

HOUSE BILL NO. 946

INTRODUCED BY D. BEDEY, L. JONES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;  
5 PROVIDING FOR REPORTS TO THE EDUCATION INTERIM BUDGET COMMITTEE FROM THE MONTANA  
6 STATE LIBRARY, THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION, AND THE OFFICE OF  
7 PUBLIC INSTRUCTION; REVISING EDUCATION LAWS RELATED TO EARLY EDUCATION AND  
8 KINDERGARTEN; ESTABLISHING UNDER WHAT EXCEPTIONAL CIRCUMSTANCES A SCHOOL  
9 DISTRICT MAY ADMIT STUDENTS OUTSIDE REGULAR AGE PARAMETERS; CLARIFYING THAT  
10 KINDERGARTEN IS A SINGLE-YEAR PROGRAM; PROVIDING THAT THE EDUCATION INTERIM BUDGET  
11 COMMITTEE DIRECT A STUDY RELATED TO SERVICES PROVIDED BY THE DEPARTMENT OF  
12 ADMINISTRATION; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-5-101 AND 20-7-117, MCA; AND  
13 PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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17 **NEW SECTION. Section 1. Montana state library report to education interim budget committee.**

18 (1) The Montana state library shall report on its hot spot program activities to the education interim budget  
19 committee provided for in 5-12-501 by September 1, 2023.

20 (2) The Montana state library shall report on the following items to the education interim budget  
21 committee provided for in 5-12-501 by September 1, 2024:

- 22 (a) library deployment locations;
- 23 (b) the comparison of rural and urban deployment locations;
- 24 (c) hot spot usage measured by gigabytes for each device and by library; and
- 25 (d) verification that ~~there was no~~ ANY commercial activity usage of the hot spots ~~in compliance with~~

26 ~~Title 22, chapter 1, part 11.~~ IS CONSISTENT WITH LIBRARY POLICY.

27 (3) These reports must be provided in a digital and printed format to the committee.

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1           **NEW SECTION. Section 2. Education interim budget committee study of fiscal issues**  
2 **regarding education.** For the 2023-2024 interim, the education interim budget committee provided for in 5-12-  
3 501 shall direct a study of potential services the department of administration may be able to provide to the  
4 Montana arts council, the Montana historical society, and the Montana state library to create operating  
5 efficiencies.

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7           **NEW SECTION. Section 3. Office of commissioner of higher education report.** (1) The office of  
8 the commissioner of higher education shall report to the education interim budget committee provided for in 5-  
9 12-501 on the funding provided to the tribal colleges for high school equivalency test (HiSET) preparation  
10 through the HiSET to Tribal Colleges line-item in House Bill No. 2.

- 11           (2)     The report must include the following information:
- 12           (a)     the name of the tribal college receiving state funding and the amount received;
  - 13           (b)     a description of how each tribal college uses that funding;
  - 14           (c)     the number of individuals enrolled in the program at each tribal college;
  - 15           (d)     the number of individuals who completed the program at each tribal college; and
  - 16           (e)     the number of individuals who completed the program and passed the test.
- 17           (3)     The report must be provided in a digital and printed format by September 1, 2023, and by  
18 September 1, 2024.

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20           **NEW SECTION. Section 4. Office of public instruction report.** (1) The office of public instruction  
21 shall report for each school district participating in the advanced opportunity grant program under 20-7-1506:

- 22           (a)     the total amount of funding received and the total amount expended; and
  - 23           (b)     for each opportunity afforded to a student:
    - 24           (i)     a description of the opportunity;
    - 25           (ii)    whether the opportunity was afforded within the school or was an out-of-school experience;
    - 26           (iii)   the number of students participating in the opportunity; and
    - 27           (iv)    the funds expended on the opportunity.
- 28           (2)     The office of public instruction shall report for each school district participating in the

1 transformational learning grant program:

- 2 (a) the total amount of funding received and the total amount expended;
- 3 (b) a description of the transformational activities being provided through the program;
- 4 (c) the metrics used for evaluating the effectiveness of each transformational activity;
- 5 (d) an assessment of the effectiveness of each transformational activity; and
- 6 (e) future plans for each transformational activity.

7 (3) By September 1, 2023, and by September 1, 2024, the office of public instruction shall report  
8 on innovative educational donations made pursuant to 15-30-3111. The report must include the following  
9 information:

- 10 (a) for a public school district:
  - 11 (i) the name of the school district receiving a donation;
  - 12 (ii) the total amount of donations received by the school district in the current fiscal year; and
  - 13 (iii) how those donations were used by that public school district;
- 14 (b) for each nonpublic school entity:
  - 15 (i) the name of the entity and its address;
  - 16 (ii) the total amount of donations received by the entity in the current fiscal year; and
  - 17 (iii) how those donations were used by that entity; and
- 18 (c) the amount of funds retained for covering overhead costs by the entity that administered the  
19 program.
- 20 (4) These reports must be provided in a digital and printed format to the committee.

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22 **Section 5.** Section 20-5-101, MCA, is amended to read:

23 **"20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school  
24 in the district when the child is:

- 25 (a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but  
26 is not yet 19 years of age;
- 27 (b) a resident of the district; and
- 28 (c) otherwise qualified under the provisions of this title to be admitted to the school.

1           (2)     The trustees of a district may assign and admit any nonresident child to a school in the district  
2 under the tuition provisions of this title.

3           (3)     (a) The trustees may at their discretion assign and admit a child to a school in the district who  
4 is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that  
5 merit waiving the age provision of this section. The trustees may also admit an individual who has graduated  
6 from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age  
7 provision of this section.

8           (b)     As used in this subsection (3), "exceptional circumstances" means any of the following:

9           (i)     the child is being admitted into a preschool program established by the trustees pursuant to 20-  
10 7-117;

11          (ii)    the child is determined by the trustees to be ready for kindergarten and the child's parents have  
12 requested early entry into the district's regular 1-year kindergarten program; or

13          (iii)    the adult is 19 years of age or older and in the trustees' determination would benefit from  
14 educational programs offered by a school of the district.

15          (c)     The admittance of an individual under this subsection (3) does not in and of itself impact the  
16 ANB calculations governed by 20-9-311.

17          (4)     The trustees shall assign and admit a child who is homeless, as defined in the Stewart B.  
18 McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The  
19 trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

20          (5)     The trustees shall assign and admit a child whose parent or guardian is being relocated to  
21 Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and  
22 apply for programs offered by the district prior to arrival and establishing residency.

23          (6)     Except for the provisions of subsection (4), tuition for a nonresident child must be paid in  
24 accordance with the tuition provisions of this title.

25          (7)     The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in  
26 the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance  
27 policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding  
28 the assignment is final."

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**Section 6.** Section 20-7-117, MCA, is amended to read:

**"20-7-117. Kindergarten and preschool programs.** (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been ~~enrolled by special permission of~~ admitted through the exceptional circumstances provision under 20-5-101 by the board of trustees. The kindergarten program, which the trustees may designate as either a half-time or full-time program, must be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been ~~enrolled by special permission of~~ admitted to the district's kindergarten program by the board of trustees through the exceptional circumstances provision under 20-5-101. A kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301. A kindergarten program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool programs may not be supported by money available from state equalization aid.

(3) As used in Title 20, the following definitions apply:

(a) "Kindergarten program" means a half-time or full-time 1-year program immediately preceding a child's entry into 1st grade with curriculum and instruction selected by the board of trustees and aligned to the content standards established by the board of public education.

(b) "Preschool program" means a half-time or full-time program to prepare children for entry into kindergarten and governed by the standards adopted by the board of public education."

**NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2023.

