



MASBO
Montana Association of
School Business Officials

MFPE
Montana Federation
of Public Employees

MQEC
Montana Quality
Education Coalition

MREA
Montana Rural
Education Association

MTSBA
Montana School Boards
Association

SAM
School Administrators
of Montana

2021 LEGISLATIVE SESSION SUMMARIES: BILLS PASSED IMPACTING EDUCATION

HB 2 (Jones) is the state budget bill and the single obligation required to be passed by the Legislature in any session. Section E of HB 2 includes funding for K-12 education.

HB 3 (Bedey) includes the K-12 public schools supplemental for K-12 BASE Aid and was amended to create appropriations authority to allow for distribution of some federal COVID-19 funds to ensure delivery to schools as quickly as possible. The bill was sponsored by Joint Appropriations Subcommittee on Education Chairman, Rep. Bedey.

HB 15 (Anderson) provides funding for the present law base inflationary adjustment for schools and was amended to conform to the Governor's budget proposal by essentially swapping inflation increases between the first and second years of the biennium, resulting in a 1.5% increase in FY22 and 2.57% in FY23. Continuing to pass this bill early during each Session has set an important precedent to ensure school funding is not utilized in late-Session negotiations.

HB 26 (Funk) simplifies the definition of "pupil" and ensure that older students admitted at the discretion of trustees are considered pupils, including, those individuals 19 years of age or older who have reached 19 years of age by September 10 of the school year. This provides for the eligibility of pupils in calculations for average number belonging by amending sections 20-1-101 and 20-9-311, MCA.

HB 32 (Vinton) eliminates the ending fund balance limits in 20-9-323. Repealing old ending fund balance limits language benefits schools districts' ability to determine the fiscal stability and decision-making for developing budgets for school district funds.

HB 33 (Vinton) clarifies school funding related to anticipated enrollment increase and aligns the provisions in 20-9-314 with current practice used in calculating a school district's general fund budget when a district requests an adjustment due to an anticipated enrollment increase.

HB 46 (Bedey) applies the inflationary adjustment to the special education allowable cost payment and includes it in the present law base in future biennia starting in the 2023 Legislative Session. This is an important addition to the funding formula after many attempts over past sessions.

HB 68 (Bertoglio) requires for the allowance of children from military families that are relocating to Montana under military orders to enroll in classes prior to establishing residency. MTSBA has revised **Model Policy 3310 – Entrance, Placement, and Transfer** to reflect this change in the law.

HB 81 (Hamilton) revises the provisions related to alternate payee rights under family law orders for the Public Employee Retirement Systems.

HB 88 (Bertoglio) revises the provisions for earned compensation, employer reporting requirements, and correcting the timeframe for reporting compensation earned by a disabled member for the Teachers' Retirement System.

HB 89 (McKamey) implements a lottery system when available funding does not meet the demand of applications for transformational learning aid.

HB 95 (Tschida) removes the confidentiality for ethics complaints for public employees of unelected officers.

HB 102 (Berglee) addresses where guns may be carried, specifically including Montana University System campuses. The K-12 public education community remains concerned that the bill could still result in the authorization of guns at school sponsored events and activities not held in the school building. Future litigation on the matter is extremely likely.

HB 105 (Marshall) includes selling or giving a tobacco product, alternative nicotine product, or vapor product to a child in the list of offenses of unlawful transactions with children.

HB 112 (Fuller) requires public school athletic teams to be designated based on sex assigned at birth and would prohibit trans student athletes from playing with their identified gender. The conference committee made only minor amendments in the contingent voidness clause to require the Department of Education to report to Congress notifying them of impending enforcement. The bill was amended by Senator Salomon to add a contingent voidness clause to ensure the preservation of federal funds for Montana's public schools should there be an enforcement action by the US Department of Education.

HB 121 (Bedey) allows the local city councils and county commissions to amend or rescind emergency orders of local health boards and require new regulations recommended by local health boards to be approved by local elected officials.

HB 129 (Bedey) revises the Family Education Savings Act by increasing the maximum tax deduction and expands the types of expenditures income deposited into an education savings program.

HB 130 (Bedey) defines “general contractor construction management contract” as “a contract in which the general contractor, in addition to providing the preconstruction, budgeting, and scheduling services, procures necessary construction services, equipment, supplies, and materials through competitive bidding contracts with subcontractors and suppliers to construct the project.”

HB 143 (Jones) is intended to provide a financial incentive to Montana public school districts to increase teacher base pay beyond a certain threshold in order to attract early career teachers to Montana school districts. This will be accomplished by increasing the quality educator payment for school districts meeting the legislative goals set forth in HB143.

The quality educator payment is an element of state funding provided to Montana public school districts. According to the definition currently in statute (§ 20-9-306, MCA), “total quality educator payment” means the payment resulting from multiplying \$3,275 for fiscal year 2020 and \$3,335 for each succeeding fiscal year by the number of full-time equivalent educators as provided in 20-9-327.” So, under current law, the quality educator payment is determined by multiplying a set dollar amount times the number of full-time equivalent teachers reported to OPI by a school district the previous school year (see § 20-9-327, MCA).

HB143 revised this formula under certain circumstances, in that school districts meeting the legislative goals defined in HB143 will receive a larger quality educator payment. The identified legislative goals are as follows:

- Teacher base pay (starting teacher salary) in the applicable year must be at least 10 times as much as the quality educator payment amount set forth in § 20-9-306, MCA; and
- For First Class school districts only, teacher base pay may not be less than 70% of average teacher pay in that school district.

The incentive built into HB143 for accomplishing these legislative goals is that school districts meeting the goals will receive the regular quality educator payment as defined above, plus an additional payment. This will be accomplished by amending the definition of “total quality educator payment” to read as follows:

“Total quality educator payment” means the payment resulting from multiplying \$3,275 for fiscal year 2020 and \$3,335 for each succeeding fiscal year by the sum of:

- the number of full-time equivalent educators as provided in 20-9-327; and
- as provided in [section 1], for a school district meeting the legislative goal for competitive base pay of teachers, the number of full-time equivalent teachers that were in the first 3 years of the teacher's teaching career in the previous year.

So very basically, second-and third-class school districts whose teacher base pay is at least 10 times the quality educator payment, and first-class districts whose base pay is at least 10 times the quality educator payment and is also at least 70% of average teacher pay, will receive the regular quality educator payment, plus an additional

amount. The additional amount will be determined by multiplying \$3,335 times the number of "full-time equivalent teachers that were in the first 3 years of the teacher's teaching career the previous year." School districts that do not meet the legislative goals will receive the regular quality educator payment only.

The trick will be to ensure that teacher base pay in your district is at least 10 times as much as the quality educator payment, and (for first-class districts) at least 70% of average teacher pay in your district. Some districts have undoubtedly already satisfied these legislative goals and will therefore be in a position to receive the expanded quality educator payment simply by providing the required data to OPI. Many Montana school districts, however, will need to figure out how to increase starting teacher pay in order to receive the incentive.

For the very few Montana school districts whose teachers are not organized into a bargaining unit covered by a collective bargaining agreement, it will simply be a matter of the Board of Trustees finding the funding to increase the starting teacher salary. For the vast majority of Montana school districts, however, it is going to be necessary to negotiate starting teacher pay with the applicable bargaining unit. This may be a difficult hurdle to overcome, given the historic reluctance of teacher bargaining units to increase base pay without a corresponding increase in pay for all other teachers employed by the district. Agreeing to a pay raise for all teachers that will also satisfy the HB143 legislative goals may be cost-prohibitive.

That being said, if local teachers' associations are willing to work with school districts in an effort to attract highly qualified teachers to the district, while at the same time qualifying for the increased quality educator payment, it should be possible to work out some sort of compromise. Below is some suggested language that would satisfy HB143 requirements:

The district shall conduct an annual review and reconciliation of teacher base pay and teacher average pay for all staff whose salaries are covered under the terms of this agreement in order to ensure that teacher base pay in the District is:

- not less than 10 times the quality educator payment amount identified in 20-9-306(16), MCA, for the fiscal year in question; and
- not less than 70% of the teacher average pay in such fiscal year.

In the event that teacher base pay does not meet these standards, teacher base pay will be increased to meet these standards, and the salary for each teacher whose pay is less than either of the amounts referenced above shall be increased to ensure the teacher's salary for the fiscal year in question is at least 10 times the quality educator payment and at least 70% of the teacher average pay, as computed with the increased salary of such teacher included in the average. Any increases in salary for teachers under the circumstances set forth herein shall not be construed to require corresponding increases to any other teacher of the district whose salary is already at least 10 times the quality educator payment and at least 70% of the teacher average pay.

However, to the extent that the district receives an incentive payment in any fiscal year from the state that is in excess of the cost to the district of reconciling teacher pay as referenced herein, any amount of the incentive that is above the costs of reconciliation shall be made available to bargain other increases in compensation for teachers whose employment is covered under the terms of this agreement. Any such increases shall be negotiated in a manner that does not cause any teacher's salary to fall below 10X the quality educator payment or at least 70% of the teacher average pay.

For purposes of this section, the following definitions apply:

- "Teacher base pay" means the lowest salary for a beginning teacher incorporated in this agreement, not including bonuses, stipends, or extended duty contracts.
- "Teacher average pay" means the total salaries paid to all of its teachers covered under the terms of this agreement, not including bonuses, stipends, or extended duty contracts, divided by the total full-time equivalent teachers (187 days = 1 FTE) employed in the district, with full-time equivalence rounded to the nearest tenth.

[HB 155](#) (Lenz) requires specific provisions of what must be included in DPHHS budget request and provides an inflation adjustment for department-operated institutions defined in 53-1-602 and services provided by private sector businesses and other entities that provide direct services for Medicaid program beneficiaries overseen by DPHHS divisions impacting the elderly and people with mental illness, physical disabilities or developmental disabilities.

[HB 159](#) (Jones) provides a process for the Legislative Finance Committee to request the Secretary of State to poll members of the legislature to affirm or not the governor's expenditure plan for unanticipated federal funds.

[HB 176](#) (Greef) eliminates same day voter registration in Montana. Litigation has already been filed by Native vote organizations challenging the legislation.

[HB 181](#) (Zolnikov) reauthorizes the e-rate broadband program and moves responsibility for its implementation to the Office of Public Instruction.

[HB 192](#) (Reksten) requires a district to submit a school safety plan to be certified by the Office of Public Instruction in order to transfer funds under 20-9-326. This bill was sponsored by former superintendent Rep. Linda Reksten.

[HB 206](#) (Bedey) ensures a funding mechanism to cover the educational expenses of students placed treatment facilities through tuition payments made by the state and school districts of residence for the affected children. This bill simplifies a complex area of school law by identifying mechanisms to ensure stable education for several hundred students who are placed in a combination of state licensed foster care and group homes around the state, receiving education in approximately 20 school districts and/or who

spend varying amounts of time at Shodair, Intermountain, Yellowstone Boys and Girls Ranch and Yellowstone Academy, a small district co-located with YBGR that serves special needs students.

[HB 207](#) (Duram) authorizes additional lights on school buses, including additional red flashing lights mounted to the front and rear of the bus.

[HB 210](#) (Funk) provides for licensing of speech-language pathology and audiology assistants.

[HB 213](#) (Keane) clarifies the start of apprentice's rate of wages as the date of registration with the sponsor.

[HB 218](#) (Hopkins) prohibits free speech zones at public postsecondary institutions and adopt policies to implement the provisions of the bill.

[HB 233](#) (Anderson) allows students with disabilities who are over 19 years old but under 21 to qualify under the following criterion to remain enrolled and be served by schools:

- the student has not graduated;
- the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and
- the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

[HB 246](#) (Bertoglio) codifies and expands flexibilities in personalized learning and teacher licensure and substantially enhances the state's recognition of the constitutional power of elected school boards. Of immediate use, the broadened definition of instruction in particular should take pressure off of districts trying to compute their aggregate hours of instruction requirements amid the challenges of COVID-19. MTSBA has revised [Model Policies 1310 – District Policy and Procedures](#) and [2100 – School Calendar and Day](#) to reflect these changes in the law. MTSBA has also developed [Model Policy 2050 – Student Instruction](#) to comply with this new set of statutes. The following is an analysis of the updates to code adopted in the bill:

- Amendments to 20-1-101:
 - Amendment to 20-1-101(12): Changes definition of CTE to include advanced opportunities, work-based learning partnerships and other experiential learning opportunities.
 - Amendment to 20-1-101(13): Provides comparable flexibility for allowing time spent logging in and out electronically to aggregate hours. Puts things on par with time spent passing from class to class in bricks and mortar.

- Amendment to 20-1-101(17): Broadens the definition of pupil instruction to emphasize the intended outcome of effective learning. Includes reference to work-based and other experiential learning.
- Amendment to 20-1-101(30): Includes “digital resources” in the definition of “textbook.”
- Amendments to 20-3-324:
 - New first sentence incorporates reference to the constitutional authority of supervision and control in the statute relating to duties of elected school boards.
 - **Amendment to 20-3-324(18): Codifies and aligns with Board of Public Education rule** allowing an elected school board to waive courses and determine equivalent means of gaining proficiency. Includes reference to work-based and other experiential learning as examples of alternative means of learning that can be recognized. This language also requires high schools to accept credit per transcript of courses approved by any other accredited high school.
- Amendment to 20-4-101:
 - Amendment to 20-4-101(2)(b): Clarifies an existing exemption from licensure for a university professor when teaching a course for college credit only (not dual credit) to a person who is a K-12 Pupil.
- Amendment to 20-4-104:
 - Amendment to 20-4-104(1)(c) and (3): Codifies and aligns with Board of Public Education rule providing for licensure of an out of state or country applicant with national board certification or a record of success (as determined by the Board of Public Education). This amendment also includes an expression of legislative intent that the licensing process should be oriented toward finding ways to grant, as opposed to denying, a license to successful educators from other states.
- Amendment to 20-4-106:
 - Amendment to 20-4-106(1)(c): Codifies and aligns with Board of Public Education rule providing for licensure of an administrator or specialist with record of success from another state. Mirrors expression of legislative intent from amendments in section 4 that provide interpretive direction from section 4 that the licensing process should be oriented toward finding ways to grant, as opposed to denying, a license to successful educators from other states.
 - Amendment to 20-4-106(d): Codifies and aligns with Board of Public Education rule providing for 4C CTE licensure flexibility for someone with a high school diploma and 10,000+ hours of experience in an industry or trade.
- Amendment to 20-4-111:
 - Several years in the past, OPI informed districts that they could not use emergency authorization to employ someone who is licensed but not endorsed or who is licensed in another state but not in Montana. **This amendment codifies a ruling of the Board of Public Education** that clarifies

that emergency authorization is available to employ someone who is licensed but not endorsed, or licensed in another state but not in Montana.

- Amendment to 20-7-118:
 - Amendment to 20-7-118(1)(d): Expands access of a nonresident student to obtain offsite instruction in other districts for courses that the district of residence does not offer at the same level (e.g., A.P., Dual Credit, Career Certification).
- Amendment to 20-7-1601
 - Amends legislative intent and affords constitutional protection to forms of personalized learning (e.g., proficiency, work-based and other experiential, learning where seat time may not be required). This section of law was passed by the Legislature as part of House Bill 351 (Representative McKamey), 2019 Legislative Session. House Bill 351 provides temporary sections of law for the entirety of that bill and the amendment here ensures that the Legislature's support for personalized/proficiency based learning is codified as permanent law.
- New Sections of Law
 - Creates a new section of law that codifies the allowance of school course credit for learning that occurs outside the school in a work based setting. Any individual licensed with a class 1 through 4 license in the district is authorized to facilitate interfaces between the school and work based learning partners and time spent in work-based learning is credited on the same basis as time spent in the classroom.

[**HB 252**](#) (Jones) creates an employer tax credit for 50% of expenses from trades education and training, not to exceed \$2000 annually, of an employee who is anticipated to work in Montana for at least six months of the year the training occurs.

[**HB 254**](#) (Fitzgerald) revises the Wrongful Discharge Act to include “the employee’s material or repeated violation of an express provision of the employer’s written policies” in the “good cause” definition. The bill also defines “leave of absence” as “an employee’s absence from work for a period of more than 5 consecutive working days for any reason other than holidays and vacations.” It expands the description of a discharge that is wrongful if the “employer materially violated the express provisions of its an express provision of its own written personnel policy prior to the discharge, and the violation deprived the employee of a fair and reasonable opportunity to remain in a position of employment with the employer.”

[**HB 257**](#) (Hinkle) is directed to and limits the authority of a county to enforce regulations related to infectious disease on private business. It neither increases nor decreases the authority of counties to implement and enforce regulations for public entities like public schools.

[**HB 267**](#) (Duram) requires a stop arm if a child must cross the roadway at a stop, requires that the board of trustees approve each school bus stop that requires a child to cross a roadway, and allows one to report a school bus violation they observe to the

county sheriff and adds fines. The bill was amended to take out language that would have allowed cameras on busses.

[HB 279](#) (Berglee) was amended in Senate Finance and Claims to eliminate the red tape currently in law to streamline the process and level the playing field for public school districts to collect donations. Before these amendments, only the seven largest school districts would directly benefit from any donations. It also will now define “innovative educational program” to be consistent with definitions already in law and utilized by public school districts like advanced opportunities and transformational learning. This bill increases the tax credit scholarship for private schools from \$150 to \$200,000 with a one year cap of \$1 million for 2021, \$2 million in 2022 and subsequent years and the sunset date was extended to 2029.

[HB 282](#) (Anderson) allows student-employees 16 years or older to perform work functions under the direct and close supervision of a qualified and experienced person with experience in the occupation under 41-2-103 and allows a student-employee to work under occupations included in 41-2-107.

[HB 283](#) (Anderson) requires workers’ compensation for an elementary or secondary student who is not paid wages and in a work-based learning activity, the business partner and school district are required to mutually determine and agree in writing whether the business partner or school will elect coverage for the student.

[HB 289](#) (Regier) codifies the Janus decision in relation to labor unions.

[HB 291](#) (Funk) requires coverage for children with hearing loss and associated treatments.

[HB 300](#) (Schillinger) removed “owned by a district” from the definition of “passenger vehicle” under transportation for special activities. The inclusion of minimum coverage requirements in 20-10-109 remain in the definition.

[HB 310](#) (Buckley) revises sexual assault reporting laws to include the current status of the sexual assault evidence kit in the list of information the victim may request.

[HB 328](#) (Keogh) provides requirements for evaluating and assessing language and literacy development in deaf or hard-of-hearing children in alignment with IDEA that are to be provided by DPHHS and prepare and annual report.

[HB 334](#) (Carlson) allows for student immunization exemptions under 20-5-405 and prevents local health departments from reviewing exemptions. The bill amends 20-5-405 to allow for religions and medical exemptions to immunizations under 20-5-403 if a notarized affidavit and medical exemption statement signed by a health care provider, respectively, is filed with the school district.

[HB 358](#) (Mercer) creates the “State Settlement of Claims Sunshine and Transparency Act” which requires state agencies and departments must create, monitor, maintain and update a website that provides information on claims and settlements in which the state is party and requires a submission of a quarterly report on demands to resolve claims.

[HB 362](#) (Fitzgerald) allows for paid military leave for public employees after six months of employment. Military leave may not be charged against an employee’s vacation time.

[HB 403](#) (Running Wolf) provides a mechanism to create and sustain a pipeline of local students who return to their home communities as quality educators supporting the work of Montana’s K-12 public schools, this includes a grow your own grant scholarship program. The Office of the Commissioner of Higher Education has begun developing programming to implement this bill.

[HB 429](#) (Jones) allows for governor power in the suspension of election laws during a state of disaster or emergency.

[HB 435](#) (Mercer) would limit school district liability for exposure to COVID-19. Section 2 of the bill provides for cases in which a school district or other governmental entity would be liable, this would not include the specific cases described in Section 3:

1. a school district admitting students and up to six guests for each student to an extracurricular event including a graduation ceremony; or
2. a school district or unit of the university system conducting in-person instruction or extracurricular activities.

Note that the “safe harbor” immunity of allowing 6 people per student at an event is extraordinarily broad:

*“a school district admitting students **and** up to six guests for each student to an extracurricular event including a graduation ceremony.”*

For example, at a football game, you could allow all students of the district to attend plus 6 people per student. This would include students participating in the game, those in the band and even students in the stands plus an additional 6 guests for each of those students. In an average AA school district, for example, with approximately 4,000 high school students, this could conceivably allow the district a safe harbor from liability while allowing 24,000 participants at an event (which would undoubtedly have to be held in either Missoula or Bozeman at the University football stadiums).

[HB 454](#) (Ricci) allows for a limited tuition waiver in unique circumstances, this circumstance specifically and was brought to address impacts Laurel and Joliet.

[HB 501](#) (Treas) provides that criminal trespass does not include "when a person who lacks proof of vaccination or vaccination status or fails to wear a specific medical

device, such as masks or other facial coverings, enters or remains in a public place paid for in whole or in part with taxpayer funds where proof of vaccination or use of medical devices, such as masks or other facial coverings, is required."

[HB 506](#) (Fielder) establishes priorities for development of congressional districts based on population.

[HB 543](#) (Phalen) requires the pledge of allegiance to be said at the beginning of the first class each day in grades kindergarten through grade 12 and may be followed by a moment of silence. Districts must also ensure instruction on the pledge of allegiance and the Constitution occurs in grades 3 through 12.

[HB 556](#) (Walsh) allows for the state superintendent to create a process for students to earn a high school diploma, this will specifically impact the Montana Youth Challenge Academy.

[HB 572](#) (Skees) allows for a district to establish a school marshal program and requires that an individual designated as a marshal must meet the qualifications for peace officers, must be an active or retired peace officer and, if not a peace officer in Montana, must be certified by Montana public safety officer standards and training Council.

[HB 574](#) (Lenz) provides the requirements for reporting and reporting on the out-of-state placement of high-risk children with multiagency needs.

[HB 611](#) (Fitzgerald) requires American flags inside and outside of public schools.

[HB 630](#) (Bedey) ensures funding is immediately available to serve students as they return to school following COVID-19 and addresses the inaugural grades for East Helena and Lockwood. HB 630 also includes appropriations authority for ESSER II funds including the appropriations authority for the funds distributed to the state education agency (10% of ESSER II) negotiated and supported by MT-PEC.

[HB 632](#) (Garner) appropriates ESSER III funds. The bill was amended to remove ambiguity in the bill and will avoid creating a situation where any past regulation would result in a loss of funding. The amendments to HB 632 clarify that a 20% reduction in grant funds would only apply to water and wastewater projects and ensures ESSER III awards will flow to districts.

[HB 644](#) (Windy Boy) establishes a tribal computer programming scholarship program that will support the development of computer programming courses at high schools located on reservations and increase interest of Native students pursuing technology related careers.

[HB 663](#) (Ler) was amended with the support of MTSBA, it provides cumulative GTB adjustments and will result in adjustments only moving up. This bill will increase GTB support of school district general fund budgets using marijuana tax revenues. It will

initially increase the GTB ratio from 232% to 250% and then further increase GTB as marijuana tax revenues grow through an indexing process and ends in 8 years. The bill was amended to stabilize GTB once the increase in marijuana tax revenues level off, so as to prevent an up and down in GTB support as such revenues vary from year to year. The passage of HB 663 paired with legislation over previous sessions, GTB support for schools as increased from 193% ratio in 2017 to 250% following HB 663, this will result in \$34 million in annual savings.

[HB 671](#) (Bedey) implements Section E (education) of HB 2. The bill was amended in Senate Finance to require OPI to collaborate with DPHHS to resolve CSCT funding concerns and adds a funding studying for K-12 enrollment increases to the issues the interim education committee will study.

[HB 702](#) (Carlson) prohibits an employer from discriminating against a person in compensation or in a term, condition, or privilege of employment based on the person's vaccination status. It also prohibits limiting opportunities based on the person's vaccination status or whether the person has an immunity passport.

[HJ 36](#) (Fern) creates an interim study committee on residential property taxes which are important funding sources for the state, cities, counties, school districts, and special districts.

[HJ 47](#) (Seekins-Crowe) creates an interim study and performance audit of educational and career training opportunities for incarcerated individuals. The state will benefit by maximizing the productivity and independence of all citizens.

[SB 1](#) (Kary) created to promote a high standard of ethics in the practice of lobbying by clarifying the reporting requirements, revising outdated terminology, and retention of lobbying reports.

[SB 18](#) (Salomon) allows a student who has experienced an educational disruption (homelessness, involvement in the child welfare system or juvenile justice system, medical or mental health crisis or other qualified event as determined by the board of trustees), and has met the minimum high school credit requirements but not a higher credit requirement in their enrolled district, be awarded a diploma. MTSBA has revised **[Model Policy 2410P – Graduation Requirements](#)** to reflect this change in the law.

[SB 22](#) (Salomon) clarifies state support for career and technical student organizations.

[SB 23](#) (Salomon) is a "clean up" bill which allows for the trustees of a district to establish a school flexibility fund and may use the funds, in their discretion for expenditures outlined in 20-9-543. This does not disrupt those districts that have a currently established Flexibility Fund.

[SB 24](#) (Salomon) allows nonoperating school districts to retain 130% of the school district's maximum budget in the most recent operating year.

[SB 69](#) (Fitzpatrick) revises the laws related to settlements. The bill sets timelines for the offer of settlement in the courts of limited jurisdiction.

[SB 72](#) (Regier) allows school districts to claim partial ANB for nonstudents or part time students who participate in extracurricular activities including a sport or activity sanctioned by an organization for activities, contests, and tournaments, a CTE organization or a school theater production.

[SB 74](#) (Salomon) provides that a representative from each school district or system within a county to be a voting member of the transportation committee.

[SB 75](#) (Salomon) resolves the conflict between sections 20-9-805 and 20-9-806. The bill was amended to allow Saturday school make up days and requires 75% of hours of instruction lost due to an unforeseen emergency be made up. MTSBA has revised **[Model Policy 2221 - School Closures](#)** to reflect this change in the law.

[SB 80](#) (Regier) limits certain interlocal agreements regarding the adoption and enforcement of municipal zoning or subdivision regulation beyond the boundaries of the municipality may not exceed a 5-year duration, both parties may mutually agree to renew the agreement.

[SB 99](#) (Smith) allows for opt-out language and a standardized definition of the term "human sexuality instruction." Locally elected school trustees, with input from the community, make decisions regarding adoption of curricula and policies to implement the operation of the school district, including procedures for notices and parental decision-making about student participation and attendance requirements.

[SB 108](#) (Kary) allows for a citizen initiative to amend or repeal local health board actions. The approved petition delays the health board action's effective date until the local health board action is ratified by the electors.

[SB 109](#) (Salomon) codifies the Board of Public Education rules of ARM **[10.55.804](#)** regarding Gifted and Talented education which allowed local districts to meet the needs of all children across this wide spectrum.

[SB 157](#) (Hinebauch) establishes the right of a child attending a home school to participate in public school extracurricular activities. The student must meet the same standards for participation as those required of full-time enrolled students for academic eligibility as attested in writing by the educator providing verification, not to include any form of student assessment, and as attested by the head administrator of the non-public school.

SB 185 (Howard) prevents the governor from suspending any statute that affects the exercise of an individual's constitutional rights under the U.S. and Montana constitutions and 13-19-104(3).

SB 206 (Sweeney) revises the timing of the quality loan assistance program report submitted to the Board of Public Education to be published by February 1 with a listing of critical quality educator shortage areas.

SB 215 (Glimm) recognizes the free exercise of religion as a fundamental right and restores the use of the compelling governmental interest test for decisions in legal cases.

SB 248 (Boldman) establishes student-athlete rights for students enrolled in a postsecondary institution to earn compensation for the use of the student-athlete's name, image, or likeness.

SB 283 (Glimm) revises laws regarding firearms on school grounds and ensures state law is not more restrictive than required by federal law thus protecting federal funds flowing to districts. The control and supervision falls under the policies authorized by the trustees.

SB 297 (Ellsworth) creates the ConnectMT Act to establish broadband deployment in unserved or underserved areas where proposed infrastructure in a proposed area.

SB 300 (Glimm) offers the classroom portion of a traffic education course through a school district online or distance learning platform. When a student completes the classroom portion of a traffic education course, the student is authorized to take the hands-on driving portion of the traffic education course under the instruction of the student's parent or guardian. This bill terminates June 30, 2023.

SB 305 (Lang) revises and extends state lands reimbursement block grant for schools. It protects districts which lost considerable funds under block grant elimination in 2017 due to significant state school trust lands in their district.

SB 370 (Ellsworth) provides protections of certain constitutional rights during an emergency and clarifies the limitations of authority and civil relief as well as providing for the coordination of activities, preparedness, mitigation, response, and recovery by agencies and officers of the state may participate.

SB 385 (Hertz) increases the threshold required to petition to institute a special district from 25% to 40% of registered voters or owners of real property within the proposed boundary. The petition must include the maximum rate or amount of the initial proposed assessments or fees that would be imposed. The referendum must include the method for financing the proposed programs or improvements, and the duration of the proposed special district.

SB 388 (Hertz) expands the purposes for which tax increment financing can be used to fund infrastructure and will impact the existing taxes of all taxpayers for non-voted levies and has an exemption for half the equalization mills. The bill is limited to targeted economic development (TED) districts established after June 30, 2021 and does not include "a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision."

SB 400 (Manzella) allows a cause of action against any party, including a school district, who a parent deems as interfering with their rights. The prevailing party in an action filed pursuant to this action is entitled to reasonable attorney fees and costs.