



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

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

**Section 1.** Section 20-1-101, MCA, is amended to read:

**"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Accreditation standards" means the body of administrative rules governing standards such as:
  - (a) school leadership;
  - (b) educational opportunity;
  - (c) academic requirements;
  - (d) program area standards;
  - (e) content and performance standards;
  - (f) school facilities and records;
  - (g) student assessment; and
  - (h) general provisions.
- (2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.
- (3) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.
- (4) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation.
- (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils physically attending or receiving educational services at an offsite instructional setting from the public schools of a district.
- (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.
- (7) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.
- (8) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.
- (9) "County superintendent" means the county government official who is the school officer of the county.

(10) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

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

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

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

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

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

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

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

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

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

a principal.

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

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

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

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

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

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

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

(23) "Special school election" means an election held on a day other than the day of the regular school

election, primary election, or general election.

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

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

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

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

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

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

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

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

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

(iii) the opportunity to participate fully in society.

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

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

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

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

(31) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to

sell, or offering for adoption textbooks to districts in the state.

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

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

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

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

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

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

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

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

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

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

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

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

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

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

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

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

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

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

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

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

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

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

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

(a) waive any specific course requirement otherwise required for graduation based on individual

student needs and performance levels, age, maturity, interest, and aspirations of the pupil, in consultation with the pupil's parents or guardians; and

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

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

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

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

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

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

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

(25) for grades 7 through 12, provide that legible copies of the United States constitution, the United



States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily available in every classroom no later than the beginning of the school year. Districts are encouraged to work with civic groups to acquire the documents through donation, and this requirement is waived if the documents are not provided by a civic group.

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

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

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

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

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

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

**"20-4-101. System and definitions of teacher and specialist certification -- student teacher exception.** (1) In order to establish a uniform system of quality education and to ensure the maintenance of professional standards, a system of teacher and specialist certification must be established and maintained under the provisions of this title and a person may not be permitted to teach in the public schools of the state until the person has obtained a teacher or specialist certificate or the district has obtained an emergency authorization of employment from the state.

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

(3) The certification requirement does not apply to:

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

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

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

**Section 4.** Section 20-4-104, MCA, is amended to read:

**"20-4-104. Qualifications.** (1) A person may be certified as a teacher when the person satisfies the following qualifications. The person:

(a) is 18 years of age or older;

(b) is of good moral and professional character;

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

(ii) possesses a current certification from the national board for professional teaching standards; or

(iii) possesses a current educator license from another state or country and successful experience as determined by the board of public education; and

(d) has subscribed to the following oath or affirmation before an officer authorized by law to

administer oaths:

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

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

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

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

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

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

(c) The class 3 administrative and supervisory certificate may be issued to an otherwise qualified applicant who is eligible for a teacher or specialist certificate ~~endorsed for teaching~~ in the school or schools in which the applicant would be an administrator or would supervise. The applicant must also possess the training and experience required by the policies of the board of public education for an endorsement as superintendent, principal, or supervisor. An applicant for a class 3 administrative and supervisory certificate who is currently licensed in another state at a comparable level of licensure essentially equivalent to the class 3 administrative

and supervisory certificate is eligible for licensure with verification of successful administrative experience as provided by the policies of the board of public education.

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

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

(B) Trades in which a class 4C licensed individual can teach include agriculture business, marketing, and communications, agriculture mechanics, auto body, automotive technology, aviation, building maintenance, building trades, computer information systems, culinary arts, diesel mechanics, drafting, electronics, engineering, graphic arts, health occupations education, heavy equipment operator, horticulture, industrial mechanics, livestock production, machining, metals, plant and soil sciences, ROTC, small engines, power equipment technology, traffic education, theatre arts, videography, welding, and any other trade approved by the superintendent of public instruction.

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

(2) The superintendent of public instruction shall issue specialist certificates, and the board of public education shall adopt specialist certification policies. The specialist certificate may be issued to an otherwise

qualified applicant who has the training, experience, and license required under the standards of the board of public education for the certification of a profession other than the teaching profession.

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

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

**"20-4-111. Emergency authorization of employment.** (1) A district may request from the superintendent of public instruction an emergency authorization of employment for a person who is not the holder of a valid Montana teacher or specialist certificate and a required endorsement as an instructor of pupils when the district cannot secure the services of a person holding a valid Montana certificate and a required endorsement. The person must have previously held a valid teacher or specialist certificate ~~or shall meet the standards of preparation from Montana or another state or shall provide acceptable evidence of academic qualifications or significant experience related to the area for which the emergency authorization of employment is being sought~~ as prescribed by the policies of the board of public education for and during an emergency.

Emergency authorization of employment must indicate:

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

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

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

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

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

(3) Emergency authorization of employment of a person may be revoked for good cause in

accordance with the provisions of 20-4-110."

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

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

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

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

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

or

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

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

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

and is equivalent to the time requirement for credit to be earned.

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

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

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

The legislature finds and declares pursuant to Article X, section 1, of the 1972 Montana constitution that forms of personalized learning authorized under Montana law, including but not limited to work-based learning pursuant to [section 8], proficiency under 20-9-311, determinations of course equivalency by an elected board of trustees under 20-3-324(18), offsite instruction under 20-7-118, and transformational learning, is an are appropriate means of fulfilling the people's goal of developing the full educational potential of each person. The provision of and participation in transformational forms of personalized learning under this part and in compliance with accreditation standards of the board of public education is are constitutionally compliant and protected. The legislature declares that any public or private regulation that discriminates against a district or pupil participating in transformational learning forms of personalized learning referenced in this section is inconsistent with constitutional goals and guarantees under Article X of the Montana constitution. (~~Terminates June 30, 2027--sec. 7, Ch. 402, L. 2019.)~~"

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

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

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

**Section 12. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in

effect in all valid applications that are severable from the invalid applications.

**Section 13. Effective date.** [This act] is effective on passage and approval.

- END -



I hereby certify that the within bill,  
HB 246, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 246

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

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