



Governing Board Meeting Minutes April 11, 2023

Attendees

Members

Present	Absent	Member
X		Sharyl Allen , Deputy Superintendent, Office of Public Instruction
X		Joel Graves (Chair), Superintendent, Eureka Public Schools
X		Anthony Lapke (Vice Chair), Teacher, Glacier High School
X		Adrea Lawrence , Dean, Phyllis J. Washington College of Education, University of Montana, Non-Voting
X		Luke Muszkiewicz , Board of Trustees, Helena School District No.1
X		Joe Thiel , Interim Deputy Commissioner, Academic, Research & Student Affairs, Office of the Commissioner of Higher Education
X		Jason Neiffer , Executive Director, Ex Officio, Non-Voting
X		Mike Agostinelli , Assistant Director/Curriculum Director, Ex Officio

Staff and Guests

- Sarah Marker, Business Manager, MTDA
- Christen Cole, Distance Learning Operation Manager, MTDA
- Kate Peterson, Student Support and Content Specialist, MTDA
- Ryan Schrenk, EdReady Program Manager, MTDA
- Jason Leonard, EdReady Operations Manager, MTDA
- Virg Hale, EdReady Lead Ambassador, MTDA
- Robyn Nuttall, Instructional Program Director, MTA
- Jodie Hirsch, Instructional Projects Coordinator, MTDA
- Caitlin Byers, Student Support and Content Specialist, MTDA
- Anna East, Tribal Relations and Education Fellow, MTDA
- McCall Flynn, Executive Director, Board of Public Education

1. Establish The Presence Of A Quorum - Chair Graves established a quorum was present.
2. Public Comment - Chair Graves called for public comment. No public comment was offered.
3. Consent Agenda
 - a. Approval Minutes of the March Meeting (document attached)
 - i. Member Allen moved to approve the minutes, member Muszkiewicz seconded the motion.
 - ii. No comments were offered.
 - iii. The board voted unanimously to accept the minutes.
 - b. Approval of Financial Report (Neiffer & Marker; document attached)
 - i. Director Neiffer asked Ms. Marker to make comments regarding the financial report. She reported that expenditures are on track for this fiscal year. We made the primary payment to our instructions in the last month. She also reported working with the UM and OCHE to establish procedures regarding MTDA having a reserve, called a revolving reserve. She noted that we're projecting spending down most of that reserve during the next biennium.
 - ii. Vice Chair Lapke moved to accept the report, and member Muszkiewicz seconded.
 - iii. Member Allen inquired about the amount of revenue in the carry forward and its sources. Ms. Marker noted that there have been more income from cost-sharing than anticipated and that we had a carry forward in one-time-only monies for development from the '21 Legislature.
 - iv. Member Allen inquired about using the one-time-only monies beyond the biennium. Director Neiffer responded that information was given to him by Nancy Hall during hearings of the Section E Appropriations Subcommittee in January and the nature of the appropriation in 2021 meant it could be used past FY23. Member Allen asked if we have that in writing, and Director Neiffer said he did not but would reach out to Ms. Hall for written confirmation. Director Neiffer also noted some discussion during the House Appropriations hearing on HB2 about changing the nature of the passthrough for MTDA's funding. Member Allen also echoed that HB749 has funding language changes.
 - v. Vice Chair Lapke, Member Muszkiewicz, and Member Thiel voted aye; Member Allen voted nay, pending written confirmation from Nancy Hall regarding one-time-only monies.
 - c. Approval of Hiring Plan (Neiffer)
 - i. Director Neiffer explained that he is seeking board approval to start the recruiting process to hire positions to support the MTDA expansion program per HB 749. He noted that the UM recruitment office had experienced

significantly slower turnaround times over the last 12 months, which would be complicated by a reported upgrade in critical UM business and management software systems later this spring. No advertising or offers would be made unless Senate passes and the governor signs HB749.

- ii. Member Muszkiewicz moved to approve the plan. Vice Chair Lapke seconded the motion.
- iii. Member Allen argued that the current board doesn't have the authority to approve this because of the board changes in HB749, and it would not be appropriate to take action when a new board would be stuck with those changes. She noted that the bill might have implications for current organizational leadership that might justify reconfiguring the director and curriculum director roles. She also noted there is no funding for hiring staff.
- iv. Member Muszkiewicz noted the current status of HB749, sitting in Senate Education and Cultural Resources, and that it appeared to have a lot of momentum. He also asked if the board had authority beyond the hiring of the director and curriculum director.
- v. Board Chair Graves noted that the board has only been active in hiring the executive director and curriculum director. He appreciated Director Neiffer asking for the board's approval on the hiring plan. He also stated he believes that the board has the authority to act, partly to help set up the organization to be ready for coming changes.
- vi. Member Allen argues that if HB749 passes, this board has no authority as of July 1, and referred to the new positions of the board as of July 1. She also noted no FTE listed in HB749, and that OPI Legal counsel argued that the board has no authority to act. She asked if MTDA had retained legal counsel. Director Neiffer responded that he had contacted Member Thiel to bring in OCHE legal counsel but hadn't engaged with outside counsel. Neiffer also noted that personnel services are listed as the primary item in the fiscal note.
- vii. Member Thiel noted that he spoke briefly to OCHE legal counsel, who said she would like to get more information, but her suggestion was to leave it to the new board on July 1st to decide and start developing a plan and job descriptions now. That action might be critical due to the processing time of board appointments, which could take time starting in July.
- viii. Member Muszkiewicz commented that he appreciated the discussion and said he is clarifying that, to this point, the board hasn't approved individual hires and leaves it to the staff and UM human resources process to conduct searches and hire the best candidates. In that scenario, he agrees with Member Allen's perspective. He did ask if there were adverse effects if the board didn't act on this request.

- ix. Board member Allen commented that this bill is legislatively driven, not MTDA driven, not OPI driven, not SAM driven, and not driven by school districts or the clients served. She also commented that no FTE is listed on the bill, and that funding is far from assured, even if HB749 passes. She noted that the language used in the hearings suggested that the MTDA board has previously ignored legislative mandates, even if the current sitting board isn't the target of action.
- x. Vice Chair Lakpe commented that he struggles balancing taking action to set up the organization for success, congruent with HB749 vs. inaction.
- xi. Member Allen commented that, as practiced at OPI, we tell schools not to take action on money that has yet to be appropriated.
- xii. Member Theil commented that while there appears to be strong support for this bill, strange things can happen in the final weeks of the session. The bill's sponsor is influential, and there is an expectation that MTDA delivers on the clearinghouse. It would be prudent for MTDA to plan for what operations the clearinghouse might require, ready for board approval in July. He also clarified that HB749 and its fiscal note would not contain an expectation of FTEs, because MTDA funding is handed to the University in the same way that FTE is not listed for individual school districts in K-12 appropriations.
- xiii. Member Allen noted that MTDA is not a subset of the University system. Her conversations with the Governor's office suggest that the funding is for infrastructure improvements. We need to be mindful of the large changes ahead and that the people that use MTDA the most have been moved out of the decision-making process. She also noted that other amendments in the works might shift the bill.
- xiv. Chair Graves asked Director Neiffer if the goal was to get a plan in place in anticipation of activity in the new fiscal year. Director Neiffer said yes, the slow hiring progression through UM human resources means extra lead time and that his primary goal was to account for the lag time.
- xv. Chair Graves asked if Member Muszkiewicz would consider withdrawing his motion. Member Muszkiewicz said that he would defer to parliamentary experts in the room. Member Allen noted it is an action item, suggesting action must be taken. Director Neiffer commented that since the motion has been seconded, his quick review of Robert's Rules suggests it can't be withdrawn.
- xvi. Chair Graves called for a vote. Members Thiel, Lapke, Allen, and Muszkiewicz voted nay. The motion failed.

4. Discussion/Updates

- a. HB749 Update (Neiffer)

- i. Director Neiffer noted that the bill is scheduled for a hearing in Senate Education.
 - ii. Member Allen noted several amendments are being discussed, including one sourced from the Board of Public Education.
- b. Spring 2023 Enrollment Update (Agostinelli)
 - i. Assistant Director/Curriculum Director Agostinelli presented that MTDA preliminary numbers show an increase in enrollments from last spring, with 1868 enrollments, serving 1341 unique students and 161 schools served, a 41% increase from last spring.
 - ii. Top courses include:
 - 1. Spanish I 102
 - 2. Middle School Spanish 92
 - 3. Criminology 77
 - 4. US History B 54
 - 5. Spanish II B 54
 - 6. Health 53
 - 7. Sports Officiating 53
 - 8. Interior Design 51
 - 9. Psychology 51
 - 10. Physical Education I 51
 - iii. Dual credit enrollment is up 325% over last spring and middle school is up 425% over last spring. These numbers are due to new programming and the status of middle school programming as a pilot.
 - iv. Mr. Agostinelli discussed new programming, including native language courses, EDU101, and CyberSecurity.
 - v. Member Allen asked about participation in language courses in Cree country. Mr. Agostinelli noted that part of the program's intent was to serve students away from reservation schools that typically offer language courses locally. Dr. East noted that this term, two students identified as Cree and four as Native American out of the 9 students utilizing the program.
- c. School Year 23-24 Program Updates (Agostinelli)
 - i. Mr. Agostinelli also discussed new programming for the 23-24 school year, including Jobs for Montana Graduates, Dakota and Nakota language, and an Artificial Intelligence course.

5. Adjourn

- a. Member Muszkiewicz noted that May would be his last board meeting as he is not running for reelection to the Helena Board of Trustees.
- b. The meeting adjourned at 2:44 pm.