

1 HOUSE BILL NO. 441  
2 INTRODUCED BY E. STAFMAN, C. KEOGH, J. HAMILTON, T. RUNNING WOLF, M. CAFERRO, M. THANE,  
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4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TAX CREDIT SCHOLARSHIPS  
6 TO INCREASE THE ACCOUNTABILITY OF QUALIFIED EDUCATION PROVIDERS RECEIVING TAX-  
7 BENEFITED SCHOLARSHIPS; REQUIRING THAT QUALIFIED EDUCATION PROVIDERS ADMINISTER  
8 THE SAME ASSESSMENTS AS THOSE REQUIRED OF PUBLIC SCHOOLS AND PROVIDE INFORMATION  
9 TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REQUIRING THE SUPERINTENDENT OF PUBLIC  
10 INSTRUCTION TO PUBLISH REPORT CARDS FOR QUALIFIED EDUCATION PROVIDERS IN THE SAME  
11 MANNER AS PUBLIC SCHOOLS; REVISING A DEFINITION; AMENDING SECTIONS 15-30-3102 AND 20-3-  
12 106, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."  
13

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

16 **Section 1.** Section 15-30-3102, MCA, is amended to read:

17 **"15-30-3102. (Temporary) Definitions.** As used in this part, the following definitions apply:

- 18 (1) "Department" means the department of revenue provided for in 2-15-1301.
- 19 (2) "Donation" means a gift of cash.
- 20 (3) "Eligible student" means a student who is a Montana resident and who is 5 years of age or  
21 older on or before September 10 of the year of attendance and has not yet reached 19 years of age.
- 22 (4) "Innovative educational program" includes any of the following:
  - 23 (a) transformational learning as defined in 20-7-1602;
  - 24 (b) advanced opportunity as defined in 20-7-1503;
  - 25 (c) any program, service, instructional methodology, or adaptive equipment used to expand  
26 opportunity for a child with a disability as defined in 20-7-401;
  - 27 (d) any courses provided through work-based learning partnerships or for postsecondary credit or  
28 career certification; and

**Amendment - 1st Reading-white - Requested by: Ed Stafman - (H) Taxation**

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Drafter: Pad McCracken, 406-444-3595

HB0441.001.001

1 (e) technology enhancements, including but not limited to any expenditure incurred for purposes  
2 specified in 20-9-533.

3 (5) "Partnership" has the meaning provided in 15-30-2101.

4 (6) "Pass-through entity" has the meaning provided in 15-30-2101.

5 (7) "Qualified education provider" means an education provider that:

6 (a) is not a public school;

7 (b) (i) is accredited, has applied for accreditation, or is provisionally accredited by a state, regional,  
8 or national accreditation organization; or

9 (ii) is a nonaccredited provider or tutor and has informed the child's parents or legal guardian in  
10 writing at the time of enrollment that the provider is not accredited and is not seeking accreditation;

11 (c) is not a home school as referred to in 20-5-102(2)(e);

12 (d) satisfies the health and safety requirements prescribed by law for private schools in this state;

13 and

14 (e) administers and pays for the same statewide assessments as those required of public schools  
15 under the rules of the board of public education;

16 (f) provides to the superintendent of public instruction the information required to produce a  
17 school-level report card displaying the same information as those required of Montana public schools under  
18 federal law. ~~The qualified education provider shall pay for any costs of accessing data systems of the office of~~  
19 public instruction to meet the requirements of this subsection (7)(f); and.

20 ~~(e)(g)~~ qualifies for an exemption from compulsory enrollment under 20-5-102(2)(e) and 20-5-109.

21 (8) "Small business corporation" has the meaning provided in 15-30-3301.

22 (9) "Student scholarship organization" means a charitable organization in this state that:

23 (a) is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code,  
24 26 U.S.C. 501(c)(3);

25 (b) allocates not less than 90% of its annual revenue from donations eligible for the tax credit  
26 under 15-30-3111 for scholarships to allow students to enroll with any qualified education provider; and

27 (c) provides educational scholarships to eligible students without limiting student access to only  
28 one education provider.

1 (10) "Taxpayer" has the meaning provided in 15-30-2101. (Terminates December 31, 2029--secs.  
2 20 and 24(6), Ch. 480, L. 2021.)"

3

4 **Section 2.** Section 20-3-106, MCA, is amended to read:

5 **"20-3-106. Supervision of schools -- powers and duties.** The superintendent of public instruction  
6 has the general supervision of the public schools and districts of the state and shall perform the following duties  
7 or acts in implementing and enforcing the provisions of this title:

8 (1) resolve any controversy resulting from the proration of costs by a joint board of trustees under  
9 the provisions of 20-3-362;

10 (2) issue, renew, or deny teacher certification and emergency authorizations of employment;

11 (3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of  
12 20-5-314;

13 (4) approve or disapprove the opening or reopening of a school in accordance with the provisions  
14 of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

15 (5) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

16 (6) generally supervise the school budgeting procedures prescribed by law in accordance with the  
17 provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103  
18 and 20-9-506;

19 (7) establish a system of communication for calculating joint district revenue in accordance with the  
20 provisions of 20-9-151;

21 (8) approve or disapprove the adoption of a district's budget amendment resolution under the  
22 conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget  
23 amendment in accordance with the approval and disbursement provisions of 20-9-166;

24 (9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

25 (10) prescribe and furnish the annual report forms to enable the districts to report to the county  
26 superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the  
27 county superintendents to report to the superintendent of public instruction in accordance with the provisions of  
28 20-3-209;