



PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## EDUCATION INTERIM COMMITTEE

### 67th Montana Legislature

#### SENATE MEMBERS

Edith (Edie) McClafferty  
Shannon O'Brien  
Dan Salomom  
Russel (Russ) Tempel

#### HOUSE MEMBERS

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

#### COMMITTEE STAFF

Pad McCracken - Research Analyst  
Bri Nordhagen - Secretary  
Laura Sankey - Attorney

# MINUTES LOG

July 14, 2021

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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. Edie (Edie) McClafferty, Chair  
Rep. Fred Anderson, Vice Chair  
Rep. Moffie Funk  
Rep. Ed Hill  
Rep. Sara Novak  
Sen. Shannon O'Brien  
Rep. Linda Reksten  
Sen. Dan Salomon  
Sen. Russell (Russ) Tempel

#### **MEMBERS EXCUSED**

Rep. Tyson Running Wolf

**MONTANA LEGISLATIVE SERVICES DIVISION STAFF:** SUSAN BYORTH FOX, EXECUTIVE DIRECTOR • SONJA NOWAKOWSKI, DIRECTOR, OFFICE OF RESEARCH AND POLICY ANALYSIS • TODD EVERTS, DIRECTOR, LEGAL SERVICES OFFICE • DALE GOW, CIO, OFFICE OF LEGISLATIVE INFORMATION SERVICES • JOE KOLMAN, DIRECTOR, LEGISLATIVE ENVIRONMENTAL POLICY OFFICE • ANGIE CARTER, FINANCIAL SERVICES MANAGER

## **STAFF PRESENT**

Pad McCracken, Research Analyst  
Bri Nordhagen, Secretary  
Laura Sankey, Attorney

## **AGENDA (Attachment 1)**

## **VISITOR'S LIST (Attachment 2)**

## **CALL TO ORDER/ROLL CALL**

09:32:26 Chair McClafferty called the Education Interim Committee to order; the committee secretary took the roll.

## **Committee Administration**

09:41:45 Pad McCracken, Research Analyst for the Legislative Services Division (LSD), began his overview of committee staff compensation and expense reimbursement, as well as the "Rules, Procedures, and Guidelines for Interim Committees" handout. **(Exhibit 1)**

## **Questions and discussion from the committee**

09:58:10 Rep. Funk asked Mr. McCracken if he had any other interim committees and if the interim report was on the website under the correct year.  
10:00:10 Sen. McClafferty asked about proxy votes, and whether they should be allowed.  
10:00:25 The committee discussed proxy votes within other interim committees\*\*\*

## **Motion**

10:01:27 Sen. McClafferty made a motion the Education Interim Committee accept a 3/4<sup>th</sup>'s vote for bills, to accept proxies, and to accept the rules.

## **Vote**

10:01:46 The motion for the Education Interim Committee to accept a 3/4ths vote, proxies, and to adopt the rules passed unanimously on a voice vote.

## **Committee Administration (continued)**

10:02:07 Sen. McClafferty continued with the election of committee presiding officers.

## **Motion**

10:02:13 Sen. Salomon nominated Sen. McClafferty as Chair of the Education Interim Committee.

## **Vote**

10:02:52 The motion to nominate Sen. McClafferty as Chair of the Education Interim Committee passed unanimously on a voice vote.

## **Motion**

10:03:12 Rep. Funk nominated Rep. Anderson to be Vice Chair of the Education Interim Committee.

### Vote

10:03:38 The motion to nominate Rep. Anderson as Vice Chair of the Education Interim Committee passed unanimously on a voice vote.

### Committee Overview

10:04:10 Mr. McCracken began his review of the "Education and the Interim- Committee Background" and the "ORPA Outcome of Legislation Recommended by the 2019-2020 Education Interim Committee" handouts. [\(Exhibit 2\)](#) [\(Exhibit 3\)](#)

### Committee Discussion

10:10:17 The committee discussed the handouts\*\*\*

### Committee Overview (continued)

10:12:25 Mr. McCracken continued his review with the "Montana Constitution – Article X --- Education and Public Lands" handout. [\(Exhibit 4\)](#)

10:17:09 Laura Sankey-Keip, staff attorney (LSD), continued the review starting with sections 8 and 9 of the handout. (See exhibit 4)

10:19:33 Mr. McCracken reviewed the "Constitutional Powers and Duties for K-12 Education in Montana" handout. [\(Exhibit 5\)](#)

### Questions and discussion from the committee

10:23:56 The committee discussed the Article X handout\*\*\*

### Committee Overview (continued)

10:30:24 Mr. McCracken reviewed the "Draft Work Plan for the 2021-2022 Interim" handout. [\(Exhibit 6\)](#)

### Questions and discussion from the committee

10:35:58 Chair McClafferty asked Mr. McCracken about the group of reports and if there could be a presentation instead of just mailed reports.

### Committee Overview (continued)

10:38:23 Ms. Sankey-Keip began her review of the "Overview of EDIC's Administrative Rule Review Authority", the "Administrative Rule Review - July 2021, and the "Administrative Rule Review - July 2021 - Addendum" handouts. [\(Exhibit 7\)](#) [\(Exhibit 8\)](#) [\(Exhibit 9\)](#)

### Montana State Library update and input

10:50:55 Jennie Stapp, State Librarian, began her overview of the updates regarding the work plan.

### Questions and discussion from the committee

10:58:31 Rep. Reskten asked Ms. Stapp if there was funding through ARPA that will assist libraries with numerous projects.

11:00:40 Rep. Novak stated the importance of the broadband connections being correct for 911 calls to get to the correct counties.

### **Committee Overview (continued)**

11:01:50 Mr. McCracken continued the work plan discussion and reviewed the "Possible topics for 2021-2022 Education Interim Committee" and the "Draft Outline of Work Plan and Meeting dates proposed" handouts. **(Exhibit 10) (Exhibit 11)**

### **Governors' Office update and input**

11:05:08 Dylan Klapmeier, Education and Workforce Policy Advisor to Governor Gianforte, gave his overview of the Governor's Office work.

### **Questions from the committee**

11:11:02 Sen. Salomon asked Mr. Klapmeier if he had ideas that could be thrown out to get businesses and schools working together and asked if there was any way the committee could get the different departments to get structure and get on the same plan to start the process.

11:14:25 Sen. O'Brien asked Mr. Klapmeier about early care and education and whether he would be the point person for that or someone else.

11:15:22 Rep. Funk asked Mr. Klapmeier about training and connection to the schools and how they can get this to schools outside of urban areas and expand the programs.

11:18:32 Chair McClafferty asked Mr. Klapmeier about emergency service technicians and asked if EMS (etc.) training had come up in conversations to rural communities.

11:20:34 Rep. Hill asked Mr. Klapmeier about combining schools and businesses and training in relative areas.

11:23:10 Rep. Reksten asked Mr. Klapmeier what they are doing to address the issue of lower pay in Montana.

### **Office of the Commissioner of Higher Education (OCHE)**

11:25:48 Clayton Christian, Commissioner of Higher Education, gave an update on the OCHE/Board of Regents update and activities, and introduced Tyler Trevor, Dr. Brock Tessman and Helen Thigpen.

11:30:56 Helen Thigpen, Executive Director for Government Relations and Public Affairs gave her overview of the department and reviewed the "MUS Strategic Plan" handout. **(Exhibit 12)**

### **Questions from the committee**

11:35:15 Rep. Reksten asked Ms. Thigpen if the portal was the same as the MCIS and if this portal is more robust as far as helping kids identify interest/skills/abilities.

11:37:25 Sen. Salomon asked Commissioner Christian if the timing had been thrown off over the last year due to the pandemic.

### **Office of the Commissioner of Higher Education (OCHE) (continued)**

11:40:16 Ms. Thigpen continued her presentation on student access and reviewed the "2023 Biennial Budget" handout. **(Exhibit 13)**

### **Questions from the committee**

11:49:44 Rep. Funk asked Ms. Thigpen if she had any figures of the pandemic regarding loss of students over the past year.

11:53:46 Sen. Salomon asked Commissioner Christian if the outlook of the jobs students were looking at have changed now that things are remote/in person. Sen. Salomon asked Commissioner Christian how that affected the life of a college student and life after that.

- 11:57:07 Rep. Hill asked Commissioner Christian if instruction is recorded for review at the student's convenience.
- 11:58:35 Rep. Reksten asked Commissioner Christian what kind of changes had to occur with the faculty and dealing with that change.

**LUNCH** (Reconvened at 13:12:40)

12:01:14

**Board of Public Education (BPE)**

- 13:15:39 McCall Flynn, Executive Director, gave an overview of BPE roles and duties, and introduced BPE and CSPAC members. Ms. Flynn reviewed the "Roles and Responsibilities – Board of Public Education Authority" handout. **(Exhibit 14)**

**Questions from the committee**

- 13:25:36 Sen. Salomon asked Ms. Flynn about the curriculum review, if there had been a plan regarding how it would be paid for and if the committee could get that plan as soon as possible.

**Office of Public Instruction**

- 13:28:03 Elsie Arntzen, State Superintendent of Public Instruction, began her review of introductions and updates on major initiatives/topics of interest.
- 13:30:05 Dr. Julie Murgel, Senior Manager at the Department, gave an overview of her division.

**Questions from the committee**

- 13:43:50 Rep. Funk asked Dr. Murgel what the timeline was and if it addressed the equity issue/maintenance state plan. Rep. Funk asked Dr. Murgel if she could address the timeline for the districts to get their plans in, specifically the smaller districts that don't have the staff.
- 13:48:23 Sen. Salomon asked Dr. Murgel if there were still surprises coming.
- 13:51:11 Sen. Tempel asked if any of the funds were available for recruitment/retainment as far as hiring teachers went.

**Office of Public Instruction (continued)**

- 13:53:01 Crystal Andrews, Educator License Director (OPI), began her review of the division and presented the "OPI Recruitment and Retention" PowerPoint. **(Exhibit 15)**

**Questions from the committee**

- 14:06:49 Rep. Reksten asked Ms. Andrews if COVID was the only reason for the increasing number of people missing from education and are they following up with people as to why they are leaving. Rep. Reksten asked Ms. Andrews if OPI was crafting a marketing plan to create attraction to the education field in Montana.
- 14:10:19 Rep. Funk asked if 47% of applicants were from out of state, if that was a higher number than usual, and if she has any idea how many would need provisional licenses.

**Office of Public Instruction (continued)**

- 14:15:48 Ashley McGrath, State Assessment Director (OPI), began her review of the division and presented the "OPI Assessment Update" PowerPoint. **(Exhibit 16)**

### Questions from the committee

- 14:32:21 Rep. Reksten asked Ms. McGrath if she had done any matched students prior to COVID and took the test during COVID to see if there's been any loss of ground. Rep. Reksten asked Ms. McGrath if school districts were being encouraged to look at losses in learning from students due to whatever reason, and to put a plan in place in the school plan to address those issues.
- 14:38:21 Rep. Hill asked Ms. McGrath about the "F" and "S" on the 2020 slide.
- 14:39:36 Chair McClafferty asked Ms. McGrath if the schools that were nonproficient would be monitored.

### **Office of Public Instruction (continued)**

- 14:42:09 Superintendent Arntzen introduced CFO Dave Williams and reviewed the "ESSER I (CARES Act)" handout. [\(Exhibit 17\)](#)

### Questions from the committee

- 14:51:57 Rep. Reksten asked Superintendent Arntzen about fingerprinting and if that system was working.
- 14:54:30 Sen. Salomon asked Superintendent Arntzen about the data modernization project and wanting districts to speak the same language.

### **Progress report from OPI and DPHHS on funding for Comprehensive School and Community Treatment (CSCT) per HB 671**

- 14:57:38 Sharyl Allen, Deputy Superintendent (OPI) began her overview of the division and the "Comprehensive School and Community Treatment (CSCT)..." handout. [\(Exhibit 18\)](#)
- 15:04:00 Jay Phillips, Senior Manager for the Centralized Service Division (OPI), began his review of the division.

### Questions from the committee

- 15:08:22 Rep. Funk asked Mr. Phillips if the process that DPHHS must figure out is just the growing pains and once things are in place it will be a smoother and easier system.
- 15:14:59 Sen. Salomon asked Ms. Allen about funding in-kind matches.
- 15:18:29 Rep. Bedey asked Ms. Allen about the \$17 dollar component community rate, about DPHHS having access to Medicaid, and asked what other states adopted for administrative costs.
- 15:27:04 Rep. Novak asked if a school district chose not to submit to Medicaid, they could use ESSER funds.
- 15:31:41 Sen. Salomon asked who gets 100% of the funds.

### Public comment on CSCT

- 15:39:05 Mike Chavers, CEO Yellowstone Boys and Girls Ranch, BAM
- 15:40:58 Denise Williams, Executive Director for the Montana Association of School Business Officials
- 15:42:09 Diane Fladmo, MFPE
- 15:44:52 Dianne Burke, Montana Quality Education Coalition
- 15:46:08 Beth Breneman, Disability Rights Montana

### **Stakeholder and public comment on work plan**

15:49:37 Brian Gootkin, Director of the Department of Corrections, began his overview of the "HJ 47" and the "Montana Department of Corrections: Education Facts" handouts. [\(Exhibit 19\)](#) [\(Exhibit 20\)](#)

15:53:29 Rep. Kerri Seekins-Crowe

16:00:59 Henry Kriegel, American for Prosperity Montana

16:04:20 Beth Brenneman, Disability Rights Montana

16:05:41 Diane Fladmo, Director of Public Policy, MFPE

#### **Work Plan Discussion**

16:07:14 Mr. McCracken reviewed the work plan and the committee discussed\*\*\*

#### **Public comment\* on any other topic within the committee's jurisdiction**

16:46:41 None

#### **ADJOURNMENT**

16:48:59 Chair McClafferty adjourned the Education Interim Committee at 4:48 p.m.