

1 HOUSE BILL NO. 946

2 INTRODUCED BY D. BEDEY, L. JONES

3

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."

14

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

16

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.

28

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.

6
7 NEW SECTION. Section 3. Office of commissioner of higher education ~~report~~ REPORTS. (1) The
8 office of the commissioner of higher education shall report to the education interim budget committee provided
9 for in 5-12-501 on the funding provided to the tribal colleges for high school equivalency test (HiSET)
10 preparation 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.

19 (4) (A) THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION SHALL REPORT TO THE EDUCATION
20 INTERIM BUDGET COMMITTEE PROVIDED FOR IN 5-12-501 ON ALL EXISTING COLLABORATIONS, PARTNERSHIPS,
21 CONTRACTS, DONATIONS, AND CONTRIBUTIONS RELATED TO AN ENTITY OR INDIVIDUAL ASSOCIATED WITH A FOREIGN
22 COUNTRY OF CONCERN. THE FIRST REPORT MUST BE MADE BY JULY 31, 2023. FOLLOWING THE FIRST REPORT, THE
23 OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION SHALL REPORT TWICE MORE DURING THE FOLLOWING YEAR, BY
24 JANUARY 31 AND JULY 31.

- 25 (B) THE REPORT REQUIRED IN SUBSECTION (4)(A) MUST INCLUDE THE FOLLOWING INFORMATION:
- 26 (i) A DESCRIPTION OF EACH PARTNERSHIP, COLLABORATION, CONTRACT, DONATION, OR CONTRIBUTION;
 - 27 (ii) THE GOAL OF THE PARTNERSHIP, COLLABORATION, CONTRACT, DONATION, OR CONTRIBUTION;
 - 28 (iii) THE LENGTH OF THE PARTNERSHIP, COLLABORATION, CONTRACT, DONATION, OR CONTRIBUTION;

1 (IV) WHETHER THE ARRANGEMENT IS CURRICULUM ORIENTED OR RESEARCH ORIENTED;

2 (V) THE FULL LEGAL NAME OF THE INDIVIDUAL OR ENTITY THAT MADE OR RECEIVED THE CONTRIBUTION OR
3 DONATION OR ENTERED INTO THE CONTRACT TO WHICH THE DISCLOSURE PERTAINS;

4 (VI) WHETHER OR NOT THE STATE INSTITUTION RECEIVED FINANCIAL COMPENSATION FOR THE
5 ARRANGEMENT AND THE AMOUNT OF THE COMPENSATION; AND

6 (VII) WHETHER OR NOT THE ENTITY RECEIVED FINANCIAL COMPENSATION FROM THE INSTITUTION AND THE
7 AMOUNT OF THE COMPENSATION.

8 (C) THE REPORT REQUIRED IN SUBSECTION (4)(A) APPLIES TO ALL UNITS OF THE MONTANA UNIVERSITY
9 SYSTEM AND ANY DEPARTMENTS, CENTERS, INSTITUTES, OR OTHER ACTIVITIES OF THE MONTANA UNIVERSITY SYSTEM.

10 (5) AS USED IN SUBSECTION (4), THE FOLLOWING DEFINITIONS APPLY:

11 (A) "ENTITY OR INDIVIDUAL ASSOCIATED WITH A FOREIGN COUNTRY OF CONCERN" MEANS:

12 (i) A FOREIGN CORPORATION CREATED OR ORGANIZED IN A FOREIGN COUNTRY OF CONCERN;

13 (ii) A FOREIGN NATIONAL FROM A FOREIGN COUNTRY OF CONCERN;

14 (iii) A GOVERNMENT ENTITY FROM A FOREIGN COUNTRY OF CONCERN

15 (iv) AN ENTITY CONTROLLED BY THE GOVERNMENT OF A FOREIGN COUNTRY OF CONCERN;

16 (v) A DOMESTIC OR FOREIGN SUBSIDIARY OF AN ENTITY LOCATED WITHIN A FOREIGN COUNTRY OF
17 CONCERN; OR

18 (vi) A DOMESTIC NONPROFIT ORGANIZATION THAT HAS RECEIVED MORE THAN \$100,000 IN ONE CALENDAR
19 YEAR OR MORE THAN 10% OF ITS TOTAL FUNDING FOR THAT YEAR, WHICHEVER IS LESS, FROM AN ENTITY DESCRIBED IN
20 SUBSECTIONS (4)(A)(I) THROUGH (4)(A)(IV).

21 (B) "FOREIGN CORPORATION" MEANS A CORPORATION OR OTHER BUSINESS ENTITY THAT WAS NOT
22 CREATED OR ORGANIZED IN THE UNITED STATES OR UNDER THE LAWS OF THE UNITED STATES, ANY OF ITS STATES, OR
23 THE DISTRICT OF COLUMBIA.

24 (C) "FOREIGN COUNTRY OF CONCERN" MEANS A COUNTRY THAT IS A COVERED NATION AS DEFINED IN 10
25 U.S.C. 4872(D).

26
27 NEW SECTION. Section 4. Office of public instruction report. (1) The office of public instruction
28 shall report for each school district participating in the advanced opportunity grant program under 20-7-1506:

- 1 (a) the total amount of funding received and the total amount expended; and
- 2 (b) for each opportunity afforded to a student:
- 3 (i) a description of the opportunity;
- 4 (ii) whether the opportunity was afforded within the school or was an out-of-school experience;
- 5 (iii) the number of students participating in the opportunity; and
- 6 (iv) the funds expended on the opportunity.
- 7 (2) The office of public instruction shall report for each school district participating in the
- 8 transformational learning grant program:
- 9 (a) the total amount of funding received and the total amount expended;
- 10 (b) a description of the transformational activities being provided through the program;
- 11 (c) the metrics used for evaluating the effectiveness of each transformational activity;
- 12 (d) an assessment of the effectiveness of each transformational activity; and
- 13 (e) future plans for each transformational activity.
- 14 (3) By September 1, 2023, and by September 1, 2024, the office of public instruction shall report
- 15 on innovative educational donations made pursuant to 15-30-3111. The report must include the following
- 16 information:
- 17 (a) for a public school district:
- 18 (i) the name of the school district receiving a donation;
- 19 (ii) the total amount of donations received by the school district in the current fiscal year; and
- 20 (iii) how those donations were used by that public school district;
- 21 (b) for each nonpublic school entity:
- 22 (i) the name of the entity and its address;
- 23 (ii) the total amount of donations received by the entity in the current fiscal year; and
- 24 (iii) how those donations were used by that entity; and
- 25 (c) the amount of funds retained for covering overhead costs by the entity that administered the
- 26 program.
- 27 (4) These reports must be provided in a digital and printed format to the committee.
- 28

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

2 **"20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school
3 in the district when the child is:

4 (a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but
5 is not yet 19 years of age;

6 (b) a resident of the district; and

7 (c) otherwise qualified under the provisions of this title to be admitted to the school.

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

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

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

16 (i) the child is being admitted into a preschool program established by the trustees pursuant to 20-
17 7-117;

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

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

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

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

27 (5) The trustees shall assign and admit a child whose parent or guardian is being relocated to
28 Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and

1 apply for programs offered by the district prior to arrival and establishing residency.

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

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

8

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

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

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

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

28 (a) "Kindergarten program" means a half-time or full-time 1-year program immediately preceding a

1 child's entry into 1st grade with curriculum and instruction selected by the board of trustees and aligned to the
2 content standards established by the board of public education.

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

5

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

7

8 COORDINATION SECTION. Section 8. Coordination instruction. If House Bill No. 352 is passed
9 and approved, then [sections 5 and 6] are void.

10

11 COORDINATION SECTION. SECTION 9. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 212, HOUSE
12 BILL NO. 587, AND [THIS ACT] ARE ALL PASSED AND APPROVED, THEN THE SECTIONS OF HOUSE BILL NO. 212 AND
13 HOUSE BILL NO. 587 AMENDING 20-9-366 ARE VOID, AND 20-9-366 MUST BE AMENDED AS FOLLOWS:

14 "20-9-366. Definitions. As Subject to adjustments pursuant to [section 1 of House Bill No. 587], as
15 used in 20-9-366 through 20-9-371, the following definitions apply:

16 (1) "County retirement mill value per elementary ANB" or "county retirement mill value per high
17 school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by
18 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB
19 count used to calculate the elementary school districts' and high school districts' prior year total per-ANB
20 entitlement amounts.

21 (2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of
22 an eligible district means the taxable valuation in the previous year of all property in the district, except for
23 property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of
24 a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

25 (b) "District mill value per ANB", for school facility entitlement purposes, means the taxable
26 valuation in the previous year of all property in the district, except for property subject to the creation of a new
27 school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used
28 to calculate the district's prior year total per-ANB entitlement amount.

1 (3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base
2 purposes, means, subject to adjustment under [section 1 of House Bill No. 587], the sum of the taxable
3 valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the
4 quotient divided by the total state elementary ANB count or the total state high school ANB count used to
5 calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

6 (4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's
7 BASE budget after the following payments are subtracted:

- 8 (a) direct state aid;
- 9 (b) the total data-for-achievement payment;
- 10 (c) the total quality educator payment;
- 11 (d) the total at-risk student payment;
- 12 (e) the total Indian education for all payment;
- 13 (f) the total American Indian achievement gap payment; and
- 14 (g) the state special education allowable cost payment.

15 (5) (a) ~~Except as provided in subsection (6)~~, "Statewide elementary guaranteed tax base ratio" or
16 "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an
17 eligible district, means, subject to adjustment under [section 1 of House Bill No. 587], the sum of the taxable
18 valuation in the previous year of all property in the state, multiplied by ~~250% for fiscal year 2022 and~~ 254% for
19 fiscal year ~~2023~~ 2024 and by 259% for fiscal year 2025 and each succeeding fiscal year and divided by the
20 prior year statewide GTBA budget area for the state elementary school districts or the state high school
21 districts. For fiscal year 2024 and subsequent fiscal years, the superintendent of public instruction shall
22 increase the multiplier, not to exceed 262%, in this subsection (5)(a) as follows:

23 (i) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant
24 to 16-12-111 in the prior fiscal year is at least \$1 million more than the revenue transferred in the fiscal year 2
25 years prior, then:

26 (A) multiply the amount of increased revenue transferred to the state general fund pursuant to 16-
27 12-111 in the prior fiscal year above the amount of revenue transferred in the fiscal year 2 years prior by 0.25,
28 divide the resulting product by \$500,000, and round to the nearest whole number; and

1 (B) add the number derived in subsection (5)(a)(i)(A) as a percentage point increase to:

2 ~~(I) if the prior year was not affected by a contingency under subsection (6), the multiplier used for the~~
3 ~~prior fiscal year; or~~

4 ~~(II) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior fiscal~~
5 ~~year had the prior fiscal year not been affected by a contingency under subsection (6);~~

6 (ii) for fiscal years 2024 through 2031, if the revenue transferred to the state general fund pursuant
7 to 16-12-111 in the prior fiscal year is less than \$1 million more than the revenue transferred in the fiscal year 2
8 years prior, then the multiplier is equal to:

9 ~~(A) if the prior year was not affected by a contingency under subsection (6), the multiplier used for the~~
10 ~~prior fiscal year; or~~

11 ~~(B) if the prior year was affected by a contingency under subsection (6), the multiplier for the prior~~
12 ~~fiscal year had the prior fiscal year not been affected by a contingency under subsection (6); and~~

13 (iii) for fiscal years 2032 and subsequent fiscal years, the multiplier is equal to the multiplier used
14 for fiscal year 2031; and

15 (iv) for all multiplier increases under this subsection (5)(a), the calculations are made in the year
16 prior to the year in which the increase to the multiplier takes effect and impacts distribution of guaranteed tax
17 base aid.

18 (b) ~~"statewide~~ Statewide mill value per elementary ANB" or "statewide mill value per high school
19 ANB", for school retirement guaranteed tax base purposes, means, subject to adjustment under [section 1 of
20 House Bill No. 587], the sum of the taxable valuation in the previous year of all property in the state, multiplied
21 by ~~424%~~ 189% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the
22 total state high school ANB amount used to calculate the elementary school districts' and high school districts'
23 prior year total per-ANB entitlement amounts.

24 ~~(6) The guaranteed tax base multiplier under subsection (5)(a) must be reduced by 4 percentage~~
25 ~~points following certification by the budget director of a contingency pursuant to Chapter 506, Laws of 2021:~~

26 ~~(a) for fiscal year 2023 if the certification is made during calendar year 2021;~~

27 ~~(b) for fiscal year 2024 if the certification is made during calendar year 2022;~~

28 ~~(c) for fiscal year 2025 if the certification is made during calendar year 2023; and~~

1 ~~(d) for fiscal year 2026 if the certification is made during calendar year 2024."~~

2

3 NEW SECTION. Section 10. Applicability. [Sections 5 and 6] apply to school years beginning on or

4 after July 1, 2023.

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- END -