

# BOARD OF PUBLIC EDUCATION MEETING MINUTES

March 25, 2024  
Zoom

**Monday, March 25, 2024**  
**11:00AM**

## **CALL TO ORDER**

Chair Tharp called the meeting to order at 11:02 AM and led the Board in the Pledge of Allegiance. Ms. McCall Flynn took Roll Call, the Chair read the Statement of Public Participation, and welcomed guests.

Board members present: Dr. Tim Tharp, Chair; Ms. Susie Hedalen, Vice Chair; Ms. Renee Rasmussen; Dr. Ron Slinger; Ms. Jane Hamman; Ms. Lisa Schmidt; Ms. Madalyn Quinlan. Ex Officio members: Dr. Angela McLean, Office of the Commissioner of Higher Education; Mr. Dylan Klapmeier, Governor's Office; Superintendent Elsie Arntzen, Office of Public Instruction (OPI). Staff present: Ms. McCall Flynn, Executive Director; Ms. Julie Balsam, Accounting Technician. Guests: Mr. Chad Vanisko, Agency Legal Services; Ms. Aislinn Brown, Agency Legal Services. Ms. Kim Popham, Montana Federation of Public Employees; Mr. Brian O'Leary, OPI; Representative Fred Anderson; Jana H.; Ms. Christine Lewanski, Hamilton School District; Mr. Doug Reisig, Montana Quality Education Coalition; Superintendent Rex Weltz, Helena Public Schools; Mr. Rick Wootton, OPI; Ms. Katherine Bloodgood, OPI; Superintendent Erik Wilkerson, Jefferson High School District; Billings Public Schools (BPS); Mr. Chip Lindenlaub; Ms. Emily Dean, Montana School Board Association; Superintendent Erwin Garcia, BPS; Principal Gordon Klasna, BPS; Dr. Jeril Hehn, BPS; M. Blakely; Representative David Bedey; School Administrators of Montana.

## **ADOPT AGENDA**

**Board member Quinlan moved to adopt the agenda as presented. Motion seconded by Board member Rasmussen.**

**No further discussion. Motion passed unanimously.**

### **Item 1                      ACTION ON LETTER TO SUPERINTENDENT ARNTZEN PERTAINING TO THE PUBLIC CHARTER SCHOOL OPENING PROCESS Dr. Tim Tharp**

Chair Tharp reviewed the roles and responsibilities of Montana's education entities and highlighted new laws interpreted by OPI that are causing challenges for Montana schools by slowing or interfering in funding. The Chair reviewed the requirements of HB 549 for the opening of public charter schools, and the interpretation by OPI that the 19 public charter schools approved by the Board must go through the school opening process for new public schools, outlined in statute. Chair Tharp discussed the possible consequences this could create for the schools.

**Board Member Quinlan moved to send the letter to Superintendent Arntzen as presented in the packet. Motion seconded by Board member Schmidt.**

**Mr. Dylan Klapmeier spoke in support of the Board's letter to Superintendent Arntzen to not impede the opening of Board-approved public charter schools. Mr. Klapmeier stated Governor Gianforte desires the schools open without delay.**

**Board member Quinlan highlighted the Board's authority to open charter schools, stated in Section 6 of HB 549.**

**Board member Rasmussen noted that HB 549 contains the same requirements to open a public charter school as are required in law for traditional schools and expressed that charter schools opened under the new legislation are not subject to the additional requirements that exist for the opening of a new regular public school.**

**Vice Chair Hedalen mentioned that a public charter school in Bozeman opened in the past was not required to go through the additional steps for opening that OPI is now requiring.**

**Representative Fred Anderson, legislative sponsor of HB 549, discussed the extensive time bill drafters spent with legal counsel writing the bill and said there was no intent to have charters go through additional steps to open. Representative Anderson noted the frustration that has been expressed to him from the new charter schools regarding additional steps to open their schools.**

**Mr. Chip Lindenlaub spoke of his experience attending every meeting of the drafting and passing of the charter bills during the session and that the bill states public charter schools must follow Title 20, and encouraged the Board withdraw the letter to the Superintendent.**

**Representative David Bedey expressed respectful disagreement with some previous comments and spoke of the consultation with legal counsel during the drafting of the bill, extensive hearings held, and that the Board has authority to open public charter schools.**

**Superintendent Arntzen requested the Board draft a policy on the procedure they follow to open a charter school and offered her assistance in drafting such a policy.**

**Board member Rasmussen highlighted the bill drafters stated intent in opening charter schools which speaks of the Board's responsibility to open and oversee the schools. She stated that because charter schools that have been opened in the past were not subject to additional opening requirements, charter schools opened under HB 549 should also not be subject to additional requirements.**

**No further discussion. Motion passed unanimously by Roll Call vote\*\***

\*\* Board member Hamman experienced technical difficulties and conveyed her "yes" vote after the fact.

#### **PUBLIC COMMENT**

No public comment was made.

#### **ADJOURN**

Meeting adjourned 11:32 AM

---

*The Montana Board of Public Education is a Professional Development Unit Provider. Attending a Board of Public Education Meeting either in person or via Zoom may qualify you to receive professional development units. Please complete the necessary information on the sign-in sheet if you are applying for professional development units.*

*Agenda items are handled in the order listed on the approved agenda. Items may be rearranged unless listed "time certain". Public comment is welcome on all items listed as "Action" and as noted at the beginning and end of each meeting.*

*The Board of Public Education will make reasonable accommodations for known disabilities that may interfere with an individual's ability to participate in the meeting. Individuals who require such accommodations should make requests*

to the Board of Public Education as soon as possible prior to the meeting start date. You may write to: Kris Stockton, PO Box 200601, Helena MT, 59620, email at: [kmstockton@mt.gov](mailto:kmstockton@mt.gov) or phone at 406-444-0302.

DRAFT

Thank you Dr. Tharp and Board members for your time

As I've written and testified before, the legislators who drafted, sponsored and passed this legislation have put the BPE in a terrible position. First of all, they have tried to redefine the term public charter school. Since the first charter law passed Minnesota in 1991, Charters Schools were intended to operate OUTSIDE of the Traditional Public School System. Secondly, the legislators provided you with an unrealistic timeline. In a short time period BPE had to learn about charter schools, school applications and charters and then evaluate and approve schools, all while performing your normal task of overseeing 400 school districts and 800 schools.

Now, and worst of all, these same legislators and school associations are asking you to sell out your character and integrity to cover for the mistake that they made when they drafted the Public Charter School Act.

As a supporter of the Community Choice Schools Act and an opponent of the Public Charter Schools Act, I have followed the legislation closely and attended, in person or online the 4 major committee hearings and the votes and debates in the State legislature. I have read each bill. Make no mistake, from their public testimony HB 549's sponsors and supporters intended these schools to uphold ALL Title 20 requirements that were not specifically exempted in HB549. In various committee hearings, the Director of the Montana School Board Association acknowledged that he helped draft HB549. Testifying in opposition to HB 562 he stated that Title 20 was the result of decades of legislative work and it set the standards for Montana's Schools. He questioned why any legislator would vote for a bill that didn't require Title 20 to be upheld. Sponsors of the bill stated that if Title 20 wasn't upheld, we could end up with "The Wild West of Charter Schools in Montana."

Which brings me to your letter to the OPI, dated today. With all due respect, Paragraph 2 of your letter is incorrect. In fact, Public Charter Schools have NOT "fully satisfied all requirements set forth in Law to open." HB 549, Section 11(1)(c) states, "Except as provided in Sections 1 through 14 and in the public charter school's charter contract, a public charter school is subject to the provision of Title 20 and any state or local rule, regulation, policy, or procedure relating to non-charter public schools within the located school district." Additionally, Section 6 (6) states that

the Board of Public Education must “ensure that each school meets all building , health, safety, insurance and other legal requirements for school opening.” As OPI Counsel Stutz testified before the Education/Budget Interim Committee, NOWHERE in HB 549 is there an exemption for Title 20’s school opening procedures.

Rather than admit their mistake, the sponsors of 549 and school associations are pressuring the BPE and the OPI to willfully violate the law by ignoring what is written in HB549. Humbly I ask, how will you hold these schools accountable if you allow them to deviate from the law on the day they are founded? Also, what will be the next Title 20 Section that the Board decides the schools need not comply with?

Finally, I don’t expect perfection but I do expect accountability. 549’s sponsors should admit their failure to include exemption from Title 20 Opening procedures in the language of the bill and they should stop blaming OPI for doing their job and upholding the the law as enacted. The Board should withdraw its letter to the OPI which will set an example of character, integrity, and accountability that Montana’s students could study in a future civics class.

Sincerely,

Chip Lindenlaub  
[montanafish@me.com](mailto:montanafish@me.com)  
(406) 370-2108