

HOUSE BILL NO. 387

INTRODUCED BY L. JONES

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA ADVANCED OPPORTUNITY ACT;
5 PROVIDING DEFINITIONS; EXPANDING PERSONALIZED OPPORTUNITIES FOR STUDENTS TO
6 ACCELERATE THEIR CAREER AND COLLEGE READINESS AND REDUCE OUT-OF-POCKET COSTS FOR
7 FAMILIES; EMPOWERING STUDENTS TO ACTIVELY ENGAGE IN FORMING SUCCESSFUL
8 POSTSECONDARY PATHWAYS; PROVIDING EXPANDED FLEXIBILITY AND ADVANCED OPPORTUNITY
9 AID TO DISTRICTS IN SUPPORTING EACH STUDENT'S PATHWAY; AUTHORIZING DISTRICTS TO UTILIZE
10 LIMITED FUNDING IN THE ADULT EDUCATION FUND TO SUPPORT ADVANCED OPPORTUNITIES;
11 PROVIDING AN APPROPRIATION; AMENDING SECTION 20-7-701, MCA; AND PROVIDING AN EFFECTIVE
12 DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Advanced
17 Opportunity Act".

18
19 NEW SECTION. **Section 2. Purpose -- intent.** (1) The purposes of [sections 1 through 4] are to:
20 (a) expand personalized career and technical education opportunities for middle school and high school
21 pupils;
22 (b) reduce out-of-pocket costs for pupils and families in support of a pupil's postsecondary success;
23 (c) empower pupils to actively engage in forming their postsecondary success path; and
24 (d) provide expanded flexibility to districts in supporting each pupil's postsecondary success path to align
25 with each pupil's individual interests, passions, strengths, needs, and culture.

26 (2) The legislature intends to fulfill the purposes under subsection (1) by authorizing elected boards of
27 school districts to develop initiatives using advanced opportunity aid that makes a prudent long-term investment
28 in Montana youth by providing state funding for advanced educational opportunities and individualized pathways
29 for career and postsecondary opportunities for pupils through career and technical education that allow pupils
30 to accelerate and self-direct their learning.

1
2 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4], the following definitions
3 apply:

4 (1) "Advanced opportunity" means any course, exam, experiential, online, or other learning opportunity
5 that is incorporated in a district's advanced opportunity plan and that is designed to advance each qualifying
6 pupil's opportunity for postsecondary career and educational success.

7 (2) "Advanced opportunity aid" means, for fiscal years 2021 and beyond:

8 (a) for an elementary district, 3% of the district's total quality educator payment defined in 20-9-306 in the
9 prior year;

10 (b) for a high school district, 20% of the district's total quality educator payment defined in 20-9-306 in
11 the prior year; and

12 (c) for a K-12 district, 8.5% of the district's total quality educator payment defined in 20-9-306 in the prior
13 year.

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

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

17 (5) "Qualifying pupil" means a pupil, as defined in 20-1-101, that is enrolled and admitted by a district
18 qualified for advanced opportunity aid under [section 4(3)] who is in grades 6 through 12.

19
20 **NEW SECTION. Section 4. Incentives for creation of advanced opportunity programs.** (1) A district
21 that satisfies the conditions of subsection (2) and is qualified by the board of public education pursuant to
22 subsection (3) is eligible for the funding and flexibilities in subsections (4) and (5).

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

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

29 (i) develop an advanced opportunity plan for each participating pupil from grades 6 through 12 that
30 fosters individualized pathways for career and postsecondary educational opportunities and that honors individual

1 interests, passions, strengths, needs, and culture and is supported through relationships among teachers, family,
2 peers, the business community, postsecondary education officials, and other community stakeholders;

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

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

6 (3) The board of public education shall:

7 (a) no later than January 31, qualify for the subsequent school year nonparticipating districts that submit
8 an application meeting the requirements of subsection (2) for the funding in subsection (4) and the flexibilities in
9 subsection (5);

10 (b) no later than January 31, requalify for the subsequent school year participating districts that submit
11 an annual report of progress toward measurable objectives under the district's advanced opportunity plan and
12 any updates to the plan;

13 (c) limit the districts qualified under subsections (3)(a) and (3)(b) based on the appropriation available
14 in the subsequent year and on the order of date received, after which further applications are to be deferred for
15 consideration in a subsequent year, in the order of date received; and

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

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

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

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

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

26 (4) Beginning in fiscal year 2021, the superintendent of public instruction shall provide advanced
27 opportunity aid to each district qualified by the board of public education under subsection (3) by October 1. The
28 aid under this section must be distributed directly to the school district's flexibility fund under 20-9-543.

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

1 (a) at least 60% of a district's annual distribution of advanced opportunity aid must be annually expended
2 and, if not spent, carried over to the next fiscal year to address out-of-pocket costs that would otherwise, in the
3 absence of such expenditure, be assumed by a qualifying pupil or the pupil's family as a result of participation
4 in an advanced opportunity, including but not limited to:

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

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

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

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

14 (v) the costs of participation for qualifying pupils that are identified as necessary, in the discretion of the
15 district and upon request of a qualifying pupil, to maximize the benefit of an advanced opportunity for a qualifying
16 pupil;

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

20 (6) A district qualified for funding under subsection (3) may supplement state funding of advanced
21 opportunity aid with matched expenditures from its adopted adult education budget, not to exceed 25% of the
22 district's advanced opportunity aid. The conditions under subsection (5) apply to any matched expenditures
23 funded under this subsection (6).

24 (7) The present law base calculated for K-12 local assistance under Title 17, chapter 7, part 1, must
25 include advanced opportunity aid as follows:

26 (a) for fiscal year 2022, an amount sufficient to provide advanced opportunity aid as defined in [section
27 3] to:

28 (i) 50% of all elementary districts;

29 (ii) 50% of all high school districts; and

30 (iii) 50% of all K-12 districts;

1 (b) for fiscal year 2023, an amount sufficient to provide advanced opportunity aid as defined in [section
2 3] to:

3 (i) 75% of all elementary districts;

4 (ii) 75% of all high school districts; and

5 (iii) 75% of all K-12 districts;

6 (c) for fiscal year 2024 and subsequent fiscal years, an amount sufficient to provide advanced opportunity
7 aid as defined in [section 3] to:

8 (i) 100% of all elementary districts;

9 (ii) 100% of all high school districts; and

10 (iii) 100% of all K-12 districts.

11

12 **Section 5.** Section 20-7-701, MCA, is amended to read:

13 **"20-7-701. Definition of adult basic education and adult education.** As used in this title, unless the
14 context clearly indicates otherwise, the following definitions apply:

15 (1) "Adult basic education" means instruction in basic skills, such as reading, writing, arithmetic, and
16 other skills required to function in society, offered to persons 16 years of age or older who are not regularly
17 enrolled, full-time pupils for the purposes of ANB computation. Adult basic education may include any subject
18 normally offered in the basic curricula of an accredited elementary or secondary school in the state.

19 (2) "Adult education" means the instruction of persons 16 years of age or older who are not regularly
20 enrolled, full-time pupils for the purposes of ANB computation and the provision of advanced opportunities to
21 qualified pupils pursuant to [sections 1 through 4]."

22

23 NEW SECTION. **Section 6. Appropriation.** There is appropriated \$750,000 from the general fund to
24 the office of public instruction for fiscal year 2021, for distributions of advanced opportunity aid to districts
25 pursuant to [sections 1 through 4].

26

27 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 4] are intended to be codified
28 as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [sections 1 through 4].

29

30 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2019.

31

- END -