

2019 66th Legislative Session Summary of Legislation Related to K-12 Education



June 2019

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PLEASE NOTE: This document contains brief summaries of bills relating to K-12 education that were considered and passed by the Montana Legislature during the 2019 Legislative Session. The summaries are not offered as legal advice nor as a definitive interpretation of these bills. For a more comprehensive understanding of the laws, please consult the original legislation.

Total number of bills in Education is 166 for the 66th Legislative Session. Of these, 89 bills died in process, 72 bills passed, and 5 bills passed but were vetoed by the Governor.

LEGISLATION AFFECTING K-12 EDUCATION

ACCREDITATION/CURRICULUM

HB 33 Jonathan Windy Boy

Extend the Montana Indian Language Preservation Program

Chapter: 77 Effective Date: March 20, 2019.

HB 33 extends the Montana Indian language preservation program, 20-9-537, MCA, to the end of FY 2023.

HB 41 Jonathan Windy Boy

Extend the Cultural Integrity and Commitment Act

Chapter: 171 Effective Date: April 18, 2019

HB 41 extends the Cultural Integrity and Commitment Act passed with SB 272 (2015) described in the following summary:

SB 272 promotes innovative, culturally relevant, Indian language immersion programs for Indian and non-Indian students with the goal of raising student achievement, strengthening families, and preserving and perpetuating Indian language and culture throughout Indian country and Montana. School districts are encouraged to create Indian language immersion programs; collaborate with other school districts, the Montana Digital Academy, tribal governments, and tribal colleges; utilize materials produced in the Montana Indian language preservation pilot program funded by the 2013 Legislature; utilize American Indian language and culture specialists as teachers of language and culture; and look to existing native language schools in Montana and around the world for guidance and best practices.

If a school district creates an Indian language immersion program, the district will receive the following:

- Three American Indian achievement gap payments for every Indian student participating in an Indian language immersion program;
- Three Indian Education for All payments for every non-Indian participant; and
- A quality educator payment for every full-time American Indian language and culture specialist teaching in an Indian language immersion program.

For a district operating an Indian language immersion program that improves the district's graduation rate for American Indians by 5 percentage points or more from the previous year, the district will receive an increase in its American Indian achievement gap payment.

HB 41 adjusts the termination date of this this legislation to June 30, 2023.

HB 153 Kathy Kelker

Generally revise education laws related to gifted and talented programs

Chapter: 93 Effective Date: October 1, 2019

HB 153 amends section 20-7-904, MCA, which specifies the process requirements for schools to apply for and the OPI to approve grants for programs for gifted and talented children. The revision adds a requirement for the OPI to report to the governor and the legislature by September 15 of even-numbered years on the status and effectiveness of programs serving gifted and talented students. The report must include the total number of schools applying for and receiving funds from OPI, a breakdown by school size, a description of the ways in which districts include a child's parents in the evaluation process, the number of students evaluated and identified, a description of the training provided to teachers, a description of services provided to gifted and talented students, and an evaluation of the effectiveness of gifted and talented programs.

HB 351 Wendy McKamey

Encourage transformational learning

Chapter: 402 Effective Date: May 9, 2019

HB 351 amends section 20-9-116, MCA, and revises education laws to support transformational learning which is defined in the bill as a flexible system of pupil-centered learning that is designed to develop the full educational potential of each pupil that: is customized to address each pupil's strengths, needs, and interests; includes continued focus on each pupil's proficiency over content; and actively engages each pupil in determining what, how, when, and where each pupil learns. Schools will apply to the Board of Public Education for approval. State aid – termed transformational learning aid – is to be provided to districts on an intricate “first come first served” schedule on a four-year qualification and payment cycle. Qualifying districts are provided limited permissive levy and transfer authority while implementing a qualified transformational learning plan. An appropriation of \$2.6 M from the state general fund is provided for distributions of transformational learning aid to begin in the 2021 biennium and a termination date of June 30, 2027 is provided.

HB 387 Llew Jones

Create advanced opportunity act for Montana students

Chapter: 279 Effective Date: July 1, 2019.

HB 387 amends section 20-7-701, MCA, and creates the Montana advanced opportunity act which is defined as any course, exam, experiential, online, or other learning opportunity that is incorporated in a district's advanced opportunity plan and that is designed to advance each qualifying pupil's opportunity for postsecondary career and educational success. State aid termed *advanced opportunity aid* is to be provided to districts on a “first-come first-served” schedule including an annual qualification and payment cycle. At least 60% of the *advanced opportunity aid* is to be expended for the purposes of advanced opportunities and up to 40% may

be expended for career and technical/vocational education. Qualifying districts are permitted to make expenditures from the adult education fund for the purposes of advanced opportunities in an amount up to 25% of state provided advanced opportunity aid. An appropriation of \$750,000 from the state general fund is provided for distributions of advanced opportunity aid to begin in FY 2021.

HB 631 Kimberly Dudik

Create public private partnership to help workers in targeted industries

Chapter: 366 Effective Date: July 1, 2019

HB 631 creates a pilot program for public-private partnerships to increase skill training in targeted industries and job-readiness assistance for target populations and provides rulemaking authority to the Department of Labor and Industry (DLI). The objective of the program is for the DLI to coordinate with the Department of Commerce, the OPI, the board of education, the board of regents, and other state agencies to promote the creation of strategic industry partnerships across the state, advance the skills of the state’s workforce, determine opportunities for resource sharing, and increase sustainable employment for residents of the state. The strategic partnerships will identify common workforce needs for high demand occupations within a target industry and a target population; plan, develop and implement strategies to meet common workforce needs, address shortages determined for a specific region, and encourage entrepreneurship for high-demand occupations, and apply to the DLI for grants to address strategic industry partnership objectives. These strategic partnerships must include a representative of a local government; a high school district, a community college or a unit of the Montana university system; and one or more target industries. Other entities may participate as well. The bill also establishes the Montana EARN (employment advancement right now) program under which the strategic partnerships may submit grant proposals to the DLI and establishes the parameters to be used by the DLI for awarding grants. The bill creates a state special revenue account to receive contributions from state, federal or private sources and transfers \$45,000 from the state general fund to initialize the account. As a pilot program, the statute will terminate at the end of biennium 2021 and the DLI will provide to the governor and the legislative council a report describing the results of the program.

APPROPRIATIONS

HB 2 Nancy Ballance

General Appropriations Act

Chapter: 483

Effective Date: July 1, 2019

HB 2 and the guarantee account contain the majority of the Office of Public Instruction appropriations for the biennium beginning July 1, 2019. The following table shows the total HB 2 appropriations for OPI:

Total OPI Appropriations for the 2020-2021 Biennium

Funding Source	Distributed to Schools	State Level Activities	Total
State General Fund	\$1,668,502,739	\$21,437,939	\$1,689,940,678
State Special Revenue	\$7,826,000	\$490,578	\$8,316,578
Federal Special Revenue	\$310,470,782	\$34,949,034	\$345,419,816
Statutory Appropriations	\$92,272,969	\$0	\$92,272,969
Total	\$2,079,072,490	\$56,877,551	\$2,135,950,041

The legislature restored reductions to school funding implemented in the 2017 regular and special sessions and added the inflationary increases required by statute. The only general fund line item not restored was the block grants, but at the time the block grants were eliminated the GTB factors were increased over four years to offset the block grant totals statewide.

The following summary describes appropriations for K-12 Education in HB 2:

K-12 EDUCATION, HB 2:

- **K-12 BASE Aid**

The total estimated BASE Aid to be distributed to school districts is estimated to be \$797.231 million in FY 2020 and \$817.494 million in FY 2021. BASE Aid is funded first by the guarantee account with the balance funded from state general fund. The funding increases are driven by changes to ANB and inflation of 0.91% in FY 2020 and 1.83% in FY 2021 as required by statute and made effective by HB 159. The following table summarizes the increases in each component of BASE Aid and the funding of the total increase:

<u>Component</u>	<u>FY 2020</u>	<u>FY2021</u>	<u>Biennium</u>
Direct State Aid	12,046,304	21,153,057	33,199,361
GTB - School General Fund	11,902,703	20,899,036	32,801,739
GTB - School Retirement	4,104,184	5,304,014	9,408,198

Quality Educator	645,249	1,406,444	2,051,693
Indian Ed for All	49,488	109,777	159,265
Close Achievement Gap	46,110	127,630	173,740
Data for Achievement	3,227,180	3,284,401	6,511,581
State Audit Fees	<u>18,218</u>	<u>18,218</u>	<u>36,436</u>
Total	<u>32,039,436</u>	<u>52,302,577</u>	<u>84,342,013</u>
From Guarantee Account	4,281,433	4,622,392	8,903,825
From General Fund (HB 2)	27,758,003	47,680,185	75,438,188

- At-Risk Student Payment

Appropriates \$5.541 million from the state general fund in FY 2020 and \$5.642 million in FY 2021 for at-risk student payments under 20-9-328, MCA, to the school district general funds.

- Special Education

Appropriates \$43.509 million from the state general fund in each of FY 2020 and FY 2021 for state special education payments to schools. No inflation for special education was appropriated in HB 2. However, HB 638 separately appropriates \$393,957 in FY 2020 and \$1,193,409 for special education inflation.

- Transportation Aid

Appropriates \$11.999 million from the state general fund in each year of the biennium for state reimbursements to school districts for pupil transportation. These appropriations increase transportation reimbursements by \$1.900M in both FY 2020 and FY 2021 from the base FY 2019 appropriation, restoring the reductions from the special session and accounting for a small amount of inflation.

- In-State Treatment

Appropriates \$787,801 from the state general fund in each year of the 2021 biennium for education services for students in in-state psychiatric residential treatment facilities. The appropriations restore the state funding for in-state treatment to the FY 2017 base appropriation level.

- Career and Technical Education

Appropriates \$2.000 million from the state general fund in each year of the 2021 biennium for secondary vocational education programs. The appropriations restore the state funding for CTE to the FY 2017 base appropriation level.

- Adult Basic Education

Appropriates \$525,000 from the state general fund in each year of the 2021 biennium for adult basic education programs. The appropriations restore the state funding for adult basic education to the FY 2017 base appropriation level.

- Gifted and Talented Grant Program

Appropriates \$350,000 from the state general fund in each year of the 2021 biennium for school district gifted and talented programs. The appropriations restore the state funding for gifted and talented to the FY 2017 base appropriation level and adds \$100,000 per year for this program.

- School Foods

Appropriates \$663,862 from the state general fund in each year of the 2021 biennium for school nutrition programs. The appropriations restore the state funding for school foods to the FY 2017 base appropriation level.

- State Block Grants

The 2017 legislature ended block grants. The only remaining block grant is the Coal-fired Generating Unit Closure Mitigation Block Grant which is appropriated in the amount \$1.693 million from the state general fund for each year of the biennium.

- State Tuition Payments

Appropriates \$377,675 from the state general fund in each year of the 2021 biennium for tuition payments to schools that enroll students placed by state agencies or courts under mandatory attendance agreements. The appropriations do not fully restore the appropriation to the base 2017 level, but the amount is in line with historical expenditures.

- Advancing Agricultural Education in Montana

Appropriates \$151,956 in FY 2020 and \$151,960 in FY 2021 from the state general fund to school districts to support secondary agricultural education programs and to implement 20-7-334, MCA.

- Cultural Integrity Commitment Act – HB 41(2019)

Appropriates \$47,590 in FY 2020 and \$48,470 in FY 2021 from the state general fund to support Indian Language Immersion Programs.

- Major Maintenance Aid and Debt Service Assistance

Appropriates general fund in the amounts of \$4.783 million in FY 2020 and \$5.391 million in FY 2021 for Major Maintenance Aid. HB 2 also appropriates state special revenue in the amounts of \$1.617 million in FY 2020 and \$2.209 million in FY 2021 representing expected receipts from the coal severance tax trust fund. During the 2017 legislative session, SB 307 created a program for providing regular state funding for major maintenance in school districts. The statute also allows excess funds to be redirected to debt service assistance. Due to a concern of potentially transferring general fund to a state special revenue account, the major maintenance account was renamed to allow expenditures for debt service to occur from either funding source.

- Debt Service Assistance

Appropriates \$0.00 in FY 2020 and \$2.500M of state special revenue in FY 2021 to provide for distribution of timber revenue received from state trust lands. These funds were transferred to the general fund in the current biennium, so the starting point is zero. The appropriation amount in 2021 is the anticipated timber revenue each year. In addition, excess revenue from the Major Maintenance Aid line item will also be used for the same purpose.

- Traffic and Safety Education

Appropriates \$750,000 of state special revenue in each year of the 2021 biennium for driver's education programs provided by school districts. The appropriations maintain the state funding for traffic education programs at the FY 2019 base appropriation level. Traffic and Safety Education revenues are generated from a percentage of the drivers' license fee and commercial drivers' license fee. Should these revenues exceed the appropriation, OPI can distribute the additional revenues so long as the total expended does not exceed \$1.800 million.

- Federal Grant Awards

Appropriates \$154.735 million in FY 2020 and \$155.735 million in FY 2021 for distribution of federal education grant monies to school districts. This spending authority represents an increase of \$2.500 million in FY 2020 and \$3.5000 million in FY 2021 over the FY 2019 base appropriation level. Increases are projected for Federal Title I Grants and the Individuals with Disabilities Education Act programs.

- Guarantee Account Funding

Monies from the guarantee account are statutorily appropriated. The amount available for distribution is estimated to be \$45.966 million in FY 2020 and \$46.307 million in FY 2021 for K-12 BASE aid payments and \$1.0 million in each year for grants for school technology purchases. Revenues for the state guarantee account are generated from state school trust lands. The guarantee account is the first source of funding for the K-12 BASE aid. Funds from the guarantee account offset expenditures that would otherwise be paid from the state general fund.

OFFICE OF PUBLIC INSTRUCTION (OPI) OPERATIONS AND TECHNICAL ASSISTANCE TO SCHOOLS, HB 2:

- OPI Agency Budget

At OPI's request, the legislature made a change to the appropriations structure for the agency operating budget. In the past, both the Montana Digital Academy (MTDA) and Audiological Services were funded partially from the agency base budget and partially from one-time only lines. The new structure puts the entire funding for MTDA and Audiological Services into their own line items. The one time only designation was completely removed.

HB 2 appropriates \$8.207 million in FY 2020 and \$8.213 million in FY 2021 from the state general fund for the agency's general fund operating budget. Although the legislature funded statewide present law adjustments, the legislature transferred \$627,000 to local education funding to help

pay for SB 261 restoration. In addition, the legislature lowered the agency's authorized FTE by 4.03 and reduced funding associated with the FTE.

Appropriates \$245,145 in FY 2020 and \$245,433 in FY 2021 of state special revenue for traffic education administration and cooperative purchasing.

Appropriates \$17.474 million in FY 2020 and 17.475 million in FY 2021 of authority to spend federal grant funds for the administration of federal grants.

- **Montana Digital Academy**
Appropriates \$2.001 million from the state general fund in each year of the biennium.
- **Audiological Services**
Appropriates \$508,000 from the state general fund in each year of the biennium.

HB 3 Nancy Ballance
Supplemental Appropriations Bill
Chapter: 204 Effective Date: April 29, 2019

HB 3 provides supplemental general fund appropriations to meet the state's legal obligations for the fiscal year ending June 30, 2019. The only education appropriation in the bill is \$100,000 for the state lands reimbursement block grant. This block grant was passed during the 2017 regular session to pay \$100,000 to any school district in a county with more than 20% of its lands owned by the state. The Scobey school district is the only school district that meets this definition. When the legislature eliminated all remaining block grants during the 2017 special session, section 20-9-640, MCA, which authorized this block grant was not modified. As a result, the OPI requested the legislature to provide the funding for this statute.

HB 4 Nancy Ballance
Appropriations by Budget Amendment
Chapter: 341 Effective Date: May 7, 2019

HB 4 extends spending authority into the 2021 biennium for federal grants received in the interim and approved as budget amendments by the Office of Budget and Program Planning. For the OPI this includes the preschool development grant, the striving readers comprehensive literacy project, the school violence prevention grant, and the technology innovation grant.

HB 638 David Bedey
Increases to the K-12 special education allowable cost payment
Chapter: 391 Effective Date: July 1, 2019.

HB 638 appropriates \$393,957 for FY 2020 and \$1,193,409 for FY 2021 over the base for state special education payments to schools. An additional \$272,853 appropriation is provided for increases to guarantee tax base aid related to the increases in the special education allowable cost payment. The increase to appropriations in FY 2021 is to be considered part of the ongoing base for the next legislative session.

HB 662 Llew Jones

Implement provisions of HB 2, Sec E - Education
Chapter: 392 Effective Date: July 1, 2019

HB 662 is a companion bill to HB 2. A companion bill is a bill that includes any statute changes required for the appropriations in HB 2 to be valid. HB 662 amends 20-7-305, MCA, the statute that establishes the eligibility of CTE programs for funding and authorizes the Superintendent to determine the method for allocating the CTE appropriation. The amendment clarifies that the CTE appropriation funds both school district CTE programs and statewide Career Technical Student Organizations (CTSOs) under 20-7-320, MCA.

AT-RISK YOUTH

SB 197 Jeffrey Welborn

Generally revise education laws related to Montana youth challenge academy

Chapter: 233 Effective Date: May 1, 2019

SB 197 amends 10-1-1402, MCA, to add a provision that allows students, participating in the Montana Youth Challenge Academy (MYCA), to earn a high school diploma. The bill states that the ability to receive a diploma is based on the student's proficiency and is at the discretion of the resident district trustees.

ELECTIONS

HB 166 Mary Ann Dunwell
Revise display of sample ballots at polling places
Chapter: 135 Effective Date: September 1,2019

HB 166 changes the requirement regarding the posting of sample ballots at a polling location. A single sample ballot must now be posted only in one conspicuous location at each polling place, rather than in each voting station and in places around the polling place.

HJ 3 Forrest Mandeville
Interim study resolution on accessibility for disabled electors

HJ 3 is an interim study bill designed to examine state and federal laws related to electors with disabilities, regarding accessible voting machines and technology, improving accessibility for electors with disabilities, and conflicts between state and federal laws. With the participation of stakeholders and the public the bill seeks to identify and analyze relevant policy and logistical issues and make recommendations on changes to state laws. The study must be concluded prior to September 15, 2020.

HJ 10 Alan Doane
Study resolution to address American Indian voting

HJ 10 is an interim study bill to identify and address barriers to voting by Montana Native Americans. The study will examine deadlines and procedures related to physical address and identification, analyze options for addressing barriers while ensuring election security, review mail ballot requirements and options, and consider any other matters related to voting by Montana Native Americans. The State-Tribal Relations Committee will request participation from election administrators, representatives from each of the tribal governments, and other interested parties, and provide a final report to the State Administration and Veterans' Affairs Interim Committee. The study must be concluded prior to September 15, 2020.

SB 130 Daniel R Salomon
Revise school election law
Chapter: 154 Effective Date: July 1, 2019

SB 130 extends the time to issue certificates of election and hold the school board's annual organizational meeting from 15 to 25 days.

SB 148 Bryce Bennett
Allow late registrant absentee ballots to be dropped off at polling locations
Chapter: 155 Effective Date: September 1, 2019

SB 148 gives an elector who late registers the option of returning the ballot to the county election administrator, or school clerk if the election is administered by the school clerk, or to any polling location within the county or district where the elector is registered, on election day.

SB 162 Roger Webb
Generally revise election laws
Chapter: 229 Effective Date: May 1, 2019

SB 162 establishes an early count process that begins up to 3 days before election day. In counties with 8,000 or more registered electors or 5,000 or more absentee electors as of the close of regular registration, election officials may separate voted ballots from the secrecy envelope in preparation for tabulation. In counties with fewer than 8,000 registered electors or less than 5,000 absentee electors, the process begins no sooner than the day before election day. This process can never occur on a Saturday or Sunday and must be open to the public.

When using a vote-counting machine, tabulation may begin up to one day before election day. Tabulation done by manual count must be conducted on election day. Access to the electronic system containing early tabulation results is limited to the election administrator and the election administrator's designee.

SB 162 also eliminates the requirement to sequester both the judges and observers of the early count process. Both judges and observers must take an oath affirming that they will not release election results until after the close of polls on election day. A person who knowingly releases early election results may be subject to a prison term not to exceed 2 years, fined between \$100,000 and \$500,000, or both.

SB 291 Fred Thomas
Revise laws on voting systems and ballot form
Chapter: 325 Effective Date: May 7, 2019

SB 291 directs county election administrators to ensure that at least one voter interface device is available at every polling location. The screen must be blocked from the view of other electors in the polling location. Non-disabled electors must also be encouraged to cast their ballot using the device. Any ballots cast using the device must be transcribed in secret using a standard ballot form, by not less than three election officials.

A voter interface device is defined as a voting system accessible to electors with disabilities that is able to communicate voting instructions and ballot information to a voter, allows the voter to select and vote for candidates and issues including the ability to verify and change selections, and produces a paper ballot that electors may use to confirm the accuracy of their vote. Before a voter interface device may be used, the device must meet the electronic security standards adopted by the Secretary of State, provide accessible technology for electors with hearing, vision, speech or ambulatory impairments and have been made available for demonstration in at least one public event held by the Secretary of State. Disabled electors must be involved in making the determination that a device meets accessibility standards.

EMPLOYMENT RELATIONS

HB 204 Marilyn Ryan

Generally revise teachers' retirement system

Chapter: 276 Effective Date: July 1, 2019

HB 204 is a cleanup bill for the teachers' retirement system (TRS). The bill clarifies employer reporting and contributions, dormant membership status, withdrawal from membership, retirement benefit options, rollover provisions, designation of beneficiaries including when and how beneficiaries are designated and the effect of no designation or an ineffective designation, the order of priority for the payment of beneficiaries and payments to minor children. One key change for school district administration is the requirement for TRS employers to submit wage and contribution reports for every month of the year. Currently, some school districts submit their June report when school resumes in the fall. Also included is a technical fix to section 19-20-607, MCA setting the state supplemental contribution to the pension system resulting from an audit which is considered to be retroactive to contributions made on or after July 1, 2007. TRS has issued a bulletin (<https://trs.mt.gov/miscellaneous/PdfFiles/Employers/Memos/B-3-0519.pdf>) to employers regarding these changes.

HJ 39 Tom Burnett

Requesting Legislative Performance Audit on combining admin of TRS and MPERA

HJ 39 is a joint resolution of the Senate and House of Representatives requesting that the Legislative audit committee prioritize a performance audit of administrative operations and costs of TRS and MPERA, to evaluate whether combining the two administrative entities into one would save money or result in other operational efficiencies.

SB 139 Mike Lang

Revise retiree return to work provisions in teachers' retirement systems

Chapter: 307 Effective Date: May 7, 2019

SB 139 revises the return to employment provisions under the teachers' retirement system by revising the criteria to be met for a retiree to return to employment in special circumstances without loss of retirement benefits. Generally, a retired teacher may return to work for up to three years without the loss of benefits if the position cannot be filled through the normal teacher recruitment process. The bill lowers the total years of creditable service from 30 years to 27 years in order for retirees to be eligible for this program. The bill adds a restriction that this option is only available to schools classified as second class or third class using the district classification that determines the number of trustees in the district.

The bill also adds the requirement for the OPI to verify that the employer has advertised the position. Last, the bill requires the retirement board to report by September 15 of each even-numbered year to the Education Interim Committee and the State Administration and Veterans' Affairs Committee regarding the implementation of this section. TRS has issued a bulletin (<https://trs.mt.gov/miscellaneous/PdfFiles/Employers/Memos/B-3-0519.pdf>) to employers regarding these changes.

FACILITIES

HB 247 Bruce Grubbs

Provide greater flexibility for school districts in financing major maintenance

Chapter: 96 Effective Date: July 1, 2019.

HB 247 amends sections 20-9-471 and 20-9-525, 20-7-457, MCA, revises funding related to major maintenance projects by authorizing district trustees to issue obligations for limited purposes to certain financial institutions, specifically, a bank, building and loan association, savings and loan association, or credit union that is a regulated lender, as defined in 31-1-111, MCA, in addition to the board of investments. HB 247 requires trustees to give the board of investments the right of first refusal for these loans and clarifies the authority of trustees to utilize revenues in the building reserve fund to repay these obligations.

HB 652 Mike Hopkins

Revise the long-range building bonding program

Chapter: 476 Effective Date: 05/10/2019

HB 652 amends Title 17 with the addition of several statutes providing for infrastructure funding in the form of general obligation bonds, general fund appropriations, and state special revenues from bonds. This bill specifically appropriates \$10.75 million to the Department of Commerce for local governments for school district infrastructure projects related to safety or security issues, major repairs or deferred maintenance, and major improvements or enhancements. Each project must be completed by September 30th, 2020, and cannot exceed \$750,000.

GOVERNANCE

HB 61 David Bedey

Revise School Data Privacy Laws

Chapter: 12 Effective Date: February 19, 2019

HB 61 amends 20-7-104, MCA, to allow the OPI to share a student's personally identifiable information specifically associated with the ACT or other college entrance exam that is also administered as a state assessment test with accredited postsecondary institutions, testing agencies under contract with the state, or scholarship organizations. Scholarship organizations are authorized to use the information only if it is for the sole purpose of scholarship opportunities. Under the law, the student must consent to their information being released.

HB 619 Daniel Zolnikov

Revise student data privacy laws

Chapter: 196 Effective Date: Upon Passage

HB 619 amends 20-7-104, MCA, to allow the OPI to share student-level information with the Commissioner of Higher Education and the Department of Labor for the purpose of research. The research must be directed at ensuring that the Montana K-12 education system meets the expectations of the Montana university system and the workforce needs of the state. The State Superintendent will determine the necessity of research requests from OCHE and DLI and will enter into an agreement to share the student information. The bill also places requirements on the Memorandum of Understanding between the OPI and said agency. These requirements state that the MOU must expire after 18 months and that all shared data must be deleted upon completion of the research project.

HB 715Llew Jones

Generally revise laws related to state finance and provide for fiscal studies

Chapter: 398 Effective Date: July 1, 2019

HB 715 amends sections 17-7-130 and 17-7-140, MCA, revising percentages for reductions in spending and providing for a tax modernization study on the budget stabilization reserve fund. The bill also directs the legislative finance committee to conduct a study on long-term budget stabilization, sets the parameters for the studies, and provides for appropriations. The bill also included an appropriation of \$30,000 to the OPI to fund educational materials associated with SB40, the Montana Dyslexia Screening and Intervention Act.

HB 745 Andrea Olsen
Enact a student online personal information protection act
Chapter: 369 Effective Date: May 7, 2019

HB 745 creates the Montana Pupil Online Personal Information Protection Act which addresses the issue of third party education software providers who collect student information and then sell the data to marketers. The first section of the act defines an “Operator” as the operator of a K-12 online application who knows or reasonably should know that the application is used primarily for K-12 school purposes. The bill prohibits an operator from engaging in targeted advertising, using information to amass a profile about a pupil, sell a pupil’s information, or disclose protected information. Exceptions are listed such to ensure legal and regulatory compliance, to respond to or participate in the judicial process, to protect the safety of users or others or the security of the site, or to a service provider who is contractually limited to use the data for the intended purpose. An operator must also implement and maintain reasonable security practices and procedures. An operator who violates these restrictions could be found guilty of a misdemeanor and be fined up to \$500.

The bill also requires a school district that enters into a contract with a third party to provide a K-12 application to student data must ensure the contract contains a statement that pupil data continues to be the property of the school district.

Additional provisions include:

- Pupils retain possession of and control their own pupil-generated content
- Prohibition against the third party using any pupil information for any purpose not specified in the contract
- Procedures by which a parent, legal guardian or pupil may review pupil information and correct errors
- The actions the third party will take to ensure security and confidentiality of pupil records
- Procedure for notification in the event of an unauthorized disclosure
- Certification that pupil records will not be retained upon completion of the contract
- How the third party and the school district will jointly ensure compliance with FERPA
- Prohibition against the third party using personally identifiable information in pupil records to engage in targeted advertising

The bill does give an exception for contracts in place before the effective date of this act.

SB 2 Margaret (Margie) MacDonald
Allow government accounting standards to include DOA framework
Chapter: 73 Effective Date: July 1, 2019

SB 2 amends sections 2-7-504, MCA, and 7-6-609, MCA, to allow an additional financial framework for small government entities. The Department of Administration was given legislative authority to adopt administrative rules to govern small government financial

reporting. While this bill has no direct effect on school district financial reporting, the Office of Public Instruction can adopt similar standards.

SB 58 Daniel R Salomon
Revise the Montana Bank Act
Chapter: 75 Effective Date: October 1, 2019

SB 58 amends section 20-3-324, MCA to exclude a reference to 32-1-115, MCA, which defines a student financial institution. Instead, a school or education service is added to 32-1-115, MCA; therefore, the reference to 32-1-115, MCA in 20-3-324, MCA is no longer necessary.

SB 302 John Esp
Generally revise laws related to local government budgeting and accounting
Chapter: 268 Effective Date: May 2, 2019

SB 302 amends Title 2, Chapter 7, requiring the Department of Justice (DOJ) to monitor and investigate non-compliance of local government entities regarding timely submission of financial reports and audits to the state. If local governments fail to report either financial audits or adopt budgets within two years of the deadline, the DOJ can file a cause of action against the local government entity.

SB 325 Steve Fitzpatrick
Create the Montana Business Corporation Act
Chapter: 271 Effective Date: June 1, 2020

SB 325 creates the Montana Business Corporation Act. In this bill, definitions in section 35-1-113, MCA, are repealed and replaced with Section 14 of SB 325. In 20-5-320 (9)(b), MCA, the reference to the repealed section has been removed and replaced with the new definition of domestic corporation. This definition is applied to the “parent or guardian” in relation to a discretionary attendance agreement.

SR 16 Daniel R Salomon
Confirm Governor’s appointee for Board of Regents

SR 16 confirms the appointment of the following as members of the Board of Regents of Higher Education:

- Dalton Johnson, Clancy, MT to a term ending June 30, 2019
- Casey Lozar, Helena, MT to a term ending February 1, 2025
- Brianne Rogers, Bozeman, MT to a term ending February 1, 2024.

SR 19 Daniel Salomon
Confirm Governor's appointees to board of public education

SR 19 concurs, confirms, and consents to the appointment of Jesse Barnhart (term ending February 1, 2025), Madalyn Quinlan (term ending February 1, 2026), and Scott Stearns (term ending February 1, 2020) to the Board of Public Education in accordance with section 2-15-1508 MCA.

SR 47 Daniel R Salomon
Confirm Governor's appointee for Board of Regents for Higher Ed

SR 47 confirms the appointment of Joyce Dumbrowski from Missoula, MT as a member of the Board of Regents of Higher Education for a term ending February 1, 2026.

HIGHER EDUCATION

HB 176 David Bedey

Clarify approval process for new community college district

Chapter: 69 Effective Date: October 1, 2019

HB 176 amends sections 20-15-204 and 20-15-209, MCA, which govern the creation of new community college districts. The key new provision gives the legislature the sole authority to approve a new community college district. After the county electorate approves the proposal to organize a new community college district, the county election administrator determines which candidates have been elected as trustees. The Board of Regents must inform the legislature of the election results prior to the next legislative session along with a recommendation. If the legislature approves the new district, the board of regents shall make an order declaring the new district to be organized.

HB 212 Llew Jones

Revise funding for community colleges

Chapter: 175 Effective Date: July 1, 2019

HB 212 amends 20-15-310, MCA, to clarify the general fund appropriation for each full-time equivalent resident student at a community college. The new formula states that the general fund appropriation will be the weighted average of state support per resident full-time equivalent student among community colleges, 2-year, and 4-year campuses of the Montana University system in the most recent year plus an amount equal to two standard deviations of the most recent 6 years weighted averages of state support per resident full-time equivalent student.

HB 657 David Bedey

Study community college funding formula and CTE funding

Chapter: 454 Effective Date: 05/10/2019

HB 657 provides for a legislative study of education-related topics to be conducted by a bipartisan subcommittee of the legislative finance committee. The topics include K-12 special education funding, the community college funding formula, and postsecondary career and technical education credit values. The results of the study must be presented to the legislative finance committee prior to September 1, 2020. The bill appropriates \$5,000 to the legislative fiscal division for purposes of conducting the study.

HB 716 Tom Woods

Developing an agreement with MUS and Idaho College of Medicine

Chapter: 418 Effective Date: 05/09/2019

HB 716 authorizes the establishment of the Idaho College of Osteopathic Medicine Cooperative Medical Education Program. The bill establishes the contract requirements of the program and requires the board of regents to request funding for all available slots in the program. The bill adds to Idaho College of Medicine to the program that exists with the University of Washington College of Medicine. Under this program, the state pays for the tuition for a Montana resident to attend medical school so long as the resident commits to return to Montana to practice medicine. The bill provides for up to 10 slots per year in the program.

HB 754 Sue Vinton

Create study commission to review MUS restructuring

Chapter: 421 Effective Date: 05/09/2019

HB 754 creates the Montana University System 2-Year Education Restructuring Review Commission. The commission will consist of four members of the House of Representatives, four members of the Senate, two members of the Board of Regents, a member of the Board of Public Education, the president of Montana Associated Students, two members appointed by the governor (one of whom must be a representative of the tribal colleges) and two members of the public. The commission will consider the history of the Montana University System incorporating vocational-technical institutions in the system, how the university system addresses student demand for career and technical education (CTE), and examine the potential for restructuring CTE in 2-year education settings. The commission will prepare a report of its findings and recommendations for the next legislature. The bill appropriates \$57,000 to the legislative services division for the purposes of funding the commission.

SB 60 Daniel R. Salomon

Generally revise laws related to financial aid programs

Chapter: 300 Effective Date: July 1, 2019

SB 60 revises undergraduate financial aid laws, revises the Montana resident student financial aid program, revises the Montana STEM scholarship program, extends eligibility for the STEM scholarship program to four years, eliminates the Governor's postsecondary scholarship council, and repeals the Governor's postsecondary scholarship program. The bill redefines the legislative intent of the Montana resident student financial aid program to include three types of aid programs: an incentive program for STEM students, a merit program for the highest achieving students, and an access to higher education program for students demonstrating financial need. The bill adds a requirement for the Commissioner of Higher Education to submit to the education interim committee an annual report concerning the financial aid program. The bill extends the STEM scholarship from two years to four years.

SB 60 revises the priority order of disposition of lottery net revenues to assign the first \$500,000 in FY 2020, the first \$1,000,000 in FY 2021, the first \$1,500,000 in FY 2022 and the first \$2,000,000 in FY 2023 and the first \$2,250,000 in FY 2024 and subsequent years to the STEM scholarship program.

SB 212 Susan Webber

Revise resident nonbeneficiary student laws

Chapter: 161 Effective Date: July 1, 2019

SB 212 amends 20-25-428, MCA, to revise the payment made to tribal colleges. The bill also requires the tribal college to submit current academic year eligible enrollment numbers for the calculation of the state payment. By June 15th of each year, tribal colleges will report to the regents the number of eligible resident nonbeneficiary students who attended the tribal college in that academic year. By August 15th of each year, the regents will calculate the payment for each tribal college based on the number of eligible students submitted.

SAFETY

HB 173 Shane Morigeau

Revise consent laws for elementary or high school students in a school setting

Chapter: 346 Effective Date: September 1, 2019

HB 173 amends 45-5-501 and 45-5-502, MCA, to provide protections for students in school, whether public or private. The law states that students cannot consent to a sexual relationship with a teacher due to the authority that the teacher holds over the student. The bill does provide for an exception if the two individuals are married. HB 173 is designed to coordinate language with SB 132.

HB 190 Bruce Grubbs

Revise local government authority to set school zone speed limits

Chapter: 174 Effective Date: October 1, 2019

HB 190 amends section 61-8-310, MCA, which allows local authorities to adjust the speed limit in a school zone. This bill change will allow the county commissioners to set the limit of school zones to no less than 15 miles per hour.

HB 413 Fred Anderson

Address vaping in schools

Chapter: 357 Effective Date: May 7, 2019

HB 413 amends 20-1-220, MCA, to prohibit the use of tobacco products on public school property. The amended language extends the prohibition on the use of tobacco products on public school property to vapor products, or alternative nicotine products. The amended language does allow tobacco, vapor, or alternative nicotine products to be used in a classroom or on other school property as a part of a lecture, demonstration, or education forum, if it is sanctioned by a school administrator or faculty member, to demonstrate the risks associated with using those products. Another exception that the bill allows is the use of smoking cessation products.

HB 601 John Fuller

Transfer funds within OPI for school safety professional development grants

Chapter: 388 Effective Date: July 1, 2019

HB 601 provides sideboards to an allocation made in HB 2. The bill moves \$100,000 from the section 6 budget to the section 9 budget for distribution to schools for professional development grants. Acceptable uses for the school safety professional development grants include but are not limited to individual training of school employees, improvement of facilities, and programs that promote the protection of students from violence, theft, bullying, exposure to weapons, and the sale or use of illegal substances on school grounds.

SB 35 Fred Thomas
Generally revise school safety laws
Chapter: 248 Effective Date: May 2, 2019

SB 35 amends 41-5-215 and 52-2-211, MCA, to improve county interdisciplinary teams in the state. The bill strikes sections 3 and 4 in 41-5-215, MCA, to clarify the notification of schools about students who have formal youth court records, preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees. The second part of the bill in section 52-2-211, MCA, adds the requirement that county superintendents shall provide to the OPI a current copy of the written agreement for the county interdisciplinary information and school safety team. The OPI is then required to report any county that has not provided a written agreement to the education interim committee no later than September 15 of a given year.

SB 40 Frank Smith
Require OPI to create and maintain electronic directory photograph repository
Chapter: 250 Effective Date: July 1, 2019

SB 40 adds a new section in Title 20, chapter 7, part 13, MCA, and directs the OPI to create and maintain an electronic directory photograph repository of individual students for the purposes of providing photographs to law enforcement for any student who has been identified as a missing child. School districts must send an annual notice to the parent or guardian of each student with information on the new photograph repository, a form to allow the parent or guardian to have the student's photograph included, information about the use of the photograph if the student is identified as a missing child, and information about how to remove the photograph. This statute also directs the OPI to include the directory photograph on the monthly missing child list the OPI provides to districts. Finally, the bill requires the OPI to delete any photograph that is two years old or older.

SB 92 Daniel R. Salomon
Generally revise laws related to school safety
Chapter: 253 Effective Date: May 2, 2019

SB 92 amends sections 20-9-236, 20-9-502, and 20-9-525, MCA and clarifies permissible expenditures for school and student safety and security within the school safety sub-fund of the building reserve fund to include staffing for or services provided by architects, engineers, school resource officers, counselors, and other staff or consultants assisting the district with improvements to school and student safety and security to include, programs to support school and student safety and security, including but not limited to active shooter training, threat assessments, and restorative justice. SB 92 authorizes the trustees of a school district to seek voter approval of a levy for school and student safety and security within the district's school safety sub-fund of the building reserve fund. The bill also expands permissible expenditures of

state school major maintenance aid and major maintenance levies to include school and student safety and security within the district's permissively levied sub-fund of the building reserve fund.

SB 132 Keith Regier

Creating a student safety accountability act

Chapter: 305 Effective Date: May 7, 2019

SB 132 amends 45-5-501 and 45-5-502, MCA, to provide protections for students in school, whether public or private. The law states that students cannot consent to a sexual relationship with a teacher due to the authority that the teacher holds over the student. The bill does provide for an exception if the two individuals are married. The bill goes further to prohibit employers of those convicted of violations in 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-601, 45-5-602, 45-5-603, 45-5-625, 45-5-702, 45-5-704, and 45-5-705 from assisting in obtaining employment for their offending employee. It also provides for a penalty of a fine up to \$1,000 and up to one-year imprisonment, for individuals who assist offenders in obtaining employment. SB 132 was designed to coordinate with HB 173 and states that if both bills passed (both bills passed), the amending sections of 45-5-501 and 45-5-502 are null and void. However, the sections prohibiting employers from helping convicted offenders and the penalties section will still be put into law.

SB 140 Cary Smith

Establish the Montana dyslexia screening and intervention act

Chapter: 227 Effective Date: July 1, 2019

SB 140 establishes the Montana Dyslexia Screening and Intervention Act. SB 140 requires school districts to identify children with disabilities and evaluate for special education as early as possible. In line with this requirement, the bill requires school districts to utilize a screening instrument aimed at identifying students at risk of not meeting grade-level reading benchmarks. The screening instrument must be administered to a child in the first year that the child is admitted to a school up to grade 2 and a child who has not been previously screened who fails to meet grade-level reading benchmarks. The screening tool must be administered by an individual trained to identify signs of dyslexia. If the screening tool suggests that a child has dyslexia, the school district must take steps to identify the specific needs of the child and implement best practice interventions to address those needs.

The OPI is required to raise statewide awareness of dyslexia and provide guidance to school districts related to the early identification of dyslexia including best practices for reliable screening methods, best practice interventions to support students with dyslexia as early as possible, and best practices for collaborating with and supporting parents of students with dyslexia. HB 715 appropriated \$30,000 to the OPI to fund this work. The OPI and the BPE must report to the interim education committee on progress made in addressing dyslexia no later than September 15, 2020. Finally, the act urges all entities in Montana with authority or a role to

play in teacher preparation and professional development to ensure that teachers and other school personnel are well prepared to identify and serve students with dyslexia.

SCHOOL FINANCE

HB 127 Geraldine Custer

Generally revise laws related to state payments to schools

Chapter: 66 Effective Date: July 1, 2019

HB 127 amends section 20-9-344, MCA, by adjusting the state school payment schedule. The Guaranteed Tax Base Aid (GTB) payment currently distributed in November will be paid in December; and the Direct State Aid, Quality Educator Component, At Risk Component, Indian Education for All, Student Achievement Gap, Special Education, and Data for Achievement payments normally distributed in December will be paid in November. The change better aligns the large GTB payment with state revenue from property taxes.

HB 159 Bruce Grubbs

Increase K-12 BASE aid, entitlements, and payments

Chapter: 24 Effective Date: July 1, 2019.

HB 159 provides inflationary increases of 0.91 percent for FY 2020 and 1.83 percent for FY 2021 to the funding components of school district general fund budgets. The increases are applied to the basic and per-ANB entitlements, the quality educator payment, the Indian education for all payment, the at-risk student payment, the American Indian achievement gap payment, and the data for achievement payment. (Note: The inflationary increase for the at-risk student payment is not included in HB 159; rather it is a line item appropriation in HB 2.)

The fiscal note for HB 159 shows a biennial cost of \$77.1 million.

Additionally, HB 159 includes legislative intent that funding is to be appropriated for the natural resources development K-12 school facilities payment as follows:

Calculated as the greater of: \$6.4 million in fiscal year 2020, \$7.6 million in fiscal year 2021, and \$10 million in fiscal year 2022, and \$10 million in fiscal year 2023, with each fiscal year's appropriation reduced by the amount of projected earnings from the school facilities fund pursuant to 17-5-703, MCA, for that fiscal year or 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4), MCA, for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment.

For fiscal years 2024 and beyond, the appropriation for the natural resources development K-12 school facilities payment will be calculated as the greater of: \$10 million increased by an inflationary adjustment calculated as provided in 20-9-326, MCA, applied in fiscal year 2024 and in each succeeding fiscal year or 5% of the oil and natural gas production taxes deposited in the general fund pursuant to 15-36-331(4), MCA, for the fiscal year occurring 2 fiscal years prior to the fiscal year of the payment.

HB 237 Jasmine Krotkov
Allow school district bond issuance for a term of up to 30 years

Chapter: 137 Effective Date: April 16, 2019

HB 237 amends section 20-9-10, MCA, to allow school districts to issue a bond for up to 30 years without restrictions related to comparable bond rates on 20-year loans.

HB 319 Thomas Winter
Revise agency fund terminology

Chapter: 185 Effective Date: July 1, 2019

HB 319 amends sections 2-7-505, 2-18-402, 17-2-102, 17-2-105, 17-2-202, 17-8-101, 20-9-201, 39-3-213, 90-6-304, MCA. The language in the statute includes section 20-9-201, MCA, which defines fund types including the custodial fund, previously called the agency fund. This bill aligns state finance law with financial standards by renaming the agency fund the more appropriate custodial fund.

HB 388 Mary Caferro
Generally revise education laws related to students with exceptional needs

Chapter: 142 Effective Date: July 1, 2019

HB 388 amends 20-7-435, MCA, to allow the Superintendent of Public Instruction to distribute funds appropriated for contracts with in-state children's psychiatric hospitals or residential treatment facilities to public school districts. The purpose of the distribution is to support educational programs for children with significant behavioral or physical needs. This distribution has been authorized by language in HB 2, which is no longer necessary.

HB 403 Barry Usher
Generally revise coal tax laws

Chapter: 355 Effective Date: May 7, 2019

HB 403 amends section 15-23-703, MCA modifying granted tax abatements for new or expanding underground mines at 2.5% against the value of coal as provided in 15-23-701(4), MCA, for tax years beginning on or after January 1, 2011, and ending December 31, 2030.

HB 576 David Bedey
Revise school finance laws related to gifts and endowments

Chapter: 409 Effective Date: May 9, 2019

HB 576 amends section 20-9-604, MCA, relating to donations made to the endowment fund in school districts. This change in law allows school districts to deposit donations in any budgeted or non-budgeted fund if the donor does not specify the purpose of the funds. The language also allows previously donated endowment funds with no specific designation to be moved to

another fund at the discretion of the Board of Trustees. The legislature also encourages school district trustees to adopt a gift acceptance policy.

HB 633 Bradley Hamlett

Create digital library services state special revenue account

Chapter: 451 Effective Date: July 1, 2019

HB 633 establishes a state special revenue account for the state library to use for the provision of digital library services throughout the state. The new account can receive payments for the use of the natural resource information system, legislative transfers to the account, and any funds allocated to the account. The bill has an appropriation to transfer \$100 from the state general fund to initialize the account. Also, the bill charges the interim Legislative Finance Committee to direct a study of funding to adequately and fairly distribute the cost of the natural resource information system and other digital library services among state agencies and private or commercial entities.

HB 636 Llew Jones

Revise laws related to protested taxes

Chapter: 452 Effective Date: Taxes paid after December 31, 2019

HB 636 amends Title 15 related to payment of protested taxes or fees under protest. This change requires centrally assessed and industrial property taxpayers that protest more than 40% of their property tax bill deposit an additional 2.5% of the protested tax amount into a new local protested tax mitigation fund. The deposited funds are refunded to the taxpayer if the final assessed value is 60% or less than the original assessed value. If the final assessed value is greater than 60% of the original assessment value, the 2.5% deposit is retained by the taxing jurisdiction. In addition, if the final assessed value is less than 75% of the original assessment value, the local governing body can demand the Department of Revenue reimburse the local government the tax equivalent of the difference between 75% of the original assessed value and the final assessed value.

HB 643 Rhonda Knudsen

Extend state lands reimbursement block grant for schools

Chapter: 475 Effective Date: 05/10/2019

HB 643 amends section 20-9-640, MCA, extending the state lands reimbursement block grant for schools through the end of FY 2021 and provides an annual appropriation of \$100,000 for the 2021 biennium.

HB 656 Joel G Krautter
Generally revise oil and gas tax and distribution laws
Chapter: 414 Effective Date: July 1, 2019.

HB 656 amends sections 15-36-304, 15-36-331, 15-36-332, 82-11-131, 82-11-135, and 90-6-1001, MCA, and provides a fixed tax rate for the privilege and license tax and the tax for the oil and gas natural resource distribution account as well as provides for the allocation of privilege and license tax revenue and revenue from the tax for the oil and gas natural resource distribution account. Additionally, the bill provides that the tax for the oil and gas natural resource distribution account be distributed to incorporated cities and towns in which oil production occurs.

SB 9 Daniel R. Salomon
Revise school funding related to overestimated ANB increases
Chapter: 128 Effective Date: April 10, 2019

SB 9 amends sections 20-9-141, 20-9-308, 20-7-457, and 20-9-314, MCA, revising laws related to overpayments of school district property taxes, ensuring that overpayments of school district general fund property taxes resulting from anticipated unusual enrollment increases that are not realized are fully returned to local taxpayers. The bill also modifies statute so that general fund voting limits in the subsequent year are recalculated to reflect a modified prior year budget amount that would have been permissible as related to actual materialized ANB.

SB 10 Daniel R. Salomon
Revise school funding related to major maintenance aid
Chapter: 10 Effective Date: February 19, 2019.

SB 10 amends section 20-9-525, MCA, to correct errors related to the calculation of school major maintenance aid and the natural resource development k-12 school facilities payment.

SB 11 Daniel R. Salomon
Clarify age requirements related to the definition of pupil
Chapter: 16 Effective Date: October 1, 2019

SB 11 amends sections 20-1-101, 20-5-101, and 20-7-411, MCA, to update laws related to pupil minimum age, clarifying that a 5-year-old child enrolled in a public school is considered a pupil.

SB 12 Daniel R Salomon
Revise school funding related to oil and gas production taxes
Chapter: 247 Effective Date: July 1, 2019

SB 12 repeals outdated statutes related to oil and gas accounts. The statutes include sections 20-9-517, 20-9-518, and 20-9-520, MCA. The statutes are no longer valid as the oil and

gas accounts were restructured in the 2017 Legislative Session by HB 647 which diverted the revenue to the state guarantee account. Repealing these statutes removes outdated language.

SB 16 Daniel R. Salomon

Revise school funding related to special education joint boards

Chapter: 9 Effective Date: October 1, 2019.

SB 16 amends sections 20-3-361, 20-3-362, 20-7-457, and 20-9-321, MCA, to clarify laws related to special education cooperatives and joint boards, removing language related to special education funding for joint boards. Special education funding is paid on behalf of each school district and is not related to joint boards.

SB 292 Roger Webb

Revise laws related to financial administration of school districts

Chapter: 166 Effective Date: July 1, 2019

SB 292 amends section 20-9-235, MCA, allowing the Office of Public Instruction to remit transportation and debt service payments directly to school districts with investment accounts separate from the county.

SB 321 Brian Hoven

Revise laws pertaining to targeted economic development districts

Chapter: 270 Effective Date: October 1, 2019.

SB 321 amends sections 7-15-4286, 7-15-4291, 20-9-104, and 20-9-141, MCA, and provides that the tax increment that is not utilized to pay costs or bonds by a targeted economic district that has issued bonds must be remitted to taxing jurisdictions in the same manner as it would have been distributed without tax increment financing.

SB 328 Tom Richmond

Authorize local abatement of coal gross proceeds tax for surface mines

Chapter: 331 Effective Date: May 7, 2019

SB 328 amends sections 15-23-703 and 15-23-715, MCA, and authorizes a board of county commissioners to authorize a local abatement of the coal gross proceeds tax from a new or expanding surface coal mine and utilizes the same abatement provisions for surface mining as underground mining.

STATE LANDS

HB 695 Jim Keane

Appropriate funds to FWP for recreation easement

Chapter: 397 Effective Date: July 1, 2019

HB 695 appropriates \$12M to the Department of Fish, Wildlife, and Parks (FWP) to purchase a permanent recreation easement at Big Arm State Park from the Department of Natural Resources and Conservation, to be funded from license fees, federal land and water conservation funds, and campground fees. Big Arm State Park is 200 acres located on Flathead Lake. The bill addresses the issue that the current lease rate is \$20k per year and the lease is due for renewal. Because of the requirement that the lease rate be at least 3.5% to 5% of land value, the estimated new lease payment is at least \$500,000 per year. The \$12M will go into the trust fund and the interest, estimated at \$400,000 per year, will go to the guarantee account. While this bill appropriates the money for the easement, Land Board approval is required for the easement.

TEACHERS

HB 211 Llew Jones

Address recruitment and retention of K-12 quality educators

Chapter: 347 Effective Date: July 1, 2019

HB 211 renews the quality educator loan assistance program as a teacher recruitment and retention aid for rural schools and moves the responsibility for administering the program from the Office of the Commissioner of Higher Education to the OPI. In addition, the bill substantially changes the program.

The substance of the program is that newly hired teachers who teach a subject that has been identified as a “critical quality educator shortage area” at an “impacted school” are eligible to receive state paid loan assistance up to \$3,000 in their first year, \$4,000 in their second year, and \$5,000 in their third year so long as they remain full time employees at an impacted school. The local school district has the option to make a fourth-year payment of up to \$5,000.

The payments are made directly to the lender and are exempt from Montana income tax.

Impacted schools and critical quality educator shortage areas are contained in the “Critical Quality Educator Shortage Report” presented to the Board of Public Education by the OPI for approval and publication by December 1 of each year. The bill amends the definition of “impacted school” to be any public school that is greater than a 20-minute drive from a Montana city with a population greater than 15,000 as well as all special education cooperatives, the Montana School for the Deaf and Blind, the Montana Youth Challenge program, a state youth correctional facility, or a public school located on an Indian reservation. This new definition is expected to expand the number of schools meeting this definition from approximately 420 to approximately 670.

HB 211 defines critical quality educator shortage areas to mean a specific licensure or endorsement area in an impacted school which in any of the past three years has experienced a recruitment with less than five qualified applicants, a position that was advertised and remained vacant due to a lack of any qualified applicants for 30 days, or a position filled by a retired teacher, a teacher with a class five license, or via an emergency authorization. Also, the bill sets up a process whereby a school district can apply to the Board of Public Education for an immediate designation of a critical shortage due to a current recruitment which meets any of the criteria.

The bill appropriates \$500,000 per year for the program. If the appropriation is not sufficient to pay all qualifying loan assistance applications, the repayment assistance payments must be prorated accordingly.

LEGISLATION

INDEX OF K-12 EDUCATION RELATED BILLS

Bill	Sponsor	Short Title	Status	Category
HB 33	Jonathan Windy Boy (D) HD 32	Extend the Montana Indian Language Preservation Program	Pass	Accreditation/ Curriculum
HB 41	Jonathan Windy Boy (D) HD 32	Extend the Cultural Integrity and Commitment Act (language immersion programs)	Pass	Accreditation/ Curriculum
HB 153	Kathy Kelker (D) HD 47	Generally revise education laws related to gifted and talented programs	Pass	Accreditation/ Curriculum
HB 263	Jonathan Windy Boy (D) HD 32	Revise laws related to Indian language immersion programs in schools	Fail	Accreditation/ Curriculum
HB 295	Fred Anderson (R) HD 20	Create grant program to encourage work-based learning	Fail	Accreditation/ Curriculum
HB 351	Wendy McKamey (R) HD 19	Encourage transformational learning	Pass	Accreditation/ Curriculum
HB 371	Jonathan Windy Boy (D) HD 32	Provide ongoing funding to the Montana Indian Language Preservation Program	Fail	Accreditation/ Curriculum
HB 387	Llew Jones (R) HD 18	Create advanced opportunity act for Montana students	Pass	Accreditation/ Curriculum
HB 466	Jade Bahr (D) HD 50	Fund an Indian language and culture course through MT Digital Academy	Fail	Accreditation/ Curriculum
HB 631	Kimberly Dudik (D) HD 94	Create public private partnership to help workers in targeted industries	Pass	Accreditation/ Curriculum
HB 759	Emma Kerr-Carpenter (D) HD 49	Provide for digital literacy and computer science coordinator	Fail	Accreditation/ Curriculum
HB 774	Jonathan Windy Boy (D) HD 32	Create computer coding student employment pilot program	Fail	Accreditation/ Curriculum
SB 118	Keith Regier (R) SD 3	Revise laws related to online learning opportunities	Fail	Accreditation/ Curriculum
HB 2	Kenneth L Holmlund (R) HD 38	General Appropriations Act	Pass	Appropriations
HB 3	Kenneth L Holmlund (R) HD 38	Supplemental Appropriations Bill	Pass	Appropriations
HB 4	Dan Bartel (R) HD 29	Appropriations by Budget Amendment	Pass	Appropriations
HB 218	Sue Vinton (R) HD 56	Generally revise laws related to career and technical education	Fail	Appropriations
HB 638	David Bedey (R) HD 86	Increasing K-12 special ed allowable cost payment	Pass	Appropriations

HB 662	Llew Jones (R) HD 18	Implement provisions of HB2, Sec E - Education	Pass	Appropriations
HB 663	Llew Jones (R) HD 18	Implement provisions of HB2, Sec E - Education	Fail	Appropriations
HB 664	Llew Jones (R) HD 18	Implement provisions of HB2, Sec E - Education	Fail	Appropriations
HB 18	Sharon Stewart Peregoy (D) HD 42	Providing funding for school district programs serving English Learners	Fail	At-Risk Youth
HB 186	Mary Ann Dunwell (D) HD 84	Revise laws related to depression screening in public schools	Fail	At-Risk Youth
HB 187	Mary Ann Dunwell (D) HD 84	Revise laws related to youth suicide prevention	Fail	At-Risk Youth
HB 199	Barry Usher (R) HD 40	Generally revise laws related to bullying	Fail	At-Risk Youth
SB 197	Jeffrey W Welborn (R) SD 36	Generally revise education laws related to Montana youth challenge academy	Pass	At-Risk Youth
HB 166	Mary Ann Dunwell (D) HD 84	Revise display of sample ballots at polling places	Pass	Elections
HB 510	Jacob Bachmeier (D) HD 28	Allow youth election judges	Fail	Elections
HB 606	Andrea Olsen (D) HD 100	Revise payment for postage for absentee ballots returned by mail	Fail	Elections
HJ 1	Denise Hayman (D) HD 66	Interim study on voter qualifications for all special purpose districts	Fail	Elections
HJ 3	Forrest Mandeville (R) HD 57	Interim study resolution on accessibility for disabled electors	Pass	Elections
HJ 10	Alan Doane (R) HD 36	Study resolution to address American Indian voting	Pass	Elections
SB 112	Bryce Bennett (D) SD 50	Prohibition on distributing things at polling place not to apply to volunteers	Fail	Elections
SB 130	Daniel R Salomon (R) SD 47	Revise school election law	Pass	Elections
SB 134	Sue Malek (D) SD 46	Generally revise campaign finance laws related to electioneering communications	Fail	Elections
SB 148	Bryce Bennett (D) SD 50	Allow late registrant absentee ballots to be dropped off at polling locations	Pass	Elections
SB 149	Bryce Bennett (D) SD 50	Provide that sec of state' s office pays postage for absentee ballot return	Fail	Elections
SB 162	Roger Webb (R) SD 23	Generally revise election laws	Pass	Elections
SB 180	JP Pomnichowski (D) SD 33	Remove prohibition preventing voter from showing voted ballot to another person	Fail	Elections

SB 291	Fred Thomas (R) SD 44	Revise laws on voting systems and ballot form	Pass	Elections
SB 297	Dee Brown (R) SD 2	Generally revise laws related to school elections involving property taxes	Fail	Elections
SB 298	Dee Brown (R) SD 2	Generally revise laws related to school elections involving property taxes	Fail	Elections
SB 366	Dee Brown (R) SD 2	Referendum on requiring photo ID to vote	Fail	Elections
SJ 21	Janet Ellis (D) SD 41	Interim study on electioneering	Fail	Elections
HB 204	Marilyn Ryan (D) HD 99	Generally revise teachers' retirement system laws	Pass	Employment Relations
HB 209	Moffie Funk (D) HD 82	Generally revise state employee pay laws	Fail	Employment Relations
HB 235	Dave Fern (D) HD 5	Provide options, conditions for financing school health group plans	Fail	Employment Relations
HB 323	Brad Tschida (R) HD 97	Provide for free association for non-union public employees	Veto	Employment Relations
HB 345	Mary Ann Dunwell (D) HD 84	Provide a stepped increase in minimum wage to a living wage	Fail	Employment Relations
HB 455	Jonathan Windy Boy (D) HD 32	Provide unemployment for certain teachers and adjunct school personnel	Fail	Employment Relations
HB 468	Jade Bahr (D) HD 50	Involve certain state agencies in disability integrated employment programs	Fail	Employment Relations
HJ 39	Tom Burnett (R) HD 67	Requesting Legislative Performance Audit on combining admin of TRS and MPERA	Pass	Employment Relations
SB 128	Jill Cohenour (D) SD 42	Generally revise laws related to state employee pay and benefits	Fail	Employment Relations
SB 139	Mike Lang (R) SD 17	Revise retiree return to work provisions in teachers' retirement system	Pass	Employment Relations
HB 118	Julie Dooling (R) HD 70	Create grant program to remove lead from school water supplies	Fail	Facilities
HB 247	Bruce Grubbs (R) HD 68	Provide greater flexibility for school districts in financing major maintenance	Pass	Facilities
HB 652	Mike Hopkins (R) HD 92	Revise the long-range building bonding program	Pass	Facilities
HB 704	Bruce Grubbs (R) HD 68	Establish a Montana solar schools grant program	Fail	Facilities
SB 193	Jill Cohenour (D) SD 42	Generally revise school bus safety laws	Fail	Facilities
SB 350	Jill Cohenour (D) SD 42	Encourage lap-shoulder belts on school buses	Fail	Facilities
HB 61	David Bedey (R) HD 86	Revise school data privacy laws	Pass	Governance

HB 171	David Bedey (R) HD 86	Create career and technical education and workforce development commission	Fail	Governance
HB 197	Daniel Zolnikov (R) HD 45	Require public agency IT contractors use software to verify hours worked	Fail	Governance
HB 270	Moffie Funk (D) HD 82	License speech language pathology and audiology assistants	Fail	Governance
HB 303	Greg DeVries (R) HD 75	Eliminate compulsory education requirements	Fail	Governance
HB 414	Jessica Karjala (D) HD 48	Generally revise laws related to school meals	Fail	Governance
HB 482	Alan Doane (R) HD 36	Require agency reporting on financial assistance to tribes	Veto	Governance
HB 526	Bridget Smith (D) HD 31	Change the name of Columbus Day holiday	Fail	Governance
HB 619	Daniel Zolnikov (R) HD 45	Revise student data privacy laws	Pass	Governance
HB 668	Marilyn Marler (D) HD 90	Require disclosure of PSAs by statewide elected officials	Fail	Governance
HB 693	Forrest Mandeville (R) HD 57	Requiring reimbursement of certain expenses by elected official	Fail	Governance
HB 715	Llew Jones (R) HD 18	Generally revise laws related to state finance and provide for fiscal studies	Pass	Governance
HB 745	Andrea Olsen (D) HD 100	Enact a student online personal information protection act	Pass	Governance
SB 2	Margaret (Margie) MacDonald (D) SD 26	Allow government accounting standards to include DOA framework	Pass	Governance
SB 58	Daniel R Salomon (R) SD 47	Revise the Montana Bank Act	Pass	Governance
SB 229	Brian Hoven (R) SD 13	Limit liability of private educational programs in admitting certain criminals	Fail	Governance
SB 281	Jennifer Fielder (R) SD 7	Provide federalism training for certain state employees	Fail	Governance
SB 302	John Esp (R) SD 30	Generally revise laws related to local government budgeting and accounting	Pass	Governance
SB 325	Steve Fitzpatrick (R) SD 10	Create the Montana Business Corporation Act	Pass	Governance
SR 16	Daniel R Salomon (R) SD 47	Confirm Governor's appointee for Board of Regents	Pass	Governance
SR 19	Daniel R Salomon (R) SD 47	Confirm Governor's appointees to board of public education	Pass	Governance
SR 47	Daniel R Salomon (R) SD 47	Confirm Governor's appointee for Board of Regents of Higher Ed	Pass	Governance

HB 135	Jonathan Windy Boy (D) HD 32	Create tribal college credit transfer and student opportunity task force	Fail	Higher Ed
HB 176	David Bedey (R) HD 86	Clarify approval process for new community college district	Pass	Higher Ed
HB 212	Llew Jones (R) HD 18	Revise funding for community colleges	Pass	Higher Ed
HB 254	Jacob Bachmeier (D) HD 28	Provide for a statutory appropriation for certain MUS tuition waivers	Fail	Higher Ed
HB 337	Ryan Lynch (D) HD 76	Increase university system supplemental contribution to TRS	Fail	Higher Ed
HB 495	Robert Farris-Olsen (D) HD 79	Expand exemptions from collections to include student loans	Fail	Higher Ed
HB 657	David Bedey (R) HD 86	Study community college funding formula and CTE funding	Pass	Higher Ed
HB 716	Tom Woods (D) HD 62	Developing an agreement with MUS and Idaho College of Medicine	Pass	Higher Ed
HB 754	Sue Vinton (R) HD 56	Create study commission to review MUS restructuring	Pass	Higher Ed
SB 60	Daniel R Salomon (R) SD 47	Generally revise laws related to financial aid programs	Pass	Higher Ed
SB 87	Keith Regier (R) SD 3	Requiring the University System to report on student loans	Fail	Higher Ed
SB 152	Dick Barrett (D) SD 45	Repeal sunset on 6-mill university levy	Fail	Higher Ed
SB 212	Susan Webber (D) SD 8	Revise resident nonbeneficiary student laws	Pass	Higher Ed
HB 120	Willis Curdy (D) HD 98	Revise local government authority of certain speed limits	Fail	Safety
HB 173	Shane A Morigeau (D) HD 95	Revise consent laws for elementary or high school students in a school setting	Pass	Safety
HB 190	Bruce Grubbs (R) HD 68	Revise local government authority to set school zone speed limits	Pass	Safety
HB 210	Derek J Harvey (D) HD 74	Generally revise traffic laws	Fail	Safety
HB 354	Rodney Garcia (R) HD 52	Restrict sexually explicit materials and sexually oriented businesses	Fail	Safety
HB 398	Gordon Pierson (D) HD 78	Require mental health and suicide prevention training in teacher preparation	Fail	Safety
HB 413	Fred Anderson (R) HD 20	Address vaping in schools	Pass	Safety
HB 453	Jonathan Windy Boy (D) HD 32	Revise laws related to suicide prevention	Fail	Safety
HB 477	Moffie Funk (D) HD 82	Enact child access prevention and education laws	Fail	Safety
HB 492	Sue Vinton (R) HD 56	Generally revise laws related to school bus safety	Fail	Safety

HB 541	Kathy Kelker (D) HD 47	Revise immunization notification requirements	Fail	Safety
HB 548	Kimberly Dudik (D) HD 94	Provide for reporting of abuse at juvenile treatment facilities	Fail	Safety
HB 564	David Dunn (R) HD 9	Revise medical exemption laws on immunizations	Fail	Safety
HB 567	Derek Skees (R) HD 11	Establish Montana school marshal program	Veto	Safety
HB 582	Mary Ann Dunwell (D) HD 84	Require suicide prevention materials to be distributed in hunter safety courses	Fail	Safety
HB 601	John Fuller (R) HD 8	Transfer funds within OPI for school safety professional development grants	Pass	Safety
HB 653	Willis Curdy (D) HD 98	Revise clean indoor air act to include vaping	Fail	Safety
SB 6	Edith (Edie) McClafferty (D) SD 38	Revise school funding related to school safety	Fail	Safety
SB 35	Fred Thomas (R) SD 44	Generally revise school safety laws	Pass	Safety
SB 40	Frank Smith (D) SD 16	Require OPI to create and maintain electronic directory photograph repository	Pass	Safety
SB 92	Daniel R Salomon (R) SD 47	Generally revise laws related to school safety	Pass	Safety
SB 99	Cary Smith (R) SD 27	Revise laws related to informing on legal opt out options for vaccines	Fail	Safety
SB 122	Sue Malek (D) SD 46	Revise clean indoor air act to include vaping	Fail	Safety
SB 132	Keith Regier (R) SD 3	Creating a student safety accountability act	Pass	Safety
SB 140	Cary Smith (R) SD 27	Establish the Montana dyslexia screening and intervention act	Pass	Safety
SB 164	Fred Thomas (R) SD 44	Generally revise school safety laws	Fail	Safety
HB 27	Moffie Funk (D) HD 82	Generally revise special education funding (SPED in Inflation)	Fail	School Finance
HB 127	Geraldine Custer (R) HD 39	Generally revise laws related to state payments to schools	Pass	School Finance
HB 159	Bruce Grubbs (R) HD 68	Generally revise education funding laws	Pass	School Finance
HB 177	Fred Anderson (R) HD 20	Allow school districts to use equalization aid for preschool programs	Fail	School Finance
HB 191	Bruce Grubbs (R) HD 68	Provide for K-12 synchronous distance learning payment	Fail	School Finance

HB 225	Ryan Lynch (D) HD 76	Revise school laws related to inflation, preschool, and special education	Fail	School Finance
HB 237	Jasmine Krotkov (D) HD 25	Allow school district bond issuance for a term of up to 30 years	Pass	School Finance
HB 298	Christopher Pope (D) HD 65	Revise funding for students with disabilities	Fail	School Finance
HB 300	Kerry White (R) HD 64	Generally revise taxes and the distribution of revenue through sales tax	Fail	School Finance
HB 319	Thomas Winter (D) HD 96	Revise agency fund terminology	Pass	School Finance
HB 372	Tom Welch (R) HD 72	Increase inflation limitation on government entities for property tax levies	Fail	School Finance
HB 388	Mary Caferro (D) HD 81	Generally revise education laws related to students with exceptional needs	Pass	School Finance
HB 403	Barry Usher (R) HD 40	Generally revise coal tax laws	Pass	School Finance
HB 576	David Bedey (R) HD 86	Revise school finance laws related to gifts and endowments	Pass	School Finance
HB 633	Bradley Hamlett (D) HD 23	Create digital library services state special revenue account	Pass	School Finance
HB 636	Llew Jones (R) HD 18	Revise laws related to protested taxes	Pass	School Finance
HB 643	Rhonda Knudsen (R) HD 34	Extend state lands reimbursement block grant for schools	Pass	School Finance
HB 656	Joel G Krautter (R) HD 35	Generally revise oil and gas tax and distribution laws	Pass	School Finance
HB 692	Greg DeVries (R) HD 75	Provide tax exemption for property taxes if no child enrolled in public schools	Fail	School Finance
HB 742	Tom Woods (D) HD 62	Revise individual income tax and reduce school property taxes	Fail	School Finance
HB 755	Frederick (Eric) Moore (R) HD 37	Generally revise pre-kindergarten laws	Fail	School Finance
SB 8	Keith Regier (R) SD 3	Generally revise laws related to participation in extracurricular activities	Veto	School Finance
SB 9	Daniel R Salomon (R) SD 47	Revise school funding related to overestimated ANB increases	Pass	School Finance
SB 10	Daniel R Salomon (R) SD 47	Revise school funding related to major maintenance aid	Pass	School Finance
SB 11	Daniel R Salomon (R) SD 47	Clarify age requirements related to the definition of pupil	Pass	School Finance
SB 12	Daniel R Salomon (R) SD 47	Revise school funding related to oil and gas production taxes	Pass	School Finance

SB 16	Daniel R Salomon (R) SD 47	Revise school funding related to special education joint boards	Pass	School Finance
SB 19	Roger Webb (R) SD 23	Revise laws related to local government budgeting and accounting	Fail	School Finance
SB 110	Edith (Edie) McClafferty (D) SD 38	Increase the age limit in the definition of pupil	Fail	School Finance
SB 135	Tom Jacobson (D) SD 11	Remove school levies from calculation of tax increment after 15th year	Fail	School Finance
SB 146	Daniel R Salomon (R) SD 47	Revise laws related to an inflationary adjustment for education	Fail	School Finance
SB 292	Roger Webb (R) SD 23	Revise laws related to financial administration of school districts	Pass	School Finance
SB 321	Brian Hoven (R) SD 13	Revise laws pertaining to targeted economic development districts	Pass	School Finance
SB 328	Tom Richmond (R) SD 28	Authorize local abatement of coal gross proceeds tax for surface mines	Pass	School Finance
HB 648	Robert Farris-Olsen (D) HD 79	Create state program to incentivize school breakfast program	Fail	School Nutrition
HB 667	Jacob Bachmeier (D) HD 28	Create farm to school grant program	Fail	School Nutrition
HB 265	Kerry White (R) HD 64	Revise laws related to approval of FWP easements	Veto	State Lands
HB 627	Jim Hamilton (D) HD 61	Revise laws regarding conservation licenses on state lands	Fail	State Lands
HB 695	Jim Keane (D) HD 73	Appropriate funds to FWP for recreation easement	Pass	State Lands
HB 760	Zach Brown (D) HD 63	Study of travel on state lands	Fail	State Lands
HB 211	Llew Jones (R) HD 18	Address recruitment and retention of K-12 quality educators	Pass	Teachers
HB 216	Kimberly Dudik (D) HD 94	Revise tax laws related to student loan reimbursements by employers	Fail	Teachers
HB 420	Tyson T Runningwolf (D) HD 16	Encourage grow your own programs to address teacher shortage	Fail	Teachers
HB 459	Becky Beard (R) HD 80	Provide support for rural school recruitment and retention	Fail	Teachers
SB 50	Edith (Edie) McClafferty (D) SD 38	Revise administration of Quality Educator Loan Assistance Program	Fail	Teachers