



## EDUCATION INTERIM BUDGET COMMITTEE 67th Montana Legislature

### SENATE MEMBERS

Kenneth Bogner  
Shane Morigeau  
Daniel Salomon

### HOUSE MEMBERS

David Bedey  
John Fuller  
Llew Jones  
Connie Keogh  
Jonathan Windy Boy

### COMMITTEE STAFF

Katie Guenther - Legislative Fiscal Analyst  
Nancy Hall - OBPP Staffer  
Kathy Sangray - Secretary

# MINUTES LOG

September 15, 2021  
Room 152  
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. David Bedey, Chair (R)  
Sen. Daniel Salomon, Vice Chair (R)  
Sen. Kenneth Bogner (R)  
Rep. Llew Jones (R)  
Rep. Connie Keogh (D)  
Sen. Shane Morigeau (D)  
Rep. Jonathan Windy Boy (D)

### **MEMBERS EXCUSED:**

Rep. John Fuller (R)

### **STAFF PRESENT:**

Katie Guenther, Legislative Fiscal Analyst  
Nancy Hall, OBPP Staffer  
Kathy Sangray, Secretary

**AGENDA (Attachment 1)**

**VISITORS' LIST (Attachment 2)**

**COMMITTEE ACTION**

**CALL TO ORDER/ROLL CALL**

08:32:27 Rep. David Bedey-R called the meeting to order at 8:32 AM. The committee secretary took roll.

**Staff Introductions**

08:33:55 Katie Guenther, Legislative Fiscal Division (LFD), analyst for Commissioner of Higher Education and Historical Society.

08:34:33 Katy Callon, LFD, analyst for Arts Council, State Library, Board of Public Education and the School for the Deaf and Blind.

08:35:13 Julia Pattin, LFD, analyst for K-12 Education, Property Tax, and OPI.

**Committee Organization**

08:35:40 Chair Bedey discussed the role of the Education Interim Committee, rules and proxy votes.

**EXHIBIT 1**

08:36:05 Vice Chair Salomon moved that proxy voting be allowed.

**Vote:**

08:36:05 Carried unanimously by voice vote.

08:36:47 Chair Bedey

**Commissioner of Higher Education**

08:37:12 Ms. Guenther reviewed the Commissioner of Higher Education report.

**EXHIBIT 2**

08:51:33 Tyler Trevor, Deputy Commissioner, Office of Commissioner of Higher Education (OCHE) introduced Director Ms. Lyons.

08:53:15 Shauna Lyons, Director of Budget and Accounting, OCHE, explained Montana University System (MUS) COVID-19 Relief Funding.

**EXHIBIT 3**

08:55:46 Chair Bedey

08:55:59 Vice Chair Salomon asked if HEERF funding goes to students for tuition and housing.

08:56:13 Ms. Lyons explained that HEERF funds are for any emergency to help a student stay in school.

08:56:38 Vice Chair Salomon asked if these funds just started with this school year.

08:56:43 Ms. Lyons stated that the funding has continued from last year.

08:56:57 Chair Bedey asked if the entire amount of \$180 million of funding will be expended.  
08:57:52 Ms. Lyons explained how the funds are drawn down.  
08:58:16 Sen. Morigeau asked when the funds must be expended by.  
08:58:32 Ms. Lyons explained when the funding expires.  
08:59:09 Rep. Keogh asked for clarification on the expenditure for mitigation.  
08:59:22 Ms. Lyons explained mitigation expenses.  
09:00:13 Helen Thigpen, MUS, reviewed Shared Policy Goals.

#### **EXHIBIT 4**

09:04:53 Rep. Windy Boy joined the meeting.  
09:08:07 Rep. Jones asked if the Cyber Security Program at Missoula College will be offered statewide, and how to transition teachers to a performance-based system.  
09:09:48 Mr. Trevor explained when and where the funds will go along with performance metrics, and that now they are in the process of implementation. He offered to bring follow up reports to the next committee meeting.  
09:10:56 Rep. Jones stated it would be helpful to see a follow up report on the funding and the opportunities provided.  
09:11:18 Chair Bedey requested that LFD staff provide updates at the December committee meeting on OTO funding programs so that appropriation decisions can be made next session.  
09:12:11 Vice Chair Salomon asked what specific efforts are being made to create more courses and include more partners to address work force training.  
09:12:44 Ms. Thigpen explained that work force training is a priority for MUS and that Accelerate Montana is a program developed in coordination with private entities.  
09:15:32 Rep. Windy Boy asked about the Grow Your Own program.  
09:15:55 Ms. Thigpen explained the Grow Your Own program and the current partners involved.  
09:17:13 Rep. Jones asked how Accelerate Montana and Build Montana will meet the needs of the public.  
09:19:04 Ms. Thigpen said plans are in place to address the need to be flexible and to meet needs when an industry leaves an area.  
09:20:30 Chair Bedey agreed and added that training needs to be available in communities in need not just on college campuses.  
09:21:28 Rep. Windy Boy asked about the computer coding program through MSU that trains high school teachers.  
09:21:51 Ms. Thigpen did not have that information available but will follow up.  
09:22:46 Ms. Lyons gave a history of the HiSET program and what is currently being done to provide education to students behind academically.  
09:23:27 Rep. Jones left the meeting.  
09:25:00 Rep. Windy Boy asked for clarification on how HiSET credits from Tribal colleges are transferred to other institutions.  
09:25:35 Ms. Lyons said she is not aware of any students having any issues going onto a four-year university after they have completed HiSET.  
09:25:49 Chair Bedey requested that details be provided by the next meeting regarding HiSET and Tribal colleges and any take-ways or challenges with the program.

- 09:26:13 Ms. Lyons already has reports prepared on success rates from last year and she can provide those to the committee.
- 09:26:25 Chair Bedey introduced the next topic on HiSET.
- 09:26:44 Rep. Keogh asked for clarification on how the funds are used by the HiSET program.
- 09:27:03 Chair Bedey explained the objective of HiSET is for students to get a high school diploma but seeing specifically where the funding is going to reach that goal would be helpful.
- 09:27:45 Ms. Lyons offered to forward that information with a break down by campus on the first set of funding.
- 09:28:08 Rep. Windy Boy referred to the Shared Policy Goals and asked what is being done to involve the tribes to set the standards for linguistic training.
- 09:29:19 Mr. Trevor said Dr. Tessman will provide a report at the next meeting.
- 09:30:09 Rep. Windy Boy asked to be included in the conversation about implementing the linguistics program.
- 09:30:46 Chair Bedey concluded conversation about Commissioner of Higher Education.

### **Montana Historical Society**

- 09:32:28 Ms. Guenther reviewed the Montana Historical Society report.  
**EXHIBIT 5**
- 09:33:15 Chair Bedey introduced Nancy Hall, Office of Budget and Program Planning (OBPP)
- 09:33:42 Ms. Hall introduced herself and her role.
- 09:34:15 Ms. Guenther explained report on Montana Historical Society.
- 09:43:46 Molly Kruckenberg, Director, Montana Historical Society (MHS) thanked staff for the report and offered to answer any questions.
- 09:44:10 Vice Chair Salomon asked for update on the Montana Heritage Center project.
- 09:44:16 Ms. Kruckenberg updated committee on progress on the new Montana Heritage Center project and fund-raising efforts.
- 09:45:40 Rep. Windy Boy inquired about the Indian Language Preservation Program and the accessibility of materials held by the Montana Historical Society to be used by that program.
- 09:46:38 Ms. Kruckenberg stated that the collections are accessible, but they are not allowed to be removed from the building.
- 09:47:27 Rep. Windy Boy stated that for the past 8 years the materials have not been accessible to school districts, tribal colleges and OPI for purposes of creating linguistics curriculum.
- 09:47:49 Ms. Kruckenberg stated that materials have been accessible since the establishment of the MHS and they do allow access except for legal or privacy reasons in statute. She offered to explore the problem of accessibility that Rep. Windy Boy is referring to.
- 09:48:14 Rep. Windy Boy explained that he is concerned about accessibility and asked if the MHS plans to make the materials available online.
- 09:49:24 Ms. Kruckenberg explained there is a collection guide on the website, and she is available to make sure the public is informed about how to access the collection.
- 09:50:00 Chair Bedey further explained that OPI took over the Montana Indian Language Program from the Department of Commerce and the committee recently became

- aware of a lack of accessibility of materials needed for curriculum development. He asked the staff to coordinate with the MHS to solve this issue.
- 09:51:14 Rep. Windy Boy left the meeting.
- 09:52:49 Ms. Kruckenbergr agreed to be available to help make the process go smoothly and will report back in December.
- 09:53:01 Chair Bedey thanked the MHS for coming and wrapped up this portion of the meeting.

### **Montana Arts Council**

- 09:53:50 Ms. Callon reviewed report on Montana Arts Council  
**EXHIBIT 6**
- 10:02:15 Tatiana Gant, Director, Arts Council (MAC), reviewed quarterly status report on American Rescue Plan funds.  
**EXHIBIT 7**
- 10:05:07 Chair Bedey thanked Ms. Gant and asked for clarification that MAC is looking to fund entities not served by earlier sources of funding.
- 10:05:41 Ms. Gant explained that MAC's goal is to fund those entities that are not typically funded by other programs.

### **Break**

10:07:10

### **Montana State Library**

- 10:36:22 Ms. Callon reviewed the Montana State Library report.
- 10:45:55 Jennie Stapp, State Librarian gave her report.  
**EXHIBIT 8**  
**EXHIBIT 9**  
**EXHIBIT 10**
- 11:02:42 Rep. Keogh thanked Ms. Stapp for all her hard work putting the funds to good use.
- 11:03:06 Chair Bedey asked for clarification on ARPA funds expenditure deadline.
- 11:06:21 Ms. Stapp further explained how ARPA funds are distributed and the deadline the funds must be expended by. She also would like to explore other ways these funds can be best used.
- 11:06:36 Vice Chair Salomon stated that other ideas need to be explored regarding broadband, hot spots, etc.
- 11:07:05 Chair Bedey asked Vice Chair Salomon to clarify his remarks.
- 11:07:14 Vice Chair Salomon further explained that beyond subscriptions to hot spots, other ideas to get broadband and wireless connectivity are important moving forward. Solutions for the current connectivity issues may be real solutions for some areas in the future as well. The Department of Commerce, Department of Administration, and the Commission chaired by Sen. Ellsworth must be part of the conversation, along with the State Library.

- 11:08:55 Ms. Stapp thanked the committee for the comments and agreed to follow up. She continued with her report on budget priorities and project goals.
- 11:21:34 Vice Chair Salomon thanked Ms. Stapp for her work on the Real Time Network project.
- 11:22:20 Chair Bedey thanked Ms. Stapp for her work and clear objectives and looks forward to updates. He further proposed a new coordinated effort with the State Library, staff, and the Budget Office to establish a structure of programs in HB 2 so it's clear what the library is doing with funding and to make the process more transparent.
- 11:22:20 Chair Bedey commented on HB 630 funding.
- 11:24:56 Ms. Stapp responded to the proposal and ideas moving forward.
- 11:26:04 Chair Bedey further explained his reasons for increasing transparency on funds in HB 2 for the State Library.

### **Montana School for the Deaf and Blind**

- 11:27:24 Ms. Callon reviewed Montana School for the Deaf and Blind report.  
**EXHIBIT 11**
- 11:30:59 Chair Bedey wants to make sure there has been an equitable distribution of funds from HB 630 and that the School for the Deaf and Blind is getting their share.
- 11:32:32 Ms. Callon asked for clarification on Chair Bedey's request.
- 11:32:43 Vice Chair Salomon invited the agency to provide a presentation
- 11:34:32 Paul Furthmyre, Interim Superintendent Montana School for the Deaf and Blind (MSDB) gave his report on current projects.
- 11:39:37 Chair Bedey asked for clarification on the projects.
- 11:49:14 Vice Chair Salomon sees an opportunity for the school to partner with other entities and service providers to create a proposal to apply for funds to help with the project.
- 11:52:03 Mr. Furthmyre said he is working with other schools in the area to create partnerships to get the service access they need.

### **Public Comment: None**

- 11:53:01
- 11:53:21 Chair Bedey corrected the record regarding the funding of MSDB which comes through OPI.

### **Lunch**

- 11:54:14
- 13:06:00 Rep. Jones rejoined the meeting.
- 13:06:01 Rep. Windy Boy rejoined the meeting.

### **Board of Public Education**

- 13:06:19 Ms. Callon reviewed the Board of Public Education report.  
**EXHIBIT 12**

- 13:11:16 Ms. Callon gave a report on teacher certification funding through teacher certification fees.  
**EXHIBIT 13**
- 13:21:40 Chair Bedey asked for clarification on the report.
- 13:22:21 Katy Callon explained further.
- 13:22:36 Chair Bedey asked about funding allocations for teacher fees.
- 13:22:58 Ms. Callon explained that it was easier to distinguish the funding when CSPAC and the Board were separate programs.
- 13:23:21 Chair Bedey
- 13:24:11 McCall Flynn, Executive Director, Board of Education (BPE) delivered her report and explained problem with funding going toward CSPAC and the Board instead of just into one category.  
**EXHIBIT 14**  
**EXHIBIT 15**
- 13:25:43 Rep. Jones pointed out that OPI and Board of Education both have a part in issuing teacher certifications.
- 13:26:41 Ms. Flynn agreed that the BPE does work closely with OPI.
- 13:27:42 Chair Bedey questioned the structure and funding of BPE and OPI and suggested these may need to change.
- 13:30:19 Ms. Flynn wants to be a good partner in addressing these concerns.
- 13:31:00 Chair Bedey asked staff to follow up on this issue then introduced the Economic Impact Statement (EIS).
- 13:33:57 Ms. Flynn addressed issue with the EIS and that the process needs to be changed going forward.
- 13:36:21 Rep. Jones explained there has been skepticism with the EIS which could result in programs not being funded.
- 13:38:43 Ms. Flynn realizes that the system is flawed and needs to be improved.
- 13:38:57 Chair Bedey commented that there are now interim budget committees to handle these issues and appropriate funds effectively.

### **Office of Public Instruction**

- 13:42:47 Ms. Patten presented a report on the Office of Public Education.  
**EXHIBIT 16**
- 13:56:59 Chair Bedey introduced topic of federal COVID-19 funding.
- 13:57:31 Jay Phillips, OPI, gave a report on Elementary and Secondary School Emergency Relief Funds 1 (ESSERS1).  
**EXHIBIT 17**
- 14:04:59 Chair Bedey asked for clarification.
- 14:05:44 Jeff Kirksey, OPI ESSER Program Manager, explained ESSER allocation and use.

14:13:15 Rep. Keogh asked what the next step is to get all ESSER1 expended.

14:13:45 Mr. Kirksey explained the funding and expenses.

14:15:43 Rep. Keogh asked for clarification on ESSER funds.

14:16:12 Mr. Kerksey explained the budget and application process.

14:17:48 Rep. Keogh complimented OPI for their work on distributing this funding.

14:18:15 Chair Bedey asked about the allocations and budgeted amounts of ESSER 1.

14:19:06 Mr. Kerksey said some schools do not accept the Federal funding.

14:19:57 Mr. Phillips explained that some funds are not disbursed and are reallocated.

14:21:15 Chair Bedey asked if federal law allows for reallocation.

14:21:39 Mr. Phillips explained that funds can be reallocated as needed, but any funds not used are sent back to the federal government. He then discussed the report on homeless, fostered and Special Ed students.

14:23:02 Chair Bedey commented on the implementation of HB 206 that changed education funding for schools that serve areas with group homes and foster care and psychiatric facilities.

14:23:52 Chair Bedey thanked the presenters for the thorough information.

14:24:04 Mr. Phillips reviewed reports on appropriations to in-state treatment facilities.

**EXHIBIT 19**

**EXHIBIT 20**

**EXHIBIT 21**

14:29:03 Chair Bedey would like OPI to report on how the cost of education will be calculated for residential facilities so changes to statute can be recommended if necessary (regarding HB 206). He also expressed concern that tuition payments be taken out of the correct funding sources for schools serving group/foster homes and residential facilities.

14:33:02 Sharyl Allen, Deputy Superintendent of Schools, OPI, addressed plans to move forward with work to answer these questions.

14:33:51 Chair Bedey would like clarification on funding.

14:34:19 Ms. Allen agreed to get answers soon.

14:35:12 Mr. Taylor gave report on Maintenance of Equity Update 9/7/21.

**EXHIBIT 22**

14:43:32 Chair Bedey thanked OPI for all their efforts. Introduced next topic on anticipated enrollment projections.

14:44:20 Paul Taylor, OPI reviewed report on anticipated and unanticipated enrollment increases.

**EXHIBIT 23**

**EXHIBIT 24**

14:57:00 Rep. Jones discussed variability of school enrollment for various economic reasons and that some districts 'game' the formula to maximize funding.

14:59:14 Mr. Taylor answered question regarding anticipated funding and property taxes.

15:00:18 Rep. Jones continued conversation on misuse of the funding formulas.

15:01:54 Mr. Taylor explained that work is being done to fix this problem.  
15:03:18 Rep. Jones asked further questions regarding 'gaming' the formulas.  
15:03:27 Rep. Windy Boy left the meeting.  
15:04:07 Mr. Taylor explained the budget.  
15:05:05 Rep. Jones asked what amount will be funded in October.  
15:05:40 Mr. Taylor answered the question in general terms.  
15:06:53 Rep. Jones continued with line of questions regarding the formulas.  
15:08:18 Mr. Taylor would like funding based on a standard automatic formula to rule out 'gaming' of the system through the application process.  
15:08:48 Chair Bedey proposed a test model that removed anticipated enrollment.  
15:12:08 Rep. Jones asked Chair Bedey a question regarding his idea to create a test model.  
15:13:06 Chair Bedey continued discussion on a test model.  
15:13:31 Mr. Taylor advised against using a test model like the one proposed for various reasons.  
15:14:09 Chair Bedey further discussed finding a better model and would like to see some numbers in December to see if a better model can be created. Clarified what other work needs to be done by OPI by the December meeting.  
15:19:50 Rep. Jones left the meeting

### **Break**

15:19:54

### **Committee Discussion - Work Plan**

The following is a discussion on all topics covered during the meeting and what to include in the work plan going forward till the meeting in December.

15:32:50 Chair Bedey  
15:34:21 Ms. Guenther  
15:37:23 Rep. Windy Boy returned to meeting.  
15:39:38 Vice Chair Salomon  
15:40:25 Rep. Keogh  
15:41:07 Vice Chair Salomon  
15:41:32 Chair Bedey  
15:42:55 Vice Chair Salomon  
15:43:22 Chair Bedey  
15:44:33 Vice Chair Salomon  
15:45:46 Rep. Keogh  
15:46:14 Vice Chair Salomon  
15:46:35 Chair Bedey  
15:47:06 Rep. Windy Boy  
15:48:11 Chair Bedey  
15:49:08 Rep. Windy Boy  
15:49:22 Chair Bedey

15:49:58 Rep. Windy Boy  
15:50:42 Chair Bedey  
15:54:26 Rep. Windy Boy  
15:57:18 Chair Bedey  
16:01:08 Rep. Windy Boy  
16:03:50 Chair Bedey  
16:06:20 Rep. Windy Boy  
16:06:54 Chair Bedey  
16:08:09 Vice Chair Salomon  
16:08:56 Chair Bedey  
16:10:00 Vice Chair Salomon  
16:10:13 Rep. Windy Boy  
16:10:50 Chair Bedey

**Public Comment**

None

16:11:55 Chair Bedey  
16:12:31 Ms. Guenther offered optional training on the Budget Power BI Interactive Tool to follow this meeting for those wanting to stay.  
16:12:52 Chair Bedey

**ADJOURNMENT**

Adjournment: 16:13:21