

HOUSE BILL NO. 361

INTRODUCED BY C. KEOGH, J. REAVIS, J. ISALY, M. LEE, T. CROWE, J. SECKINGER, B. CLOSE, S.
FYANT, J. WEBER, A. GRIFFITH, D. POWERS, E. MATTHEWS, T. RUNNING WOLF, F. SMITH, M. FOX, D.
BAUM, M. CAFERRO, B. CARTER, J. COHENOUR, T. FRANCE, J. KARLEN, M. ROMANO, E. STAFMAN, K.
SULLIVAN, M. THANE, Z. ZEPHYR, M. MARLER, D. JOY, C. FITZPATRICK, J. LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS RELATED TO ENGLISH
LEARNERS; ESTABLISHING STATE FUNDING TO SUPPORT SCHOOL DISTRICTS SERVING ENGLISH
LEARNERS; ESTABLISHING PROFESSIONAL STIPENDS FOR HIGHLY QUALIFIED TEACHERS SERVING
ENGLISH LEARNERS; PROVIDING A DEFINITION; PROVIDING APPROPRIATIONS; AND PROVIDING AN
EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the Legislature has defined, in section 20-9-309, MCA, the basic system of free quality
public elementary and secondary schools to include educational programs to provide for students with limited
English proficiency; and

WHEREAS, the Legislature is required under section 20-9-309, MCA, to consider the needs of students
with limited English proficiency in developing a mechanism to fund the basic system of free quality public
elementary and secondary schools; and

WHEREAS, currently there is no mechanism in Montana's school funding formula that addresses the
needs of students with limited English proficiency.

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

NEW SECTION. **Section 1. Programs to serve English learners -- funding.** (1) A public school
district or a consortium of public school districts receiving subgrants under 20 U.S.C. 6825 from the office of
public instruction for the purposes of conducting programs serving students with limited English proficiency, as
defined in 20-1-101 and referred to in 20-9-309, is entitled to state matching funds under this section.

(2) The office of public instruction shall distribute from money appropriated for this purpose by the

last day of January a maximum amount of ~~\$10~~ \$2 for each dollar that the office of public instruction allocated as a subgrant to a public school district under 20 U.S.C. 6825 in the prior year. The office of public instruction shall prorate payments to districts based on the available appropriation. The money received by a school district must be deposited in the miscellaneous programs fund and administered as provided in 20-9-507 and may be expended only for programs serving students with limited English proficiency IN ACCORDANCE WITH THE REQUIREMENTS OF 20 U.S.C. 6825, INCLUDING BUT NOT LIMITED TO:

(A) DEVELOPING AND IMPLEMENTING NEW LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS AND ACADEMIC CONTENT INSTRUCTIONAL PROGRAMS;

(B) CARRYING OUT HIGHLY FOCUSED, INNOVATIVE, LOCALLY DEVELOPED ACTIVITIES TO EXPAND OR ENHANCE EXISTING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS AND ACADEMIC CONTENT INSTRUCTIONAL PROGRAMS; AND

(C) IMPLEMENTING SCHOOLWIDE PROGRAMS WITHIN AN INDIVIDUAL SCHOOL AND SYSTEMWIDE PROGRAMS WITHIN A SCHOOL DISTRICT TO RESTRUCTURE, REFORM, AND UPGRADE PROGRAMS, ACTIVITIES, AND OPERATIONS RELATED TO THE LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS AND ACADEMIC CONTENT INSTRUCTIONAL PROGRAMS.

NEW SECTION. Section 2. Professional stipends for highly qualified teachers serving English learners. (1) Pursuant to subsection (5), an annual stipend of up to ~~\$500~~ AN AMOUNT EQUIVALENT TO 50% OF THE QUALITY EDUCATOR PAYMENT AMOUNT PROVIDED IN 20-9-306 FOR THE APPLICABLE YEAR must be provided to each teacher who holds a culturally and linguistically diverse certificate or a teaching certificate with an English as a second language endorsement if the teacher is:

- (a) a classroom teacher serving students with limited English proficiency as defined in 20-1-101;
- (b) certified to teach in the state under the provisions of 20-4-103; and
- (c) a full-time employee of:
 - (i) a Montana public school district as defined in 20-6-101;
 - (ii) an education cooperative as described in 20-7-451;
 - (iii) the Montana school for the deaf and blind as described in 20-8-101; or
 - (iv) a correctional facility as defined in 41-5-103.

(2) An annual stipend of up to ~~\$1,000~~ AN AMOUNT EQUAL TO 85% OF THE QUALITY EDUCATOR PAYMENT
AMOUNT PROVIDED IN 20-9-306 FOR THE APPLICABLE YEAR must be provided to each teacher who meets the

criteria for the stipend in subsection (1) and who has an instructional assignment in a school identified as:

(a) a school in a high-poverty area eligible to participate in the community eligibility provision under
Public Law 111-296; or

(b) an impacted school as defined in 20-4-502.

(3) A teacher becomes eligible for the stipend in subsection (1) in the school year beginning July 1
after the teacher obtains a culturally and linguistically diverse certificate or a teaching certificate with an English
as a second language endorsement.

(4) By March 1, the superintendent of public instruction shall distribute stipend payments to any
entity listed in subsections (1)(c)(i) through (1)(c)(iv) that employs an eligible teacher.

(5) The obligation for funding a portion of the professional stipends is an obligation of the state.
This section may not be construed to require a school district to provide its matching portion of a stipend to a
qualifying teacher without a payment from the state to the district. If the money appropriated for the stipends is
not enough to provide the full amount for each eligible teacher, the superintendent of public instruction shall
request the state budget director to submit a request for a supplemental appropriation in the second year of the
biennium that is sufficient to complete the funding of the stipends.

(6) (a) For a stipend under subsection (1), the state shall pay ~~\$200~~ 50% OF THE MAXIMUM STIPEND
AMOUNT UNDER SUBSECTION (1) and another ~~\$4~~ 1% OF THE AMOUNT for each ~~\$4~~ 1% OF THE AMOUNT contributed by
the teacher's school district, up to a maximum state contribution of ~~\$350~~ 75% OF THE AMOUNT.

(b) For a stipend under subsection (2), the state shall pay ~~\$400~~ 55% OF THE MAXIMUM STIPEND
AMOUNT UNDER SUBSECTION (2) and another ~~\$2~~ 2% OF THE AMOUNT for each ~~\$4~~ 1% OF THE AMOUNT contributed by
the teacher's school district, up to a maximum state contribution of ~~\$800~~ 85% OF THE AMOUNT.

(7) For the purposes of this section, "culturally and linguistically diverse certificate" means a
certificate issued by an accredited postsecondary institution that:

(a) requires a minimum of 12 postsecondary credit hours; and

(b) is designed to enhance a teacher's ability to develop the full educational potential of a student
with limited English proficiency.

(3) The legislature intends that the appropriations in subsections (1) and (2) be considered part of the ongoing base for the next legislative session.

NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

(2) [Section 2] is intended to be codified as an integral part of Title 20, chapter 4, part 1, and the provisions of Title 20, chapter 4, part 1, apply to [section 2].

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2025.

NEW SECTION. SECTION 7. TERMINATION. [SECTIONS 1 AND 2] TERMINATE JUNE 30, 2031.

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