

# 2023 68<sup>th</sup> Legislative Session Summary of Legislation Related to K-12 Education



*Putting Montana Students First*

June 2023



I am grateful that the 68<sup>th</sup> legislature focused on parents, students, and families, and expanding freedom and transparency in education.

As State Superintendent I championed four legislative requests that put our Montana students first:

1. Prioritizing funding our schools through BASE Aid because a promise is a promise.
2. Supporting the mental health needs of students.
3. Revising teacher license fees. My promise to our Montana teachers is that I will **not** increase teacher licensing fees.
4. Funding to update audiology equipment in Montana schools.

All four asks were granted.

The focus of delivering a flexible and innovative education system was realized through:

- The creation of public charter schools and community choice schools
- Funding the Teacher Residency Program to aid in teacher recruitment through student teaching
- The development of Career Coaches to make our students Montana Ready
- A student focus on transformational and personalized learning

All these closely align with my Montana Alternative Student Testing (MAST) Pilot program that accurately measures the success of teaching and learning while removing a federally mandated one-size-fits-all test.

One of my top priorities for education is getting back to the basics of Math and Reading. I appreciate that the legislature established an Early Literacy Targeted Intervention program for kindergarten through 3<sup>rd</sup> grade.

This program funds the following:

- a classroom-based early reading program
- a home-based reading program, or
- an early reading jumpstart or summer immersion program

I am thankful that more parent and family voices were sincerely heard during this legislative session. Parents are the first teachers. Blessings to the families of our graduating class of 2023. Our future Montana graduating classes will be celebrated by the many gifts of this legislature.

Elsie Arntzen  
Montana State Superintendent

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**PLEASE NOTE:** This document contains brief summaries of bills relating to K-12 education that were considered and passed by the Montana Legislature during the 2023 Legislative Session. The summaries are not offered as legal advice nor as a definitive interpretation of these bills. For a more comprehensive understanding of the laws, please consult the original legislation. **In the 68<sup>th</sup> Legislative Session, there were a total of 213 education-related bills heard, and 109 education-related bills were passed.**

*\*This document was last edited on 6/20/2023 and does not include a summary of HB 2*

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# **LEGISLATION AFFECTING K-12 EDUCATION**

## **APPROPRIATIONS**

### **HB 3 Rep. Llew Jones**

#### **Supplemental appropriations bill**

**Chapter: 52                    Effective Date: March 15, 2023**

HB 3 provides supplemental general fund appropriations to meet the state’s legal obligations for the fiscal year ending June 30, 2023. HB 3 included a supplemental appropriation of \$86,000 of general fund for the national board for professional teaching standards as required by 20-4-134, MCA. The increase in funding was due to increases in eligible teachers. Current law provides the Superintendent of Public Instruction to request a supplemental appropriation in the second year of the biennium to complete the funding of stipends.

### **HB 4 Rep. Llew Jones**

#### **Appropriations by budget amendment**

**Chapter: 707    Effective Date: May 22, 2023**

HB 4 extends spending authority into the 2025 biennium for federal grants received in the interim and approved as budget amendments by the Office of Budget and Program Planning (OBPP). For the Office of Public Instruction (OPI), this includes all remaining budget amendment authority for the American Rescue Plan Act (ARPA) elementary and secondary school emergency relief fund, the farm-to-school grants, the alternative student testing program, and the national school lunch program school equipment grants.

### **HB 5 Rep. Mike Hopkins**

#### **Long-range building appropriations**

**Chapter: 763    Effective Date: May 24, 2023**

Specific to public school districts, HB 5 appropriates \$3.7 million to the Department of Environmental Quality (DEQ) for grants to reduce exposure to lead in drinking water at school facilities.

### **HB 10 Rep. Mike Hopkins**

#### **Long-range information technology financings and appropriations**

**Chapter: 709    Effective Date: May 22, 2023**

HB 10 provides funding for information technology (IT) capital projects for agencies statewide. Providing for IT appropriations, reporting requirements, transfer of funds from the state general fund to the state special revenue long-range IT program account, allowing for the development and acquisition of new technology systems for various departments as well as the Montana University System.

**HB 13 Rep. John Fitzpatrick**

**State employee pay plan and revising laws governing state employees**

**Chapter: 87 Effective Date: April 11, 2023, Secs. 1, 4, & 5 July 1, 2023**

HB13 amends sections 2-16-117, 2-18-303, 2-18-501, 2-18-601, & 2-18-603, MCA,

HB 13 provides pay increases of \$1.50 or 4% whichever is greater for state and university system employees effective the pay period including July 1, 2023, and a pay increase of \$1.50 or 4% whichever is greater for state and university system employees effective the pay period including July 1, 2024.

A one-time lump sum payment for all full-time employees will be effective for the first full pay period after HB 13 was signed. The one-time lump sum payment was prorated for regularly scheduled hours as follows: \$1,040 for 40 hours a week, \$780 for 20 hours or more a week, and \$520 for less than 20 hours per week.

State per diem rates were increased for state employees' meals to \$8.25 for breakfast, \$9.25 for lunch, and \$16.00 for dinner. Restrictions on per diem rates for foreign travel were removed.

Additionally, holidays for state employees were changed to remove state general election day requiring all offices to be open for regular business hours and adding an additional "floater" holiday per year.

Finally, this bill provides for personal services contingency funds allocated to the Office of Budget and Program Planning (OBPP) to be distributed to agencies when the agencies cannot meet their vacancy savings, retirement payouts exceed agency resources, or other contingencies arise.

**HB 15 Rep. David Bedey**

**Increase K-12 BASE aid, entitlements, and payments**

**Chapter: 31 Effective Date: July 1, 2023**

HB 15 amends section 20-9-306, MCA,

HB 15 provides inflationary increases of 2.70 percent for FY 2024 and 3.00 percent for FY 2025 to the funding components of school district general fund budgets. The increases are applied to the basic and per-ANB entitlements, the special education allowable cost payment, the quality educator payment, the Indian education for all payment, the at-risk student payment, the American Indian achievement gap payment, and the data for achievement payment. (Note: The inflationary increase for the at-risk student payment is not included in HB 15; rather it is a line-item appropriation in HB 2.)

The fiscal note for HB 15 shows a biennial cost of \$85.6 million.

**HB 321 Rep. Linda Reksten**  
**Generally revise laws related to the coal trust**  
**Chapter: 717 Effective Date: July 1, 2023**

HB 321 establishes a conservation district fund within the coal tax trust fund. This new fund will receive 65% of the coal severance tax revenue deposited into the coal tax trust fund beginning in FY 2024. The distribution is maintained until the balance of the fund reaches \$100 million and will earn interest for the benefit of the conservation district account within the state special revenue fund. By August 15, 2023, there is transferred from the general fund to the school facilities fund in the coal tax trust fund the amount necessary to bring the balance of the school facilities fund to \$200 million. Higher balances in the school facilities fund increase the amount of interest earnings transferred to the state special revenue fund. The coal severance tax distribution to the school facilities fund declines from 75% to 10% (allowing 65% to the conservation district fund) in FY 2024 and remains in place until the school fund's balance reaches \$300 million.

There is a \$1,000 appropriation from the general fund to the Coal Board for additional grant funding for the 2025 biennium.

**HB 355 Rep. John Fitzpatrick**  
**Appropriate funds for local government infrastructure projects**  
**Chapter: 770 Effective Date: June 14, 2023**

HB 355 establishes "The State-Local Infrastructure Partnership Act of 2023" which provides \$20 million from the general fund to the Department of Commerce for disbursement to counties for the purpose of providing grants for eligible infrastructure projects. Eligible entities include incorporated cities and towns, counties, school districts, and special districts. Local governments will be required to supply a cash match equal to no less than 25% of the total project cost for the grant received. The allocation of the grants will be based on the county's 2020 population, the ability of the county's local population to pay for services as measured by per capita income, and the county's ability to raise tax revenue locally. If a county's allocation is less than \$300,000 then the county will receive \$300,000. Eligible uses of the grant are:

- To maintain or repair existing local government infrastructure, including drinking water systems,
- Wastewater treatment systems,
- Fire suppression systems if independent of the drinking water systems, streets, roads, bridges, landfills, streetlights, airports, and public grounds and buildings,
- Expansion of existing water and wastewater treatment plants that are being operated at 90% of design capacity or greater.

**HB 408 Rep. Sue Vinton**

**Revise student scholarship organization and innovative education tax credits**

**Chapter: 558 Effective Date: May 18, 2023**

HB 408 increases the tax credit caps available under the Innovative Educational Program (IEP) public-school tax credit and the Student Scholarship Organization (SSO) program for non-public schools. This summary is in reference to the IEP public-school tax credit portion only. School districts that receive tax credit donations are to deposit those funds into the school district's miscellaneous programs fund and must spend the donated funds for innovative educational programs defined in 15-30-3102, MCA.

The bill expands the list of eligible uses of these funds to include distributions to capital improvements and equipment necessary to support an innovative educational program. School districts are limited to the amount of tax credit donations a district may retain. Donations of more than the greater of \$50,000 or 15% of the district's maximum general fund budget or 20% of the maximum amount of statewide donations allowed for that fiscal year must be transferred to OPI to the Innovative Educational Program state special revenue account.

HB 408 establishes the Innovative Educational Program state special revenue account to be administered by the Superintendent of Public Instruction and statutorily appropriates revenue in the account. The account revenues come from excess donations transferred from school districts where tax credit donations exceeded limits set within this legislation plus interest and earnings from the account.

The OPI is to distribute the funds received in the innovative educational program account to school districts for advanced opportunity aid under 20-7-1506(4), MCA, and deposited in school districts' flexibility fund to be used to pay pupil costs as provided in 20-7-1506(5)(a). The funds must be distributed at the same time as the advanced opportunity aid distributions by October 1 each year.

A termination date for sections 1 through 5 for the bill is provided as December 31, 2029

**HB 482 Rep. Jane Gillette**

**Provide access to education and supports for children aging out of foster care**

**Chapter: 629 Effective Date: October 1, 2023**

HB 482 creates the Montana foster youth higher education assistance program administered by the Board of Regents through the Commissioner of Higher Education for the purpose of helping youth who have aged out of the foster care system meet their educational, vocational, and professional goals without accruing debt. The target recipients are students eligible for the federal John H. Chafee foster care for successful transition to adulthood program who are Montana residents, and high school graduates attending programs full time that will lead to a bachelor's degree, associate degree,

or a vocational or entry-level professional credential or certification. Institutions receiving grants will provide year-round room and board, support services, and last dollar scholarships to eligible participants. Fifty percent of the scholarship funds must be provided by the institution and fifty percent by the grants for the program.

**HB 872 Rep. Bob Keenan**  
**Provide funding for behavioral health system for future generations**  
**Chapter: 739 Effective Date: July 1, 2023**

HB 872 repeals section 20-9-240, MCA,

HB 872 transfers the financial management of the inter-governmental transfer (IGT) for the Comprehensive School and Community Treatment (CSCT) program from the OPI back to DPHHS. On June 30, 2023, any unencumbered and unexpended fund balance in the school-based services account must be transferred to the DPHHS state match account.

**HB 946 Rep. David Bedey**  
**Implement provisions of HB2 - Section E-education**  
**Chapter: 745 Effective Date: July 1, 2023**

HB 946 amends sections 20-5-101 & 20-7-117, MCA,

New section 4 applies to the OPI and extends data collections associated with the following programs:

Advanced opportunity grant program under 20-7-1506, MCA shall report for each participating school district:

- The total amount of funding received
- The total amount expended

For each opportunity afforded to a student:

- A description of the opportunity
- Whether the opportunity was afforded within the school or was an out-of-school experience
- The number of students participating in the opportunity
- The funds expended on the opportunity

Transformational learning grant program under 20-7-1601, MCA, shall report for each participating school district:

- The total amount of funding received
- The total amount expended
- A description of the transformational activities being provided through the program



- The metrics used for evaluating the effectiveness of each transformational activity
- An assessment of the effectiveness of each transformational activity
- Future plans for each transformational activity

Innovative educational donations made pursuant to 15-30-3111, MCA, shall report by September 1, 2023, and by September 1, 2024, the following:

For a public school district:

- The name of the school district receiving a donation
- The total amount of donations received by the school district in the current fiscal year
- How those donations were used by that public school district

For each nonpublic school entity:

- The name of the entity and its address
- The total amount of donations received by the entity in the current fiscal year
- How those donations were used by that entity
- The amount of funds retained for covering overhead costs by the entity that administered the program

## **GENERAL EDUCATION**

### **SB 1 Sen. Daniel Salomon**

#### **Align payment schedule of school block grants**

**Chapter: 152 Effective Date: July 1, 2023**

SB 1 amends section 20-9-638, MCA, to align the payment schedule for the coal-fired generating unit closure mitigation block grant with the payment schedule for guaranteed tax base aid.

### **SB 8 Sen. Shannon O'Brien**

#### **Revise transformational learning program laws**

**Chapter: 307 Effective Date: July 1, 2023**

SB 8 revises laws related to personalized and transformational learning by defining "proficiency-based learning" and revising eligibility requirements for transformational learning aid payments. Section 20-7-1601, MCA, is amended to include a definition of proficiency & an expansion of the definition of proficiency-based learning. These apply to the transformational learning program and are stated as follows:

*"Proficiency" means a measure of competence that is demonstrated through application in a performance assessment.*

and

*"Proficiency-based learning" means an education system in which student progress is based on a student's demonstration of competence rather than on the basis of seat time or the age or grade level of the student.*

Section 20-7-1602, MCA, is amended requiring that district's definition of proficiency within the meaning of the term as used in 20-9-311(4)(d), MCA. The definition must be incorporated in the district's policies and must be used for purposes of determining content and course proficiency and other progress, promotion from grade to grade, grades, and graduation for pupils enrolled in the district's transformational learning program. The district must also describe the district's plans for the implementation of proficiency-based learning as defined in 20-7-1601, MCA.

Additional amendments require districts to expend transformational learning revenue within a two-year period.

A final inclusion states that the board of public education or designee shall review the applications of school districts with first-time applications that are unfunded and on the waiting list to determine whether the district's application meets the requirements under 20-7-1602(2) as amended. If a district's application does not meet the requirements, the board shall remove the district from the waiting list. It is also stated that a district removed from the waiting list may reapply.

**SB 10 Sen. Shannon O'Brien**  
**Clarify school finance laws related to general fund levies**  
**Chapter: 640 Effective Date: July 1, 2023**

SB 10 amends sections 20-3-324, 20-6-603, 20-6-621, 20-9-104, 20-9-141, 20-9-306, 20-9-353, & 20-20-105, MCA.

Amends school funding laws by removing unnecessary references to an additional levy for the district general fund, clarifying trustees' authority related to acquiring or disposing of sites and buildings, and revising the definition of "over-base budget levy" to conform with current statute. These amendments are associated with "cleaning-up" statutory language and should have no effect on interpretation of current law.

Clarifies that the Over-base levy election, in legislative years, must be conducted prior to August 1.

**SB 70 Sen. Shannon O'Brien**  
**Revise the Quality Educator Loan Assistance Program**  
**Chapter: 232 Effective Date: April 24, 2023**

SB 70 amends sections 20-4-502, 20-4-503, & 20-4-504, MCA,

SB 70 removes the requirements for teachers qualifying for the Quality Educator Loan Assistance Program to be teaching in a critical quality educator shortage area. For each eligible quality educator, the time of eligibility is changed to be a "lifetime total of" up to three years of state funded loan repayment assistance and an additional year of loan repayment assistance funded by the impacted school or the district under which the impacted school or the district under which the

impacted school is operated pursuant to 20-4-504(2), MCA. Additionally, the Board of Public Education is no longer required to publish an annual report listing the critical quality educator shortage areas in each impacted school.

Current law allows quality educators to receive state loan repayment assistance of \$3,000 after the first complete year of teaching in an impacted school; \$4,000 after the second complete year of teaching in an impacted school or another impacted school within the district; \$5,000 after the third complete year of teaching in the same impacted school or another impacted school in the same district; and up to \$5,000 loan repayment assistance funded by the impacted school or the district under which the impacted school is operated after the fourth completed year of teaching in the same impacted school or another impacted school in the same school district. The removal of this requirement is expected to increase the number of teachers qualifying for the quality educator loan assistance program.

**SB 289 Sen. Chris Friedel**

**Allow tuition waivers for qualified survivors of firefighters and peace officers**

**Chapter: 455 Effective Date: October 1, 2023**

SB 289 amends section 20-25-421, MCA, allowing the Board of Regents to waive tuition and fees for surviving spouses and children of Montana firefighters or peace officers who died in the line of duty.

**SB 358 Sen. Greg Hertz**

**Require disclosure of taxpayer funds for lobbying by local government/schools**

**Chapter: 468 Effective Date: May 8, 2023**

SB 358 requires that local governments, which includes school districts, to display on their website specific information regarding contracts for services that would require a person to register as a lobbyist within sixty days after the end of the fiscal year in which the contract is signed. If the school district does not maintain a website, notice must be made that the information is available for review by the public at the office of the local government. Any payments and/or donations that are more than normal compensation used to support lobbying services must also be disclosed. Furthermore, the school district must provide a report with specific information on the agenda of a regularly scheduled meeting of the school district at least once a month during a regular legislative session.

**SR 33 Sen. Daniel Salomon**

**Confirm Governor's appointees for Board of Public Education**

SR 33 confirms the appointment of the following as members of the Board of Public Education:

- Renee Rasmussen, Clancy, Montana, appointed to a term ending February 1, 2029.
- Ron Slinger, Miles City, Montana, appointed to a term ending February 1, 2030.
- Tim Tharp, Savage, Montana, appointed to a term ending February 1, 2027.

**HB 21 Rep. David Bedey**

**Revising process for adoption of school accreditation standards**

**Chapter: 81 Effective Date: March 23, 2023, except Section 2 which is effective January 1, 2026**

HB 21 revises the process for adoption of school accreditation standards by requiring an economic impact statement for any change requiring implementation by school districts. The economic impact statement must include an analysis of the ability of school districts to implement the standard within existing resources, including time. The bill requires the Board of Public Education (BOPE) to submit the revision along with the economic impact statement to the interim education budget committee (when the legislature is not in session) or the joint appropriations subcommittee on education (when the legislature is in session). Unless the expenditures by school districts required under the proposal are determined by the appropriate committee to be insubstantial, the BOPE may not implement the revision until July 1 following the legislative session at which funds to support the implementation could be appropriated. The Superintendent is required to include in its budget request the funds required for implementation by school districts.

**HB 22 Rep. David Bedey**

**Revising use of revenue from teacher licensure fees**

**Chapter: 40 Effective Date: July 1, 2023**

HB 22 amends section 20-4-109, MCA, to allow the Board of Public Education to use teacher licensing fee revenues to fund expenses of the Board and the certification standards and practices advisory council created in section 2-15-1522, MCA.

**HB 36 Rep. David Bedey**

**Revising school funding laws related to enrollment increases**

**Chapter: 240 Effective Date: April 25, 2023**

HB 36 amends sections 20-3-106, 20-9-141, 20-9-166, 20-9-308, 20-9-310, & 20-9-313, MCA,

HB 36 repeals 20-9-314, MCA, which provides procedures for determining eligibility and amount of increased average number belonging (ANB) due to unusual enrollment increase. The bill also removes statutory references to sections 20-3-106, 20-9-141, 20-9-308, and 20-9-313, MCA and modifies section 20-9-166, MCA, to allow significant enrollment increase (SEI) payments.

In general, the SEI payment eligibility process is described in the bill as follows:

- School districts that experience an enrollment increase based on the October enrollment count in the current year converted to ANB must be greater than the budget limitation ANB for the fiscal year three years prior by 10%.
- The Office of Public Instruction (OPI) must determine by December 1<sup>st</sup> each year following the October enrollment count the school districts that qualify for a SEI payment. OPI must notify schools by December 15<sup>th</sup> of each year of their eligibility for an SEI payment.

- The SEI payment is described in this bill as an amount that is the difference between 80% of the district's total per-ANB entitlement for that fiscal year using the most current October enrollment count minus the "absorption factor", and 80% of the district's initial per-ANB entitlement for that fiscal year.
- Absorption factor is defined as an ANB amount rounded to the nearest whole number equal to the sum of five ANB plus 3% of the district's budget limit ANB for that fiscal year.
- The trustees of a SEI payment qualifying district are to notice OPI of acceptance of all or partial amount of the allowable SEI payment no later than March 1<sup>st</sup>. A school district general fund budget amendment must be provided to the OPI and, upon successful completion of the budget amendment process, the OPI is to begin distribution of the SEI payments using appropriation authority from the BASE aid appropriation in HB 2 in the following months that direct state aid is distributed to schools by OPI.

**HB 181 Rep. Linda Reksten**

**Revise laws related to the superintendent of public instruction**

**Chapter: 168 Effective Date: July 1, 2023**

HB 181 amends sections 20-3-101 & 20-3-103, MCA. Amendments revise education laws related to the superintendent of public instruction by clarifying the requirement that the superintendent must have a bachelor's degree from an accredited college or university, ensures that the superintendent or the deputy superintendent has at least 5 years of teaching or school administrative experience and revises the list of discretionary staff that the superintendent may employ. Amendments specify that discretionary staff may now include, professional staff with expertise in curriculum, instruction, and assessment, specialists in curriculum and instruction in the content areas contained in the accreditation standards adopted by the board of public education under 20-7-101, MCA, as well as professional staff prepared in career and technical education and health science education.

**HB 203 Rep. David Bedey**

**Generally revise education laws to enhance educational opportunities**

**Chapter: 368 Effective Date: July 1, 2024**

HB 203 amends sections 20-5-320, 20-5-321, 20-5-322, 20-5-323, 20-5-324, & 20-9-141, MCA,

HB 203 revises education laws related to students who attend school out of district and the associated tuition, out-of-district attendance choice, and assures taxpayer equity.

HB 203 changes section 20-5-320, MCA, amending the title to, *Out-of-district attendance by parent or guardian request with no extenuating circumstances*, and makes the following additional amendments. Changes include that, a child may enroll and attend a district that is the non-resident district at the request of the parent or guardian with approval of the trustees of the intended district of attendance. That the parents or guardians may be responsible for transportation of the child to the non-located district of attendance unless the district of attendance discretionarily provides transportation

pursuant to 20-10-122, MCA.

Students of the resident district and those seeking enrollment under the 20-5-321, MCA, or attendance with mandatory approval are to be enrolled first, then afterward students may be enrolled under the provisions of section 20-9-320, MCA but only if the following criteria are not of concern:

The approval would result in exceeding limits if (paraphrased from the bill):

- building construction standards pursuant to Title 50, chapter 60.
- capacity and ingress and egress elements, either by individual room or by school building, of any fire code authorized by Title 50, chapter 3.
- evacuation elements of the district's adopted school safety plan.
- truant as defined in 20-5-106 in the last school district attended.
- expelled by another school district.
- the trustees of a district that receives more applications than the district can accommodate.

Children seeking enrollment in a non-located district are obligated to the tuition requirements under 20-5-323 & 20-5-324, MCA.

Section 20-5-321, MCA, or attendance with mandatory approval is amended to strike language associated with the discretion to waive tuition, resulting in the requirement of students seeking attendance with mandatory approval will require mandatory tuition payments.

Section 20-5-322, MCA, is modified so that the district of attendance is required to notify the district of residence, the county of attendance, the county of residence and the superintendent of public instruction should the attendance agreement be accepted. If disapproved there may be appeal to the county superintendent and then to the superintendent of public instruction.

Section 20-5-323, MCA, or the calculation tuition and transportation rates is modified so that the district of residence shall pay the district of attendance a calculated amount of mandatory tuition. This amount is to be a percentage equal to the lesser of the percentage of either school district's adopted general fund budget funded by BASE and over-BASE property tax levies in the year of attendance not to exceed 35.3%.

This section is additionally amended to modify the *tuition per-ANB amount* by removing the data for achievement payment rate under 20-9-306 and the Indian education for all payment rate under 20-9-306 for its calculation.

Section 20-5-324, MCA, or tuition payment provisions is modified so that when a child enrolls outside the resident district under sections 20-5-320 or 20-5-321, MCA, associated tuition is to be considered anticipated revenue in the BASE of the district's general fund. Should the amount anticipated exceed the limit of the BASE area the remainder is to be placed in the over-BASE portion

of the district's general fund. It is further stated that the anticipated tuition revenue is to not affect BASE mills associated with the calculation of general fund GTB.

The superintendent of public instruction shall report annually to the education interim committee on out-of-district attendance under 20-5-320 through 20-5-324, MCA, in the prior school fiscal year.

Section 20-9-141, MCA, or the computation of general fund net levy requirement by county superintendent is modified for the following, if applicable, subtracting the result of dividing any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, MCA, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2), MCA, that are available for reduction of the district's BASE budget levy by the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, MCA, divided by 1,000.

**HB 214 Rep. Marta Bertoglio**  
**Revise education laws related to remote instruction**  
**Chapter: 580 Effective Date: July 1, 2023**

HB 214 amends sections 20-1-101, 20-3-363, 20-7-118, 20-7-1601, & 20-9-311, MCA,

HB 214 creates definitions to distinguish in person offsite instructional settings and remote instruction. The bill also revises related definitions and statutes, including remote instruction for out-of-district students as a circumstance for mandatory attendance agreements under certain conditions providing fractional enrollment for ANB calculations when a student is enrolled in multiple school districts.

Section 20-1-101, MCA, is a definitions section and is modified for the following:

- Section 20-1-101(5), MCA, defines ANB, as including pupils physically attending a school or an offsite instructional setting or receiving remote instruction.
- Section 20-1-101(13) defines Minimum aggregate hours, is addressed to include remote instruction within its definition.
- Section 20-1-101(14) defines offsite instructional setting as modified to include settings that are an extension of a school of the district, located apart from the school, and that only in-person pupil instruction is considered. It is further clarified that a district shall comply with any rules adopted by the board of public education that specify standards for the provision of educational services at an offsite instructional setting.
- Section 20-1-101, MCA, is modified to include item (21) to define remote instruction as follows: "Remote instruction" means pupil instruction that occurs through virtual learning processes incorporating distance and online learning methods that best prepare pupils to meet desired learning outcomes as authorized in 20-7-118, MCA.

- Section 20-1-101, MCA, is modified to include item (24) to define a school of the district or a school in the district to mean an accredited school operated by the district that is located within the boundaries of the district operating the school.

Section 20-3-363, MCA, or laws defining multidistrict agreements is amended to clarify that the agreement may include the following:

*A multidistrict agreement may include an agreement through which one district provides culturally rooted instruction aligned to a learning environment for English language learners or an Indian language immersion program to pupils of a district participating in the multidistrict agreement. The costs and other terms of service must be reflected in the multidistrict agreement.*

Section 20-7-118, MCA, is amended to describe remote instruction as including the provision of services through electronic means and that the district will comply with any rules adopted by the board of public education. The section also identifies that remote instruction is permitted where the student:

- meets the residency requirements for that district as provided in 1-1-215, MCA.
  - lives in the district and is eligible for educational services under IDEA.
  - (1)(c) Seeking remote instruction in the nearest district when the pupil's district of residence does not provide remote or in-person instruction in an equivalent course. A course is not equivalent if the course does not provide the same level of advantage on successful completion, including but not limited to dual credit, advanced placement, and career certification.
- (2)(c) A school of a district providing remote instruction shall provide remote instruction to an out-of-district pupil under subsection (1)(c) unless, because of class size restrictions, the accreditation of the school would be adversely impacted by providing remote instruction to the pupil.

Section 20-9-311(4)(e), MCA, is the calculation of ANB and is amended to include the following: A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes. When a pupil is concurrently enrolled in more than one district, any fractional enrollment under subsection (4)(a) must be attributed first to a pupil's nonresident district.

An additional amendment to section 20-9-311(8), MCA, is to clarify the superintendent's approval for determining the calculation of a separate budget unit associated with the transportation of students. It is clarified that the superintendent's approval be limited to those that are associated with *geographical barriers*, rather than the more general term currently used which states *conditions*.



**HB 231 Rep. Brandon Ler**  
**Eliminate certification standards and practices advisory council**  
**Chapter: 370 Effective Date: July 1, 2023**

HB 22 coordination language is void with the passage of HB231.  
HB 231 repeals sections 2-15-1522, 20-4-131, 20-4-132, and 20-4-133, MCA to eliminate the Certification Standards and Practices Advisory Council (CSPAC).

**HB 257 Rep. Courtenay Sprunger**  
**Revise education laws related to advanced opportunities program**  
**Chapter: 574 Effective Date: July 1, 2023**

HB 257 amends sections 20-7-1503 & 20-7-1506, MCA, modifying the funding formula for advanced opportunities aid payments to K-12 school districts as follows:

- Elementary districts qualify for 4.5% of the district's prior year total quality educator payment.
- High school districts qualify for 30% of the district's prior year total quality educator payment.
- K-12 districts qualify for 18% of the district's prior year total quality educator payment.

Additional amendments include modification on the limit for the number of districts who qualify for advanced opportunities aid to now be based on the appropriation however distributions continue to be limited to the total appropriation authority. The percentage of a district's annual distribution of advanced opportunity aid to be spent to address a pupil's out-of-pocket costs adjusts from 60% to 75%. Language is expanded for permissible district expenditures of these funds to include *costs of participation for qualifying pupils in out-of-school enrichment activities that, in the discretion of the trustees, advance the pupil's opportunity for postsecondary career and educational success.* HB 257 provides an annual appropriation of \$4.0 million from the state general fund for the distribution of advanced opportunity aid.

**HB 338 Rep. Jonathan Windy Boy**  
**Revise laws related to Indian Education for All**  
**Chapter: 718 Effective Date: July 1, 2023**

HB 338 amends sections 20-1-501, 20-1-502, 20-1-503, & 20-9-329, MCA, specifically, 20-1-503, MCA, is re-titled as Indian education for all, and is further modified stating the following:

*Pursuant to Article X, section 1(2), of the Montana constitution, 20-1-501, 20-7-101, and 20-9-309, MCA, the board of public education shall incorporate the distinct and unique cultural heritage of Montana American Indians in the content standards that schools must implement as a requirement for school accreditation.*

*The superintendent shall include representatives of Montana Indian tribes on negotiated rulemaking committees formed pursuant to 20-7-101 addressing the development or revision of content standards.*

Additional amendments have been included to section 20-9-329, MCA, or the Indian education for all payment to require that, in addition to the expenditure reporting of Indian education for all expenditures additional reporting requirements are to include the following detailed descriptions:

- the instruction provided to certified personnel and students as required under 20-1-503, MCA; and
- how this instruction was developed cooperatively with the advice and assistance of Montana tribes pursuant to Title 20, chapter 1, part 5.

It is further specified that a school district(s) that fails to file the annual report required is ineligible for Indian education for all funding for subsequent school fiscal years until the report is filed. If a school district files a report failing to show that all funds received under this section were spent for the purposes of the requirements of Indian education for all the school district's BASE budget and funding under this section for the subsequent fiscal year must be reduced by the amount of funding received that was not spent for the purposes of Indian education for all.

**HB 346 Rep. Jonathan Windy Boy**  
**Revise the tribal computer programming scholarship program**  
**Chapter: 606 Effective Date: May 18, 2023**

HB 346 amends section 20-7-106, MCA, redirecting the administration of the Tribal Computer Programming Boost Scholarship program from the Office of Public Instruction (OPI) to the Department of Labor & Industry (DLI). Under current law, high school technology teachers currently employed or under contract for employment in a high school located on an Indian reservation or a high school serving members of the Little Shell Chippewa tribe are eligible for the scholarships provided under this section of statute.

HB 346 expands eligibility to all elementary and secondary school teachers at these school districts and provides an appropriation of \$48,000 to the Department of Labor and Industry for each year of the 2025 biennium.

**HB 352 Rep. Brad Barker**  
**Provide targeted interventions to support 3rd grade reading proficiency**  
**Chapter: 608 Effective Date: Sec. 5-7 July 1, 2024, all remaining Sec. July 1, 2023**

HB 352 amends sections 20-5-101, 20-7-117, and 20-9-311, MCA,

The first purpose of this legislation is to provide parents with a voluntary early literacy interventions program that would increase the number of children who are reading proficient at the end of third grade.

HB 352 establishes an Early Literacy Targeted Intervention program beginning July 1, 2024, with an appropriation of \$1.5 million for FY 2025. The funding appropriated must be used for per-student

costs of the home-based early literacy program created in the bill.

HB 352 directs the Board of Public Education, the Office of Public Instruction, and school district trustees to implement and achieve the purposes of this bill by July 1, 2024. These entities are directed to collect, analyze, and report outcomes on an ongoing basis providing continual refining of interventions to increase efficacy and efficiency of each intervention.

HB 352 identifies early literacy targeted intervention to mean any of the following:

- a classroom-based early literacy program
- a home-based literacy program, or
- an early literacy jumpstart program

Early literacy interventions are defined in the bill allowing that a school district may provide eligible children with any of the interventions described in HB 352.

Funding for the early literacy targeted interventions is defined in the bill as follows:

- An eligible child participating in a classroom-based program must be counted in the enrollment count used for calculating ANB per 20-9-311, MCA.
- An eligible child participating in a home-based program as defined in the bill may receive not more than \$1,000 per year. If the appropriated funding is not sufficient to fund all children participating in the home-based program in any year, the superintendent is to limit participation on a first-come, first-served basis.
- An eligible child participating in a jumpstart program would be counted as quarter-time enrollment in the calculation of ANB per 20-9-311, MCA, for participation in the jumpstart program. This could mean this child could be counted as up to 1.25 in the enrollment count for ANB purposes if the child was also enrolled in school.

HB 352 directs schools offering an early literacy targeted intervention program to closely monitor and work in collaboration with the Superintendent of Public Instruction and report annually to OPI the efficacy of the program no later than July 15. The superintendent is to report annually to the Interim Budget Committee no later than September 1.

A second purpose of this legislation is to clarify both exceptional circumstances and kindergarten and preschool eligibility.

Exceptional circumstances are defined in this bill where current law has not had a definition. Section 6, 20-7-117, MCA, currently describes kindergarten and preschool programs. This bill deletes language allowing trustees to include children who have been “enrolled by special permission” and redefines the allowance to include children who have been “admitted through the exceptional circumstances provisions un 20-5-101”, MCA, which is newly defined in this bill.

A kindergarten program is defined to mean 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.

A preschool program is defined to mean a half-time or full-time program to prepare children for entry into kindergarten and governed by standards adopted by the Board of Public Education.

**HB 396 Rep. Naarah Hastings**

**Require school trustees to admit resident children on a part-time basis**

**Chapter: 617 Effective Date: July 1, 2023**

HB 396 amends sections 20-5-101 & 20-5-102, MCA,

HB 396 requires trustees of a school district to admit a nonpublic or home-schooled child as a part-time enrollee at the request of the child's parent or guardian. Under current laws the trustees may allow attendance, but it is not mandatory for the child to be allowed to attend. The bill further amends the compulsory enrollment and excuses section of 20-5-102, MCA, is amended to include a child who is enrolled in a nonpublic or home school may be enrolled on a part-time basis in a public school.

**HB 535 Rep. Braxton Mitchell**

**Revising education laws to provide a definition of "financial literacy"**

**Chapter: 387 Effective Date: May 3, 2023.**

HB 535 amends section 20-1-102, MCA, or legislative goals for public elementary and secondary schools, by adding to the intent of the legislature that students in public elementary and secondary schools learn financial literacy which will allow students to obtain knowledge and skills required to succeed financially.

**HB 549 Rep. Fred Anderson**

**Authorizing establishment of public charter schools**

**Chapter: 510 Effective Date: July 1, 2023**

HB 549 Establishes the Public Charter Schools Act.

HB 549 states that it is the intent of the legislature "to create innovative and high-performing public charter schools under the general supervision of the Board of Public Education and under the supervision and control of trustees of the governing board who are elected by qualified electors in the community where the charter school is located."

The bill defines two types of public charter schools:

- A public charter school is a school established within a K-12 public school district and governed by the local board of trustees.

- A public charter school district is formed within a K-12 public school district with the boundaries of the public charter school district removed from the territory of the located school district with a governing board other than the local school board.

Section 4 of the bill identifies the responsibilities of the Board of Public Education (board) to include solicit, evaluate, approve, or deny new charter schools based on a series of criteria for improvement of instructional opportunities. The board is required annually on or before December 1 to publish a report on the state's public charter schools to include a comparison of the performance of public charter school students and non-charter school students as well as the board's assessment of successes, challenges, and areas for improvement. Additional consideration is to include the board's opinions for sufficiency of charter school funding.

Section 5 of HB 549 outlines the public charter school proposal process to include criteria to guide the board's decision along with an executive summary, mission and vision, demographic information as well as descriptions of the offerings and other information. This section also describes that if the applicant is not a local school board, the applicant proposal, must include that the applicant asked the local school board to create a school or program within the located school district that would serve the mission and vision of the proposed public charter school and the local school board declined the proposal. This proposal must include a legal description of the property of the existing school district from which the boundaries of the charter school are proposed to be formed.

The terms of a charter contract are defined to include 5-year time spans, as well as details on performance, signatures, approval for operation, and other requirements.

The bill further describes the governing board, elections, and terms to include the board's composition number of members and term length limits, and the availability of the formation of an advisory committee.

Section 8 describes students to be enrolled in the public charter school within the state, limitations on admissions, enrollment preferences, a non-discrimination clause, the identification of the need for a lottery in association with capacity limitations, and a lack of restriction acknowledgment. Public charter schools must be open to any students residing in the state as limited by these guidelines. HB 549 describes the charter school's performance and renewal to include a listing of performance indicators, standards, and performance targets. It is stated that the performance framework must include the BPE's approval and that the board will collect and analyze data from each charter school. It is further indicated that the BPE shall monitor performance and legal compliance of each public charter school. Publication of data will be created, and information published in reference to these public charter schools. The board may act for correction and revocation of charters upon certain situations as well as non-renewal.

Section 10 describes the charter's contract revocation and school closure or charter contract non-

renewal reasons, actions, and procedures.

HB 549 defines the public charter school operation and autonomy stating that the entity must be a nonprofit organization and that the public charter school will be subject to the provisions of Montana Code Annotated Title 20 to include local rules, regulations, or policies.

Public charter schools may not be formed in class three districts in accordance with sections 20-6-201, & 20-6-301, MCA, unless the applicant is the local school board.

A public charter school is to be identified as a separate Local Educational Agency (LEA) and must meet the requirements as such.

Public charter schools are required to be equipped to handle the terms of the charter contract outlined in HB 549 and may not engage in sectarian practice and are subject to civil rights, health, and safety requirements like that of all other public schools with certain exceptions.

Employees of public charter schools are to have the same rights and privileges as other public-school employees with certain exceptions outlined in HB 549.

Public charter schools are subject to all federal laws and authorities per HB 549.

Section 12 of HB 549 states that the legislative intent of funding public charter schools is for a public charter school to receive operational funding on a per-pupil basis that is equitable with the per-pupil funding of the located school district.

A public charter school, governed by a local school board, is to receive funding through the current school funding formula plus a basic entitlement if it meets the criteria stated in the bill for number of ANB for a basic entitlement.

It is defined that when a public charter school is operated by a local school board, the public charter school must be considered a separate budget unit of the located school district, must have ANB calculated separately from other budget units of the district, and must receive a basic entitlement calculated separate from other budget units in the district. The minimum and maximum amount of public funding allowed for a public charter school is to include the following from K-12 public school funding formula components:

- 80% of the basic entitlement if the public charter school ANB is greater than:
  - 70 elementary ANB
  - 20 middle school ANB or
  - 40 high school ANB.

When a public charter school district is operated by the governing board, funding for the public charter school district must be distributed as BASE aid. The minimum and maximum amount of

public funding allowed for a public charter school district is to include the following from K-12 public school funding formula components:

- 80% of the basic entitlement, if the public charter school ANB is greater than:
  - 70 elementary ANB
  - 20 middle school ANB or
  - 40 high school ANB
- 80% of the total per ANB entitlement
- 100% of the total quality educator payment
- 100% of the total at-risk student payment
- 100% of the total Indian education for all payment
- 100% of the total American Indian achievement gap payment
- 100% of the total data for achievement payment
- 140% of the special education allowable cost payment.

The bill directs in Section 12 that public charter school district funding will be distributed as BASE aid which is assumed to be as directed in 20-9-344, MCA.

Students attending public charter schools are subject to out of district attendance agreements. Public charter schools are subject to annual reporting as described in section 20-9-213, MCA. A public charter school district is prohibited from charging tuition and fees.

Debt obligations of a public charter school are the sole responsibility of the public charter school. Public charter school amounts will be funded with state and local levy funds. These amounts will be directed to the public charter schools from the school district funds and not directly from the state excepting new basic entitlements created through the formation of public charter schools that meet or exceed the limitations for the creation of an additional basic entitlement. In these situations, the state cost will be 44.7% of the basic entitlement.

Transition and effective dates language is provided for applicability to FY 2024 and that public charter schools may be operational beginning in FY 2025.

**HB 562 Rep. Sue Vinton**  
**Authorize establishment of community choice schools**  
**Chapter: 513 Effective Date: July 1, 2023**

HB 562 establishes the Community Choice School Act.

HB 562 describes and defines the establishment, operation, and funding of Choice Schools in Montana. In Section 2, HB 562 cites Article X, Section 1(3), of the Montana constitution as legislative findings and intent. Article X, Section 1(3), of the Montana constitution says, “The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems

desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system." The bill uses Community Choice School to be interchangeable with Choice Schools.

HB 562 states that each community choice school shall function as a local educational agency (LEA) and is responsible for meeting the requirements of a local educational agency under applicable federal, state, and local laws, including those related to special education.

HB 562 provides the following intent of the legislature: "to receive operational funding on a per-pupil basis that is equitable with the per-pupil funding within the general fund of a choice school's resident school district." The formula is outlined as follows:

- A choice school student enrollment is included in the student's resident district enrollment and is included for ANB purposes in the resident district's budgeting process.
- In the initial year of a choice school, by March 1, prior to the choice school's initial operation, the authorizer shall provide an estimate of enrollment to be included in the student's resident district and to the Office of Public Instruction (OPI) for review and ANB adjustments.
- The public school district where the choice school is located will receive up to 80% of a basic entitlement for the choice school in the public schools budgeting process. The choice school will receive funding for up to 80% basic entitlement from the located district where the choice school is located. The choice school authorizer is to inform the OPI not later than February 1st of the percentage, not to exceed 80% of the basic entitlement to be included in the located public school district for the ensuing fiscal year.
- The county treasurer of the county where the choice school is physically located is to establish a general fund and other necessary funds for the choice school separate from other districts in the county.
- The Superintendent of Public Instruction is to reduce the resident school district's BASE aid payment each month, August through May, by 10% of the "up to 80% basic entitlement" chosen and budgeted for the choice school plus the student amount for each full-time equivalent resident student enrolled in a choice school and deposit that amount into the choice school county held general fund.
- A choice school may be obligated to indebtedness. Additionally, the choice school is not subject to the debt service obligations of the district of location.
- Choice schools may not charge tuition fees.
- The governing board of a choice school is authorized to accept gifts or donations under conditions outlined in the bill.

The student amount is described as follows:

- the data for achievement payment rate under 20-9-306, MCA
- the Indian education for all payment rate under 20-9-306, MCA



- 140% of the per-ANB amounts of the instructional block grant and related services block grant under 20-9-321, MCA; and
- the applicable per-ANB maximum rate established in 20-9-306, MCA, for the choice school student multiplied by the ratio, rounded to the nearest one hundredth and not to exceed 1.00, of the resident district's adopted general fund budget to the district's maximum general fund budget in the prior year.

Sections 18 and 21 provide transition and effective date language for applicability to FY 2024 and allowing that some public charter schools may be operational beginning FY 2025.

Section 16 addresses the choice school's access to district facilities and land.

These amounts will be funded with state and local levy funds. These amounts will be directed to the choice school from the public school district of location. Additional state costs will be from the payments of additional basic entitlements as required by HB 562.

**HB 619 Rep. Connie Keogh**

**Generally language assessment laws for deaf and hard of hearing children**

**Chapter: 521 Effective Date: July 1, 2023**

HB 619 revises laws relating to the assessment of language development in deaf and hard-of-hearing children with consideration of options for both sign language and English. The bill requires the Office of Public Instruction (OPI) to collaborate with the Department of Health and Human Services to create a parent resource on language developmental milestones. The bill also establishes a language development advisory committee and sets committee membership to represent all stakeholders for this issue. The duties of the advisory committee are established which include a recommendation for language assessment tools to be used in Montana. Finally, the bill establishes a process for determining language assessment of deaf and hard-of-hearing children.

**HB 724 Rep. Brad Barker**

**Generally revise public notice requirements**

**Chapter: 396 Effective Date: October 1, 2023**

HB 724 amends sections 2-3-103, 7-1-2121, 7-1-4127, 7-3-304, 7-3-503, 7-3-606, 20-3-322, 20-9-204, & 20-20-105, MCA,

HB 724, in general, revises public notice requirements, allowing agencies to publish meeting agendas on the agency website or social media page if they have one and requires local governments and school boards to publish meeting agendas prior to the meeting. Specific to school districts are amendments to section 20-3-322, MCA, stating that, *the trustees shall provide advance notice for the meeting in compliance with 2-3-103, MCA, and shall provide an agenda to the public in advance of the meeting.*

**HB 744 Rep. Greg Kmetz**

**Revise laws to protect religious expression for students and teachers**

**Chapter: 281 Effective Date: April 26, 2023.**

HB 744 amends section 20-7-122, MCA, titled sectarian publications prohibited and prayer permitted. This amendment dictates that students are not prohibited from initiating or participating in a conversation about religion, religious beliefs, or religious practices with another student or teacher.

**HB 745 Rep. Greg Kmetz**

**Revise laws related to religious materials and prayer in schools**

**Chapter: 280 Effective Date: July 1, 2023**

HB 745 amends section 20-7-122, MCA, titled sectarian publications prohibited – religious materials allowed – prayer permitted. The amendment permits pupils to read the Bible or other religious materials during free reading time or self-selected reading and permits prayer at schools, on school grounds, and at school-sponsored events so long as students are not compelled to pray.

**HB 749 Rep. Llew Jones**

**Revise Montana Digital Academy laws**

**Chapter: 537 Effective Date: July 1, 2023**

HB 749 amends section 20-7-1201, MCA, revising the purpose of the Montana Digital Academy enhancing Montana’s educational system providing full educational potential for each person. New requirements and parameters for remote instruction include part time enrollment opportunities for all school-age children through public school districts. The Montana Digital Academy clearinghouse was created to provide additional choice and flexibility to build local capacity for serving pupils with remote instruction courses, models, and materials.

Other amendments modify the composition and membership of the Montana Digital Academy board to revise the addition of new voting members and to include the Superintendent of Public Instruction, non-voting members, and one legislator. New reporting requirements will include a biennial report to the education interim committee and education interim budget committee. An appropriation of \$950,000 is awarded to the Commissioner of Higher Education from the state general fund.

**HB 811 Rep. Marta Bertoglio**

**Create online repository for information on school district boards of trustees**

**Chapter: 276 Effective Date: October 1, 2023**

HB 811 revises education laws requiring the Office of Public Instruction (OPI) to create a repository, accessible through its website, that makes the following information readily available for each

school district of the state. It is stated that updates must occur within 14 days following the qualification and oath-taking under 20-3-307, MCA, of a newly elected trustee or for the filling of a vacancy on the board. The following information is required:

- a list of current trustees, including the terms the trustees are serving and, if applicable, the trustee district;
- contact information for current trustees;
- if the board of trustees maintains a website, a link to the website;
- contact information for the school district clerk;
- the OPI shall collaborate with school district clerks in developing the most efficient means to implement the requirements of this section.

**HB 949 Rep. David Bedey**

**Generally revise education laws related to data governance**

**Chapter: 747 Effective Date: July 1, 2023**

HB 949 amends section 20-7-104, MCA, and establishes an education and workforce data governing board which is administratively attached to the Department of Administration (DOA).

The board's presiding officer will be the director of the DOA or designee and will consist of five voting members, including the superintendent of public instruction, four non-voting members from various state agencies. The board will meet at a minimum quarterly and meetings will be open to the public.

Duties of the board consist of:

- Develop and implement policies and procedures for the linking and sharing of education and workforce data among the contributing agencies,
- Develop an education and workforce research agenda and data plan,
- Work with the contributing agencies to create, publish, and make publicly available a data inventory and dictionary of data elements with definitions to ensure the integrity and quality of the data collected and reported,
- Facilitate using education and workforce data to inform decision making by state and local governments, educational agencies, institutions of higher education, and other education stakeholders in order to maximize the operational efficiency of the state's education and workforce systems,
- Provide technical and data analysis support to contributing agencies and other data users,
- Develop and implement policies and procedures regarding data and research requests,
- Develop and make available a model data-sharing agreement that allows for reciprocal sharing of information between public schools, public, private, or tribal institutions of higher education, and state and local workforce entities,
- Develop and implement policies:

- To ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 25 1232g, as amended, and its implementing regulations at 34 CFR, part 99, and all other relevant federal and 26 state privacy laws.
- To provide additional privacy protections determined to be necessary by the board.

## **LANGUAGE AND ARTS**

**HB 287 Rep. Jonathan Windy Boy**  
**Revise laws related to Indian language preservation**  
**Chapter: 571 Effective Date: July 1, 2023**

HB 287 revises 20-9-537, MCA, the Montana Indian Language Preservation program, to require tribes and partnering school district to preserve and perpetuate Indian languages to help meet the state's educational goal of preserving the cultural integrity of American Indians under Article X, section 1(2), of the Montana constitution. The bill also directs the Office of Public Instruction (OPI) to collaborate with Montana tribes to develop the guidelines for the program within parameters specified in the bill. The OPI is also given the responsibility to distribute program funds to tribal governments according to the new guidelines. The bill establishes the required elements of an application that must be submitted by each tribal government wishing to participate in the program. Finally, the bill sets reporting requirements for the program.

## **MENTAL HEALTH**

**HB 116 Rep. Jane Gillette**  
**Strengthen qualified provider pool statute for children's mental health services**  
**Chapter: 159 Effective Date: October 1, 2023**

HB 116 modifies 52-2-310, MCA, which established a mechanism for the Department of Health and Human Services (DPHHS) to develop a pool of qualified providers of services to high-risk children with the aim of reducing the number of children placed out of state. The bill requires a provider to review each case involving a high-risk child with multiagency service needs and to propose a plan of care for providing in-state services to the child if the provider offers services appropriate to the needs of the child and the provider is receiving an enhanced Medicaid reimbursement rate because the provider has increased access to in-state care for Medicaid-eligible Montana children who would otherwise be placed out of state to receive necessary care. The bill also provides circumstances for an exception to this requirement and a process for DPHHS to administer this process.

**HB 147 Rep. Jane Gillette**

**Enhance Medicaid rates for certain children’s mental health services**

**Chapter: 586 Effective Date: July 1, 2023, with contingencies for variable effective dates**

HB 147 creates an enhanced Medicaid reimbursement rate for providers of certain children's mental health services to increase access to in-state care for high-risk children with multiagency service needs. An annual requirement of the Department of Health and Human Services (DPHHS) and providers of psychiatric residential treatment facilities must meet quality criteria for the enhanced reimbursement rate. Providers receiving the enhanced reimbursement rate will report annually to the DPHHS diagnoses, behaviors, and ages of the eligible children receiving services. DPHHS will be required to annually report the received information to the legislature under 5-11-210, MCA.

**HB 171 Rep. David Bedey**

**Revise education laws related to in-state qualifying facilities**

**Chapter: 156 Effective Date: July 1, 2023**

HB 171 amends sections 20-7-403, 20-7-419, 20-7-435, & 20-7-436, MCA,

HB 171 allows a children's psychiatric hospital, a residential treatment facility, or therapeutic group homes, also known as a qualifying facility, that provide educational programs to children to be included as qualifying facilities eligible to receive in-state treatment payments. Qualifying facilities are licensed by the Department of Public Health and Human Services (DPHHS). A contract between the Superintendent of Public Instruction and a qualifying facility must include a provision requiring the qualifying facility to provide educational data and regular reports about the academic status and academic progress being made by each eligible child. The calculation of the daily rate is changed to a daily rate per eligible child for each qualifying facility that reflects actual documented costs of providing an appropriate education opportunity at the qualifying facility and that excludes the costs that are eligible for reimbursement under any provision of state or federal law less any tuition paid by the school district of residence.

There is one FTE for implementation of the changes in the bill including rules, rate establishment, cost studies, appropriation of payments, contracting, annual analysis of each daily rate, evaluation of education programs at qualifying facilities, determination of appropriate educational opportunity for each child, and required reporting.

**SCHOOL TRANSPORTATION**

**SB 69 Sen. Shannon O'Brien**

**Clarify school transportation laws related to passenger vehicles**

**Chapter: 149 Effective Date: July 1, 2023**

SB 69 amends sections 20-10-101, 20-10-129, 20-10-141, & 20-10-148, MCA, to clarify that a passenger vehicle used by a school district for transportation for special activities is not a school bus,

additionally it is clarified that a passenger vehicle owned by the school district is not eligible for inclusion in the district's bus depreciation reserve fund.

**HB 366 Rep. Donavon Hawk**  
**Increase penalties for passing school buses**  
**Chapter: 613 Effective Date: October 1, 2023**

HB 366 amends section 61-8-351, MCA, to increase the penalties for illegally passing a school bus that has stopped on the roadway or street to receive or discharge school children and has its flashing red lights operating. The section is also amended in association with penalties for a person found to be guilty of violating the law as follows:

- for a first offense, a fine of not less than \$500 or more than \$1,000, a sentence of community service of not less than 50 hours or more than 100 hours, or both
- for a second offense, a fine of not less than \$2,000 or more than \$3,000, a sentence of community service of not less than 100 hours or more than 200 hours, or both, and,
- for a third or subsequent offense, a fine of not less than \$5,000 or more than \$10,000, as sentence of imprisonment for a term of not less than 30 days, or both.

**HB 904 Rep. Casey Knudsen**  
**Generally revise commercial driver's license laws**  
**Chapter: 744 Effective Date: Sec 4 July 1, 2023, Secs. 1-3 & 5 July 1, 2024**

HB 904 generally revises commercial driver's licenses laws, directs the department of transportation to provide free commercial driver's license training, and revises commercial driver's license laws to comply with federal requirements, as well as other amendments.

Specific to school districts it is stated in HB 904 the following in reference to Commercial Drivers License (CDL) training:

*The department of transportation shall provide entry-level driver training for commercial driver's licenses that complies with federal requirements for class A and class B commercial driver's licenses, excluding endorsements, free of cost to persons eligible to receive a Montana commercial driver's license. The training must be available in each of the transportation commission districts established in 2-15-2502 and must include sufficient virtual or in-person classroom and vehicle time so that a student is eligible to apply for a commercial driver's license.*

HB 904 amends section 61-14-202, MCA, or the section for rulemaking authority for a CDL. Amendments to the section state that for when obtaining a passenger or school bus endorsement the rules must provide that the department may not conduct a skills test or hazardous materials endorsement knowledge test when the entry-level driver training provider registry does not validate that the nonexempt applicant completed the requisite entry-level driver training. Additional specifications for rulemaking are listed in this amended section of law and are specific to all CDL holders.

**WORK-BASED LEARNING/CAREER TECHNICAL EDUCATION**

**SB 444 Sen. Jason Small**

**Generally revise labor laws related to work-based learning**

**Chapter: 477 Effective Date: July 1, 2023**

SB 444 amends section 39-3-406, MCA,

SB 444 revises laws related to work-based learning (WBL) programs to require written agreements that provide for the prioritization of a student’s classroom and on-the-job education. SB 444 also adds qualifications for exemption from certain wage laws.

**HB 382 Rep. Greg Oblander**

**Revise education laws related to career and technology student organizations**

**Chapter: 706 Effective Date: July 1, 2023**

HB 382 amends section 20-7-320, MCA. HB 382 revises the law related to career and technology student organizations (CTSO). Under the revisions each eligible CTSO is named to include Montana HOSA, Montana BPA, Montana DECA, Montana FFA, Montana TSA, Skills USA Montana, and Montana FCCLA.

Currently, the base appropriation for the program is \$553,000 per year. It is intended that the base be equally distributed to each CTSO for \$79,000 and the use of those funds is expanded from funding the state director to be used for “operations, management, and expenses.”

HB382 appropriates an additional \$350,000 in each year of the 2025 biennium. This funding is to be line-item identified for CTSO performance grants. The superintendent of public instruction shall annually distribute the appropriated funds by September 1<sup>st</sup>. To be eligible for a performance grant the CTSO must have a minimum of \$20,000 in matching funds, which must consist of a minimum of \$15,000 in cash donations and may not receive more than 20% of the total amount of available appropriation for performance grants. Each CTSO is required to submit proposals for the performance grants by June 15<sup>th</sup> of each year. The proposal requirements are outlined in the bill. The OPI shall report to the Education Interim Committee on the funding that was distributed under the program and the outcomes reported by the CTSO’s.

**HB 458 Rep. Fred Anderson**

**Generally revise regulations governing the eligibility of career coaches**

**Chapter: 724 Effective Date: October 1, 2023**

HB 458 amends section 20-1-101, MCA, revising law related to career coaches.

HB 458 defines career coaching duties for career technical education and K-12 career and

vocational/technical education as follows:

- A high school district may utilize a career coach for educational and career counseling opportunities for students.
- A career coach may offer opportunities for internships or apprenticeships within a community and assist students with high school course offerings, career options, occupational training, and postsecondary opportunities associated with the student's field of interest within the career technical education and K-12 career and vocational/technical education programs provided for in Title 20, chapter 7, part 3.
- To be eligible to be a career coach, a person must have:
  - A bachelor's degree or a class 4 vocational, recreational, or adult education certificate,
  - An associate degree and have completed a minimum of 5,000 hours of documented, relevant work experience with recognized credentials, which may include apprenticeship training, or
  - A high school diploma or high school equivalency diploma and have completed a minimum of 10,000 hours of documented, relevant work experience with recognized credentials, which may include apprenticeship training.

Section 20-1-101, MCA, is amended to include a definition for "Career coach" as follows:

*A person who, pursuant to [section 1], provides career technical education or K-12 career and vocational/technical education postsecondary options to pupils in a district.*

## **ELECTIONS**

### **SB 61 Sen. Janet Ellis**

#### **Clarify definition of election official**

**Chapter: 311 Effective Date: May 1, 2023**

SB 61 amends sections 13-1-101, 13-35-202, 13-35-203, & 13-37-234, MCA,

SB 61 amends section 13-1-101, MCA to include definitions for election official and election worker as follows:

*"Election official" means an election administrator, election deputy, or election judge.*

*"Election worker" means an individual designated by an election official to perform election support duties.*

Additional amendments are made to subsequent sections to clarify prohibitions on interference with election officials and election workers. Election interference is defined as prevention, obstruction, impairment, or hinderance of an election.



**SB 123 Greg Hertz**

**Require ballot for bond election to estimate additional taxes for residence**

**Chapter: 653 Effective Date: Applies to bond elections held on or after 10/1/2023**

SB 123 revises the information that must be included on the ballot for a bond election and requires a statement about rental costs. SB 123 includes coordination language that invalidates Sections 1 and 3 of HB 543 (the sections related to bond elections).

The new language in SB 123 requires the form of the ballot to include a statement that “an increase in property taxes may lead to an increase in rental costs” and a statement of property tax impact on homes with specific property values. The new values are \$100,000, \$300,000, and \$600,000 with the option to replace or add values other than \$600,000.

Applies to bond elections held on or after October 1, 2023.

**OFFICIAL BALLOT**

**SCHOOL DISTRICT BOND ELECTION**

**INSTRUCTIONS TO VOTERS:** Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words "BONDS--NO".

Shall the board of trustees be authorized to issue and sell (state type of bonds here: general obligation, oil and natural gas revenue, oil and natural gas revenue for which a tax deficiency is pledged, or impact aid revenue) bonds of this school district in the amount of..... dollars (\$.....), payable semiannually, during a period not more than..... years, for the purpose..... (here state the purpose the same way as in the notice of election)?

If this bond is passed, based on the taxable value of the school district, the property taxes on a home with an assessed market value for tax purposes of \$100,000 would increase by \$..... in the first year, of \$300,000 would increase by \$..... in the first year, and of \$600,000 would increase by \$..... in the first year. An increase in property taxes may lead to an increase in rental costs.

BONDS -- YES.

BONDS -- NO.

(3) The school district conducting the bond election may replace the estimate of the impact of the election on a home valued at \$600,000 with an estimate of the impact of the election on a home of a different value."

**HB 306 Rep. Braxton Mitchell**  
**Require candidates for office to be registered to vote**  
**Chapter: 495 Effective Date: May 16, 2023**

Section 2-16-102, MCA, is amended to include the following age or citizenship qualification:

*A person is not eligible to hold civil office in this state who at the time of the filing deadline for the race is not registered to vote in Montana. An exemption must be granted for an individual who will turn 18 years old before the election, but not before the filing deadline pursuant to 13-1-114, MCA.*

**HB 335 Rep. David Bedey**  
**Generally revise election laws related to absentee ballot list procedures**  
**Chapter: 255 Effective Date: July 1, 2023**

HB 335 amends sections 13-13-212 & 13-13-24, MCA,

HB 335 clarifies that an elector's eligibility to receive an absentee ballot for each subsequent election remains in effect as long as the elector remains qualified to vote and remains at the address provided in the initial absentee ballot application. HB 335 also reinforces the election administrator's responsibility to contact the elector by the most expedient means available to determine the reason for return when an absentee ballot is returned as undeliverable. That contact must be followed up with a mailed confirmation notice, sent by forwardable mail with a postage-paid, return-addressed envelope if the elector cannot be contacted otherwise.

**HB 536 Rep. Julie Dooling**  
**Revise laws related to write-in candidates**  
**Chapter: 206 Effective Date: April 20, 2023.**

HB 536 amends sections 13-10-204, 13-10-211, & 13-15, 206, MCA,

HB 536 clarifies that votes for write-in candidates count only if a candidate has filed a declaration of intent for a write-in candidate.

**HB 543 Rep. Jedediah Hinkle**  
**Revise laws for ballot wording for bonds and levies**  
**Chapter: 388 Effective Date: July 1, 2023**

HB 543 revises the information that must be included on the ballot for a bond election and a mill levy election and requires a statement about rental costs. SB 123 includes coordination language that invalidates Sections 1 and 3 of this bill (the sections related to bond elections).

The remaining language requires the form of the mill levy ballot to reflect the content of the

resolution and include a statement that “an increase in property taxes may lead to an increase in rental costs” and a statement of property tax impact on homes with specific property values. The new values are \$100,000, \$300,000 and \$600,000.

Applies to mill levy elections held on or after July 1, 2023.

OFFICIAL BALLOT

SCHOOL DISTRICT BOND ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words "BONDS--NO".

Shall the board of trustees be authorized to issue and sell (state type of bonds here: general obligation, oil and natural gas revenue, oil and natural gas revenue for which a tax deficiency is pledged, or impact aid revenue) bonds of this school district in the amount of..... dollars (\$.....), payable semiannually, during a period not more than..... years, for the purpose..... (here state the purpose the same way as in the notice of election)?

If this bond is passed, based on the current taxable value of the school district, the property taxes on a home with an assessed market value for tax purposes of \$100,000 would increase by \$..... in the first year, of \$300,000 would increase by \$..... in the first year, and of \$600,000 would increase by \$..... in the first year. An increase in property taxes may lead to an increase in rental costs.

BONDS -- YES.

BONDS -- NO."

**SPECIAL EDUCATION**

**HB 393 Rep. Sue Vinton**

**Establish the students with special needs equal opportunity act**

**Chapter: 616 Effective Date: July 1, 2023**

HB 393 amends section 17-7-502, MCA,

HB 393 establishes a special needs equal opportunity education savings account program for qualified students. A qualified student must be between the ages of 5 and 18 (inclusive) who was counted during the previous school year for ANB funding and is not currently enrolled in the Montana School for the Deaf and Blind or Pine Hills Correctional Facility or is eligible to enter a Montana state public school program. The student must also be identified as a student with a disability under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.

HB 393 directs the Superintendent of Public Instruction to notify the resident district of the qualifying student amount to be distributed by the resident district to the Montana special needs equal opportunity education savings account on behalf of the qualifying student.

The Educational Savings Account (ESA) amount is calculated as the sum of:

- Data for achievement payment (Data) under 20-9-306, MCA
- Indian Education for All payment (IEA) under 20-9-306, MCA
- Per-ANB amounts of the instructional (IBG) and related services (RSBG) block grants under 20-9-321, MCA and
- Per-ANB entitlement amount under 20-9-306, MCA, multiplied by the ratio of school district adopted budget to district maximum general fund budget.

HB 393 requires 95% of the money to be deposited in a private purpose trust fund to be used for participating students and 5% of the money to be deposited in the Special Needs Education Savings state special revenue account established in the bill for the Office of Public Instruction (OPI) administration of the program.

HB 393 creates a special needs equal opportunity education savings trust fund that is to be an instrumentality of the state and created for a public purpose. The funds are to be used by OPI to develop a separate trust for each participating student.

Money deposited into a Montana Special Needs Education savings account may be used on behalf of a student for tuition, fees, software, instructional materials, and a wide range of both curricular and extracurricular services. The account can also be used to pay tuition, books, online courses, or other fees for postsecondary institutions. Funds from the educational savings account may not be spent by the student for computer hardware, other technological devices, or transportation unless specific to the allowable costs outlined in section 5 of HB 393. Requirements indicate that a parent must notify the Superintendent of Public Instruction in the fall and again in the spring that their child would qualify for the education savings account. The parent signs the contract assurances listed in HB 393. Each parent is required to submit to the Superintendent of Public Instruction copies of all expense receipts and account statements related to the savings account.

HB 393 also creates a special needs education administration account to be used to cover OPI administrative costs of the program. Five percent of the money transferred to OPI from the resident school districts would be deposited into the account and the account is statutorily appropriated in 17-7-502, MCA.

The Superintendent of Public Instruction must make information about the program available, conduct audits of accounts, remove parents who do not comply with the contract, and suspend accounts where applicable. The Superintendent of Public Instruction collects quarterly reports of services provided to qualified students from qualified schools who enroll students participating in

the Special Needs Equal Opportunity Education Savings Account Program.

The Superintendent of Public Instruction is required to establish rules necessary for administering the program and are limited to the following:

- Establishment of no fewer than two time periods each year during which a student's parent may notify the superintendent of the parent's desire for the student to participate in the program. Each time period must be at least one month long. One period must be between September 1 and January 1, and the other time period must be between March 1 and June 1, based on the superintendent's determination of district and parent needs.
- verification of student eligibility pursuant to [section 3]
- creation of a parent contract pursuant to [section 5]
- notification of the resident school district of the student's participation in the program
- calculation of the amount of the district student amount and the statewide average district student amount
- auditing of expenditures for allowable educational services from a student's account
- auditing of payments received by qualified schools under the program.

The OPI will use the 2023-24 school year to develop and implement the education savings account program. There are many details related to managing these savings accounts, including consumer financial protections and disclosure regulations, which need to be researched. Application processes and procedures will need to be put in place.

HB 393 appropriates \$75,000 to the OPI for FY 2024 and \$30,000 for FY 2025 for program administrative purposes.

Transition language is provided stating that the legislature intends for the program to be operational for the school year beginning July 1, 2024, and that the OPI will develop all necessary components of the program during the school year beginning July 1, 2023, to meet that intention.

## **TAXES**

### **HB 192 Rep. Bill Mercer**

#### **Use surplus revenue for income tax and property tax refunds and payment of bonds**

**Chapter: 44 Effective Date: March 13, 2023**

HB 192 amends section 15-30-2110, MCA, and provides for a statutory appropriation.

Provides for the distribution of surplus revenue. HB 192 transfers \$480 million from the general fund to a state special revenue fund administered by the department of Revenue for an income tax rebate and exempts the rebate from Montana personal income tax. Rebates total approximately \$477,727,000 and administrative expenses are estimated at \$692,617. The remaining \$1.631 million will be transferred back to the general fund in FY2026.

The fiscal note for HB 192 shows a biennial cost of \$1.631 million.

**HB 212 Rep. Joshua Kassmier**  
**Increase business equipment tax exemption**  
**Chapter: 45 Effective Date: December 31, 2023**

HB 212 amends sections 15-1-123, 15-6-138, 15-10-420, & 20-9-366, MCA,

As a general overview, HB 212 increases the class eight business equipment tax exemption from \$300,000 to \$1,000,000 provided for in 15-6-138(4), MCA. Additionally, HB 212 provides a reimbursement to school districts by increasing the district general fund guaranteed tax base aid (GTB) multiplier in 20-9-366, MCA, by setting the multiplier percentage at 254% in FY2024 and increasing the multiplier to 259% in FY 2025.

Coordination language applies but does not negate bill language associated with the GTB multiplier increases described.

**HB 587 Rep. Llew Jones**  
**Generally revise school finance laws related to property taxes**  
**Chapter: 771 Effective Date: July 1, 2023**

HB 587 amends sections 20-9-331, 20-9-333, 20-9-360, 20-9-366, 20-9-525, & 20-9-622, MCA. HB 587 establishes the state special revenue school equalization and property tax reduction account that will receive the 95 mills for school equalization as defined in 20-9-331, 20-9-333, and 20-9-360, MCA.

Beginning in FY 2025, each December the Superintendent of Public Instruction shall forecast an amount of revenue the account shall receive in that fiscal year by dividing the taxable value received under section 20-9-369, MCA, by 1,000 and multiplying the product by 95 or the number of mills calculated by the Department of Revenue per 15-10-420(8), MCA, for the applicable fiscal year. If the amount of change is more, or less, than \$2 million when compared to the same calculation using the prior year's information, further calculations occur. This will affect distributions of guaranteed tax base aid (GTB) to school districts beginning in FY 2025 and could affect county retirement GTB, state school major maintenance aid (SMMA), and facility GTB (debt service assistance).

If the resulting difference is less by \$2 million or more, the Superintendent shall decrease the GTB multiplier for district general fund GTB under 20-9-366, MCA, so that the result will be a decrease in estimated general fund GTB aid equal to 85% of the reduction estimated in the change calculation. Additionally, if the resulting difference is less by \$2 million or more, the superintendent shall also decrease the county retirement GTB multiplier in 20-9-366, MCA, so that the result will be a decrease in estimated county retirement GTB aid equal to 15% of the reduction estimated in the change calculation.

If the resulting difference is greater by \$2 million or more, the superintendent shall adjust the county

retirement GTB, the SMMA under 20-9-525, MCA, and facility GTB, 20-9-366 MCA, so that 55% of the increase change amount is distributed to schools and counties under these programs.

The distribution is to occur in the following order and not to exceed the prescribed maximum percentage. The maximum percentages are estimated to result in a distribution to local tax levies of approximately 70% statewide GTB subsidy to 30% statewide local tax effort except for facilities GTB which results in an approximate ratio of 20% GTB support to 80% to offset local property tax levy. Any estimated excess revenue to any of the tiered programs is to be provided to the next program in the order defined:

1. Increases are to be used to adjust the county retirement GTB multiplier not to exceed a multiplier amount set to 305%.
2. Increases are to be used to adjust the state major maintenance aid, support per dollar of local effort multiplier not to exceed a multiplier amount set to 365%.
3. Increases are to be used to adjust the debt service GTB multiplier not to exceed a multiplier amount set to 300%.

Section 20-9-366, MCA, is amended to adjust the:

General fund GTB multiplier in association with revenues generated under 16-12-111, MCA. This language continues the general fund GTB multiplier at 254% for FY 2023 and succeeding years. However, the cap of the statewide general fund GTB multiplier is set at 262%. County retirement GTB statewide multiplier to 189% beginning in FY 2025

It is further clarified that the state special revenue guarantee account, established under section 20-9-622, MCA, is to be considered the first source of funding for state school equalization aid and that revenues received to the new state special revenue school equalization and property tax reduction account are to be considered the second source of funding for state school equalization aid.

## **TEACHER RECRUITMENT AND RETENTION**

**SB 373 Sen. Daniel Salomon**

**Provide for alternative teacher credentialing**

**Chapter: 470 Effective Date: May 8, 2023**

SB 373 amends section 20-4-104, MCA. SB 373 creates new requirements for alternative teacher credentialing for a class 2 standard certificate to include holding a bachelor's degree from an accredited college or university, the passage of a background check, completion of coursework related to Indian Education for All, and successful completion of an alternative teacher certification and endorsement program. The bill also creates new requirements for an alternative teacher certification and endorsement program that has been approved by the Board of Public Education and includes subject-area content training in the area in which the applicant seeks to be certified and endorsed and training on how to teach that includes effective instruction delivery, classroom management, and organization, assessment, instructional design, and professional learning and leadership.

**HB 117 Rep. Marta Bertoglio**

**Generally revise working retiree laws under TRS**

**Chapter: 245 Effective Date: July 1, 2023, except for sections 1,3, and 5 which are effective on July 1, 2024**

HB 117 increases the amount a retired member of the Teacher's Retirement System (TRS) can earn without impacting their monthly retirement benefit from one third of their Average Final Compensation (AFC) or one third of the Median AFC from the previous year (whichever is higher) to 49% of their AFC or the Median AFC from the previous year. The bill also reinstates "superintendent" as a position to return to work under 19-20-732, MCA and it reduces the required 150 calendar-day break in service to 120 calendar-day break in service before a newly retired member is eligible to go back to work in a position reportable to TRS. In addition, HB 117 extends the expiration date of 19-20-732 (temporary) from June 30, 2025, to June 30, 2029. This section of statute allows TRS retirees with 27 years of service to be employed for up to three years with no limit on compensation in second-class and third-class school districts as defined in sections 20-6-201 & 20-6-301, MCA, in cases where the employing district is unable to recruit a qualified teacher, specialist, or administrator.

**HB 135 Rep. Marta Bertoglio**

**Revise administrative provisions of TRS**

**Chapter: 245 Effective Date: July 1, 2023, Secs. 1, 3, & 5 are July 1, 2024**

HB 135 revises the administrative provisions of the Teacher's Retirement System (TRS), which is a part of the normal biennial housekeeping legislation. This bill provides for the establishment of independent contractor status, outlines additional duties and liabilities for the employer, allows for the transfer of service credits from the public employees' retirement system (PERS), clarifies the credit for service not reported, and revises the redeposit of previously withdrawn contributions made to PERS. It also removes language under earned compensation limitations and adds similar language in a new subsection under calculation of average final compensation. Other housekeeping provisions included in HB 135 are a revision to the guaranteed annual benefit adjustment language and the bill adds language which allows for additional qualified professionals to assist in the disability determination process in 19-20-901 (3)(a) and 19-20-903 (1), MCA. Lastly, this bill amends the language related to payments upon death by a member and retiree.

**HB 332 Rep. David Bedey**

**Generally revise laws related to school employee health benefits**

**Chapter: 769 Effective Date: July 1, 2023**

HB 332 amends sections 17-7-502 & 20-3-331, MCA

HB 332 creates a one-time-only distribution of incentive funding to the first district health insurance trust that is qualified by the State Auditor. The incentive payment is meant to stabilize health insurance costs and capitalize an operating reserve for school district members of the trust. The



appropriation for FY 2024 is \$40 million from the state general fund to be transferred to the new state school health trust operating reserve state special revenue account by August 15, 2023.

A district health insurance trust seeking qualification from the State Auditor needs to demonstrate that the district health insurance trust (paraphrased from the bill):-

- Has been created on or after July 1, 2023, by a multidistrict agreement pursuant to 20-3-363, MCA or by interlocal cooperative agreement among participating schools pursuant to the provisions of Title 20, chapter 9, part 7.
- The contractual agreement must be among at least 150 districts with a minimum of 12,000 participating employees.
- Equally allocates the shared risk of assessments among all members.
- Determines plan design, contribution rates, and contribution tier structure.
- Documented limit on administrative costs of not more than 12%.
- Maintains full control over claim data and makes the data available to members upon request.
- Provides estimates of costs for employees anticipated medical treatments and procedures.
- Has formed an agreement between districts undertaken to separately or jointly indemnify one another by way of pooling, joint retention, deductible or self-insurance plan as described in section 33-1-102(9), MCA.
- Prohibits any preexisting health benefits trust or district from imposing its liabilities on the trust that were incurred prior to joining the trust.
- Adopts contribution rates to pay all claims and maintain plan reserves at or above minimum levels as recommended by its actuary.

If a trust is not qualified by June 30, 2026, the \$40 million will be transferred to the state capital developments long-range building program account. The bill contains restrictions on school districts leaving the trust. The bill allows for the trust to dissolve and specifies a mechanism for winding down the trust activities and assets. Finally, the bill requires the trust to begin repaying the \$40 million to the state in 2036 if the trust has excess reserves.

**HB 403 Rep. David Bedey**  
**Revising laws related to teacher specialist licensure**  
**Chapter: 721 Effective Date: July 1, 2023**

HB 403 revises the fee schedule for a person applying for the issuance or renewal of a teacher or specialist certificate. This bill requires the Superintendent of Public Instruction to recommend to the Board of Public Education annual and filing fee amounts sufficient to generate the revenue required to administer the teacher and specialist licensure program. The Board of Public Education shall set the annual and filing fee amounts based on the Superintendent's recommendation. The annual and filing fees adopted by the Board of Public Education are effective January 1, 2024. Prior to January 1, 2024, the annual amounts and filing fees for teacher and specialist certificates are \$6.

**HB 583 Rep. Brad Barker**

**Revise occupations and education laws for military license reciprocity**

**Chapter: 390 Effective Date: July 1, 2024**

HB 583 amends section 37-1-145, MCA, providing education certification and endorsement reciprocity for military members, spouses, and veterans.

HB 583 establishes Activated military personnel exemptions as follows:

- Upon notice and proof of deployment, the department shall exempt licensees who deployed to active duty as military personnel for more than 90 consecutive days from:
  - The payment of any license renewal or late renewal fees; and
  - Any continuing education or certification requirements or audits for a renewal cycle that falls within the period of active duty and within the 6 months following active duty.
- If a license terminates, the board or program may impose reasonable conditions to demonstrate competency as a condition to reactivate the license upon notice and opportunity for a hearing.

HB 583 also establishes requirements for certification reciprocity for military members, military spouses, and veterans as follows:

- The superintendent of public instruction shall issue a teacher certificate an endorsement or specialist certificate as provided by Title 20 to a person:
  - Who is certified and endorsed in good standing in another state or a United States territory as a teacher or specialist,
  - Who is a member of the armed forces of the United States or whose spouse is a member of the armed forces of the United States,
  - Who is subject to military orders for a change of station to a duty station in this state, who is in the process of a change of station to a duty station in this state, who has been honorably discharged and is relocated to this state, or whose spouse is the subject of a military transfer to this state,
  - Who is the spouse of a military member, and the spouse left employment to accompany the military member to this state, or
  - Who is the dependent of an active-duty member of the United States armed forces who has been transferred to Montana, is scheduled to be transferred to Montana, is domiciled in Montana, or has moved to Montana on a permanent change-of-station basis.
- When issuing a certificate and endorsement under subsection the superintendent of public instruction may:

- Issue the person a certificate and endorsement if the requirements for certification and endorsement in the other state are substantially equivalent to the requirements in this state, or
- If the requirements for certification and endorsement are not substantially equivalent, issue the person a temporary teacher certificate and endorsement or specialist certificate to authorize the person as a teacher or specialist while completing any specific requirements by the office of public instruction.

The provisions of subsection do not apply to a person whose teacher certificate or specialist certificate is not in good standing with another state or who is subject to pending charges or final disciplinary action for unprofessional conduct or impairment.

A board or program regulated by the department shall issue an occupational license or certificate as provided by Title 37 to a person through the same items listed above for 1, 2, and 3 for a teacher or specialist under Title 20.

HB 583 amends section 37-1-145, MCA or rulemaking for military training or experience to satisfy licensing or certification requirements. Amended language reads as follows:

*Each board and program shall, upon presentation of satisfactory evidence by an applicant for certification or licensure, accept relevant education, training, or service completed in the armed forces or reserves of the United States, or the national guard military reserves, or naval militia of a state toward the qualifications to receive the license or certification.*

**HB 588 Rep. Llew Jones**

**Revise TEACH act incentives to increase starting teacher salary**

**Chapter: 515 Effective Date: July 1, 2023**

HB 588 amends section 20-9-324, MCA, and revises the TEACH Act for teacher incentives used to increase the starting pay of teachers to include eligibility for a Class 5 provisional license and clarifies that the first three years of a teacher’s teaching career do not include any years of teaching under an emergency authorization certification.

**HB 833 Rep. Brad Barker**

**Establish teacher residency program**

**Chapter: 545 Effective Date: July 1, 2023**

HB 833 establishes a teacher residency program administered by the Office of Public Instruction (OPI) in collaboration with school district, residents, and professional educator preparation programs. The teacher residency program includes financial and other compensation for residents and teacher-leaders including the following:

- A last-dollar tuition grant to eliminate tuition costs for the resident for the year of the residency.
- A stipend for the teacher-leader, and

- Compensation for the resident, a portion of which is conditioned on completion of the residency program and teaching for three years in a five-year period in a Montana public school.
- Housing supports provided by the local school district

The superintendent of public instruction shall ensure that when the resident signs up for the professional educator preparation program, the resident signs a document that contains provisions allowing for an automatic conversion of the amount of any tuition granted to a loan if the resident has not completed the program or has not taught in a public school for 3 or more years within 5 years of completing the teacher residency program.

\$2 million dollars of state general fund is appropriated for the administration of the program. The appropriation is to be considered part of the ongoing base for the next legislative session.

### **SCHOOL AND CHILD SAFETY**

**SB 213 Sen. Edie McClafferty**  
**Revise laws related to school safety teams**  
**Chapter: 348 Effective Date: July 1, 2023**

SB 213 amends section 20-1-401, 20-9- 236, & 52-2-211, MCA,

SB 213 revises statutes related to school safety, requiring an annual review of school safety or emergency operations plans by school district trustees and clarifies the ability to use school safety funds for communitywide programs and training. SB 213 also requires county or regional interdisciplinary child information and school safety teams to adopt written agreements for operations.

**HB 234 Rep. Bob Phalen**  
**Revise laws regarding public display or dissemination of obscene material to minors.**  
**Chapter: 449 Effective Date: May 10, 2023**

HB 234 amends sections 45-8-201, 45-8-205, & 45-8-206, MCA,

Section 45-9-201, MCA, titled obscenity is amended and grants school districts permission to adopt ordinances, resolutions, or policies that are more restrictive when defining obscenity than provided in the section. Amendments to section 45-8-205, MCA, adds a definition of “commercial establishment,” and modifies the definition of the word “newsstand,” clarifying that neither definition includes a school, library, or museum. Finally, section 45-8-206, MCA, or public display or dissemination of obscene material to minors, is amended to remove exceptions for employees and officers, and for the display of nudity for a bona fide scientific or medical purpose in a school, library, or museum. This section is additionally modified to grant cities, towns, counties, or school

districts the power to adopt ordinances, resolutions, or policies which are more restrictive regarding the display or dissemination of obscene material to minors.

**HB 361 Rep. Brandon Ler**

**Provide That use of a name and sex by a student is not discrimination**

**Chapter: 256 Effective Date: April 25, 2023**

HB 361 prohibits trustees of a school district from adopting a policy that subjects a student to disciplinary action for behavior that doesn't rise to the level of unlawful discriminatory practice under § 49-2-307, MCA, or bullying under § 20-5-208, MCA.

HB 361 amends section 49-2-307, MCA, to say it is not an unlawful discriminatory practice to call another student by that student's legal name or to refer to that student by their sex.

**HB 450 Rep. Jedediah Hinkle**

**Protect Physical self-defense in K-12 schools**

**Chapter: 266 Effective Date: July 1, 2023**

HB 450 amends sections 20-5-201 & 20-5-209, MCA,

HB 450 amends section 20-5-201, MCA, duties and sanctions. The amendment provides an exemption from the normal punishments for pupils who cause harm or show defiance if the pupil is protecting themselves or another person, as provided in § 20-5-209, MCA. Additionally, section 20-5-209, MCA, titled bullying of students prohibited – self-defense authorized is amended allowing students who are physically attacked to use physical force that's reasonable and necessary for self-protection or protection of others. The amendment directs school districts to investigate the use of physical force and prohibits reprimand of the student who is found to have more likely than not used physical force for self-protection or protection of another.

**PARENTAL RIGHTS**

**SB 99 Sen. John Fuller**

**Provide for a youth health protection act**

**Chapter: 306 Effective Date: October 1, 2023**

SB 99 establishes what is to be cited as the "Youth Health Protection Act." And establishes the purpose of the bill as enhancing protection of minors and their families from any form of pressure to receive harmful, experimental puberty blockers and cross-sex hormones or to undergo irreversible, life-altering surgical procedures prior to attaining the age of majority. Definitions for the Youth Health Protection Act are provided.

SB 99 prohibits a person from knowingly providing medical treatments to male or female minors

with gender dysphoria which include puberty blockers and surgical interventions to alter one's sex to align with their perceived gender. Medical treatments for minors born with a biologically identifiable sex development disorder are exempted from this prohibition. Additionally, SB 99 also establishes that violations by a medical professional constitutes grounds for licensing or disciplinary action as well as a private cause of action. Public funds, including Medicaid and CHIP, are banned from use in the medical treatments prohibited in SB 99. State medical facilities and providers are prohibited from providing these treatments to patients, and state employees are prohibited from assisting minors in obtaining these treatments.

SB 99 imposes strict liability for health care professionals who provide these prohibited medical treatments and establishes a private cause of action for the patient for any harm resulting from these procedures over the next 25 years. A person who suffers such an injury, or their legal guardian or the patient's estate, has 4 years to bring legal action from the time the injury is discovered. This limitation period does not run while the patient is under threats, intimidation, manipulation, fraudulent concealment, or fraud by the medical provider. The healthcare provider may not be indemnified for potential liability.

Additional provision allows those patients injured by these banned treatments to qualify for disability and prohibits liability insurance from covering damages for violations. Finally, language in SB 99 imposes unprofessional conduct with a minimum suspension of one year on health care professionals who violate SB 99.

### **SB 116 Sen. Dennis Lenz**

#### **Revise confidentiality provisions related to child protective services cases**

**Chapter: 651 Effective Date: May 19, 2023.**

SB 116 amends section 41-3-205, MCA, titled confidentiality – disclosure exceptions. The responsibility of case records to be disclosed by DPHHS is changed from a “may” to a “must, upon request.” This section is further amended to also imposes a non-exclusive requirement on the Department for the orientation of the content and structure of the records being released, including:

- A checklist of documents regularly included in records,
- Any petitions filed including supporting affidavits and evidence,
- Any court orders,
- Notes from family engagement meetings and foster care review meetings, and
- Notes included in the electronic case records or case files regarding staffing interactions.

Additional amendments require disclosure of these records without disclosing the identity of the person reporting the abuse or neglect and allow the member legislator to take notes which they can use to discuss the case with a parent or legal guardian.

SB 116 also amends section 41-3-1214, MCA, titled, legislator access to ombudsman records. This

amendment permits a member legislator to take notes to discuss the records with the party who submitted the written inquiry to the member.

**SB 339 Sen. Kenneth Bogner**  
**Establishing reasonable childhood independence laws**  
**Chapter: 408 Effective Date: October 1, 2023**

SB 339 clarifies that the parent’s or guardian’s duty of care protection, or support for a child is not violated by any of the following activities:

- traveling to and from school by walking, running, bicycling, public transit, or other means,
- traveling to and from nearby commercial or recreational facilities,
- engaging in outdoor play,
- remaining for less than 15 minutes in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold,
- remaining at home if the parent or guardian:
  - returns home the same day on which the parent or guardian gives the child permission to remain at home,
  - makes provisions for the child to contact the parent or guardian, and
  - makes provisions for any reasonably foreseeable emergency.

**SB 480 Sen. Mary Ann Dunwell**  
**Remove opt-in requirement for student contact information on ACT test**  
**Chapter: 417 Effective Date: October 1, 2023**

SB 480 amends section 20-7-104, MCA, by revising laws related to student data to increase awareness of and access to postsecondary opportunities for students. SB 480 removes the requirement that student’s opt-in to sharing information with postsecondary institutions and scholarship organizations as part of statewide assessments that are used for college entrance examinations, rather SB 480 requires a student’s parents to opt out of sharing the student’s information if they do not want it shared. SB 480 aligns statute with the requirements of the Family Education Rights and Privacy Act.

**SB 518 Sen. Theresa Manzella**  
**Revise Parental rights laws to increase parental involvement in education**  
**Chapter: 693 Effective Date(s): May 19, 2023, Secs. 1-6, July 1, 2023**

SB 518 amends sections 20-5-103, 25-1-202, MCA,

SB 518 revises laws involving parental rights in education.

SB 518 imposes requirements on school districts boards of trustees to work with parents, teachers, and administrators to develop and adopt policies for involvement of parents of children in the district and establishes a non-exclusive list of multiple goals to be met. These goals include:

- Improving cooperation on homework, attendance, and discipline,
- educating parents on governance,
- procedures for parents to learn their children's course of study,
- procedures for parents to opt their children out of instructions and other events which violate the parent's beliefs,
- procedures by which parents may learn about student extracurricular activities,
- procedures for parents to be informed before students choose their pronouns, and
- procedures for educating parents on their rights and responsibilities under the laws of MT

SB 518 provides for statutory construction, indicating the parental rights established are more extensive than those listed in section 40-6-701, MCA. SB 518 dictates that section 40-6-701, MCA, must be construed to favor broad protection of fundamental rights of parents to raise and make decisions for their children, and that no provision of SB 518 may be construed to authorize a governmental entity to burden these rights.

SB 518 imposes a duty on the school district board of trustees to provide information on educational opportunities to students and families. School district board of trustees must develop, update, and annually provide students and families with information on educational opportunities within the district.

Requirements for what this information must minimally include are listed, including:

- Evaluation and identification of children with disabilities,
- admission to school beginning at age 5,
- proficiency-based learning opportunities; information regarding participation of all students, including nonpublic and home school students, in extracurricular activities,
- information regarding access to remote instruction,
- information on out-of-district attendance options,
- information regarding availability of funding to support student access to advanced opportunities,
- information regarding career and technical education opportunities,
- information regarding early college/college credit opportunities, and
- other opportunities.

Additional language in SB 518 requires that the boards of trustees and their organizations must communicate and collaborate with the education interim committee to demonstrate implementation of these requirements and identify additional opportunities for communicating available programs to students and families.



SB 518 modifies section 20-5-13, MCA, Compulsory Attendance and Excuses. The modification grants an excuse from compulsory attendance under section 40-6-701, MCA, Interference with Fundamental Parental Rights Restricted – Cause of Action.

SB 518 amends section 25-1-202, MCA, regarding additional filing fees, by raising filing fee in a civil action in district court from \$5 to \$6.

**HB 359 Rep. Braxton Mitchell**  
**Prohibit minors from attending drag shows**  
**Chapter: 719 Effective Date: 5/22/2023**

HB 359 provides definitions utilized in the bill and imposes penalties on sexually oriented businesses which allow minors to enter the premises during sexually oriented performances. HB 359 also prohibits sexually oriented performances and drag story hours at schools or libraries which receive funding from the state. Sexually oriented performances are prohibited in any locations where the performance is in the presence of a minor in locations owned by entities that receive funding from the state. HB 359 also provides a private right of action for minors or parents of minors who attend sexually oriented performances to sue anyone who knowingly promotes, conducts, or participates as a performer in the performance.

**HB 504 Rep. Naarah Hastings**  
**Revise school laws to require trustees to adopt a grievance policy**  
**Chapter: 305 Effective Date: July 1, 2023**

HB 504 amends section 20-3-323, MCA, titled *District policy and record of acts*, and states that the trustees of each district shall prescribe and enforce policies for the government of the district. The section is amended to include the following language related to grievance policies:

*The trustees shall, adopt a grievance policy that provides for informal and formal resolutions of a complaint, informs a grievant about the grievance policy, provides a printed version of the grievance policy on request, and accepts for filing a formal complaint submitted within 30 days of the completion of an informal resolution.*

**HB 603 Rep. Steven Galloway**  
**Provide for reinstatement of parental rights**  
**Chapter: 295 Effective Date: April 26, 2023**

HB 603 amends sections 41-3-425 & 41-3-602, MCA.

HB 603 establishes the rights and procedures for a child whose parents rights were terminated to petition the court to reinstate the parental rights. Amendments to section 41-3-425, MCA, or the right to counsel, and provides a child petitioning for reinstatement of parental rights has a right to

court appointed counsel. Further amendments are made to section 41-3-602, MCA, and changes the purpose of this part to include reinstatement of the parent-child relationship when permanency has not been achieved for the child, the child and parent desire reinstatement, and the reinstatement is in the best interests of the child.

**HB 676 Rep. Kerri Seekins-Crowe**  
**Revise laws to clarify fundamental parental rights**  
**Chapter: 527 Effective Date: May 18, 2023.**

HB 676 amends sections 40-6-701, 41-1-402, 41-1-403, 41-1-405, & 41-1-407, MCA.

SB 518 amends section 40-6-701, MCA, titled, interference with fundamental parental rights restricted – cause of action. Section 1 exclusively reserves all fundamental parental rights to the parent of a child and lists a non-exclusive list of examples of these rights and responsibilities, including:

- Right to direct education of the child,
- Access and review of all written and electronic records related to the child,
- to direct the upbringing of the child,
- to direct moral and religious training of the child,
- to make and consent to all health decisions for the child, including access to all medical records, consent to biometric scans of the child, and consent before recording the child’s blood/DNA,
- consent to governmental entity making audio or video recording of the child outside of certain exceptions,
- right to immediate notification of suspicions of non-parental abuse and neglect,
- right to opt out of statewide analysis/data collection,
- right to excuse from school for religious purposes,
- right to participation in parent-teacher associations and orgs sanction by the board of trustees for the district, and
- right to notification, consent, and accommodations for overnight sleeping arrangements for class trips

This section is further amended by prohibiting non-law enforcement government entities from encouraging or coercing a child to withhold information from a parent and prohibits the withholding of information from the parent which is relevant to the health of the child. It also grants parents rights of action in administrative hearings for violations of these fundamental rights and provides definitions under this section.

HB 676 provides protection for children and their parents when the child is receiving medical care. This section provides a prohibition on providing medical care to, or soliciting medical care for, a child without the consent of the child’s parents. Section 2 also provides an exception for an

emergency for which medical care is necessary to prevent death or imminent, irreparable physical injury. Abortions are exempted from this section.

HB 676 provides for Construction establishing parents have inalienable rights more comprehensive than those listed, that these rights should be construed in favor of a broad protection of the fundamental rights of parents to make decisions for their children, that these rights may not authorize any government entity to burden these fundamental rights, and that these provisions do not guarantee a right to specific medical treatments.

HB 676 amends section 41-1-402, MCA, Validity of consent of minor for health services. This section is modified to ensure a health professional who reasonably believes a minor meets the exceptions of § 41-1-402, MCA, reasonably supported by fact, may grant said minor medical care in certain circumstances.

HB 676 amends section 41-1-403, MCA, Release of information by health professional. This section amends the ability of the health professional to share treating information with the parent or guardian of the treated child from an option to a requirement.

HB 676 modifies section 41-1-405, MCA, Emergencies, and special situations. This section modifies the exceptions to providing emergency medical care with a requirement that the need for the emergency care be reasonably supported by facts and done to prevent irreparable physical damage or death. This exception is extended to minors alongside a requirement for a diligent search for known relatives or legal guardians of the minor.

HB 676 amends section 41-1-407, MCA, Immunity and responsibility of psychologist, physician, or health care facility. This amendment removes “psychologist” from the title and removes the civil or criminal liability of having provided the counseling services.

HB 676 repeals section 41-1-406, MCA, Psychiatric or psychological counseling under urgent circumstances.

#### **HB 684 Rep. Caleb Hinkle**

#### **Prohibit use of vaccination status in certain administrative/legal proceedings**

**Chapter: 286 Effective Date: April 26, 2023.**

HB 684 prohibits courts from admitting into evidence vaccination status of a parent or minor child or considering vaccination status when determining child support, custody, visitation, and parental rights. Additional language prohibits courts from admitting into evidence, or from considering, vaccination status of a parent or child in any administrative or judicial decision. Additionally, language prohibits the admission, or consideration, of vaccination status of the parent, putative father, child, or person seeking to adopt a child as a factor in administrative or judicial evaluations or decisions regarding an adoption. Finally, HB 684 includes language that prohibits the

admission or consideration of a person’s vaccination status when seeking appointment as a guardian or making an order on the petition in petitions for guardianship of a minor pursuant or an incapacitated adult.

**HB 715 Rep. Jennifer Carlson**  
**Revise school immunization laws**  
**Chapter: 534 Effective Date: July 1, 2023.**

HB 715 amends sections 20-5-403 & 20-5-405, MCA.

HB 715 amends section 20-5-403, MCA, titled immunization required – release and acceptance of immunization records – notice of exemptions required. Amended language imposes a requirement on schools to provide information on exemptions under section 20-5-405, MCA, in any communications from the school regarding immunizations, including copies of or links to the proper exemption forms.

HB 715 also amends section 20-5-405, MCA, titled exemptions – limitations on agency actions by removing the requirement that the affidavit stating the immunization is contrary to religious tenants must be notarized and prohibits the Department from imposing more burdensome requirements.

**STATE EMPLOYEES**

**SB 74 Sen. Wendy McKamey**  
**Revise administrative provisions of MPERA**  
**Chapter: 400 Effective Date(s): July 1, 2023; Sec. 2 & 8 July 1, 2024**

Amends sections, 19-2-403, 19-2-603, 19-2-803, 18 19-2-1005, 19-3-108, 19-3-318, 19-3-403, 19-3-511, 19-3-1015, 19-3-1211, 19-5-612, 19-6-612, 19-7-101, 19-7-612, 19-8-712, 19-9-904, 19-13-805, & 19-17-112, MCA.

SB 74 revises the administrative provisions of the Public Employees’ Retirement Board as well as the law related to the retirement systems administered by the Board.

1. Corrects interest paid upon redeposit of refunded contributions to actuarial assumed rate of return.
2. Allows for limited information sharing with employers.
3. Requires payment to the trust of a minor beneficiary.
4. Clarifies the application of excess earnings for calculation of highest and final average compensation.
5. Revises the definition of compensation, membership in the public employee’s retirement system.
6. Clarifies provision for the transfer and purchase of service credits.
7. Allow members to voluntarily cancel a disability retirement benefit.

8. Clarifies the definition of “sheriff”.
9. Time limit for board approval of late fire company annual certificates and training records.

**SJ 4 Sen. Wendy McKamey**  
**Interim study resolution on PERS and TRS**

A joint resolution of the senate and the house of representatives of the state of Montana requesting an interim study of the public employees' retirement system (PERS) defined benefit plan and the teachers' retirement system (TRS) and the development of recommendations for a long-term strategic approach to funding the systems.

**HB 316 Rep. Tony Brockman**  
**Generally revise laws related to advisory councils**  
**Chapter: 108 Effective Date: October 1, 2023**

HB 316 amends section 2-15-122, MCA, titled *Creation of advisory councils*. HB 316 amends the current requirement of advisory councils to meet in the city of Helena and allows advisory councils to meet anywhere in Montana or by remote means, where “remote means” is defined as telephone audio, teleconference, or video conference.

**HB 400 Rep. Bill Mercer**  
**Require agency reports to legislature to be in writing**  
**Chapter: 496 Effective Date: October 1, 2023**

HB 400 amends sections 5-11-210, 5-11-222, & 17-5-1650, MCA,

HB 400 removes the option to provide oral entity reports to the legislature instead of written entity reports requiring reports to the legislature to be electronic or paper copies. Reports that are required of the Office of Public Instruction (OPI) in 5-11-222, MCA, are:

- Gifted and talented report that includes the status and effectiveness of programs serving gifted and talented students required under 20-7-904, MCA,
- Status changes of standardized test scores, graduation rates, and drop-out rates for at-risk students required in 20-9-328, MCA,
- Status change of standardized test scores, graduation rates, and drop-out rates of American Indian students required in 20-9-330, MCA,
- Any findings, comments, or recommendations regarding the Montana Indian language preservation program required in 20-9-537, MCA,
- Interdisciplinary child information agreement reports.

## MARIJUANA

**HB 128 Rep. Joshua Kassmier**  
**Generally revise marijuana laws**  
**Chapter: 712 Effective Date: October 1, 2023**

HB 128 amends various sections of statute including 20-1-220, MCA and is described as cleaning up many components of the administration of adult-use and medical marijuana and transfers the administration of marijuana testing labs from the Department of Public Health and Human Services (DPHHS) to the Department of Revenue (DOR).

Specific to schools and educational facilities, is the inclusion of the prohibition of marijuana use, now included in section 20-1-220, MCA, which states that the *use of marijuana and tobacco products in a public-school building or on a public-school property is prohibited*. Amendments to this section describe the term Marijuana product and includes a listing of these products.

## MONTANA LANDS

**SB 42 Sen. Steve Hinebauch**  
**Revise laws related to easements on state lands**  
**Chapter: 309 Effective Date: May 1, 2023**

SB 42 amends sections 77- 2-101, 77-2-102, 77-2-103, & 77-2-107, MCA,

SB 42 adds purposes for which easements on state lands may be granted. It also defines when the Department of Natural Resources and Conservation (DNRC) may waive survey requirements for rights-of-way easements and specifies what the applications for those easements must include. SB 42 modifies application requirements for existing facilities and exempts DNRC from environmental and historic preservation review for certain existing easement purposes.

**SB 49 Sen. Mike Cuffe**  
**Generally revise cabin site sales**  
**Chapter: 226 Effective Date: April 24, 2023**

SB 49 amends section 77-2-363, MCA, adding an exception to the circumstances under which a current lessee of land to be sold may cancel the sale of the land. It allows for the sale of land that is a leased cabin or home site to be canceled by a current lessee if certain provisions are met.

**HB 85 Rep. Marty Malone**  
**Expand MEPA categorical exclusions**  
**Chapter: 63 Effective Date: March 16, 2023**

HB 85 amends section 77-1-121, MCA, to include the following environmental review compliance exemption:

*The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when authorizing the following actions related to agricultural or grazing leases under Title 77, chapter 6, part 1:*

- (a) the repair, maintenance, or replacement of infrastructure,*
- (b) water developments that have a de minimis impact on the environment, including but not limited to placement of stock water tanks and pipeline, and*
- (c) routine herbicide applications.”*

**GENERAL BILLS THAT RELATE TO EDUCATION**

**SB 18 Sen. Mike Cuffe**  
**Add benefit policy statement to pension systems**  
**Chapter: 2 Effective Date: October 1, 2023**

SB 18 adds a benefit policy statement to each pension system preventing the addition of new benefits unless certain criteria are met. Specific to school districts the following has been added for PERS and TRS:

*Public employees’ retirement system (PERS) benefit policy statement. It is the policy of the state that additional benefits may not be added to the public employees’ retirement system unless the system amortizes in 30 years or less and the additional benefit is projected to be fully funded in perpetuity.*  
*Teachers’ retirement system (TRS) benefit policy statement. It is the policy of the state that additional benefits may not be added to the teachers’ retirement system unless the system amortizes in 30 years or less and the additional benefit is projected to be fully funded in perpetuity.*

Codification instructions intend these changes to be entered as an integral part of Title 19, chapter 3, part 1 & Title 19, chapter 20, part 1, respectively.

**SB 46 Sen. Wendy McKamey**  
**Remove new industry property classification**  
**Chapter: 644 Effective Date: October 1, 2023**

SB 46 amends sections 15-6-135, 15-24-1401, & 20-9-407, MCA, & repeals section 15-6-192, MCA, removing the “new industrial” property classification from property tax class five. According to the department of revenue no applications for this class five assignment are received as this property is eligible for more favorable tax rates as either class four 4 commercial property or class 8 business equipment.

**SB 47 Sen. Theresa Manzella**

**Revise commercial drivers license laws to comply with federal requirements**

**Chapter: 646 Effective Date: May 19, 2023, with contingencies for variable effective dates**

SB 47 amends sections 61-5-110 & 61-14-202, MCA.

Coordination language associated with HB 904 voided section 1 of SB 47 and replaced it with the following:

SB 47 requires the Department of Transportation (DOT) to develop and implement an entry-level driver training program which includes theory and behind the wheel training that meets federal requirements for a class A and class B commercial driver's license. The entry-level driving training program will be offered as a free program to Montana residents who are eligible for a commercial driver's license.

In addition, SB 47 allows the DOT to request a waiver by the FMCSA which could waive the knowledge and skills tests and issue a driver with the school bus endorsement based on comparable experience and has operated a CMV license in Montana for ten years and preferably at least two years of experience driving a school bus in Montana. The Department of Justice is required to query the FMCSA Entry-Level Driver Training Provider Registry and the FMCSA Drug and Alcohol Clearinghouse under certain conditions.

**SB 214 Sen. Edie McClafferty**

**Enact audio and speech-language pathology interstate compact**

**Chapter: 349 Effective Date: October 1, 2023**

SB 214 authorizes the Montana Board of Speech Pathologists and Audiologists to join a multi-state national licensure compact thereby easing the process for professionals licensed in other states to practice in Montana. The bill also allows licensees to use telehealth technology to provide services to clients. Finally, the bill provides for fingerprint and background checks for license applicants.

**SB 458 Sen. Carl Glimm**

**Revising the laws to provide a common definition of sex when referring to humans**

**Chapter: 685 Effective Date: October 1, 2023**

SB 458 amends § 1-1-201, 2-18-208, 7-15-4207, 7-34-2123, 13-27-408, 13-35-301, 13-38-201, 20-7-1306, 20-9-327, 20-25-501, 20-25-707, 22-2-306, 33-1-201, 35-20-209, 39-2-912, 40-1-107, 40-1-401, 40-5-907, 40-5-1031, 41-5-103, 42-2-204, 45-5-625, 46-19-301, 46-19-401, 46-32-105, 49-1-102, 49-2-101, 49-3-101, 50-5-105, 50-5-602, 50-11-101, 50-15-101, 50-19-103, 50-60-214, 53-20-142, 53-21-121, 53-21-142, 60-5-514, 60-5-522, 61-5-107, and 72-1-103, MCA.

Section 1 of SB 458 amends § 1-1-201, MCA, to define female, male, and sex.

The subsequent sections of SB 458 alter the definitions of male, female, and sex throughout Montana Code.



**HB 47 Rep. Julie Dooling**  
**Generally revise the Montana information technology act**  
**Chapter: 365 Effective Date: October 1, 2023**

HB 47 amends sections 2-4-302, 2-6-1102, 2-17-505, 2-17-506, 2-17-512, 2-17-513, 2-17-514, 2-17-515, 2-17-516, 2-17-521, 2-17-523, 2-17-524, 2-17-526, 2-17-532, 2-17-533, 2-17-534, 2-17-546, 2-17-551, 2-17-552, 2-17-1101, 2-17-1102, 2-17-1103, 2-18-101, 7-22-2151, 10-3-106, 61-3-346, 61-3-347, 61-11-105, 75-10-805, & 87-1-272, MCA,

HB 47 Revises the Montana Information Technology Act, by amending terminology, provides the Department of Administration sole authority to terminate an agency's information technology resource and requiring the use of an alternative information technology resource.

HB 47 amends sections 2-17-505 & 2-17-506, MCA, making commercial off-the-shelf information technology resources be used whenever feasible, rather than the commissioning of custom solutions. Additionally, HB 47 requires that third-party providers of information technology resources are required to comply with state security and information technology policies, risk management framework, controls, standards, procedures, and guidelines.

HB 47 requires the Office of Public Instruction to follow compliance with the state security policies, framework, controls, standards, procedures, and guidelines provided for in 2-17-534, MCA.

**HB 137 Rep. Greg Oblander**  
**Generally revise laws related to the board of behavioral health**  
**Chapter: 713 Effective Date: October 1, 2023**

HB 137 amends section 20-4-502, 20-9-327, 27-1-1101, 33-30-1019, 33-30-1020, 37-1-401, 37-17-104, 41-3-127, 45-5-231, 45-5-501, 45-5-601, 45-5-709, 53-6-101, 53-21-102, and 53-21-1202, MCA;

HB 137 Repeals sections 37-22-101, 37-22-102, 37-22-103, 37-22-201, 37-22-301, 37-22-302, 37-22-305, 37-22-307, 37-22-308, 37-22-313, 37-22-401, 37-22-411, 37-22-412, 37-23-101, 37-23-102, 37-23-201, 37-23-202, 37-23-203, 37-23-206, 37-23-213, 37-23-301, 37-23-311, 37-23-312, 37-35-101, 37-35-102, 37-35-103, 37-35-201, 37-35-202, 37-35-204, 37-37-101, 37-37-102, 37-37-201, 37-37-202, 37-37-205, 37-37-301, 37-37-302, 37-38-101, 37-38-102, 37-38-106, 37-38-201, and 37-38-202, MCA,

HB 137 revises licensing and certification requirements for behavioral health practitioners, establishes experience and education requirements, provides for confidentiality, provides for immunity, and provides for rulemaking authority. It adds marriage and family therapists to the definition of a mental health professional and updates references throughout the sections listed above.

**HB 163 Rep. Tyson Running Wolf**  
**Revise and extend missing indigenous persons task force**  
**Chapter: 624 Effective Date: May 19, 2023**

HB 163 reauthorizes the Missing Indigenous Persons Task Force and the Looping in Native Communities (LINC) grant program for the 2025 biennium. Amendments authorize the inclusion of a representative from the Office of Public Instruction to the task force.

**HB 262 Rep. Jerry Shillinger**  
**Revise local government financial reporting and audit requirements**  
**Chapter: 373 Effective Date: October 1, 2023**

HB 262 revises sections 2-7-503, and 2-7-517, MCA,

This bill revises Local Government Financial Reporting and Audit requirements to comply with federal requirements for the threshold on revenues and the required audit type. This bill has no fiscal impact on the state. This bill does not have a real effect on schools, other than to clarify as below:

The bill does not change the Office of Public Instruction's payment of filing fees for the school districts. School districts and associated cooperatives will continue to report to the Office of Public Instruction (OPI). School Districts will continue to use and maintain the OPI reporting system, MAEFAIRS, as the primary reporting tool for the school districts.

The United States Department of Education prescribes the form and timing of audits of school districts and school cooperatives that exceed the threshold established by the director of the office of management and budget pursuant to 31 U.S.C. 7502(a)(3), as well as the responsibility of state education agencies to review and approve actions to remediate audit finding.

If a local government entity receives revenue more than the threshold dollar amount set, an audit can be requested at any time. The audit may cover the preceding 2 fiscal years and must be conducted within 9 months of the last fiscal year. The audit must be completed and submitted within 1 year from the close of the last fiscal year.

**HB 367 Rep. Bill Mercer**  
**Providing clarification for use of federal funds for the data modernization**  
**Chapter: 378 Effective Date: May 3, 2023**

HB 367 amends section 22(2)(e), Chapter 401, Laws of 2021. Data modernization funds must be used by the Office of Public Instruction (OPI) to repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. HB 367 establishes additional restrictions for federal appropriations for the database modernization for the OPI including removing the exception

provided in 2-17-512, MCA. Requirements are centered on the sharing of data between school districts, state agencies, OPI, and the Montana university system requiring the OPI to use the platform implemented by the Department of Administration. Additional restrictions on selecting and contracting with a vendor to provide these services are also included.

**HB 377 Rep. Linda Reksten**  
**Create a 250th commission for Montana**  
**Chapter: 599 Effective Date: May 18, 2023**

HB 377 establishes the Montana 250th Commission and allocates administrative responsibility of the Commission to the Montana Historical Society (MTHS) and appropriates \$177,557 to MTHS starting in the 2025 biennium and continuing into the 2027 biennium.

**HB 531 Rep. Tony Brockman**  
**Establish annual combined meeting of the board of education**  
**Chapter: 112 Effective Date: April 18, 2023**

HB 531 amends section 20-2-101, MCA, providing that the board of public education and the board of regents shall meet at least once yearly as the combined state board of education. This bill changes the requirements from meeting two times a year to one.

**HB 580 Rep. Bill Mercer**  
**Impose reporting requirements for state agencies and departments**  
**Chapter: 514 Effective Date: July 1, 2024**

HB 580 establishes reporting requirements for the Executive, Legislative, and Judicial branch agencies for public information requests to document the impacts and processes associated with compliance with information requests. Agencies must submit reports required for the prior quarter to the legislative finance committee.

**HB 890 Rep. Brad Barker**  
**Require certain govt boards to provide audio/video recordings of public meetings**  
**Chapter: 741 Effective Date: July 1, 2024**

HB 890 amends sections 2-3-214 & 7-1-4141, MCA,

Section 2-3-214, MCA is amended to expand the list of boards required to record their public meetings in an audio and video format to include first-class and second-class school district board of trustees provided for in Article X, section 8, of the Montana constitution, 20-6-201, & 20-6-301, MCA. The boards shall make the audio and video recordings publicly available within 5 business days after the meeting with a link to the recording on the respective board's website. If the board does not maintain a website, it shall maintain a social media page and provide a link to the recording on the

social media page.

The audio and video recordings created are not required to be the official record of the meeting. If a recording is not designated as the official record, the recording may be destroyed after being retained online for 1 year and is not subject to the requirements of Title 2, chapter 6, for public information requests.

A board is not required to disrupt or reschedule a meeting if there is a technological failure of the meeting recording. If the recording is not able to be made available online, the board shall prominently post a notice in the same manner as a notice of a public meeting and shall post a notice at all locations where the meeting recording links are available. The notice must explain the reason the meeting was not recorded and describe the steps taken to remedy the failure prior to the next meeting.

The requirements apply only when a board is acting on a matter over which the board has supervision, control, jurisdiction, or advisory power at a public meeting as defined in 2-3-202, MCA, that has been publicly noticed as required by 2-3-103, MCA.

The requirements do not apply to a board when a quorum is incidentally established as described in 7-5-2122(4) & (5), MCA, solely on the basis of sharing a common office space.

Expenditures by a school district on staff, consultants, equipment, software licenses, storage, or security made to fulfill the requirements of HB 890 qualify as a school facility project under 20-9-525, MCA.

## INDEX OF K-12 EDUCATION RELATED BILLS

<b>Bill</b>	<b>Sponsor</b>	<b>Short Title</b>	<b>Status</b>	<b>Category</b>
HB 2	Llew Jones (R) HD 18	General Appropriations Act	Pass	Appropriations
HB 3	Llew Jones (R) HD 18	Supplemental Appropriations Bill	Pass	Appropriations
HB 4	Llew Jones (R) HD 18	Appropriations by Budget Amendment	Pass	Appropriations
HB 5	Mike Hopkins (R) HD 92	Long-Range Building Appropriations	Line-Item Veto	Appropriations
HB 10	Mike Hopkins (R) HD 92	Long-Range Information Technology Financings and Appropriations	Pass	Appropriations
HB 13	John Fitzpatrick (R) HD 77	State Employee Pay Plan and Revising Laws Governing State Employees	Pass	Appropriations
HB 15	David Bedey (R) HD 86	BASE Aid K-12 Inflation	Pass	Appropriations
HB 288	Jonathan Windy Boy (D) HD 32	Revise Laws Related to Tuition Waivers for American Indian Students	Fail	Appropriations
HB 321	Linda Reksten (R) HD 12	Generally Revise Laws Related to the Coal Trust	Pass	Appropriations
HB 355	John Fitzpatrick (R) HD 77	Appropriate Funds for Local Government Infrastructure Projects	Pass	Appropriations
HB 408	Sue Vinton (R) HD 56	Revise Student Scholarship Organization and Innovative Education Tax Credits	Pass	Appropriations
HB 482	Jane Gillette (R) HD 64	Provide Access to Education and Supports for Children Aging out of Foster Care	Pass	Appropriations
HB 818	Linda Reksten (R) HD 12	Generally Revise Laws Related to Funding for School Facilities	Fail	Appropriations
HB 863	Melissa Romano (D) HD 81	Fund School Meals for All Students	Fail	Appropriations
HB 872	Bob Keenan (R) HD 10	Provide Funding for Behavioral Health System for Future Generations	Pass	Appropriations
HB 876	Kelly Kortum (D) HD 65	Create a Montana Broadband Coordinator	Fail	Appropriations
HB 946	David Bedey (R) HD 86	Implement Provisions of HB 2 – Section E-Education	Pass	Appropriations
HB 950	Mike Hopkins (R) HD 92	Establish the Student and Administration Equality Act	Fail	Appropriations

SB 1	Dan Salomon (R) SD 47	Align Payment Schedule of School Block Grants	Pass	General Education
SB 8	Shannon O'Brien (D) SD 46	Revise Transformational Learning Program Laws	Pass	General Education
SB 9	Dan Salomon (R) SD 47	Prohibit School Districts Operating Schools Outside District Boundaries	Fail	General Education
SB 10	Shannon O'Brien (D) SD 46	Clarify School Finance Laws Related to General Fund Levies	Pass	General Education
SB 70	Shannon O'Brien (D) SD 46	Revise the Quality Educator Loan Assistance Program	Pass	General Education
SB 118	John Fuller (R) SD 4	Revise Aggregate Limit on Education Scholarship Tax Credit Programs	Fail	General Education
SB 129	Russ Tempel (R) SD 14	Revise Laws Related to Compulsory Attendance	Fail	General Education
SB 132	Becky Beard (R) SD 40	Revise Agricultural Education Laws	Fail	General Education
SB 235	Daniel Emrich (R) SD 11	Establish Requirements for Science Instruction in Public Schools	Fail	General Education
SB 289	Chris Friedel (R) SD 26	Allow Tuition Waivers for Qualified Survivors of Firefighters and Peace Officers	Pass	General Education
SB 315	Mary Ann Dunwell (D) SD 42	Provide for Comprehensive Sex, Gender, and Sexuality Education in Public Schools	Fail	General Education
SB 358	Greg Hertz (R) SD 6	Require Disclosure of Taxpayer Funds for Lobbying by Local Governments/Schools	Pass	General Education
SB 389	Daniel Emrich (R) SD 11	Revising Education Laws to add a Definition of "Civics"	Fail	General Education
SB 390	Daniel Emrich (R) SD 11	Provide Freedom in School Choice	Fail	General Education
SB 413	Carl Glimm (R) SD 2	Prohibit Sex Education Below Sixth Grade in Public Schools	Fail	General Education
SR 33	Dan Salomon (R) SD 47	Confirm Governor's Appointees for the Board of Public Education	Pass	General Education
HB 21	David Bedey (R) HD 86	Revising Process for Adoption of School Accreditation Standards	Pass	General Education
HB 22	David Bedey (R) HD 86	Revising Use of Revenue from Teacher Licensure Fees	Pass	General Education
HB 23	Mark Thane (D) HD 99	Revise Student Scholarship Organization and Innovative Education Tax Credits	Fail	General Education
HB 36	David Bedey (R) HD 86	Revise School Funding Laws Related to Enrollment Increases	Pass	General Education

HB 181	Linda Reksten (R) HD 12	Revise Education Laws Related to the Superintendent of Public Instruction	Pass	General Education
HB 197	Jennifer Carlson (R) HD 69	Constitutional Amendment on Article X, Section 9	Fail	General Education
HB 203	David Bedey (R) HD 86	Generally Revise Education Laws to Enhance Educational Opportunities	Pass	General Education
HB 214	Marta Bertoglio (R) HD 75	Clarify the Definition of Remote Versus Offsite Students	Pass	General Education
HB 231	Brandon Ler (R) HD 35	Remove the Certification Standards and Practices Advisory Council (CSPAC)	Pass	General Education
HB 257	Courtenay Sprunger (R) HD 7	Generally Revise Education Funding	Pass	General Education
HB 294	Sue Vinton (R) HD 56	Revise Laws Related to Education Tax Credits	Fail	General Education
HB 338	Jonathan Windy Boy (D) HD 32	Revise Laws Related to Indian Education for All	Pass	General Education
HB 346	Jonathan Windy Boy (D) HD 32	Revise the Tribal Computer Programming Scholarship Program	Pass	General Education
HB 352	Brad Barker (R) HD 58	Provide Targeted Interventions to Support 3 <sup>rd</sup> Grade Reading Proficiency	Pass	General Education
HB 394	Jonathan Windy Boy (D) HD 32	Require Examination of Creation of State-Tribal Education Accord Schools	Fail	General Education
HB 395	Jonathan Windy Boy (D) HD 32	Improve School District Consultation with American Indian Tribes	Fail	General Education
HB 396	Naarah Hastings (R) HD 50	Require School Trustees to Admit Resident Children on a Part-Time Basis	Pass	General Education
HB 441	Ed Stafman (D) HD 62	Implement Report Cards for Non-Public Schools Receiving Tax Credit Scholarships	Fail	General Education
HB 442	Ed Stafman (D) HD 62	Require Testing for Non-Public Schools Receiving Tax Credit Scholarships	Fail	General Education
HB 501	Kerri Seekins-Crowe (R) HD 43	Revise School Textbook Laws	Fail	General Education
HB 517	Mike Hopkins (R) HD 92	Constitutional Amendment Regarding Board of Regents	Fail	General Education
HB 533	Ed Stafman (D) HD 62	Prohibit Discrimination by Non-Public Schools Receiving Tax Credit Scholarships	Fail	General Education
HB 535	Braxton Mitchell (R) HD 3	Revising Education Laws to Provide a Definition of "Financial Literacy"	Pass	General Education
HB 538	Bob Phalen (R) HD 36	Revise Constitutional and Pledge of Allegiance Student Instruction Laws	Fail	General Education

HB 549	Fred Anderson (R) HD 20	Authorizing Establishment of Public Charter Schools	Pass	General Education
HB 562	Sue Vinton (R) HD 56	Authorize Establishment of Community Choice Schools	Pass	General Education
HB 619	Connie Keogh (D) HD 91	Generally Revise Language Assessment Laws for Deaf and Hard-of-Hearing Children	Pass	General Education
HB 667	David Bedey (R) HD 86	Generally Revise Education Laws Related to Children Under 5 Years of Age	Fail	General Education
HB 688	Lola Sheldon-Galloway (R) HD 22	Revise Laws Related to Social-Emotional Learning	Fail	General Education
HB 690	Katie Sullivan (D) HD 89	Generally Revise Pupil Data Privacy Protections	Fail	General Education
HB 707	Jodee Etchart (R) HD 48	Allow Certain Elementary Districts to Create New High School Districts	Veto	General Education
HB 724	Brad Barker (R) HD 58	Generally Revise Public Notice Requirements	Pass	General Education
HB 744	Greg Kmetz (R) HD 38	Revise Laws to Protect Religious Expression for Students and Teachers	Pass	General Education
HB 745	Greg Kmetz (R) HD 38	Revise Laws Related to Religious Materials and Prayer in Schools	Pass	General Education
HB 749	Llew Jones (R) HD 18	Revise Montana Digital Academy Laws	Pass	General Education
HB 796	Terry Falk (R) HD 8	Require School District Trustee Candidates to Pass Criminal Background Checks	Fail	General Education
HB 811	Marta Bertoglio (R) HD 75	Create Online Repository for Information on School District Boards of Trustees	Pass	General Education
HB 814	Lola Sheldon-Galloway (R) HD 22	Revise Laws Related to Intellectual Diversity on College Campuses	Fail	General Education
HB 831	Melissa Romano (D) HD 81	Fund School Meals for All Students	Fail	General Education
HB 877	Ed Stafman (D) HD 62	Revise Reporting Requirements for Vaccinations and Exemptions	Fail	General Education
HB 908	Ed Stafman (D) HD 62	Provide for Vaccine Education	Fail	General Education
HB 949	David Bedey (R) HD 86	Generally Revise Education Laws Related to Data Governance	Pass	General Education
HJ 20	Eric Matthews (D) HD 66	Request Interim Study of Including Regional Cost Adjustments to School Funding	Fail	General Education
HJ 25	Brad Barker (R) HD 58	Request Interim Study of School Funding	Fail	General Education
HB 287	Jonathan Windy Boy (D) HD 32	Revise Laws Related to Indian Language Preservation	Pass	Language and Arts



HB 116	Jane Gillette (R) HD 64	Strengthen Qualified Provider Pool Statute for Children’s Mental Health Services	Pass	Mental Health
HB 147	Jane Gillette (R) HD 64	Enhance Medicaid Rates for Certain Children’s Mental Health Services	Pass	Mental Health
HB 171	David Bedey (R) HD 86	Revise Education Laws Related to Residential Treatment Facilities	Pass	Mental Health
HB 252	Jonathan Karlen (D) HD 96	Youth Behavioral Health Screening	Fail	Mental Health
HB 334	Laurie Bishop (D) HD 60	Revise School Attendance Laws to Address Student Mental Health Needs	Fail	Mental Health
HB 740	Laura Smith (D) HD 79	Revise Laws Relating to Out-of-State Placement of Youth with Mental Health Needs	Fail	Mental Health
HB 822	Bob Keenan (R) HD 10	Generally Revise School-Based Mental Health Services	Fail	Mental Health
HB 875	Melissa Romano (D) HD 81	Establishing the School Mental Health Promotion Pilot Program	Fail	Mental Health
SB 69	Shannon O’Brien (D) SD 46	Clarify School Transportation Related to Passenger Vehicles	Pass	School Transportation
HB 344	Mark Thane (D) HD 99	Require New School Buses to be Equipped with Lap-Shoulder Belts	Fail	School Transportation
HB 366	Donavon Hawk (D) HD 76	Increase Penalties for Passing School Buses	Pass	School Transportation
HB 904	Casey Knudsen (R) HD 33	Generally Revise Commercial Driver’s License Laws	Pass	School Transportation
SB 444	Jason Small (R) SD 21	Generally Revise Labor Laws Related to Work-Based Learning	Pass	Work-Based Learning/Career Technical Education
HB 382	Josh Kassmier (R) HD 27	Revise Education Laws Related to Career and Technology Student Organizations	Pass	Work-Based Learning/Career Technical Education
HB 458	Fred Anderson (R) HD 20	Generally Revise Regulations Governing the Eligibility of Career Coaches	Pass	Work-Based Learning/Career Technical Education
HB 888	Amy Regier (R) HD 6	Support Community Colleges in Addressing Immediate Workforce Needs	Fail	Work-Based Learning/Career Technical Education
HB 944	Paul Tuss (D) HD 28	Establish the Montana In-Demand Skilled Trades Investment Pilot Program	Fail	Work-Based Learning/Career Technical Education

SB 61	Janet Ellis (D) SD 41	Clarify Definition of Election Officials	Pass	Elections
SB 123	Greg Hertz (R) SD 6	Revise Information That Appears on Ballot for Levy Elections	Pass	Elections
SB 200	Greg Hertz (R) SD 6	Revise Use of Party Affiliation for Nonpartisan Races	Fail	Elections
SB 248	Theresa Manzella (R) SD 44	Revise Laws Related to Retention of Election Records	Fail	Elections
SB 251	Greg Hertz (R) SD 6	Sunset or Reapprove Existing Voter-Approved Property Tax Levies	Fail	Elections
SB 267	Greg Hertz (R) SD 6	Revise Laws Related to State Fund and Government Agencies	Fail	Elections
SB 291	Greg Hertz (R) SD 6	Revise Threshold for Approval for Certain Bond Elections	Fail	Elections
SB 292	Greg Hertz (R) SD 6	Revising the Threshold for Approval of a Mill Levy Election	Fail	Elections
HB 205	Ron Marshall (R) HD 87	Generally Revise Mill Levy Election Laws	Fail	Elections
HB 206	Ron Marshall (R) HD 87	Generally Revise Mill Levy Election Laws	Fail	Elections
HB 306	Braxton Mitchell (R) HD 3	Require Candidates for Office to be Registered to Vote	Pass	Elections
HB 335	David Bedey (R) HD 86	Generally Revise Election Laws Related to Absentee Ballot List Procedures	Pass	Elections
HB 508	Jedediah Hinkle (R) HD 67	Allow Option to Vote in School District Elections	Fail	Elections
HB 536	Julie Dooling (R) HD 70	Revise Laws Related to Write-In Candidates	Pass	Elections
HB 543	Jedediah Hinkle (R) HD 67	Revise Laws for Ballot Wording for Bonds and Levies	Pass	Elections
HB 774	Mike Hopkins (R) HD 92	Generally Revise Election Laws	Fail	Elections
HB 784	Fiona Nave (R) HD 57	Revise Laws Related to School Elections	Fail	Elections
HB 807	Lyn Hellegaard (R) HD 97	Generally Revise Election Laws	Fail	Elections
SB 553	Greg Hertz (R) SD 6	Revise School Funding Laws Related to School Facilities	Fail	Facilities
HB 126	Fred Anderson (R) HD 20	Generally Revise Laws Related to Montana Facility Finance Authority	Fail	Facilities
HB 514	Melissa Romano (D) HD 81	Increase the Inflationary Adjustment Cap Related to School Funding	Fail	Facilities

HB 393	Sue Vinton (R) HD 56	Establish the Students with Special Needs Equal Opportunity Act	Pass	Special Education
SB 97	Keith Regier (R) SD 3	Implement Renewable Portfolio Standard Production Tax for Property Tax Relief	Fail	Taxes
SB 125	Greg Hertz (R) SD 6	Limit Certain Property Tax Levies to 5 Years Without Reapproval	Fail	Taxes
SB 523	Greg Hertz (R) SD 6	Generally Revise Tax Increment Financing Laws	Fail	Taxes
HB 192	Bill Mercer (R) HD 46	Use Surplus Revenue for Income Tax and Property Tax Refunds and Payment of Bonds	Pass	Taxes
HB 212	Josh Kassmier (R) HD 27	Increase Business Equipment Tax Exemption	Pass	Taxes
HB 481	Ross Fitzgerald (R) HD 17	Increase Rate of Inflation Limit for Calculating Property Tax Levies	Fail	Taxes
HB 587	Llew Jones (R) HD 18	Generally Revise School Finance Laws Related to Property Taxes	Pass	Taxes
HB 613	Mark Thane (D) HD 99	Using Excess Revenue to Fund Local Property Tax Relief	Fail	Taxes
HB 848	Julie Dooling (R) HD 70	Partial Exemption for Renting a Dwelling Under Market Rent	Fail	Taxes
SB 373	Dan Salomon (R) SD 47	Provide for Alternative Teacher Credentialing	Pass	Teacher Recruitment and Retention
SB 547	Shannon O'Brien (D) SD 46	Revise Capital Gains Tax Law to Fund Teacher Salary Increases	Fail	Teacher Recruitment and Retention
HB 117	Marta Bertoglio (R) HD 75	Generally Revise Working Retiree Laws Under TRS	Pass	Teacher Recruitment and Retention
HB 135	Marta Bertoglio (R) HD 75	Revise Administrative Provisions of TRS	Pass	Teacher Recruitment and Retention
HB 226	Terry Moore (R) HD 54	Generally Revise Pension Laws	Fail	Teacher Recruitment and Retention
HB 259	Lee Deming (R) HD 55	Revise Teacher License Laws	Fail	Teacher Recruitment and Retention
HB 332	David Bedey (R) HD 86	Generally Revise Laws Related to School Employee Health Benefits	Pass	Teacher Recruitment and Retention
HB 403	David Bedey (R) HD 86	Generally Revise Laws Concerning Fees for Teacher and Specialist Certificates	Pass	Teacher Recruitment and Retention

HB 445	Melissa Romano (D) HD 81	Establish Mentoring Program for New Teachers	Fail	Teacher Recruitment and Retention
HB 503	Naarah Hastings (R) HD 50	Generally Revise Education Laws Related to Teacher Certification	Fail	Teacher Recruitment and Retention
HB 583	Brad Barker (R) HD 58	Revise Occupations and Education Laws for Military License Reciprocity	Pass	Teacher Recruitment and Retention
HB 588	Llew Jones (R) HD 18	Revise TEACH Act Incentives to Increase Starting Teacher Salary	Pass	Teacher Recruitment and Retention
HB 633	Eric Matthews (D) HD 66	Provide Means to Raise Teacher Pay in School Districts with High Cost of Living	Fail	Teacher Recruitment and Retention
HB 833	Brad Barker (R) HD 58	Establish Teacher Residency Program	Pass	Teacher Recruitment and Retention
SB 213	Edie McClafferty (D) SD 38	Revise Laws Related to School Safety Teams	Pass	School and Child Safety
SB 350	Daniel Zolnikov (R) SD 22	Generally Revise Privacy Laws Related to Student Data	Fail	School and Child Safety
HB 37	Jennifer Carlson (R) HD 69	Generally Revise Child Abuse and Neglect Laws	Veto	School and Child Safety
HB 234	Bob Phalen (R) HD 36	Revise Dissemination of Obscene Material to Minors Laws	Pass	School and Child Safety
HB 323	Caleb Hinkle (R) HD 68	Revise Laws Related to Child Protective Teams	Fail	School and Child Safety
HB 361	Brandon Ler (R) HD 35	Provide that Use of Legal Name and Sex by a Student is not Discrimination	Pass	School and Child Safety
HB 450	Jedediah Hinkle (R) HD 67	Protect Physical Self-Defense in K-12 Schools	Pass	School and Child Safety
SB 99	John Fuller (R) SD 4	Provide for a Youth Health Protection Act	Pass	Parental Rights
SB 116	Dennis Lenz (R) SD 27	Revise Confidentiality Provisions Related to Child Protective Services Cases	Pass	Parental Rights
SB 337	Theresa Manzella (R) SD 44	Generally Revise Parental Rights Laws	Fail	Parental Rights
SB 339	Kenneth Bogner (R) SD 19	Establish Reasonable Childhood Independence Laws	Pass	Parental Rights
SB 450	Daniel Emrich (R) SD 11	Personal Freedom/Right of Conscience Act Related to Immunizations and Drugs	Fail	Parental Rights
SB 480	Mary Ann Dunwell (D) SD 42	Remove Opt-In Requirement for Student Contact Information on ACT Test	Pass	Parental Rights

SB 518	Theresa Manzella (R) SD 44	Revise Parental Rights Laws to Increase Parental Involvement in Education	Pass	Parental Rights
HB 359	Braxton Mitchell (R) HD 3	Prohibit Minors from Attending Drag Shows	Pass	Parental Rights
HB 502	Kerri Seekins-Crowe (R) HD 43	Revise Education Laws Related to Human Sexuality Instruction	Fail	Parental Rights
HB 504	Naarah Hastings (R) HD 50	Revise School Laws to Require Trustees to Adopt a Grievance Policy	Pass	Parental Rights
HB 566	Fred Anderson (R) HD 20	Revise Notice Requirements for Human Sexuality Instruction	Fail	Parental Rights
HB 603	Steven Galloway (R) HD 24	Provide for Reinstatement of Parental Rights	Pass	Parental Rights
HB 676	Kerri Seekins-Crowe (R) HD 43	Revise Laws to Clarify Fundamental Parental Rights	Pass	Parental Rights
HB 684	Caleb Hinkle (R) HD 68	Prohibit Use of Vaccination Status in Certain Administrative/Legal Proceedings	Pass	Parental Rights
HB 715	Jennifer Carlson (R) HD 69	Revise School Immunization Laws	Pass	Parental Rights
HB 759	Naarah Hastings (R) HD 50	Revise Education Laws Related to Health Instruction	Fail	Parental Rights
HB 762	Caleb Hinkle (R) HD 68	Revise Laws Concerning the Best Interests of a Child	Fail	Parental Rights
HB 837	Jedediah Hinkle (R) HD 67	Require Curriculum Transparency in K-12 Education	Fail	Parental Rights
HB 913	Brad Barker (R) HD 58	Revise School Library Collection Selection and Reconsideration Process	Fail	Parental Rights
SB 29	Wendy McKamey (R) SD 12	Increase and Extend the PERS Supplemental Employer Contribution	Fail	State Employees
SB 74	Wendy McKamey (R) SD 12	Revise Administrative Provisions of MPERA	Pass	State Employees
SB 212	Dennis Lenz (R) SD 27	Revise Education Requirements for State Jobs	Fail	State Employees
SJ 4	Wendy McKamey (R) SD 12	Provide for Interim Study of PERS and TRS	Pass	State Employees
HB 316	Tony Brockman (R) HD 9	Generally Revise Laws Related to Advisory Councils	Pass	State Employees
HB 400	Bill Mercer (R) HD 46	Require Agency Reports to Legislature to be in Writing	Pass	State Employees
HB 407	Dave Fern (D) HD 5	Provide for Affordable Housing Abatements	Fail	State Employees

HB 923	Derek Harvey (D) HD 74	Revise Worker's Compensation Laws to Increase Benefits	Fail	State Employees
HB 128	Josh Kassmier (R) HD 27	Generally Revise Marijuana Laws	Pass	Marijuana
SB 41	Jeff Welborn (R) SD 36	Revise State Land Banking Laws	Fail	Montana Lands
SB 42	Steve Hinebauch (R) SD 18	Revise Laws Related to Easements on State Lands	Pass	Montana Lands
SB 49	Mike Cuffe (R) SD 1	Generally Revise Cabin Site Sales	Pass	Montana Lands
HB 85	Marty Malone (R) HD 59	Expand MEPA Categorical Exclusions	Pass	Montana Lands
HB 634	Josh Kassmier (R) HD 27	Generally Revise Oil and Gas Laws	Fail	Montana Lands
SB 18	Mike Cuffe (R) SD 1	Add Benefit Policy Statement to Pension Systems	Pass	General Bills Relating to Education
SB 46	Wendy McKamey (R) SD 12	Remove New Industry Property Classification	Pass	General Bills Relating to Education
SB 47	Theresa Manzella (R) SD 44	Revise Commercial Drivers License Laws to Comply with Federal Requirements	Pass	General Bills Relating to Education
SB 214	Edie McClafferty (D) SD 38	Enact Audio and Speech-Language Pathology Interstate Compact	Pass	General Bills Relating to Education
SB 233	Shane Morigeau (D) SD 48	Enhance Legislative Understanding of State-Tribal Relations	Fail	General Bills Relating to Education
SB 306	Brad Molnar (R) SD 28	Revise Education Laws Related to Extracurricular Activities	Fail	General Bills Relating to Education
SB 436	Steve Hinebauch (R) SD 18	Revise Labor Law Adding Certain Elected Officials in Collective Bargaining	Fail	General Bills Relating to Education
SB 458	Carl Glimm (R) SD 2	Define Sex in Montana Law	Pass	General Bills Relating to Education
SB 473	Daniel Emrich (R) SD 11	Create Food Safety Panel	Fail	General Bills Relating to Education
SB 539	Brad Molnar (R) SD 28	Establish the Water Severance Beneficial Use Act	Fail	General Bills Relating to Education
HB 47	Julie Dooling (R) HD 70	Generally Revise the Montana Information Technology Act	Pass	General Bills Relating to Education

HB 137	Greg Oblander (R) HD 40	Generally Revise Laws Related to the Board of Behavioral Health	Pass	General Bills Relating to Education
HB 152	Bill Mercer (R) HD 46	Revise Laws Related to Professional and Occupational Licensure	Fail	General Bills Relating to Education
HB 163	Tyson Running Wolf (D) HD 16	Revise and Extend Missing Indigenous Persons Taskforce	Pass	General Bills Relating to Education
HB 253	Ed Stafman (D) HD 62	Provide for Homestead Exemption for Primary Residences	Fail	General Bills Relating to Education
HB 262	Jerry Schillinger (R) HD 37	Revise Local Government Financial Reporting and Audit Requirements	Pass	General Bills Relating to Education
HB 324	Caleb Hinkle (R) HD 68	Provide for a Local Government Expenditure Limitation	Fail	General Bills Relating to Education
HB 328	Brad Barker (R) HD 58	Require Certain Government Boards to Record Public Meetings in Audio and Video Format	Fail	General Bills Relating to Education
HB 367	Bill Mercer (R) HD 46	Providing Clarification for Use of Federal Funds for Data Modernization	Pass	General Bills Relating to Education
HB 377	Linda Reksten (R) HD 12	Create a 250 <sup>th</sup> Commission for Montana	Pass	General Bills Relating to Education
HB 383	Tom France (D) HD 94	Establish the Montana Hunters and Anglers Community Fund	Fail	General Bills Relating to Education
HB 498	Emma Kerr-Carpenter (D) HD 49	Establish a Menstrual Equity Act	Fail	General Bills Relating to Education
HB 531	Tony Brockman (R) HD 9	Establish Annual Combined Meeting of the Board of Education	Pass	General Bills Relating to Education
HB 580	Bill Mercer (R) HD 46	Impose Reporting Requirements for State Agencies and Departments	Pass	General Bills Relating to Education
HB 651	Derek Harvey (D) HD 74	Establish the Montana Family and Medical Leave Insurance Act	Fail	General Bills Relating to Education
HB 752	Braxton Mitchell (R) HD 3	Require the National Anthem to be Performed at Sporting Events	Fail	General Bills Relating to Education
HB 789	Lyn Hellegaard (R) HD 97	Revise Laws Related to the Alteration of County Boundaries	Fail	General Bills Relating to Education
HB 851	Ed Stafman (D) HD 62	Establish a Driving Privilege Card	Fail	General Bills Relating to Education

HB 853	Tony Brockman (R) HD 9	Provide for Sidewalks and Shared-Use Paths that will Improve School Access	Fail	General Bills Relating to Education
HB 890	Brad Barker (R) HD 58	Require Certain Government Boards to Provide Audio/Video Recordings of Public Meetings	Pass	General Bills Relating to Education
HJ 17	Amy Regier (R) HD 6	Interim Study of Facial Recognition Technology	Fail	General Bills Relating to Education
HJ 27	Katie Sullivan (D) HD 89	Request an Interim Study of Ag Data Collection	Fail	General Bills Relating to Education



Questions? We are here to help!

Elsie Arntzen  
Superintendent of Public Instruction  
elsie.arntzen@mt.gov  
406-444-5658

Legislative Inquiries:  
Tara Boulanger  
Government Liaison  
tara.boulanger@mt.gov  
406-444-2082

Education Inquiries:  
Sharyl Allen  
Deputy Superintendent  
sharyl.allen@mt.gov  
406-444-5856

*Keep an eye out for the Navigator to come to your email the first week of each month!*



## Putting Montana Students First

**A<sup>+</sup>** Local Control and Flexibility for Stronger Montana Communities

**A<sup>+</sup>** Serving All of Those Who Serve Montana's Students

**A<sup>+</sup>** Montana-Made Solutions to Maximize Student Success

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