

Amendment - 1st Reading-white - Requested by: Shannon O'Brien - (S) Education and Cultural Resources

- 2023

68th Legislature 2023

Drafter: Pad McCracken, 406-444-3595

SB0008.001.001

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SENATE BILL NO. 8

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INTRODUCED BY S. O'BRIEN

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BY REQUEST OF THE EDUCATION INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PERSONALIZED AND
6 TRANSFORMATIONAL LEARNING; DEFINING "PROFICIENCY-BASED LEARNING"; REVISING
7 ELIGIBILITY REQUIREMENTS FOR TRANSFORMATIONAL LEARNING AID PAYMENTS; AMENDING
8 SECTIONS 20-7-1601 AND 20-7-1602, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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12 **Section 1.** Section 20-7-1601, MCA, is amended to read:

13 **"20-7-1601. Forms of personalized learning -- legislative intent.** (1) The legislature finds and
14 declares pursuant to Article X, section 1, of the 1972 Montana constitution that forms of personalized learning
15 authorized under Montana law, including but not limited to work-based learning pursuant to 20-7-1510,
16 proficiency under 20-9-311, proficiency-based learning as defined in subsection (2) of this section,
17 determinations of course equivalency by an elected board of trustees under 20-3-324(18), offsite instruction
18 under 20-7-118, and transformational learning, are appropriate means of fulfilling the people's goal of
19 developing the full educational potential of each person. The provision of and participation in forms of
20 personalized learning under this part and in compliance with accreditation standards of the board of public
21 education are constitutionally compliant and protected. The legislature declares that any public or private
22 regulation that discriminates against a district or pupil participating in forms of personalized learning referenced
23 in this section is inconsistent with constitutional goals and guarantees under Article X of the Montana
24 constitution.

25 (2) "Proficiency-based learning" means ~~an education system in which student progress is based~~
26 ~~on a student's demonstration of knowledge and skills, not seat time or the age or grade level of the student~~
27 systems of instruction, assessment, and academic reporting that are based on students demonstrating that they

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1 have learned the knowledge and skills as outlined in the state content standards."

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3 **Section 2.** Section 20-7-1602, MCA, is amended to read:

4 **"20-7-1602. (Temporary) Incentives for creation of transformational learning programs.** (1) (a) A
5 school district as defined in 20-6-101 that satisfies the conditions of subsection (2) and is qualified by the board
6 of public education pursuant to subsection (4) is eligible for a 4-consecutive-year provision of the transitional
7 funding and flexibilities in subsections (5) and (6).

8 (b) A school district may be qualified by the board of public education for no more than one 4-
9 consecutive-year provision of transitional funding and flexibilities in any 8-year period.

10 (2) To qualify for the transitional funding and flexibilities in subsections (5) and (6), the board of
11 trustees of a district shall submit an application that has been approved by motion of the board of trustees and
12 signed by the presiding officer to the board of public education for approval of a transformational learning
13 program on a form provided by the superintendent of public instruction. The school board's application must:

14 (a) identify the number of full-time equivalent educators meeting the criteria of 20-9-327(3) who will
15 participate in the district's transformational learning program, with full-time equivalence calculated and reported
16 by the district based on the planned portion of each qualifying educator's full-time equivalent assignment that is
17 dedicated to the district's transformational learning program;

18 (b) ~~include the district's definition of proficiency within the meaning of that term as used in 20-9-~~
19 ~~311 (4)(d). The definition must not require seat time as a condition or other element of determining proficiency.~~
20 ~~The definition must be incorporated in the district's policies and must be used for purposes of determining~~
21 ~~content and course mastery and other progress, promotion from grade to grade, grades, and graduation for~~
22 ~~pupils enrolled in the district's transformational learning program.~~describe the district's plans for the
23 implementation of proficiency-based learning as defined in 20-7-1601; and

24 (c) include a strategic plan with appropriate planning horizons for implementation, measurable
25 objectives to ensure accountability, and planned strategies to:

26 (i) develop a transformational learning plan for each participating pupil that honors individual
27 interests, passions, strengths, needs, and culture and that is rooted in relationships with teachers, family, peers,