

## 1 HOUSE BILL NO. 392

2 INTRODUCED BY J. WINDY BOY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE CULTURAL INTEGRITY  
 5 COMMITMENT ACT; PROVIDING FOR A GRADUAL INCREASE IN LANGUAGE IMMERSION  
 6 INSTRUCTION TIME FOR A NEW IMMERSION PROGRAM; ADDING THE FUNDING INTO THE SCHOOL  
 7 FUNDING FORMULA; REPEALING THE TERMINATION DATE OF THE ACT; AMENDING SECTIONS 20-7-  
 8 1403, 20-7-1404, 20-9-306, AND 20-9-330, MCA; REPEALING SECTION 10, CHAPTER 442, LAWS OF 2015,  
 9 AND SECTION 1, CHAPTER 171, LAWS OF 2019; AND PROVIDING AN EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 20-7-1403, MCA, is amended to read:14 **"20-7-1403. (Temporary) Definitions.** As used in this part, the following definitions apply:

15 (1) "Eligible district" means a school district encompassing or adjacent to an Indian reservation or a  
 16 school district that includes one or more schools with an Indian population of 10% or greater.

17 (2) "Immersion program" means a program of an eligible district in which:

18 (a) all participating students receive content area instruction in an Indian language;

19 (i) at least 30% of the day in the first year of the program;20 (ii) at least 40% of the day in the second year of the program; and21 (iii) at least 50% of the day in the third and subsequent years of the program;

22 (b) teachers are fully proficient in the languages they use for instruction; and

23 (c) the goal of the program is perpetuating cultural integrity and promoting bilingualism and biliteracy.

24 (3) "Indian language" means any of the languages of the tribes located on the seven Montana  
 25 reservations and the Little Shell Chippewa tribe. (~~Terminates June 30, 2023 -- sec. 1, Ch. 171, L. 2019.~~)"

26

27 **Section 2.** Section 20-7-1404, MCA, is amended to read:28 **"20-7-1404. (Temporary) Indian language immersion programs -- funding -- flexibility.** (1) School

1 districts are encouraged to create Indian language immersion programs and in doing so:

2 (a) collaborate with other school districts, the Montana digital academy, tribal governments, and tribal  
3 colleges;

4 (b) utilize materials produced in the Montana Indian language preservation pilot program pursuant to  
5 section 1, Chapter 410, Laws of 2013;

6 (c) utilize American Indian language and culture specialists as teachers of language and culture; and

7 (d) look to existing native language schools in Montana and around the world for guidance and best  
8 practices.

9 (2) In acknowledgment of Article X, section 1, of the Montana constitution, the educationally relevant  
10 factors for the school funding formula under 20-9-309(3), and the increased costs associated with language  
11 immersion programs, a district creating an Indian language immersion program is entitled to the following ~~in~~  
12 ~~addition to~~ as part of the school funding formula in Title 20, chapter 9:

13 (a) ~~(i) subject to subsections (3) and (4)~~ subsection (3), for every ~~Indian~~ student participating in an  
14 Indian language immersion program, an additional American Indian achievement gap payment, as calculated in  
15 20-9-306, multiplied by 2; and

16 ~~(ii) for every non-Indian student participating in an Indian language immersion program, an additional~~  
17 ~~Indian education for all payment, as calculated in 20-9-306, multiplied by 2; and~~

18 (b) for every full-time American Indian language and culture specialist teaching in an Indian language  
19 immersion program, a quality educator payment as calculated in 20-9-306.

20 (3) For a district operating an Indian language immersion program that improves the district's  
21 graduation rate for American Indians by 5 percentage points or more from the previous year as measured by  
22 the office of public instruction, the multiplier in subsection (2)(a)(i) must be increased to 3.

23 ~~(4) If the money appropriated for Indian language immersion programs is insufficient to provide the~~  
24 ~~amounts in subsections (2) and (3), the office of public instruction shall prorate the payments accordingly.~~

25 ~~(5)~~(4) The board of public education is encouraged to approve proposed variances to standards of  
26 accreditation for Indian language immersion programs when the board finds the proposal to be educationally  
27 sound and in alignment with the purpose described in 20-7-1402(2).

28 ~~(6)~~(5) The cultural and intellectual property rights from materials developed for an Indian language

1 immersion program belong to the tribe to which the materials relate. Use of the cultural and intellectual property  
 2 outside of the Indian language immersion program may be negotiated with the tribe.

3 ~~(7)(6)~~ A district may use payments received pursuant to this section as matching funds for federal or  
 4 private fund sources to accomplish the purposes of this part. ~~(Terminates June 30, 2023--sec. 1, Ch. 171, L.~~  
 5 ~~2019.)"~~

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7 **Section 3.** Section 20-9-306, MCA, is amended to read:

8 **"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the  
 9 following definitions apply:

10 (1) "BASE" means base amount for school equity.

11 (2) "BASE aid" means:

12 (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for  
 13 the general fund budget of a district;

14 (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement,  
 15 up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the  
 16 special education allowable cost payment;

17 (c) the total quality educator payment;

18 (d) the total at-risk student payment;

19 (e) the total Indian education for all payment;

20 (f) the total American Indian achievement gap payment; and

21 (g) the total data-for-achievement payment.

22 (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the  
 23 basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of  
 24 the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American  
 25 Indian achievement gap payment, 100% of the total data-for-achievement payment, and 140% of the special  
 26 education allowable cost payment.

27 (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may  
 28 be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through

1 20-9-369.

2 (5) "BASE funding program" means the state program for the equitable distribution of the state's  
3 share of the cost of Montana's basic system of public elementary schools and high schools, through county  
4 equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in  
5 support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-  
6 321.

7 (6) "Basic entitlement" means:

8 (a) for each high school district:

9 (i) \$315,481 for fiscal year 2020 and \$321,254 for each succeeding fiscal year for school districts with  
10 an ANB of 800 or fewer; and

11 (ii) \$315,481 for fiscal year 2020 and \$321,254 for each succeeding fiscal year for school districts with  
12 an ANB of more than 800, plus \$15,774 for fiscal year 2020 and \$16,063 for each succeeding fiscal year for  
13 each additional 80 ANB over 800;

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

16 (i) \$52,579 for fiscal year 2020 and \$53,541 for each succeeding fiscal year for school districts or K-  
17 12 district elementary programs with an ANB of 250 or fewer; and

18 (ii) \$52,579 for fiscal year 2020 and \$53,541 for each succeeding fiscal year for school districts or K-12  
19 district elementary programs with an ANB of more than 250, plus \$2,630 for fiscal year 2020 and \$2,678 for  
20 each succeeding fiscal year for each additional 25 ANB over 250;

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

23 (i) for the district's kindergarten through grade 6 elementary program:

24 (A) \$52,579 for fiscal year 2020 and \$53,541 for each succeeding fiscal year for school districts or K-  
25 12 district elementary programs with an ANB of 250 or fewer; and

26 (B) \$52,579 for fiscal year 2020 and \$53,541 for each succeeding fiscal year for school districts or K-  
27 12 district elementary programs with an ANB of more than 250, plus \$2,630 for fiscal year 2020 and \$2,678 for  
28 each succeeding fiscal year for each additional 25 ANB over 250; and

1 (ii) for the district's approved and accredited junior high school, 7th and 8th grade programs, or middle  
2 school:

3 (A) \$105,160 for fiscal year 2020 and \$107,084 for each succeeding fiscal year for school districts or  
4 K-12 district elementary programs with combined grades 7 and 8 with an ANB of 450 or fewer; and

5 (B) \$105,160 for fiscal year 2020 and \$107,084 for each succeeding fiscal year for school districts or  
6 K-12 district elementary programs with combined grades 7 and 8 with an ANB of more than 450, plus \$5,258  
7 for fiscal year 2020 and \$5,354 for each succeeding fiscal year for each additional 45 ANB over 450.

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

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

12 (9) "Maximum general fund budget" means a district's general fund budget amount calculated from  
13 the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator  
14 payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian  
15 achievement gap payment, the total data-for-achievement payment, and the greater of the district's special  
16 education allowable cost payment multiplied by:

17 (a) 175%; or

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

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

23 (11) "Total American Indian achievement gap payment" means the sum of the payment resulting from  
24 multiplying \$216 for fiscal year 2020 and \$220 for each succeeding fiscal year times:

25 (a) the number of American Indian students enrolled in the district as provided in 20-9-330; and

26 (b) the number of students participating in an Indian language immersion program multiplied by either  
27 2 or 3 as provided in 20-7-1404(2)(a) and (3).

28 (12) "Total at-risk student payment" means the payment resulting from the distribution of any funds

1 appropriated for the purposes of 20-9-328.

2 (13) "Total data-for-achievement payment" means the payment provided in 20-9-325 resulting from  
3 multiplying \$21.03 for fiscal year 2020 and \$21.41 for each succeeding fiscal year by the district's ANB  
4 calculated in accordance with 20-9-311.

5 (14) "Total Indian education for all payment" means the payment resulting from multiplying \$21.96 for  
6 fiscal year 2020 and \$22.36 for each succeeding fiscal year times the ANB of the district or \$100 for each  
7 district, whichever is greater, as provided for in 20-9-329.

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

10 (a) for a high school district or a K-12 district high school program, a maximum rate of \$7,201 for  
11 fiscal year 2020 and \$7,333 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents  
12 per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving  
13 the same amount of entitlement as the 800th ANB;

14 (b) for an elementary school district or a K-12 district elementary program without an approved and  
15 accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of \$5,624 for fiscal  
16 year 2020 and \$5,727 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per  
17 ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving  
18 the same amount of entitlement as the 1,000th ANB; and

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

21 (i) a maximum rate of \$5,624 for fiscal year 2020 and \$5,727 for each succeeding fiscal year for the  
22 first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB  
23 up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the  
24 1,000th ANB; and

25 (ii) a maximum rate of \$7,201 for fiscal year 2020 and \$7,333 for each succeeding fiscal year for the  
26 first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7  
27 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the  
28 800th ANB.

1 (16) "Total quality educator payment" means the payment resulting from multiplying \$3,275 for fiscal  
 2 year 2020 and \$3,335 for each succeeding fiscal year by the number of full-time equivalent educators as  
 3 provided in 20-9-327."  
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5 **Section 4.** Section 20-9-330, MCA, is amended to read:

6 **"20-9-330. American Indian achievement gap payment.** (1) The state shall provide an American  
 7 Indian achievement gap payment to public school districts, as defined in 20-6-101 and 20-6-701, for the  
 8 purpose of closing the educational achievement gap that exists between American Indian students and non-  
 9 Indian students.

10 (2) (a) The American Indian achievement gap payment is calculated as provided in 20-9-306. For  
 11 the calculation in 20-9-306(11)(a), calculate the amount using the number of American Indian students enrolled  
 12 in the district based on the count of regularly enrolled students on the first Monday in October of the prior  
 13 school year as reported to the office of public instruction.

14 (b) A school district may not require a student to disclose the student's race.

15 (3) The district shall deposit the payment in the general fund of the district.

16 (4) On or before September 15 of even-numbered years, the office of public instruction shall report to  
 17 the governor and the legislature on the change in status of standardized test scores, graduation rates, and  
 18 drop-out rates of American Indian students."  
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20 NEW SECTION. **Section 5. Repealer.** Section 10, Chapter 442, Laws of 2015, is repealed.

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 22 NEW SECTION. **Section 6. Repealer.** Section 1, Chapter 171, Laws of 2019, is repealed.

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 24 NEW SECTION. **Section 7. Notification to tribal governments.** The secretary of state shall send a  
 25 copy of [this act] to each federally recognized tribal government in Montana.  
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27 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2021.

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