



PROPOSED FINAL WORK PLAN FOR THE 2023-2024 INTERIM

EDUCATION INTERIM
COMMITTEE (EDIC)

FOR DISCUSSION/ADOPTION

ON SEPTEMBER 12, 2023

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EDIC WORK PLAN 2023-2024

PURPOSE

To help the Education Interim Committee plan its interim and establish work priorities. When finalized, the work plan will provide guidance to the members, staff, and the public on how the committee will conduct its business throughout the interim. It will serve as a blueprint that allows the committee to complete its work over the next 15 months.

STATUTORY DUTIES

A NUMBER OF STATUTORY DUTIES ARE COMMON TO ALL INTERIM COMMITTEES

5-5-215. Duties of interim committees. (1) Each interim committee shall:

- (a) review administrative rules within its jurisdiction;
- (b) subject to 5-5-217(3), conduct interim studies as assigned;
- (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
 - (i) identification of issues likely to require future legislative attention;
 - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
 - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
- (d) review if requested by any member of the interim committee, the statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
- (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules;
- (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work; and
- (g) review proposed **ballot statewide** initiatives **as defined in [section 1]** within the interim committee's subject area and vote to either support or not support the placement of the text of **an the proposed statewide** initiative on the ballot in accordance with **13-27-202 [section 3]**.

(2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature. **An interim committee may by vote request four bill drafts on a partisan basis and an unlimited number of bill drafts on a bipartisan basis.**

It is up to the committee to determine how it wants to execute its "agency monitoring" responsibilities. Previous committees have scheduled updates and conversations with the various agencies either at every meeting, on a rotating basis, or ad hoc.

(3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.

(4) As used in this section:

(a) "bipartisan basis" means a vote in which members from more than one party vote to request a bill draft; and

(b) "partisan basis" means a vote in which members from only one party vote to request a bill draft.

* The changes in bold reflect enacted legislation from the 2023 Legislature: changes in subsection (1)(g) are from Senate Bill No. 93; changes in subsection (2) and new subsection (4) are from Senate Bill No. 176.

EDIC'S ENABLING STATUTE

5-5-224. Education interim committee.¹ The education interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

- (1) state board of education;
- (2) board of public education²;
- (3) board of regents of higher education³; and
- (4) office of public instruction.

The entities attached to the State Board of Education (which is the Board of Public Education and the Board of Regents of Higher Education combined) are:

- the Montana Historical Society;
- the Montana State Library; and
- the Montana Arts Council.

ACCREDITATION STANDARDS ADOPTED BY THE BOARD OF PUBLIC EDUCATION

House Bill No. 21 (2023; Bedey) significantly revised 20-7-101, MCA, and the duties of EDIC regarding the process for the adoption of new (or revision to existing) accreditation standards for schools, which exist in Chapter 55 of the Administrative Rules of Montana. Formerly, EDIC would receive the proposed changes and an economic impact statement estimating the costs of implementing the new standards. Now, that economic impact statement will go to

¹ 5-5-224 was amended in SB 151 (Brown, 2017) to remove all references to local government, replacing the former Education and Local Government Interim Committee (ELG) with two committees, one for education and one for local government. The 2019-20 EDIC requested SB 25 which was enacted by the 2021 Legislature and removed language related to fiscal oversight and budget planning for the Montana University System.

² In a 1992 decision, Judge Jeffrey Sherlock of the First Judicial District ruled that the Board of Public Education is vested with constitutional rulemaking authority that is independent of any power delegated to the Board by the Legislature. Any rules adopted by the Board of Public Education are not subject to legislative review. However, in the 2003-2004 interim, the Board requested that the former ELG review its rules. That may continue to be the case. In addition, 20-7-101, MCA, requires that the Board submit proposed accreditation standards to the committee, as discussed in this work plan.

³ The Board of Regents is exempt from the Montana Administrative Procedure Act (2-4-102(2), MCA), so any "rules" adopted by the Board of Regents are not subject to legislative review. The Board adopts policies which helps with this distinction.

the Education Interim Budget Committee. However, House Bill No. 21 was explicit in stating that EDIC retained its authority "to review administrative rules, including accreditation standards..."

SCHOOL DISTRICT BUDGET AMENDMENT REPORTING

Section 20-9-161 requires school districts to report to EDIC and to the Board of Public Education any budget amendment adopted to address an unforeseen need affecting the educational functions of the district if the budget amendment, in combination with other budget amendments within the same school fiscal year, exceeds 10% of the district's adopted general fund budget.

REVIEW OF STATUTORILY ESTABLISHED ADVISORY COUNCILS AND REPORTS

Pursuant to 5-5-215(d), any member of EDIC can request that the committee review statutorily established advisory councils and required reports of agencies within the committee's purview.

Advisory councils relevant to EDIC's subject area jurisdiction and the entities to which they are attached are:

1. Fire Services Training Advisory Council (2-15-1519, MCA); Board of Regents
2. K-12 Data Task Force (20-7-105) Office of Public Instruction

Unless otherwise directed in statute, written reports to the legislature, including reports to specific interim committees, are biennial reports and need to be submitted by September 1 of the year preceding a legislative session.

Reports that are statutorily required to be submitted to EDIC are:

Report	Entity	Deadline	Statute
Reemployment of Retired Teachers	TRS	Sept 1, 2024	19-20-732
Educational Opportunity for Military Children	OPI et. al.	Sept 1, 2024	20-1-231
Grow Your Own Grant Program (annual report)	OCHE	Sept 1, 2023	20-4-601
Out-of-district Attendance (annual report)	OPI	Sept 1, 2024*	20-5-324
Advanced Opportunity Act	BPE	Sept 15, 2024	20-7-1506
Transformational Learning Programs	BPE	Sept 1, 2024	20-7-1602
Resident Student Financial Aid (annual report)	OCHE	Sept 1, 2023	20-26-105
State Agency Heritage Properties	SHPO	Sept 1, 2024	22-3-423
County Interdisciplinary Child Information and School Safety Team	OPI	Sept 1, 2024	52-2-211

* This is a new report established in HB 203 (Bedey, 2023). HB 203 is not effective until July 1, 2024, and an initial report likely won't be available until September 1, 2025.

Reports that are statutorily required to be submitted to the legislature, but may be of interest to EDIC include:

Report	Entity	Deadline	Statute
Education Commission of the States	ECS	Sept 1, 2023	20-2-501
Perkins CTE Plan	OCHE	Sept 1, 2024	20-7-330
Gifted and Talented Programs	OPI	Sept 1, 2024	20-7-904
At-Risk Students	OPI	Sept 1, 2024	20-9-328
American Indian Students	OPI	Sept 1, 2024	20-9-329
Indian Language Preservation	OPI	Sept 1, 2024	20-9-537
Western Interstate Commission for Higher Education (annual)	WICHE	Jan 15, 2024	20-25-801
MHS Trustees	MHS Board	Sept 1, 2024	22-3-107

ADMINISTRATIVE RULE REVIEW

As noted above, the committee has varied degrees of administrative rule review responsibility for the State Board of Education and its attached entities, the Board of Public Education, the Board of Regents, and the Office of Public Instruction. The committee determines the extent to which it will exercise that authority. The options range from detailed committee examination of all proposed rules to a summary of proposed rules by EDIC's legal staff to EDIC's legal staff providing members notice of any particularly significant or unusual proposed rules.

Title 2, chapter 4, part 4 of the Montana Code Annotated provides for legislative review of administrative rules. In summary, interim committees may:

- request and obtain an agency's rulemaking records;
- submit to an agency written recommendations for the adoption, amendment, or rejection of a proposed rule;
- require that a rulemaking hearing be held;
- poll the legislature to determine whether a proposed rule is consistent with legislative intent; and
- request an economic impact statement for a proposed rule.

EDIC legal staff will lead the committee's administrative rule review activities.

REVIEW PROPOSED STATEWIDE INITIATIVES

The EDIC is required to review proposed statewide initiatives that relate to its subject area. The Legislature enacted Senate Bill 93 (SB 93) in 2023 to clarify and revise the review process enacted in House Bill 651 (HB 651) in 2021. The revised law provides that a statewide initiative includes a constitutional initiative, a constitutional convention initiative, or a statutory initiative.

Section 13 of SB 93 requires the interim committee to hold a public hearing on a statewide initiative referred to the committee by the executive director of the Legislative Services Division. The committee then votes to either

support or not support the placement of the proposed statewide initiative on the ballot. The petition used to gather signatures to place the statewide initiative on the ballot must include the interim committee vote. SB 93 applies to statewide initiatives submitted to the secretary of state after May 19, 2023.

The review process may result in additional committee meetings because the committee vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of the statewide initiative. A complaint was filed May 26, 2023, in Lewis and Clark County District Court challenging SB 93, which may also alter the committee's work depending on the findings of the Court.

INTERIM STUDY ASSIGNMENT - NONE FOR 23-24 INTERIM

There were no interim study resolutions assigned to EDIC by Legislative Council for this interim. The two education-related study resolutions that were still "alive" when the Legislature adjourned on May 2, 2023 were:

- [HJ 20](#) - Request interim study of including regional cost adjustments to school funding; passed House 76-23; passed Senate Education and Cultural Resources 7-4
- [HJ 25](#) - Request interim study of school funding; passed House 76-22; passed Senate Education and Cultural Resources 11-0

ADDITIONAL TOPICS WITHIN EDIC'S SUBJECT AREA JURISDICTION

Based on committee direction at the June meeting, the committee will devote time throughout the interim to the following topics in addition to the committee's agency monitoring and other statutory duties. The committee will also reserve time for topics that emerge as the interim proceeds.

- Monitor the implementation of multiple pieces of legislation from the 2023 session, including:
 - HB 203 – open enrollment
 - HB 214 – remote and offsite instruction opportunities
 - HB 332 – school health trust
 - HB 352 – early literacy
 - HB 393 – sp ed ESAs
 - HB 408 – ed tax credits
 - HB 549 – charter schools
 - HB 562 – community choice schools
 - HB 749 – MT Digital Academy
 - HB 949 – data governance
- Continue collaboration with the EIBC and "Constitutional Players"
- Examine teacher recruitment and retention issues and "what we know"

- Learn more about the school funding formula and lay groundwork for decennial school funding study (in collaboration with the EIBC; utilize HJ 25 as framework)
- Follow up on the HJ 47 study from last interim (education programs for the incarcerated)
- Explore the "Science of Reading" and quality early literacy programs (visit Butte Public Schools on this)
- Monitor implementation of Chapter 55 Accreditation Standards for Schools, and particularly the Graduate Profile and the changes related to proficiency-based learning, personalized learning, and learner-centered models

PROPOSED MEETING SCHEDULE

Interim committees typically hold six or seven, one- or two-day meetings of the full committee, in addition to the first organizational meeting. Below is a proposed committee meeting schedule, which includes a meeting in Missoula to allow for a joint session with Board of Regents and visits to area educational sites.

Also, these proposed dates include three opportunities to overlap and hold joint sessions with the Education Interim Budget Committee (EIBC), which proved valuable last interim.

1. Wednesday, June 28, 2023 - DONE
2. Monday-Tuesday, September 11-12, 2023 (joint with EIBC Sept 12 afternoon) - DONE
3. Thursday-Friday, November 16-17, 2023 (possible site visits Wednesday, November 15 in route; Missoula-area educational site visits in conjunction with Board of Public Education; joint session with the Board of Regents on Friday)
4. January 8-9, 2024 (possible joint with MARA on Jan 9)
5. Monday-Tuesday, March 11-12, 2024 (EIBC meets Wednesday, March 13; possible joint)
6. Monday-Tuesday, June 17-18, 2024 (EIBC meets Wednesday, June 19; possible joint)
7. Monday-Tuesday, September 16-17, 2024 (EIBC meets Wednesday, Sept 18; possible joint)