

Negotiated Rulemaking Committee

Health and Physical Education

10am – 5pm, September 30, 2015

Colonial Red Lion Hotel, Helena, MT

Present Committee Members

Michelle Harrell, Teacher, Browning Public Schools

Ann Gilkey, OPI Chief Legal Counsel

Reg Hageman, Teacher, Capital High School & SHAPE MT

Donni McVee, Business school official, Laurel Public Schools

Kathleen Aragon, Parent, Billings

Katie Loveland, Parent, Helena

Karin Billings, Administrator, OPI Health Enhancement Division

Scott McDowell, Principal, Bozeman Public Schools

Gayle Graf, Teacher, Whitefish Middle School

Kim DeBruyker, Former Superintendent, Gallatin Gateway School

Pete Donovan, Executive Director, Board of Public Education

Corri Smith, Indian Education Director, Great Falls Public Schools

Jeff Gray, Trustee, Great Falls Public Schools

Megan Chilson, Chair, UM-Western Human Health & Performance Department

Bryan Kott, Superintendent, Drummond

Intro to Economic Impact Analysis

OPI Chief of Staff Madalyn Quinlan provided the introduction to the Economic Impact Analysis.

- The committee will be charged with identifying who is affected economically and how they are affected.
- A “Considerations for Economic Impact Analysis” worksheet was provided to the group.
- The committee’s feedback will help the OPI write the official analysis, which will go to the interim committee in March. This will affect budget process during next legislative session. A survey and focus groups will be done as well.
- Cards were provided to the committee to allow input on the economic impact analysis later in the day.

Facilitator’s Role

- Maintain order throughout the meeting
- Assure all members have an opportunity to state their expert opinions
- Restate verbatim or in summary a point made by a committee member to assure everyone understands a point of concern or a minor language change
- Restate to assure language is accurately recorded by the note taker and the Google Doc manager
- Pose questions related to points of clarification to assure understanding
- Move the committee forward if it becomes clear that consensus cannot be reached (agree to disagree, agreeably) on a concern, while encouraging comments

The committee unanimously agreed to accept Tammy Elser as the facilitator of the negotiated rulemaking process.

Consensus

Consensus means a majority of those in attendance for an in-person meeting or a majority of those participating in a meeting held by electronic means.

Proposed Procedures for Negotiated Rulemaking Committee Work

- Each member will be asked to weigh in on each proposed rule in one of the following three categories:
 - +Good to Go (Green)
 - ?Question or Point of Clarification (Yellow)
 - !Concern (Red)
- For purposes of consensus, ‘Good to Go’ and ‘Questions or Points of Clarification’ will be considered as generally agreeing with the language of the rule.
- Each question or point of clarification will be addressed and considered by all members and language change recommendations will be voted on. (This can be noted in the Google Doc as a response to a comment.) A consensus will be needed for a new language recommendation.

Proposed Procedures for Negotiated Rulemaking Committee Work, part 2

- Concerns will also be addressed and discussed by the committee in an effort to achieve consensus. Deliberations on a concern posed by a minority of the committee will be limited to about 5 minutes in the first pass through the document, and returned to in the second pass.
- If, in the second pass through the document, a concern cannot be resolved in a reasonable amount of time (as determined by the facilitator and committee), the majority will rule and the dissenting committee member(s) will be invited to write a detailed comment for consideration by the Superintendent of Public Instruction. All dissenting opinions will be noted in the Google Document for consideration.
- The Google Document will serve as a report on committee findings and include all votes and comments.

Other support provided during the meeting:

- PowerPoint provides record of committee’s decisions
- Working document provides working space for committee to post comments for the record

The committee voted on the procedure for the decision-making procedure, all voted to accept the process.

Document Review: Rule 1

- Change “valid” to “current medically accurate”

Final Vote on Rule 1: Consensus on adoption of Rule 2 with noted modifications.

Document Review: Rule 2

- Replace “naming” with “identifying” throughout the rule
- Remove “naming age appropriate body parts” and “identifying body systems and their functions”
- Delete “age appropriate” from unhealthy behaviors also included in the rule; “age appropriate” will be removed throughout
- Change “role model” to “model” with regard to healthy behaviors
- Change “health helpers” to “school and community health and safety resources”
- [Identifying] “including those of traditional and contemporary American Indian cultures and practices”

- [identifying] “characteristics of physical, mental and emotional health” and [identifying] “characteristics of family and social health...”; types will be changed throughout the document where appropriate

Final Vote on Rule 2: Consensus on adoption of Rule 2 with noted modifications.

Document Review: Rule 3

- Replace “listing”, “showing”, “naming” and “telling” with “identifying” where appropriate throughout the entire document
- Change “health helper” to “school and community health and safety resources” – carryover from Rule 2
- Replace “listing” with “analyze a variety of health-related messages”
- Add “related” to “health messages” throughout the entire document

Final Vote on Rule 3: Consensus on adoption of Rule 3 with noted modifications

Document Review: Rule 4

Final Vote on Rule 4: Consensus on adoption of Rule 4. Noted modifications from earlier rules will be made.

Document Review: Rule 5

- Add “defining life skills that improve health and wellness”
- Change “listing” to “expressing ways to show respect for self and others, including those...”
- Change “listing” to “expressing...verbal and nonverbal”

Final Vote on Rule 5: Consensus on adoption of Rule 5 modifications as noted.

Document Review: Rule 6

- Add language to “describing” to read “describing common childhood health problems and potential treatments”
- Change “describing” to “identifying when it is important to seek health care”
- Modify “giving reasons why” to “discussing why the media influences thoughts, feelings, and health behaviors”
- Change statement to include “tribal” so it reads “personal, family, tribal and community health”
- The addition of “tribal” as part of this phrase will be made throughout the document.

Final Vote on Rule 6: Consensus on adoption of Rule 6 with noted modifications.

Document Review: Rule 7

- Modify standard to read “personal health enhancing strategies that encompass substance abuse prevention, nutrition, exercise, injury and disease prevention...”
- The above change will be carried throughout the document unless otherwise noted.

Final Vote on Rule 7: Consensus on adoption of Rule 7 with noted modifications. See working document for discussion of “substance abuse prevention”.

Document Review: Rule 8

- Change language to “analyzing behaviors that promote health enhancing strategies for issues such as substance abuse prevention...”
- Modify to “identifying characteristics of physical, mental, emotional...contemporary and traditional American Indian”

- The addition of “contemporary and traditional American Indian” will be carried throughout the document where appropriate
- Change the statements that contain “analyzing” as the verb and the modifier to eliminate the redundancy

Final Vote on Rule 8: Consensus on adoption of Rule 8 with noted modifications.

Document Review: Rule 9

- Add “prevention” after abuse and “health related” in the standard.
- Both changes will continue to be carried throughout the document unless otherwise noted

Final Vote on Rule 9: Consensus on adoption of Rule 9 with noted modifications.

Document Review: Rule 10

Final Vote on Rule 10: Consensus on adoption of Rule 10. Noted modifications from earlier rules will be made.

Document Review: Rule 11

- Define “Locomotor” and “nonlocomotor” and “manipulative” skills using the definitions from the glossary of the draft matrix

Final Vote on Rule 11: Consensus on adoption of Rule 11 with noted modifications.

Document Review: Rule 12

Final Vote on Rule 12: Consensus on adoption of Rule 12. Noted modifications from earlier rules will be made.

Document Review: Rule 13

- Replace “identifying that muscles grow stronger” to “understanding muscles grow stronger...”
- Change to “identifying warm-up and cool-down activities related to vigorous physical activity”
- This ‘warm-up and cool-down’ change will be carried throughout the document.
- Change “telling” to “identifying”
- Modify to “recognizing challenges in physical activities can lead to success”

Final Vote on Rule 13: Consensus on adoption of Rule 13 with noted modifications.

Document Review: Rule 14

- Change using previous from rule 13 “warm-up and cool-down” modification
- Strike “good” where it is used twice
- Replace “recognizing a good health balance” with “recognizing the balance of good nutrition with physical activity”
- The “good nutrition with physical activity” change will be carried throughout document where appropriate
- “discussing the value of balancing good nutrition with physical activity” will replace “recognizing the value of ‘good health’ balance”

Final Vote on Rule 14: Consensus on adoption of Rule 14 with noted modifications.

Document Review: Rule 15

- “telling” becomes “identifying”,
- add “including those of”

- Change “contributions” to “cultures and contributions”. Carry the change to “cultures and contributions” throughout the document where appropriate.
- Continue with “warm-up and cool-down” change

Final Vote on Rule 15: Consensus on adoption of Rule 15 with noted modifications.

Document Review: Rule 16

- Rewrite the statement, “combining locomotor patterns with dance steps to create and perform an original dance” to be closer to “combining rhythmic locomotor movement patterns for a purpose
- Change the statement, “applying the concept of open spaces to activities such as combination skills, small-sided...” to be more clear and concise
- Continue to change “warm-up and cool-down”
- Note: check for stem/verb redundancy throughout the standards and change where necessary
- Modify to “recognizing and supporting individual differences in movement performance at all skill levels”

Final Vote on Rule 16: Consensus on adoption of Rule 16 with noted modifications.

Document Review: Rule 17

- Continue with fix to “warm-up and cool-down”
- Insert “such as” in the spatial concepts phrase referring to locomotor skills
- Change language to “accepting, recognizing and actively involving others at all skill levels into physical activities and group projects” to replace the “praising” statement

Final Vote on Rule 17: Consensus on adoption of Rule 17 with noted modifications.

Document Review: Rule 18

- Include reference to the glossary for definition of “mature”
- Omit “desire to” from phrase about participating in self-selected activity

Final Vote on Rule 18: Consensus on adoption of Rule 18 with noted modifications.

Document Review: Rule 19

- Take out “desire to” in participate statement
- Change to “creating a healthy snack plan”

Final Vote on Rule 19: Consensus on adoption of Rule 19 with noted modifications.

Economic Impact Discussion

Missing stakeholders from OPI’s preliminary list of those who would be impacted by the new standards:

- Public Health Providers
- Shape MT

Other economic considerations shared by committee members

Resources

- Cost of purchasing new, especially considering districts that have adopted new textbooks just ahead of the state’s adoption

Professional development

- Cost of new hires to meets schools’ needs (including health specialists)
- Expense and coordination of professional learning for staff (especially elementary educators)

- Time investment in learning new standards (i.e., IEFA, mental health, nutrition, disease prevention)

Public Comment

- No public comment.

Closing Remarks and Adjournment

- The committee was thanked for their time and commitment to Montana and its students.
- Date for next committee meeting: Wednesday, January 27, 2016
- The meeting was adjourned at 4:41pm.

Submitted by:

Tara Steinke
10/30/2015