



HB 203 Out-of-District Tuition
Education Interim Budget Committee
June 20, 2024

HB 203 of the 2023 Legislative Session generally revised laws related to out-of-district attendance. This law permits parents to enroll their children and have them attend a school in a Montana school district that is outside their district of residence *without extenuating circumstances*.

Important Points in the new legislation

- Districts may set policies for the application process in their district, including, but not limited to reasonable timelines for submission
- Districts have limited reasons for not approving a non-resident child including if the approval would result in exceeding limits of:
 - (A) building construction standards pursuant to Title 50, chapter 60;
 - (B) capacity and ingress and egress elements, either by individual room or by school building, of any fire code authorized by Title 50, chapter 3; or
 - (C) evacuation elements of the district’s adopted school safety plan;
 - (ii) the approval would impede meeting goals, standards, or objectives of quality that the trustees have previously adopted in a plan for continuous educational improvement required under rules adopted by the board of public education; or
 - (iii) the approval would risk jeopardizing the educational quality within the district because the nonresident child who is applying was:
 - (a) truant as defined in 20-5-106 in the last school district attended;
 - (b) expelled by another school district at any time ; or
 - (c) suspended in another school district in any of the 3 school fiscal years preceding the school fiscal year for which attendance is requested. This subsection (2)(e)(iii)(C) does not apply to a student who is eligible for special education or related services
- Schools will send copies of the [FP-14 tuition agreement forms](#) to the OPI, within 10 days, upon completion of the forms
- Districts are only responsible for the students in grade levels they currently serve.

OPI has prepared the following documents, available on the OPI website:

1. [Tuition Guidance for Out-Of-District Placement](#)
2. [Out-of-District Tuition FAQ](#). This document reflects the common questions to the OPI regarding the revisions



HB 338 IEFA

Education Interim Budget Committee

June 20, 2024

Indian Education for All (IEFA) is a landmark provision in the Montana Constitution that “recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.” The Montana Legislature provides IEFA funding to school districts and requires school districts to report IEFA expenditures to the Montana Office of Public Instruction (OPI). In 2023, 20-9-329, MCA was revised to include new reporting requirements and provide a reduction of future funding for school districts that fail to report expenditures of all IEFA revenue. The funding can be spent on curriculum development of an American Indian studies program, provide curriculum and materials to students for the program, and provide training to teachers about the program’s curriculum and materials.

Reporting

There are two ways schools will report the accurate use of their IEFA funds:

1. **Due at the end of March in the TeachMT system-** this is the new accreditation platform
 - a. Districts and schools will submit IEFA assurances on using IEFA funding for the intended purpose.
 - b. In addition, they will select exactly what they are spending the funds on:
 - i. Curriculum development of an American Indian studies program
 - ii. Curriculum and materials for students for the program
 - iii. Providing training to teachers about the program
 - c. Schools will also submit evidence of their IEFA integration for example: by sharing lesson plans, photographs, student work, for example
2. **Schools will also submit the Trustee Financial Summary (TFS), due September 15** (reporting for the prior school year)
 - a. Recording funds received: Fund (01) General Fund, Revenue code: 3113
 - b. Recording expenditures: Fund (01) General Fund, Program code: 365
 - c. For questions on school finance coding or the TFS, email opischoolfinance@mt.gov

What has been reported to the OPI already?

As of June 10, 2024: **Great news! All of the schools and districts in Montana** have submitted information into the TeachMT system regarding their use of IEFA funds- the first submission of IEFA reports. The accreditation team is analyzing the appropriate information for accreditation purposes, and the IEFA team will use the IEFA reporting information to determine areas of need in order to support schools.

The Trustee Financial Summary is due September 15, 2024.



EARLY LITERACY TARGETED INTERVENTIONS

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During the 68th Legislative session in 2023, the legislature passed [HB 352 \(20-7-18, MCA\)](#), providing for early literacy targeted interventions for eligible students.

The Board of Public Education (BPE) and the Office of Public Instruction (OPI) are working closely with districts in [implementing early literacy targeted interventions](#) for the upcoming school year. To date, we have completed the following tasks:

BPE	OPI	School Districts
<p>Appointed an Early Literacy Advisory Council to provide recommendations to the BPE to meet the requirements of the legislation.</p> <p>Updated the Early Childhood Education Standards, 10.63.101-115, ARM</p> <p>Adopted Evaluation Methodology and Summer Jumpstart Program Framework Standards, 10.54.901-902, ARM</p> <p>Established eligibility criteria.</p> <p>Provided a list of approved screeners.</p> <p>Selected a home-based program.</p>	<p>Hired 2 FTE Early Literacy intervention specialists</p> <p>Updated guidance documents & FAQs for schools and parents.</p> <p>Worked with a select group of education stakeholders to create and lead the home-based program RFP process. <u>Waterford</u> scored the highest and was selected by the Board of Public Education. Districts will be notified soon of the first come first served access to the home-based licenses.</p> <p>Estimated participation:</p> <ul style="list-style-type: none"> • Survey: 36 reported planning to host a program • 55 more districts have reached out to OPI with questions • We estimate approximately 75 districts will participate in some type of intervention program this school year 	<p>Trustees determine if their school will participate and which of the 3 types of interventions will be offered: Home-Based, Classroom-Based, Summer Jumpstart.</p> <p>School District Trustees administer the evaluation methodology in April, May, or June to a child who will be 4 years of age or older on or before September 10 and has not yet entered third grade. Each district determines eligibility cut scores utilizing the approved evaluation methodology.</p> <p>Districts determine the mechanism for how parents request this evaluation for district records. The OPI has provided sample template letters for both consent and eligibility.</p>

OPI's EARLY LITERACY COLLABORATIVE:

The focus of the OPI's Early Literacy Collaborative is to provide guidance on the implementation of [20-7-18, MCA](#) Early Literacy Targeted Interventions, including the summer jumpstart program, classroom-based program, and home-based program for eligible students. In addition, the Collaborative provided data and feedback to the Board of Public Education's Early Literacy Advisory Council. The members of this collaborative have applied and been appointed by the Superintendent of Public Instruction to this nongoverning committee. The Collaborative held meetings every month through June 2024.

EARLY LITERACY FUNDING AND PROGRAM NOTES:

	Classroom-Based	Jumpstart (Summer)	Home-Based
Funding	Districts receive full or half time ANB for each eligible student served in an Early Literacy Intervention Classroom.	Districts receive an additional .25 ANB for each eligible student served in a Summer Jumpstart Program.	Funding for up to 1500 (eligible) students to use the program-payment is made directly to the program (Districts appoint a Home-Based Program Liaison). OPI entered into contract and will facilitate the licenses on a first-come, first-served basis for the available licenses
Program Notes	Programming may be half or full-time (360 or 720 instructional hours). Class size is capped at 10 students per 1 appropriately licensed teacher, with an early childhood paraprofessional for any additional students over ten, for up to no more than 18 total students in a classroom with two adults. Instruction must align with the Early Childhood Education Standards.	Takes place in summer during the end of one school calendar and the start of the next (except 2024, the effective date of the bill is July 1, 2024, so for this summer only, all the hours/weeks of the summer jumpstart program must begin on or after July 1, 2024). Requires 120 hours of instruction in a minimum of 4 weeks of programming. Instruction must align with the Early Childhood Education Standards and the Montana Content Standards for English Language Arts and Literacy.	Must be research-based and proven effective at developing early literacy skills in populations at risk of not being reading proficient at the end of 3rd grade. Fosters parental engagement. At their May 2024 board meeting, the Board of Public Education approved Waterford as the vendor.

FISCAL SUMMARY

To open the fiscal Summary spreadsheet, right click on the spreadsheet, select Worksheet Object/Edit. To exit, click outside of the spreadsheet.

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>
Expenditures:				
General Fund	\$1,753,106	\$2,869,226	\$2,569,809	\$2,665,938
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$1,753,106)</u>	<u>(\$2,869,226)</u>	<u>(\$2,569,809)</u>	<u>(\$2,665,938)</u>

DATA COLLECTION & EVALUATION:


Trustees offering an Early Literacy Targeted Intervention shall closely monitor the program and report annually to the Superintendent of Public Instruction on the efficacy of the program no later than July 15.

This report must include anonymized information on student progress, including the student's performance on: the evaluation methodology for the program, any formative assessments administered, the evaluation methodology used at end of school year if administered, any statewide reading assessment data grade 4 through 6.

The OPI will provide a submission tool for this annual reporting requirement and will be available for participating districts. The OPI will report to the Education Interim Committee by Sept 1.

Early Literacy Program Data Collection Schedule

~Distributed via Authorized-Representative Email~

	INFINITE CAMPUS THROUGHOUT SCHOOL YEAR	HOME-BASED PROGRAM LICENSE REQUEST JULY 1, 2024	DATA COLLECTION #1 SEPTEMBER 2024	DATA COLLECTION #2 JUNE 2025
HOME-BASED PROGRAM ELIGIBLE STUDENT COUNT	✓	✓		
EVALUATION METHODOLOGY/ELIGIBILITY			✓	
JUMPSTART PROGRAM ENROLLMENT	✓		✓	
JUMPSTART PROGRAM EFFICACY			✓	
CLASSROOM-BASED PROGRAM ENROLLMENT				✓
CLASSROOM-BASED & HOME-BASED PROGRAM EFFICACY				✓
EOY SCREENING RESULTS FOR ELIGIBILITY	✓			✓



PUBLIC CHARTER SCHOOLS
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June 20, 2024

IMPLEMENTATION

House Bill 549 passed in the 2023 session and authorized the establishment of public charter schools in Montana. It also tasked the Montana Board of Public Education (BPE) to enter into public charter contracts with a governing board. OPI information available here: <https://opi.mt.gov/Families-Students/Parent-Resources/Charter-Schools>

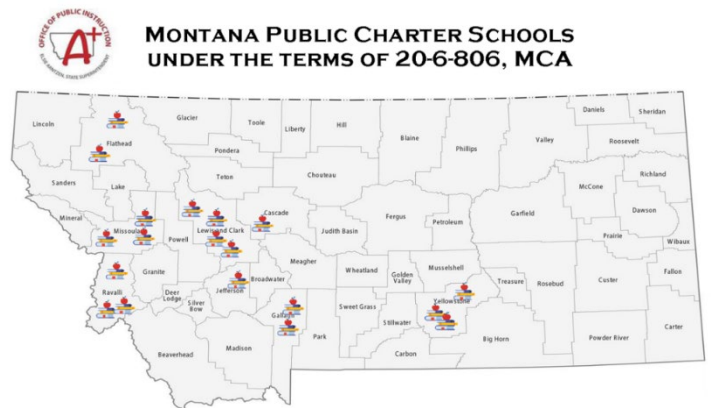
The BPE opened the first round of public charter applications in October 2023. The BPE approved 19 Public Charter Schools applications in January. Two of these schools are planning to open in the fall of 2025: Bozeman Charter School and Boulder Jefferson Academy. Seventeen others will open for the 2024-2025 school year. All seventeen schools have received their preliminary budget sheets with their base entitlements.

Innovation: Five public charter schools have been granted variances to accreditation standards. The OPI is supporting these schools in their new accreditation process.

Public Charter Applications for 2025-2026 school year are now available. Applications are due November 1, 2024. For more information on the application process visit

These 17 schools will open for 2024-2025 school year.

- Billings Early College
- Billings Multilingual Academy
- Billings Opportunity School
- Bozeman Bridger Charter
- Corvallis Distance Learning Center
- Corvallis Pathways Learning Center
- East Helena 227 Academy
- Frenchtown Broc Fast Track Public Charter
- Great Falls CORE School at Morningside Elementary
- Hamilton Bitterroot Polytech
- Helena Montessori Charter
- Helena Mount Ascension Learning Academy
- Helena Project for Alternative Learning
- Kalispell Flathead PACE Academy Charter
- Kalispell Rising Wolf Charter
- Missoula Connect Academy
- Missoula Teach Academy



LEGAL PROCEEDING REGARDING PUBLIC CHARTER SCHOOLS

A summary of the positions that the Board of Public Education (BPE), the Montana Quality Education Coalition (MQEC), and the OPI took on the implementation of Public Charter Schools:

- OPI's position was that [Title 20, Chapter 6, Part 5](#) (Opening and Closing of Schools) applied to public charter schools.
- BPE's position was that the Board could declare the public charter schools open and direct the public charter school opening process.
- MQEC's position was that Title 20, Chapter 6, Part 5 (Opening and Closing of Schools) did not apply to public charter schools and that, instead, the Board's directive should be required.
- OPI and MQEC reiterated their opposing positions during the briefing on the preliminary injunction motion.
- The District Court determined that OPI, not the Board, is responsible for public charter school opening.
- The District Court did not order OPI to comply with the Board's directive or prohibited OPI from enforcing Title 20, Chapter 6, Part 5, with one exception regarding only elementary schools: "OPI is preliminarily enjoined from requiring compliance with the parental petition, county superintendent approval and county commission approval provisions of Mont. Code Ann. § 20-6-502 as a condition to issuing schools codes and other support provided by OPI to charter schools."
- Furthermore the Court recognized that: "The Act [HB 549] could have given the Board exclusive supervision over public charter schools, but it did not. The Act could have exempted public charter schools from the other provisions of Title 20, but it instead expressly applied Title 20 to charter schools. The Act could have authorized the Board to open public charter schools, but it did not use that language."
- The court's ruling gives the opportunity for the legislature to reconfigure the Charter School opening process during the 2025 legislative session.

Immediately upon receiving the court's decision the OPI reached out to the Board of Public Education and notified the 11 school districts that have the 19 Public Charter School contracts.

For questions on implementation please contact Christy Mock-Stutz, Assistant Superintendent, christy.mock-stutz@mt.gov