

HOUSE BILL NO. 257

INTRODUCED BY C. SPRUNGER, D. SALOMON, N. DURAM, D. BEDEY, L. REKSTEN, M. BERTOGLIO, T.
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ADVANCED OPPORTUNITY
PROGRAMS; EXPANDING PERSONALIZED LEARNING OPPORTUNITIES FOR STUDENTS TO
ACCELERATE THEIR CAREER AND COLLEGE READINESS AND REDUCE OUT-OF-POCKET COSTS
FOR FAMILIES; INCREASING THE AMOUNT OF ADVANCED OPPORTUNITY AID AVAILABLE TO
SCHOOL DISTRICTS AND INCREASING THE PERCENTAGE OF ADVANCED OPPORTUNITY AID THAT
MUST BE ALLOCATED TO REDUCING OUT-OF-POCKET COSTS FOR FAMILIES; REMOVING THE
STATUTORY PRESENT LAW BASE CALCULATION FOR THE PROGRAM; PROVIDING AN
APPROPRIATION; AMENDING SECTIONS 20-7-1503 AND 20-7-1506, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 20-7-1503, MCA, is amended to read:

"20-7-1503. Definitions. As used in this part, the following definitions apply:

(1) "Advanced opportunity" means any course, exam, or 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.

(2) "Advanced opportunity aid" means, for ~~fiscal years 2021 and beyond~~ each fiscal year:

(a) for an elementary district, ~~3%~~ 4.5% of the district's total quality educator payment defined in 20-
9-306 in the prior year;

(b) for a high school district, ~~20%~~ 30% of the district's total quality educator payment defined in 20-
9-306 in the prior year; and

(c) for a K-12 district, ~~8.5%~~ 18% of the district's total quality educator payment defined in 20-9-306
in the prior year.

(3) "Advanced opportunity plan" means a plan adopted by a board of trustees of a district that provides advanced opportunities for the pupils of the district.

(4) "District" means a school district as defined in 20-6-101.

(5) "Qualifying pupil" means a pupil, as defined in 20-1-101, that is enrolled and admitted by a district qualified for advanced opportunity aid under 20-7-1506(3) who is in grades 6 through 12."

Section 2. Section 20-7-1506, MCA, is amended to read:

"20-7-1506. Incentives for creation of advanced opportunity programs. (1) A district that satisfies the conditions of subsection (2) and is qualified by the board of public education pursuant to subsection (3) is eligible for the funding and flexibilities in subsections (4) and (5).

(2) (a) To qualify for the funding and flexibilities in subsections (4) and (5), the board of trustees of a district shall submit an application that has been approved by motion of the board and signed by the presiding officer to the board of public education for approval of an advanced opportunity program on a form provided by the superintendent of public instruction.

(b) The school board's application must include a strategic plan with appropriate planning horizons for implementation, measurable objectives to ensure accountability, and planned strategies to:

(i) develop an advanced opportunity plan for each participating pupil from grades 6 through 12 that fosters individualized pathways for career and postsecondary educational opportunities and that honors individual interests, passions, strengths, needs, and culture and is supported through relationships among teachers, family, peers, the business community, postsecondary education officials, and other community stakeholders;

(ii) embed community-based, experiential, online, and work-based learning opportunities and foster a learning environment that incorporates both face-to-face and virtual connections; and

(iii) ensure equality of educational opportunity to participate by all qualifying pupils of the district.

(3) The board of public education shall:

(a) establish ~~by rule~~ the opening and closing dates for receipt of applications and annual reports;

(b) no later than January 31, qualify for the subsequent school year nonparticipating districts that submit an application meeting the requirements of subsection (2) for the funding in subsection (4) and the

flexibilities in subsection (5);

(c) no later than January 31, requalify for the subsequent school year participating districts that submit an annual report demonstrating continued qualification for funding under this section and including a report of progress toward measurable objectives under the district's advanced opportunity plan and any updates to the plan;

~~(d) limit the districts qualified under subsections (3)(b) and (3)(c) based on the appropriation available in the subsequent year and on the order of date received, after which further applications are to be deferred for consideration in a subsequent year, in the order of date received. An application deferred for consideration in a subsequent year due to lack of funding must be annually updated each year after more than 1 full fiscal year has passed from the date of original submission of the application in order for the application to retain its priority by original date received.~~

(D) LIMIT THE DISTRICTS QUALIFIED UNDER SUBSECTIONS (3)(B) AND (3)(C) BASED ON THE APPROPRIATION AVAILABLE IN THE SUBSEQUENT YEAR AND ON THE ORDER OF DATE RECEIVED, AFTER WHICH FURTHER APPLICATIONS ARE TO BE DEFERRED FOR CONSIDERATION IN A SUBSEQUENT YEAR, IN THE ORDER OF DATE RECEIVED. AN APPLICATION DEFERRED FOR CONSIDERATION IN A SUBSEQUENT YEAR DUE TO LACK OF FUNDING MUST BE ANNUALLY UPDATED EACH YEAR AFTER MORE THAN 1 FULL FISCAL YEAR HAS PASSED FROM THE DATE OF ORIGINAL SUBMISSION OF THE APPLICATION IN ORDER FOR THE APPLICATION TO RETAIN ITS PRIORITY BY ORIGINAL DATE RECEIVED.

~~(e)(d)(E)~~ on or before September 15 of even-numbered years, report to the education interim committee pursuant to 5-11-210 on the progress made by districts operating under approved advanced opportunity plans. The report must address, at a minimum:

- (i) the number of pupils benefiting from advanced opportunity aid;
- (ii) the number and type of credits and certifications or credentials earned by pupils that have been paid for by the program;
- (iii) projected growth in the program and funding needs for the next biennium; and
- (iv) any issues with the program reported by pupils, parents, districts, postsecondary institutions, or examination administrators and how these issues are being addressed and whether the issues require legislative action.

(4) ~~Beginning in fiscal year 2021, the~~ The superintendent of public instruction shall provide

advanced opportunity aid to each district qualified by the board of public education under subsection (3) by October 1. The aid under this section must be distributed directly to the school district's flexibility fund under 20-9-543.

(5) Advanced opportunity aid may be expended on any qualifying pupil by the district subject to the following conditions:

(a) at least ~~60%~~ 75% of a district's annual distribution of advanced opportunity aid must be spent or encumbered to address out-of-pocket costs that would otherwise, in the absence of such expenditure, be assumed by a qualifying pupil or the pupil's family as a result of participation in an advanced opportunity. The trustees have full discretion to allocate expenditures among all pupils of the district or any select group of pupils, using any reasonable method they consider appropriate in their full discretion to meet the individual needs of each pupil who pursues an advanced opportunity. The trustees may create free district initiatives of their own that satisfy the conditions of this subsection (5)(a). Permissible expenditures include but are not limited to:

(i) dual credit tuition at any institution under authority of the board of regents;

(ii) exam fees used for postsecondary advancement, placement, or credit, including but not limited to exam fees associated with the ACT, SAT, CLEP, career advancement, international baccalaureate, and advanced placement;

(iii) fees charged by and any out-of-pocket costs of any business providing work-based learning opportunities to a qualifying pupil of the district, including the cost of workers' compensation insurance for work-based learning opportunities;

(iv) exam and other fees of any industry-recognized credential or license for which a qualifying pupil is eligible as a result of participation in an advanced opportunity;

(v) the costs of participation for qualifying pupils in out-of-school enrichment activities that, in the discretion of the trustees, advance the pupil's opportunity for postsecondary career and educational success;
and

~~(v)~~ (vi) the costs of participation for qualifying pupils that are identified as necessary, in the discretion of the district and upon request of a qualifying pupil, to maximize the benefit of an advanced opportunity for a qualifying pupil;

(b) advanced opportunity aid remaining that is not expended or carried forward for the purposes of subsection (5)(a) may be spent by the district to provide any K-12 career and vocational/technical education course offered by the district.

(6) A district qualified for funding under subsection (3) may supplement state funding of advanced opportunity aid with matched expenditures from its adopted adult education budget, not to exceed 25% of the district's advanced opportunity aid. The conditions under subsection (5) apply to any matched expenditures funded under this subsection (6).

~~(7) The present law base calculated for K-12 local assistance under Title 17, chapter 7, part 1, must include advanced opportunity aid to support the participation of pupils in grades 6 through 12 in all districts as follows:~~

~~(a) for fiscal year 2022, an amount sufficient to provide advanced opportunity aid to:~~

~~(i) 50% of all elementary districts;~~

~~(ii) 50% of all high school districts; and~~

~~(iii) 50% of all K-12 districts;~~

~~(b) for fiscal year 2023, an amount sufficient to provide advanced opportunity aid to:~~

~~(i) 75% of all elementary districts;~~

~~(ii) 75% of all high school districts; and~~

~~(iii) 75% of all K-12 districts;~~

~~(c) for fiscal year 2024 and subsequent fiscal years, an amount sufficient to provide advanced opportunity aid to:~~

~~(i) 100% of all elementary districts;~~

~~(ii) 100% of all high school districts; and~~

~~(iii) 100% of all K-12 districts."~~

NEW SECTION. Section 3. Appropriation. (1) There is appropriated ~~\$8-\$4~~ million from the general fund to the office of public instruction for EACH FISCAL YEAR OF the biennium beginning July 1, 2023, for distributions of advanced opportunity aid to school districts pursuant to the provisions of Title 20, chapter 7, part 15. ~~The superintendent shall allocate a sufficient portion of the appropriation for distributions in fiscal year 2024~~

and fiscal year 2025 that are estimated to allow for levels of district participation within this biennial appropriation and pursuant to the definition of "advanced opportunity aid" in 20-7-1503.

(2) THE LEGISLATURE INTENDS THAT THE APPROPRIATION IN THIS SECTION BE CONSIDERED PART OF THE ONGOING BASE FOR THE NEXT LEGISLATIVE SESSION.

COORDINATION SECTION. SECTION 4. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 2 AND [THIS ACT] ARE PASSED AND APPROVED AND IF BOTH HOUSE BILL NO. 2 AND [THIS ACT] HAVE AN APPROPRIATION FOR "STATE ADVANCED OPPORTUNITY AID", THEN THE APPROPRIATION IN HOUSE BILL NO. 2 IS VOID.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.

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