

DRAFT WORK PLAN FOR THE 2025-2026 INTERIM

REVISED FOLLOWING JULY 22, 2025, MEETING FOR
COMMITTEE CONSIDERATION IN SEPTEMBER



Education Interim Committee
Pad McCracken and Becca Brown
September 2025

EDIC WORK PLAN 2025-2026 DRAFT

PURPOSE

To help the Education Interim Committee plan its interim and establish work priorities. When finalized, the work plan will provide guidance to the members, staff, and the public on how the committee will conduct its business throughout the interim. It and the accompanying work plan outline will serve as a blueprint that allows the committee to complete its work over the next 15 months.

STATUTORY DUTIES

A NUMBER OF STATUTORY DUTIES ARE COMMON TO ALL INTERIM COMMITTEES

5-5-215. Duties of interim committees. (1) Each interim committee shall:

- (a) review administrative rules within its jurisdiction;
 - (b) subject to 5-5-217(3), conduct interim studies as assigned;
 - (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
 - (i) identification of issues likely to require future legislative attention;
 - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
 - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
 - (d) review, if requested by any member of the interim committee, the statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
 - (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules;
 - (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work; and
 - (g) review proposed statewide initiatives as defined in 13-27-110 within the interim committee's subject area and vote to either support or not support the placement of the text of the proposed statewide initiative on the ballot in accordance with 13-27-228.
- (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature. An interim committee may by vote request four bill drafts on a partisan basis and an unlimited number of bill drafts on a bipartisan basis.

It is up to the committee to determine how it wants to execute its "agency monitoring" responsibilities. Previous committees have scheduled updates and conversations with the various agencies either at every meeting, on a rotating basis, or ad hoc.

(3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.

(4) As used in this section:

(a) "bipartisan basis" means a vote in which members from more than one party vote to request a bill draft; and

(b) "partisan basis" means a vote in which members from only the majority party vote to request a bill draft.

EDIC'S ENABLING STATUTE

5-5-224. Education interim committee.¹ The education interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

- (1) state board of education;
- (2) board of public education²;
- (3) board of regents of higher education³; and
- (4) office of public instruction.

The entities attached to the State Board of Education (which is the Board of Public Education and the Board of Regents of Higher Education combined) are:

- the Montana Historical Society (MHS)
- the Montana State Library (MSL) and
- the Montana Arts Council (MAC).

ACCREDITATION STANDARDS ADOPTED BY THE BOARD OF PUBLIC EDUCATION

The accreditation standards for school, which include the content area standards (for example, the math content standards which describe what students at various grade levels should know and be able to do in math) are adopted by the Board of Public Education in a process described in 20-7-101, MCA. This process has been revised in

¹ 5-5-224 was amended in SB 151 (Brown, 2017) to remove all references to local government, replacing the former Education and Local Government Interim Committee (ELG) with two committees, one for education and one for local government. The 2019-20 EDIC requested SB 25 which was enacted by the 2021 Legislature and removed language related to fiscal oversight and budget planning for the Montana University System.

² In a 1992 decision, Judge Jeffrey Sherlock of the First Judicial District ruled that the Board of Public Education is vested with constitutional rulemaking authority that is independent of any power delegated to the Board by the Legislature. Any rules adopted by the Board of Public Education are not subject to legislative review. However, in the 2003-2004 interim, the Board requested that the former ELG review its rules. That may continue to be the case. In addition, 20-7-101, MCA, requires that the Board submit proposed accreditation standards to the committee, as discussed in this work plan.

³ The Board of Regents is exempt from the Montana Administrative Procedure Act (2-4-102(2), MCA), so any "rules" adopted by the Board of Regents are not subject to legislative review. The Board adopts policies which helps with this distinction.

recent legislative sessions so that the economic impact statements associated with revisions to the accreditation standards go to legislative budget committees; however, these statutory changes to the process have also made it clear that the Education Interim Committee retains its authority “to review administrative rules, including accreditation standards.” The committee can expect updates from both the Office of Public Instruction and the Board of Public Education on accreditation standards under review during the 2025-2026 interim.

SCHOOL DISTRICT BUDGET AMENDMENT REPORTING

Section 20-9-161 requires school districts to report to EDIC and to the Board of Public Education any budget amendment adopted to address an unforeseen need affecting the educational functions of the district if the budget amendment, in combination with other budget amendments within the same school fiscal year, exceeds 10% of the district's adopted general fund budget.

REVIEW OF STATUTORILY ESTABLISHED ADVISORY COUNCILS AND REPORTS

Pursuant to 5-5-215(d), any member of EDIC can request that the committee review statutorily established advisory councils and required reports of agencies within the committee's purview “to make recommendations to the next legislature on retention or elimination of any advisory council or required reports”. The number of required reports within EDIC’s purview has grown from nine in 2013 to 30 currently.

Advisory councils relevant to EDIC's subject area jurisdiction and the entities to which they are attached are:

- 1. Fire Services Training Advisory Council (2-15-1519, MCA); Board of Regents
- 2. K-12 Data Task Force (20-7-105) Office of Public Instruction

Unless otherwise directed in statute, written reports to the legislature, including reports to specific interim committees, are biennial reports and need to be submitted by September 1 of the year preceding a legislative session.

In July, the committee identified several annual reports that it is interested in having presentations on at its September 2025 meeting (highlighted below) and plans to communicate in a similar fashion its interest in presentations on additional reports for its September 2026 meeting.

Reports that are statutorily required to be submitted to EDIC are:

| Report | Entity | Deadline | Statute |
|---|-----------------------|--------------|-----------|
| SMART Act Annual Performance Report | Multiple ⁴ | Oct 1, 2025 | 2-12-105 |
| Reemployment of Retired Teachers (by districts) | TRS | Sept 1, 2026 | 19-20-732 |
| Reemployment of Retired Teachers (by OPI; NEW) | TRS | Sept 1, 2026 | HB 349 |

⁴ SMART Act “annual” plans and performance reports are prepared by OCHE, BPE, OPI, MHS, MAC, and MSL.

| | | | |
|---|-------------|---------------|-----------|
| Indian Education for All (annual report; NEW; SB 181) | OPI | Sept 1, 2025 | 20-1-503 |
| Educational Opportunity for Military Children | OPI et. al. | Sept 1, 2026 | 20-1-231 |
| Grow Your Own Grant Program (annual report) | OCHE | Sept 1, 2025 | 20-4-601 |
| Out-of-district Attendance (annual report) | OPI | Sept 1, 2025 | 20-5-324 |
| Education and Workforce Data Governing Board | DofA | Sept 1, 2026 | 20-7-138 |
| State-Level Strengthening Career and Technical Student Organizations Program | OPI | Sept 1, 2026 | 20-7-320 |
| Educational Programs for Children Receiving In-State Inpatient Treatment | OPI | Sept 30, 2026 | 20-7-435 |
| Montana Digital Academy | MTDA | Sept 1, 2026 | 20-7-1201 |
| Advanced Opportunity Act | BPE | Sept 15, 2026 | 20-7-1506 |
| Transformational Learning Programs⁵ | BPE | Sept 1, 2028 | 20-7-1602 |
| Early Literacy Targeted Interventions (annual report) | OPI | Sept 1, 2025 | 20-7-1804 |
| School Funding Inflation Report (odd years; NEW) | OPI | Sept 1, 2025 | 20-9-326 |
| Indian Language Preservation Program | OPI | Sept 1, 2026 | 20-9-537 |
| Resident Student Financial Aid (annual report) | OCHE | Sept 1, 2025 | 20-26-105 |
| Montana Foster Youth Higher Education Assistance Program (annual report) | OCHE | Sept 1, 2025 | 20-26-633 |
| State Agency Heritage Properties | SHPO | Sept 1, 2026 | 22-3-423 |
| County Interdisciplinary Child Information and School Safety Team | OPI | Sept 1, 2026 | 52-2-211 |
| Montana Early Childhood Account and (annual) | DPHHS | Sept 1, 2025 | HB 924 |

Reports that are statutorily required to be submitted to the legislature, but may be of interest to EDIC include:

| Report | Entity | Deadline | Statute |
|---|--------|--------------|----------|
| School Funding Interim Commission (SFIC) | SFIC | Sept 1, 2026 | 5-20-301 |
| Education Commission of the States (annual report) | ECS | Sept 1, 2025 | 20-2-501 |
| Public Charter Schools (annual report) | BPE | Dec 1, 2025 | 20-6-804 |

⁵ House Bill No. 573 (Bedey; 2025) revised the Transformational Learning Program to sunset the existing program a year early (at the end of fiscal year 2026) and replace it with a Phase II Grant Program in which the Office of Public Instruction will select up to five districts that received Transformational Learning funding previously to receive a 2nd round of funding to further their efforts. While the formal reporting for this Phase II Grant Program is not until the 2027-2028 interim, the committee could request updates from OPI on Phase II earlier.

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|--|-----------|--------------|-----------|
| Perkins CTE Plan | OCHE | Sept 1, 2026 | 20-7-330 |
| Gifted and Talented Programs | OPI | Sept 1, 2026 | 20-7-904 |
| At-Risk Students | OPI | Sept 1, 2026 | 20-9-328 |
| American Indian Students | OPI | Sept 1, 2026 | 20-9-329 |
| Western Interstate Commission for Higher Education (annual) | WICHE | Jan 15, 2026 | 20-25-801 |
| MHS Trustees | MHS Board | Sept 1, 2026 | 22-3-107 |

ADMINISTRATIVE RULE REVIEW

As noted above, the committee has varied degrees of administrative rule review responsibility for the State Board of Education and its attached entities, the Board of Public Education, the Board of Regents, and the Office of Public Instruction. The committee determines the extent to which it will exercise that authority. The options range from detailed committee examination of all proposed rules to a summary of proposed rules by EDIC's legal staff to EDIC's legal staff providing members notice of any particularly significant or unusual proposed rules. Based on committee input in July, legal staff will continue the practice of providing a summary of rulemaking activity at each meeting.

Title 2, chapter 4, part 4 of the Montana Code Annotated provides for legislative review of administrative rules. In summary, interim committees may:

- request and obtain an agency's rulemaking records;
- submit to an agency written recommendations for the adoption, amendment, or rejection of a proposed rule;
- require that a rulemaking hearing be held;
- poll the legislature to determine whether a proposed rule is consistent with legislative intent; and
- request an economic impact statement for a proposed rule.

EDIC legal staff will lead the committee's administrative rule review activities.

REVIEW PROPOSED STATEWIDE INITIATIVES

The EDIC is required to review proposed statewide initiatives that relate to its subject area pursuant to 13-27-228, MCA.⁶

Statute requires the interim committee to hold a public hearing on a statewide initiative referred to the committee by the executive director of the Legislative Services Division. The committee then votes to either support or not

⁶ The statutory requirement for interim committee review of statewide initiatives is being litigated at the Montana Supreme Court. EDIC legal staff will update the committee when litigation is completed and if the committee has any duties in this area while the case is pending. (Case: *Ellingson v. State*, Montana Supreme Court No. DA 25-0142 (Filed Feb. 18, 2025)).

support the placement of the proposed statewide initiative on the ballot. The petition used to gather signatures to place the statewide initiative on the ballot must include the interim committee vote.

The review process may result in additional committee meetings because the committee vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of the statewide initiative.

INTERIM STUDY ASSIGNMENT – HJ 53: A STUDY OF SCHOOL SAFETY

Legislative Council assigned HJ 53, a joint resolution requesting a study of school safety, to EDIC at the Council's June 10, 2025, meeting. HJ 53 was ranked 10th of 36 study resolutions in the post-session legislator poll.

This study resolution was sponsored by Rep. Barker and co-sponsored by Rep. Keogh. The Montana Safe Schools Center, a specialty unit of the Phyllis J. Washington College of Education at the University of Montana, was a strong proponent and contributed to the drafting of HJ 53. The Center organized a panel presentation for a joint meeting of the 2023-24 EDIC and the Education Interim Budget Committee on September 17, 2024, and has indicated a desire to work with EDIC on the study. HJ 53 focuses on examining the current adoption of “Ten Essential Actions to Improve School Safety” (recommended to the Attorney General of the United States by the School Safety Working Group of the Office of Community Oriented Policing Services in 2020) in Montana school districts and ways to increase and maximize the positive benefits of broader adoption and more coordinated efforts to improve school safety.

Based on committee discussion in July 2025, the committee will enlist the support of the Center in a manner that leverages the Center’s expertise and reduces the workload on committee staff. The committee plans to devote a portion of each of its meetings to the HJ 53 study as follows:

September 2025 meeting:

- familiarization with the Ten Essential Actions and how these recommendations align with existing Montana statutes and funding mechanisms related to school safety followed by a panel discussion with some of the stakeholders listed in the resolution on ways Montana might improve the adoption of the Ten Essential Actions

November 2025 meeting:

- the contemplated committee meeting in Missoula would allow the committee to visit the Montana Safe Schools Center on the UM campus and/or visit a school in the Missoula area that has emphasized the Ten Essential Actions to learn about the effort involved and the impacts; the Center will provide results of a survey of current implementation of the Ten Essential Actions in Montana schools (if completed)

March 2026 meeting:

- the Center will provide a review of best practices for implementing the “Ten Essential Actions” and improving cross-agency collaboration and coordination in supporting school safety, including examples from other states; the Center could provide draft recommendations for the committee’s consideration
- committee staff will work with the Center to orchestrate a panel discussion regarding human trafficking, MMIP, and efforts to address

June 2026 meeting:

- based on committee direction in March, staff will work with the Center on potential legislation for the committee's review and/or other draft recommendations to be included in the committee's HJ 53 final report

September 2026 meeting:

- based on committee direction in June, staff will work with the Center to revise recommendations and prepare the committee's HJ 53 final report for the committee's review, modification, and approval

ADDITIONAL TOPICS WITHIN EDIC'S SUBJECT AREA JURISDICTION

In addition to monitoring the activities of the agencies and entities that are charged with carrying out the state's K-12, higher education, and education-related programs, the committee may wish to examine specific education policy areas. Staff will provide a separate document listing some possibilities, based on phone conversations with committee members. The work plan envisions some time for member-initiated education policy studies, depending on other committee work and availability of staff resources.

It is vital to remember that while the interim spans 14-15 working months, the capacity of any interim committee is finite and limited by the committee's meeting time, as well as staff workload. As the committee discusses additional topics, the guiding principle will be the need to communicate clearly what topics are priorities and to what degree the committee wishes to explore these topics. Realistically the committee can cover a few topics at depth or a number of topics in a more cursory manner; it is not realistic to tackle many topics deeply.

Based on committee direction during the July 22, 2025, meeting, the committee plans to explore the following additional topics and allow ample time for follow-up to these topics as well as for other emerging issues:

- the utilization of school facilities for other community purposes both in active and former school districts, the laws regarding this, examples, other barriers and issues (panel discussion at Sept meeting; follow-up as necessary)
- public charter schools; 22 public charter schools have been approved by the BPE and are operating in the 20-25-2026 school year under HB 549 (Anderson, 2023). HB 251 (Bedey, 2025) revised the charter school laws in several ways, including requiring BPE to limit the number of new approvals and to prioritize proposals demonstrating "a commitment to and robust understanding of personalized and proficiency-based learning." The BPE will publish the first annual report of these schools by December 1. The committee will spend a bit of time getting itself oriented to the charter school landscape at its September 2025 meeting. The committee hopes to meet jointly with the BPE in November and discuss how these public charter schools have displayed innovative approaches and possibly visit and/or hear from public charter schools in the Missoula area. The committee may pursue this topic further at subsequent meetings.
- special education; several topics/areas of concern were discussed at the July meeting. A reasonable first step seems to be bringing committee members and staff up to speed on the basics of special education at the September meeting and then charting a course from there.

- Indian education; discussion in July was to host a panel discussion(s) with various stakeholder groups to remain aware of issues in Indian Education, both in K-12 and with the tribal colleges. This topic will likely be of interest to the EIBC and these panels will be tentatively planned for March 2026.
- school innovation/flexibility; this topic is somewhat related to public charter schools, but the committee wanted a broader lens on the ways in which schools are afforded the flexibility to innovate; the committee will plan a presentation on other states' action in this arena followed by a panel discussion in March 2026.
- early literacy and numeracy; the committee wants to stay abreast of the implementation and expansion of "early targeted intervention" programs enacted in the 2023 session and expanded to include numeracy in the 2025 session. A first update can happen in September 2025 as part of an annual report from OPI. This topic could also be discussed with the BPE in November 2025, and the committee will plan on a presentation on promising state practices in March 2026.
- teacher/principal preparation; members expressed a desire to learn more about how teachers are being prepared for learner-centered and proficiency-based education and to explore how school principal preparation might be enhanced to better leverage the impacts of high-quality principals. A panel discussion with representatives from the professional educator prep programs will be planned for the November Missoula meeting with follow-up for subsequent meetings TBD by the committee.

PROPOSED MEETING SCHEDULE

For the 2025-2026 interim, interim committees have the budget and staff capacity to meet a maximum of 10 meeting days. Below is a proposed committee meeting schedule, which includes a meeting in Missoula (to allow for possible joint sessions with the Board of Regents and the Board of Public Education and visits to area educational sites) and the opportunity to meet jointly with the Education Interim Budget Committee (EIBC) on several occasions.

Also, these proposed dates include multiple opportunities to overlap and hold joint sessions with the Education Interim Budget Committee (EIBC), which proved valuable last interim. Because a joint session in September 2025 does not work with member schedules, the presiding officers of both committees will meet with staff to coordinate work to avoid duplication, etc.

1. Tuesday, July 22, 2025
2. Tuesday, September 9, 2025
3. Thursday-Friday, November 20-21, 2025 (Missoula-area educational site visits; possible joint sessions with the Board of Regents and Board of Public Education)
4. Monday-Tuesday, March 16-17, 2026 (EIBC meets Wednesday, March 18)
5. Monday-Tuesday, June 15-16, 2026 (EIBC meets Wednesday, June 17)
6. Monday, September 14, 2026