



## Education Interim Budget Committee

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

### 67th Montana Legislature

#### SENATE MEMBERS

DAN SALOMON – Vice Chair  
JOHN ESP  
JOHN FULLER  
SHANE MORIGEAU

#### HOUSE MEMBERS

DAVID BEDEY -- Chair  
LLEW JONES  
CONNIE KEOGH  
JONATHAN WINDY BOY

#### COMMITTEE STAFF

KATY CALLON, Fiscal Analyst  
JULIA PATTIN, Fiscal Analyst  
KURT SWIMLEY, Fiscal Analyst  
MARK YAKUBOVICH, Fiscal Specialist

March 13, 2024  
Room 102  
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

#### **MEMBERS PRESENT:**

Rep. David Bedey, Chair (R)  
Sen. Dan Salomon, Vice Chair (R)  
Sen. John Esp (R)  
Sen. John Fuller (R)  
Rep. Llew Jones (R)  
Rep. Connie Keogh (D)  
Rep. Jonathan Windy Boy (D)

#### **MEMBERS EXCUSED:**

Sen. Shane Morigeau (D)

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

Julia Pattin, Fiscal Analyst  
Kurt Swimley, Fiscal Analyst  
Katie Guenther, Lead Fiscal Analyst

#### **AGENDA ([Attachment 1](#))**

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

#### **COMMITTEE ACTION**

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

08:02:34 Rep. David Bedey called the committee to order. Staff took roll.

## **Commissioner of Higher Education**

08:03:20 Kurt Swimley, Fiscal Analyst (LFD), presented quarterly financial report for the Commissioner of Higher Education (OCHE).

08:19:01 Rep David Bedey asked why none of the funds associated with the COVID 19 authority had been expended.

08:19:28 Shauna Lyons, Director of Budget and Planning OCHE, responded; continued with report on foreign countries of concern.

08:21:55 Rep Connie Keogh asked how long it would take to update the reports for each meeting.

08:22:51 Public Comment. None.

08:39:17 Jay Phillips, Chief Financial Officer from the Office of Public Instruction (OPI) responded. Provided update on COVID 19 funding. Answered questions on obligation date and when funds were received.

08:49:13 Julie Murgel, Chief Program Officer for OPI, answered questions on leadership allocations

08:51:38 Rep David Bedey asked that Julie Murgel or Superintendent Arntzen report back in June on utilization of funds

08:56:25 Paul Taylor, Budget Analyst OPI, presented on enrollment count update. Answered questions on enrollment and funding and process to determine funding budget per school year to year.

09:16:42 Committee discussion on the many various increases in expenditures and the decline in enrollment

09:18:36 Rep Connie Keogh stated interest in trends in absenteeism in schools

09:20:32 No further questions on enrollment.

09:20:43 Paul Taylor, Budget Analyst OPI, presented on HB 36 implementation

09:28:59 No further questions on HB36.

09:29:21 Julie Murgel, Chief Program Officer OPI, presented on the English language proficiency accreditation standards economic impact statement.

- 09:31:46 No further questions.
- 09:32:50 Jason Neiffer, Executive Director of the Montana Digital Academy, presented on HB 749 implementation
- 09:53:38 Sen John Esp commented on presentation made by Jason Neiffer in previous meeting on artificial intelligence
- 09:54:08 Rep Jonathon Windy Boy asked if previous courses would still be available to schools or if courses change year to year
- 09:58:27 Sen Dan Salomon complimented Montana Digital Academy on the efficiency and swiftness of finding new ways to deliver more educational opportunities to students
- 10:00:04 Rep Jonathon Windy Boy asked what sort of funding the committee can look at to help expedite services to more of the Montana community
- 10:02:08 Jay Phillips, Chief Financial Officer OPI, presented update on OPI career coaching initiative
- 10:04:53 Rep David Bedey asked if there were any conditions within in the vision grant that obligates OPI to continue a program once OPI has accepted the money
- 10:05:15 Mary Heller, Montana Ready Coordinator OPI, responded
- 10:05:46 No further questions.

### **HB 367- OPI Database Modernization and HB 949- Education and Workforce Data Governance**

- 10:06:20 Rob Stutz, Chief Legal Counsel and Deputy Superintendent OPI, presented update on HB 367
- 10:14:05 Ashley Perez, Senior Data Operations Manager OPI and Project Manager for Data Modernization, Tracey McCown, Solutions Strategy Director with PowerSchool, and Ed Dedic, Vice President of Education Strategy for PowerSchool, presented update on data modernization project progress.
- 10:36:04 Rep Llew Jones asked if the date was updated frequently enough to provide a real time picture and about security in place to prevent hacking. Asked if there was any concern about pulling data from a system that had recently been compromised.
- 10:45:05 Ashton Faires, Strategic Market Development at Infinite Campus, addressed real time inquiries and security
- 11:07:02 Rep David Bedey asked if other fields can be added after product has been delivered and if so by whom; requested information on how other systems used by OPI get integrated into PowerSchool if at all.
- 11:13:04 No further questions on PowerSchool.

11:14:29 Misty Ann Giles, Director of the Department of Administration (DOA), presented on a report from the HB 949 Education and Workforce data governing board

**Break**

11:18:21 Recess until documents can be provided. Reconvened at 11:37:18

**HB 367- OPI Database Modernization and HB 949- Education and Workforce Data Governance**

11:37:20 Rep David Bedey covered Misty Ann Giles's report submitted to committee

11:37:40 Committee discussion about privacy concerns for student data. Rob Stutz, Chief Legal Counsel OPI, provided comments.

12:15:22 Julia Swingley, Legal Counsel for DOA, explained her legal opinion memo

12:23:48 Sen John Fuller stated this was a difference of opinion between the Superintendent and the governing board

12:24:00 Committee discussion about legal language within bills.

12:37:16 Laura Sankey Keip, Staff Attorney (LSD), commented on the process of charter schools

12:50:55 Lance Melton, Chief Executive Officer of the Montana School Boards Associations, commented on different interpretations of law; stated the level of interference in the implementation of bills is unprecedented

13:14:30 Shelley Turner, Executive Director of Montana Association of School Business Officials (MASBO), stated the intent of the law is getting lost in bureaucracy and the students are the ones who are losing

13:19:12 Rob Stutz, Chief Legal Counsel OPI, addressed concerns and questions brought up during previous committee meeting

13:24:29 Rep Connie Keogh requested clarification on reporting requirements and accessibility on behalf of Jim Howard, Superintendent of Bonner Elementary

13:27:40 Shelley Turner Executive Director MASBO, stated the new forms and reporting requirements for the quality educator funds especially were unclear and not readily available or accessible

13:30:58 Gary Myers, Director of Educational Technology with the Helena School District, stated the new reporting system was much more labor intensive

13:33:49 Sen John Esp asked if the new data modernization project will make the reports easier to fill out

13:35:31 No further comment

**Break**

13:36:22 Reconvened at 13:46:33

### **Administrative Services Study**

- 13:48:45 Misty Ann Giles, Director DOA, presented the different services that are available to agencies
- 13:55:56 Jennie Stapp, State Librarian with Montana State Library, provided agency response to DOA
- 14:00:44 Molly Kruckenberg, Director of the Montana Historical Society, provided agency response to DOA
- 14:03:45 Kryss Holmes, Director of the Montana Arts Council, provided agency response to DOA
- 14:05:29 Rep David Bedey requested the DOA evaluate and discerns what services it could provide regarding operational requirements after receiving the previous responses

### **Montana State Library**

- 14:06:59 Katie Guenther, Lead Fiscal Analyst (LFD), presented the quarterly financial report for the Montana State Library
- 14:17:05 Sen John Esp asked how many years is included to create historical monthly average
- 14:18:54 Evan Hammer, Digital Library Administrator for the Montana State Library, presented real time network update

### **Montana Historical Society**

- 14:25:41 Kurt Swimley, Fiscal Analyst (LFD) presented quarterly financial report for the Montana Historical Society

### **Montana Arts Council**

- 14:39:40 Kurt Swimley, Fiscal Analyst (LFD) presented quarterly financial report for the Montana Arts Council

### **Board of Public Education**

- 14:45:50 Julia Pattin, Fiscal Analyst, (LFD) presented quarterly financial report for Board of Public Education
- 14:50:41 Rep Connie Keogh asked Director Flynn if she had any comments on HB 338
- 14:51:24 McCall Flynn, Executive Director of the Board of Public Education, responded
- 14:58:19 McCall Flynn, Executive Director of the Board of Public Education, discussed HB 549 and future FTE possibilities

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

- 15:08:35 Julia Pattin, Fiscal Analyst, (LFD) presented quarterly financial report for the Montana School for the Deaf and Blind (MSDB)
- 15:14:45 Rep David Bedey asked about the ARPA funding that had yet to be expended

- 15:15:55 Paul Furthmyre, Superintendent MSDB, presented on the organizational structure and started presentation on interpreter programs
- 15:30:48 Brandy Reinhart, State of Montana Ambassador for the National Association of Interpreters in Education (NAIE), continued presentation
- 15:43:22 Rep Connie Keogh asked Brandy Reinhart to give her background and experience in this area
- 15:44:36 Sen John Fuller asked about burnout rate of teachers and interpreters. Asked what the best way to approach assigning interpreters to students
- 15:51:48 Brandy Reinhart, State of Montana Ambassador for NAIE, described need for qualified interpreters in teaching and deaf programs
- 15:56:06 Rep Jonathon Windy Boy commented on the importance of the language preservation program and how that can be seen in the need for qualified interpreters
- 15:59:35 Rep Connie Keogh asked about any concerns or how not having a qualified interpreter could affect a student's educational progress
- 16:04:58 Rep David Bedey asked what the next steps are in fulfilling the needs of the deaf and blind community
- 16:13:29 Rep Jonathon Windy Boy commented that this is the type of program that should not be focused on budget trimming

### **Break**

- 16:14:34 Reconvened at 16:22:48

### **Public Comment**

- 16:23:03 McCall Flynn, Executive Director of the Board of Public Education, commented on rules, licensing and standards of interpreters in the classroom and that the Board of Public Education would be having a discussion with MDSB on how to provide a better education to students of all abilities

### **Committee Discussion**

- 16:23:58 Rep. David Bedey discussed committee workplan.
- 16:30:00 Rep Jonathon Windy Boy requested the committee hear from OPI about a strategy to be put in place to help school districts that are struggling
- 16:32:10 Rep David Bedey stated the committee needed to look at the distribution of enrollment increases and decreases across the state to get a better understanding of who is being impacted

### **Potential Action related to OPI**

- 16:34:15 Rep David Bedey expressed concerns over Superintendent of OPI and her interpretation of the law
- 16:37:02 Sen Dan Salomon expressed concern that the conversations the committee wants to have with the superintendent of OPI over the legislative intent and interpretations of the bills have been impeded at every turn and it is hurting the students

- 16:37:56 Rep Llew Jones expressed concerns that the legal team at OPI has consistently been interpreting the bills contrary to legislative intent even after other legal teams have interpreted the bills in accordance with the legislative intent
- 16:46:30 Rep Jonathon Windy Boy stated he was disappointed the Superintendent did not seem to make these committee meetings a priority, even after personal invitations were sent, to come up with solutions
- 16:49:29 Sen John Esp said that the appropriate remedy might be legal course of action from the school districts
- 17:01:56 Rep David Bedey stated that the primary difference in opinion amongst the legislators in the committee seems to be on what action to take. The committee has the authority to write a letter addressed to the Superintendent expressing concerns
- 17:05:41 Laura Sankey Keip, Staff Attorney LSD, stated if committee is going to act as a committee, it should be done formally with a vote on record
- 17:06:04 Sen Dan Salomon stated a letter needed to be written with all the reasons previously stated and emphasizing that the committee wants to resolve the issues
- 17:06:28 Sen John Esp requested an outline of bullet points to be included in letter, so the members of the committee know exactly what they are voting on as it affects people's lives

### **Recess**

17:07:47 Reconvened at 17:15:49

### **Potential Action related to OPI continued**

- 17:16:53 Rep Llew Jones moved to have letter read aloud and then have a vote for consideration to be sent thereafter
- 17:17:14 Rep David Bedey read letter aloud
- 17:22:30 Rep John Esp. Question.
- 17:22:32 Rep David Bedey. Question has been called. Take a roll call vote. Rep Keogh has Sen Morigeau's proxy.
- 17:22:37 Roll Call vote on motion to approve letter as had been read. Motion carried 6-2.

### **Public Comment**

17:24:10 Rob Stutz, Chief Legal Counsel OPI, stated he was directed by Superintendent Arntzen to provide her public comments on previous agenda item

### **Adjournment**

17:27:27 Rep. David Bedey adjourned the meeting.