

FILED

APR 08 2022

ANGIE SPARKS, Clerk of District Court
By: *[Signature]* Deputy Clerk

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6 *Attorney for Co-Petitioners*

8 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS & CLARK COUNTY

10 STATES NEWSROOM D/B/A DAILY
11 MONTANAN and MONTANA
12 FEDERATION OF PUBLIC EMPLOYEES,

13 Co-Petitioners,

14 v.

16 MONTANA BOARD OF PUBLIC
17 EDUCATION, by and through its BOARD
18 MEMBERS,

19 Respondent.

Cause No.:

BDV 2022-298 (emaw)

Judge:

**MICHAEL F MCMAHON
PRESIDING JUDGE**

**VERIFIED PETITION FOR
DECLARATORY JUDGMENT, ORDER
VOIDING BOARD ACTION, and for
PRELIMINARY INJUNCTION**

pd ✓

INDEXED

20 COME NOW States Newsroom D/B/A Daily Montanan ("Daily Montanan") and
21 Montana Federation of Public Employees ("MFPE", collectively "Petitioners"), through counsel,
22 and petition this court for relief pursuant to the Montana Declaratory Judgments Act, §§ 27-8-
23 101 to 27-8-313, MCA, an order voiding Respondent's unlawful action pursuant to §§ 2-3-114
24 and 2-3-213, MCA, and a preliminary injunction pursuant to § 27-19-201, MCA. Petitioners are
25 entitled to relief because their rights, status, or other legal relations under Mont. Constitution Art.
26 II, §§ 8 and 9, and Montana's Public Participation Act and Open Meetings Act at Title 2, Chapter
27 3 of the 2021 Montana Code ("Sunshine Laws") were prejudiced or violated by action taken by
28

965047

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1 the Montana Board of Public Education (“Board”) at its March 10, 2022 meeting (“March
2 meeting”).
3

4 **PARTIES**

- 5 1. Petitioner Daily Montanan is 501(c)(3) not-for-profit organization and member of the news
6 media, organized in good standing under the laws of the District of Columbia, registered to
7 do business in Montana, headquartered in Helena, Montana, and operating in the surrounding
8 region.
9
- 10 2. Daily Montanan has an interest in the actions of state government both as a news gathering
11 organization focused on state politics and policy, and as a representative of the public. Daily
12 Montanan staff regularly attend meetings of state boards to record and report on government
13 actions of interest to the public.
14
- 15 3. Petitioner MFPE is a 501(c)(6) not-for-profit organization headquartered in Helena,
16 Montana. As Montana’s largest union, representing thousands of public employees, MFPE’s
17 mission is to promote the welfare of Montana’s public employees, including through its
18 participation in state government agency deliberations.
19
- 20 4. As an organization representing the interests of school and university employees statewide,
21 MFPE has an interest in the actions of the Board. MFPE staff and members regularly attend
22 meetings of the Board to express their views on the Board’s proposed actions.
23
- 24 5. Respondent is a public body created by Article X, section 9, subsection (3), of the Montana
25 Constitution and § 2-15-1507, MCA, consisting of “seven members appointed by the
26 governor and confirmed by the senate.”
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VENUE and JURISDICTION

6. Venue in this action is proper in Lewis and Clark County, Montana, as Petitioners have their headquarters in Helena, Montana; the Board is an oversight body for the Montana Office of Public Instruction, whose administrative headquarters are in Helena; the Board is an agency of state government as defined by §§ 2-3-102(1) and 2-3-203, MCA; the Board holds regular public meetings at the State Capitol, and the March meeting at which the actions giving rise to this petition occurred took place in Helena.

7. This Court has jurisdiction to review the Board's actions. "The district courts of the state have jurisdiction to set aside an agency decision under this part upon petition of any person whose rights have been prejudiced," and to "void any decision made in violation of 2-3-203," pursuant to § 2-3-114 and 2-3-213, 27-8-101 et seq., MCA, and under the authority established by the Montana Supreme Court in *Bozeman Daily Chronicle v. City of Bozeman*, (1993) 260 Mont. 218, 859 P.2d 435, and *Bryan v. Yellowstone Cty. Elementary School Dist. No. 2*, 2002 MT 264, 312 Mont. 257, 60 P.3d 381.

8. As a government agency, the Board is subject to the Montana Constitution, in relevant part Article II, §§ 8 and 9, and the Sunshine Laws.

9. The Open Meetings Law applies to all meetings that are "the convening of a quorum of the constituent members of a public agency or association described in 2-3-203, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power." § 2-3-202, MCA. The Board's March meeting qualifies as a meeting subject to the statute.

10. As parties denied adequate notice and a reasonable opportunity to participate, Petitioners have standing to request that a district court set aside and void all actions taken by the Board

1 in violation of these legally protected rights. § 2-3-114(1) and 2-3-213, MCA, and *Goyen v.*
2
3 *City of Troy*, (1996) 276 Mont. 213, 223, 915 P.2d 824, 831.

4 11. This Petition for Declaratory Judgment is timely pursuant to §§ 2-3-114(1) and 2-3-213,
5 MCA, which allow thirty days for any person whose rights have been prejudiced to challenge
6 actions of state agencies taken in violation of the Sunshine Laws.
7

8 **FACTS COMMON TO ALL COUNTS**

9 12. On March 10, 2022, the Board held a regularly scheduled and noticed meeting, with all seven
10 members present, by recorded video conference and in person at the State Capitol in Helena,
11 Montana, chaired by Tammy Lacey of Fairfield, Montana. A video recording of the meeting
12 is available on the Board's website at <http://bpe.mt.gov>, from which these verified facts are
13 culled, but the Board had not yet posted written minutes for the March meeting at the time
14 this Petition was filed.
15

16 13. The Board's publicly noticed March 10, 2022 agenda included in the Information Items an
17 update from Chair Lacey regarding changes to the Professional Educators of Montana Code
18 of Ethics ("Code of Ethics") made by unanimous vote at a February 9, 2022 meeting of an
19 advisory council to the Board called the Certification Standards and Practices Advisory
20 Council ("Council"), as part of a five (5) year review process. The Code of Ethics was not
21 mentioned in any of the items on the Board's publicly noticed March 10, 2022 Action
22 Agenda. *See* Board of Public Education Meeting Agenda, March 10-11, 2022, attached as
23 Exhibit A.
24
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26 14. In her presentation at the March meeting, Chair Lacey reported that the Council, established
27 by the Legislature in 1987, has updated the Code of Ethics as part of its regular business since
28 the first approval of such a code in 1990, when the Board accepted the Code of Ethics as

1 presented by the Council and recognized the Council as the appropriate body to define,
2 interpret, and revise the Code of Ethics. Chair Lacey further reported that to the best of
3 anyone's knowledge, 1990 was the last time the Board took any action with regard to the
4 Code of Ethics other than accepting in due course the Council's occasional updates.
5

6 15. Also at the March meeting, Board member Susie Hedalen of Townsend, Montana, made a
7 motion to add an action item to the agenda (the "Amendment") regarding a memorandum
8 from Lieutenant Governor Kristin Juras, present at the meeting as the Governor's Office
9 representative, requesting action on the Council's revision to the Code of Ethics. Board
10 member Jane Lee Hamman of Townsend, Montana, seconded the motion. Chair Lacey noted
11 that the Board's precedent is not to take action on an item the first time it comes before the
12 Board and warned that such action would "perhaps remove the public from the discussion."
13 The Board approved including the Amendment by a 4-3 vote and approved the modified
14 agenda by a 6-1 vote.
15

16 16. In making the Governor's Office Report, Lieutenant Governor Juras called for a statement
17 from the Board to clarify that the Council does not have authority to adopt a Code of Ethics,
18 declaring that the Council's February 9, 2022 modifications to the Code of Ethics were
19 beyond its authority, and directing the Council to present its recommendations on the Code
20 of Ethics to the Board.
21

22 17. Katherine Orr, Interim Bureau Chief for Montana Department of Justice Agency Legal
23 Services, was present at the March meeting as legal counsel to the Board. In that capacity,
24 she advised the Board that taking action on the Amendment would be a violation of § 2-3-
25 103, MCA, "because it has not been noticed to the public." Attorney Orr read the statute
26
27
28

1 aloud, and stated her opinion that action on this item “would be invalidated because there
2 hasn’t been public notice.”
3

4 18. Board member Renee Rasmussen of Clancy, Montana, moved that the Board “take the
5 following actions as requested by the Governor to be voted on as a single action item:
6 determine that [the Council] did not have the authority to adopt the code of ethics at its
7 February 9, 2022 meeting but is limited to recommending changes to the educator code of
8 ethics for submission to this Board for approval, issue a statement that the revised language
9 to the educator code of ethics purportedly adopted by [the Council] at its February 9, 2022
10 meeting has no effect unless and until the revision is presented to and approved by the Board,
11 and request [the Council] to present its proposed revisions to the educator code of ethics to
12 the Board as a recommendation at a future meeting for a vote” (the “Action”). Board member
13 Hamman seconded the motion. There was no public comment.
14
15

16 19. The Board passed the Action by a 4-3 vote, striking the Council’s revision to the Code of
17 Ethics without public notice of the Amendment or a reasonable opportunity for the public or
18 Petitioners to observe or participate in deliberations of a state agency on a matter of
19 significant interest to the public, and contrary to the advice of the Board’s legal counsel and
20 its Chair.
21
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23 APPLICABLE LAW

24 20. The Montana Constitution guarantees, *inter alia*, the following rights:

25 Article II, Section 8: **Right of participation.** The public has the right to expect governmental
26 agencies to afford such reasonable opportunity for citizen participation in the operation of the
27 agencies prior to the final decision as may be provided by law.

28 Article II, Section 9: **Right to know.** No person shall be deprived of the right to examine
documents or to observe the deliberations of all public bodies or agencies of state government
and its subdivisions, except in cases in which the demand of individual privacy clearly
exceeds the merits of public disclosure.

- 1
2 21. These constitutional rights are enacted into statute via the Sunshine Laws at §§ 2-3-101 et
3 seq., MCA, which are to be “liberally construed” by the judiciary. § 2-3-201, MCA.
4
5 22. The Sunshine Laws apply to meetings of “governmental bodies, boards, bureaus,
6 commissions, agencies of the state, or any political subdivision of the state or organizations
7 or agencies supported in whole or in part by public funds....” § 2-3-203(1), MCA. The
8 Board is subject to the Sunshine Laws pursuant to §§ 2-3-102 and 103, 2-3-203(1), MCA,
9 and the Montana Supreme Court’s ruling in *Assoc. Press v. Crofts*, 2004 MT 120, ¶ 17, 321
10 Mont. 199, 195, 89 P.3d 971, 975 (“any group of individuals organized for a governmental
11 or public purpose must allow their meetings to be open to the public”).
12
13 23. The Montana Supreme Court has determined that a meeting is not “open,” as required by §
14 2-3-203, if the public body has failed to give adequate notice of the meeting. The Court
15 holds, “[i]t is difficult to envision an open meeting held without public notice that still
16 accomplishes the legislative purpose of the Montana ‘open meeting’ statutes. Without
17 public notice, an open meeting is open in theory only, not in practice. This type of
18 clandestine meeting violates the spirit and the letter of the Montana Open Meeting Law.”
19 *Boulder Monitor v. Jefferson High School Dist. No. 1*, 2014 MT 5, ¶ 28, 373 Mont. 212,
20 221, 316 P.3d 848, quoting *Bd. of Trustees v. Bd. of Co. Commrs.*, (1980) 186 Mont. 148,
21 155–56, 606 P.2d 1069, 1073.
22
23 24. An “agency may not take action on any matter discussed unless specific notice of that
24 matter is included on an agenda and public comment has been allowed on the matter.” § 2-
25 3-103, MCA. Further, “Procedures for assisting public participation must include a method
26 of affording interested persons reasonable opportunity to submit data, views, or arguments,
27
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1 orally or in written form, prior to making a final decision that is of significant interest to the
2 public.” § 2-3-111(1), MCA.
3

4 25. The Sunshine Laws grant the right to parties “whose rights have been prejudiced” by
5 violation of the statute to petition the district courts to set aside an agency decision pursuant
6 to § 2-3-114, MCA, or to void said decision pursuant to § 2-3-213, MCA.
7

8 26. The Sunshine Laws empower Montana district courts to award “costs and reasonable
9 attorney fees” to a “person alleging a deprivation of rights who prevails in an action
10 brought in district court to enforce the person’s rights” under Article II, section 8 or 9, of
11 the Montana Constitution, pursuant to §§ 2-3-114, 2-3-221, and 27-8-313, MCA.
12

13 **COUNT I – DECLARATORY JUDGMENT HOLDING**

14 **THE BOARD’S ACTION UNLAWFUL**

15 27. Petitioners incorporate the allegations contained in preceding paragraphs of this Petition.
16

17 28. This request for a declaration that the Board’s Amendment and Action were unlawful is
18 made pursuant to Article II, Sections 8 and 9, of the Montana Constitution, which guarantee
19 the public’s right to observe and participate meaningfully in state agency deliberations.
20

21 29. The Board failed to give adequate public notice of the Action, or provide a reasonable
22 opportunity for public participation, effectively closing that portion of the March meeting in
23 violation of Mont. Constitution Art. II §§ 8 and 9 and §§ 2-3-103 and 2-3-203, MCA.

24 30. Petitioners and all interested members of the public were entitled to proper public notice of
25 action items to be deliberated on at the March meeting, so that they could exercise their
26 constitutional right under Article II, Section 9 of the Montana Constitution, to observe the
27 deliberations of public bodies, with a reasonable opportunity for meaningful participation.
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2 31. As a consequence of the Board's unlawful Amendment and Action, the public and
3
4 Petitioners were deprived of their constitutional and statutory rights to receive notice of
5
6 proposed action to be deliberated upon in a meeting of a state government agency, and to
7
8 have a meaningful opportunity to participate as representatives of the news media,
9
10 Montana's largest labor union, and the public.

11 32. Petitioners request a declaratory judgment holding the Board's Amendment and Action
12
13 unlawful as violations of Mont. Constitution Art. II §§ 8 and 9 and §§ 2-3-103 and 2-3-203,
14
15 MCA, pursuant to this Court's authority under § 2-3-114 and 2-3-213, MCA.

16 33. Petitioners are entitled to fees, costs, and other incidental damages pursuant to §§ 2-3-114,
17
18 2-3-221, and 27-8-313, MCA.

19 **COUNT II – ORDER VOIDING THE BOARD'S AMENDMENT AND ACTION**

20 34. Petitioners incorporate the allegations contained in preceding paragraphs of this Petition.

21 35. Petitioners request an order voiding the Board's unlawful Amendment and Action, pursuant
22
23 to this Court's authority under § 2-3-114 and 2-3-213, MCA, and the Montana Supreme
24
25 Court's holding in *Bryan v. Yellowstone Cty. Elementary School Dist. No. 2*, 2002 MT 264,
26
27 312 Mont. 257, 60 P.3d 381.

28 36. Petitioners are entitled to fees, costs, and other incidental damages pursuant to §§ 2-3-114,
2-3-221, and 27-8-313, MCA.

COUNT III – PRELIMINARY INJUNCTION

37. Petitioners incorporate the allegations contained in preceding paragraphs of this Petition.

38. Petitioners request a preliminary injunction pursuant to § 27-19-201, MCA.

1
2 39. A preliminary injunction is proper because it appears that Petitioners are entitled to a
3 declaratory judgment setting aside and voiding state agency action taken without adequate
4 public notice or reasonable opportunity for public participation. § 27-19-201(1), MCA.

5 40. Petitioners, and the public generally, will be irreparably harmed if future deliberations on
6 Board action items are effectively closed due to inadequate public notice and no reasonable
7 opportunity for public participation. § 27-19-201(2), MCA.

8
9 41. Absent issuance of a preliminary injunction, the Board will continue to take add items to its
10 action agenda without notice and take actions on such items without proper public notice or
11 reasonable opportunity for public participation, in violation of the public's constitutional
12 rights, which tends to render any judgment ineffectual. § 27-19-201(3), MCA.

13
14 42. Petitioners request an order enjoining the Board from amending its action agenda or taking
15 further action without proper public notice or without reasonable opportunity for public
16 participation, pending resolution of this suit.

17
18 **COUNT III – REQUEST FOR COSTS AND FEES**

19 43. Petitioners incorporate the allegations contained in preceding paragraphs of this Petition.

20 44. Petitioners are entitled to fees, costs, and other incidental damages pursuant to §§ 2-3-114,
21 2-3-221, and 27-8-313, MCA.

22
23 **RELIEF**

24 WHEREFORE, Petitioners respectfully request judgment and relief from the Court as follows:

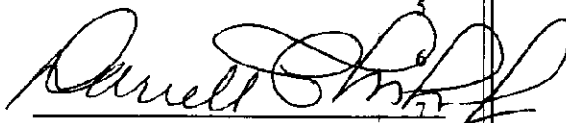
- 25 1. For a declaratory judgment holding that the Respondent violated Article II, §§ 8 and 9
26 of the Montana Constitution and the Sunshine Laws, in failing to give proper public
27 notice of its Action and in failing to provide a reasonable opportunity for Petitioners
28 and the public to observe and participate in the Board's deliberations on this matter;

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2. For a judgment pursuant to §§ 2-3-114 and 2-3-213, MCA, setting aside and voiding the Board's Action;
3. For a preliminary injunction barring the Board from taking further action without adequate public notice and reasonable opportunity for public participation during the pendency of this action, pursuant to § 27-19-201, MCA;
4. Payment of all reasonable costs and attorneys' fees incurred by Petitioners due to the Board's violation of Montana law, and under other principles of Montana law, as authorized by §§ 2-3-114, 2-3-221, and 27-8-313, MCA, the Declaratory Judgment act, and common law;
5. And for such other relief as the Court deems just and proper under the circumstances.

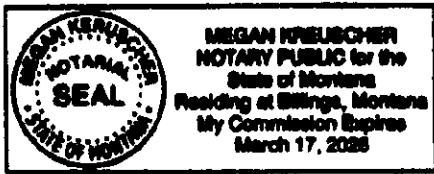
VERIFICATION

I, **Darrell Ehrlick**, being first duly sworn upon oath, depose and say that the information set forth in the foregoing Petition for Declaratory Judgment, Order Voiding Board Action, and Preliminary Injunction is true and accurate to the best of my knowledge and belief.


Darrell Ehrlick, for *Petitioner States Newsroom*
DBA Daily Montanan

STATE OF MONTANA)
 : ss.
County of Yellowstone)

This instrument was signed and sworn before me on the 7 day of April by **Darrell Ehrlick**, known by me to be a Co-Petitioner.



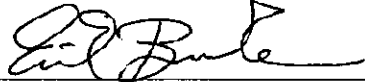

Notary Signature

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VERIFICATION

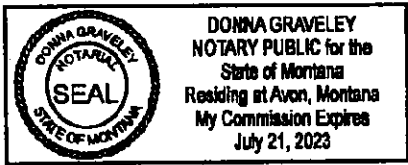
I, **Erik Burke**, being first duly sworn, upon oath, depose and say that the information set forth in the foregoing Petition for Declaratory Judgment Voiding Board Action and Preliminary Injunction is true and accurate to the best of my knowledge and belief.



Erik Burke, for
Petitioner Montana Federation of Public Employees

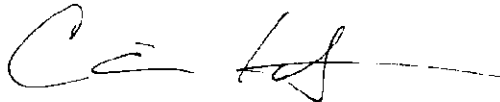
STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

This instrument was signed and sworn before me on the 6th day of April by **Erik Burke**, known by me to be a Co-Petitioner.


Notary Signature

Dated this 8th day of April, 2022.

LA SEUR LAW FIRM



Carrie L. La Seur, *Attorney for Co-Petitioners*

BOARD OF PUBLIC EDUCATION
MEETING AGENDA

March 10-11, 2022
Montana State Capitol, Room 152
Helena, MT

March 10, 2022
8:30 AM

CALL TO ORDER

- A. Pledge of Allegiance**
- B. Roll Call**
- C. Statement of Public Participation**
- D. Welcome Visitors**

PUBLIC COMMENT

(This meeting is open to the public electronically. This time will be provided for public comment on items not listed on the agenda. For those wishing to give virtual public comment, please contact bpe@mt.gov to request the zoom link for the meeting. Members of the public who have joined may "raise their hand" at the appropriate time and participate after being recognized by the Board Chair. Written public comment may be submitted to the Executive Director at bpe@mt.gov and will be shared with the Board members and included as part of the official public record.)

CONSENT AGENDA

(Items may be pulled from Consent Agenda upon request)

- A. November 18-19, 2021, January 13-14, 2022 Meeting Minutes**
- B. Financials**

ADOPT AGENDA

INFORMATION ITEMS

❖ **REPORTS – Tammy Lacey (Items 1-4)**

- Item 1 CHAIRPERSON'S REPORT – 15 Minutes**
Tammy Lacey
 - **CSPAC Liaison Information**
 - **Code of Ethics Update**
 - **Committee List**

- Item 2 EXECUTIVE DIRECTOR REPORT – 15 Minutes**
McCall Flynn
 - **CSPAC Chapter 57 Recommendations**
 - **Update on Chapter 57 Public Hearing**

- Item 3 **STATE SUPERINTENDENT'S REPORT – 15 Minutes**
State Superintendent Elsie Arntzen
- OPI Executive Leadership Academy
 - Teacher Residency Demonstration Project
- Item 4 **GOVERNOR'S OFFICE REPORT - 15 Minutes**
Lt. Governor Kristen Juras
- ❖ **MSDB LIAISON - Mary Heller (Items 5-6)**
- Item 5 **MSDB REPORT – (INFORMATION) – 20 Minutes**
Paul Furthmyre
- MSDB 2022-2023 Academic Calendar – 1st Reading
 - First Reading of MSDB Policies: 5120, 5120F, 5120P, 5122, 5122F
- ACTION ITEMS:**
- Action on Out of State Travel Request
 - Action on Personnel Items
 - Action on MSDB Policy 1910
- Item 6 **ACTION ON MSDB SUPERINTENDENT 2022-2023 CONTRACT – (ACTION) – 15 Minutes**
Tammy Lacey
- ❖ **MACIE LIAISON – Susie Hedalen (Item 7)**
- Item 7 **MACIE REPORT – (INFORMATION) – 15 Minutes**
Jennifer Smith, MACIE Chair
- ❖ **EXECUTIVE COMMITTEE – Tammy Lacey – (Items 8-11)**
- Item 8 **SCHOOL NUTRITION PROGRAMS ANNUAL REPORT – (INFORMATION) – 20 minutes**
Christine Emerson
- Item 9 **ACTION ON NOTICE OF ADOPTION, ARM TITLE 10, CHAPTER 64, BUS STANDARDS – (ACTION) – 15 Minutes**
Rob Stutz, OPI Chief Legal Counsel
- Item 10 **ACTION ON NOTICE OF ADOPTION, ARM TITLE 10, CHAPTER 66, PERTAINING TO MONTANA YOUTH CHALLENGE ACADEMY – (ACTION) – 15 Minutes**
McCall Flynn
- Item 11 **FEDERAL PROGRAMS UPDATE – (INFORMATION) – 15 Minutes**
Dr. Julie Murgel
- ❖ **LICENSURE COMMITTEE – Madalyn Quinlan (Items 12-22)**

*****TIME CERTAIN AT 1:00PM*****

- Item 12 **INITIAL REVIEW OF BPE CASE #2020-10, SANTALA – (ACTION) – 15 Minutes**
Tara Harris, Counsel

- Item 13 **UNUSUAL CASE REQUEST, BPE CASE #2022-02, MORAND – (ACTION) – 15 Minutes**
Crystal Andrews, Rob Stutz, OPI Chief Legal Counsel

- Item 14 **UNUSUAL CASE REQUEST, BPE CASE #2022-03, MAVRINAC – (ACTION) – 15 Minutes**
Crystal Andrews, Rob Stutz, OPI Chief Legal Counsel

- Item 15 **UNUSUAL CASE REQUEST, BPE CASE #2022-04, ESTRADA – (ACTION) – 15 Minutes**
Crystal Andrews, Rob Stutz, OPI Chief Legal Counsel

- Item 16 **UNUSUAL CASE REQUEST, BPE CASE #2022-05, SHRIDER – (ACTION) – 15 Minutes**
Crystal Andrews, Rob Stutz, OPI Chief Legal Counsel

- Item 17 **UNUSUAL CASE REQUEST, BPE CASE #2022-06, GIFFIN – (ACTION) – 15 Minutes**
Crystal Andrews, Rob Stutz, OPI Chief Legal Counsel

- Item 18 **UNUSUAL CASE REQUEST, BPE CASE #2022-07, NEUFELD LILLY – (ACTION) – 15 Minutes**
Crystal Andrews, Rob Stutz, OPI Chief Legal Counsel

- Item 19 **UPDATE ON NEW LICENSING SYSTEM – (INFORMATION) -15 Minutes**
Crystal Andrews

- Item 20 **PRAXIS FOR MATH PRESENTATION – (INFORMATION) – 15 Minutes**
Crystal Andrews

- Item 21 **UPDATE ON REVISIONS TO ARM TITLE 10, CHAPTER 58, EDUCATOR PREPARATION – (INFORMATION) – 15 Minutes**
Zach Hawkins, Rob Stutz, OPI Chief Legal Counsel

- Item 22 **ACTION ON REVISED TIMELINE FOR REVISIONS TO ARM TITLE 10, CHAPTER 58, EDUCATOR PREPARATION PROGRAMS – (ACTION) – 15 Minutes**
Rob Stutz, OPI Chief Legal Counsel

❖ **ASSESSMENT COMMITTEE – Anne Keith – (Item 23)**

- Item 23 **ASSESSMENT REPORT – (INFORMATION) – 15 Minutes**
Ashley McGrath
 - **Discussion on Statewide Assessment Implementation – (INFORMATION)**

Friday March 11, 2022

8:30 AM

CALL TO ORDER

- A. Pledge of Allegiance
- B. Roll Call
- C. Statement of Public Participation
- D. Welcome Visitors

❖ **REPORTS – Tammy Lacey – (Item 24-25)**

Item 24 **COMMISSIONER'S OFFICE REPORT – (INFORMATION) – 15 Minutes**
Dr. Angela McLean

Item 25 **STUDENT REPRESENTATIVE REPORT – 15 Minutes**
Paige LePard

❖ **ACCREDITATION COMMITTEE – Mary Heller – (Items 26-28)**

Item 26 **CHAPTER 55 TASK FORCE UPDATE – (INFORMATION) – 15 Minutes**
Dr. Julie Murgel

Item 27 **RECOMMEND MAINTAINING CURRENT STATUS FOR SCHOOLS IN
STEP 1, STEP 2, AND ONGOING ASSISTANCE – (ACTION) - 15 Minutes**
Nathan Miller

Item 28 **RECOMMEND APPROVAL OF THE 2021-2022 ACCREDITATION
STATUS OF ALL SCHOOLS – (ACTION) – 15 Minutes**
Nathan Miller

❖ **LICENSURE COMMITTEE – Madalyn Quinlan (Items 29-30)**

Item 29 **LICENSURE PANEL DISCUSSION – (INFORMATION) – 1 Hour**
Lance Melton, MTSBA; Dr. Kirk Miller, SAM; Amanda Curtis, MFPE; John
Melick, Montana State University; Dr. Tricia Seifert, Montana Council of
Deans of Education; Kristi Steinberg, University of Montana

Item 30 **ADDITIONAL BOARD MEMBER QUESTIONS ON SUPERINTENDENT
ARNTZEN'S RECOMMENDATIONS TO REVISIONS TO ARM TITLE 10,
CHAPTER 57, EDUCATOR LICENSURE (INFORMATION) – 30 minutes**
Dr. Julie Murgel and Crystal Andrews

FUTURE AGENDA ITEMS May 12-13, 2022, Great Falls

CSPAC Appointments
Student Representative Last Meeting & Recognition
Approve K-12 Schools Payment Schedule
Assessment Update
Approve CAEP - MOU
Accreditation Report
Variance to Standards Requests & Renewals
Federal Update
MACIE Update

Approve MSDB School Calendar
MCDE Update
Executive Director Performance Evaluation

PUBLIC COMMENT

(This meeting is open to the public electronically. This time will be provided for public comment on items not listed on the agenda. For those wishing to give virtual public comment, please contact bpe@mt.gov to request the zoom link for the meeting. Members of the public who have joined may "raise their hand" at the appropriate time and participate after being recognized by the Board Chair. Written public comment may be submitted to the Executive Director at bpe@mt.gov and will be shared with the Board members and included as part of the official public record.)

ADJOURN

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Agenda items are handled in the order listed on the approved agenda. Items may be rearranged unless listed "time certain". Action may be taken by the Board on any item listed on the agenda. Public comment is welcome on all items but time limits on public comment may be set at the Chair's discretion.

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.