

HOUSE BILL NO. 151

INTRODUCED BY C. KEOGH, D. BEDEY, J. FULLER, L. JONES, E. MATTHEWS, J. WINDY BOY, B.

BARKER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS RELATED TO RECRUITMENT AND RETENTION AND THE MONTANA SCHOOL FOR THE DEAF AND BLIND; MAKING EDUCATIONAL SIGN LANGUAGE INTERPRETERS ELIGIBLE FOR THE QUALITY EDUCATOR PAYMENT AND THE QUALITY EDUCATOR LOAN ASSISTANCE PROGRAM; EXPANDING THE TYPES OF EDUCATIONAL ENTITIES THAT CAN RECEIVE INCENTIVES FOR MEETING STARTING TEACHER PAY BENCHMARKS AND THAT CAN PARTICIPATE IN THE TEACHER RESIDENCY PROGRAM; ALLOWING THE MONTANA SCHOOL FOR THE DEAF AND BLIND TO TRANSPORT RESIDENT STUDENTS BETWEEN HOME AND THE SCHOOL BY SCHOOL BUS; AMENDING SECTIONS 20-4-502, 20-4-503, 20-4-702, 20-8-121, 20-9-324, AND 20-9-327, MCA; AND PROVIDING AN EFFECTIVE DATE DATES AND AN APPLICABILITY DATE."

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

Section 1. Section 20-4-502, MCA, is amended to read:

"20-4-502. Definitions. For the purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) "Impacted school" means:

(a) a special education cooperative;

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(b) the Montana school for the deaf and blind, as described in 20-8-101;

(c) the Montana youth challenge program, as established in 10-1-1401;

(d) a correctional facility, as defined in 41-5-103;

(e) a public school located on an Indian reservation; and

(f) a public school that, driving at a reasonable speed for the road surface, is located more than 20 minutes from a Montana city with a population greater than 15,000 based on the most recent federal decennial census.

(5) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the current school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (5)(b) in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-24-301, 37-25-302, 37-39-308, 37-39-309, or 37-39-311 and is employed by an entity listed in subsection (5)(b) to provide services to students; or

(iii) is employed by an entity listed in subsection (5)(b) to provide educational sign language interpreting for deaf and hard-of-hearing students and who meets the qualifications for educational sign language interpreting established by the board of public education.

(b) For the purposes of subsection (5)(a), "an entity" means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101;

(iv) the Montana youth challenge program; and

(v) a correctional facility, as defined in 41-5-103.

(6) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

SECTION 2. SECTION 20-4-503, MCA, IS AMENDED TO READ:

"20-4-503. Critical quality educator shortages -- impacted schools. (1) The board of public

education, in consultation with the office of public instruction, shall maintain and make publicly available a current list of impacted schools.

(2) A quality educator working at an impacted school or an individual employed under 20-4-502(5)(a)(iii) is eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under this part. If a quality educator is eligible for loan assistance and remains employed in the same impacted school or another impacted school within the same school district, the quality educator remains eligible for a lifetime total of up to 3 years of state-funded loan repayment assistance and an additional 1 year of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated pursuant to 20-4-504(2)."

Section 3. Section 20-4-702, MCA, is amended to read:

"20-4-702. Teacher residency program. (1) The superintendent of public instruction shall administer a teacher residency program in collaboration with school districts and professional educator preparation programs.

(2) The teacher residency program must involve:

(a) a shared vision and partnership between:

(i) a resident;

(ii) a teacher-leader;

(iii) a school district; and

(iv) an educator preparation program;

(b) ensuring that a resident possesses the cultural competencies to succeed and be an effective educator in the school hosting the resident;

(c) selection and training for teacher-leaders;

(d) a resident being matched with a school district that provides a high-quality and supportive experience for residents working with a teacher-leader;

(e) flexible course delivery to allow a resident to complete required credits in the resident's preparation program;

- 1 (f) a cohort model with opportunities for virtual and in-person training and support;
- 2 (g) financial and other compensation for residents and teacher-leaders, including:
- 3 (i) housing for the resident or a housing allowance provided to the resident by the host school
- 4 district;
- 5 (ii) for a resident in a professional educator preparation program accredited by the board of public
- 6 education, a last-dollar tuition grant to eliminate tuition costs for the resident for the year of the residency;
- 7 (iii) a stipend for the teacher-leader; and
- 8 (iv) compensation for the resident, a portion of which may be conditioned on completion of the
- 9 program and the signing of a teaching contract in a Montana public school for the following year; and
- 10 (h) a methodology for evaluating the effectiveness of the program.
- 11 (3) The superintendent of public instruction may contract with a professional educator preparation
- 12 program located in a unit of the Montana university system to coordinate the teacher residency program or
- 13 aspects of the program.
- 14 (4) If a resident does not complete the program or does not teach in a Montana public school for 3
- 15 or more years within 5 years of completing the teacher residency program, the superintendent of public
- 16 instruction shall inform the commissioner of higher education and the commissioner shall convert the amount of
- 17 any tuition grant provided to the resident under the program to a loan.
- 18 (5) For the purposes of this part, the following definitions apply:
- 19 (a) "Professional educator preparation program" means a postsecondary program intended to lead
- 20 to teacher licensure that is accredited by the board of public education or recognized by the board as an
- 21 essentially equivalent program for teacher certification purposes.
- 22 (b) "Resident" means a student enrolled in a professional educator preparation program who is
- 23 selected for participation in a teacher residency program as described in this section and who commits to
- 24 teaching in a Montana public school following completion of the teacher residency program.
- 25 (c) "School district" or "district" means the educational entities eligible for a quality educator
- 26 payment under 20-9-327.
- 27 (e)(d) "Teacher-leader" means an experienced classroom teacher who is selected to work with,
- 28 coach, and mentor a resident.

1 ~~(d)~~(e) "Teacher residency program" or "program" means a partnership between a district and a
2 professional educator preparation program to provide residents with a year-long, practice-based learning
3 experience working directly with students in a manner that mirrors the experience of teachers in that school and
4 meets the criteria of supervised teaching experience as defined by the board of public education."
5

6 **Section 4.** Section 20-8-121, MCA, is amended to read:

7 **"20-8-121. Transportation of students at school.** (1) The school for the deaf and blind shall provide
8 the transportation expenses allowed in subsection (4) for a residential student at the school for the deaf and
9 blind who is a resident of the state of Montana if the student is conveyed to and from the student's residence
10 by:

11 (a) a scheduled air carrier as defined in 67-1-101;
12 (b) charter with a commercial air operator as defined in 67-1-101;
13 (c) a parent or guardian of the student, under an individual transportation contract with the school
14 for the deaf and blind;

15 ~~(d) a school bus as defined in 20-10-101; or~~
16 ~~(d)(e) other transportation arrangements, provided that the transportation is by a carrier of~~
17 ~~passengers certified by the public service commission and approved by the superintendent of the school for the~~
18 ~~deaf and blind, pursuant to rules adopted by the board of public education.~~

19 (2) The superintendent of the school for the deaf and blind shall determine which method of
20 transportation in subsection (1) is to be provided to a student, pursuant to rules adopted by the board of public
21 education on transportation of residential and boarding students at the school.

22 (3) A parent or guardian who transports a student to or from the school under an individual
23 transportation contract is entitled to reimbursement for transportation, pursuant to rules adopted by the board of
24 public education on reimbursement.

25 (4) The transportation of a residential student provided in subsection (1) is limited to the number of
26 round trips to the student's residence as specified in the school calendar approved by the board of public
27 education. The superintendent of the school for the deaf and blind may grant a variance from this provision, but
28 in no event may a reimbursement for travel expenses be provided for travel in excess of the total number of

1 trips approved in any school fiscal year."

2

3 **Section 5.** Section 20-9-324, MCA, is amended to read:

4 **"20-9-324. Incentives for school districts meeting legislative goal for competitive base pay of**
5 **teachers in public school districts -- definitions.** (1) A school district, ~~as defined in 20-6-101,~~ must receive
6 an extra quality educator payment for certain quality educators, calculated as provided in 20-9-306(16), if it
7 meets the legislative goal for competitive base pay of teachers in subsection (2).

8 (2) The legislative goal for competitive base pay of teachers is a teacher base pay that in the
9 applicable year:

10 (a) is equal to at least 10 times as much as the quality educator payment amount provided in 20-9-
11 306(16); and

12 (b) for a school district classified as first class pursuant to Title 20, chapter 6, is not less than 70%
13 of the teacher average pay in the school district.

14 (3) A district seeking an incentive for the subsequent school fiscal year under this section shall, by
15 December 1, provide the data necessary, as determined by the superintendent of public instruction, to verify:

16 (a) that the district has met the legislative goal established in subsection (2) for the current year;
17 and

18 (b) the number of full-time equivalent teachers that are in the first 3 years of the teacher's teaching
19 career in the current year. The first 3 years of a teacher's teaching career do not include a year of teaching
20 under an emergency authorization pursuant to 20-4-111.

21 (4) For the purposes of this section, the following definitions apply:

22 (a) "School district" or "district" means the educational entities eligible for a quality educator
23 payment under 20-9-327.

24 ~~(a)~~(b) "Teacher" means an individual who:

25 (i) holds a current class 1, 2, 4, 5, 6, or 7 license issued by the office of public instruction under
26 rules adopted by the board of public education pursuant to 20-4-102; and

27 (ii) is employed by a school district in an instructional position requiring teacher licensure.

28 ~~(b)~~(c) "Teacher average pay" means the total compensation paid by a school district to all of its

1 teachers, not including bonuses, stipends, or extended duty contracts, divided by the total full-time equivalent
2 teachers employed in the district, with full-time equivalence rounded to the nearest tenth.

3 ~~(e)~~(d) "Teacher base pay" means the lowest salary for a beginning teacher incorporated in the
4 district's collective bargaining agreement if the teachers' employment is covered by a collective bargaining
5 agreement pursuant to Title 39, chapter 31, or incorporated in district policy if the teachers' employment is not
6 covered by a collective bargaining agreement, not including bonuses, stipends, or extended duty contracts."

7
8 **Section 6.** Section 20-9-327, MCA, is amended to read:

9 **"20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

- 10 (i) public school districts, as defined in 20-6-101 and 20-6-701;
11 (ii) special education cooperatives, as described in 20-7-451;
12 (iii) the Montana school for the deaf and blind, as described in 20-8-101;
13 (iv) correctional facilities, as defined in 41-5-103; and
14 (v) the Montana youth challenge program.

15 (b) A special education cooperative that has not met the requirements of 20-7-454 may not be
16 funded under the provisions of this section except by approval of the superintendent of public instruction.

17 (2) (a) The quality educator payment for special education cooperatives must be distributed
18 directly to those entities by the superintendent of public instruction.

19 (b) The quality educator payment for the Montana school for the deaf and blind must be distributed
20 to the Montana school for the deaf and blind.

21 (c) The quality educator payment for Pine Hills correctional facility and the facility under contract
22 with the department of corrections for female, as defined in 1-1-201, youth must be distributed to those facilities
23 by the department of corrections.

24 (d) The quality educator payment for the Montana youth challenge program must be distributed to
25 that program by the department of military affairs.

26 (3) The quality educator payment is calculated as provided in 20-9-306, using the number of full-
27 time equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in
28 the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (1) of this section in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education;

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-24-301, 37-25-302, 37-39-308, 37-39-309, or 37-39-311; and

(ii) is employed by an entity listed in subsection (1) to provide services to students; or

(c) (i) holds an American Indian language and culture specialist license; and

(ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian language immersion program pursuant to Title 20, chapter 7, part 14; or

(d) meets the qualifications for educational sign language interpreting established by the board of public education and is employed by an entity listed in subsection (1) to provide educational sign language interpreting for deaf and hard-of-hearing students."

COORDINATION SECTION. SECTION 7. COORDINATION INSTRUCTION. (1) IF BOTH HOUSE BILL NO. 252 AND [THIS ACT] ARE PASSED AND APPROVED AND IF HOUSE BILL NO. 252 CONTAINS A SECTION AMENDING 20-9-324, THEN [SECTION 5 OF THIS ACT], AMENDING 20-9-324, IS VOID.

(2) IF BOTH HOUSE BILL NO. 252 AND [THIS ACT] ARE PASSED AND APPROVED AND IF HOUSE BILL NO. 252 CONTAINS A SECTION AMENDING 20-9-327, THEN [SECTION 6 OF THIS ACT], AMENDING 20-9-327, IS VOID AND THE SECTION IN HOUSE BILL NO. 252 AMENDING 20-9-327 MUST BE AMENDED TO INCLUDE A NEW SUBSECTION (3)(B)(IV) THAT READS AS FOLLOWS:

"(IV) IS EMPLOYED BY AN EDUCATIONAL ENTITY LISTED IN SUBSECTION (1) TO PROVIDE EDUCATIONAL SIGN LANGUAGE INTERPRETING FOR DEAF AND HARD-OF-HEARING STUDENTS AND MEETS THE QUALIFICATIONS FOR EDUCATIONAL SIGN LANGUAGE INTERPRETING ESTABLISHED BY THE BOARD OF PUBLIC EDUCATION."

(3) If both House Bill No. 252 and [this act] are passed and approved, then [section 9 of this act] is void and the following must be added to [section 18(2) of House Bill 252], providing a transition section:

"(c) The legislature intends that eligible educational sign language interpreters meeting the qualifications of the board of public education and employed by and working at the Montana school for the deaf and blind during the school fiscal year beginning July 1, 2024, are included with the quality educator and

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1 qualified staff payments distributed in school fiscal years beginning on or after July 1, 2025."

2 (4) If both House Bill No. 509 and [this act] are passed and approved and if both contain a section
3 that amends 20-4-503, then [section 2 of this act], amending 20-4-503, is void.

4
5 NEW SECTION. Section 8. Effective date DATES. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS
6 ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

7 (2) [This act] is [SECTIONS 1 THROUGH 5] ARE effective July 1, 2025.

8
9 NEW SECTION. SECTION 9. APPLICABILITY. [SECTION 6] APPLIES TO EDUCATIONAL SIGN LANGUAGE
10 INTERPRETERS meeting the qualifications of the board of public education and EMPLOYED by the Montana school
11 for the deaf and blind DURING THE SCHOOL FISCAL YEAR BEGINNING JULY 1, 2024, AND SUBSEQUENT SCHOOL FISCAL
12 YEARS SO THAT QUALITY EDUCATOR PAYMENTS FOR EDUCATIONAL ENTITIES EMPLOYING EDUCATIONAL SIGN LANGUAGE
13 INTERPRETERS the Montana school for the deaf and blind ARE INCREASED ACCORDINGLY BEGINNING for SCHOOL
14 FISCAL YEAR 2026 years beginning on or after July 1, 2025. [Section 6] applies to the other educational entities
15 listed in [section 6] for school fiscal years beginning on or after July 1, 2026.

16 - END -