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Education Interim Committee

65th Montana Legislature

SENATE MEMBERS

EDIE MCCLAFFERTY--Chair
TOM FACEY
DANIEL SALOMON
RUSSEL TEMPEL

HOUSE MEMBERS

FRED ANDERSON--Vice Chair
JACOB BACHMEIER
MOFFIE FUNK
DONALD JONES

COMMITTEE STAFF

PAD MCCRACKEN, Lead Staff
LAURA SANKEY KEIP, Staff Attorney
JENNI CARR, Secretary

MINUTES LOG

August 22, 2017
Room 137, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. EDIE MCCLAFFERTY, Chair
REP. FRED ANDERSON, Vice Chair

SEN. TOM FACEY
SEN. DANIEL SALOMON
SEN. RUSSEL TEMPEL

REP. JACOB BACHMEIER
REP. MOFFIE FUNK
REP. DONALD JONES

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

PAD MCCRACKEN, Lead Staff
JULIE JOHNSON, Staff Attorney
JENNI CARR, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

CALL TO ORDER AND ROLL CALL

- 00:00:01 Sen. McClafferty called the meeting to order at 8:36 a.m. The committee secretary took roll. ([Attachment 3](#)).
- 00:00:50 Mr. McCracken reviewed the meeting agenda.

ADMINISTRATIVE RULE REVIEW -- Julie Johnson, Staff Attorney

- 00:01:55 Ms. Johnson updated the committee on the changes made to the administrative rule review in June. ([Exhibit 1](#))

Committee Questions

- 00:03:27 Sen. Facey asked for clarification of the permission given by a parent or legal guardian within MAR Notice NO. 10-13-128.

MONTANA STATE LIBRARY UPDATE -- Jennie Stapp, State Librarian

- 00:04:23 Ms. Stapp reviewed the agency's budget cuts due to 2017 legislation ([Exhibit 2](#)), ([Exhibit 3](#)), ([Exhibit 4](#)), and ([Exhibit 5](#))

Committee Questions

- 00:17:20 Rep. Funk asked if public comment was received on SB 261.
- 00:19:18 Sen. Facey asked if the library pays rent to the Department of Administration and asked for clarification of library charges to state agencies.
- 00:21:16 Sen. Facey asked how much funding the library would need to re-establish their programs that were removed due to budget cuts.
- 00:23:00 Sen. McClafferty commented on the appreciation the legislature has for the Montana State Library.

Public Comment

- 00:23:32 Nanette Gilbertson, Montana Library Association, pointed out how the state library cuts have effected all of the public libraries across the state.

MONTANA HISTORICAL SOCIETY UPDATE -- Bruce Whittenberg, MHS Director

- 00:28:31 Mr. Whittenberg presented the effects of the HB2 and SB 261 reductions on the Montana Historical Society ([Exhibit 6](#)).

Committee Questions

- 00:40:08 Rep. Funk asked if MHS was consulted during the drafting of the 2017 legislation budget cuts and what the impact is on the outlying communities around the state.
- 00:42:43 Sen. Facey asked if the agency was affected by budget cuts in HB 2 before the budget cuts in SB 261 and if the collections would be affected by storage in the meantime.

00:44:26 Sen. Facey asked how the state pay plan will be affected in the MHS agency's budget and what other type of funding sources are available to the agency.

Public Comment

None

BREAK (reconvened at 9:40 a.m.)

AGENCY MONITORING -- Office of Public Instruction; Supt. Elsie Arntzen

01:04:28 Supt. Arntzen updated the committee on the work of the OPI and discussed the education goals for the state. ([Exhibit 7](#))

Overview of Accessing K-12 Information (OPI website, GEMS, GIS maps) -- Brett Carter, OPI, and Pad McCracken, Committee Staff

01:18:38 Mr. Carter reviewed the OPI website, GEMS, and GIS maps available for research in the growth and enhancement of the state's students.

01:22:17 Sen. Facey asked for clarification where individual school budget information is available.

01:24:03 Sen. Tempel asked how the department reports athletic education and expenses.

01:24:56 Mr. Carter continued his presentation.

01:27:40 Rep. Funk asked if the department has data regarding students who attended out-of-state colleges and/or universities.

Background on K-12 Shared Policy Goals -- Mr. McCracken

01:29:18 Mr. McCracken stated he will record an instructional video on GIS maps. He also reviewed the background on K-12 Shared Policy Goals ([Exhibit 8](#)), ([Exhibit 9](#)), ([Exhibit 10](#)), and ([Exhibit 11](#)).

Committee Questions

01:42:53 Rep. Funk asked how the legislature will move forward in collaborating with OPI in implementing their ESSA Plan.

01:45:15 Rep. Jones asked for clarification of the school report card.

ESSA Update -- Susie Hedalen, OPI

01:45:57 Ms. Hedalen reviewed the department's ESSA Plan ([Exhibit 12](#)) and ([Exhibit 13](#)).

Committee Questions

02:00:33 Sen. McClafferty asked how the struggling schools are assisted.

02:01:16 Sen. Facey asked for clarification of the funding amount for struggling schools and what percentage OPI receives.

02:01:48 Rep. Funk asked why the department is waiting 3 years to utilize accountability data, when a lot of the data has already been gathered.

02:03:44 Sen. Salomon asked for clarification for when the accountability data system will be implemented.

02:04:13 Sen. Salomon asked if the funds for improvement comes from Title I, and clarification on how they're planning to close achievement gaps with the new law.

- 02:07:10 Rep. Jones asked for clarification of the additional information that will be added to the school report card.
- 02:08:22 Rep. Bachmeier asked what or how the agency can improve students entering the educational system and during transition.
- 02:09:43 Sen. Salomon asked how the department differentiates school data between drop-outs in rural small schools and drop-outs in large schools.
- 02:13:56 Sen. Facey asked where the term *Positive Transitions* came from.
- 02:15:41 Rep. Funk asked for clarification on the terms in the handout and whether they came from the state plan, or ESSA.
- 02:17:16 Rep. Jones asked for clarification of the baseline that the OPI used in its data and what the national average is.
- 02:18:36 Sen. McClafferty asked if the baseline can be broken down to grade level.
- 02:19:15 Rep. Jones asked if the information will be available online and be able to be broken down by grade, ethnicity, etc.
- 02:19:47 Sen. McClafferty asked how legislators could gain access to the secure website.
- 02:20:32 Sen. Salomon asked for clarification of the proficiency levels.

Public Comment

- 02:21:50 Nick Salmon, Collaborative Learning Network, commented on the financial needs of the education system related to facilities and compared the state of Ohio's efforts.
- 02:26:33 Dennis Parman, Montana Rural Education Association, commented on the low numbers in the data, and discussed the Smarter Balanced assessment.

Committee Questions

- 02:29:31 Sen. Facey asked Supt. Arntzen if the board could provide some direction on the work-based learning.
- 02:33:40 Sen. Facey asked Supt. Arntzen what the agency was going to do to improve math scores across the state.
- 02:37:02 Sen. Salomon asked Supt. Arntzen asked if off-campus credits would be comparable to on-campus credits.

HJ 1 STUDY OF EDUCATIONAL PROGRAMS FOR STUDENTS WITH SPECIAL NEEDS

Overview of previous studies -- Mr. McCracken

- 02:38:32 Mr. McCracken gave an overview of the HJ 1 study ([Exhibit 14](#)).
- 02:43:36 Sen. Facey commented on the financial aspects of the special needs programs and if they're not funded adequately, how it will take away from other programs.

Special Education Funding, Programs, Best Practices, and Costs -- Frank Podobnik, Director of Special Education, OPI

- 02:45:53 Mr. Podobnik updated the committee on OPI's work with Special Education funding, programs, best practices, and costs ([Exhibit 15](#)) and ([Exhibit 16](#)). Mr.
- 02:52:25 Podobnik discussed recruitment and retention of special education staff. Sen.
- 02:54:58 Facey asked if schools received any financial aid for the medical aspect of special education.
- 02:56:44 Rep. Bachmeier asked if the schools could work with licensed mental health centers to provide psychological services.
- 02:57:46 Mr. Podobnik continued his presentation ([Exhibit 17](#)) and ([Exhibit 18](#)).

- 03:07:27 Sen. McClafferty commented on the subject of the special education gap.
 03:08:13 Sen. Facey asked for clarification on the schools' voted levies.
 03:10:14 Mr. McCracken asked for clarification of the two-prong test for special education which would lead to an IEP program.
 03:12:35 Sen. Facey asked if students with dyslexia and low math/English scores qualified under special education.

Public Comment

- 03:13:36 Colleen Murphy, Decoding Dyslexia, expressed concern in the ESSA and how low the scores were in the children with disabilities.
 03:21:09 Jessica Reynolds, Montana Speech Language and Hearing Association, discussed the economic benefits on funding or not funding special education.
 03:28:43 Kirk Miller, School Administrator of Montana, commented on the 4% and the ESSA plan.
 03:35:47 Dennis Parman, Montana Rural Education Association, commented on how complicated special education is.

Committee Questions/Discussion

- 03:36:29 Rep. Bachmeier commented the difference between the 504 and IEP programs, and asked Mr. Podobnik what it would take to get 504 funding to come out of Special Education Funding.

Report on MUS Meeting Regarding Gifted and Talented Education and Teacher Preparation Programs -- Rep. Funk, Rep. Jones, and Sen. McClafferty

- 03:39:29 Rep. Funk gave an update of the MUS meeting regarding gifted and talented education and teacher preparation programs.
 03:45:22 Rep. Jones commented on dyslexia, and gifted and talented children, stating that communication is the key to finding success within the schools.
 03:46:19 Sen. McClafferty reminded the committee of a meeting on Oct 5-6 regarding Gifted and Talented Students.

LUNCH (reconvened at 1:18 pm)

AGENCY MONITORING -- Montana University System

- 04:42:30 Sen. McClafferty asked the Montana University System members to introduce themselves.

Review EDIC Statutes and Past Efforts to Collaborate with Board of Regents -- Mr. McCracken and Shauna Albrecht, LFD Analyst

- 04:43:51 Pad McCracken discussed previous LEG/MUS collaboration during the Interim **(Exhibit 19)**.
 04:45:28 Ms. Albrecht discussed the collaborative efforts between the Regents, and other groups, and establishing a form of communication that would get everyone on the same page.
 04:47:56 Mr. McCracken discussed the collaboration and the timeline of the PEPB.
 04:51:34 Mr. McCracken discussed the memo EDIC statutes and duties related to higher education. **(Exhibit 20)**

Review MUS and K-20 Shared Policy Goals and MUS Strategic Plan -- Mr. McCracken and Tyler Trevor, Deputy Commissioner, OCHE

- 04:52:48 Mr. McCracken discussed the final report of the Education and Local Government Interim Committee Subcommittee on Shared Policy Goals for Education. (see [Exhibit 10](#))
- 04:55:49 Rep. Funk asked if there was a disconnect between Section 9 and what the committee's involvement should be.
- 04:57:20 Sen. Facey commented that according to the Constitution, the regents had the authority to deal with the financial aspect. This would explain why they went to the lump sum.
- 05:00:24 Mr. Trevor began his presentation on shared policy goals from the MUS Strategic Plan, encouraging discussion. ([Exhibit 21](#))
- 05:06:26 Sen. McClafferty asked about the percentage of students entering college who needed to take remedial math or English.
- 05:07:13 Sen. Salomon asked about dual enrollment.
- 05:07:35 Mr. Trevor continued his presentation with *Retention and Completion* on page 4.
- 05:13:25 Sen. Facey asked about the grant program and if students could get more funds even after they had received scholarships.
- 05:16:31 Sen. Solomon asked if students financially benefitted from finishing school earlier and if it costs less for them to receive earlier credits through dual enrollment.
- 05:17:52 Commissioner Christian commented that there is a higher GPA also which proves improvement.
- 05:19:08 Rep. Funk asked Mr. Trevor about children in rural schools obtaining dual credit.
- 05:20:55 Rep. Jones asked about MSU-Billings waived tuition for dual credit policy, and how it would change.
- 05:21:15 John Cech, deputy commissioner of academic and student affairs, responded to Rep. Jones and stated that the policy increased dual enrollment by 53%, and the intention is to offer free dual enrollment another year.
- 05:23:17 Rep. Jones asked about other communities, and if any of this was "needs based."
- 05:23:46 Commissioner Christian answered that it's in discussion to reduce tuition for dual enrollment across the board.
- 05:26:54 Mr. Trevor continued his presentation with *2 Year Education* on page 8.
- 05:28:26 Sen. Salomon asked about the Bitterroot College.
- 05:29:23 Commissioner Christian discussed Bitterroot college and how it is encapsulated within the University of Montana System.
- 05:30:15 Sen. Salomon asked for clarification on the credit system of the Bitterroot college.
- 05:30:43 Sen. Pat Connell commented on the omission of the Bitterroot college from the MUS strategic plan. ([Exhibit 22](#)).
- 05:38:48 Sen. Facey asked Sen. Connell why Ravalli county doesn't have a levy to support the college unit.
- 05:40:46 Mr. Trevor continued his presentation with *Distance Learning, Workforce*

- Development, Research and Development* starting on page 9.
- 05:44:15 Rep. Funk asked if the funding into the programs has ended.
- 05:45:08 Regent Sheehy commented that the MREDI collaboration between MUS and the legislature was the most successful.
- 05:46:38 Sen. Facey asked about funding for research and development.
- 05:47:54 Mr. Trevor continued with his presentation by discussing *Information Technology, Efficiency, Transferability, and Budget Allocation* starting on page 14.
- 05:56:11 Rep. Jones asked about the total education revenue per student, page 15 of the Strategic Plan.

Update on MUS Initiatives -- Commissioner Clayton Christian

- 05:57:04 Commissioner Christian updated the MUS initiatives, acknowledging the strategic plan. He then discussed retention completion, and student success.

Committee Discussion with Commissioner Christian and Regents William Johnstone, Robert Nystuen, and Martha Sheehy

- 06:04:11 Rep. Jones asked what kind of time frame they were looking at in regards to removing unnecessary classes for some students.
- 06:06:20 Rep. Salomon stated that some units of the system were growing, while others are not; he asked if it has to do with curriculum or what it is that is causing this.
- 06:09:16 Sen. Solomon asked about reducing tuition for out-of-state students.
- 06:11:35 Regent Johnstone commented that they need to look at the programs to see if they match the cost.
- 06:12:27 Sen. Facey asked if the flagship university meant something; how do the schools report to their larger entities; does the flagship president have much influence.
- 06:20:30 Rep. Funk stated that she was interested in whether higher retention translates to higher enrollment rates. She asked what we were doing to allow state high school graduates the ability to skip the remedial classes.
- 06:30:57 Rep. Bachmeier thanked Commissioner Christian for his service. Rep. Bachmeier commented on the teacher versus administrative tension. He stated that the flagship's claims that they're working with regional faculty, don't often reflect the faculty's opinions.

Break (reconvened at 3:36 p.m.)

- 07:00:35 Rep. Jones asked Regent Sheehy what the goals of the task force that is associated with MSU-Billings are.
- 07:05:25 Regent Nystuen wanted to clarify the position of the Board of Regents and what they do, and shared eight areas the Regents are focusing on.
- 07:14:09 Rep. Jones wished to discuss an agreement on a collaboration with the University System.
- 07:14:39 The committee began an open discussion on how to further collaborate with the Montana University System and the Board of Regents.

PUBLIC COMMENT ON ADDITIONAL TOPICS WITHIN EDIC'S JURISDICTION

None.

COMMITTEE WORK SESSION TO FINALIZE WORK PLAN AND SET MEETING DATES

07:32:42 Mr. McCracken discussed the Work Plan outline. ([Exhibit 23](#))
07:35:36 The committee discussed possible topics to include on upcoming November agenda.

ADJOURN

07:47:06 Sen. McClafferty adjourned the meeting at 4:23 p.m.

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