



EDUCATION INTERIM COMMITTEE 68th 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 James - Secretary
Laura Sankey Keip - Attorney

MINUTES LOG

September 12, 2022
Room 317 / 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:

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:

Sen. Edith McClafferty, Chair (D)
Rep. Tyson Running Wolf (D)

MEMBERS ABSENT:

STAFF PRESENT:

Pad McCracken, Research
Analyst
Bethany McDowell James,
Secretary

Laura Sankey Keip, Attorney

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:35:00 Rep. Fred Anderson called the meeting to order at 8:35 AM. The committee secretary took roll.

OPENING REMARKS

08:36:21 Pad McCracken, LSD Research Analyst, reviewed the meeting agenda. (See attachment 1)

ADMINISTRATIVE RULE REVIEW - Laura Sankey Keip, LSD Attorney

08:38:26 Ms. Sankey Keip ([Exhibit 1](#))

08:40:22 Ms. Sankey Keip reviewed a draft letter to the Board of Public Education (BPE) regarding Chapter 55 proposed accreditation standard changes. ([Exhibit 2](#))

Committee Questions/Discussion

08:44:06 Sen. O'Brien asked Ms. Sankey Keip about the delayed timing for the Chapter 55 review.

MOTION

08:45:53 Sen. O'Brien moved to postpone approval of the draft letter until the committee hears from BPE and the Office of Public Instruction (OPI). (See exhibit 2)

Committee Questions/Discussion

08:46:27 Rep. Funk commented on the rulemaking process.

08:46:47 Sen. Salomon commented on the compromise within the letter. (See exhibit 2)

08:47:43 Ms. Sankey Keip stated her intentions behind the adoption of the letter. (See exhibit 2)

BOARD OF PUBLIC EDUCATION

08:48:03 Mr. McCracken reviewed the proficiency-based provisions in the Chapter 55 changes. ([Exhibit 3](#))

Chapter 55 and Other Updates – McCall Flynn, Director, BPE

08:50:28 Ms. Flynn

Committee Questions/Discussion

08:55:27 Sen. O'Brien thanked Ms. Flynn and BPE.

Transformational Learning Programs Report (20-7-1602) – McCall Flynn, Director, BPE; Krystal Smith, Transformational Learning Opportunity Grant Program Manager, OPI

08:56:24 Ms. Flynn ([Exhibit 4](#))

08:59:32 Ms. Smith (See exhibit 4)

Committee Questions/Discussion

09:02:08 Rep. Funk asked Ms. Smith for clarification on the districts on the waitlist. (See exhibit 4)

09:03:26 Rep. Reksten asked Ms. Flynn how Transformational Learning budgets are established.

09:03:56 Ms. Smith responded to Rep. Reksten's question.

09:04:37 Rep. Reksten asked Ms. Smith about determining the distribution of the Transformational Learning grant.

09:07:53 Rep. Hill asked Ms. Smith about the grant program's life cycle in a single district.

09:10:31 Sen. O'Brien asked Ms. Smith about the potential solution behind a lottery system for the grant.

09:11:55 Rep. Funk commented on district accountability on implementing successful transformational learning methods.

09:16:54 Sen. Salomon commented on the legislative intent behind the bill that established the Transformational Learning grant.

09:17:59 Rep. Reksten asked Ms. Smith about a plan for the districts to become financially self-sustainable.

AGENCY-REQUESTED LEGISLATION FROM MONTANA STATE LIBRARY – Jennie Stapp, Librarian

09:20:41 Mr. McCracken ([Exhibit 5](#))

09:21:39 Ms. Stapp (See exhibit 5)

Committee Questions/Discussion

09:25:14 Sen. Salomon asked Ms. Stapp about self-sustaining services.

09:26:13 Rep. Anderson reviewed the proposals and their approval process.

09:26:45 Sen. Salomon asked Ms. Stapp about approval from the budget office regarding the changes in the requested legislation.

09:27:49 Rep. Novak asked Mr. McCracken for further clarification on required statutory changes.

09:28:55 Rep. Funk asked Mr. McCracken about the procedure of approval of agency bills.

MOTION

09:30:20 Sen. Salomon moved to approve Montana State Library's (MSL) requested legislation. (See exhibit 5)

VOTE

09:30:42 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf voted by proxy.

**OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION/BOARD OF REGENTS-
Helen Thigpen, Deputy Commissioner of Government Relations and Public Affairs,
OCHE; Brock Tessman, Deputy Commissioner of Academic, Research, and Student
Affairs, OCHE; Jacque Treaster, Director of Dual Enrollment and Career and Technical
Education, OCHE**

09:31:24 Ms. Thigpen

09:37:59 Ms. Treaster ([Exhibit 6](#))
09:51:52 Mr. Tessman (See exhibit 6)

Committee Questions for OCHE Panel

10:02:52 Sen. Tempel asked the panel about the funding process for students who are interested in work-based learning.
10:06:27 Rep. Funk asked a question on behalf of Sen. McClafferty regarding student career preparation in middle school.
10:08:23 Rep. Funk asked the panel about their work with labor unions.
10:11:25 Sen. Salomon asked the panel for clarification on terms used in their presentation. (See exhibit 6)

REEMPLOYMENT OF RETIRED TEACHERS REPORT (19-20-732) - Shawn Graham, Executive Director, Teachers Retirement System

10:13:34 Mr. Graham ([Exhibit 7](#))

Committee Questions/Discussion

10:19:45 Sen. Tempel asked Mr. Graham about the length of time a retired teacher is allowed to work under the provision. (See exhibit 7)
10:20:01 Rep. Reksten asked Mr. Graham about potential provisions being harmful to the Teachers' Retirement System (TRS).
10:21:38 Sen. Salomon asked Mr. Graham about the effects of teachers returning to work.

RECESS

10:24:04 Reconvened at 10:40:31

OFFICE OF PUBLIC INSTRUCTION

OPI Updates – Superintendent Elsie Arntzen, OPI

10:41:10 Supt. Arntzen ([Exhibit 8](#), [Exhibit 8.1](#), and [Exhibit 9](#))

Committee Questions/Discussion

10:56:37 Rep. Funk asked Supt. Arntzen about teleworking equipment for remote employees.
10:58:17 Rep. Funk asked Supt. Arntzen about the OPI budget for data modernization.
11:03:34 Rep. Anderson asked Supt. Arntzen about data sharing between state agencies.
11:05:19 Rep. Anderson commented on outcome data sharing.
11:06:47 Rep. Funk asked Supt. Arntzen about additional funding for OPI.
11:11:10 Rep. Novak commented on data security.
11:13:05 Rep. Novak asked Supt. Arntzen about the Hearing Conservation Program funding requests.
11:14:22 Rep. Novak asked Supt. Arntzen about private mental health agencies working with public schools.
11:16:45 Rep. Reksten asked Supt. Arntzen about funding for staff development on data modernization.
11:18:23 Rep. Reksten asked Supt. Arntzen about OPI's involvement with the Department of Health and Human Services (DPHHS) regarding mental health services.

11:21:21 Rep. Funk asked Supt. Arntzen about transitioning the Comprehensive School and Community Treatment Program (CSCT) back to DPHHS.

OPI Reports

11:25:42 Jessie Counts, OPI, reviewed the Gifted and Talented Program report. ([Exhibit 10](#))
11:29:00 Carrie Kouba, OPI, reviewed the At-Risk Students report ([Exhibit 11](#))

Committee Questions/Discussion

11:33:32 Rep. Reksten asked Ms. Kouba about gaps in mathematical education.
11:34:37 Julie Murgel, OPI, stood to answer Rep. Reksten's question.
11:36:22 Rep. Reksten asked Dr. Murgel about effective curriculums in mathematics.

OPI Reports continued

11:39:19 Carrie Gopher, OPI, reviewed the American Indian Student Achievement Data report. ([Exhibit 12](#))

Committee Questions/Discussion

11:53:09 Sen. O'Brien asked Ms. Gopher for her recommendations on solving problems related to American Indian student achievement.
11:55:45 Sen. O'Brien commented on the "fifth-year" idea.
11:56:33 Rep. Anderson commented on the percentage of students in the "novice" and "nearing proficiency" categories within the report. (See exhibit 12)

OPI Reports continued

11:56:55 Donnie Wetzel, Tribal Relations and Resiliency Director at OPI, introduced Matthew Bell, Native Language Immersion and Culture Specialist at OPI.
11:57:24 Mr. Bell reviewed the American Indian Language Preservation Program report. ([Exhibit 13](#))
12:00:26 Mr. Bell reviewed the American Indian Language Immersion Program report. ([Exhibit 14](#))
12:03:19 Ms. Counts reviewed the County Interdisciplinary Child Information and School Safety Team. ([Exhibit 15](#))

Committee Discussion on Agency-Requested Legislation with OPI

12:05:17 Rep. Anderson reviewed the agency-requested legislation from OPI. (See exhibit 8.1)
12:05:34 Mr. McCracken asked Supt. Arntzen for clarification on OPI's requested legislation. (See exhibit 8.1)
12:06:31 Rep. Funk commented on BPE funds.
12:07:00 Sen. Salomon commented on the budgeting process and necessary conversations that need to happen regarding OPI and BPE general fund procurement.
12:08:07 Rep. Novak asked about potential BPE funding outside of the general fund.
12:08:34 Supt. Arntzen responded to Rep. Novak's question.
12:10:24 Sen. O'Brien asked Supt. Arntzen about OPI requests to change BPE funding processes.

12:11:02 Supt. Arntzen asked Mr. McCracken about BPE requested legislation. She followed by responding to Sen. O'Brien's question.
12:12:24 Sen. O'Brien clarified her earlier question regarding BPE-requested changes in funding.
12:14:34 Rep. Reksten asked for a representative from BPE to discuss OPI's requests.
12:15:29 Rep. Anderson responded to Rep. Reksten.
12:15:41 Rep. Reksten asked for Ms. Flynn and BPE's comments on the funding changes before making a decision on OPI's requested legislation.

RECESS

12:16:04 Reconvened at 13:02:50

Committee Discussion on Agency-Requested Legislation with BPE

13:04:05 Ms. Flynn responded to the earlier questions regarding OPI's requested legislation. (See exhibit 8.1)
13:04:44 Rep. Anderson asked Ms. Flynn to outline BPE's requested legislation.
13:08:51 Rep. Funk asked Ms. Flynn for clarification regarding funding for BPE.
13:10:01 Rep. Reksten asked about the best route to proceed forward with the requested legislation from OPI.
13:10:58 Mr. McCracken responded to Rep. Reksten's question.
13:12:01 Rep. Anderson stated that action on OPI's requested legislation is necessary.

MOTION

13:12:21 Sen. Salomon moved to approve OPI's requested legislation.

VOTE

13:13:04 Failed 7 - 3 by roll call vote, with Rep. Hill, Sen. Salomon, Sen. Tempel, voting yes.

REVIEW OF PROVISIONAL BILL DRAFTS

Discussion on PD 13 – Laura Sankey Keip, LSD Attorney

13:15:01 Ms. Sankey Keip ([Exhibit 16](#))

Public Comment on PD 13

13:17:12 Paul Taylor, OPI

MOTION

13:17:54 Sen. Salomon moved to adopt PD 13 as a committee bill. (See exhibit 16)

VOTE

13:18:18 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf by proxy.

13:18:41 Rep. Anderson assigned Sen. O'Brien to carry PD 13. (See exhibit 16)

Discussion on PD 14 – Laura Sankey Keip, LSD Attorney

13:19:14 Ms. Sankey Keip ([Exhibit 17](#))

Public Comment on PD 14

13:21:17 Dennis Parman, Montana Rural Education Association

MOTION

13:22:41 Sen. O'Brien moved to adopt PD 14 as a committee bill. (See exhibit 17)

VOTE

13:22:53 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf voted by proxy.

13:23:12 Rep. Anderson assigned Sen. O'Brien to carry PD 14. (See exhibit 17)

Discussion on PD 30 – Pad McCracken, LSD Research Analyst

13:24:22 Mr. McCracken ([Exhibit 18](#))

Public Comment on PD 30

13:24:32 Paul Taylor, OPI

MOTION

13:25:04 Rep. Hill moved to adopt PD 30 as a committee bill. (See exhibit 18)

VOTE

13:25:09 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf voted by proxy.

13:25:12 Rep. Anderson assigned Sen. Salomon to carry PD 30. (See exhibit 18)

Discussion on PD 32 – Pad McCracken, LSD Research Analyst

13:25:48 Mr. McCracken ([Exhibit 19](#))

13:28:05 Rep. Funk asked for clarification on the bill draft. (See exhibit 19)

13:29:11 Rep. Hill commented on the intent and language of PD 32. (See exhibit 19)

Public Comment on PD 32

13:30:20 Steve White, Coalition of Home Educators ([Exhibit 20](#))

13:44:25 Sharyl Allen, Self

13:46:04 Rep. Beard, HD 80

13:47:18 Becky Starnton, Yellowstone County

13:48:59 Henry Kriegel, Americans for Prosperity

13:50:54 Robin Mohs, Self

13:52:36 Dennis Parman, Montana Rural Education Association

13:58:21 Diane Fladmo, Montana Federation of Public Employees

14:00:21 Sandra Holland, Self

14:06:55 Amy Buchmeyer, Homeschool Legal Defense Association

Committee Discussion on PD 32 continued

- 14:10:47 Sen. Salomon clarified the contents of PD 32. (See exhibit 19)
- 14:12:00 Sen. Tempel stated the draft bill's background. (See exhibit 19)
- 14:12:54 Rep. Hill commented on the contents of the bill. (See exhibit 19)
- 14:13:23 Rep. Novak commented on opposition to, and support of, the bill draft. (See exhibit 19)
- 14:15:38 Rep. Reksten commented on attendance issues in schools.
- 14:17:50 Sen. O'Brien commented on the target of the bill. (See exhibit 19)
- 14:19:08 Rep. Funk commented on the misinterpretation of the bill draft. (See exhibit 19)

MOTION

- 14:20:31 Sen. O'Brien moved to adopt PD 32 as a committee bill. (See exhibit 19)

VOTE

- 14:20:37 Tied 5 – 5 by roll call vote.
- 14:21:46 Motion fails on a tie.

Discussion on PD 33 – Pad McCracken, LSD Research Analyst

- 14:22:10 Mr. McCracken ([Exhibit 21](#))

Public Comment on PD 33

- 14:23:29 Paul Taylor, OPI
- 14:30:36 Mike Talia, Church, Harris, Johnson, and Williams PC

Discussion on PD 33 continued

- 14:32:53 Sen. Tempel asked Mr. Taylor about previous study on the bill draft. (See exhibit 21)
- 14:33:34 Sen. Salomon asked Mr. Taylor for clarification on OPI's view of PD 33. (See exhibit 21)
- 14:36:54 Sen. Salomon asked Mr. Taylor for further clarification.
- 14:38:54 Rep. Novak commented on the issue that the bill potentially aims to solve. She followed by asking Mr. Taylor for clarification on whether that issue will be resolved with the current bill draft.
- 14:41:46 Sen. O'Brien commented on potentially moving forward with the bill. (See exhibit 21)

Public Comment on PD 33

- 14:43:47 Todd Hanson, Havre
- 14:49:06 Eli Hofer, Hutterite Colony Educational Leaders
- 14:51:40 David Hofer, Hutterite Colony Educational Leaders

Discussion on PD 33 continued

- 14:54:59 Rep. Novak commented on the issues that PD 33 aims to resolve. (See exhibit 21)
- 14:56:31 Rep. Funk asked Mr. Taylor about basic entitlement received by schools outside of district property boundaries.

MOTION

14:59:33 Sen. Tempel moved to adopt PD 33 as a committee bill. (See exhibit 21)

VOTE

14:59:46 Motion carried by voice vote with Rep. Reksten voting nay. Sen. McClafferty and Rep. Running Wolf voted by proxy.

15:00:37 Rep. Anderson assigned Sen. Salomon to carry PD 33. (See exhibit 21)

Discussion on PD 44 – Pad McCracken, LSD Research Analyst

15:00:52 Mr. McCracken ([Exhibit 22](#))

Public Comment PD 44

15:04:32 Paul Taylor, OPI

Discussion on PD 44 continued

15:06:05 Mr. McCracken clarified PD 44 using the bill draft memo. ([Exhibit 23](#))

15:06:48 Rep. Funk asked about how the bill impacts truancy.

MOTION

15:07:21 Sen. O'Brien moved to adopt PD 44 as a committee bill. (See exhibit 22)

VOTE

15:07:37 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf voted by proxy.

15:08:05 Rep. Anderson assigned Sen. O'Brien to carry PD 44. (See exhibit 22)

Discussion on PD 45 – Pad McCracken, LSD Research Analyst

15:08:29 Mr. McCracken ([Exhibit 24](#))

Public Comment on PD 45

15:12:22 McCall Flynn, BPE

Discussion on PD 45 continued

15:14:37 Rep. Reksten commented on the intention behind the bill draft. (See exhibit 24)

15:15:28 Ms. Flynn responded to Rep. Reksten's comment.

Public Comment on PD 45

15:16:08 Sharyl Allen, OPI

Committee Questions/Discussion

15:19:34 Rep. Hill stated his concerns regarding PD 45. (See exhibit 24)

MOTION

15:20:47 Rep. Novak moved to adopt PD 45 as a committee bill. (See exhibit 24)

VOTE

15:21:08 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf voted by proxy.

- 15:21:38 Rep. Anderson assigned Sen. O'Brien to carry PD 45. (See exhibit 24)
- 15:22:04 Sen. O'Brien introduced Dr. Rob Watson, the new Director of School Administrators of Montana, to the committee.

RECESS

- 15:22:26 Reconvened at 15:34:16 (3:34pm).

HJ 47 STUDY OF EDUCATIONAL PROGRAMS FOR THE INCARCERATED - Pad McCracken, LSD Research Analyst

- 15:35:02 Mr. McCracken discussed the HJ 47 study summary. ([Exhibit 25](#))
- 15:37:38 Brian Gootkin, Director, Department of Corrections (DOC)

Committee Questions for Dir. Gootkin

- 15:38:48 Rep. Anderson commented on transition programs for individuals coming out of prison.
- 15:39:53 Rep. Funk commented on the work of the DOC.
- 15:40:31 Rep. Novak commented on the individuals at the DOC.
- 15:41:09 Dir. Gootkin responded to Rep. Novak's comment.
- 15:41:22 Rep. Reksten commented on potential enlightenment for troubled kids through the DOC.
- 15:42:48 Sen. Salomon asked Dir. Gootkin about expanding opportunities in trade and education for individuals in prison.
- 15:44:16 Rep. Anderson commented on the committee's experience at Montana State Prison (MSP).

K-12 EMPLOYEE HEALTH BENEFITS UPDATE – Sen. Salomon

- 15:44:53 Sen. Salomon

Committee Discussion on K-12 Health Benefits

- 15:46:30 Rep. Funk asked Sen. Salomon about bringing a potential bill draft to session.
- 15:48:22 Rep. Funk commented on potential, positive impacts from implementing educator health benefits.

Public Comment on K-12 Health Benefits

- 15:49:25 Diane Fladmo, Montana Federation of Public Employees

Public Comment on any topic within EDIC's jurisdiction

- 15:52:48 Henry Kriegel, Americans for Prosperity
- 15:53:04 Rep. Beard, HD 80

DISCUSSION ON DRAFT LETTER TO BPE continued – Laura Sankey Keip, LSD Attorney

- Discussion on Draft Letter to BPE - Ms. Sankey Keip, LSD Attorney
- 15:58:30 Ms. Sankey Keip (See exhibit 2)

Discussion on the Motion

- 15:59:09 Ms. Sankey Keip reviewed the draft letter for the committee. (See exhibit 2)

MOTION

16:00:30 Rep. Reksten moved to approve the draft letter to BPE. (See exhibit 2)

VOTE

16:00:34 Motion carried unanimously by voice vote. Sen. McClafferty and Rep. Running Wolf voted by proxy.

ADJOURNMENT

16:01:53 Rep. Anderson adjourned the meeting at 16:01:53