



Education and Local Government Interim Committee

64th Montana Legislature

SENATE MEMBERS

SHARON STEWART-PEREGOY--Vice Chair
ELSIE ARNTZEN
JILL COHENOUR
MARY SHEEHY MOE
MATTHEW ROSENDALE
GORDON VANCE

HOUSE MEMBERS

DONALD JONES--Chair
SETH BERGLEE
MOFFIE FUNK
DEBRA LAMM
JEAN PRICE
TOM WOODS

COMMITTEE STAFF

LEANNE KURTZ, Lead Staff
PAD MCCRACKEN, Research Analyst
LAURA SANKEY, Staff Attorney
KATYA GROVER, Secretary

MINUTES LOG

June 22-23, 2016
Room 102, Capitol Building
Helena, Montana

JUNE 22, 2016

Please note: This document is a Minutes Log and provides a notation 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 record 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 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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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. DONALD JONES, Chair
SEN. ELSIE ARNTZEN
SEN. JILL COHENOUR
SEN. MARY SHEEHY MOE
SEN. MATTHEW ROSENDALE
SEN. GORDON VANCE
REP. SETH BERGLEE
REP. MOFFIE FUNK
REP. DEBRA LAMM
REP. JEAN PRICE

COMMITTEE MEMBERS EXCUSED

REP. TOM WOODS
SEN. SHARON STEWART-PEREGOY, Vice Chair

STAFF PRESENT

LEANNE KURTZ, Lead Staff
PAD MCCRACKEN, Research Analyst
LAURA SANKEY, Staff Attorney
KATYA GROVER, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

CALL TO ORDER AND ROLL CALL

- 00:00:03 Rep. Jones called the meeting to order at 9:02 a.m. The committee secretary took roll. Sen. Stewart-Peregoy and Rep. Woods were excused. **(Attachment 3)**
- 00:02:00 Rep. Jones briefly went over today's agenda.

ADMINISTRATIVE MATTERS

Committee bill voting requirements

- 00:02:21 Rep. Jones talked about requirements for a committee bill, as well as bills sponsored by individual legislators.

Commission Discussion

The committee members and staff discussed requirements for a bill to be considered a committee bill, as well as legislation proposed by agencies.

- 00:02:57 Sen. Moe
- 00:03:13 Ms. Kurtz
- 00:03:40 Sen. Rosendale
- 00:05:04 Sen. Cohenour
- 00:06:40 Sen. Moe
- 00:06:49 Ms. Kurtz
- 00:07:42 Sen. Moe
- 00:07:54 Sen. Arntzen
- 00:08:10 Ms. Kurtz
- 00:09:05 Sen. Arntzen
- 00:09:44 Ms. Kurtz
- 00:10:16 Rep. Jones

Budget

- 00:11:15 Rep. Jones provided information about ELG's budget. **(Exhibit 1)**

Use of ELG Budget for Reimbursement to Members for Participation in Other Meetings/Conferences

- 00:12:20 Rep. Jones talked about reimbursing the ELG committee members for participating in other meeting or conferences.

Commission Discussion

The committee members discussed providing reimbursement to the committee members for participating in other meetings or conferences such as NCSL.

- 00:12:48 Sen. Cohenour
- 00:13:11 Sen. Rosendale
- 00:13:24 Rep. Lamm
- 00:14:17 Sen. Cohenour

Motion

00:14:28 Rep. Jones moved to allocate a \$1,000 stipend to four committee members for four different trips for a total of \$4,000. The four members would consist of two republican committee members and two democratic committee members.

Discussion on the Motion

The committee members discussed the motion.

00:15:00 Rep. Lamm
00:15:21 Sen. Cohenour
00:15:42 Rep. Jones
00:15:54 Sen. Rosendale
00:16:16 Rep. Jones
00:16:35 Sen. Arntzen

Vote

00:17:12 The motion passed unanimously on a voice vote.

SJR 20 STUDY OF COUNTY ROAD EASEMENTS ON STATE TRUST LAND

Review committee work - Leanne Kurtz, Research Analyst

00:17:37 Ms. Kurtz ([Exhibit 2](#))

Information Request Responses from DNRC - Leanne Kurtz

00:30:59 Ms. Kurtz discussed DNRC's information request responses ([Exhibit 3](#)), the county road study costs ([Exhibit 4](#)), as well as introduced a document from DNRC entitled "County Road Figures as of April 11, 2016." ([Exhibit 5](#))

Committee Questions of Ms. Kurtz

00:32:34 Rep. Jones referred to Exhibit 4 and asked about the \$40 hourly fee for contracted services.
00:32:48 Lisa Axline, Section Supervisor, DNRC, addressed Rep. Jones' question.
00:33:56 Sen. Arntzen asked whether the money that is used for the \$40 hourly fee could be used to hire local contractors directly or whether this money has to be used at the state level, which would then be going to each county.
00:35:23 Sen. Arntzen asked about the half million dollars indicated in Exhibit 4: whether any of this money is intended to be designated as compensation for those counties that already have completed their historic easement.

Legal Analysis of Amending Section 77-1-130 - Laura Sankey, Staff Attorney

00:36:38 Ms. Sankey ([Exhibit 6](#))

00:40:33 John Tubbs, Director, Department of Natural Resources and Conservation, said one entity that was excluded from the staff report and that could provide useful information was the Land Board. Mr. Tubbs also noted that the department doesn't know how to split the market value of the title.

Public Comment

00:42:59 Harold Blattie, Executive Director, Montana Association of Counties, noted the complexity of the issue that has been discussed. Mr. Blattie spoke on a number of points:

- agreed with what has been said about the counties that have completed their historic easement;
- encouraged the committee that if the legislature were to reimburse counties for local property tax dollars that are being paid to a state agency, then this has to be done in a manner that is retrospective and with each county taken into consideration;
- elaborated on the process of collecting full market value by the DNRC noting that it is possible that they collect multiples of the full market value and suggested that a possible solution to this could be giving the title to the land instead of the easement once the fee has been collected;
- noted that if a county has a ROW and it abandons the road, the fact that that county does not get reimbursed represents an issue for the county commissioners;
- expressed his hope that the committee would continue the study of county road easements on state trust lands. In conclusion, Mr. Blattie said that he would be happy to work with the committee on this issue.

Committee Discussion

Committee members discussed some of the points provided by Mr. Blattie during public comment.

00:49:01 Sen. Rosendale
00:51:45 Sen. Cohenour
00:52:33 Sen. Rosendale

Committee Decision Regarding Bill Drafting: Amending Section 77-1-130

The committee by consensus requested committee staff to draft a bill amending the subsection (4)(a) of 77-1-130 which would result in replacing "acreage" with "estate or interest".

00:53:49 Rep. Jones

00:54:35 Ms. Axline clarified the where easement revenue goes.

Committee Discussion

Committee members and committee staff discussed the importance of having stakeholders meet to discuss funding mechanisms for performing the inventory, as well as including general information and recommendations coming out of the stakeholders' meeting as a separate section in the committee's final report.

00:55:12 Sen. Rosendale
00:55:53 Rep. Jones
00:56:15 Sen. Cohenour
00:57:31 Ms. Kurtz
00:58:06 Sen. Cohenour
00:58:48 Rep. Jones
00:59:18 Sen. Cohenour

SJR 21 STUDY OF LOCAL FIRE AND EMERGENCY SERVICES

Bill draft review

- 01:00:08 Ms. Kurtz ([Exhibit 7](#))
- 01:02:40 Ms. Kurtz introduced the memo from Legislative Fiscal Division entitled "Fire Insurance Premium Tax Revenue and Firefighter Pension Payouts" to the commission members. ([Exhibit 8](#))
- 01:03:37 Sen. Rosendale expressed his concern by saying that there is a shortfall of \$10 million in the account that was established for the firefighters' pensions.

Public Comment

- 01:05:09 Harold Blattie, MACo, commented on the Volunteer Firefighter Pension. Mr. Blattie noted that in order for him to address Sen. Rosendale's concern on a deeper level than he has done, he needs to study the document Sen. Rosendale was referring to (see Exhibit 8).
In his comment, Mr. Blattie elaborated on the bill draft and provided background information regarding legislature's efforts in this area. Mr. Blattie also noted that the bill draft needs some clarification with respect to wording. In conclusion, Mr. Blattie noted that MACo has supported every bill to provide workers' comp to volunteer firefighters and will most likely continue to do so in the future. During the time when Mr. Blattie was providing public comment, Ms. Kurtz distributed a document entitled "Insurance Taxes: Sources and Distribution" to the committee, to which Mr. Blattie was referring. ([Exhibit 9](#))
- 01:10:39 Sam Schaefer, LFD, clarified figures from Exhibit 8.

Committee Questions

- 01:11:59 Rep. Jones asked Mr. Schaefer to clarify the general fund information as in Exhibit 8.
- 01:12:34 Pat Keim, volunteer firefighter, noted that there are several districts whose volunteer firefighters are covered by workers' comp but many do not have such coverage. Mr. Keim also noted that some districts don't know whether they have workers' comp or not. Mr. Keim expressed strong support for providing workers' comp to volunteer firefighters.

Committee Discussion

Committee members discussed whether the committee should move forward with the committee bill regarding firefighters' pensions.

- 01:16:24 Sen. Rosendale
01:17:07 Sen. Cohenour

Motion

- 01:19:46 Sen. Cohenour moved to go forward with LC FIPT as a committee bill.

Discussion on the motion

01:20:04 Sen. Moe said that her only concern with this bill draft is regarding the firefighters' pensions. Sen. Moe suggested that the committee make a decision regarding this bill draft at the final ELG meeting. Sen. Moe also expressed her regret that Mr. Blattie didn't have time to study the document entitled "Fire Insurance Premium Tax Revenue and Firefighter Pension Payouts" (see Exhibit 8).

Motion Withdrawn

01:21:16 With no objections from the committee, Sen. Cohenour withdrew the motion.

Committee Discussion: the Content of the Bill and on Providing Instructions to Staff for Bill Drafting

01:21:20 Sen. Cohenour noted that the committee should continue discussion regarding the content of the bill draft, LC FIPT. Sen. Cohenour also requested that Mr. Blattie provide his analysis of "Fire Insurance Premium Tax Revenue and Firefighter Pension Payouts" (see Exhibit 8) and elaborate more on the content of "Insurance Taxes: Sources and Distribution" (see Exhibit 9), and the funding portion of the bill draft during the next ELG meeting.

01:21:44 Rep. Lamm suggested that Mr. Blattie also elaborate on his point about adjusting the language regarding the \$20,000 and \$40,000 per year reflected on page 2 of the bill draft.

01:22:00 Sen. Cohenour suggested that the committee staff reflect the discussion in the draft bill, so that the committee could review it.

01:22:12 Sen. Rosendale requested information regarding the number of volunteers not covered.

01:22:46 Rep. Jones noted that this is a county and district issue but not a state issue.

01:23:35 Mr. Blattie provided his feedback regarding Exhibit 8 and confirmed that information presented there is correct. Mr. Blattie explained where the money to provide coverage to paid firefighters comes from.

Committee Questions of Mr. Blattie

01:24:56 Rep. Jones said that his understanding of what Mr. Schaefer reported was that 1.8 million dollars goes towards pensions for volunteer firefighters. Rep. Jones asked Mr. Blattie to clarify this point.

01:25:10 Mr. Blattie addressed Rep. Jones' question, as well as Sen. Rosendale's questions raised earlier.

01:26:41 Sen. Cohenour referred to Exhibit 9 and asked Mr. Blattie whether there is the a work comp assistance that goes to paid firefighters out of the general fund.

01:27:39 Rep. Lamm asked Mr. Blattie to elaborate on the part of the graph labeled "Healthy Montana Kids" on page 1 of Exhibit 9.

Committee Discussion: Providing Instructions to Staff for Bill Drafting

01:28:58 Rep. Jones summarized the discussion by saying that the committee proposes to move forward with drafting the bill and applying the changes that the committee discussed. Rep. Jones also noted that, as most likely there won't be a consensus on this bill, one of the committee members could carry it during session.

- 01:29:17 Ms. Kurtz reiterated what the committee instructions on the bill drafting were: to apply the changes that Mr. Blattie suggested. Ms. Kurtz asked whether the committee wishes to have a bill draft that would simply use a general fund appropriation and leave the fire insurance premium tax out or whether the committee wishes to have the original draft with changes applied that were suggested by Mr. Blattie and have a further discussion of it during September meeting.
- 01:30:09 Rep. Jones instructed Ms. Kurtz to prepare both drafts.
- 01:30:28 Ms. Kurtz reiterated that one of the bill drafts will take fire insurance premium tax diversion out of the concept and have it just be a cost share that was funded through the GF appropriation.
- 01:30:58 Rep. Jones confirmed that the committee staff should prepare both drafts.

BREAK (reconvened at 10:47 a.m.)

STATE LIBRARY UPDATE: LEGISLATIVE AND BUDGET PRIORITIES

- 01:46:14 Jennie Stapp, State Librarian, State Library, discussed the information presented in the documents entitled "State Library New Proposals" (**Exhibit 10**), "Unfunded Montana Land Information Act Grant Requests" (**Exhibit 11**), "Fiscal Year Collection Comparison May 2016 (FY 2016)" (**Exhibit 12**), and "Montana Public Libraries: Subscribed Broadband Speed (2014)". (**Exhibit 13**)

Committee Questions of Ms. Stapp

- 01:50:57 Sen. Moe asked whether there is a requirement in the standards for hours or days open.
- 02:03:45 Sen. Moe asked whether portion of the salaries that the fund does not pay for regarding the contract with the University of Montana is paid by the University of Montana.
- 02:04:33 Rep. Lamm asked about data regarding tracking invasive species by the Invasive Species Advisory Council.
- 02:12:39 Rep. Lamm asked about the broadband: whether it is only for access by the library system or can be utilized by schools or other public entities.
- 02:13:59 Rep. Lamm asked about administrative costs and what they would be providing.
- 02:14:36 Rep. Jones concluded this part of the discussion and confirmed with Ms. Stapp that there are no other requests from the State Library other than those indicated by her earlier (see Exhibit 10).

Public Comment

- 02:15:45 Nanette Gilbertson, Montana Library Association, spoke in support of the policy of priority for the Montana State Library: the per capita per square mile aid funding, as well as the budget priorities.

OFFICE OF PUBLIC INSTRUCTION MONITORING

Development of ESSA State Plan for Montana

Nancy Coopersmith, Assistant Superintendent, Office of Public Instruction
 BJ Granbery, Division Administrator, Office Public Instruction

02:18:16 Ms. Coopersmith ([Exhibit 14](#)) ([Exhibit 15](#))
02:26:04 Ms. Granbery ([Exhibit 16](#))

Committee Questions

02:29:31 Rep. Lamm asked Ms. Granbery about additional costs that are associated with the additional requirements.
02:32:03 Rep. Lamm asked the panelists whether they anticipated any increased federal funding for any of the programs that they have discussed today.
02:34:28 Sen. Arntzen referred to Exhibit 16 and asked the panelists to elaborate on the information regarding the report cards.
02:39:16 Sen. Arntzen asked about the timeframe and schools.
02:41:07 Rep. Lamm asked about additional data collection and security issues: whether it's done within OPI or assigned elsewhere.
02:42:23 Sen. Moe commented on Ms. Coopersmith's retirement and thanked her for her service.

Agency Legislative Proposals - Madalyn Quinlan, Chief of Staff, Office of Public Instruction

02:44:25 Ms. Quinlan provided a clarification on the point regarding collecting data on military children that was discussed above in the presentation about ESSA.
02:45:22 Ms. Quinlan presented OPI's legislative proposals. ([Exhibit 17](#)) Ms. Quinlan asked to proceed with bill drafting by the beginning of October.

Committee Discussion on Action Regarding Requested Proposals

02:52:47 Rep. Jones said that because the proposals were given to the committee only today, the committee will take action during the September meeting.

Committee Questions Regarding Bill Drafting Deadlines

02:53:11 Rep. Funk asked Ms. Kurtz how, if the committee doesn't take action until September, the process with bill drafting would work.
02:53:37 Ms. Kurtz addressed Rep. Funk's question.
05:54:16 Rep. Funk asked Ms. Kurtz to confirm that producing bill drafts up to including September is a common timeline.
02:54:19 Ms. Kurtz advised the committee that per the guidelines, September 15 is the deadline for completion of committee work.
02:54:44 Ms. Quinlan asked about the exact date for the September meeting.
02:54:49 Ms. Kurtz said the next ELG meeting is scheduled for September 8th and 9th.

Committee Questions of Ms. Quinlan Regarding Requested Proposals

02:54:59 Sen. Arntzen referred to Exhibit 17 and asked whether Gifted and Talented topic was of priority to OPI since it is not among the bill requests.
02:55:24 Ms. Quinlan explained that this document (see Exhibit 17) only includes bill requests that require statutory changes; the OPI hasn't seen a need that would require a statutory change related to the area of Gifted and Talented. In addition to that, in anticipation of the 10-year study committee, OPI did not put in a request for increasing funding for Gifted and Talented.
02:56:25 Sen. Arntzen asked about the duration of the Special Education Cooperative Funding Task Force: how many meetings took place and how many, if any, are

- left.
- 02:56:48 Ms. Quinlan addressed Sen. Arntzen's question.
- 02:57:14 Sen. Arntzen asked Ms. Quinlan to comment on the following: not all of the districts are participating in a coop setting, and, to make sure that there is equity within the system, there must have been a discussion within the Special Education Cooperative Funding Task Force on the need to spread funding more evenly around all districts rather than specifically target the funding to the individual districts that use the coops.
- 02:57:49 Ms. Quinlan addressed Sen. Arntzen's point.

LUNCH (reconvened at 1:00 p.m.)

MONTANA SCHOOL FOR THE DEAF AND BLIND

- 04:01:08 Donna Sorensen, Superintendent, MSDDB, gave a presentation on the Montana School for the Deaf and Blind. **(Exhibit 18)** Note: some of the school promotional materials that could not be scanned are attached to and kept with the meeting materials.

Committee Questions of Ms. Sorensen

- 04:27:13 Rep. Lamm asked about teaching cursive handwriting in braille.
- 04:28:31 Rep. Funk asked whether with today's technology, teaching cursive is of a priority.
- 04:33:47 Sen. Arntzen asked about the earliest age that students join the school, those coming to campus and residential, as well as at what age students have to leave the school.
- 04:35:37 Sen. Arntzen asked about recruitment and retention of teachers with specific skills that teaching at the Montana School for the Deaf and Blind requires.

Demonstrations by Ms. Sorensen

- 04:39:47 Ms. Sorensen gave a demonstration of what a student with hearing impairment can hear in a classroom with different acoustic settings, available on the National Deaf Children Society website.
- 04:44:27 Ms. Sorensen provided an "orientation and mobility" activity with a volunteer from the committee to demonstrate how a student with visual impairment can get around the classroom.
- 04:53:18 Rep. Jones gave his feedback from visiting the school in the past and concluded this part of the agenda.

BREAK (reconvened at 2:02 p.m.)

K-12 TRANSPORTATION

Information Request Responses - Pad McCracken, Research Analyst

- 05:01:27 Mr. McCracken **(Exhibit 19)**

Committee Questions of Mr. McCracken

- 05:10:12 Sen. Arntzen asked about the age of the buses.
- 05:13:46 Sen. Rosendale asked whether, with respect to purchasing larger buses, there

- 05:15:48 is any information that shows what the occupancy rate of the buses is right now.
Rep. Price asked if there is a possibility that larger buses could be purchased for smaller districts as those buses could be used for multiple purposes.
- 05:20:00 Rep. Funk asked whether there are state requirements regarding seatbelts on the school buses and, equally, whether there are requirements regarding retrofitting.
- 05:21:10 Sen. Moe asked who sets the Montana bus standards.
- 05:21:22 Peter Donovan, Board of Public Education, said that the Board establishes the transportation standards for students, including the seatbelt issue. Mr. Donovan said that it seems that the national movement is leaning towards requiring the seatbelts.

Committee Discussion

Committee members requested information showing whether the larger or the smaller districts could afford changes in the amount of reimbursement: to look at one-level reimbursement and model the reimbursement schedule based on rural school districts vs. urban school districts. Information on seat belts on school buses is to be included in this information request. The committee decided that this may result in a bill that would be proposed either by the committee or by an individual Senator or Representative.

- 05:22:08 Rep. Jones asked where the committee wishes to go.
- 05:22:14 Rep. Funk said that the committee needs to decide whether the larger or the smaller districts could afford changes in the amount of statutory reimbursement.
- 05:23:07 Rep. Jones asked whether the committee wishes to take up the issue that Rep. Funk brought up as a committee bill or whether an individual Senator or Representative wishes to carry it. Rep. Jones also reminded the committee members about the time limits with respect to bill drafting.
- 05:23:35 Sen. Cohenour requested information, possibly from OPI, on the one-level reimbursement modeled out of rural districts vs. urban districts.
- 05:24:26 Rep. Funk said the buses in larger districts will have further to travel. Rep. Funk reminded the committee that those buses might be not just in smaller districts but in larger counties, with a different kind of wear and tear from buses used in cities.
- 05:24:58 Sen. Cohenour said that she carried a bill that considered an issue of seatbelts in school buses and noted that one of the issues was the age of buses.
- 05:26:12 Rep. Jones, with the consensus of the committee, requested information regarding one-level reimbursement and model the reimbursement schedule based on rural school districts vs. urban school districts.

ADMINISTRATIVE RULE REVIEW - Larura Sankey

- 05:27:03 Ms. Sankey ([Exhibit 20](#))

OFFICE OF PUBLIC INSTRUCTION MONITORING

Science Content Standards Economic Impact Statement

Jael Prezeau, Administrator, Content Standards and Instruction Division, OPI;
Gerry Wheeler, Professor Emeritus, Physics Department, Montana State University;

Director Emeritus, National Science Teachers Association; Member of the Negotiated Rulemaking Committee; President, Montana Quality STEM Education;
Judy Boyle, Member of Science Standards and Negotiated Rulemaking Committee; President Elect, Montana Science Teachers Association; Teacher Trainer, Montana Partnership with Regions for Excellence in STEM (MPRES); Member, Montana Small Schools Alliance; Kindergarten through 8th Grade Teacher, Divide School;
Madalyn Quinlan, Chief of Staff, OPI

05:31:45 Ms. Prezeau introduced the proposed science content standards review and revision process that involved multiple stakeholders across the state.
(Exhibit 21) Ms. Prezeau introduced two of the stakeholders: Mr. Wheeler and Ms. Boyle.

Committee Questions

05:41:01 Rep. Lamm asked Ms. Prezeau if these proposed science standards are intended to be submitted with the ESSA State Plan.

05:41:40 Rep. Lamm asked Ms. Prezeau about the difference between the proposed science standards and the next generation science standards.

05:42:34 Rep. Lamm asked Ms. Prezeau for a list of other states that OPI has compared the proposed standards to.

05:42:49 Sen. Moe asked to clarify whether what's been discussed is simply the process or is about the content of the standards. Sen. Moe also asked Ms. Prezeau to elaborate on the following point: how the proposed standards line up with college expectations with respect to science courses.

05:44:55 Mr. Wheeler addressed the difference between standards and what school children will actually receive. Mr. Wheeler also addressed the point about science standards making children being college and career ready.

05:47:14 Sen. Moe said that she is trying to equate the two years of required science with the standards that are being proposed.

05:47:54 Mr. Wheeler addressed Sen. Moe's point.

05:49:20 Ms. Boyle spoke in support of science standards and urged the committee to support them.

05:59:04 Mr. Wheeler spoke on the high quality of the current draft of the standards.

Committee Questions

06:04:55 Rep. Lamm asked Ms. Boyle to confirm that the new standards have been used as standards even though they haven't been put in place.

06:06:18 Ms. Quinlan discussed the sources of responses to the survey that OPI administered and provided an overview of the economic impact statement.
(Exhibit 22)

Committee Questions

06:09:43 Sen. Rosendale asked Ms. Quinlan whether OPI broke down the size of the districts with respect to respondents.

06:20:09 Sen. Cohenour asked Ms. Boyle to confirm that the proposed standards are not being implemented without being passed but they are used as part of the

- professional development.
- 06:23:57 Sen. Arntzen asked Ms. Quinlan to clarify the meaning of the phrase "school system" (referred to in Exhibit 21).
- 06:24:49 Sen. Arntzen asked Ms. Quinlan about the data that OPI collected: Sen. Arntzen asked to segregate answers in such a way as to be able to see the impact of implementing new standards on smaller schools vs. on larger schools. Sen. Arntzen referred to page 12 of Exhibit 21 and asked whether OPI reached out to the districts that didn't participate in the survey.
- 06:25:50 Sen. Arntzen asked what OPI has done with the higher education component regarding the certification and re-certification of teachers.
- 06:26:42 Ms. Prezeau addressed Sen. Arntzen's question.
- 06:27:24 Mr. Wheeler also addressed Sen. Arntzen's question.

Public Comment on Economic Impact Statement - None.

Committee Action on EIS

- 06:29:37 Rep. Jones explained what the committee needs to decide on regarding the EIS. Rep. Jones asked Ms. Kurtz whether the committee completed what it is required to with respect to the EIS.
- 06:30:03 Ms. Kurtz said that as far as the statute goes that requires this committee to review, the committee has fulfilled its role.

BREAK (reconvened at 3:41 p.m.)

Health/PE, Arts EIS Follow Up

- 06:40:11 Rep. Jones introduced this agenda item. Rep. Jones said that since there was no finding of substantial impact, the committee doesn't need to go forward with any action. Rep. Jones asked for comment from the committee members.

Motion

- 06:40:34 Sen. Cohenour said the her understanding was that the committee does have to take executive action if the findings are found insubstantial and moved to accept the Health and PE standards.

Discussion on the Motion

The committee members and committee staff discussed the motion and Ms. Kurtz's explanation, which is as follows: the statute doesn't require a motion; if the committee disagrees that the finding is insubstantial, then there needs to be a budget request and a delayed adoption date, but regardless of whether the committee chooses to concur or take no action, (a) the adoption date remains July 1, 2017, and (b) there won't be a budget request for those standards.

- 06:41:06 Ms. Kurtz
- 06:41:58 Sen. Cohenour
- 06:42:19 Ms. Kurtz
- 06:42:38 Ms. Sankey
- 06:43:34 Sen. Arntzen

Motion Withdrawn

06:43:23 With no objections from the committee, Sen. Cohenour withdrew her motion.

Committee Discussion on the Original Motion and Committee Decision

Committee members, committee and OPI staff had a further discussion of the statute and the committee decision regarding the motion made by Sen. Cohenour.

06:43:53 Sen. Moe
06:44:46 Rep. Jones
06:45:09 Sen. Moe
06:45:34 Rep. Jones
06:45:45 Ms. Sankey
06:47:03 Sen. Moe
06:47:55 Rep. Jones
06:48:31 Ms. Quinlan
06:49:34 Sen. Cohenour
06:50:13 Rep. Jones
06:50:19 Sen. Cohenour
06:50:41 Ms. Kurtz

U.S. Departments of Justice and Education guidance on Transgender Students - Ann Gilkey, Chief Legal Council, OPI

06:51:17 Ms. Gilkey ([Exhibit 23](#))

Public Comment

06:55:09 Ms. Kurtz distributed written public comment from Karen Cox, which includes an article entitled "Gender Ideology Harms Children". ([Exhibit 24](#))

SJR 10 Audit Report - Will Soller, Senior Performance Auditor, Legislative Audit Division

06:55:49 Mr. Soller ([Exhibit 25](#)) ([Exhibit 26](#))

Committee Questions of Mr. Soller

06:59:35 Sen. Moe referred to the numbers on slide 4 of Exhibit 26 and asked about multiple responses from each school district.
07:05:46 Sen. Arntzen referred to slide 8 of Exhibit 26 and asked about the 37 data collections.
07:06:27 Sen. Arntzen referred to slides 8 and 9 and asked whether those 37 data collections were mandated by the federal and the state government.
07:06:47 Mr. Soller continued his presentation.

Committee Questions of Mr. Soller

07:19:08 Rep. Lamm asked Mr. Soller to address the breach in the student data that occurred in Missoula and whether it was in any way related to the transmission of information to OPI.
07:19:48 Rep. Lamm said that she is trying to understand how the transfer of data ought to be working in order to ensure the student data privacy and asked whether the Data Task Force should be involved at the district level.

- 07:20:48 Rep. Lamm asked whether a lot of the information that districts are required to collect and maintain is a direct result of a federal or state requirement.
- 07:21:08 Sen. Arntzen said that it seems that OPI has five data collection programs and asked whether it was the recommendation of the Audit to have those programs communicate more efficiently as to avoid redundancy.

OPI Response to Audit Report

OPI officials provided their feedback regarding the SJR 10 Audit Report.

- 07:24:09 Ken Bailey, Assistant Superintendent of Operations, OPI
- 07:32:37 Madalyn Quinlan, Chief of Staff, OPI

Committee Questions

- 07:35:25 Sen. Arntzen referred to a chart on page 15 of Exhibit 25 and said that by looking at the chart, the perception is that from 21 to 25%, there is duplication. Sen. Arntzen asked about the discrepancy: the data doesn't say that there is duplication in data collection but the districts, entities that are responding to the data requests, are saying that there is redundancy. Sen. Arntzen also asked how this situation, when districts feel burdened by duplication, can be resolved.
- 07:36:57 Mr. Bailey addressed Sen. Arntzen's question.
- 07:39:26 Sen. Arntzen noted that the perception by the audit, which came as a Senate resolution, shows that there is redundancy and that districts are burdened by it. Sen. Arntzen encouraged OPI to work toward resolving that issue.
- 07:40:14 Mr. Bailey addressed Sen. Arntzen's comment.

Public Comment on SJR 10 - None

PUBLIC COMMENT ON ANY MATTER WITHIN ELG'S SUBJECT MATTER JURISDICTION

- None

RECESS

- 07:41:10 With no further business before the committee, Rep. Jones recessed the meeting at 4:42 p.m., to reconvene at 8:00 a.m. on June 23, 2016.

June 22-23, 2016
Room 102, Capitol Building
Helena, Montana

JUNE 23, 2016

COMMITTEE MEMBERS PRESENT

REP. DONALD JONES, Chair
SEN. ELSIE ARNTZEN
SEN. JILL COHENOUR
SEN. MARY SHEEHY MOE
SEN. MATTHEW ROSENDALE
SEN. GORDON VANCE
REP. SETH BERGLEE
REP. MOFFIE FUNK
REP. DEBRA LAMM
REP. JEAN PRICE

COMMITTEE MEMBERS EXCUSED

REP. TOM WOODS
SEN. SHARON STEWART-PEREGOY, Vice Chair

STAFF PRESENT

LEANNE KURTZ, Lead Staff
PAD MCCRACKEN, Research Analyst
LAURA SANKEY, Staff Attorney
KATYA GROVER, Secretary

VISITORS' LIST ([Attachment 4](#))

AGENDA ([Attachment 5](#))

RECONVENE

00:00:01 Rep. Jones reconvened the meeting at 8:01 a.m.

BOARD OF REGENTS ACTIVITIES

BOR Initiatives, Projects - Paul Tuss, Chair, Board of Regents

00:00:32 Mr. Tuss provided a report on the regent priorities and system initiatives for Montana's colleges and universities.

BOR Perspective on Community Colleges

00:08:22 Mr. Tuss

Presentation on the Gifted and Talented Program

00:11:29 Tracy Missett, College of Education and Human Sciences, University of Montana
([Exhibit 27](#))

Committee Questions of Ms. Missett

- 00:15:51 Rep. Jones asked whether it is a requirement that in order to graduate from the College of Education, any new teacher has to have a class taught by Ms. Missett.
- 00:18:42 Rep. Funk asked whether there are different courses offered for those teachers who will be working in elementary school vs. middle or high school with respect college education in the gifted and talented area.
- 00:20:38 Sen. Moe asked to confirm that Ms. Missett's position is endowed.
- 00:22:55 Sen. Moe asked whether \$250,000 is a one-time-only funding.
- 00:24:08 Rep. Jones asked Ms. Missett about her PhD degree and whether there are many trained professionals like her in the field of gifted and talented education.
- 00:24:56 Rep. Jones asked Ms. Missett to elaborate more on how gifted and talented children are identified and how they are managed differently in a classroom.

MUS RESEARCH INITIATIVE

Funded Projects Review - Janelle Booth, Research Director, Montana University System

- 00:27:39 Ms. Booth gave a presentation on the MUS Research Initiative. **(Exhibit 28)** Ms. Booth referred to information on the MUS Research Initiative website at: https://mus.edu/research_initiative.asp and briefly discussed the following projects (in her report, Ms. Booth was using the same website):
- 00:29:53 Traumatic Brain Injury
- 00:31:35 Water Quality Monitoring
- 00:32:34 Optics and Photonics
- 00:34:15 Drone Fire
- 00:35:29 Water Quality Monitoring
- 00:36:06 One Medicine

Future of the Program and Projects

- 00:40:21 Ms. Booth

Committee Questions

- 00:42:14 Sen. Vance asked Ms. Booth about where the research conducted by the Medicine One project has been done.
- 00:42:39 Sen. Moe said that she assumes that funding for the initiative (Traumatic Brain Injury) was, in a way, an experiment and asked how the initiative that received signatures to qualify for the ballot on research in Montana interfaces with what looks like a very successful experiment.
- 00:43:28 Tyler Trevor, Deputy Commissioner, Office of the Commissioner of Higher Education, addressed Sen. Moe's question.
- 00:44:57 Rep. Jones asked how much the \$ 15 million dollars has leveraged additional research funds.
- 00:45:09 Ms. Booth answered Rep. Jones' question.
- 00:45:53 Rep. Jones concluded this agenda item thanking participants for presenting their research projects throughout the interim.
- 00:46:24 Rep. Jones asked about a possible bill requesting a \$ 15 million dollar funding.
- 00:46:33 Mr. Trevor said this is a good time for questions before the TRIO presentation.

MSU-B/SD 2 DUAL CREDIT PROGRAM

00:47:45 Tyler Trevor, Deputy Commissioner, Office of the Commissioner of Higher Education, provided a report on the dual credit program and explained the difference between dual credit and dual enrollment.

Committee Questions of Mr. Trevor

00:51:54 Rep. Jones asked whether the practice of not charging students for dual credit will be pushed out to the rest of the schools.

00:54:34 Rep. Jones confirmed with Ms. Kurtz that there are only two presenters with respect to the dual credit program.

00:55:02 Amy Williams, Dual Credit Coordinator, MUS, provided additional information on the dual credit program.

Committee Questions

01:00:47 Sen. Moe asked Ms. Williams to address teachers' willingness to engage in the program.

01:03:12 Sen. Moe asked Ms. Williams to comment on Advanced Placement and dual credit, whether some colleges still refuse to accept AP or dual credit, especially for students coming from high schools.

01:03:43 Ms. Williams and Mr. Trevor both addressed Sen. Moe's question.

01:05:45 Rep. Jones asked whether the transcript would show that a dual credit was taken during high school.

01:06:31 Rep. Price asked what other courses, in addition to math, are available for dual credit.

01:10:18 Rep. Lamm referred to qualified high school faculty that Ms. Williams discussed and asked for details of faculty qualifications.

01:12:34 Sen. Cohenour asked Ms. Williams about the data showing how many students who take dual credit courses go on to colleges within Montana.

01:14:00 Rep. Funk noted that according to Mr. Trevor's and Ms. Williams' presentation, 70% of high school students are on track to go to college and asked what can be done to bolster the two-year colleges and the interest in the two-year colleges by the remaining 30% of students and whether that group of students is going to be the focus for encouraging that.

01:17:08 Rep. Jones said that the assumption is that students are using exactly the same books in dual enrollment classes as used in the university classes and asked whether public schools are paying for those books.

01:19:21 Rep. Lamm asked for examples of those areas that have to change and what courses or topics those might be.

01:20:36 Sen. Moe asked whether the dual enrollment or concurrent enrollment courses are taught over the course of a year.

01:22:20 Sen. Moe noted that dual credit courses represent a great opportunity for students despite possible scheduling problems. Sen. Moe also asked about the online accessibility, particularly for students in the rural areas and asked whether the online access to course materials is taken advantage by rural schools.

01:25:09 Sen. Vance said he serves on the Economic Affairs Interim Committee, and during the last meeting there were representatives from MSU who talked about the diagnostic lab and the fact that it's in a bad condition and needs serious

financial attention. When spokesmen were asked why they would not have a budget request to fix it, they informed the EAIC committee members that the Board of Regents made a decision not to have a budget request for it. Sen. Vance asked Mr. Trevor to address this point.

- 01:26:24 Before Mr. Trevor addressed Sen. Vance's question, Rep. Jones asked Mr. Tuss if he is OK with questions going outside of today's presentation.
- 01:26:59 Mr. Trevor addressed Sen. Vance's question.
- 01:30:38 Sen. Moe asked about performance funding: how performance funding is working with regard to those institutions in which enrollment is declining.
- 01:34:50 Sen. Moe asked how much of the cost of education the state of Montana accounts for on a percentage basis.
- 01:36:09 Sen. Moe commented that Ms. Williams has added a lot to the dual enrollment picture and that she provided excellent presentations to this committee.
- 01:36:17 Rep. Jones asked whether Ms. Williams is involved in the dual credit programs at two-year colleges.
- 01:37:55 Rep. Jones noted that for the last two sessions there has been a tuition freeze and asked Mr. Trevor whether it is going to be proposed again for the next biennium.

BREAK (reconvened at 9:53 a.m.)

FEDERAL TRIO PROGRAMS - Office of the Commissioner of Higher Education

Jeannie Origbo, Director, Educational Talent Search Grant Program
Zach Hawkins, Director, Montana GEAR UP Program

- 01:52:26 Ms. Origbo gave a presentation on the Federal TRiO Programs. **(Exhibit 29)**
- 02:00:13 Mr. Hawkins gave a presentation on the Montana GEAR UP Program. **(Exhibit 30)**

Committee Questions

- 02:08:10 Sen. Arntzen asked about the safety net, the engagement, that is offered through TRiO and GEAR UP and that is following students through to completion, whether it be a two-year degree or a Master's degree.
- 02:14:09 Sen. Arntzen asked Mr. Hawkins whether GEAR UP has to begin the grant process again as it received a grant in 2011 and it was a seven year grant.

Public Comment - None

SEPTEMBER MEETING AGENDA

- 02:15:54 Ms. Kurtz discussed possible agenda items for the September meeting, as well as the length of the meeting.
- 02:19:46 Sen. Arntzen asked Ms. Kurtz about adding monitoring fire costs to the next meeting's agenda.

ADJOURNMENT

- 02:21:12 With no further business before the committee, Rep. Jones adjourned the meeting at 10:22 a.m.

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