



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
Bethany McDowell - Secretary
Laura Sankey Keip - Attorney

MINUTES LOG

June 14, 2022
Capitol Room 137/Zoom
Helena, Montana

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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)
Sen. Daniel Salomon (R)
Sen. Russel (Russ) Tempel (R)

MEMBERS EXCUSED:

Rep. Tyson Running Wolf (D)

MEMBERS ABSENT:

STAFF PRESENT:

Pad McCracken, Research Analyst
Bethany McDowell, Secretary
Laura Sankey Keip, Attorney

AGENDA ([Attachment 1](#))

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

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:30:24 Sen. Edith (Edie) McClafferty-D called the meeting to order at 8:30 AM. The committee secretary took roll.

OPENING REMARKS

08:31:39 Pad McCracken, Research Analyst for EDIC, went over the agenda with the committee. (See attachment 1)

ADMINISTRATIVE RULE REVIEW - Laura Sankey Keip, Staff Attorney for EDIC

08:33:43 Ms. Sankey Keip ([Exhibit 1](#))

AGENCY REQUESTED LEGISLATION REFRESHER

08:35:36 Mr. McCracken presented the Agency Bill request memo to the committee. ([Exhibit 2](#))

Committee Questions for Mr. McCracken

08:40:13 Sen. O'Brien asked Mr. McCracken for clarification on committee approval for agency requested bills.

Agency Requested Legislation from Montana State Library Update

08:41:14 Jenny Stapp, State Librarian, gave an update on the status of bills that her agency requested. ([Exhibit 3](#))

Committee Questions for Panel/Presenter

08:45:05 Rep. Reksten asked Ms. Stapp about funding for the requested legislation.

UPDATE ON LEAD IN SCHOOL WATER - Greg Montgomery, DEQ; BJ Biskupiak, DPHHS;

Jay Phillips, OPI

08:46:53 Mr. Montgomery ([Exhibit 4](#))

Committee Questions for Mr. Montgomery

08:58:59 Sen. McClafferty asked about schools that do not complete samples for testing lead.

09:00:29 Rep. Funk asked about informing schools about certain grants.

09:02:14 Rep. Novak asked about a list of schools who have not tested. The committee requested the list from Mr. Montgomery.

OFFICE OF PUBLIC INSTRUCTION

09:02:56 Mr. Phillips ([Exhibit 5](#))

Committee Questions for Mr. Phillips

- 09:14:36 Sen. Salomon asked about the budget dates in his document. (See exhibit 5)
- 09:15:35 Sen. Salomon asked local control over funds and whether they need OPI approval.
- 09:16:06 Rep. Funk asked about OPI's work with ARPA.
- 09:18:29 Rep. Funk asked about funds that can be used to streamline the process of testing for lead.
- 09:19:21 Rep. Novak asked about ESSER funds for mental health in students.
- 09:21:00 Rep. Novak stated her understanding that money was set aside specifically for mental health.

MONTANA ART COUNCIL UPDATE - Tatiana Gant, Executive Director

09:22:50 Ms. Gant

Committee Questions for Ms. Gant

- 09:30:25 Rep. Funk asked for a list of details about the grants from the Montana Arts Council. Rep. Funk also asked about funding.

AGENCY REPORTS

- 09:38:42 Mr. McCracken went over the reports from agencies for the September meeting. ([Exhibit 6](#))

Committee Questions for Mr. McCracken

- 09:40:00 Rep. Funk asked about the date that the final reports are due.

Recess

9:49:21 Reconvened at 10:00:39

OFFICE OF PUBLIC INSTRUCTION

10:01:25 Superintendent Elise Arntzen

PANEL: Recent Montana Teachers of the Year (TOY) Instructions and Input - Bill Stockton, 2022 TOY, Science Teacher at Arlee High School; Kristi Borge, 2021 TOY, Multi-Grade Elementary at Polaris School

10:04:34 Mr. Stockton

Committee Questions for the Panel

10:09:44 Sen. Salomon asked Mr. Stockton about 4-day weeks.

10:11:24 Ms. Borge

Committee Questions for the Panel

- 10:22:37 Sen. Salomon asked about students achieving standard proficiency levels.
- 10:28:39 Sen. Salomon asked the panel about their approach to helping students who have fallen behind.
- 10:33:36 Sen. O'Brien asked the panelists to share their thoughts on some of the topics that were discussed during the June 6, 2022 meeting.

- 10:45:03 Rep. Novak commented on the challenges of meeting mental health needs for students and parents.
- 10:47:55 Rep. Reksten commented on county superintendents and potential support that they can give. She also commented on discussions from the June 6, 2022 meeting.

OFFICE OF PUBLIC INSTRUCTION

- 10:52:50 Supt. Arntzen
- 11:02:46 Paul Taylor, Budget Analyst for OPI, presented BASE Aid Estimate for FY 24-25 and a timeline for collecting the numbers. ([Exhibit 7](#))

Committee Questions for Mr. Taylor

- 11:10:53 Rep. Novak asked about trends in spring enrollment counts.
- 11:12:43 Sen. Salomon asked about the numbers on the document. (See exhibit 7)
- 11:16:04 Crystal Andrews, OPI, discussed the new educator licensing system with the committee. ([Exhibit 8](#) - The presentation can be viewed in the video recording at [11:15:56.](#))

Committee Questions for Ms. Andrews

- 11:24:29 Sen. Tempel asked about the number of applications received by OPI.
- 11:28:00 Chris Sinrud, OPI, discussed report card access updates from OPI.
- 11:30:13 Chris Noel, OPI, continued the presentation on report card access updates. (The presentation can be viewed in the video recording at [11:29:03.](#))

Committee Questions for Mr. Sinrud and Ms. Noel

- 11:33:30 Sen. McClafferty asked how to compare school reports in the updated system.

OPI UPDATES CONTINUED

- 11:35:45 Ashley McGrath, OPI, gave an update on the Montana Alternative Student Testing (MAST) pilot program. ([Exhibit 9](#))

Committee Questions for Ms. McGrath

- 11:51:48 Rep. Reksten asked about the amount of time required to take MAST tests.
- 11:55:25 Rep. Reksten asked about timing for MAST tests.
- 11:58:16 Rep. Funk commented on teachers being a part of the testing plans.
- 12:01:25 Rep. Hill asked about an empathy interview and asked Ms. McGrath to explain what it is.

OPI UPDATES CONTINUED

- 12:04:26 Carrie Gopher, American Indian Achievement Director at OPI, gave an update on HB 644. ([Exhibit 10](#))
- 12:10:02 Dr. Julie Murgel, Chief Program Officer at OPI, gave an update on Chapters 55, 57, and 58. ([Exhibit 11](#))

Committee Questions for Dr. Murgel

- 12:24:40 Rep. Reksten asked about funding related to the Ch. 55 Negotiated Rulemaking Committee.
- 12:30:57 Rep. Reksten commented on the Ch. 55 Committee's decision on eliminating programs.

- 12:32:03 Rep. Novak commented on the budget challenges for additional services related to special education.
- 12:33:58 Rep. Funk asked for clarification on social and emotional learning standards. She followed by asking how the negotiated rulemaking committee members are appointed.

LUNCH

- 12:36:14 Reconvened at 12:49:12

RESIDENT STUDENT ACCESS UPDATE AND PORTAL DEMONSTRATION - Scott Lemmon, MUS Director of Admissions and Enrollment Strategy

- 12:49:43 Mr. Lemmon (The web portal walkthrough can be viewed in the video recording at 12:50:18)

Committee Questions for Mr. Lemmon

- 12:56:05 Rep. Funk asked about the differences between career aptitude tests and the website portal.
- 13:01:57 Rep. Funk asked about information on the website that is similar to information found in the Montana Career Information System (MCIS).
- 13:04:30 Rep. Reksten asked about a tool on the website that helps high school students assess their strengths.
- 13:07:11 Sen. Tempel asked about dual enrolled students' ability to access the portal.
- 13:08:26 Sen. Salomon asked about all higher education opportunities showcased on the website.
- 13:11:00 Rep. Hill asked about counseling on the vitality of certain industries outlined in the portal.

WORK SESSION AND DIRECTIONS TO STAFF

- 13:14:38 Mr. McCracken asked the committee for input on the agency reports memo. (See exhibit 6)
- 13:14:58 Sen. McClafferty asked for a presentation on transformational learning programs and grown your own educator programs.
- 13:16:20 Rep. Anderson asked about a report on the re-employment of retired teachers.
- 13:16:25 Sen. O'Brien asked for more information on the county interdisciplinary child information and school safety team.
- 13:16:43 Rep. Reksten asked to hear more about the CTE program.
- 13:17:11 Rep. Novak asked for more information on at-risk students.
- 13:17:30 Sen. O'Brien asked to hear more on American Indian students on the reservations.
- 13:18:35 Rep. Funk asked for a presentation on the grow your own programs.
- 13:19:04 Mr. McCracken introduced the preliminary bill drafts that the committee will discuss. (See exhibits 12 and 13)
- 13:21:55 Ms. Sankey Keip discussed PD 12. ([Exhibit 12](#))
- 13:22:47 Sen. Salomon asked for clarification on the draft bill.
- 13:23:15 Rep. Novak asked for additional clarification on the draft bill.
- 13:24:15 Rep. Reksten commented on passing a new allocation and the related costs.
- 13:25:21 Rep. Funk commented on the challenges associated with passing the bill.
- 13:27:02 Rep. Hill stated his interpretation of the bill.

- 13:29:14 Sen. O'Brien stated the problem that the bill addresses.
- 13:30:08 Rep. Reksten asked about school districts using their budget to fund school meal co-pays.
- 13:30:56 Rep. Funk commented on renaming the program so that it doesn't imply a new entitlement.
- 13:32:48 Sen. McClafferty commented on student meal co-pays. She asked Mr. McCracken about individual legislators sponsoring a bill.

COMMITTEE ACTION

Motion

- 13:34:12 Rep. Funk moved for the committee to bring PD 12 into further consideration.

Public Comment on PD 12

- 13:34:31 None

Vote:

- 13:34:52 Failed 5 - 4 by roll call vote with Rep. Funk, Rep. Novak, Sen. McClafferty, Sen. O'Brien, voting yes.

WORK SESSION CONTINUED

- 13:36:51 Ms. Sankey Keip discussed PD 13. ([Exhibit 13](#))
- 13:39:07 Sen. Salomon asked Ms. Sankey Keip about insurance regarding passenger vehicles.
- 13:39:42 Lance Melton, MTSBA, responded to Sen. Salomon's question.
- 13:41:18 Rep. Hill commented on the language in the bill draft.
- 13:41:55 Rep. Reksten asked for clarifying language on the type of vehicle outlined in the draft bill. She followed by asking about ownership and insurance regarding the vehicle.

Public Comment on PD 13

- 13:45:04 Lance Melton, MTSBA
- 13:47:45 Paul Taylor, OPI

WORK SESSION CONTINUED

- 13:50:36 Rep. Hill asked Mr. Melton about the NHTSA rating for vehicles used for student transportation.
- 13:53:13 Sen. McClafferty stated that the committee will move forward working on this bill.
- 13:54:09
- 13:58:21 Ms. Sankey Keip discussed PD 14. ([Exhibit 14](#))
- 14:00:14 Sen. Salomon asked about funding for the programs listed in the draft bill. Mr. Phillips stood to respond to Sen. Salomon's question and presented a document discussing educator shortages and the Quality Educator Loan Assistance Program (QELAP). ([Exhibit 15](#))
- 14:02:55 Rep. Reksten asked about the application of money from QELAP.
- 14:03:25 Rep. Novak asked whether the QELAP is presented as an incentive to educators.
- 14:05:15 Sen. Salomon commented on the intent of the bill.

- 14:05:57 Rep. Novak asked Ms. Sankey Keip about the appropriation amount of the funds.
- 14:08:27 Sen. Tempel commented on schools that qualified for QELAP under current legislation.
- 14:08:56 Rep. Hill commented on the necessity of bill draft changes.
- 14:09:49 Sen. Salomon asked Ms. Sankey Keip about a cap on the rates in the QELAP.
- 14:11:27 Rep. Reksten asked Mr. Phillips about funding for QELAP. She followed by commenting on retired teachers who are rehired to teach.

Public Comment on PD 14

- 14:13:40 Jay Phillips, OPI
- 14:14:03 Lance Melton, MTSBA
- 14:18:29 McCall Flynn, BPE
- 14:19:57 Diane Fladmill, MFPE

WORK SESSION CONTINUED

- 14:21:10 Sen. Salomon stated his preference on moving forward with the bill.
- 14:21:44 Work Session paused.

K-12 EMPLOYEE HEALTH BENEFITS - Dave Iseminger, Program Director for Public Employees Benefits Board and School Employees Benefits Board, Washington State Health Care Authority

- 14:22:14 Mr. McCracken ([Exhibit 16](#))
- 14:33:17 Mr. Iseminger

Committee Questions for Mr. Iseminger

- 14:44:39 Rep. Funk asked about gathering different people to work together on the legislation.
- 14:49:33 Rep. Funk asked about Mr. Iseminger's ratio of public employees to school districts.
- 14:52:34 Mr. McCracken asked about the dynamic between city and county employees in Washington.

PANEL: Sarah Piper, Montana Federation of Public Employees (MFPE); Lance Melton, MTSBA; Amy Jenks, DOA

- 14:58:10 Ms. Piper ([Exhibit 17](#))
- 15:11:53 Mr. Melton
- 15:28:28 Ms. Jenks

Committee Questions for the Panel

- 15:28:59 Rep. Hill asked Ms. Piper about discrepancies related to costs for premium plans.
- 15:31:28 Sen. Salomon asked about local control and employee health care benefits.
- 15:34:58 Sen. Salomon asked Ms. Jenks about districts joining the state pool. He followed by asking how to get all the districts into the pool.
- 15:40:06 Sen. Salomon asked about education funding earmarks.
- 15:48:12 Mr. McCracken discussed SB 69. ([Exhibit 18](#))

Recess

15:49:31 Reconvened at 16:08:20

HJ 47 STUDY OF EDUCATIONAL PROGRAMS FOR THE INCARCERATED

Board of Pardons and Parole – Chairman Steve Hurd

16:09:49 Mr. Hurd

Committee Questions for Mr. Hurd

16:11:23 Rep. Reksten asked about the current recidivism rate.

16:13:54 Rep. Reksten asked about successful innovative practices.

16:16:37 Rep. Hill asked about encouraging education in the prisons.

PANEL: Department of Corrections – Scott Eychner, Rehabilitation and Programs Chief Executive; Gayle Butler, Montana Correctional Enterprises Administrator

16:21:34 Mr. Eychner ([Exhibit 19](#))

16:23:21 Ms. Butler

Committee Questions for the Panel

16:32:44 Rep. Anderson asked about vocational training at the Montana Women's Prison (MWP).

16:34:19 Rep. Anderson asked about transitioning tools for individuals who are pre-released on parole.

16:36:33 Rep. Reksten asked about classrooms at MWP.

16:40:05 Rep. Funk asked about access to web portals like Apply Montana and MCIS.

Shelby Crossroads Correctional Center – Warden Pete Bludworth

16:41:54 Mr. Bludworth

Committee Questions for Mr. Bludworth

16:42:06 Rep. Funk asked about the Crossroads Center HiSet program.

16:43:15 Rep. Funk asked about seeing the Correctional Center's pass rate for the HiSET. She also asked about certified teachers at the facility.

16:44:25 Rep. Funk asked about addressing the issues with the HiSet program.

16:48:46 Sen. McClafferty asked about the HiSET being offered at the facility.

16:49:38 Rep. Hill asked about vocational training at the facility.

Public Comment on HJ 47 Study

16:52:04 Kerri Crowe, Representative

Committee Discussion on HJ 47

16:55:00 Mr. McCracken

WORK SESSION CONTINUED

16:55:44 Mr. McCracken discussed PD 30. ([Exhibit 20](#))

16:56:47 Mr. McCracken discussed PD 31. ([Exhibit 21](#))

Public Comment on PD 30 and PD 31

16:59:57 Paul Taylor, OPI

17:00:45 Lance Melton, MTSBA

WORK SESSION CONTINUED

17:01:35 Sen. McClafferty stated the committee's preference for moving forward with PD 30 and PD 31.
17:02:04 Mr. McCracken discussed PD 32. ([Exhibit 22](#))
17:04:52 Sen. Tempel commented on PD 32.
17:05:12 Rep. Hill asked Mr. McCracken about changing the language in PD 32. (See exhibit 22)

Public Comment on PD 32

17:06:20 Kelsey Brown, Cut Bank, Cut Bank Schools

WORK SESSION CONTINUED

17:09:06 Rep. Funk commented on support from the schools.
17:09:52 Sen. McClafferty stated that Mr. McCracken will draft PD 32 to present at the September 2022 meeting.
17:10:08 Mr. McCracken discussed PD 33. ([Exhibit 23](#))
17:11:03 Rep. Novak asked for clarification on grandfather clauses related to the bill.
17:12:47 Rep. Novak commented on a transition bill and requested an immediately effective date for the bill.
17:13:34 Sen. McClafferty asked for further clarification.
17:14:02 Sen. Tempel commented on creating legislation for school systems operating outside of their districts.

Public Comment on PD 33

17:15:02 Mike Talia, Church, Harris, Johnson, and Williams Law Firm, Helena
17:16:43 Sharyl Allen, OPI
17:18:05 Paul Taylor, OPI
17:19:35 Lance Melton, MTSBA

WORK SESSION CONTINUED

17:25:35 Sen. McClafferty asked the committee about postponing the bill.
17:25:58 Rep. Novak commented on ensuring appropriate entities for students receiving services.
17:27:03 Mr. McCracken discussed PD 35 and PD 36. ([Exhibit 24](#) and [Exhibit 25](#))
17:34:45 Rep. Funk and Rep. Reksten commented on the language in PD 35. (See exhibit 24)
17:36:18 Rep. Reksten asked about defining "strategic plan" within PDs 35 and 36.
17:38:36 Rep. Hill commented on PD 35. Rep. Hill asked Mr. McCracken about the educational intentions behind the draft bills.
17:40:24 Rep. Funk asked about the bills' intention for public schools.

Public Comment on PD 35 and PD 36

17:41:40 Sharyl Allen, OPI
17:47:40 Lance Melton, MTSBA
17:55:13 McCall Flynn, BPE

17:58:13 Krystal Smith, OPI
18:01:30 Sen. McClafferty asked for volunteers to work with Mr. McCracken on draft legislation.

Public Comment on any Topic Within the Committee's Jurisdiction

18:02:45 None

REVIEW SEPTEMBER AGENDA TOPICS

18:02:55 Mr. McCracken ([Exhibit 26](#))
18:03:14 Sen. O'Brien asked about a joint meeting with the Education Interim Budget Committee.
18:06:08 Sen. McClafferty commented on writing a letter to ARPA regarding school-funded programs.
18:06:42 Rep. Funk commented on a letter that WPIC wrote to ARPA regarding lead in school water.

COMMITTEE ACTION

Motion

18:08:09 Rep. Funk moved for Mr. McCracken to draft a letter to ARPA to request a funded program that addresses lead in school water.

Discussion on the Motion

18:08:41 Rep. Reksten asked about ESSER funding that could be used for this request.
18:09:14 Rep. Funk replied to Rep. Reksten's question.
18:10:13 Rep. Reksten commented on ESSER funds. She asked about designating ESSER funds.
18:11:48 Ms. Allen, Deputy Superintendent at OPI, responded to Rep. Reksten.
18:12:28 Rep. Novak commented on ESSER funds in rural districts.

Vote

18:13:54 Rep. Funk's motion carried unanimously with a voice vote with members present.

18:14:17 Sen. McClafferty asked Mr. McCracken about bill drafts from the Montana State Library.

ADJOURNMENT

18:15:51 Sen. McClafferty adjourned the meeting at 18:15:51. (6:15)