

1 HOUSE BILL NO. 749
2 INTRODUCED BY L. JONES, D. BEDEY, J. WINDY BOY, F. ANDERSON, C. KNUDSEN, G. NIKOLAKAKOS,
3 A. BUCKLEY, B. LER, K. WALSH, D. SALOMON, B. BARKER, R. MINER, J. KASSMIER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING THE MONTANA
6 DIGITAL ACADEMY; REVISING THE PURPOSE OF THE MONTANA DIGITAL ACADEMY; PROVIDING NEW
7 REQUIREMENTS AND PARAMETERS FOR REMOTE INSTRUCTION PROVIDED BY THE MONTANA
8 DIGITAL ACADEMY; REVISING THE COMPOSITION AND THE MEMBERSHIP OF THE DIGITAL ACADEMY
9 BOARD; CREATING THE MONTANA DIGITAL ACADEMY CLEARINGHOUSE; PROVIDING
10 REQUIREMENTS FOR REMOTE INSTRUCTION OFFERINGS THROUGH THE CLEARINGHOUSE;
11 ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTION
12 20-7-1201, MCA; AND PROVIDING AN EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15

16 **Section 1.** Section 20-7-1201, MCA, is amended to read:

17 **"20-7-1201. Montana digital academy -- purposes -- governance.** (1) There is a Montana digital
18 academy at a unit of the Montana university system. THE PURPOSE OF THE MONTANA DIGITAL ACADEMY IS TO
19 ENHANCE THE STATE'S SYSTEM OF EDUCATION AND SUPPORT THE DEVELOPMENT OF THE FULL EDUCATIONAL POTENTIAL
20 OF EACH PERSON CONSISTENT WITH THE PROVISIONS OF ARTICLE X, SECTION 1(1), OF THE MONTANA CONSTITUTION.

21 (2) The purposes of the Montana digital academy are to SHALL:

22 (a) make ~~distance learning~~ remote instruction opportunities available to all school-age children
23 through public school districts in the state of ~~Montana~~, including students who are enrolled on a part-time
24 basis; REMOTE INSTRUCTION OPPORTUNITIES PROVIDED THROUGH THE ACADEMY MUST INCLUDE:

25 (i) REMOTE INSTRUCTION DEVELOPED IN MONTANA AND PROVIDED BY HIGHLY QUALIFIED EDUCATORS
26 LICENSED IN MONTANA; AND

27 (ii) ADDITIONAL HIGH-QUALITY REMOTE INSTRUCTION OFFERINGS THROUGH THE MONTANA DIGITAL
28 ACADEMY CLEARINGHOUSE UNDER [SECTION 2].

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1 (b) offer high-quality instructors who are licensed and endorsed in Montana and courses that are
2 in compliance with all relevant education and distance learning rules, standards, and policies ~~or another~~
3 ~~jurisdiction; and~~ MAXIMIZE ACCESS TO HIGH-QUALITY REMOTE INSTRUCTION THROUGH FLEXIBILITY IN LICENSURE AND
4 ENDORSEMENT. REMOTE INSTRUCTORS MAY INCLUDE TEACHERS WHO ARE LICENSED AND ENDORSED IN MONTANA OR
5 ELSEWHERE IN THE AREA OF INSTRUCTION TAUGHT. WHEN THE REMOTE INSTRUCTOR IS NOT LICENSED AND ENDORSED
6 IN MONTANA OR ELSEWHERE, THE SCHOOL DISTRICT PROVIDING REMOTE INSTRUCTION THROUGH THE ACADEMY SHALL
7 ASSIGN AN INDIVIDUAL WITH A CLASS 1, 2, 3, OR 4 LICENSE UNDER 20-4-106 TO FACILITATE PUPIL ACCESS TO THE
8 REMOTE INSTRUCTION.

9 (c) ~~emphasize the core subject matters required under the accreditation standards, offer advanced~~
10 ~~courses for dual credit in collaboration with the Montana university system, and offer enrichment courses~~
11 provide courses that empower pupils to become community, college, and career ready, including but not limited
12 to:

- 13 (i) core subject matters required under accreditation standards or school board policy;
- 14 (ii) innovative educational programs, as defined in 15-30-3102; and
- 15 (iii) proficiency-based courses.

16 (3) The Montana digital academy must be ~~is~~ governed by a board with equal representation from
17 as follows:

- 18 ~~(a) the commissioner of higher education or a designee;~~
- 19 ~~(b) the superintendent of public instruction or a designee;~~
- 20 ~~(c) a Montana-licensed and Montana-endorsed classroom teacher appointed by the board of public~~
21 ~~education;~~
- 22 ~~(d) a Montana-licensed school district administrator appointed by the board of public education;~~
- 23 ~~(e) a trustee of a Montana school district appointed by the board of public education;~~
- 24 ~~(f) the dean of the school of education of the hosting unit of the Montana university system or a~~
25 ~~designee as a nonvoting member; and~~
- 26 ~~(g) the two officers provided for in subsection (5) as nonvoting members.~~

27 ~~(a) The voting members of the governing board include:~~

28 ~~(i)(a) a member of the board of regents or a designee;~~

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1 ~~(ii)(b)~~ a member of the board of public education or a designee;

2 ~~(iii)(c)~~ the superintendent of public instruction or a designee;

3 ~~(iv)(d)~~ a trustee of a Montana school district appointed by the governor from a list of three candidates

4 provided by a state professional organization of school district trustees; ~~and~~

5 ~~(v)(e)~~ the governor or a designee;

6 ~~(b) — The nonvoting members of the governing board include:~~

7 ~~(i)(f)~~ a member of the senate appointed by the president of the senate in consultation with the

8 presiding officer of the senate education standing committee and the vice presiding officer of the joint

9 appropriations education standing subcommittee, ~~who is a nonvoting member;~~

10 ~~(ii)(g)~~ a member of the house of representatives appointed by the speaker of the house of

11 representatives in consultation with the presiding officer of the house of representatives education standing

12 committee and the presiding officer of the joint appropriations education standing subcommittee, ~~who is a~~

13 ~~nonvoting member;~~

14 ~~(iii)(h)~~ a Montana-licensed and Montana-endorsed classroom teacher appointed by the voting

15 members of the governing board;

16 ~~(iv)(i)~~ a Montana-licensed school district administrator appointed by the voting members of the

17 governing board in consultation with a state professional organization of school administrators; ~~and~~

18 ~~(v)(j)~~ the program director provided for in subsection (5), ~~who is a nonvoting member.~~

19 (4) The governing board shall select one of the legislators appointed pursuant to subsection

20 ~~(3)(b)(i) or (3)(b)(ii)-(3)(f) or (3)(g)~~ to be the presiding officer of the governing board. ~~The governing board shall~~

21 ~~elect a presiding officer and~~ ~~and select~~ a vice presiding officer to 2-year terms without limitation on the number

22 of terms.

23 (5) The governing board shall hire a program director and a curriculum director ~~who shall serve as~~

24 ~~chief executive officer and vice chief executive officer respectively on the governing board in a nonvoting~~

25 ~~capacity.~~ The program director shall develop and, upon approval of the governing board, implement and publish

26 policies and guidelines for the Montana digital academy pertaining to:

27 (a) course offerings;

28 (b) software and hardware selection;

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- 1 (c) instructor selection;
- 2 (d) partnering school agreements;
- 3 (e) instructor training and curriculum development;
- 4 (f) course evaluation;
- 5 (g) grant opportunities; and
- 6 (h) other activities that are essential to the success of a statewide distance learning program.

7 (6) The governing board shall provide a biennial report to the education interim committee and
8 education interim budget committee in accordance with the provisions of 5-11-210. The report must include but
9 is not limited to the following information:

- 10 (a) the number of students served and number of enrollments;
- 11 (b) a list of school districts served, including data about size and geographic location of the districts
12 served;
- 13 (c) the number and type of courses offered, including a breakdown of:
 - 14 (i) regular courses;
 - 15 (ii) dual credit, advanced placement, and college courses;
 - 16 (iii) credit recovery courses; and
 - 17 (iv) courses offering industry-recognized credentials;
- 18 (d) the number of credits earned, including a breakdown of:
 - 19 (i) regular credits;
 - 20 (ii) dual credit, advanced placement, and college credits;
 - 21 (iii) credit recovery credits;
 - 22 (iv) industry-recognized credentials; and
 - 23 (v) career and technical education credits;
- 24 (e) information about third-party services provided through the clearinghouse and a breakdown of
25 enrollments in Montana digital academy courses compared to enrollments in third-party courses;
- 26 (f) results of student satisfaction surveys; and
- 27 (g) any recommendations for proposed legislation."

28

1 **NEW SECTION. Section 2. Montana digital academy clearinghouse.** (1) There is a Montana
2 digital academy clearinghouse. The purpose of the clearinghouse is to provide additional choice and flexibility
3 to build local capacity for serving pupils with remote instruction courses, models, and materials.

4 (2) The Montana digital academy staff shall develop a clearinghouse interface to provide pupils
5 with access to additional course providers, content, services, and formats. The clearinghouse must provide
6 access to the full range of offerings available through the Montana digital academy.

7 (3) Services provided through the clearinghouse must include at a minimum but are not limited to:

8 (a) digital content and platform services;

9 (b) courses fostering community, college, and career readiness for pupils, including courses to:

10 (i) satisfy promotion and graduation requirements of the board of public education and the local
11 school district;

12 (ii) provide access to college credit through direct access to college courses, advanced placement
13 courses, and dual credit courses; and

14 (iii) provide access to industry-recognized credentials;

15 (c) third-party services; and

16 (d) proficiency assessment services.

17 (4) In administering the clearinghouse, the Montana digital academy staff shall:

18 (a) select, evaluate, and monitor high-quality providers, courses, and services; and

19 (b) provide technical assistance on the offered services.

20
21 **NEW SECTION. Section 3. Appropriation.** There is appropriated \$950,000 from the general fund to
22 the office of the commissioner of higher education for each year of the biennium beginning July 1, 2023, to be
23 passed through to the Montana digital academy for the purposes provided in [section 2].

24
25 **NEW SECTION. Section 4. Codification instruction.** [Section 2] is intended to be codified as an
26 integral part of Title 20, chapter 7, part 12, and the provisions of Title 20, chapter 7, part 12, apply to [section 2].

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28 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2023.

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- END -

AMEND