

Amendment - 1st Reading/2nd House-blue - Requested by: Melissa Nikolakakos - (S)
Education and Cultural Resources

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

HB0628.002.001

HOUSE BILL NO. 628

INTRODUCED BY M. NIKOLAKAKOS, S. NOVAK, R. GREGG, D. BEDEY, J. FULLER, L. JONES, W.
MCKAMEY, R. MINER, B. BARKER, N. DURAM, G. NIKOLAKAKOS, M. ROMANO, J. TREBAS, S. ESSMANN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE EARLY LITERACY TARGETED
INTERVENTION PROGRAM; INCREASING THE SCOPE OF THE TARGETED INTERVENTIONS TO
INCLUDE SCHOLASTIC LITERACY; PROVIDING THAT A SCHOOL DISTRICT MAY OPT IN TO
ENROLLING NO MORE THAN ONE ON-TARGET STUDENT FOR EVERY ~~THREE~~ FIVE ELIGIBLE
STUDENTS IN A CLASSROOM-BASED INTERVENTION OR JUMPSTART INTERVENTION; PROVIDING
THAT A SCHOOL DISTRICT MAY COUNT AN ON-TARGET STUDENT ENROLLED IN A CLASSROOM-
BASED OR JUMPSTART INTERVENTION PROGRAM FOR ANB PURPOSES; AMENDING SECTIONS 20-7-
1801, 20-7-1802, 20-7-1803, AND 20-7-1804, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
AND AN APPLICABILITY DATE."

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

Section 1. Section 20-7-1801, MCA, is amended to read:

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

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

- (a) provide parents with voluntary early scholastic literacy interventions for their children;
- (b) increase the number of children who are ~~reading~~ proficient in reading and math at the end of
3rd grade and in so doing help those children develop their full educational potential pursuant to Article X,
section 1(1), of the Montana constitution; and
- (c) foster a strong economic return for the state on early scholastic literacy investment through
enhancing Montana's skilled workforce and decreasing future reliance on social programs and the criminal

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1 justice system.

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

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

9

10 **Section 2.** Section 20-7-1802, MCA, is amended to read:

11 **"20-7-1802. Definitions.** As used in this part, unless the context clearly indicates otherwise, the
12 following definitions apply:

13 (1) "Early scholastic literacy targeted intervention" or "intervention" means, as further described in
14 20-7-1803, any of the following:

15 (a) a classroom-based program;

16 (b) a home-based program; or

17 (c) a jumpstart program.

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

21 (3) "Evaluation methodology" means a research-based methodology, instrument, or assessment
22 selected by the board of public education pursuant to 20-7-1803 to determine, based on a child's age or grade
23 level, whether the child is above, at, or below a developmental trajectory leading to reading proficiency or math
24 proficiency on completion of 3rd grade.

25 (4) "On-target child" means a child who is determined through the selected evaluation
26 methodology to be at or above a trajectory leading to reading proficiency or math proficiency at the end of 3rd
27 grade.

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(5) "Scholastic literacy" means a comprehensive competency in a variety of academic standards and developmental domains necessary to prepare a child to be successful in the child's primary, secondary, and postsecondary pursuits. The academic standards include English language arts, literacy, mathematics, and numeracy.

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

Section 3. Section 20-7-1803, MCA, is amended to read:

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

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

- (a) developmentally appropriate;
- (b) research-based;
- (c) cost-effective; and
- (d) if possible, aligned with formative assessments that inform instruction in the classroom-based program and the jumpstart program.

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

(4) A child may not be evaluated for the purposes of this part unless requested by the child's parent or guardian. The trustees may administer the evaluation methodology ~~in April, May, or June to no sooner than 5 months prior to enrolling or upon enrollment of~~ a child who will be 4 years of age or older on or before the following September 10 and who has not yet entered 3rd grade at the time the evaluation methodology is administered. A child who is evaluated to be below trajectory for 3rd-grade reading proficiency or 3rd-grade

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1 math proficiency for the child's age or grade level is an eligible child ~~for the subsequent school year~~. A child's
2 eligibility must be reevaluated using the evaluation methodology at least annually.

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

7 (b) The classroom-based program must align with developmentally appropriate early education
8 learning standards as determined by the board of public education. The standards must include a requirement
9 for ongoing evaluation of student progress used to tailor instruction to specific student needs.

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

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

14 (i) be operated by a nonprofit entity;

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

17 (iii) foster parental engagement; and

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

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

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

24 (b) The jumpstart program must:

25 (i) take place during the time between the end of one school calendar year and the start of the
26 next school calendar year, as determined by the trustees, preceding a child's entry into kindergarten, 1st grade,
27 2nd grade, or 3rd grade;

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- 1 (ii) be at least 4 weeks in duration and provide at least 120 instructional hours;
- 2 (iii) be aligned to a framework determined by the board of public education;
- 3 (iv) be designed in a manner to increase the likelihood of a child being evaluated at the end of the
- 4 ensuing school year to be at or above a trajectory leading to reading proficiency or math proficiency at the end
- 5 of 3rd grade."

6
7 **Section 4.** Section 20-7-1804, MCA, is amended to read:

8 **"20-7-1804. Early scholastic literacy targeted interventions -- funding -- reporting.** (1) An eligible
9 child participating in a classroom-based program pursuant to 20-7-1803(5) must be included in enrollment
10 counts for the purpose of ANB calculations in the manner described in 20-9-311.

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

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

18 (4) Trustees offering an one or more early scholastic literacy targeted intervention programs shall
19 closely monitor ~~the~~ each program and report annually to the superintendent of public instruction on the efficacy
20 of ~~the~~ each program no later than July 15. The superintendent shall collaborate with trustees in maximizing the
21 efficiency of fulfilling this reporting requirement. The report must include anonymized information on student
22 progress, including the student's performance on:

- 23 (a) the evaluation methodology that led to eligibility for the program;
- 24 (b) any formative assessments administered;
- 25 (c) if administered, the evaluation methodology at the end of the school year in which intervention
- 26 was provided; and
- 27 (d) any statewide reading and math assessments administered in grades 4 through 6.

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

- (a) the number of participating and nonparticipating children and districts;
- (b) longitudinal data displaying the proficiency level of participating and nonparticipating children at each grade level following participation in an intervention;
- (c) at a time when the data is available, long-term outcome data for participants and nonparticipants, including but not limited to:
 - (i) assessment data in 8th grade and high school;
 - (ii) high school graduation rates; and
 - (iii) postsecondary participation rates; and
- (d) a list of schools offering one or more targeted interventions and a list of the matched comparable nonparticipating schools that on the most recent 4th grade statewide reading assessment and math assessment:
 - (i) had 75% or more of its students score at proficient or above; or
 - (ii) improved the percentage of students scoring at proficient or above by 10 or more percentage points."

NEW SECTION. Section 5. Early scholastic literacy targeted intervention -- optional enrollment -- on-target students. (1) To encourage school districts to foster inclusive learning environments with heterogenous populations of early learners and based on research and evidence-based practices which demonstrate that having students with a wide range of skills benefits all students enrolled in an early scholastic literacy targeted intervention program, a school district that provides a classroom program pursuant to 20-7-1083(5), or a jumpstart program pursuant to 20-7-1803(7), may opt in to enrolling on-target children into the

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1 targeted intervention program. A district is not required to enroll an on-target child in a classroom or jumpstart
2 program under this section.

3 (2) A district that opts in to enrolling on-target children into the classroom or jumpstart targeted
4 intervention program may admit a maximum of one on-target child for every ~~three~~ FIVE eligible children enrolled
5 in the targeted intervention program.

6 (3) An on-target child that is enrolled in a classroom or jumpstart targeted intervention program
7 under this section is entitled to be counted in the enrollment count for ANB purposes, pursuant to 20-7-1804(1)
8 for an on-target student enrolled in a classroom program or 20-7-1804(3) for an on-target student enrolled in a
9 jumpstart program.

10
11 **NEW SECTION. Section 6. Directions to code commissioner.** Whenever a reference to "early
12 literacy" appears in relation to a targeted intervention or a jumpstart program in Title 5 or Title 20 and in all law
13 enacted by the 69th legislature, the code commissioner is directed to change the reference to "early scholastic
14 literacy".

15
16 **NEW SECTION. Section 7. Codification instruction.** [Section 5] is intended to be codified as an
17 integral part of Title 20, chapter 7, part 18, and the provisions of Title 20, chapter 7, part 18, apply to [section 5].

18
19 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

20
21 **COORDINATION SECTION. Section 9. Coordination instruction.** If both House Bill No. 338 and
22 [this act] are passed and approved, then House Bill No. 338 is void.

23
24 **NEW SECTION. Section 10. Transition.** A school district may administer an evaluation methodology
25 for math proficiency as soon as the methodology is determined by the board of public education pursuant to 20-
26 7-1803, and a district may incorporate scholastic literacy in jumpstart programs starting on or after [the effective
27 date of this act].

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2 NEW SECTION. **Section 11. Applicability.** [This act] applies to students enrolled in an early
3 scholastic literacy intervention program on or after May 1, 2025.

4

- END -

AMENDED