

Amendments to Senate Bill No. 342
3rd Reading Copy

Requested by Representative Kris Hansen

For the House Education Committee

Prepared by Laura Sankey
April 3, 2013 (9:33am)

1. Title, page 1, line 5.

Following: "DESCRIPTION;"

Insert: "REDUCING THE AMOUNT OF THE TOTAL INDIAN EDUCATION FOR ALL PAYMENTS; PROVIDING AN APPROPRIATION;"

2. Title, page 1, line 6.

Following: "AUTHORITY;"

Insert: "AMENDING SECTION 20-9-306, MCA;"

3. Page 1, following line 18.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Montana Indian language preservation pilot program. (1) There is a Montana Indian

language pilot preservation program. The program is established to support efforts of Montana tribes to preserve Indian languages in the form of spoken, written, or sign language and to assist in the preservation and curricular goals of Indian education for all pursuant to Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

(2) (a) The state-tribal economic development commission established in 90-1-131 shall administer the program and, in collaboration with the Montana historical society, Montana public television organizations, the state director of Indian affairs, and each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe, shall adopt program rules by July 31, 2013.

(b) The program rules must address performance and output standards, distribution of funds, accounting of funds, and use of funds.

(c) The performance and output standards must include:

(i) development of audio and visual recordings;

(ii) creation of dictionaries and other reference materials, including audio, visual, electronic, or written dictionaries; and

(iii) creation and publication of curricula, which may include electronic curricula.

(d) The performance and output standards may include:

(i) language classes;

- (ii) language immersion camps;
- (iii) storytelling; and
- (iv) publication of literature.

(3) The state-tribal economic development commission shall distribute any funding appropriated for this purpose through a competitive grant award process. The commission shall submit a request for grant applications to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe. Each tribal government that submits an eligible application must receive a grant of up to one-eighth of the total funding appropriated for this purpose.

(4) (a) To be eligible for a grant, a grant application must meet the following specifications:

(i) The application must describe how the proposed project will meet the performance and output standards adopted under subsection (2) by September 15, 2014.

(ii) The application must define quarterly benchmarks that represent intermediate steps toward achieving the required performance and output standards. Each grant awarded will be disbursed by the commission in quarterly installments. Second and subsequent disbursements may not be released until the related quarterly benchmarks have been met.

(b) The commission may disburse funds ahead of the proposed disbursement schedule for projects that have attained the established performance and output benchmarks.

(c) Grants awarded under this section may not be used to pay for salaries.

(5) By September 15, 2014, at least two copies of any tangible goods produced under this section, including but not limited to audio or visual recordings, literature, dictionaries, or other publications, must be submitted to the Montana historical society for the benefit of related language preservation efforts and for preservation and archival purposes.

(6) Tribal governments receiving program funds shall form local program advisory boards. Members of a local program advisory board may include but are not limited to representatives from any of the entities listed in subsection (8). Each local program advisory board shall work with college tribal language instructors and individuals who evaluate applicants for licensure as a class 7 American Indian language and culture specialist to develop and adopt measurable and specific outcome requirements for their respective language preservation programs.

(7) (a) Each local program advisory board shall provide reports on expenditures of grant funds, attainment of quarterly benchmarks, and overall program progress to the state-tribal relations committee at each meeting during the interim.

(b) The state-tribal relations committee shall report any findings, comments, or recommendations regarding each local program and the Montana Indian language preservation pilot program to the 64th legislature.

(8) Tribal governments are encouraged to maximize the

impact of grant funds by forming partnerships among state and tribal entities and leveraging existing resources for the preservation of Indian languages and the education of all Montanans in a way that honors the cultural integrity of American Indians. Suggested partner entities include but are not limited to:

- (a) the governor's office of Indian affairs;
- (b) school districts located on reservations;
- (c) tribal colleges;
- (d) tribal historic preservation offices;
- (e) tribal language and cultural programs;
- (f) units of the Montana university system;
- (g) the Montana historical society;
- (h) the office of public instruction;
- (i) Montana public television organizations;
- (j) school districts not located on reservations; and
- (k) the Montana state library.

(9) State entities that operate film and video studios and equipment shall cooperate with each local tribal preservation program in the production of materials for preservation and archival purposes.

(10) Any cultural and intellectual property rights from program efforts belong to the tribe. Use of the cultural and intellectual property may be negotiated between the tribe and other partnering entities."

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
 - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;
 - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;
 - (c) the total quality educator payment;
 - (d) the total at-risk student payment;
 - (e) the total Indian education for all payment; and
 - (f) the total American Indian achievement gap payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support

of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) \$256,003 for fiscal year 2012; and

(ii) \$260,099 for each succeeding fiscal year;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) \$23,033 for fiscal year 2012;

(ii) \$23,402 for each succeeding fiscal year; and

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for kindergarten through grade 6 elementary program:

(A) \$23,033 for fiscal year 2012; and

(B) \$23,402 for each succeeding fiscal year; plus

(ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:

(A) \$65,231 for fiscal year 2012; and

(B) \$66,275 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(11) "Total American Indian achievement gap payment" means

the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying ~~\$20.40~~ \$13.60 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$6,343 for fiscal year 2012 and \$6,444 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of \$4,955 for fiscal year 2012 and \$5,034 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of \$4,955 for fiscal year 2012 and \$5,034 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$6,343 for fiscal year 2012 and \$6,444 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying \$3,036 for fiscal year 2008 and \$3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327."

{ Internal References to 20-9-306:

x20-5-323 x20-5-323 x20-7-102 x20-9-327
x20-9-329 x20-9-330 }"

Insert: "NEW SECTION. **Section 3. Appropriation.** There is

appropriated from the state general fund to the state-tribal economic development commission \$1 million in each year of the biennium beginning July 1, 2013, for the purposes described in [section 1]. Any remaining funds that are unencumbered as of June 30, 2015, must revert to the general fund."

Insert: "NEW SECTION. **Section 4. {standard} Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. **Section 5. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [section 1]."

Insert: "NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 7. {standard} Termination.** [This act] terminates June 30, 2015."

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