MINUTES LOG
December 15, 2021
Room 152
Helena, Montana

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MEMBERS PRESENT:
Rep. David Bedey, Chair (R)
Sen. Daniel Salomon, Vice Chair (R)
Sen. Kenneth Bogner (R)
Rep. John Fuller (R)
Rep. Llew Jones (R)
Rep. Connie Keogh (D)
Sen. Shane Morigeau (D)
Rep. Jonathan Windy Boy (D)

MEMBERS ABSENT:

MEMBERS EXCUSED:

STAFF PRESENT:
Katie Guenther, Legislative Fiscal Analyst
Nancy Hall, OBPP Staffer
Kathy Sangray, Secretary
CALL TO ORDER/ROLL CALL
08:32:49 Rep. David Bedey-R called the meeting to order at 8:32 AM. The committee secretary took roll.

Staff Assignments and Introductions
08:33:25 Katie Guenther introduced new staff member.
08:34:43 Alice Hecht introduced herself.

Montana State Library
08:35:34 Katie Callon, Legislative Fiscal Division (LFD), went over the Montana State Library Quarterly Financial Statement
EXHIBIT 1
08:45:37 Jennie Stapp, State Librarian gave an update.
08:52:13 Rep. Windy Boy asked about LiDAR.
08:52:29 Ms. Stapp explained LiDAR Project.
08:53:21 Chair Bedey further explained LIDAR.
08:54:04 Ms. Stapp gave ARPA update.
08:57:00 Chair Bedey introduced Committee Staffers, Nancy Hall and Jason Harlow.

Montana Indian Language Preservation (MILP) and Immersion Programs
EXHIBIT 2
EXHIBIT 3
EXHIBIT 4
EXHIBIT 5
09:05:20 Dr. Lanny Realbird, Montana Indian Language Preservation and Immersion Programs, explained problems faced with language programs.
EXHIBIT 6
09:21:51 Jonathan Jay Eagleman, Chippewa Cree Tribe, Montana Indian Language Preservation and Immersion Program, and Interim Department of Indian Education Coordinator, continued discussion on language immersion programs and obstacles.
09:28:46 Dr. Realbird explained goals and objectives of language program from the Preliminary Report.
09:58:43 Mr. Eagleman wrapped up comments regarding the obstacles of language immersion programs.
10:01:10 Rep. Windy Boy made concluding statements regarding MILP.
10:12:44 Chair Bedey introduced Molly Kruckenberg.
Molly Kruckenber, Director Montana Historical Society explained access to archived materials.


Rep. Fuller asked Dr. Realbird questions regarding hours needed to learn a language.

Dr. Realbird explained where data came from regarding hours needed to learn a language.

Rep. Fuller asked if the hours needed change depending on age of the student.

Dr. Realbird further explained language acquisition hours needed to learn a language for adults and children.

Rep. Fuller asked Mr. Eagleman how to motivate students and teachers to participate in language programs.

Mr. Eagleman said parents are responsible to encourage students to learn native languages.


Rep. Windy Boy said that there are local resources available to encourage teachers to get certified to teach native languages.

Elsie Arntzen, State Superintendent of Office of Public Instruction (OPI) explained Class 7 licenses and how to promote MILP.

Public Comment

Mike Geboe, Interim Data Analyst for Chippewa Cree Tribe Department of Indian Education, discussed development of Montana Digital Academy. Also thanked Rep. Windy Boy, Mr. Eagleman and Dr. Realbird for their work on MILP.

Tuffy Helgeson said that Class 7 licenses have been effective for public education. Thanked Rep. Windy Boy, Mr. Eagleman and Dr. Realbird for their work.

Mike Agostinelli, Instructional Program Director Montana Digital Academy, expressed support for MILP and introduced Anna East.

Dr. Anna East, Student Support Content Specialist for Montana Digital Academy said she is excited to work with the tribes.

Lona Runningwolf pointed out that an issue with the immersion program is the barriers created by the funding mechanism. She made suggestions on how that could be handled.

Dr. Ramey Growing Thunder, Fort Peck MILP Director, asked that the deliverables already developed for MILP be adopted by OPI as the starting point.

Sharyl Allen, Deputy Superintendent (OPI) explained what her office is working on regarding MILP and the immersion program.

Rep. Windy Boy made concluding comments regarding Rep. Running Wolf’s work and that the conference recording will be available online. Pointed out that Class 7 needs to be updated, and that native language study is important. Also highlighted points in letter from Mizuki Miyashita.

Chair Bedey thanked everyone for their work on MILP and what the committee can do to accomplish the goals to implement the immersion program.

Break

10:57:00
Commissioner of Higher Education


EXHIBIT 7

11:26:24  Shawna Lyons, Office of Commissioner of Higher Educations (OCHE) Director of Accounting and Budgets for Montana University System, updated committee on programs.

EXHIBIT 8

11:30:13  Chair Bedey expressed concern about the number of completions and how the program can be more effective.

11:30:41  Director Lyons addressed the question and continued with her presentation.

EXHIBIT 9

11:32:50  Sen. Salomon asked about funding of child-care and tutoring expenses.

11:33:10  Director Lyons said funding comes from HiSET and other resource opportunities.


11:33:38  Director Lyons deferred question to Deputy Commissioners at the next meeting.

11:33:50  Chair Bedey explained that the Commissioners were not able to come to this meeting.

11:34:09  Rep. Windy Boy asked question regarding HiSET.

11:34:24  Director Lyons explained OTO funding of HiSET.


11:35:00  Director Lyons referred to Exhibit handouts to answer the question.

11:35:30  Rep. Windy Boy asked about other programs available and any updated data on transfers credits.

11:36:19  Director Lyons explained work being done on improving transferability of credits.


11:37:19  Director Lyons said OCHE is in support and will continue to partner with MILP.

11:37:30  Chair Bedey asked for progress report at next meeting.

11:38:29  Rep. Keogh asked about follow-up on the HiSET program and wanted clarification on when students are coming into the program and if they are prepared.

11:39:23  Director Lyons said she will follow up with partners to get that information.

11:39:44  Rep. Keogh asked if there is collaboration with Department of Corrections to use the HiSET program to reach the prison population.

11:40:35  Director Lyons will connect with partners on HiSET to review best practices.

11:41:02  Director Lyons discussed Accelerate MT.

EXHIBIT 10

11:44:32  Chair Bedey asked question regarding Community Colleges.

11:44:59  Sen. Salomon asked about funding for this program.

11:45:15  Director Lyons explained partnership and funding.

11:45:39  Chair Bedey asked for clarification for cost sharing at the next meeting.

11:45:57  Director Lyons explained CyberHub and cybersecurity.

EXHIBIT 11

11:47:12  Rep. Jones left the meeting.
Sen. Salomon asked several questions regarding the goals of CyberHub to pique interest in pursuing careers in cybersecurity and meeting business needs to combat cybersecurity issues.

Director Lyons explained that goal is to pique interest in programs, to coordinate with business partners, and to prepare businesses to address cybersecurity issues.

Chair Bedey asked about Tribal and Community Colleges and dual enrollment.

Director Lyons explained that dual enrollment is available online and in-person.

Alison Harmon, Commissioner of Higher Education, went over Proficiency-Based Education.

Chair Bedey thanked Ms. Harmon for her work.

Director Lyons went over Workforce Recovery.

Chair Bedey asked several questions regarding expanding the program, CDL training, and if steps are being taken to begin the Finishing Trades OTO program.

Director Lyons will follow up on the questions and said the funding issue is being worked on. Also discussed Finishing Trades OTO.

Chair Bedey asked about the status of the HB 648 hydrocarbon and geology investigation.

Director Lyons said that program is underway, but funding has been a challenge.

Chair Bedey asked if the funding issue requires intervention to resolve.

Director Lyons said she is getting the issue resolved.

Chair Bedey discussed funding not used yet and can the date be extended.

Director Lyons replied that the date depends on when the program funding began, but they should all be done by July.

Chair Bedey expressed interest in receiving hard data from OCHE on these OTO programs at future meetings to assess the success of each program so funding can be reevaluated going forward.

Chair Bedey wants hard data going forward to help determine if the programs should continue or not.

Lunch
12:04:27

Montana Historical Society
12:59:56 Katie Guenter (LFD) reviewed the Montana Historical Society budget report.

EXHIBIT 14

Molly Kruckenberg, Director Historical Society

Sen. Salomon asked a question about the new building and the budget.

Director Kruckenberg explained where the funding comes from for the new building.

Chair Bedey asked question about staffing issues.
Director Kruckenbg has not had issue with staff turnover during COVID-19, but is realizing they do need to offer telework.
Chair Bedey further discussed telework option.

**Montana Arts Council**
- **13:11:46** Alice Hecht (LFD) reviewed the Montana Arts Council budget report.  
  [EXHIBIT 15](#)
- **13:16:54** Tatiana Gant, Montana Arts Council, reviewed ARPA quarterly reports.  
  [EXHIBIT 16](#)
- **13:17:53** Chair Bedey asked about staff challenges.
- **13:18:07** Ms. Gant said they have experienced some staffing issues and they are running lean.

**Montana School for the Deaf and Blind**
- **13:18:56** Ms. Hecht reviewed Montana School for the Deaf and Blind budget report.  
  [EXHIBIT 17](#)
- **13:24:08** Paul Furthmyre, School for Deaf and Blind, gave an update on expenditures, personnel, and maintenance.  
  [EXHIBIT 18](#)
- **13:30:40** Chair Bedey asked if ESSER 2 and 3 funding has been applied for.
- **13:31:05** Mr. Furthmyre explained they just submitted their application for that funding and what that money would be used for.

**Board of Public Education**
- **13:34:08** Ms. Hecht reviewed the Board of Public Education budget report.  
  [EXHIBIT 19](#)
- **13:38:35** Chair Bedey asked Ms. Hecht to give report on Board of Public Education Regional Study.
- **13:39:08** Ms. Hecht reviewed the study report.  
  [EXHIBIT 20](#)
- **13:56:45** Chair Bedey explained Board of Public Education funding sources and the funding mechanism for licensing.
- **13:58:50** Pad McCracken, Legislative Services Division (LSD), reviewed memo on Background on 20-7-101 MCA.  
  [EXHIBIT 21](#)
- **14:07:22** Chair Bedey explained the importance of meeting constitutional duties of adequate legislative oversight of funding for BPE.
- **14:10:47** Director McCall Flynn, Executive Director Board of Public Education commented on the previous reports given and commented on draft bill.
- **14:11:00** Sen. Morigeau left the meeting.
- **14:15:02** Rep. Windy Boy asked about the current delegation of duties for OPI and BPE.
- **14:15:27** Director Flynn explained that OPI prepares the Economic Impact Statement and BPE presents it to Section E. She believes it makes more sense for OPI to present their report to the committee instead.
- **14:16:08** Rep. Fuller asked if Class 7 licenses standards incorporate MILP requirements.
- **14:17:02** Director Flynn could not comment but offered to investigate it.
14:17:20 Rep. Fuller pointed out that BPE should work to incorporate MILP requirements into Class 7 licenses. Thanked Ms. Hecht and Mr. McCracken for enlightening reports.

14:18:42 Sen. Salomon asked if the issue with legal fees is under control.

14:18:57 Director Flynn said she is monitoring the legal fees.

14:19:08 Sen. Salomon asked about burden of BPE not receiving timely funding.

14:19:15 Director Flynn assumes they will have the funding as educators still use the paper application process.

14:19:45 Chair Bedey gave directions for staff to work with OPI to prepare a report on the cost to run the teacher licensing program and how those costs are split between OPI and BPE. He proposed that Mr. McCracken’s bill draft move forward and there were no objections from the committee.

14:23:09 Ms. Allen (OPI) shared data on funding to BPE from licensing.

14:25:51 Chair Bedey noted that there will be a licensing process in place during the transition.

**Break**

14:26:10

**Office of Public Instruction**

15:01:22 Julia Pattin (LFD) gave budget report on Office of Public Instruction.

EXHIBIT 22


15:17:35 Julia Pattin was not able to answer but offered to find out.

15:17:47 Rep. Windy Boy asked about the number for FTEs.

15:18:07 Ms. Pattin deferred the question to OPI.

15:18:40 Superintendent Arntzen (OPI) introduced Mr. Phillips and Mr. Kirksey.


EXHIBIT 23

15:28:02 Jeff Kirksey (OPI) continued explanation on Exhibit 23 and EANS and ESSER funds.


15:34:01 Mr. Phillips explained where those funds are going.

15:34:42 Rep. Windy Boy would like to see more clarification on what funds are used for.

15:35:14 Mr. Phillips said they can prepare a report that breaks down where that funding goes.

15:35:35 Rep. Windy Boy would like to see a report showing any correlation between testing scores and homelessness.

15:36:39 Mr. Phillips agreed to compile a report with that information.

15:37:10 Quinn Holzer (LFD) overview of CSCT program.

15:41:07 Chair Bedey thanked Mr. Holzer for update and elaborated on CSCT program.

15:42:12 Ms. Allen (OPI) explained CSCT Update.

EXHIBIT 24

15:45:40 Mr. Phillips elaborated further on CSCT Program.
Sen. Salomon asked if larger population center needs to be present for a mental health center to be viable.

Mr. Phillips deferred to Ms. Allen.

Ms. Allen explained how mental health services can be offered in the schools.

Sen. Salomon asked how they would be reimbursed.

Ms. Allen explained the funding mechanism.

Rep. Keogh asked Ms. Allen to address the status of the number of FTEs managing inquiries regarding mental health services.

Ms. Allen said two positions were filled and they are attempting to fill another position.

Rep. Windy Boy asked for clarification on how OPI handles third party billing.

Ms. Allen explained that OPI does not get involved with billing for direct services provided by third parties.

Rep. Windy Boy asked about the impact of people bypassing the schools or local providers and finding mental health services elsewhere.

Ms. Allen explained that in communities where IHS provides mental health services, third party providers would not duplicate those services.

Rep. Keogh asked Meghan Peel (DPHHS) to explain more about mental health centers.

Ms. Peel explained standards for mental health centers.


Chair Bedey asked if costs to administer the program are eligible for reimbursement under the IGT model.

Ms. Allen explained how reimbursements are handled.

Chair Bedey asked about the status of the current request into CMS.

Ms. Peel explained that the state plan amendment with CMS meets requirements and will be approved in next few weeks.

Chair Bedey asked about moving to Certified Public Expenditure (CPE) model from the intergovernmental transfer (IGT) for CMS requests, and if the CPE model is chosen, does it take 18 months to prepare the documents to make request.

Ms. Peel explained that two options for the state financing of CSCT are CPE and IGT and the CPE does take a lot of time on the front end to prepare for a request.

Chair Bedey asked if the current IGT accounting requirements for school districts would support the CPE model.

Mr. Phillips said that because CMS requirements were not always met due to lack of detail under the IGT model, more stringent documentation has already been required under the IGT model and those requirements are similar to the needs of a CPE model.

Ms. Peel clarified that while similar, the current accounting guidance issued by OPI would not satisfy all the requirements of CMS under a CPE model.

Chair Bedey proposed that if OPI were to analyze the possibly of moving to the CPE model from IGT, this committee may need to draft legislation to support that effort.
Sen. Morigeau rejoined the meeting.

Ms. Allen explained mental health support is critical and school districts are concerned that the IGT match model is not sustainable and would prefer the CPE model. OPI is reviewing the options of funding this critical service to students.

Chair Bedey commented that the future funding of CSCT needs to be addressed by the legislature and suggested that it also be put into statute to ensure the continuation of the program. OPI needs to keep the committee informed of any obstacles they foresee that may need to be addressed by the legislature.

Ms. Allen explained in-state treatment payments.

EXHIBIT 25
EXHIBIT 26

Rep. Windy Boy asked how schools are selected, do schools receive third party reimbursement, and for clarification on the unidentified district on the Exhibit 26.

Ms. Allen explained the district of residence in relation to the school system, third party reimbursement and would get clarification on unidentified district on the Exhibit.

Chair Bedey clarified that in-state treatment payments are distributions of state funds, and asked if there is a district of residence requirement in HB 206

Ms. Allen explained when payments are made.

Chair Bedey asked if payments are made directly to facilities or do they flow through OPI.

Ken Bailey, CFO OPI, explained how they have built in the ability to track student’s district of residence.

Chair Bedey introduced the next topic on fall enrollment and budget implementations.

Paul Taylor (OPI) explained preliminary estimate of BASE budget limit increase supplemental payments for FY 2022.

EXHIBIT 27

Chair Bedey asked if there are no other ESSER sources then is there a supplemental request, and is this related to uncertainty created by the COVID pandemic

Mr. Taylor explained funding and the implications of enrollments rates of students.

Sen. Salomon asked when the second enrollment count is.

Mr. Taylor explained how enrollment is considered and that the average fall and spring enrollment will drive the 2023 budget.

Sen. Salomon confirmed that the numbers on the exhibit are a best guess at this point and will be updated later.

Mr. Taylor said the calculations are relatively accurate considering available information and will be updated in the spring with actual numbers.
Chair Bedey said the calculations are provisional and he asked what other supplemental sources are available.
Mr. Taylor discussed ESSER funding and funding sources.
Chair Bedey requested information from OPI on other ESSER sources and the possibility of redirecting funds in OPI.
Mr. Taylor explained funding for K-12 enrollment increases.
EXHIBIT 28
Pad McCracken explained Exhibit 28
Mr. Taylor further explained Exhibit 28
Mr. McCracken further explained Exhibit 28
Mr. Taylor continued explaining Exhibit 28.
Chair Bedey thanked Mr. Taylor and Mr. McCracken and discussed OPI assessment. Introduced discussion on updating staffing levels for Database Modernization project and Indian Education programs.
Ms. Allen, Deputy Superintendent (OPI), introduced Jay Phillips.
Jay Phillips (OPI) discussed agency vacancies.
Chair Bedey requested that informational handouts be received prior to meeting.
Ms. Allen discussed staffing and vacancies and introduced Julie Murgel.
EXHIBIT 29
Julie Murgel (OPI) introduced Zam Alidina.
Zam Alidina (OPI) gave overview of licensure system for OPI staffing levels.
EXHIBIT 30
Ms. Mergel introduced Matthew Bell.
Matthew Bell said he is excited to start working on immersion programs.
Ms. Mergel thanked Rep. Windy Boy for organizing opening event for immersion program and discussed staffing positions for American Indian Student Achievement.
Ms. Murgel explained staffing positions and funding sources.
Rep. Windy Boy asked if vacancy savings could be used.
Ms. Murgel discussed staffing positions.
Rep. Windy Boy discussed how a top down approach of FTEs confuses the numbers and asked if locals are notified on how to implement the programs.
Ms. Murgel outlined the future goals of MILP.
Rep. Windy Boy discussed disconnect in communication between OPI and the local schools.
Ms. Mergel said the Tribal Liaison, Donnie Wetzel, was at the meeting and he is key to connecting OPI and the local schools.
Rep. Windy Boy said Donnie Wetzel was not present at the meeting.
17:21:25 Elsie Arntzen, State Superintendent of Public School (OPI) said she is looking forward to working with this program.


17:23:27 Chair Bedey said OPI is committed to the program but needs to assess how to make it work. He also discussed FTEs and future responsibilities of OPI.

17:26:57 Rep. Windy Boy said he is frustrated with MILPs progress and structure. He also asked for licensure and funding mechanism update.

17:29:04 Ms. Murgel discussed how licensure data operates on a 5-year cycle.

**Public Comment**

17:30:16 Diane Fladmo, Director of Public Policy MFPE said CSCT is a critical program but it is not ready for implementation in the fall. Asked that a meeting be called between OPI, DPHHS and experts in the schools so that the program can be implemented effectively. Recommended that the IGT process be used to get the program up and running.

17:36:30 Denise Williams, Montana Association of School Business Officials, summarized her letter. Requested meeting between OPI, MASBO, DPHHS, and third-party providers.

17:40:48 Rep. Moffie Funk expressed support for CSCT and asked the committee to work to make sure the program continues to be funded in the school where it is needed.


17:45:02 Mary Windecker, Behavior Health Alliance of Montana, explained that CSCT IGT goes into effect January 1, and if the MOU is not straightened out, CSCT services will not be available for children in the schools.

17:47:55 Mike Waterman, Executive Director, Business Operations for Bozeman School District, explained that the complicated funding structure has caused an impasse. Requested a stakeholder meeting to find a solution.

17:51:39 Micah Hill, Superintendent of Kalispell Public School, expressed concern with bureaucracy of funding of CSCT. Explained that his legal counsel has advised him not to sign the MOU. Requested a collaborative meeting with OPI, DPHHS and the schools to find solutions.

**Committee Discussion**

17:54:30 Chair Bedey proposed a work plan.

18:03:39 Superintendent Arntzen explained the issues OPI faces with staffing.

18:07:12 Rep. Windy Boy agreed the CSCT needs to be coordinated with OPI and DPHHS.

18:10:27 Chair Bedey thanked everyone for a productive meeting.

**ADJOURNMENT**

Adjournment: 18:10:45