

## 1 HOUSE BILL NO. 246

2 INTRODUCED BY M. BERTOGLIO, F. ANDERSON, D. BEDEY, L. JONES, W. MCKAMEY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS TO STRENGTHEN  
5 SUPERVISION AND CONTROL BY ELECTED SCHOOL BOARDS AND TO INCREASE OPPORTUNITIES  
6 FOR PUPILS; BROADENING THE CONCEPT OF INSTRUCTION TO EXPAND A FOCUS ON THE  
7 OUTCOME OF LEARNING FOR EACH PUPIL; REVISING TEACHER, SPECIALIST, AND ADMINISTRATOR  
8 CERTIFICATION TO CODIFY FLEXIBILITIES AVAILABLE TO ELECTED SCHOOL BOARDS UNDER RULES  
9 OF THE BOARD OF PUBLIC EDUCATION; STREAMLINING THE PROCESS OF LICENSING TO ASSIST  
10 ELECTED SCHOOL BOARDS IN SUCCESSFULLY RECRUITING AND RETAINING QUALIFIED  
11 EDUCATORS; CLARIFYING THE CONDITIONS UNDER WHICH AN ELECTED SCHOOL BOARD MAY  
12 QUALIFY FOR EMERGENCY AUTHORIZATION TO EMPLOY AN UNLICENSED TEACHER; CODIFYING  
13 THE AUTHORITY OF ELECTED SCHOOL BOARDS TO WAIVE SPECIFIC COURSE REQUIREMENTS  
14 BASED ON INDIVIDUAL PUPIL NEEDS, INTERESTS, ASPIRATIONS, AND PERFORMANCE LEVELS;  
15 CODIFYING THE AUTHORITY OF ELECTED SCHOOL BOARDS TO GRANT CREDIT FOR ANY COURSE  
16 WHEN A PUPIL HAS GAINED PROFICIENCY OVER COURSE CONTENT THROUGH ALTERNATIVE  
17 MEANS; AUTHORIZING ELECTED SCHOOL BOARDS TO EXPAND PARTNERSHIPS WITH WORK-BASED  
18 LEARNING PARTNERS AND GRANT EQUIVALENT CREDIT FOR TIME SPENT BY A PUPIL  
19 PARTICIPATING IN ON-THE-JOB EXPERIENCES WITH A WORK-BASED LEARNING PARTNER;  
20 AUTHORIZING AN ELECTED SCHOOL BOARD TO ALLOW NONRESIDENT STUDENTS TO PARTICIPATE  
21 IN OFFSITE INSTRUCTION IN CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 20-1-101, 20-3-324,  
22 20-4-101, 20-4-104, 20-4-106, 20-4-111, 20-7-118, AND 20-7-1601, MCA; AMENDING SECTION 7, CHAPTER  
23 402, LAWS OF 2019; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

24

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

26

27 **Section 1.** Section 20-1-101, MCA, is amended to read:28 **"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the

1 following definitions apply:

2 (1) "Accreditation standards" means the body of administrative rules governing standards such as:

3 (a) school leadership;

4 (b) educational opportunity;

5 (c) academic requirements;

6 (d) program area standards;

7 (e) content and performance standards;

8 (f) school facilities and records;

9 (g) student assessment; and

10 (h) general provisions.

11 (2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is

12 offered or for which a pupil is enrolled.

13 (3) "Agricultural experiment station" means the agricultural experiment station established at Montana  
14 state university-Bozeman.

15 (4) "At-risk student" means any student who is affected by environmental conditions that negatively  
16 impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

17 (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time  
18 pupils physically attending or receiving educational services at an offsite instructional setting from the public  
19 schools of a district.

20 (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the  
21 Montana constitution and 2-15-1507.

22 (7) "Board of regents" means the board of regents of higher education created by Article X, section 9,  
23 subsection (2), of the Montana constitution and 2-15-1505.

24 (8) "Commissioner" means the commissioner of higher education created by Article X, section 9,  
25 subsection (2), of the Montana constitution and 2-15-1506.

26 (9) "County superintendent" means the county government official who is the school officer of the  
27 county.

28 (10) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate

1 with a superintendent's endorsement that has been issued by the superintendent of public instruction under the  
2 provisions of this title and the policies adopted by the board of public education and who has been employed by  
3 a district as a district superintendent.

4 (11) (a) "Educational program" means a set of educational offerings designed to meet the program  
5 area standards contained in the accreditation standards.

6 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

7 (12) "K-12 career and vocational/technical education" means organized educational activities that have  
8 been approved by the office of public instruction and that:

9 (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and  
10 skills that the pupil needs to prepare for further education and for careers in the current or emerging  
11 employment sectors; and

12 (b) include competency-based applied learning ~~that contributes through advanced opportunities,~~  
13 work-based learning partnerships, and other experiential learning opportunities that contribute to the academic  
14 knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills,  
15 technical skills, and occupation-specific skills of the pupil.

16 (13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be  
17 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between  
18 classes and, in an offsite instructional setting, includes time spent logging on and off an offsite learning  
19 platform.

20 (b) The term does not include lunch time and periods of unstructured recess.

21 (14) "Offsite instructional setting" means an instructional setting at a location, separate from a main  
22 school site, where a school district provides for ~~the delivery of~~ instruction to a student who is enrolled in the  
23 district.

24 (15) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an  
25 applicable principal's endorsement that has been issued by the superintendent of public instruction under the  
26 provisions of this title and the policies adopted by the board of public education and who has been employed by  
27 a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including  
28 a principal.

1           (16) "Pupil" means a child who is 5 years of age or older on or before September 10 of the year in  
2           which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-  
3           101(3) but who has not yet reached 19 years of age and who is enrolled in a school established and maintained  
4           under the laws of the state at public expense. For purposes of calculating the average number belonging  
5           pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by  
6           September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the  
7           laws of the state at public expense.

8           (17) "Pupil instruction" means the conduct of organized ~~instruction of~~ learning opportunities for pupils  
9           enrolled in public schools while under the supervision of a teacher. The term includes any directed, distributive,  
10          collaborative, or work-based or other experiential learning activity provided, supervised, guided, facilitated, or  
11          coordinated under the supervision of a teacher that is conducted purposely to achieve content proficiency and  
12          facilitate the acquisition of knowledge, skills, and abilities by pupils enrolled in public schools, and to otherwise  
13          fulfill their full educational potential.

14          (18) "Qualified and effective teacher or administrator" means an educator who is licensed and  
15          endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as  
16          established by the board of public education.

17          (19) "Regents" means the board of regents of higher education.

18          (20) "Regular school election" or "trustee election" means the election for school board members held  
19          on the day established in 20-20-105(1).

20          (21) "School election" means a regular school election or any election conducted by a district or  
21          community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high  
22          school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for  
23          decision in accordance with the provisions of this title.

24          (22) "School food services" means a service of providing food for the pupils of a district on a nonprofit  
25          basis and includes any food service financially assisted through funds or commodities provided by the United  
26          States government.

27          (23) "Special school election" means an election held on a day other than the day of the regular school  
28          election, primary election, or general election.

1 (24) "State board of education" means the board composed of the board of public education and the  
2 board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

3 (25) "State university" means Montana state university-Bozeman.

4 (26) "Student with limited English proficiency" means any student:

5 (a) (i) who was not born in the United States or whose native language is a language other than  
6 English;

7 (ii) who is an American Indian and who comes from an environment in which a language other than  
8 English has had a significant impact on the individual's level of English proficiency; or

9 (iii) who is migratory, whose native language is a language other than English, and who comes from an  
10 environment in which a language other than English is dominant; and

11 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be  
12 sufficient to deny the student:

13 (i) the ability to meet the state's proficiency assessments;

14 (ii) the ability to successfully achieve in classrooms ~~where~~ in which the language of instruction is  
15 English; or

16 (iii) the opportunity to participate fully in society.

17 (27) "Superintendent of public instruction" means that state government official designated as a  
18 member of the executive branch by the Montana constitution.

19 (28) "System" means the Montana university system.

20 (29) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher  
21 certificate that has been issued by the superintendent of public instruction under the provisions of this title and  
22 the policies adopted by the board of public education and who is employed by a district as a member of its  
23 instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an  
24 emergency authorization of employment has been issued under the provisions of 20-4-111.

25 (30) "Textbook" means a book, DIGITAL RESOURCE, or manual used as a principal source of study  
26 material for a given class or group of students.

27 (31) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to  
28 sell, or offering for adoption textbooks to districts in the state.

1 (32) "Trustees" means the governing board of a district.

2 (33) "University" means the university of Montana-Missoula.

3 (34) "Vocational-technical education" means vocational-technical education of vocational-technical  
4 students that is conducted by a unit of the Montana university system, a community college, or a tribally  
5 controlled community college, as designated by the board of regents."

6

7 **Section 2.** Section 20-3-324, MCA, is amended to read:

8 **"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of ~~each a~~ district  
9 shall exercise supervision and control of the schools of the district in providing its educational program pursuant  
10 to Article X, section 8, of the Montana constitution, and shall:

11 (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district  
12 superintendent, the county high school principal, or other principal as the board considers necessary, accepting  
13 or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the  
14 provisions of Title 20, chapter 4;

15 (2) employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians,  
16 maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel  
17 considered necessary to carry out the various services of the district;

18 (3) administer the attendance and tuition provisions and govern the pupils of the district in accordance  
19 with the provisions of the pupils chapter of this title;

20 (4) call, conduct, and certify the elections of the district in accordance with the provisions of the school  
21 elections chapter of this title;

22 (5) participate in the teachers' retirement system of the state of Montana in accordance with the  
23 provisions of the teachers' retirement system chapter of Title 19;

24 (6) participate in district boundary change actions in accordance with the provisions of the school  
25 districts chapter of this title;

26 (7) organize, open, close, or acquire isolation status for the schools of the district in accordance with  
27 the provisions of the school organization part of this title;

28 (8) adopt and administer the annual budget or a budget amendment of the district in accordance with

1 the provisions of the school budget system part of this title;

2 (9) conduct the fiscal business of the district in accordance with the provisions of the school financial  
3 administration part of this title;

4 (10) establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve,  
5 and state impact aid amounts for the general fund of the district in accordance with the provisions of the general  
6 fund part of this title;

7 (11) establish, maintain, budget, and finance the transportation program of the district in accordance  
8 with the provisions of the transportation parts of this title;

9 (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions  
10 of the bonds parts of this title;

11 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund,  
12 building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous  
13 programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal  
14 cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance  
15 with the provisions of the other school funds parts of this title;

16 (14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in  
17 accordance with the provisions of the miscellaneous financial parts of this title;

18 (15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance  
19 with the provisions of the school sites and facilities part of this title;

20 (16) operate the schools of the district in accordance with the provisions of the school calendar part of  
21 this title;

22 (17) set the length of the school term, school day, and school week in accordance with 20-1-302;

23 (18) establish and maintain the ~~instructional services~~ educational program of the schools of the district  
24 in accordance with the provisions of the instructional services, textbooks, K-12 career and vocational/technical  
25 education, and special education parts of this title; In undertaking its duties related to the district's educational  
26 program, the board of trustees may:

27 (a) waive any specific course requirement otherwise required for graduation based on individual  
28 student needs and performance levels, age, maturity, interest, and aspirations of the pupil, in consultation with

1 the pupil's parents or guardians; and

2 (b) provide credit for a course satisfactorily completed in a period of time shorter or longer than  
3 normally required as set forth in 20-9-311(4)(d) or through content proficiency gained through alternative  
4 means. Examples of alternative means by which content proficiency may be achieved include but are not  
5 limited to correspondence, extension, and distance learning courses, adult education, summer school, work  
6 study, work-based learning partnerships, and other experiential learning opportunities, custom-designed  
7 courses, and challenges to current courses. Montana schools shall accept units of credit taken with the  
8 approval of the accredited Montana school in which the student was then enrolled and which appear on the  
9 student's official school transcript.

10 (19) establish and maintain the school food services of the district in accordance with the provisions of  
11 the school food services parts of this title;

12 (20) make reports from time to time as the county superintendent, superintendent of public instruction,  
13 and board of public education may require;

14 (21) retain, when considered advisable, a physician or registered nurse to inspect the sanitary  
15 conditions of the school or the general health conditions of each pupil and, upon request, make available to any  
16 parent or guardian any medical reports or health records maintained by the district pertaining to the child;

17 (22) for each member of the trustees, visit each school of the district not less than once each school  
18 fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school  
19 district may share the responsibility for visiting each school in the district;

20 (23) procure and display outside daily in suitable weather on school days at each school of the district  
21 an American flag that measures not less than 4 feet by 6 feet;

22 (24) provide that an American flag manufactured in the United States that measures approximately 3  
23 feet by 5 feet be prominently displayed in each classroom in each school of the district no later than the  
24 beginning of the school year, except in a classroom in which the flag may get soiled. Districts are encouraged  
25 to work with civic groups to acquire flags through donation, and this requirement is waived if the flags are not  
26 provided by a civic group.

27 (25) for grades 7 through 12, provide that legible copies of the United States constitution, the United  
28 States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily



1 available in every classroom no later than the beginning of the school year. Districts are encouraged to work  
 2 with civic groups to acquire the documents through donation, and this requirement is waived if the documents  
 3 are not provided by a civic group.

4 (26) adopt and administer a district policy on assessment for placement of any child who enrolls in a  
 5 school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

6 (27) upon request and in compliance with confidentiality requirements of state and federal law,  
 7 disclose to interested parties school district student assessment data for any test required by the board of  
 8 public education;

9 (28) consider and may enter into an interlocal agreement with a postsecondary institution, as defined  
 10 in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a  
 11 postsecondary institution;

12 (29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of  
 13 20-1-303; and

14 (30) perform any other duty and enforce any other requirements for the ~~government of the schools~~  
 15 governance of the schools pursuant to the constitutional power of supervision and control of schools vested in  
 16 elected school boards pursuant to Article X, section 8, of the Montana constitution as prescribed by this title, the  
 17 policies of the board of public education, or the rules of the superintendent of public instruction."

18

19 **Section 3.** Section 20-4-101, MCA, is amended to read:

20 **"20-4-101. System and definitions of teacher and specialist certification -- student teacher**

21 **exception.** (1) In order to establish a uniform system of quality education and to ensure the maintenance of  
 22 professional standards, a system of teacher and specialist certification must be established and maintained  
 23 under the provisions of this title and a person may not be permitted to teach in the public schools of the state  
 24 until the person has obtained a teacher or specialist certificate or the district has obtained an emergency  
 25 authorization of employment from the state.

26 (2) As used in this part, "teacher or specialist certificate" means a certificate issued or applied for  
 27 under 20-4-106. The term "teacher or specialist" refers to a person certified under 20-4-106.

28 (3) The certification requirement does not apply to:

1           (a) a student teacher who is a student enrolled in an institution of higher learning approved by the  
 2 board of regents of higher education for teacher training and who is jointly assigned by the institution of higher  
 3 learning and the governing board of a district or a public institution to perform practice teaching in a nonsalaried  
 4 status under the direction of a regularly employed and certificated teacher; or

5           (b) an instructor employed by the Montana university system or an accredited institution of equal rank  
 6 and standing as that of any unit of the Montana university system when teaching any advanced course offered  
 7 to pupils as defined in 20-1-101 for college credit, including courses provided pursuant to 20-3-324(28).

8           (4) ~~A student teacher, while serving a nonsalaried internship under the supervision of a certificated~~  
 9 ~~teacher, An individual to whom the certification requirement does not apply under subsection (3) must be~~  
 10 ~~accorded the same protection of the laws as that accorded a certificated teacher and shall, while acting as a~~  
 11 ~~student teacher performing functions authorized under subsection (3), comply with all rules of the governing~~  
 12 ~~board of the district or public institution and the applicable provisions of 20-4-301 relating to the duties of~~  
 13 ~~teachers."~~

14  
 15           **Section 4.** Section 20-4-104, MCA, is amended to read:  
 16           **"20-4-104. Qualifications.** (1) A person may be certified as a teacher when the person satisfies the  
 17 following qualifications. The person:

18           (a) is 18 years of age or older;

19           (b) is of good moral and professional character;

20           (c) (i) has completed the teacher education program of a unit of the Montana university system or an  
 21 essentially equivalent program at an accredited institution of equal rank and standing as that of any unit of the  
 22 Montana university system, and the training is evidenced by at least a bachelor's degree and a certification of  
 23 the completion of the teacher education program, except as provided for in 20-4-106(1)(d);

24           (ii) possesses a current certification from the national board for professional teaching standards in an  
 25 area essentially equivalent to an area approved for endorsement in this state; or

26           (iii) possesses a current ~~standard, unrestricted out-of-state~~ educator license FROM ANOTHER STATE OR  
 27 COUNTRY and successful experience for the number of years, up to a maximum of 5 years, provided by the  
 28 policies of AS DETERMINED BY the board of public education in an endorsement area essentially equivalent to an

1 ~~area approved for endorsement in this state. The requirement of proof of successful experience may be~~  
 2 ~~satisfied by a recommendation from the out-of-state state-accredited elementary or secondary school employer~~  
 3 ~~on a form prescribed by the superintendent of public instruction; and~~

4 (d) has subscribed to the following oath or affirmation before an officer authorized by law to  
 5 administer oaths:

6 "I solemnly swear (or affirm) that I will support The Constitution of the United States of America and  
 7 The Constitution of the State of Montana."

8 (2) Any person may be certified as a specialist when the person satisfies the requirements of  
 9 subsections (1)(a) and (1)(b) and the requirement for a specialist certificate provided in 20-4-106(2).

10 ~~(3) For the purposes of subsection (1)(c), the term "essentially equivalent" is intended to be~~  
 11 ~~interpreted and administered in a manner that does not require an identical license or endorsement and that~~  
 12 ~~emphasizes an orientation toward granting, as opposed to denying certification to a successful educator~~  
 13 ~~seeking licensure in the state."~~

14

15 **Section 5.** Section 20-4-106, MCA, is amended to read:

16 **"20-4-106. Classifications of teacher and specialist certificates.** (1) The superintendent of public  
 17 instruction shall issue teacher certificates and the board of public education shall adopt teacher certification  
 18 policies on the basis of the following classifications of teacher certificates:

19 (a) The class 1 professional certificate may be issued to an otherwise qualified applicant who has  
 20 completed a teacher education program that includes a bachelor's degree and a minimum of 1 year of study  
 21 beyond the degree in a unit of the Montana university system or an equivalent institution. The professional  
 22 certificate may be endorsed for elementary instruction, for secondary instruction, or both, and for specified  
 23 subject fields on the basis of the applicant's academic and professional training and according to the board of  
 24 public education policy for teacher certification endorsement.

25 (b) The class 2 standard certificate may be issued to an otherwise qualified applicant who has  
 26 completed a 4-year teacher education program and who has been awarded a bachelor's degree by a unit of the  
 27 Montana university system or an equivalent institution. The standard certificate may be endorsed for  
 28 elementary instruction, for secondary instruction, or both, and for specified subject fields on the basis of the

1 applicant's academic and professional training and according to the board of public education policy for teacher  
2 certification endorsement.

3 (c) ~~(i)~~ The class 3 administrative and supervisory certificate may be issued to an otherwise qualified  
4 applicant who is eligible for a teacher OR SPECIALIST certificate ~~endorsed for teaching~~ in the school or schools in  
5 which the applicant would be an administrator or would supervise. The applicant must also possess the training  
6 and experience required by the policies of the board of public education for an endorsement as superintendent,  
7 principal, or supervisor. An applicant for a class 3 administrative and supervisory certificate who is currently  
8 licensed in another state at a comparable level of licensure essentially equivalent to the class 3 administrative  
9 and supervisory certificate is eligible for licensure with verification of successful administrative experience for  
10 the number of years, up to a maximum of 5 years, as provided by the policies of the board of public education.  
11 The requirement of proof of successful experience may be satisfied by a recommendation from the out-of-state  
12 state-accredited elementary or secondary school employer on a form prescribed by the superintendent of public  
13 instruction.

14 ~~(ii) For the purposes of this subsection(1)(c), the term "essentially equivalent" is intended to be~~  
15 ~~interpreted and administered in a manner that does not require an identical license or endorsement and that~~  
16 ~~emphasizes an orientation toward granting, as opposed to denying license to a successful educator seeking~~  
17 ~~licensure in this state.~~

18 (d) (i) The class 4 vocational, recreational, or adult education certificate may be issued to an  
19 otherwise qualified applicant who has the qualifications of training and experience required by the United States  
20 office of education or the qualifications required by the special needs of the several vocational, recreational, or  
21 adult education fields and who can qualify under the policy of the board of public education for the issuance of  
22 this classification of teacher certification.

23 (ii) (A) A class 4C license must be issued to individuals who hold at least a high school diploma or  
24 high school equivalency diploma and have completed a minimum of 10,000 hours of documented, relevant  
25 work experience, which may include apprenticeship training, documenting the knowledge and skills required in  
26 the specific trade in which they are to teach. Acceptable documentation of relevant work experience is  
27 determined by the superintendent of public instruction consistent with rules of the board of public education.

28 (B) Trades in which a class 4C licensed individual can teach include agriculture business, marketing,

1 and communications, agriculture mechanics, auto body, automotive technology, aviation, building maintenance,  
 2 building trades, computer information systems, culinary arts, diesel mechanics, drafting, electronics,  
 3 engineering, graphic arts, health occupations education, heavy equipment operator, horticulture, industrial  
 4 mechanics, livestock production, machining, metals, plant and soil sciences, ROTC, small engines, power  
 5 equipment technology, traffic education, theatre arts, videography, welding, and any other trade approved by  
 6 the superintendent of public instruction.

7 (e) The class 5 provisional certificate may be issued to an otherwise qualified applicant who can  
 8 provide satisfactory evidence of the intent to qualify in the future for a class 1 or a class 2 certificate and who  
 9 has completed a 4-year college program or its equivalent and holds a bachelor's degree from a unit of the  
 10 Montana university system or its equivalent. The provisional certificate may be endorsed for elementary  
 11 instruction, for secondary instruction, or both, and for special subject fields on the basis of the applicant's  
 12 academic and professional training and according to the board of public education policy for teacher or  
 13 specialist certification endorsement.

14 (2) The superintendent of public instruction shall issue specialist certificates, and the board of public  
 15 education shall adopt specialist certification policies. The specialist certificate may be issued to an otherwise  
 16 qualified applicant who has the training, experience, and license required under the standards of the board of  
 17 public education for the certification of a profession other than the teaching profession.

18 (3) For purposes of evaluating the qualifications of applicants for either teacher or specialist  
 19 certificates, a year means the instructional period consisting of three quarters or two semesters or other terms  
 20 that are recognized as an academic year by any unit of the Montana university system or equivalent institution."  
 21

22 **Section 6.** Section 20-4-111, MCA, is amended to read:

23 **"20-4-111. Emergency authorization of employment.** (1) A district may request from the  
 24 superintendent of public instruction an emergency authorization of employment for a person who is not the  
 25 holder of a valid Montana teacher or specialist certificate and a required endorsement as an instructor of pupils  
 26 when the district cannot secure the services of a person holding a valid Montana certificate and a required  
 27 endorsement. The person must have previously held a valid teacher or specialist certificate ~~or shall meet the~~  
 28 ~~standards of preparation from Montana or another state or shall provide acceptable evidence of academic~~

1 qualifications or significant experience related to the area for which the emergency authorization of employment  
 2 is being sought as prescribed by the policies of the board of public education for and during an emergency.

3 Emergency authorization of employment must indicate:

4 (a) the district to which the authorization is issued;

5 (b) the person whom the district is authorized to employ;

6 (c) the endorsement for elementary or secondary instruction and the specific subject fields for which  
 7 authorization to employ the person is given; and

8 (d) the school fiscal year for which the emergency authorization of employment is given.

9 (2) Emergency authorization of employment of a person is valid for the school fiscal year identified on  
 10 the authorization and may be renewed in accordance with the board of public education policies. A fee not to  
 11 exceed \$6 and, if no teacher or specialist certificate or emergency authorization of employment has ever been  
 12 issued for the person, a filing fee of \$6 must be paid for the issuance of an emergency authorization of  
 13 employment. The superintendent of public instruction shall deposit the fees with the state treasurer to the credit  
 14 of the general fund.

15 (3) Emergency authorization of employment of a person may be revoked for good cause in  
 16 accordance with the provisions of 20-4-110."  
 17

18 **Section 7.** Section 20-7-118, MCA, is amended to read:

19 **"20-7-118. Offsite provision of educational services by school district.** (1) A school district may  
 20 provide educational services at an offsite instructional setting, including the provision of services through  
 21 electronic means. A district shall comply with any rules adopted by the board of public education that specify  
 22 standards for the provision of educational services at an offsite instructional setting. The provision of  
 23 educational services at an offsite instructional setting by a district is limited to pupils:

24 (a) meeting the residency requirements for that district as provided in 1-1-215;

25 (b) living in the district and eligible for educational services under the Individuals With Disabilities  
 26 Education Act or under 29 U.S.C. 794; ~~or~~

27 (c) attending school in the district under a mandatory attendance agreement as provided in 20-5-321;

28 or

1           (d) attending school in the nearest district offering offsite instruction that agrees to enroll the pupil  
 2 when the pupil's district of residence does not provide offsite instruction in an equivalent course in which the  
 3 pupil is enrolled. A course is not equivalent if the course does not provide the same level of advantage on  
 4 successful completion, including but not limited to dual credit, advanced placement, and career certification.  
 5 Attendance in these cases is subject to approval of the trustees of the district providing the offsite instruction.

6           (2) The superintendent of public instruction shall adopt rules for the administration and enforcement of  
 7 this section."

8  
 9           **NEW SECTION. Section 8. Credit for participating in work-based learning partnerships.** (1)  
 10 Work-based learning must provide all participating students with on-the-job experience and training along with  
 11 career and complimentary vocational/technical classroom instruction to contribute to each pupil's employability.  
 12 The students' classroom activities and on-the-job experiences must be planned and supervised by the school  
 13 and the employer to ensure that both activities contribute to the student's employability. Pupils enrolled in a  
 14 work-based learning program must receive credit for related classroom instruction and on-the-job training. In  
 15 the absence of a proficiency model, the time requirement for students in work-based learning must be  
 16 converted and is equivalent to the time requirement for credit to be earned.

17           (2) Any individual licensed with a class 4 ~~vocational~~ 1 THROUGH 4 license is authorized to facilitate  
 18 interfaces between the school and work-based learning partners. Work-based learning partnerships may be  
 19 provided for any trade, including but not limited to trades identified by the superintendent of public instruction  
 20 related to the class 4 license established under section 20-4-106.

21  
 22           **Section 9.** Section 20-7-1601, MCA, is amended to read:

23           **"20-7-1601. ~~(Temporary) Transformational~~ Forms of personalized learning -- legislative intent.**

24 The legislature finds and declares pursuant to Article X, section 1, of the 1972 Montana constitution that forms  
 25 of personalized learning authorized under Montana law, including but not limited to work-based learning  
 26 pursuant to [section 8], proficiency under 20-9-311, determinations of course equivalency by an elected board  
 27 of trustees under 20-3-324(18), offsite instruction under 20-7-118, and transformational learning, is an are  
 28 appropriate means of fulfilling the people's goal of developing the full educational potential of each person. The

1 provision of and participation in ~~transformational~~forms of personalized learning under this part and in  
 2 compliance with accreditation standards of the board of public education ~~is~~are constitutionally compliant and  
 3 protected. The legislature declares that any public or private regulation that discriminates against a district or  
 4 pupil participating in ~~transformational learning~~forms of personalized learning referenced in this section is  
 5 inconsistent with constitutional goals and guarantees under Article X of the Montana constitution. (~~Terminates~~  
 6 ~~June 30, 2027--sec. 7, Ch. 402, L. 2019.~~)"

7

8 **Section 10.** Section 7, Chapter 402, Laws of 2019, is amended to read:

9 "**Section 7. Termination.** ~~[This act] terminates~~ [Sections 2 through 6] terminate June 30, 2027."

10

11 NEW SECTION. Section 11. Codification instruction. [Section 8] is intended to be codified as an  
 12 integral part of Title 20, chapter 7, part 15, and the provisions of Title 20, chapter 7, part 15, apply to [section 8].

13

14 NEW SECTION. SECTION 12. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT  
 15 ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS  
 16 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID  
 17 APPLICATIONS.

18

19 NEW SECTION. Section 13. Effective date. [This act] is effective on passage and approval.

20

- END -