



## EDUCATION INTERIM COMMITTEE 67th Montana Legislature

### SENATE MEMBERS

Edith (Edie) McClafferty  
Shannon O'Brien  
Daniel Salomon  
Russel (Russ) Tempel

### HOUSE MEMBERS

Fred Anderson  
Moffie Funk  
Ed Hill  
Sara Novak  
Linda Reksten  
Tyson Running Wolf

### COMMITTEE STAFF

Pad McCracken - Research Analyst  
Fong Hom - Secretary  
Laura Sankey Keip - Attorney

# MINUTES LOG

January 25, 2022  
Room 102/Zoom  
Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the 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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### **MEMBERS PRESENT:**

Sen. Edith (Edie) McClafferty, Chair (D)  
Rep. Fred Anderson, Vice Chair (R)  
Rep. Moffie Funk (D)  
Rep. Ed Hill (R)  
Rep. Sara Novak (D)  
Sen. Shannon O'Brien (D)  
Rep. Linda Reksten (R)  
Rep. Tyson Running Wolf (D)  
Sen. Daniel Salomon (R)  
Sen. Russel (Russ) Tempel (R)

### **MEMBERS EXCUSED:**

### **MEMBERS ABSENT:**

### **STAFF PRESENT:**

Pad McCracken, Research Analyst  
Fong Hom, Secretary  
Laura Sankey Keip, Attorney

**AGENDA ([Attachment 1](#))**

**VISITORS' LIST ([Attachment 2](#))**

**COMMITTEE ACTION**

**CALL TO ORDER/ROLL CALL**

08:37:31 Sen. Edith (Edie) McClafferty called the meeting to order at 8:37 AM. The committee secretary took roll.

**RECONVENE**

08:38:01 at 8:37 a.m.

08:38:16 Mr. McCracken reviewed the agenda and meeting materials for the day.

**ADMINISTRATIVE RULE REVIEW**

**Overview**

08:40:08 Mr. Walker reviewed the Administer Register Notice 10-54-1091 passed by the Board of Public Education. Mr. Walker also mentioned Chapter 57 that is intended to be discussed by the Board of Public Education. Mr. Walker gave an update on the Yellow Kidney, et al, v. Montana lawsuit.

**MONTANA UNIVERSITY SYSTEM UPDATES**

**Office of the Commissioner of Higher Education Updates**

08:42:26 Helen Thigpen, with the Montana University System (MUS), gave an update on the MUS and the topics that MUS are prioritizing.

08:55:24 Ms. Thigpen mentioned the next Board of Regents meeting that will take place in March.

**Committee Questions**

08:56:30 Sen. O'Brien asked Ms. Thigpen about building planning.

08:57:37 Sen. O'Brien suggested prioritizing asbestos abatement in the building planning.

08:58:00 Rep. Hill asked Ms. Thigpen about State Higher Education Executive Officers Association (SHEEO).

**Montana 10 Presentation**

08:59:52 Christine Miller, Director of Student Affairs and Student Engagement for OCHE, gave a presentation on Montana 10, which focuses on enrolling students and seeing them to graduation. ([Exhibit 1](#))

**Committee Questions**

09:13:37 Rep. Funk asked Ms. Miller about the barriers surrounding the expansion of Montana 10.

09:14:13 Ms. Miller answered Ms. Funk by stating the three main barriers include cost, building and institutional capacity, and maintaining fidelity to the model.

09:16:58 Sen. Salomon asked Ms. Miller how people are picked to participate in the cohort.

- 09:17:43 Ms. Miller answered Sen. Salomon by stating the requirements for the students participating in the cohort.
- 09:20:04 Rep. Reksten asked Ms. Miller how she supported students with deficits on graduating within their set timeframe.
- 09:20:57 Ms. Miller mentioned Montana 10's preparations regarding the biggest problems that incoming students face.
- 09:24:38 Sen. O'Brien asked Ms. Miller if EdReady fits into Montana 10's program.
- 09:25:00 Ms. Miller responded to Sen. O'Brien by stating there are some faculty and schools that use EdReady to prepare their students before entering college.
- 09:26:15 Rep. Reksten asked Ms. Miller how to cultivate a culture of recruiting faculty that want students to succeed.
- 09:31:44 Rep. Hill asked Ms. Miller about the average wage outcomes she discussed in her presentation.
- 09:31:55 Sen. O'Brien commented on Rep. Hill's question to Ms. Miller. Sen. O'Brien mentioned the Department of Labor and Industry's report on wage outcomes. Sen O'Brien followed by inviting Ms. Miller to the Office of Public Instruction's upcoming meeting.
- 09:34:05 Rep. Funk mentioned mentor programs for teachers that were created at Montana State University.

#### **OFFICE OF PUBLIC INSTRUCTION UPDATES**

- 09:35:57 Elsie Arntzen, Superintendent at the Office of Public Instruction (OPI), gave an update on OPI's programs and focuses.
- 09:39:49 Crystal Andrews, Director of Educator Licensure at the Office of Public Instruction, gave an update on Chapter 57 licensure and administrative rules revisions. ([Exhibit 2](#))
- 09:43:27 Supt. Arntzen discussed Chapter 57 and the process and success of opening up the rules to allow teachers to acquire licensure easier.
- 09:46:11 Julie Murgel, Chief Operating Officer at the Office of Public Instruction, gave an update on the revisions and recommendations regarding Chapter 55 accreditation. ([Exhibit 3](#))
- 09:49:52 Zach Hawkins, Director of Indian Education at the Office of Public Instruction, gave an update on Chapter 58 and the accreditation standards that Montana educator preparation programs are required to follow. ([Exhibit 4](#))

#### **Committee Questions**

- 09:54:05 Rep. Funk asked Mr. McCracken whether the information the committee has been given is purely informational, not requiring any action.
- 09:55:00 Rep. Reksten asked Mr. Hawkins about the endorsements he mentioned for English Language learners.
- 09:55:58 Supt. Arntzen continued her presentation on the programs that the OPI are working on. Supt. Arntzen presented information on Elementary and Secondary School Emergency Relief (ESSER) ([Exhibit 5](#)) and Montana Ready ([Exhibit 6](#)).

#### **Committee Questions**

- 10:08:26 Rep. Funk asked Supt. Arntzen about the status of the data task force.
- 10:10:29 Rep. Funk asked Supt. Arntzen about testing students and the changes made in assessing students.

- 10:15:08 Rep. Anderson asked Supt. Arntzen about a school in his area receiving funds through ESSER II and III to repair a broken well.
- 10:17:57 Sen. McCafferty asked about ESSER funding for after school programs.
- 10:21:58 Rep. Funk asked about the discrepancy between the total budget and total expended. (See exhibit 5)
- 10:22:18 Supt. Arntzen deferred the question to the CFO of the OPI, Jay Phillips.
- 10:22:31 Jay Phillips, CFO, OPI explained
- 10:23:58 Sen. McClafferty asked about the process for educators renewing their licenses.
- 10:24:40 Supt. Arntzen deferred the question to Crystal Andrews, who would come back at a later time and give the update for the committee.
- 10:24:40 Sen. McClafferty asked Supt. Arntzen if the OPI had given any thought to lowering class sizes going forward.
- 10:28:40 Sen. O'Brien asked Supt. Arntzen about the process time in applying for and receiving teacher licenses.

**BREAK**

- 10:32:37 reconvene at 10:48 a.m.

**COMPREHENSIVE SCHOOL AND COMMUNITY TREATMENT (CSCT) UPDATE**

- 10:50:34 Sharyl Allen, Deputy Superintendent at the OPI, gave an overview of the timeline of the work that has been done at the OPI. ([Exhibit 7](#))
- 10:54:06 Meghan Peel, Bureau Chief for Children's Mental Health Bureau at DPHHS, gave updates on bridge funding and funding approval. ([Exhibit 8](#))
- 10:56:17 Jay Phillips, Chief Financial Officer at the OPI, gave an overview of the intragovernmental transfer process of CSCT services. ([Exhibit 9](#))

**Committee Questions**

- 11:07:20 Rep. Reksten asked the panel why OPI was involved in funding CSCT.
- 11:08:30 Rep. Reksten suggested that the legislation requiring the OPI to handle Medicaid/Medicare services needs to be looked at further by the committee.
- 11:09:11 Rep. Funk asked Mr. Phillips if every person involved in the FAQs were able to clarify their concerns. Rep. Funk followed by asking Mr. Phillips about funds reports and the plan for creating an easier avenue for schools to meet funding requirements.
- 11:13:36 Mr. Phillips responded to Rep. Funk by stating that the process has been put forth by the legislature. Mr. Phillips continued by stating that the greatest concern for schools is funding.
- 11:16:14 Rep. Funk asked Sen. McClafferty if Denise Williams, Executive Director for the Montana Association for School Business Officials, could address the committee.
- 11:16:15 Rep. Funk asked Ms. Williams if she could give an account of the burden on schools who want to provide the CSCT program.
- 11:16:36 Ms. Williams answered Rep. Funk by describing the process of implementing the CSCT program at her school.
- 11:24:36 Sen. McClafferty asked Ms. Peel and Dep. Allen to comment on the possibility of extending the MOU deadline for schools who have not had board meetings.
- 11:25:03 Dep. Allen explained to Sen. McClafferty the decision and process behind the OPI and DPHHS implementing the MOU. Ms. Peel continued the explanation behind the deadline set for the MOU.

- 11:27:55 Rep. Funk responded to Dep. Allen by stating that she took issue with the process of some schools getting information and clarification from the OPI and DPHHS to make the deadline.
- 11:29:04 Sen. O'Brien commented on the Montana Youth Risk Behavior Survey and youth suicide attempts. She followed by asking Mr. Phillips how the non-federal dollars requirement from the federal government fit into the ESSER funding.
- 11:30:23 Mr. Phillips responded to Sen. O'Brien by stating that non-federal dollars cannot be used to match the federal requirement for ESSER.
- 11:31:07 Sen. O'Brien asked Mr. Phillips if federal dollars could be used for the CSCT program.

### **QUALITY EDUCATOR LOAN ASSISTANCE PROGRAM UPDATE**

- 11:32:17 Mr. McCracken presented an overview of the Quality Educator Loan Assistance Program (QELAP). ([Exhibit 10](#))
- 11:35:52 McCall Flynn, Executive Director at the Board of Education, gave a presentation on the QELAP report. (See exhibit 10)
- 11:39:40 Mr. Phillips gave an historical analysis of the QELAP ([Exhibit 11](#)) and Quality Educator Shortages report. ([Exhibit 12](#))

### **Committee Questions**

- 11:44:57 Rep. Funk asked Mr. Phillips asked for clarification for the denials in the bill that the legislature passed.
- 11:45:55 Rep. Funk asked Mr. Phillips for clarification regarding provisional licenses and the criteria for getting them.
- 11:47:47 Sen. O'Brien commented on the shortage of educators at schools and the severity of the data that the panelists presented.
- 11:51:43 Rep. Reksten responded to Sen. O'Brien's comments by stating that the committee should consider teacher training and the schools' connections to the retirement system.

### **REVIEW OF LC 2080 (2019): Revising School District Health Insurance Laws**

- 11:55:18 Diane Fladmo, Director of Policy at Montana Federation of Public Employees, gave a presentation on healthcare for educators.
- 12:08:03 Lance Melton, with the Montana School Boards Association, discussed attempts towards obtaining healthcare for educators in Montana. Mr. Melton continued by describing the potential impacts of the LC 2080. ([Exhibit 13](#))
- 12:23:04 Andrew Holmlund, Chief Executive Officer at Montana School Services Foundation, continued the discussion regarding the potential impacts of LC 2080. (See exhibit 13)

### **Committee Questions**

- 12:27:08 Sen. Tempel asked the panel who would be a pushback on LC 2080.
- 12:27:28 Mr. Melton responded to Sen. Tempel by stating that the original opposition came from Blue Cross and the Department of Administration. He continued by stating potential, additional opposition might come from anyone who doesn't want to see an increase in local property taxes.
- 12:31:41 Rep. Funk responded by stating that she would like to see LC 2080 pushed forward. Rep. Funk followed by introducing a representative of Blue Cross and Blue Shield (BCBS), John Doran, Vice President of External Affairs for Blue Cross and Blue Shield.

12:32:22 Mr. Doran explained the contention that BCBS had with the LC 2080 when it was originally introduced.

### **Public Comment**

12:36:54 Sara Tempel, Director at Bear Paw Cooperative ([Exhibit 14](#))

### **Committee Questions**

12:41:47 Rep. Novak commented by stating that it would be worthwhile to look at cooperatives and their boundaries.

### **LUNCH BREAK**

12:44:09 Reconvene at 1:00 p.m.

### **OVERVIEW OF SCHOOL CHOICE AND LEGISLATIVE LANDSCAPE**

13:06:30 Michelle Exstrom, Education Director, and Emily Ronco, Policy Analyst from NCSL, gave a presentation on Education Choice. ([Exhibit 15](#))

### **Committee Questions**

- 13:29:53 Rep. Reksten asked for links from the organizations. Rep. Reksten followed by asking about a Modernization and Risk Analysis (MARA) report that recorded unyielding, uncompetitive results in the Montana education system.
- 13:31:50 Ms. Exstrom responded to Rep. Reksten by describing the work and challenges surrounding NCSL efforts in education.
- 13:34:51 Rep. Reksten asked Ms. Exstrom about states within the U.S. who were able to improve their results and impact in education with school choice directing their courses.
- 13:35:33 Ms. Exstrom responded to Rep. Reksten by describing the top performing U.S. states and the focuses of their education systems.
- 13:38:47 Rep. Funk requested that Mr. McCracken send the MCA code that addresses the rules in changing the education system and creating new schools.

### **HOUSE BILL 279 UPDATE**

13:39:38 Tony Zammit, Acting Deputy Chief Legal Counsel for the Department for Revenue, gave an update on the effects and process of implementing HB 279. Mr. Zammit also presented responses to a survey regarding HB 279 education donation portal. ([Exhibit 16](#))

### **Committee Questions**

13:50:00 Rep. Funk asked Mr. Zammit what impact he thought the bill would have on state revenue.

### **TRANSFORMATIONAL LEARNING**

13:52:16 Mr. McCracken presented an overview on the transformational learning program established in HB 351. ([Exhibit 17](#))

### **Update on recent application window**

14:03:34 Krystal Smith, OPI, gave an update on the transformational learning program, a summary of the lottery system for the changes from HB 351 to HB 89 for 2023 new applicants, and the plan for support and implementation in transformational learning districts. ([Exhibit 18](#))

### **Committee Questions**

- 14:12:44 Rep. Hill asked Ms. Smith whether the webinars would continue monthly over the course of the year.
- 14:14:24 Rep. Reksten asked Ms. Smith if she could bring back a report of the transformational learning projects that the OPI are working on.
- 14:16:02 Rep. Reksten responded to Ms. Smith by stating that it would benefit the committee to see how learning is being transformed.
- 14:16:58 Rep. Funk concurred with Rep. Reksten by stating that accountability for these programs is necessary to consider.

### **Lesson from Idaho**

- 14:18:51 Aaron McKinnon, Mastery-Based Education Coordinator at Idaho Superintendent's Office of Public Instruction, gave a presentation on Idaho's Mastery-Based Education Program. ([Exhibit 19](#))

### **Committee Questions**

- 14:31:33 Rep. Funk asked Mr. McKinnon how a teacher responsible for many courses and students is able to implement this type of program in the classroom.
- 14:34:27 Rep. Reksten asked Mr. McKinnon about implementing the change across multiple districts in Idaho.
- 14:37:04 Rep. Hill commented on his excitement for the transformational learning programs being a possibility in Montana.

### **Public Comment**

- 14:38:53 Sharyl Allen, Deputy Supt. at the Office of Public Instruction

### **Committee Questions**

- 14:43:16 Rep. Reksten stated that she would like a presentation on these projects.

### **BREAK**

- 15:06:11 Reconvene at 3:06 p.m.

### **EDUCATOR LICENSURE SYSTEM UPDATES**

- 15:07:00 Crystal Andrews, OPI, gave a presentation on the updated educator licensure process at OPI. ([Exhibit 20](#))

### **Committee Questions**

- 15:11:35 Sen. McClafferty asked Ms. Andrews how long applicants have to wait until they receive their license.
- 15:13:08 Rep. Funk made a comment on individuals with varying experiences regarding the time they had to wait to receive their licenses. Rep. Funk continued by asking Ms. Andrews what the backlog is at the OPI for those waiting to receive their licenses.
- 15:16:11 Rep. Funk made a comment on the backlog for individuals needing fingerprint analyses to work as substitutes.
- 15:16:42 Rep. Novak asked Ms. Andrews whether she should renew her license on paper or test the OPI's new system.



## **SCHOOL FOOD PROGRAMS**

### **School Nutrition Programs**

- 15:18:50 Chris Emerson, School Nutrition Programs Director at OPI, gave a presentation on supply chain assistance for schools. ([Exhibit 21](#))
- 15:24:07 Jan Tusick, Mission Mountain Food Enterprise Center, gave a presentation on getting Montana food into Montana schools. (See exhibit 21)

### **Montana No Kid Hungry**

- 15:28:54 Linda Cleatus, Community Outreach and Grant Specialist at Montana No Kid Hungry, gave a presentation on food security for all children in the U.S. as well as offering Montana students food from the resources of the state.
- 15:34:16 Emily Pia, School Nutrition Consultant at No Kid Hungry, gave a presentation on potential opportunities in Montana to serve healthy, locally sourced food to students in schools. ([Exhibit 22](#))

### **Committee Questions**

- 15:59:43 Sen. Tempel commented on his experience in the agriculture industry and the benefits of getting Montana food into Montana schools.
- 16:01:03 Rep. Novak asked Ms. Pia about the Medicaid Direct Certification and who is responsible for getting Montana schools involved in that program.
- 16:02:25 Rep. Hill asked Ms. Pia if organic products are excluded in this program.
- 16:03:51 Ms. Tusick commented on the competitive price points of some organic products.
- 16:04:35 Rep. Funk asked if the individuals representing OPI and DPHHS could look into the Medicaid Direct Certification program further.
- 16:05:20 Ms. Emerson responded to Rep. Funk's suggestion by stating that the two agencies could look into creating a cost-benefit analysis for this program.
- 16:06:20 Rep. Funk asked Ms. Emerson how her agency is going to track students in need of this program.
- 16:07:23 Sen. McClafferty suggested that OPI and DPHHS work together on these programs.

## **GENERAL PUBLIC COMMENT**

- 16:07:57 Henry Kriegel, Legislative Liaison for Americans for Prosperity, Montana Chapter
- 16:11:34 Lorianne Burhop, Montana Food Bank Network

## **COMMITTEE WORK SESSION**

- 16:18:44 Mr. McCracken presented the updated work plan outline for the committee. ([Exhibit 23](#))
- 16:22:31 Sen. McClafferty stated that the committee does not have a place to make any comment on the constitutional initiative on property taxes without knowledge of the court's decision.
- 16:23:12 Rep. Funk stated that the letter asked for feedback and to have individuals testify to the committee. Rep. Funk suggested reaching out to Revenue to understand their exact requests for the committee.
- 16:24:13 Sen. McClafferty responded to Rep. Funk by stating that she understood that the Revenue Committee is waiting on things to happen in the court and decide if a meeting is necessary. Sen. McClafferty continued by stating that she doesn't



believe any decisions from the committee are currently necessary until they hear back from the court.

16:24:37 Rep. Anderson voiced his agreement with Sen. McClafferty.

16:24:48 Sen. O'Brien suggested that the committee learn more about EdReady and what it can provide for students, specifically those students in high school with dual enrollment opportunities. Sen. O'Brien continued by suggesting inviting EdReady represents to future committee meetings to hear more about how they fit into the continuum of student education. Sen. O'Brien continued by stating her interests in looking at teacher training and shortages, in regard to QELAP.

16:28:20 Sen. McClafferty asked the committee if there were any changes that they wanted to make to the QELAP. No committee member responded.

16:28:22 Rep. Reksten asked to see how the MSU program fits into the whole picture. Rep. Reksten continued by stating that she was interested in seeing how teachers are being trained. Rep. Reksten continued by asking if teachers are being taught about the changes they are being asked to make.

16:30:28 Sen. McClafferty stated that she believes health insurance for educators has a lot to do with recruitment and retention. She continued by stating her interest in continuing the conversation surrounding LC 2080 and healthcare benefits for teachers.

16:31:04 Mr. McCracken suggested reaching out to the budget office in attempts to continue an ongoing conversation surrounding educator healthcare.

16:31:43 Sen. Tempel commented on the LC 2080 and incoming teachers' interests in the dollar amount rather than the benefits. Sen. Tempel suggested the committee decide whether recruitment or retention is more important since they each have different monetary solutions.

16:32:50 Sen. McClafferty asked if there's a way to see if the increased starting wages influenced teacher recruitment and retention.

16:33:05 Sen. Tempel responded by stating that every school in his district started with a teacher deficit.

16:33:30 Rep. Novak requested that the committee get data from the rural schools and their educators' pay and benefits status. Rep. Novak stated her curiosity in districts who don't offer benefits.

16:35:24 Rep. Anderson stated that getting overview of teaching training programs will be important for the committee.

16:37:00 Rep. Funk stated that schools felt as though they had no wiggle room in their curriculum. Rep. Funk suggested figuring out ways to work on school curriculum. Rep. Funk continued by stating that larger school districts are not going to want the same solutions that smaller school districts need and vice versa,

16:39:16 Sen. McClafferty stated that there are several members who are working on healthcare benefits to find solutions for the cost of insurance that some districts are facing.

16:40:07 Rep. Hill stated his agreement with Rep. Novak and Rep. Funk. Rep. Hill suggested looking into different programs that offer benefits at varying points of employment. Rep. Hill continued by stating his interest in keeping transformational learning on the agenda.

16:41:28 Sen. McClafferty suggested moving forward with the data on 3–4-year-olds enrolled in public schools.

16:41:44 Sen. O'Brien asked if the committee could call the topic "kindergarten readiness" and include the data collected on 3–4-year-olds.

16:42:47 Rep. Novak asked if the committee could get data on 3–4-year-olds who are served by the school district under an IEP.

16:43:38 Rep. Funk stated her interest in keeping the topic name "3-4-year-olds."

16:44:23 Sen. O'Brien responded to Rep. Funk by clarifying the topic of "kindergarten readiness."

16:45:10 Rep. Novak stated her interest in Sara Tempel's public comment and the co-op boundary service issue.

16:45:46 Sen. Tempel responded to Rep. Novak by stating that the issue that Ms. Tempel was dealing with was not new.

16:46:57 Sen. McClafferty commented on the idea to submit plans to the USDA for P-EBT. Sen. McClafferty asked how the committee could submit their plans to continue the free/reduced lunch program.

16:48:18 Mr. McCracken responded to Sen. McClafferty by commenting on the partnerships responsible for school-food access.

16:48:52 Sen. McClafferty asked if the OPI and DPHHS could return to update the committee on the status of school-food funding.

16:48:59 Rep. Reksten asked the committee if they could modify the existing legislation and ask for more accountability for those participating in these programs.

16:50:11 Rep. Anderson voiced his agreement with Rep. Reksten.

16:51:55 Rep. Funk asked Sen. Tempel if he would like to gather a group of producers to share with the committee their thoughts on sharing their products locally rather than shipping them away.

16:52:24 Sen. Tempel responded to Rep. Funk by stating that Northern Montana College has offered a tour where they offered a meal that was produced totally by local products. Sen. Tempel offered to setup a date for the committee to visit.

16:53:10 Mr. McCracken discussed a meeting with the Board of Regents on May 18th and 19th that the committee could participate in if they were interested. Mr. McCracken asked if they could have a meeting in May for those purposes, as well as one in June to proceed with the agenda on the work plan.

16:55:13 Sen. McClafferty voiced her agreement with Mr. McCracken's idea.

16:56:21 Rep. Novak stated her enjoyment of having the students come in with the robots.

16:56:49 Rep. Hill stated his ideas for a meeting in Havre, MT.

16:57:22 Mr. McCracken stated that Chapter 58 is currently active, which contains the teacher preparation standards.

## **ADJOURNMENT**

Adjournment: 16:58:58