

SENATE BILL NO. 278

INTRODUCED BY S. NOVAK

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 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 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, employers, industry associations, community organizations, or any other individual or entity that provides an

1 advanced opportunity.

2 ~~(3)~~(4) "Advanced opportunity plan" means a plan adopted by a board of trustees of a district that
3 provides advanced opportunities for the pupils of the district.

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

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

7

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

9 **"20-7-1506. Incentives for creation of advanced opportunity programs.** (1) A district that satisfies
10 the conditions of subsection (2) and is qualified by the board of public education pursuant to subsection (3) is
11 eligible for the funding and flexibilities in subsections (4) and (5).

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

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

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

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

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

26 (3) The board of public education shall:

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

28 (b) no later than January 31, qualify for the subsequent school year nonparticipating districts that

1 submit an application meeting the requirements of subsection (2) for the funding in subsection (4) and the
2 flexibilities in subsection (5);

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

7 (d) limit the districts qualified under subsections (3)(b) and (3)(c) based on the appropriation
8 available in the subsequent year and on the order of date received, after which further applications are to be
9 deferred for consideration in a subsequent year, in the order of date received. An application deferred for
10 consideration in a subsequent year due to lack of funding must be annually updated each year after more than
11 1 full fiscal year has passed from the date of original submission of the application in order for the application to
12 retain its priority by original date received.

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

16 (i) the number of pupils benefiting from advanced opportunity aid;

17 (ii) the number and type of credits and certifications or credentials earned by pupils that have been
18 paid for by the program;

19 (iii) projected growth in the program and funding needs for the next biennium; and

20 (iv) any issues with the program reported by pupils, parents, districts, postsecondary institutions, or
21 examination administrators and how these issues are being addressed and whether the issues require
22 legislative action.

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

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

28 (a) at least 75% of a district's annual distribution of advanced opportunity aid must be spent or

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

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

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

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

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

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

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

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

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

28 (6) A district qualified for funding under subsection (3) may supplement state funding of advanced

1 opportunity aid with matched expenditures from its adopted adult education budget, not to exceed 25% of the
 2 district's advanced opportunity aid. The conditions under subsection (5) apply to any matched expenditures
 3 funded under this subsection (6)."

4

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

6 **"20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

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

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

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

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

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

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

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

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

- 1 (b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-
- 2 24-301, 37-25-302, 37-39-308, 37-39-309, or 37-39-311; and
- 3 (ii) is employed by an entity listed in subsection (1) to provide services to students; or
- 4 (c) (i) holds an American Indian language and culture specialist license; and
- 5 (ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian
- 6 language immersion program pursuant to Title 20, chapter 7, part 14; or
- 7 (d) is employed by an entity listed in subsection (1) as an advanced opportunity facilitator."

8

9 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2025.

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