



There seems to be a number of false accusations stemming from the Interim Education Budget Committee, and I would like to address these issues directly. There has been no delay in implementation. The Office of Public Instruction (OPI) has and will continue to have discussions with all involved parties and organizations. Furthermore, OPI will continue to abide by the written law, as we are constitutionally required to do. Anything less would put our state, communities, and families at risk of agency overreach now and in the future.

Elsie Arntzen  
Superintendent of Public Instruction

A handwritten signature in cursive script that reads "Elsie Arntzen".

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### **HB 352, Early Literacy Intervention, Rep Brad Barker:**

**Bill Overview:** This bill supports early reading interventions for eligible students aged four to entering third grade. There are three parts of this legislation: home-based, school-based, and Jumpstart.

**OPI's Position:** The Jumpstart Early Literacy program transition clause in [Section 9](#) of the legislation requires the program to be fully implemented "in the school year beginning July 1, 2024." However, the committee wanted us to implement the legislation in June. Our team is ready and are completely prepared for implementation. We would have no reservations with the program being implemented in June, except we must abide what is written in law. The only point of disagreement with the committee is the implementation date.

It is also important to note, that nothing prohibits schools from beginning their early literacy program before the full implementation of the bill. However, they just cannot count hours prior to implementation for purposes of receiving state funding.

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### **HB 549, Charter Schools Bill, Rep Fred Anderson:**

**Bill Overview:** This bill authorized the establishment of public charter schools in Montana and tasked the Montana Board of Public Education as authorized entity to enter into public charter contracts with a governing board.

**OPI's Position:** Nothing in this legislation waives or replaces the public-school opening procedures, which are in already established law. Therefore, OPI is required by law to have public charter schools go through these opening procedures, which are straightforward and make



the schools eligible for state funding. It was asserted in the committee that public charter schools do not need to go through this procedure. The language of the bill could have waived the school opening requirement, but it did not. In addition, the process in [Section 6\(6\)](#) must “ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.” We are following this legislation as written as well as long standing law as written.

It is also important to note, that there are currently 19 public charter schools slated to be open in the next school year.

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### **HB 338, Indian Education for All (IEFA), Rep Jonathan Windy Boy:**

**Bill Overview:** This bill established new reporting requirements in addition to already established requirements for school districts and requires a reduction of future funding for school districts that fail to report IEFA expenditures.

**OPI’s Position:** There are two discrepancies regarding: 1) the applicability date and 2) who is responsible for determining BASE funding amounts. OPI has implemented this bill as written.

- 1) **Applicability Date:** The reporting of annual expenditures is not a new requirement. In fact, this requirement has been in law since 2007. The reporting about program instruction is a new statutory requirement. Under the applicability date in Section 7, the existing expenditure reporting requirement applies to FY 2024 reporting of the FY 2023 expenditures. However, under Section 7 the new program reporting requirement will apply to FY 2025 reporting of the FY 2024 expenditures. The committee wants to delay application of the bill to the existing expenditure reporting. However, OPI will continue to implement the law as written.
- 2) **BASE funding responsibilities:** [Current law](#) establishes that the Board of Public Education has the authority to order OPI to withhold state BASE funding. Since this bill could impact BASE funding if reporting requirements are not met, and since that authority already rests with BPE, then BPE would be responsible for the determining the withholding of funds. The committee wants OPI to step beyond its authority in current law and withhold the funds without BPE’s oversight process. OPI will fully abide by current law and the Board of Public Education will remain the lawfully authorized entity to reduce BASE funding.

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### **HB 949, Data Modernization, Rep David Bedey:**

**Bill Overview:** This legislation established an Education & Workforce Data Governing Board to establish guidelines for student data gathering and sharing between agencies.



**OPI Position:** The OPI must follow current federal and state law regarding the gathering of student and teacher data. The OPI will only gather and share children and teacher data required by state and federal statute and consistent with the [Montana Constitution](#) as well as the federal [FERPA \(Family Educational Rights Act\)](#) restrictions that protect student data. OPI has fully participated in the Education & Workforce Data Governing Board. The committee wants OPI to agree ahead of time to whatever the Governing Board develops without determining how FERPA and the Montana Constitution may apply.

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If you have questions or need additional clarification, please contact:  
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