

SENATE BILL NO. 278

INTRODUCED BY S. NOVAK, J. WINDY BOY, P. STRAND, S. WEBBER, M. ROMANO, J. TREBAS, R.
TEMPEL, L. MUSZKIEWICZ, J. LYNCH, D. HARVEY, J. ISALY, J. FULLER, P. ELVERUM, J. MORIGEAU

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS RELATED TO ADVANCED
OPPORTUNITIES; ESTABLISHING "ADVANCED OPPORTUNITY FACILITATORS" AND DEFINING THE
TERM; ALLOWING A SCHOOL DISTRICT EMPLOYING AN ADVANCED OPPORTUNITY FACILITATOR TO
UTILIZE A PORTION OF ITS ADVANCED OPPORTUNITY AID IN PAYING THE FACILITATOR AND
RECEIVE A QUALITY EDUCATOR PAYMENT FOR THE ADVANCED OPPORTUNITY FACILITATOR;
AMENDING SECTIONS 20-7-1503, 20-7-1506, AND 20-9-327, MCA; AND PROVIDING ~~AN~~ EFFECTIVE
~~DATED~~DATES."

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 each fiscal year:

(a) for an elementary district, 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, 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, 18% of the district's total quality educator payment defined in 20-9-306 in the
prior year.

(3) "Advanced opportunity facilitator" means an individual employed by a school district who
coordinates between the school district, a qualifying pupil and the pupil's family, postsecondary institutions,

1 employers, industry associations, community organizations, or any other individual or entity that provides an
2 advanced opportunity.

3 ~~(3)~~(4) "Advanced opportunity plan" means a plan adopted by a board of trustees of a district that
4 provides advanced opportunities for the pupils of the district.

5 ~~(4)~~(5) "District" means a school district as defined in 20-6-101.

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

8

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

10 **"20-7-1506. Incentives for creation of advanced opportunity programs.** (1) A district that satisfies
11 the conditions of subsection (2) and is qualified by the board of public education pursuant to subsection (3) is
12 eligible for the funding and flexibilities in subsections (4) and (5).

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

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

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

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

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

27 (3) The board of public education shall:

28 (a) establish 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.

(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) 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 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 AND

(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; and

~~(vii) the costs of employing an advanced opportunity facilitator as defined in 20-7-1503, not to exceed 20% of a district's annual distribution of advanced opportunity aid;~~

(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:

(i) provide any K-12 career and vocational/technical education course offered by the district; OR

(II) PAY FOR THE COSTS OF EMPLOYING AN ADVANCED OPPORTUNITY FACILITATOR AS DEFINED IN 20-7-

1503.

(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)."

Section 3. Section 20-9-327, MCA, is amended to read:

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

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

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

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

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

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

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

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

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Drafter: Laura Sankey Keip,

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(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) is employed by an entity listed in subsection (1) as an advanced opportunity facilitator."

COORDINATION SECTION. Section 4. Coordination instruction. 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 3 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) as an advanced opportunity facilitator."

NEW SECTION. Section 5. Effective ~~dated~~ dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [This act] is [Sections 1 and 2] are effective July 1, 2025.

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