



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

Education Interim Budget Committee

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

KATIE GUENTHER, Fiscal Analyst
JULIA PATTIN, Fiscal Analyst
KURT SWIMLEY, Fiscal Analyst

March 13, 2024

The Honorable Elsie Arntzen
Montana Superintendent of Public Instruction
Office of Public Instruction
1227 11th Avenue, Helena, MT 59601

Dear Superintendent Arntzen,

The Education Interim Budget Committee (EIBC) is charged with oversight of Montana's education-related agencies to include the Office of Public Instruction (OPI). In this capacity, it met on March 12, 2024 (jointly with the Education Interim Committee) and then again on March 13, 2024. Over these two days, the committee heard testimony expressing concern about OPI's implementation of several laws enacted during the 2023 legislative session, including Public School Choice (HB 203), an update to Indian Education for All (HB 338), Early Literacy Targeted Interventions (HB 352), Public Charter Schools (HB 549), and the OPI Database Modernization Project (HB 367 and HB 949). Implementation of these bills comes under the purview of the EIBC because each relates to the expenditure of appropriated taxpayer dollars.

None of this come as a surprise since you received notice to appear before the committee on February 17, 2024, and again on March 4, 2024, so that these matters might be expeditiously put to rest. For whatever reason, you declined and sent your chief legal counsel in your stead. The committee is disappointed that you chose not to personally attend to these critical matters.

Based on the testimony it heard, the committee finds that you have interpreted the above-referenced bills in a manner contrary to the intent explained by the bills' sponsors and the legal opinions offered by legislative counsel and other legal experts and/or have failed to provide clear and timely guidance to school districts across the state. The justifications offered by your chief legal counsel were not persuasive. It further became apparent that you at this time have no desire to change course.

The result has been widespread confusion in the field, potential delays in program implementation, and delivery of programs that do not comport with the law. Those harmed most will be Montana's school children.

The legislative branch has a reasonable expectation that the bills it enacts into law will be faithfully implemented by the executive branch. Per Montana's constitution, the superintendent of public instructions has two duties. The first is to serve on the board of land commissioners. The second is to perform such duties as are provided by law. The committee calls upon you to turn your attention to faithfully fulfilling the duties of the office to which you were elected.

Sincerely,

A handwritten signature in cursive script that reads "David F. Bedey".

Representative David Bedey
Chairman, Education Interim Budget Committee