important for the national standards to be referenced so that individuals could locate the specific group being referenced in the rule.

Member Quinlan noted that part of school funding is tied to middle school standards and asked if the School Finance group had been consulted regarding the statute tied to middle school standards and suggested that they should have input.

Chair Lacey thanked Dr. Murgel and Deputy Allen for guiding the Board through all the recommendations.

PUBLIC COMMENT

Ms. Julie Merritt, Association of Gifted and Talented, spoke to their support for retaining the Library and School Counselor staff ratios and that they do not want students to miss out on opportunities.

Ms. Moffie Funk thanked the Board for their hard work today and at the meeting in July. Ms. Funk noted concern over moving the Charter School Application out of the Variance to Standards section and creating a new standard

Ms. Jessica Buboltz, Hellgate High School Counselor, member of Montana School Counselor Association and current Chair, advocated for retaining the School Counselor ratio.

Ms. Renee' Schoening, President of the Montana School Counselor Association, and previous mental health counselor and current school counselor, thanked the Board for their service and dedication, and spoke about the importance of and need for School Counselors.

Mr. Dennis Parman, Executive Director, MREA, gave public comment that historically the Accreditation Standards are the minimum standards, and what was presented today were not minimum standards, but instead erode local control.

Dr. Rob Watson, Executive Director of SAM, noted that based upon the low response of the Economic Impact Survey, the Board should not rely on the results. Based upon distribution of the survey, and the response rate, the statistics indicate less than a 5% response rate.

Ms. Diane Fladmo, MFPE, thanked the Board for their work and stated that MFPE will be submitting written public comments. She noted the previous comments regarding the ratios and giving charter schools their own standard are their main areas of concern.

Chair Lacey noted the date change for the September meeting due to the meeting on September 13 for the Constitutional Players meeting. The Board will meet September 14-15 in Helena at the Montana State Capitol building.

Ms. Susie Hedalen moved to adjourn the meeting. Ms. Renee Rasmussen seconded the motion.

No discussion. Motion passed unanimously.

The meeting adjourned at 5:09 PM.

The Montana Board of Public Education is a Professional Development Unit Provider. Attending a Board of Public Education Meeting may qualify you to receive professional development units. Please complete the necessary information on the sign-in sheet if you are applying for professional development units.

Agenda items are handled in the order listed on the approved agenda. Items may be rearranged unless listed "time certain". Public comment is welcome on all items listed as "Action" and as noted at the beginning and end of each meeting.

The Board of Public Education will make reasonable accommodations for known disabilities that may interfere with an individual's ability to participate in the meeting. Individuals who require such accommodations should make requests to the Board of Public Education as soon as possible prior to the meeting start date. You may write to: Kris Stockton, PO Box 200601, Helena MT, 59620, email at: kmstockton@mt.gov or phone at 444-0302.

APPENDIX A

Board of Public Education
Public Comment | August Meeting

1. Colleen McHugh

I am opposing the proposed changes in regards to standards for Library Media Specialists and Counselors.

Neither change to the standards is in the best interest of the students they serve and would greatly impact classroom staff by placing even more responsibilities on them.

These are very important positions and impact a lot of students. For many students Counselors and Librarians are the most important people they see during their school day.

School library-media specialists support student research and academic achievement; school counselors support student mental health and college/career planning. Both of these are essential elements of a comprehensive education.

Thank you for taking time to listen to my concerns.

2. Elizabeth Bird, Ph.D.

Every school needs counseling and library staff! Please do NOT change this requirement.

3. Rebecca Dupre

Missoula, MT

I am a parent and a National Board Certified Teacher Librarian in Missoula. I have taught since 2009 in Class C and AA middle and high schools. I disagree fundamentally with the removal of ratios as a minimum standard for endorsed teacher librarians and counselors. Local districts have the ability to rise above the minimum standards, but many do not. . Without minimum staffing standards and by weakening 10.55.709, we remove basic protections for a more equitable student experience and force districts to make difficult decisions allocating precious resources, perhaps unintentionally overloading certain areas. Localities would be much better served preserving minimum staffing standards, and having those pivotal positions more fully supported by State dollars.

After following the process and careful consideration of the Superintendents recommendations, I strongly believe:

- The library staffing ratio should not be removed. If changes are needed, a study should be done and teacher librarians should be involved and represented in the process.
- The counselor ratio minimum should not be removed and, if anything, should be lowered to better meet national standards.
- Recent changes to teacher licensing and endorsement granting the ability for teachers to more easily add an endorsement (including library) through Praxis testing should sufficiently address the issues of a few small areas not being able to hire endorsed teacher librarians.
- I am concerned about the removal of language that provides for a centrally located library in each school. The library is the beating heart of any school and should remain mentioned in 10.55.709.

I was disappointed that neither the Task Force and NRM Committee had a teacher librarian for representation, though one school counselor was included and many members made efforts to understand the supposed problem of some systems not being able to can see where changing the language around school systems versus schools or districts may help in certain areas, but I think it might have unintended (or possibly intended) consequences in other areas. I mentor teachers in an internship course for teachers earning their library endorsement in MT and something that I see repeated is that in rural areas access to a teacher librarian (if there is one) may be given or prioritized at the elementary level and students in the middle or high schools do not receive the same access. In one area, a candidate was hired and will be the first endorsed TL in 10 years. In another, a teacher librarian candidate in Eastern MT told me she has a librarian contact in Billings to ask questions of "when it's helpful to have a more robust library program to look at, since ours....is extremely minimal and doesn't really serve middle or high school students beyond those that take it upon themselves to check out the (mostly outdated) books there."

I am extremely concerned about the removal of the first line from 10.55.709: "The school library shall be housed in a central location, and each shall have a licensed and endorsed library media specialist at the following ratio:". Whether purposefully or unintentionally, the newly proposed language removes any mention of each school having a library. I want my daughter (and every Montana student) to attend schools with access to a well-stocked, centrally located library, and properly licensed and endorsed teacher librarian(s) and school counselor(s).

Is this change really better for our Montana students? Or will it result in weakened access to high quality materials, information literacy, and other library services?

Superintendent Artzen is proposing to leap away from minimum standards with no safety net. I read all of the Chapter 55 public comment posted at <https://sites.google.com/opiconnect.org/ch55taskforce/resources#h.aflw8eltd0ak> [sites.google.com] and I believe only 1, possibly 2 comments of well over 1,000 were even remotely in support of the removal of ratios. I do not believe these commenters do not understand what is being proposed, I believe they understand and reject the idea that we need to remove ratios.

Please do not accept the proposed changes to 10.55.709 and 10.55.710 that are not supported by the overwhelming majority of public comment from parents, teachers, and community members and that weaken the vital impact of our teacher librarians and school counseling professionals.

4. Stephen M. Vantassel

Lewistown, MT

I would like to express my support for Elsie Arntzen's proposal to eliminate state mandated ratios. We need to give more flexibility to schools and less to teacher unions that don't help student learning.

5. Paul Haesemeyer

I stand in opposition to Ms. Arntzen's revisions to ARM Title 10 Chapter 55 Accreditation Standards. Librarians and counselors were very important to my student experience. They shaped how I see the world. Both through understanding myself and understanding the world beyond where I live. Each student must be guaranteed access to both to be successful in life.

DATE: August 8, 2022

TO: The Montana Board of Public Education
46 N. Last Chance Gulch
P.O. Box 200601
Helena, MT 59620-0601

FROM: Concerned members of the School Quality Task Force and Negotiated Rulemaking Committee

RE: Superintendent Arntzen's Recommendations for Chapter 55 Revision

Dear Members of the Board of Public Education:

We are writing to share our concerns related to the recommendations from Superintendent Arntzen regarding the Chapter 55 Accreditation Standards amendments. You make decisions that will impact all of Montana schools, and the signatory of this letter feel compelled to offer our experience in order for you to have a complete picture of the process we engaged in for the last seven months and its impact on the report before you.

Our substantive concerns center on the lack of ratios assigned for school counselors and librarians. We hope to make you aware that the Chapter 55 review process was not comprehensive in depth or scope. There was not enough time allotted to the process, nor was there adequate representation on the School Quality Task Force. This chapter has not had a review in ten years and we believe it should have gotten more thorough attention.

We, like you, are all passionate educators who volunteered hours to this meaningful work. We were invited to engage in what initially seemed like a tremendous opportunity to make significant and important changes that would lead to school improvement. The short timeline was a concern from the beginning and this impacted the quality of the information and work. For example, the survey sent out during the process which was later evaluated and analyzed by the Negotiated Rulemaking Committee was rushed and resulted in a very poor return. The data was inadequate and not meaningful for the process, but was "checked off" as having been done.

The first time the Task Force was presented with Superintendent Arntzen's recommendations was at their final meeting and some of her proposals were in direct opposition to what they had decided. They had spent weeks doing research and gathering input and when they were given her recommendations, they had no opportunity to investigate it further or look at other possible options.

The School Quality Task Force voted unanimously to change the school counseling ratio from 400:1 to 300:1. The Superintendent wanted to eliminate the ratio altogether. She also recommended elimination of the Librarian ratios. In her concluding remarks to the SQTF, Superintendent Arntzen repeatedly claimed that they were "in agreement," when in fact, the opposite was true. When she came forward with recommendations before the SQTF work was complete, she rendered the work of that group mute. The Negotiated Rulemaking Committee no longer reviewed the work of the Task Force or considered

what they had proposed, but rather concentrated only on the Superintendent's recommendations.

The recommendation to eliminate school counseling ratios will do harm to Montana students. We heard a circular logic from proponents of this change, saying that "the minimum becomes the maximum," as if establishing a minimum standard meant that school boards would never go beyond that. We believe school boards and school administrators will and have gone beyond the minimum standard as evidenced by the current average ratio of 1:291. The ratio equalizes opportunity for all students in Montana and will give more assurance that schools will provide what is necessary for their students. Additionally, the data is clear that we need more mental health supports in schools than ever before. A ratio of 1:250 is the recommendation by the American School Counselor Association and we would like to see this adopted in Montana. Every student deserves access to a school counselor. Early intervention is the key to long-term success and we do not invest now, the citizens of Montana will pay the cost later.

Proponents of the Superintendent's recommendations argued that the elimination of ratios was necessary because of the staffing shortages. We believe that the Variances to Standards as put forth in ARM 10.55.604 address this concern. We have a process in place to assist districts with this challenge while still safeguarding the minimum standard of public education.

Minimum standards are a key component of quality education in Montana and staffing requirements are a part of that equation. We believe that local control is valuable and that the state standards and local control work in tandem to produce the best and most equitable opportunities for our students. School boards look to the standards as a guide for budgetary and staffing decisions and then make decisions that fit the unique needs of their school and population. Dualistic thinking about educational control is not a helpful approach or good rationale for making sweeping changes like eliminating ratio requirements. We believe in a healthy interdependence between state guidelines and local control.

We want to be clear that the Negotiated Rulemaking Committee supports an accreditation process that assesses outcomes of school districts and not only inputs. That being said, the time required to thoroughly and thoughtfully consider assessment outcomes was not available. We recommend a concerted effort be made to develop a team of stakeholders to explore and review outcome-based assessments for the state of Montana.

One of the most alarming things about the Superintendent's recommendations is that they do not consider the overwhelming and fervent voice of the majority. The Negotiated Rulemaking Committee received hundreds of letters expressing concern and outrage at these proposed changes. We heard many people in meeting after meeting asking that we retain ratios for librarians and school counselors. These were parents, teachers, educators, counselors, suicide experts, administrators, state educational leaders, mental health advocates, professors, and library media specialists all saying the same thing: keep the ratios for librarians and school counselors. This is significant to us and we wanted to carry this message forward to you, out of a sense of responsibility to these stakeholders.

The consensus model adopted by the Negotiated Rule Making Committee did not allow for the majority voice to be heard from that group, which was another flaw in the process. This seemed very undemocratic, which was again why we felt motivated to outline this summary of events for you.

We humbly ask that you consider our request and honor expert opinion, majority voice, and recent educational research. Please retain the school counseling and librarian ratios as assurance standards in Chapter 55. Clearly, we all want what is best for the students in public schools in Montana. We appreciate your hard work and due diligence as you consider the concerns of all stakeholders, especially the students we serve.

Sincerely,

Janelle Beers
Sue Corrigan
Heather Hoyer
Heather Jarrett
Jon Konen
Adrea Lawrence
Daniel Lee
Kitty Logan
Gary Lusin
Craig Mueller
Chris Olszewski
Michele Paine
Renee' Schoening
Curtis Smeby
Ruth Uecker
Tony Warren
Christina Wekkin

August 8, 2022

Dear Members of the Board of Education,

Thank you for your time and service to the students of Montana.

I am writing this letter in strong opposition to the proposed version of ARM 10.55.710 which, as it is currently written, is absent of a numerical school-counselor-to-student ratio. I vehemently believe that the ratio should remain in the accreditation standards to ensure that Montana's youth receive the mental health support they so desperately need.

The data that emerged from the 2021 Montana Youth Risk Behavior Survey reflects the worst mental health crisis to date. The survey showed a 64% increase in the number of students who felt sad or hopeless nearly every day (for at least two weeks) since 2011.

Even more concerning, since 2011, the number of students who:

- * considered suicide increased 43%
- * made a plan to take their life increased 46%
- * made an attempt to take their life increased 57%

These numbers are alarming, yet they can never fully communicate the emotional impact that is felt by even one family whose child has struggled with these issues, or sadly, taken their own life. If you were to hear their stories and feel the weight of their pain, these numbers would be even more meaningful. However, because school counselors are bound by confidentiality, these accounts go untold. Because of this, it's difficult to accurately convey the significant impact school counselors make in their schools and communities.

School counselors are the only professionals specifically trained to deliver the standards of a comprehensive school counseling program (ARM 10.55.1901). They impact attendance, discipline and achievement outcomes while addressing student needs in social/emotional development, academic skills and career awareness. Additionally, professional school counselors are held to high ethical and legal standards. They are on the front lines supporting students and assisting families to access critical resources and mental health services.

OPI's economic impact survey requested an estimated dollar amount that schools would incur for having a credentialed school counselor whose caseload has no limits, yet is expected to deliver a program; possibly beyond their capacity. The reality is that no amount of money equates to the value of human life.

Montana schools don't just need school counseling programs; they need school counseling programs that are *effective*. Research reported in 2019 indicates that low school-counselor-to-student ratios (1:250) correlate to lower student absenteeism, fewer suspensions and higher SAT scores and graduation rates. These results are worthy of examination, and maintaining a low ratio would be a step toward replicating them. Similar to classroom teachers, school

counselors are more effective when they are assigned reasonable caseloads. As you know, OPI has recognized this limitation (capping class sizes) for K-8 teachers in ARM 10.55.712.

With no ratio, it will undoubtedly be more difficult to recruit school counselors to Montana. Our rural communities already struggle to fill school counseling positions quite often, and our larger communities won't be filling positions, either, if school counselors are unreasonably expected to serve too many students.

The American Counselor Association, American Psychological Association, National Association of School Psychologists, and the American School Counselor Association all advocate for increased mental health services in our schools. Please recognize current research, overwhelming public opinion about this issue and the needs of our students by choosing to maintain a low school-counselor-to-student ratio in Montana.

With appreciation for your service,

Tanya Kirschman
K-5 School Counselor
Billings, Montana