

HOUSE BILL NO. 143

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SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT INCENTIVIZING INCREASES IN BASE PAY FOR TEACHERS IN PUBLIC SCHOOL DISTRICTS; INCREASING THE QUALITY EDUCATOR PAYMENT FOR DISTRICTS THAT MEET LEGISLATIVE GOALS FOR COMPETITIVE BASE PAY OF TEACHERS; PROVIDING DEFINITIONS; AMENDING SECTION 20-9-306, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, Montana's public school districts have made significant progress in increasing the average pay of teachers over the last 15 years; and

WHEREAS, in spite of such progress in increasing the average pay of teachers, school districts have not made comparable progress in increasing the base pay of early career teachers; and

WHEREAS, the success of efforts to recruit the next generation of high quality educators in Montana's public school districts will be served by providing more competitive base pay for teachers in Montana's public school districts; and

WHEREAS, incentives for public school districts and collective bargaining units to collaborate in increasing base pay will help improve efforts to recruit and retain the next generation of high quality educators in Montana's public school districts.

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

NEW SECTION. Section 1. Incentives for school districts meeting legislative goal for competitive base pay of teachers in public school districts -- definitions. (1) A district, as defined in 20-6-101, must receive an extra quality educator payment for certain quality educators, calculated as provided in 20-9-306(16), if it meets the legislative goal for competitive base pay of teachers in subsection (2).

1 (2) The legislative goal for competitive base pay of teachers is a teacher base pay, that in the
2 applicable year:

3 (a) is equal to at least 10 times as much as the quality educator payment amount provided in 20-9-
4 306(16); and

5 (b) for a school district classified as first class pursuant to Title 20, chapter 6, is not less than 70% of
6 the teacher average pay in the school district.

7 (3) A district seeking an incentive for the subsequent school fiscal year under this section shall, by
8 December 1, provide the data necessary, as determined by the superintendent of public instruction, to verify:

9 (a) that the district has met the legislative goal established in subsection (2) for the current year; and

10 (b) the number of full-time equivalent teachers that are in the first 3 years of the teacher's teaching
11 career in the current year.

12 (4) For the purposes of this section, the following definitions apply:

13 (a) "Teacher" means an individual who:

14 (i) holds a current class 1, 2, 4, 6, or 7 license issued by the office of public instruction under rules
15 adopted by the board of public education pursuant to 20-4-102; and

16 (ii) is employed by a school district in an instructional position requiring teacher licensure.

17 (b) "Teacher average pay" means the total compensation paid by a school district to all of its
18 teachers, not including bonuses, stipends, or extended duty contracts, divided by the total full-time equivalent
19 teachers employed in the district, with full-time equivalence rounded to the nearest tenth.

20 (c) "Teacher base pay" means the lowest salary for a beginning teacher incorporated in the district's
21 collective bargaining agreement if the teachers' employment is covered by a collective bargaining agreement
22 pursuant to Title 39, chapter 31, or incorporated in district policy if the teachers' employment is not covered by a
23 collective bargaining agreement, not including bonuses, stipends, or extended duty contracts.

24

25 **Section 2.** Section 20-9-306, MCA, is amended to read:

26 **"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
27 following definitions apply:

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

1 (2) "BASE aid" means:

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

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

7 (c) the total quality educator payment;

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

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

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

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

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

17 (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may
18 be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through
19 20-9-369.

20 (5) "BASE funding program" means the state program for the equitable distribution of the state's
21 share of the cost of Montana's basic system of public elementary schools and high schools, through county
22 equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in
23 support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-
24 321.

25 (6) "Basic entitlement" means:

26 (a) for each high school district:

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

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

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

6 (i) \$52,579 for fiscal year 2020 and \$53,541 for each succeeding fiscal year for school districts or K-
7 12 district elementary programs with an ANB of 250 or fewer; and

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

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

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

14 (A) \$52,579 for fiscal year 2020 and \$53,541 for each succeeding fiscal year for school districts or K-
15 12 district elementary programs with an ANB of 250 or fewer; and

16 (B) \$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 more than 250, plus \$2,630 for fiscal year 2020 and \$2,678 for
18 each succeeding fiscal year for each additional 25 ANB over 250; and

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

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

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

26 (7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to
27 20-9-311.

28 (8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB

1 entitlement for the general fund budget of a district and funded with state and county equalization aid.

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

7 (a) 175%; or

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

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

13 (11) "Total American Indian achievement gap payment" means the payment resulting from multiplying
14 \$216 for fiscal year 2020 and \$220 for each succeeding fiscal year times the number of American Indian
15 students enrolled in the district as provided in 20-9-330.

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

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

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

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

26 (a) for a high school district or a K-12 district high school program, a maximum rate of \$7,201 for
27 fiscal year 2020 and \$7,333 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents
28 per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving

1 the same amount of entitlement as the 800th ANB;

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

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

9 (i) a maximum rate of \$5,624 for fiscal year 2020 and \$5,727 for each succeeding fiscal year for the
 10 first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB
 11 up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the
 12 1,000th ANB; and

13 (ii) a maximum rate of \$7,201 for fiscal year 2020 and \$7,333 for each succeeding fiscal year for the
 14 first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7
 15 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the
 16 800th ANB.

17 (16) "Total quality educator payment" means the payment resulting from multiplying \$3,275 for fiscal
 18 year 2020 and \$3,335 for each succeeding fiscal year by the sum of:

19 (a) the number of full-time equivalent educators as provided in 20-9-327; and

20 (b) as provided in [section 1], for a school district meeting the legislative goal for competitive base pay
 21 of teachers, the number of full-time equivalent teachers that were in the first 3 years of the teacher's teaching
 22 career in the previous year."

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 24 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
 25 integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1].

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 27 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2021.

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