

**Amendment - 1st Reading/2nd House-blue - Requested by: Russel (Russ) Tempel - (S)
Education and Cultural Resources**

68th Legislature

Drafter: Pad McCracken, 406-444-3595

HB0214.002.001

1 HOUSE BILL NO. 214
2 INTRODUCED BY M. BERTOGLIO, D. BEDEY, J. KASSMIER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS TO ENHANCE
5 EDUCATIONAL OPPORTUNITIES FOR STUDENTS; REVISING DEFINITIONS TO DISTINGUISH IN-
6 PERSON OFFSITE INSTRUCTIONAL SETTINGS AND REMOTE INSTRUCTION AND REVISING RELATED
7 DEFINITIONS AND STATUTES; INCLUDING REQUIRING SCHOOL DISTRICTS TO PROVIDE REMOTE
8 INSTRUCTION FOR OUT-OF-DISTRICT STUDENTS AS A CIRCUMSTANCE FOR MANDATORY
9 ATTENDANCE AGREEMENTS UNDER CERTAIN CONDITIONS; PROVIDING FRACTIONAL ENROLLMENT
10 FOR ANB CALCULATIONS WHEN A STUDENT IS ENROLLED IN MULTIPLE SCHOOL DISTRICTS;
11 ESTABLISHING SPECIFIC CONDITIONS UNDER WHICH A DISTRICT MAY PROVIDE INSTRUCTION
12 ACROSS SCHOOL DISTRICT LINES; AMENDING SECTIONS 20-1-101, 20-5-324, 20-7-118, 20-7-1601, AND
13 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."
14

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

16
17 **Section 1.** Section 20-1-101, MCA, is amended to read:

18 **"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
19 following definitions apply:

- 20 (1) "Accreditation standards" means the body of administrative rules governing standards such as:
21 (a) school leadership;
22 (b) educational opportunity;
23 (c) academic requirements;
24 (d) program area standards;
25 (e) content and performance standards;
26 (f) school facilities and records;
27 (g) student assessment; and

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NEW SECTION. SECTION 5. PROVISION OF INSTRUCTION OUTSIDE DISTRICT BOUNDARY. (1) A SCHOOL DISTRICT MAY ENTER INTO AN INTERLOCAL AGREEMENT PURSUANT TO TITLE 7, CHAPTER 11, OR A MULTIDISTRICT AGREEMENT PURSUANT TO 20-3-363 WITH ANOTHER SCHOOL DISTRICT TO PROVIDE IN-PERSON INSTRUCTION AT AN OFFSITE INSTRUCTIONAL SETTING LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT OF RESIDENCE.

(2) AN AGREEMENT UNDER THIS SECTION MAY BE DESIGNED TO PROVIDE APPROPRIATE SUPPORT FOR OR DIRECT STUDENT ACCESS TO CULTURALLY ROOTED INSTRUCTION ALIGNED TO A LEARNING ENVIRONMENT FOR ENGLISH LANGUAGE LEARNERS OR AN INDIAN LANGUAGE IMMERSION PROGRAM IN THE DISTRICT OF RESIDENCE.

(3) AN AGREEMENT UNDER THIS SECTION MUST:

(A) AUTHORIZE THE DISTRICT OF INSTRUCTION TO LEASE OR ACQUIRE FACILITIES AND HIRE EMPLOYEES TO OPERATE THE OFFSITE INSTRUCTIONAL SETTING;

(B) PROVIDE THAT THE ENROLLMENT OF STUDENTS ATTENDING THE OFFSITE INSTRUCTIONAL SETTING IS INCLUDED IN THE ANB CALCULATIONS FOR THE DISTRICT OF INSTRUCTION AND THAT THE DISTRICT OF RESIDENCE PAY THE DISTRICT OF INSTRUCTION 35.3% OF THE APPLICABLE PER-ANB MAXIMUM RATE ESTABLISHED IN 20-9-306 FOR EACH ANB;

(C) PROVIDE THAT THE DISTRICT OF INSTRUCTION IS RESPONSIBLE FOR ALL AGENCY REPORTING AND COMPLIANCE, MAINTAINING ACCREDITATION STANDARDS, AND ALL OTHER STATE OR FEDERAL MANDATES;

(D) IF THE TWO DISTRICTS ARE IN DIFFERENT COUNTIES, PROVIDE THAT:

(i) THE DISTRICT OF RESIDENCE PAY THE DISTRICT OF INSTRUCTION AN AMOUNT EQUAL TO THE EMPLOYER CONTRIBUTION FOR RETIREMENT COSTS FOR ANY TEACHER AT THE OFFSITE INSTRUCTIONAL SETTING; AND

(ii) the county superintendent of the county in which the offsite instructional setting is located perform supervisory duties of the offsite instructional setting as required by law; and

(E) IF THE TWO DISTRICTS ARE SERVED BY DIFFERENT SPECIAL EDUCATION COOPERATIVES:

(i) INCLUDE A PROVISION, IF AGREEABLE TO BOTH COOPERATIVES, ADDRESSING WHICH COOPERATIVE WILL SERVE CHILDREN WITH DISABILITIES AT THE OFFSITE INSTRUCTIONAL SETTING AND HOW THAT COOPERATIVE WILL

RECEIVE FUNDING; or

(ii) provide that:

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1 (A) the special education cooperative serving the district in which the offsite instructional setting is
2 located serve children with disabilities at the offsite instructional setting; and

3 (B) the office of public instruction calculate and distribute state and federal special education
4 payments generated for the ANB of the offsite instructional setting to the special education cooperative serving
5 the offsite instructional setting instead of the special education cooperative serving the district of instruction.

6 (4) THE DISTRICT OF RESIDENCE MAY FINANCE THE PAYMENTS UNDER THIS SECTION FROM THE LEVY
7 AUTHORIZED TO SUPPORT THE DISTRICT TUITION FUND OR FROM THE DISTRICT'S GENERAL FUND OR ANY OTHER LEGALLY
8 AVAILABLE FUND IN THE DISCRETION OF THE TRUSTEES. A DISTRICT OF INSTRUCTION RECEIVING PAYMENTS UNDER THIS
9 SECTION SHALL ANTICIPATE AND CREDIT PAYMENTS:

10 (A) UNDER SUBSECTION (3)(B) TO THE DISTRICT GENERAL FUND AS A SOURCE OF NONLEVY REVENUE; AND

11 (B) UNDER SUBSECTION (3)(D) TO THE DISTRICT RETIREMENT FUND.

12 (5) WITHIN 30 DAYS OF SIGNING AN AGREEMENT UNDER THIS SECTION, THE DISTRICT OF INSTRUCTION
13 SHALL SUBMIT A COPY OF THE AGREEMENT SIGNED BY BOTH SCHOOL DISTRICTS TO THE SUPERINTENDENT OF PUBLIC
14 INSTRUCTION, and if applicable under subsections (3)(d) and (3)(e):

15 (i) to the county superintendents of both counties; and

16 (ii) to the directors of both special education cooperatives.

17
18 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2023.

19
20 NEW SECTION. SECTION 7. CODIFICATION INSTRUCTION. [SECTION 5] IS INTENDED TO BE CODIFIED AS AN
21 INTEGRAL PART OF TITLE 20, CHAPTER 6, AND THE PROVISIONS OF TITLE 20, CHAPTER 6, APPLY TO [SECTION 5].

22
23 NEW SECTION. Section 8. Applicability. [This act] applies to school years and years of attendance
24 beginning on or after July 1, 2023.

25 - END -