



Legislation Implementation Briefing & Community Discussion

March 20, 2024

HB 352, Early Literacy Intervention

Rep Brad Barker:

Bill Overview: This bill supports early reading interventions for eligible students aged four to entering third grade. There are three parts of this legislation: home-based, classroom-based, and Jumpstart.

OPI's work to assist schools with implementation:

- The OPI participated in the Board of Public Education's [Early Literacy Advisory Council](#) to help advise them as they selected the tool, evaluation methodology, and proficiency levels for reading proficiency.
- The OPI has the [Early Literacy Collaborative](#) to help implement the required tool, evaluation methodology, and proficiency levels. OPI held monthly meetings since November 2023.
- The OPI issued [guidance](#) per the Board of Education's decisions from their January and March board meetings.
- The OPI has a webpage with many additional resources including a [FAQ](#), and we hold twice weekly Early Literacy Office hours to make staff available for questions.
- The OPI brought in two new Early Education specialists to assist schools.





OPI's Position regarding implementation: The Jumpstart Early Literacy program transition clause in [Section 9](#) of the legislation requires the program to be fully implemented “in the school year beginning July 1, 2024.” However, the committee wanted us to implement the legislation in June. Our team is ready and are completely prepared for implementation. We would have no reservations with the program being implemented in June, except we must abide what is written in law. The only point of disagreement with the committee is the implementation date.

It is also important to note, that nothing prohibits schools from beginning their early literacy program before the full implementation of the bill. However, they just cannot count hours prior to implementation for purposes of receiving state funding.

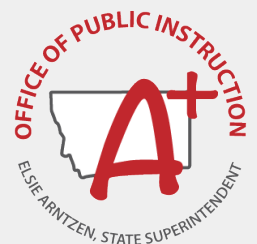
HB 549, Charter Schools Bill

Rep Fred Anderson

Bill Overview: This bill authorized the establishment of public charter schools in Montana and tasked the Montana Board of Public Education as authorized entity to enter into public charter contracts with a governing board.

OPI's work to assist schools with implementation:

- The OPI has a [resource page](#) for public charter schools, issued a [Guidance Document](#), and provided an easily accessible [fillable form](#) for new public charter schools.
- The OPI held community discussions on public charter schools as well as webinars. We held a webinar early today, March 20, 2024. [Videos](#) of these past meetings are available on OPI's website.
- 19 Charter Schools received approval of their applications from the Board of Public Education.





OPI's Position regarding implementation: Nothing in this legislation waives or replaces the public-school opening procedures, which are in already established law. Therefore, OPI is required by law to have public charter schools go through these opening procedures, which are straightforward and make the schools eligible for state funding. It was asserted in the committee that public charter schools do not need to go through this procedure. The language of the bill could have waived the school opening requirement, but it did not. In addition, the process in [Section 6\(6\)](#) must “ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.” We are following this legislation as written as well as long standing law as written.

HB 338, Indian Education for All (IEFA)

Rep Jonathan Windy Boy

Bill Overview: This bill established new reporting requirements in addition to already established requirements for school districts and requires a reduction of future funding for school districts that fail to report IEFA expenditures.

OPI's work to assist schools with implementation:

- OPI issued a [Reporting Guide](#) and a [Frequently Asked Question](#) document to assist schools with reporting their IEFA expenditures.
- When schools submitted their TFS (Trustee Financial Statements) reports last year, due September 15, 2023, a pop-up appeared to notify schools if their submitted report indicated a discrepancy in IEFA revenue and expenditure.
- Schools were notified by letter after the September 15, 2023, deadline if their report was not complete. Districts had until December 10th to submit a corrected TFS.





OPI's Position regarding implementation: There are two discrepancies regarding: 1) the applicability date and 2) who is responsible for determining BASE funding amounts. OPI has implemented this bill as written.

- 1) **Applicability Date:** The reporting of annual expenditures is not a new requirement. In fact, this requirement has been in law since 2007. The reporting about program instruction is a new statutory requirement. Under the applicability date in Section 7, the existing expenditure reporting requirement applies to FY 2024 reporting of the FY 2023 expenditures. However, under Section 7 the new program reporting requirement will apply to FY 2025 reporting of the FY 2024 expenditures. The committee wants to delay application of the bill to the existing expenditure reporting. However, OPI will continue to implement the law as written.
- 1) **BASE funding responsibilities:** [Current law](#) establishes that the Board of Public Education has the authority to order OPI to withhold state BASE funding. Since this bill could impact BASE funding if reporting requirements are not met, and since that authority already rests with BPE, then BPE would be responsible for the determining the withholding of funds. The committee wants OPI to step beyond its authority in current law and withhold the funds without BPE's oversight process. OPI will fully abide by current law and the Board of Public Education will remain the lawfully authorized entity to reduce BASE funding.

HB 949, Data Modernization

Rep David Bedey:

Bill Overview: This legislation established an Education & Workforce Data Governing Board to establish guidelines for student data gathering and sharing between agencies.

OPI Implementation:

- The OPI has fully participated in the Education & Workforce Data Governing Board.
- The video of the latest Education & Workforce Data Governing Board meeting is [available online](#).
- Regarding overall data modernization:
 - OPI has a [webpage](#) detailing the overall data modernization process as well as a [document](#) showing the program milestones which have been reached and the timeline for further milestones.





OPI's Position regarding implementation: The OPI must follow current federal and state law regarding the gathering of student and teacher data. The OPI will only gather and share children and teacher data required by state and federal statute and consistent with the [Montana Constitution](#) as well as the federal [FERPA \(Family Educational Rights Act\)](#) restrictions that protect student data.

OPI has fully participated in the Education & Workforce Data Governing Board. The committee wants OPI to agree ahead of time to whatever the Governing Board develops without determining how FERPA and the Montana Constitution may apply.

Questions?

Please contact Legislative Liaison, Katie Bloodgood, with any questions

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Thank you!