

HOUSE BILL NO. 338

INTRODUCED BY M. ROMANO, J. REAVIS, B. EDWARDS, J. ISALY, M. LEE, M. NIKOLAKAKOS, P. STRAND, T. CROWE, P. ELVERUM, S. FYANT, J. WEBER, J. SOOKTIS, A. GRIFFITH, D. POWERS, M. CUNNINGHAM, S. ROSENZWEIG, E. TILLEMAN, E. BUTTREY, G. HUNTER, L. JONES, E. MATTHEWS, F. SMITH, C. SPRUNGER, M. FOX, D. BAUM, M. CAFERRO, B. CARTER, J. COHENOUR, T. FRANCE, S. HOWELL, J. KARLEN, C. KEOGH, K. KORTUM, L. REKSTEN, E. STAFMAN, K. SULLIVAN, M. THANE, P. TUSS, S. DEMAROIS, J. DARLING, D. JOY, C. FITZPATRICK, J. LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO EARLY LITERACY TARGETED INTERVENTIONS TO INCLUDE NUMERACY AND ALLOW GREATER FLEXIBILITY IN EVALUATING CHILDREN FOR ELIGIBILITY; REVISING REPORTING REQUIREMENTS; AMENDING SECTIONS 5-11-222, 20-3-326, 20-5-101, 20-7-1801, 20-7-1802, 20-7-1803, 20-7-1804, AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 5-11-222, MCA, is amended to read:

"5-11-222. Reports to legislature. (1) (a) Except as provided in subsections (1)(b) and (5), a report to the legislature means a biennial report required by the legislature and filed in accordance with 5-11-210 on or before September 1 of each year preceding the convening of a regular session of the legislature.

(b) If otherwise specified in law, a report may be required more or less frequently than the biennial requirement in subsection (1)(a).

(2) Reports to the legislature include:

(a) annual reports on the unified investment program for public funds and public retirement systems and state compensation insurance fund assets audits from the board of investments in accordance with Article VIII, section 13, of the Montana constitution;

(b) federal mandates requirements from the governor in accordance with 2-1-407;

(c) activities of the state records committee in accordance with 2-6-1108;

- 1 (d) revenue studies from the director of revenue, if requested, in accordance with 2-7-104;
- 2 (e) legislative audit reports from the legislative audit division in accordance with 2-8-112 and 23-7-
3 410;
- 4 (f) the annual performance report of each department to the appropriate interim budget committee
5 and legislative policy interim committee in accordance with 2-12-105;
- 6 (g) progress on gender and racial balance from the governor in accordance with 2-15-108;
- 7 (h) a mental health report from the ombudsman in accordance with 2-15-210;
- 8 (i) policies related to children and families from the interagency coordinating council for state
9 prevention in accordance with 2-15-225;
- 10 (j) watercourse name changes, if any, from the secretary of state in accordance with 2-15-401;
- 11 (k) results of programs established in 2-15-3111 through 2-15-3113 from the livestock loss board
12 in accordance with 2-15-3113;
- 13 (l) the allocation of space report from the department of administration required in accordance
14 with 2-17-101;
- 15 (m) information technology activities in accordance with 2-17-512;
- 16 (n) state strategic information technology plan exceptions, if granted, from the department of
17 administration in accordance with 2-17-515;
- 18 (o) the state strategic information technology plan and biennial report from the department of
19 administration in accordance with 2-17-521 and 2-17-522;
- 20 (p) reports from standing, interim, and administrative committees, if prepared, in accordance with
21 2-17-825 and 5-5-216;
- 22 (q) statistical and other data related to business transacted by the courts from the court
23 administrator, if requested, in accordance with 3-1-702;
- 24 (r) the judicial standards commission report in accordance with 3-1-1126;
- 25 (s) an annual report on the actual cost of legislation that had a projected fiscal impact from the
26 office of budget and program planning in accordance with 5-4-208;
- 27 (t) a link to annual state agency reports on grants awarded in the previous fiscal year established
28 by the legislative finance committee in accordance with 5-12-208;

- 1 (u) reports prepared by the legislative fiscal analyst, and as determined by the analyst, in
2 accordance with 5-12-302(4);
- 3 (v) a report, if necessary, on administrative policies or rules adopted under 5-11-105 that may
4 impair the independence of the legislative audit division in accordance with 5-13-305;
- 5 (w) if a waste of state resources occurs, a report from the legislative state auditor, in accordance
6 with 5-13-311;
- 7 (x) school funding commission reports each fifth interim in accordance with 5-20-301;
- 8 (y) a report of political committee operations conducted on state-owned property, if required, from
9 a political committee to the legislative services division in accordance with 13-37-404;
- 10 (z) a report concerning taxable value from the department of revenue in accordance with 15-1-
11 205;
- 12 (aa) a report on tax credits from the revenue interim committee in accordance with 15-30-2303;
- 13 (bb) semiannual reports on the Montana heritage preservation and development account from the
14 Montana heritage preservation and development commission in accordance with 15-65-121;
- 15 (cc) general marijuana regulation reports and medical marijuana registry reports from the
16 department of revenue in accordance with 16-12-110;
- 17 (dd) annual reports on general fund and nongeneral fund encumbrances from the department of
18 administration in accordance with 17-1-102;
- 19 (ee) loans or loan extensions authorized for two consecutive fiscal years from the department of
20 administration and office of commissioner of higher education, including negative cash balances from the
21 commissioner of higher education, in accordance with 17-2-107;
- 22 (ff) a report of local government entities that have balances contrary to limitations provided for in
23 17-2-302 or that failed to reduce the charge from the department of administration in accordance with 17-2-304;
- 24 (gg) an annual report from the board of investments in accordance with 17-5-1650(2);
- 25 (hh) a quarterly report from the office of budget and program planning to the legislative finance
26 committee identifying the amount and the type of debt payoff or other expenditure from the debt and liability
27 free account in accordance with 17-6-214;
- 28 (ii) a report on retirement system trust investments and benefits from the board of investments in

- 1 accordance with 17-6-230;
- 2 (jj) recommendations for reductions in spending and related analysis, if required, from the office of
3 budget and program planning in accordance with 17-7-140;
- 4 (kk) a statewide facility inventory and condition assessment from the department of administration
5 in accordance with 17-7-202;
- 6 (ll) actuary reports and investigations for public retirement systems from the public employees'
7 retirement board in accordance with 19-2-405;
- 8 (mm) a work report from the public employees' retirement board in accordance with 19-2-407;
- 9 (nn) annual actuarial reports and evaluations from the teachers' retirement board in accordance with
10 19-20-201;
- 11 (oo) reports from the state director of K-12 career and vocational and technical education, as
12 requested, in accordance with 20-7-308;
- 13 (pp) 5-year state plan for career and technical education reports from the board of regents in
14 accordance with 20-7-330;
- 15 (qq) a gifted and talented students report from the office of public instruction in accordance with 20-
16 7-904;
- 17 (rr) status changes for at-risk students from the office of public instruction in accordance with 20-9-
18 328;
- 19 (ss) status changes for American Indian students from the office of public instruction in accordance
20 with 20-9-330;
- 21 (tt) reports regarding the Montana Indian language preservation program from the office of public
22 instruction in accordance with 20-9-537;
- 23 (uu) proposals for funding community colleges from the board of regents in accordance with 20-15-
24 309;
- 25 (vv) expenditures and activities of the Montana agricultural experiment station and extension
26 service, as requested, in accordance with 20-25-236;
- 27 (ww) reports, if requested by the legislature, from the president of each of the units of the higher
28 education system in accordance with 20-25-305;

- 1 (xx) reports, if prepared by a public postsecondary institution, regarding free expression activities on
2 campus in accordance with 20-25-1506;
- 3 (yy) reports from the Montana historical society trustees in accordance with 22-3-107;
- 4 (zz) state lottery reports in accordance with 23-7-202;
- 5 (aaa) state fund reports, if required, from the commissioner in accordance with 33-1-115;
- 6 (bbb) reports from the department of labor and industry in accordance with 39-6-101;
- 7 (ccc) victim unemployment benefits reports from the department of labor and industry in accordance
8 with 39-51-2111;
- 9 (ddd) state fund business reports in accordance with 39-71-2363;
- 10 (eee) risk-based capital reports, if required, from the state fund in accordance with 39-71-2375;
- 11 (fff) child custody reports from the office of the court administrator in accordance with 41-3-1004;
- 12 (ggg) reports of remission of fine or forfeiture, respite, commutation, or pardon granted from the
13 governor in accordance with 46-23-316;
- 14 (hhh) annual statewide public defender reports from the office of state public defender in accordance
15 with 47-1-125;
- 16 (iii) a trauma care system report from the department of public health and human services in
17 accordance with 50-6-402;
- 18 (jjj) an annual report on chemical abortion data from the department of public health and human
19 services in accordance with 50-20-709;
- 20 (kkk) Montana criminal justice oversight council reports in accordance with 53-1-216;
- 21 (III) medicaid block grant reports from the department of public health and human services in
22 accordance with 53-1-611;
- 23 (mmm) reports on the approval and implementation status of medicaid section 1115 waivers in
24 accordance with 53-2-215;
- 25 (nnn) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
26 public health and human services in accordance with 53-6-101;
- 27 (ooo) medicaid funding reports from the department of public health and human services in
28 accordance with 53-6-110;

- 1 (ppp) proposals regarding managed care for medicaid recipients, if required, from the department of
2 public health and human services in accordance with 53-6-116;
- 3 (qqq) reports on toxicology and prescription drug registry information from the suicide prevention
4 officer in accordance with 53-21-1101;
- 5 (rrr) suicide reduction plans from the department of public health and human services in
6 accordance with 53-21-1102;
- 7 (sss) annual compliance reports from certifying organizations to the criminal justice oversight council
8 in accordance with 53-24-311;
- 9 (ttt) a compliance and inspection report from the department of corrections in accordance with 53-
10 30-604;
- 11 (uuu) emergency medical services grants from the department of transportation in accordance with
12 61-2-109;
- 13 (vvv) annual financial reports on the environmental contingency account from the department of
14 environmental quality in accordance with 75-1-1101;
- 15 (www) a report from the land board, if prepared, in accordance with 76-12-109;
- 16 (xxx) an annual state trust land report from the land board in accordance with 77-1-223;
- 17 (yyy) a noxious plant report, if prepared, from the department of agriculture in accordance with 80-7-
18 713;
- 19 (zzz) state water plans from the department of natural resources and conservation in accordance
20 with 85-1-203;
- 21 (aaaa) reports on the allocation of renewable resources grants and loans for emergencies, if required,
22 from the department of natural resources and conservation in accordance with 85-1-605;
- 23 (bbbb) water storage projects from the governor's office in accordance with 85-1-704;
- 24 (cccc) upper Clark Fork River basin steering committee reports, if prepared, in accordance with 85-2-
25 338;
- 26 (dddd) upland game bird enhancement program reports in accordance with 87-1-250;
- 27 (eeee) private land/public wildlife advisory committee reports in accordance with 87-1-269;
- 28 (ffff) a future fisheries improvement program report from the department of fish, wildlife, and parks in

- 1 accordance with 87-1-272;
- 2 (gggg) license revenue recommendations from the department of fish, wildlife, and parks in
- 3 accordance with 87-1-629;
- 4 (hhhh) reports from the department of fish, wildlife, and parks on conservation licenses sold and
- 5 revenue received in accordance with 87-2-201;
- 6 (iiii) hydrocarbon and geology investigation reports from the bureau of mines and geology in
- 7 accordance with 90-2-201;
- 8 (jjjj) coal ash markets investigation reports from the department of commerce in accordance with
- 9 90-2-202;
- 10 (kkkk) an annual report from the pacific northwest electric power and conservation planning council in
- 11 accordance with 90-4-403;
- 12 (llll) community property-assessed capital enhancements program reports from the Montana facility
- 13 finance authority in accordance with 90-4-1303;
- 14 (mmmm) veterans' home loan mortgage loan reports from the board of housing in accordance
- 15 with 90-6-604;
- 16 (nnnn) matching infrastructure planning grant awards by the department of commerce in accordance
- 17 with 90-6-703(3); and
- 18 (oooo) Montana coal endowment program reports from the department of commerce in accordance
- 19 with 90-6-710.
- 20 (3) Reports to the legislature include reports made to an interim committee as follows:
- 21 (a) reports to the law and justice interim committee, including:
- 22 (i) a report on fentanyl-related mandatory minimums from the attorney general in accordance with
- 23 2-15-505;
- 24 (ii) findings of the domestic violence fatality review commission in accordance with 2-15-2017;
- 25 (iii) the report from the missing indigenous persons review commission in accordance with 2-15-
- 26 2018;
- 27 (iv) reports from the department of justice and public safety officer standards and training council in
- 28 accordance with 2-15-2029;

- 1 (v) reports on district court judge caseload and substitutions from the office of court administrator
2 in accordance with 3-1-713;
- 3 (vi) information on the Montana False Claims Act from the department of justice in accordance with
4 17-8-416;
- 5 (vii) annual case status reports from the attorney general in accordance with 41-3-210;
- 6 (viii) an annual report from the department of public health and human services on the number of
7 referrals to county attorneys pursuant to 41-3-202(1)(b)(i) in accordance with 41-3-211;
- 8 (ix) office of court administrator reports in accordance with 41-5-2003;
- 9 (x) reports on pending investigations from the public safety officer standards and training council in
10 accordance with 44-4-408;
- 11 (xi) statewide public safety communications system activities from the department of justice in
12 accordance with 44-4-1606;
- 13 (xii) the annual report on the activities of the sexual assault response network program and the
14 sexual assault response team committee from the department of justice in accordance with 44-4-1705;
- 15 (xiii) reports on the status of the crisis intervention team training program from the board of crime
16 control in accordance with 44-7-110;
- 17 (xiv) restorative justice grant program status and performance from the board of crime control in
18 accordance with 44-7-302;
- 19 (xv) law enforcement agency facial recognition technology use reports from the department of
20 justice in accordance with 44-15-111(3);
- 21 (xvi) reports on third-party vendors providing facial recognition services to state agencies reports in
22 accordance with 44-15-111(4)(b);
- 23 (xvii) reports on offenders under supervision with new offenses or violations from the department of
24 corrections in accordance with 46-23-1016;
- 25 (xviii) supervision responses grid reports from the department of corrections in accordance with 46-
26 23-1028;
- 27 (xix) statewide public defender reports and information from the office of state public defender in
28 accordance with 47-1-125;

- 1 (xx) every 5 years, a percentage change in public defender funding report from the legislative fiscal
2 analyst in accordance with 47-1-125;
- 3 (xxi) every 5 years, statewide public defender reports on the percentage change in funding from the
4 office of state public defender in accordance with 47-1-125; and
- 5 (xxii) a report from the quality assurance unit from the department of corrections in accordance with
6 53-1-211;
- 7 (b) reports to the state administration and veterans' affairs interim committee, including:
- 8 (i) a report that includes information technology activities and additional information from the
9 information technology board in accordance with 2-17-512 and 2-17-513;
- 10 (ii) a report from the capitol complex advisory council in accordance with 2-17-804;
- 11 (iii) a report on the employee incentive award program from the department of administration in
12 accordance with 2-18-1103;
- 13 (iv) a board of veterans' affairs report in accordance with 10-2-102;
- 14 (v) a report on the decennial veterans' long-term care needs study from the department of public
15 health and human services and the Montana veterans' affairs division in accordance with 10-2-903;
- 16 (vi) a report on grants to the Montana civil air patrol from the department of military affairs in
17 accordance with 10-3-802;
- 18 (vii) annual reports on statewide election security from the secretary of state in accordance with 13-
19 1-205;
- 20 (viii) reports on money received in the special account for implementing the Help America Vote Act
21 from the secretary of state in accordance with 13-1-209;
- 22 (ix) a report regarding the youth voting program, if requested, from the secretary of state in
23 accordance with 13-22-108;
- 24 (x) a report from the commissioner of political practices in accordance with 13-37-120;
- 25 (xi) a report on retirement system trust investments from the board of investments in accordance
26 with 17-6-230;
- 27 (xii) actuarial valuations and other reports from the public employees' retirement board in
28 accordance with 19-2-405 and 19-3-117;

- 1 (xiii) actuarial valuations and other reports from the teachers' retirement board in accordance with
2 19-20-201 and 19-20-216;
- 3 (xiv) a report on the reemployment of retired members of the teachers' retirement system from the
4 teachers' retirement board in accordance with 19-20-732; and
- 5 (xv) changes, if any, affecting filing-office rules under the Uniform Commercial Code from the
6 secretary of state in accordance with 30-9A-527;
- 7 (c) reports to the children, families, health, and human services interim committee, including:
- 8 (i) a report from the department of public health and human services on the programs, grants, and
9 services funded under the healing and ending addiction through recovery and treatment account in 16-12-122;
- 10 (ii) Montana foster youth higher education assistance program grant reports from the
11 commissioner of higher education in accordance with 20-26-633;
- 12 (iii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 13 (iv) Montana HELP Act workforce development reports from the department of public health and
14 human services in accordance with 39-12-103;
- 15 (v) reports from the department of public health and human services on the department's efforts
16 regarding the volunteer program to support child protective services activities in accordance with 41-3-132;
- 17 (vi) annual reports from the child and family ombudsman in accordance with 41-3-1211;
- 18 (vii) reports on activities and recommendations on child protective services activities, if required,
19 from the child and family ombudsman in accordance with 41-3-1215;
- 20 (viii) reports on the out-of-state placement of high-risk children with multiagency service needs from
21 the department of public health and human services in accordance with 52-2-311;
- 22 (ix) private alternative adolescent residential and outdoor programs reports from the department of
23 public health and human services in accordance with 52-2-803;
- 24 (x) provider rate, medicaid waiver, or medicaid state plan change reports from the department of
25 public health and human services in accordance with 53-6-101;
- 26 (xi) a report from the department of public health and human services on home and community-
27 based services provider information in 53-6-406;
- 28 (xii) a report concerning mental health managed care services, if managed care is in place, from the

- 1 advisory council in accordance with 53-6-710;
- 2 (xiii) quarterly medicaid reports related to expansion from the department of public health and
3 human services in accordance with 53-6-1325;
- 4 (xiv) annual Montana developmental center reports from the department of public health and human
5 services in accordance with 53-20-225; and
- 6 (xv) annual children's mental health outcomes from the department of public health and human
7 services in accordance with 53-21-508;
- 8 (xvi) suicide reduction plans from the department of public health and human services in
9 accordance with 53-21-1102;
- 10 (d) reports to the economic affairs interim committee, including:
- 11 (i) the annual state compensation insurance fund budget from the board of directors in
12 accordance with 5-5-223 and 39-71-2363;
- 13 (ii) medical marijuana registry reports from the department of revenue in accordance with 16-12-
14 110;
- 15 (iii) general marijuana regulation reports from the department of revenue in accordance with 16-12-
16 110(3);
- 17 (iv) annual reports on complaints against physicians certifying medical marijuana use from the
18 board of medical examiners in accordance with 16-12-110(6);
- 19 (v) an annual report on the administrative rate required from the department of commerce from the
20 Montana heritage preservation and development commission in accordance with 22-3-1002;
- 21 (vi) biennial reports from the department of labor and industry on weighing device license fees and
22 cost increases in accordance with 30-12-203;
- 23 (vii) state fund reports from the insurance commissioner, if required, in accordance with 33-1-115;
- 24 (viii) risk-based capital reports, if required, from the state fund in accordance with 33-1-115 and 39-
25 71-2375;
- 26 (ix) annual reinsurance reports from the Montana reinsurance association board required in
27 accordance with 33-22-1308;
- 28 (x) reports from the department of labor and industry concerning board attendance in accordance

- 1 with 37-1-107;
- 2 (xi) annual reports on physician complaints related to medical marijuana from the board of medical
3 examiners in accordance with 37-3-203;
- 4 (xii) prescription drug registry reports from the board of pharmacy in accordance with 37-7-1514;
- 5 (xiii) status reports on the special revenue account and fees charged as a funding source from the
6 board of funeral service in accordance with 37-19-204;
- 7 (xiv) unemployment insurance program integrity act reports from the department of labor and
8 industry in accordance with 39-51-706;
- 9 (xv) law enforcement agency facial recognition technology use reports from the department of
10 justice in accordance with 44-15-111(3);
- 11 (xvi) reports on third-party vendors providing facial recognition services to state agencies reports in
12 accordance with 44-15-111(4)(b);
- 13 (xvii) status reports on the distressed wood products industry revolving loan program from the
14 department of commerce in accordance with 90-1-503;
- 15 (e) reports to the education interim committee, including:
- 16 (i) reemployment of retired teachers, specialists, and administrators reports from the retirement
17 board in accordance with 19-20-732;
- 18 (ii) a report on participation in the interstate compact on educational opportunity for military
19 children in accordance with 20-1-231;
- 20 (iii) grow your own grant program reports from the commissioner of higher education in accordance
21 with 20-4-601;
- 22 (iv) reports on out-of-district attendance from the superintendent of public instruction in accordance
23 with 20-5-324;
- 24 (v) reports from the education and workforce data governing board in accordance with 20-7-138;
- 25 (vi) state-level strengthening career and technical student organizations program reports from the
26 superintendent of public instruction in accordance with 20-7-320;
- 27 (vii) a report from the superintendent of public instruction concerning educational programs for
28 eligible children receiving in-state inpatient treatment of serious emotional disturbances in accordance with 20-

- 1 7-435;
- 2 (viii) reports from the Montana digital academy governing board in accordance with 20-7-1201;
- 3 (ix) advanced opportunity program reports from the board of public education in accordance with
- 4 20-7-1506;
- 5 (x) progress on transformational learning plans from the board of public education in accordance
- 6 with 20-7-1602;
- 7 (xi) reports on early literacy-targeted interventions from the superintendent of public instruction in
- 8 accordance with 20-7-1804;
- 9 (xii) budget amendments, if needed, from school districts in accordance with 20-9-161;
- 10 (xiii) reports regarding the Montana Indian language preservation program from the office of public
- 11 instruction in accordance with 20-9-537;
- 12 (xiv) annual Montana resident student financial aid program reports from the commissioner of higher
- 13 education in accordance with 20-26-105;
- 14 (xv) Montana foster youth higher education assistance program grant reports from the
- 15 commissioner of higher education in accordance with 20-26-633;
- 16 (xvi) a historic preservation office report from the historic preservation officer in accordance with 22-
- 17 3-423; and
- 18 (xvii) interdisciplinary child information agreement reports from the office of public instruction in
- 19 accordance with 52-2-211;
- 20 (f) reports to the energy and telecommunications interim committee, including:
- 21 (i) the high-performance building report from the department of administration in accordance with
- 22 17-7-214;
- 23 (ii) an annual report from the consumer counsel in accordance with 69-1-222;
- 24 (iii) annual universal system benefits reports from utilities, electric cooperatives, and the
- 25 department of revenue in accordance with 69-8-402;
- 26 (iv) small-scale hydroelectric power generation reports from the department of natural resources
- 27 and conservation in accordance with 85-1-501; and
- 28 (v) geothermal reports from the Montana bureau of mines and geology in accordance with 90-3-

1 1301;

2 (g) reports to the revenue interim committee, including:

3 (i) use of the qualified endowment tax credit report from the department of revenue in accordance
4 with 15-1-230;

5 (ii) tax rates for the upcoming reappraisal cycle from the department of revenue in accordance with
6 15-7-111;

7 (iii) information about job growth incentive tax credits from the department of revenue in
8 accordance with 15-30-2361;

9 (iv) student scholarship contributions from the department of revenue in accordance with 15-30-
10 3112;

11 (v) media production tax credit economic impact reports from the department of commerce in
12 accordance with 15-31-1011; and

13 (vi) reports that actual or projected receipts will result in less revenue than estimated from the office
14 of budget and program planning, if necessary, in accordance with 17-7-140;

15 (h) reports to the transportation interim committee, including:

16 (i) biodiesel tax refunds from the department of transportation in accordance with 15-70-433;

17 (ii) cooperative agreement negotiations from the department of transportation in accordance with
18 15-70-450; and

19 (iii) a special fuels inspection report from the department of transportation in accordance with 61-
20 10-154;

21 (i) reports to the environmental quality council, including:

22 (i) compliance and enforcement reports required in accordance with 75-1-314;

23 (ii) the state solid waste management and resource recovery plan, every 5 years, from the
24 department of environmental quality in accordance with 75-10-111;

25 (iii) annual orphan share reports from the department of environmental quality in accordance with
26 75-10-743;

27 (iv) Libby asbestos superfund oversight committee reports in accordance with 75-10-1601;

28 (v) annual subdivision sanitation reports from the department of environmental quality in

- 1 accordance with 76-4-116;
- 2 (vi) quarterly reports from the department of environmental quality on the number and percentage
3 of overdue files in accordance with 76-4-116;
- 4 (vii) state trust land accessibility reports from the department of natural resources and conservation
5 in accordance with 77-1-820;
- 6 (viii) biennial land banking reports and annual state land cabin and home site sales reports from the
7 department of natural resources and conservation in accordance with 77-2-366;
- 8 (ix) biennially invasive species reports from the departments of fish, wildlife, and parks and natural
9 resources and conservation in accordance with 80-7-1006;
- 10 (x) annual invasive species council reports in accordance with 80-7-1203;
- 11 (xi) sand and gravel reports, if an investigation is completed, in accordance with 82-2-701;
- 12 (xii) reports from the western Montana conservation commission in accordance with 85-1-904;
- 13 (xiii) annual sage grouse population reports from the department of fish, wildlife, and parks in
14 accordance with 87-1-201;
- 15 (xiv) annual gray wolf management reports from the department of fish, wildlife, and parks in
16 accordance with 87-1-901;
- 17 (xv) biennial Tendoy Mountain sheep herd reports from the department of fish, wildlife, and parks in
18 accordance with 87-2-702;
- 19 (xvi) wildlife habitat improvement project reports from the department of fish, wildlife, and parks in
20 accordance with 87-5-807; and
- 21 (xvii) annual sage grouse oversight team activities and staffing reports in accordance with 87-5-918;
- 22 (j) reports to the water policy interim committee, including:
- 23 (i) drought and water supply advisory committee reports in accordance with 2-15-3308;
- 24 (ii) total maximum daily load reports from the department of environmental quality in accordance
25 with 75-5-703;
- 26 (iii) state water plans from the department of natural resources and conservation in accordance
27 with 85-1-203;
- 28 (iv) small-scale hydroelectric power generation reports from the department of natural resources

- 1 and conservation in accordance with 85-1-501;
- 2 (v) renewable resource grant and loan program reports from the department of natural resources
3 and conservation in accordance with 85-1-621;
- 4 (vi) reports from the western Montana conservation commission in accordance with 85-1-904;
- 5 (vii) quarterly adjudication reports from the department of natural resources and conservation and
6 the water court in accordance with 85-2-281;
- 7 (viii) water reservation reports from the department of natural resources and conservation in
8 accordance with 85-2-316;
- 9 (ix) instream flow reports from the department of fish, wildlife, and parks in accordance with 85-2-
10 436; and
- 11 (x) ground water investigation program reports from the bureau of mines and geology in
12 accordance with 85-2-525;
- 13 (k) reports to the local government interim committee, including:
- 14 (i) reports from the local government center on petitions received that resulted in the development
15 and delivery of training in accordance with 7-1-206;
- 16 (ii) sand and gravel, if an investigation is completed, in accordance with 82-2-701;
- 17 (iii) assistance to local governments on federal land management proposals from the department
18 of commerce in accordance with 90-1-182; and
- 19 (iv) emergency financial assistance to local government reports from the department of commerce,
20 if requests are made, in accordance with 90-6-703(2);
- 21 (l) reports to the state-tribal relations committee, including:
- 22 (i) reports from the missing indigenous persons review commission in accordance with 2-15-2018;
- 23 (ii) the Montana Indian language preservation program report from the office of public instruction in
24 accordance with 20-9-537;
- 25 (iii) reports from the missing indigenous persons task force in accordance with 44-2-411;
- 26 (iv) a report from the department of justice on missing persons response team training grants
27 awarded in accordance with 44-2-416;
- 28 (v) state-tribal economic development commission activities reports from the state-tribal economic

1 development commission in accordance with 90-1-132; and

2 (vi) state-tribal economic development commission reports provided regularly by the state director
3 of Indian affairs in accordance with 90-11-102.

4 (4) Reports to the legislature include multistate compact and agreement reports, including:

5 (a) multistate tax compact reports in accordance with 15-1-601;

6 (b) interstate compact on educational opportunity for military children reports in accordance with
7 20-1-230 and 20-1-231;

8 (c) compact for education reports in accordance with 20-2-501;

9 (d) Western regional higher education compact reports in accordance with 20-25-801;

10 (e) interstate insurance product regulation compact reports in accordance with 33-39-101;

11 (f) interstate medical licensure compact reports in accordance with 37-3-356;

12 (g) interstate compact on juveniles reports in accordance with 41-6-101;

13 (h) interstate compact for adult offender supervision reports in accordance with 46-23-1115;

14 (i) vehicle equipment safety compact reports in accordance with 61-2-201;

15 (j) multistate highway transportation agreement reports in accordance with 61-10-1101; and

16 (k) western interstate nuclear compact reports in accordance with 90-5-201.

17 (5) Reports, transfers, statements, assessments, recommendations and changes required under
18 17-7-138, 17-7-139, 17-7-140, 19-2-405, 19-2-407, 19-3-117, 19-20-201, 19-20-216, 23-7-202, 33-1-115, and
19 39-71-2375 must be provided as soon as the report is published and publicly available. Reports required in
20 subsections (2)(a), (2)(gg), (2)(ii), and (3)(b)(xi) must be provided following issuance of reports issued under
21 Title 5, chapter 13."

22

23 **Section 2.** Section 20-3-326, MCA, is amended to read:

24 **"20-3-326. Information on educational opportunities -- duties of trustees.** (1) The board of
25 trustees of a school district shall develop, update, and annually provide to students and families of the district
26 information on the educational opportunities available through the schools of the district. The information must
27 align to the legislative intent of preserving and protecting the right to access personalized learning as set forth
28 in 20-7-1601 and must be designed to empower families in understanding the options available to them in

1 partnering with schools to develop their child's full educational potential. A school board may satisfy its
2 obligation through the use of model resources developed by an organization of school boards of which the
3 school board is a member.

4 (2) The information provided under subsection (1) must include, at a minimum, the following
5 educational and extracurricular opportunities:

6 (a) evaluation and identification of children with disabilities and special education programs
7 beginning at age 3 pursuant to 20-7-411;

8 (b) early literacy-targeted interventions pursuant to 20-7-1801 through 20-7-1804;

9 (c) part-time enrollment of a student who is otherwise enrolled at a nonpublic or home school
10 pursuant to 20-5-101;

11 (d) admission to a school of a district beginning at age 5 pursuant to 20-5-101, and the option to
12 enroll a child in a half-time kindergarten program pursuant to 20-7-117;

13 (e) proficiency-based learning and other forms of personalized learning pursuant to 20-7-1601,
14 including options for obtaining course equivalency and course waiver determinations from the board of trustees
15 pursuant to 20-3-324(18);

16 (f) participation in extracurricular activities, including participation by nonpublic and home school
17 students pursuant to 20-5-112;

18 (g) access to remote instruction, including through the Montana digital academy pursuant to Title
19 20, chapter 7, part 12, and through other school districts as provided in 20-7-118;

20 (h) out-of-district attendance pursuant to Title 20, chapter 5, part 3;

21 (i) availability of funding to support student access to advanced opportunities, if applicable to a
22 district pursuant to 20-7-1506;

23 (j) career and technical education pursuant to Title 20, chapter 7, part 3, including the attainment
24 of industry-recognized credentials and work-based learning, pursuant to 20-7-1510;

25 (k) early college, dual enrollment, and running start opportunities, pursuant to 20-9-706; and

26 (l) other opportunities for school-age children through Montana public schools that:

27 (i) support the development of a child's full educational potential;

28 (ii) assist in reducing the costs of postsecondary education and workforce preparation; and

1 (iii) foster life success.

2 (3) The legislature intends that boards of trustees and organizations of boards of trustees
3 communicate and collaborate with the education interim committee to demonstrate the implementation of the
4 requirements of this section and to identify additional opportunities following legislative sessions."

5

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

7 **"20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school
8 in the district when the child is:

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

11 (b) a resident of the district; and

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

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

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

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

21 (i) the child is being admitted into a preschool program established by the trustees pursuant to 20-
22 7-117;

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

25 (iii) the child is being admitted into an early literacy-targeted intervention classroom or jumpstart
26 program pursuant to Title 20, chapter 7, part 18; or

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

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

3 (4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B.
4 McKinney Homeless Assistance Act, (Public Law 100-77), to a school in the district regardless of residence.
5 The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

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

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

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

15 (8) The trustees shall assign and admit a child who is enrolled in a nonpublic or home school and
16 who meets the requirements of subsection (1) as a part-time enrollee at the request of the child's parent or
17 guardian.

18 (9) For the purposes of this part, "part-time enrollee" means a qualifying pupil who is enrolled and
19 admitted at one of the fractional levels that qualify for part-time ANB pursuant to 20-9-311(4)(a) or (4)(d)."

20

21 **Section 4.** Section 20-7-1801, MCA, is amended to read:

22 **"20-7-1801. Findings -- purpose -- legislative intent.** (1) The legislature finds that the ability to read
23 and to perform math at or above grade level is essential for educational success. The legislature also finds that
24 too many Montana children are not ~~reading~~-proficient in reading or math at the end of 3rd grade.

25 (2) The purposes of this ~~bill~~ part are to:

26 (a) provide parents with voluntary early ~~literacy~~-interventions for their children;

27 (b) increase the number of children who are ~~reading~~-proficient in reading and math at the end of
28 3rd grade and in so doing help those children develop their full educational potential pursuant to Article X,

1 section 1(1), of the Montana constitution; and

2 (c) foster a strong economic return for the state on early ~~literacy~~educational investment through
3 enhancing Montana's skilled workforce and decreasing future reliance on social programs and the criminal
4 justice system.

5 (3) The legislature intends that the board of public education, the office of public instruction, and
6 the boards of trustees of school districts collaborate to implement this part and achieve the purposes under
7 subsection (2).

8 (4) The legislature further intends that the board of public education, the office of public instruction,
9 and the boards of trustees of school districts collaborate on an ongoing basis to gather, analyze, and make
10 available outcome data and continually refine the interventions to increase the efficacy and efficiency of each
11 intervention."
12

13 **Section 5.** Section 20-7-1802, MCA, is amended to read:

14 **"20-7-1802. Definitions.** As used in this part, unless the context clearly indicates otherwise, the
15 following definitions apply:

16 (1) "Early ~~literacy~~-targeted intervention" or "intervention" means, as further described in 20-7-1803,
17 any of the following:

18 (a) a classroom-based program;

19 (b) a home-based program; or

20 (c) a jumpstart program.

21 (2) "Eligible child" means a child who is determined through the evaluation methodology selected
22 by the board of public education pursuant to 20-7-1803 to be below a trajectory leading to reading or math
23 proficiency at the end of 3rd grade.

24 (3) "Evaluation methodology" means a research-based methodology, instrument, or assessment
25 selected by the board of public education to determine, based on a child's age or grade level, whether the child
26 is above, at, or below a developmental trajectory leading to reading or math proficiency on completion of 3rd
27 grade.

28 (4) "Trustees" means the board of trustees of an elementary or K-12 school district."

1

2 **Section 6.** Section 20-7-1803, MCA, is amended to read:

3 **"20-7-1803. Early literacy-targeted interventions.** (1) The trustees of a school district may provide
4 eligible children with any of the interventions described in this section. This part may not be construed to limit
5 the duty or authority of trustees to provide educational opportunities described elsewhere in this title.

6 (2) The board of public education shall determine ~~an evaluation methodology~~ evaluation
7 methodologies to determine, based on a child's age or grade level, whether the child is above, at, or below a
8 developmental trajectory leading to reading or math proficiency on completion of 3rd grade. The evaluation
9 methodologies must be:

10 (a) developmentally appropriate;

11 (b) research-based;

12 (c) cost-effective; and

13 (d) if possible, aligned with formative assessments that inform instruction in the classroom-based
14 program and the jumpstart program.

15 (3) The superintendent of public instruction shall provide school districts with access to and
16 technical support for the evaluation ~~methodology, instrument, or assessment~~ methodologies determined by the
17 board of public education.

18 (4) A child may not be evaluated for the purposes of this part unless requested by the child's
19 parent or guardian. The trustees may administer ~~the~~ an evaluation methodology ~~in April, May, or June~~ to a child
20 who will be 4 years of age or older on or before the following September 10 and who has not yet entered 3rd
21 grade. A child who is evaluated to be below trajectory for 3rd-grade reading or math proficiency for the child's
22 age or grade level is an eligible child ~~for the subsequent school year~~.

23 (5) (a) For an eligible child who is 4 years of age or older on or before September 10 of the year in
24 which the child is to participate in the program and who is not entering and who has not completed
25 kindergarten, the trustees may offer a classroom-based program, which may be a half-time or full-time program.
26 A full-time program must allow a parent or guardian to enroll the child half-time.

27 (b) The classroom-based program must align with developmentally appropriate early education
28 learning standards as determined by the board of public education. The standards must include a requirement

1 for ongoing evaluation of student progress used to tailor instruction to specific student needs.

2 (6) (a) For an eligible child who is 4 years of age or older on or before September 10 of the year in
3 which the child is to participate in the program and who has not yet completed 2nd grade, the trustees may
4 offer a home-based program.

5 (b) The home-based program must be selected by the board of public education and must:

6 (i) be operated by a nonprofit entity;

7 (ii) be research-based and proven effective at developing early literacy or numeracy skills in
8 populations at risk of not being ~~reading~~-proficient in reading or math at the end of 3rd grade;

9 (iii) foster parental engagement; and

10 (iv) have a cost of no more than \$1,000 a year for each child.

11 (c) The superintendent of public instruction shall provide school districts with access to and
12 technical support for the home-based ~~early literacy~~ program.

13 (7) (a) For an eligible child who is 5 years of age or older on or before September 10 of the year in
14 which the child is to participate in the program and who has not yet completed 3rd grade, the trustees may offer
15 a jumpstart program.

16 (b) The jumpstart program must:

17 (i) take place during the time between the end of one school calendar year and the start of the
18 next school calendar year, as determined by the trustees, preceding a child's entry into kindergarten, 1st grade,
19 2nd grade, or 3rd grade;

20 (ii) be at least 4 weeks in duration and provide at least 120 instructional hours;

21 (iii) be aligned to a framework determined by the board of public education; and

22 (iv) be designed in a manner to increase the likelihood of a child being evaluated at the end of the
23 ensuing school year to be at or above a trajectory leading to reading or math proficiency at the end of 3rd
24 grade."

25

26 **Section 7.** Section 20-7-1804, MCA, is amended to read:

27 **"20-7-1804. Early literacy-targeted interventions -- funding -- reporting.** (1) An eligible child

28 participating in a classroom-based program pursuant to 20-7-1803(5) must be included in enrollment counts for

1 the purpose of ANB calculations in the manner described in 20-9-311.

2 (2) The superintendent of public instruction shall pay for the costs for an eligible child participating
3 in a home-based program pursuant to 20-7-1803(6) from funds appropriated for this purpose. The cost for each
4 child may not exceed \$1,000 a year. If the annual appropriation for this program is not sufficient to fully fund all
5 eligible children participating in the home-based program, the superintendent shall limit participation on a first-
6 come, first-served basis.

7 (3) An eligible child participating in a jumpstart program pursuant to 20-7-1803(7) must be counted
8 as quarter-time enrollment for the purpose of ANB calculations pursuant to 20-9-311.

9 (4) Trustees offering an early ~~literacy~~-targeted intervention shall closely monitor the program and
10 report annually to the superintendent of public instruction on the efficacy of the program no later than July 15.
11 The superintendent shall collaborate with trustees in maximizing the efficiency of fulfilling this reporting
12 requirement. The report must include anonymized information on student progress, including the student's
13 performance on:

14 (a) the evaluation methodology that led to eligibility for the program;

15 (b) any formative assessments administered;

16 (c) if administered, the evaluation methodology at the end of the school year in which intervention
17 was provided; and

18 (d) any statewide reading and math assessments administered in grades 4 through 6.

19 (5) Pursuant to 20-7-104, the superintendent of public instruction shall monitor early ~~literacy~~
20 targeted interventions and gather data to evaluate the efficacy of the interventions while protecting the privacy
21 rights of students and families. The superintendent shall report, in accordance with 5-11-210, to the education
22 interim committee and the education interim budget committee no later than September 1 annually. The report
23 must contain a comparison analysis by intervention type, including no intervention, and must include:

24 (a) the number of participating and nonparticipating children and districts;

25 (b) longitudinal data displaying the proficiency level of participating and nonparticipating children at
26 each grade level following participation in an intervention;

27 (c) at a time when the data is available, long-term outcome data for participants and
28 nonparticipants, including but not limited to:

- 1 (i) assessment data in 8th grade and high school;
- 2 (ii) high school graduation rates; and
- 3 (iii) postsecondary participation rates; and
- 4 (d) a list of schools offering one or more targeted interventions and a list of the matched
- 5 comparable nonparticipating schools that on the most recent 4th grade statewide reading assessment and
- 6 math assessments:
- 7 (i) had 75% or more of its students score at proficient or above; or
- 8 (ii) improved the percentage of students scoring at proficient or above by 10 or more percentage
- 9 points."

10

11 **Section 8.** Section 20-9-311, MCA, is amended to read:

12 **"20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging.** (1) Average

13 number belonging (ANB) must be computed for each budget unit as follows:

14 (a) compute an average enrollment by adding a count of regularly enrolled pupils who were

15 enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on

16 the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a

17 school day, and divide the sum by two; and

18 (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the

19 approved pupil-instruction-related days for the current school fiscal year and divide by 180.

20 (2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-

21 related days may be included in the calculation.

22 (3) When a school district has approval to operate less than the minimum aggregate hours under

23 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

24 (4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in

25 an education program:

26 (i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-

27 time enrollment;

28 (ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time

1 enrollment;

2 (iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-
3 quarter-time enrollment; and

4 (iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time
5 enrollment.

6 (b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than
7 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

8 (c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based
9 on the hours necessary and appropriate to provide the course within a regular classroom schedule.

10 (d) A school district may include in its calculation of ANB a pupil who is enrolled in a program
11 providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b)
12 if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by
13 the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted
14 to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the
15 student has demonstrated proficiency.

16 (e) (i) Except as provided in subsection (4)(e)(ii), a pupil in kindergarten through grade 12 who is
17 concurrently enrolled in more than one public school, program, or district may not be counted as more than one
18 full-time pupil for ANB purposes. When a pupil is concurrently enrolled in more than one district, any fractional
19 enrollment under subsection (4)(a) must be attributed first to a pupil's nonresident district.

20 (ii) A pupil who participates in a jumpstart program under Title 20, chapter 7, part 18, may be
21 counted as up to 1 1/4 enrollment for ANB purposes. A district shall add one-quarter enrollment for a pupil who
22 participated in an ~~early literacy~~ a jumpstart program to the pupil's regular enrollment count under this subsection
23 (4) in both the October and February enrollment counts following the student's participation in the jumpstart
24 program.

25 (5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state
26 superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose
27 of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the
28 purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten

1 enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for
2 districts offering full-time kindergarten.

3 (6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school
4 days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil
5 resumes attendance prior to the day of the enrollment count.

6 (7) (a) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the
7 ANB calculations.

8 (b) Except as provided in subsection (7)(c), a pupil who has reached 19 years of age by
9 September 10 of the school year may not be included in the ANB calculations.

10 (c) A pupil with disabilities who is over 19 years of age and has not yet reached 21 years of age by
11 September 10 of the school year and who is receiving special education services from a school district pursuant
12 to 20-7-411(4)(a) may be included in the ANB calculations if:

13 (i) the student has not graduated;

14 (ii) the student is eligible for special education services and is likely to be eligible for adult services
15 for individuals with developmental disabilities due to the significance of the student's disability; and

16 (iii) the student's individualized education program has identified transition goals that focus on
17 preparation for living and working in the community following high school graduation since age 16 or the
18 student's disability has increased in significance after age 16.

19 (d) A school district providing special education services pursuant to subsection (7)(c) is
20 encouraged to collaborate with agencies and programs that serve adults with developmental disabilities in
21 meeting the goals of a student's transition plan.

22 (8) The average number belonging of the regularly enrolled pupils for the public schools of a
23 district must be based on the aggregate of all the regularly enrolled pupils attending the schools of the district,
24 except that:

25 (a) the ANB is calculated as a separate budget unit when:

26 (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or
27 town located in the district and at least 20 miles from any other school of the district, the number of regularly
28 enrolled pupils of the school must be calculated as a separate budget unit for ANB purposes and the district

1 must receive a basic entitlement for the school calculated separately from the other schools of the district;

2 (ii) a school of the district is located more than 20 miles from any other school of the district and
3 incorporated territory is not involved in the district, the number of regularly enrolled pupils of the school must be
4 calculated separately for ANB purposes and the district must receive a basic entitlement for the school
5 calculated separately from the other schools of the district;

6 (iii) the superintendent of public instruction approves an application not to aggregate when
7 geographic barriers exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to
8 travel, that would result in an unusual hardship to the pupils of the school if they were transported to another
9 school, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes
10 and the district must receive a basic entitlement for the school calculated separately from the other schools of
11 the district; or

12 (iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the
13 ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years
14 following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3
15 additional years as follows:

16 (A) 75% of the basic entitlement for the fourth year;

17 (B) 50% of the basic entitlement for the fifth year; and

18 (C) 25% of the basic entitlement for the sixth year.

19 (b) when a junior high school has been approved and accredited as a junior high school, all of the
20 regularly enrolled pupils of the junior high school must be considered as high school district pupils for ANB
21 purposes;

22 (c) when a middle school has been approved and accredited, all pupils below the 7th grade must
23 be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered
24 high school pupils for ANB purposes; or

25 (d) when a school has been designated as nonaccredited by the board of public education
26 because of failure to meet the board of public education's assurance and performance standards, the regularly
27 enrolled pupils attending the nonaccredited school are not eligible for average number belonging calculation
28 purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE

1 funding program for the district.

2 (9) The district shall provide the superintendent of public instruction with semiannual reports of
3 school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the
4 superintendent.

5 (10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education
6 program provided by the district through any combination of in-person or remote instruction may be included for
7 ANB purposes only if the pupil is offered access to the complete range of educational services for the basic
8 education program required by the accreditation standards adopted by the board of public education.

9 (b) Access to school programs and services for a student placed by the trustees in a private
10 program for special education may be limited to the programs and services specified in an approved individual
11 education plan supervised by the district.

12 (c) Access to school programs and services for a student who is incarcerated in a facility, other
13 than a youth detention center, may be limited to the programs and services provided by the district at district
14 expense under an agreement with the incarcerating facility.

15 (d) This subsection (10) may not be construed to require a school district to offer access to
16 activities governed by an organization having jurisdiction over interscholastic activities, contests, and
17 tournaments to a pupil who is not otherwise eligible under the rules of the organization.

18 (11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under
19 this title and who is:

20 (a) a resident of the district or a nonresident student admitted by trustees under a student
21 attendance agreement and who is attending a school or an offsite instructional setting of the district;

22 (b) unable to attend school due to a medical reason certified by a medical doctor and receiving
23 individualized educational services supervised by the district, at district expense, at a home or facility that does
24 not offer an educational program;

25 (c) unable to attend school due to the student's incarceration in a facility, other than a youth
26 detention center, and who is receiving individualized educational services supervised by the district, at district
27 expense, at a home or facility that does not offer an educational program;

28 (d) receiving special education and related services, other than day treatment, under a placement

- 1 by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the
2 district's expense under an approved individual education plan supervised by the district;
- 3 (e) participating in the running start program at district expense under 20-9-706;
- 4 (f) receiving educational services, provided by the district, using appropriately licensed district staff
5 at a private residential program or private residential facility licensed by the department of public health and
6 human services;
- 7 (g) enrolled in an educational program or course provided at district expense using remote delivery
8 methods, including but not limited to tutoring, distance learning programs, online programs, and technology
9 delivered learning programs. The pupil:
- 10 (i) must meet the residency requirements for that district as provided in 1-1-215;
- 11 (ii) shall live in the district and must be eligible for educational services under the Individuals With
12 Disabilities Education Act or under 29 U.S.C. 794; or
- 13 (iii) must be enrolled in the educational program or course under a mandatory attendance
14 agreement as provided in 20-5-321; or
- 15 (iv) must be receiving remote instruction under 20-7-118(1)(c).
- 16 (h) a resident of the district attending the Montana youth challenge program or a Montana job
17 corps program under an interlocal agreement with the district under 20-9-707.
- 18 (12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth
19 challenge program participant as half-time enrollment.
- 20 (13) (a) A district may, for ANB purposes, include in the October and February enrollment counts an
21 individual who is otherwise eligible under this title and who during the prior school year:
- 22 (i) resided in the district;
- 23 (ii) was not enrolled in the district or was not enrolled full time; and
- 24 (iii) completed an extracurricular activity with a duration of at least 6 weeks.
- 25 (b) (i) Except as provided in subsection (13)(b)(ii), each completed extracurricular activity under
26 subsection (13)(a) may be counted as one-sixteenth enrollment for the individual, but under this subsection (13)
27 the individual may not be counted as more than one full-time enrollment for ANB purposes.
- 28 (ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-

1 eighth enrollment.

2 (c) For the purposes of this section, "extracurricular activity" means:

3 (i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic
4 activities, contests, and tournaments;

5 (ii) an approved career and technical student organization, pursuant to 20-7-306; or

6 (iii) a school theater production.

7 (14) (a) For an elementary or high school district that has been in existence for 3 years or more, the
8 district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated
9 using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever
10 generates the greatest maximum general fund budget.

11 (b) For a K-12 district that has been in existence for 3 years or more, the district's maximum
12 general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the
13 elementary and high school programs pursuant to subsection (14)(a) and then combined.

14 (15) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated
15 by:

16 (a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the
17 previous 2 school fiscal years; and

18 (b) dividing the sum calculated under subsection (15)(a) by three."
19

20 **NEW SECTION. Section 9. Transition.** A school district may administer a numeracy-based
21 evaluation methodology as soon as the methodology is determined by the board of public education pursuant to
22 20-7-1803, and a district may incorporate numeracy in jumpstart programs starting on or after [the effective
23 date of this act].
24

25 **NEW SECTION. Section 10. Effective date.** [This act] is effective on passage and approval.
26

- END -