

Amendment - 1st Reading/2nd House-blue - Requested by: John Fuller - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0946.002.003

1 HOUSE BILL NO. 946

2 INTRODUCED BY D. BEDEY, L. JONES

3

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

14

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

16

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

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

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

22 (a) library deployment locations;

23 (b) the comparison of rural and urban deployment locations;

24 (c) hot spot usage measured by gigabytes for each device and by library; and

25 (d) verification that ~~there was no~~ ANY commercial activity usage of the hot spots ~~in compliance with~~

26 ~~Title 22, chapter 1, part 14.~~ IS CONSISTENT WITH LIBRARY POLICY.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

NEW SECTION. Section 2. Education interim budget committee study of fiscal issues

regarding education. For the 2023-2024 interim, the education interim budget committee provided for in 5-12-501 shall direct a study of potential services the department of administration may be able to provide to the Montana arts council, the Montana historical society, and the Montana state library to create operating efficiencies.

NEW SECTION. Section 3. Office of commissioner of higher education ~~report reports~~. (1) The

office of the commissioner of higher education shall report to the education interim budget committee provided for in 5-12-501 on the funding provided to the tribal colleges for high school equivalency test (HiSET) preparation through the HiSET to Tribal Colleges line-item in House Bill No. 2.

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

September 1, 2024.

(3) (a) The office of the commissioner of higher education shall report to the education interim budget committee provided for in 5-12-501 on all existing collaborations, partnerships, contracts, donations, and contributions related to an entity or individual associated with a foreign country of concern. The first report must be made by July 31, 2023. Following the first report, the office of the commissioner of higher education shall report twice more during the following year, by January 31 and July 31.

- (b) The report required in subsection (3)(a) must include the following information:
 - (i) a description of each partnership, collaboration, contract, donation, or contribution;
 - (ii) the goal of the partnership, collaboration, contract, donation, or contribution;

Amendment - 1st Reading/2nd House-blue - Requested by: John Fuller - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0946.002.003

- 1 (iii) the length of the partnership, collaboration, contract, donation, or contribution;
- 2 (iv) whether the arrangement is curriculum oriented or research oriented;
- 3 (v) the full legal name of the individual or entity that made or received the contribution or donation,
- 4 or entered into the contract to which the disclosure pertains;
- 5 (vi) whether or not the state institution received financial compensation for the arrangement and
- 6 the amount of such compensation; and
- 7 (vii) whether or not the entity received financial compensation from the institution and the amount of
- 8 such compensation.
- 9 (c) The report required in subsection (3)(a) applies to all units of the Montana university system
- 10 and any departments, centers, institutes, or other activities of the Montana university system.
- 11 (4) As used in subsection (3), the following definitions apply:
- 12 (a) "Entity or individual associated with a foreign country of concern" means:
- 13 (i) a foreign corporation created or organized in a foreign country of concern;
- 14 (ii) a foreign national from a foreign country of concern;
- 15 (iii) a government entity from a foreign country of concern
- 16 (iv) an entity controlled by the government of a foreign country of concern;
- 17 (v) a domestic or foreign subsidiary of an entity located within a foreign country of concern; or
- 18 (vi) a domestic nonprofit organization that has received more than \$100,000 in one calendar year
- 19 or more than 10% of its total funding for that year, whichever is less, from an entity described in subsections
- 20 (4)(a)(i) through (4)(a)(iv).
- 21 (b) "Foreign corporation" means a corporation or other business entity that was not created or
- 22 organized in the United States or under the laws of the United States, any of its states, or the District of
- 23 Columbia;
- 24 (c) "Foreign country of concern" means a country that is a covered nation as defined in 10 U.S.C.
- 25 4872(d).

26
27 **NEW SECTION. Section 4. Office of public instruction report.** (1) The office of public instruction

Amendment - 1st Reading/2nd House-blue - Requested by: John Fuller - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0946.002.003

- 1 shall report for each school district participating in the advanced opportunity grant program under 20-7-1506:
- 2 (a) the total amount of funding received and the total amount expended; and
- 3 (b) for each opportunity afforded to a student:
- 4 (i) a description of the opportunity;
- 5 (ii) whether the opportunity was afforded within the school or was an out-of-school experience;
- 6 (iii) the number of students participating in the opportunity; and
- 7 (iv) the funds expended on the opportunity.
- 8 (2) The office of public instruction shall report for each school district participating in the
- 9 transformational learning grant program:
- 10 (a) the total amount of funding received and the total amount expended;
- 11 (b) a description of the transformational activities being provided through the program;
- 12 (c) the metrics used for evaluating the effectiveness of each transformational activity;
- 13 (d) an assessment of the effectiveness of each transformational activity; and
- 14 (e) future plans for each transformational activity.
- 15 (3) By September 1, 2023, and by September 1, 2024, the office of public instruction shall report
- 16 on innovative educational donations made pursuant to 15-30-3111. The report must include the following
- 17 information:
- 18 (a) for a public school district:
- 19 (i) the name of the school district receiving a donation;
- 20 (ii) the total amount of donations received by the school district in the current fiscal year; and
- 21 (iii) how those donations were used by that public school district;
- 22 (b) for each nonpublic school entity:
- 23 (i) the name of the entity and its address;
- 24 (ii) the total amount of donations received by the entity in the current fiscal year; and
- 25 (iii) how those donations were used by that entity; and
- 26 (c) the amount of funds retained for covering overhead costs by the entity that administered the
- 27 program.

Amendment - 1st Reading/2nd House-blue - Requested by: John Fuller - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0946.002.003

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

2

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

4 **"20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school
5 in the district when the child is:

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

8 (b) a resident of the district; and

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

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

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

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

18 (i) the child is being admitted into a preschool program established by the trustees pursuant to 20-
19 7-117;

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

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

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

26 (4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B.
27 McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The

Amendment - 1st Reading/2nd House-blue - Requested by: John Fuller - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0946.002.003

1 trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

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

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

7 (7) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in
8 the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance
9 policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding
10 the assignment is final."
11

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

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

26 (2) The trustees of an elementary school district may establish and operate a free preschool
27 program for children between the ages of 3 and 5 years. When preschool programs are established, they must

Amendment - 1st Reading/2nd House-blue - Requested by: John Fuller - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0946.002.003

1 be an integral part of the elementary school and must be governed accordingly. Financing of preschool
2 programs may not be supported by money available from state equalization aid.

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

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

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

9

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

11

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

14

15 NEW SECTION. Section 9. Applicability. [Sections 5 and 6] apply to school years beginning on or
16 after July 1, 2023.

17

- END -