



12 September 2018

Education Interim Committee  
Montana Legislative Services  
P.O. Box 201706  
Helena, MT 59620-1706

Re: Legislative Requests

Dear Education Interim Committee:

The Office of Public Instruction has been requested to provide you with a list detailing some of the agency's potential requests of the Legislature for the coming 2019 Legislative Session. Below, please find the top four requests that I would have of the Legislature.

My **first request** is for the Legislature to examine Montana's laws regarding the state's ability to protect students from people who could do them harm. The Office of Public Instruction is in receipt of a June 27, 2018, letter from the United States Department of Education (enclosed) reminding Montana of its obligations on this subject. In part, this letter states:

Under section 8546, every State, SEA, or LEA that receives ESEA funds must have in place laws, regulations, or policies that prohibit the SEA, an LEA, or school, as well as any school employee, contractor, or agent, from providing a recommendation of employment for an employee, contractor, or agent that the SEA, LEA, or school, or the individual acting on behalf of the SEA, LEA, or school, knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of law.

The Office of Public Instruction is collaborating with the Board of Public Education to examine what laws, regulations, or policies are in place to fulfill Montana's duty to its students in this regard. However, I strongly urge the Legislature to also examine this and take up the cause of protecting Montana's students.

That leads me to my **second request**, which also pertains to student safety. After time spent in the field and speaking with those who are tasked with serving our students every day, I believe that it is important that Montana set aside time especially for our educators to learn more about school safety and have time to work and develop plans to keep our students safe. To that end, I would request **that one of the Pupil-Instruction-Related Days provided for in Mont. Code Ann. § 20-1-304 be devoted to school safety.** I would request that this come out of one of the already-allotted seven days.

Next, for my *third request* I would like to see this Legislature look at the student data protection statute Mont. Code Ann. § 20-7-104. In reviewing this statute with some of my partners in Montana government, it appears that this statute may have had some unexpected side effects that have hampered the OPI's, and other state agencies', abilities to serve our students in the best way possible. This statute should be modified to protect our students and their data while still allowing our agencies to collaborate to better serve them. I am confident that a middle ground can be reached on this.

Finally, it is my *fourth request* that this Legislature look to the way school funding is distributed pursuant to the current statutory payment schedule. I would particularly like to see the Legislature consider *smoothing out the outliers in the distribution of BASE aid to our schools*, found in Mont. Code Ann. § 20-9-344(5). In these tough economic times, there have been moments where it was feared that the state would not be able to fulfill some of its larger semi-annual obligations under the current schedule. I would like to see some of that uncertainty removed by making all these required payments more equivalent to each other.

Thank you for taking the time to consider these four requests. I look forward to working with all of you in the months ahead to put our Montana students first.

Sincerely,

A handwritten signature in cursive script that reads "Elsie Arntzen". The signature is written in dark ink and is positioned above the typed name.

Elsie Arntzen  
Superintendent of Public Instruction