

## SAM Status of Progress 2021 Legislative Session through Day 64 (4-1-21)

You can listen to [Podcast 14](#) for this SAMLN21 Update 14 SAM Status Report 4-2-21.

Week 13 of the 67<sup>th</sup> legislative session ended with progress made on appropriations and policy bills. As I described at policy bill transmittal time (3/5/21), we had early victories this session with HB 15 passing and signed into law on February 25, outlining the inflationary increase to the funding formula, giving our schools the ability to begin the plans for their 2021-22 district budgets. Progress continues on [HB 630](#) (ESSER II) and [HB 632](#) (ESSER III) to determine Montana's appropriation of Coronavirus federal funds allocated to public schools to mitigate the impact of COVID-19.

Week 14 gets underway, after Easter break, having completed 64 days of the session with 26 days remaining. April 8 is another big deadline for this session - Transmittal of Appropriations Bills, Revenue Bills & Bills Proposing Referenda. There are several bills impacting education that still remain in this session and are getting great attention through the advocacy of the SAM Legislative Network (SAMLN21). Thanks SAM members for your commitment to be involved in advocacy through the SAMLN21 – You are making a difference!

### Highlights of Week 13 (Mar 29-Apr 1)

- See [SAMLN21 Schedule Week 13 Updated 3-31-21](#) to review the 3 bills supported (HB 663, HJ 8, HB 181) and 3 bills opposed (HB 329, HB 279, SB 400) in testimony this week.
- House Education Committee takes Executive Action on Wednesday 3/31, tabling 11 bills...
  - HB 219 Create computer coding student employment pilot program
  - HB 633 Establish the public charter schools act
  - HB 642 Establish a farm-to-school grant program at OPI
  - HJ 28 Request interim study of combining school with primary or general elections
  - SB 188 Revise school teacher retirement with pension
  - SB 375 Limit property tax increases for certain individuals
  - SB 385 Revise special district laws and provide time limit on property tax levies
  - SB 387 Generally revise teachers' retirement system
  - SB 388 Provide for infrastructure through tax increment financing
  - SB 389 Generally revise public employees' retirement system
  - SB 393 Generally revise laws related to public's right to know and participate
- [HB 329](#) (Vinton) Establish students with special needs savings account. HB 329 would create a special needs education savings account program, whereby parents of a qualified special education student can sign a contract to use the funds to attend a non-public school program for services. The bill was heard in Senate Education and Cultural Resources Committee on 3/29. **SAMLN21 Call to Action #5** was implemented to oppose this bill – thanks to all who sent messages to the committee and Michelle Halberg for providing testimony on behalf of MCASE. Interesting hearing and still waiting on Executive Action. **Still Alive - Big Challenge.**
- [HB 279](#) (Berglee) Revise laws related to tax credit scholarship and innovative education programs. This bill extends the tax credit for individuals to invest in funding individual student attendance in private (and private religious) schools as well as public schools. HB 279 increases the individual tax credit from \$150 to \$200,000, and also eliminates the accountability measures (like testing and verifying progress made by students) from the Student Scholarship Organizations that provide the scholarships for students attending private schools. The bill was supported in testimony in the committee by the Governor's office, the State Superintendent of Public Instruction, attorneys from out of state who have promoted the promulgation of privatization with public funds across the US, and parents of individual

students who felt their children did not receive the services necessary to meet their child's needs from their community public school. HB 279 passed 2<sup>nd</sup> reading in the House on 3/26, was heard in House Appropriations Committee on 3/30 and passed Executive Action as amended on 3/31. Expect 3<sup>rd</sup> reading on the House floor next week. **Still Alive - Big Challenge**. Will require continued Opposition through the end of the session.

- **HB 633** (Hill) Establish the public charter schools act, was heard in H Education Committee on Wednesday, 3/12, with opposition from SAM and all MT-PEC. **SAMLN21 Call to Action #3** was implemented to oppose this bill resulting in over 35 contacts to the Committee - thank you to the many SAM members who made contacts on this Call to Action, as well as those of you who have kept targeted pressure on the members of the House Education Committee as this bill is still awaiting Executive Action, 2 weeks later. On 3/31, the bill was tabled in House Education Committee 6-11 vote! You made a difference! **Big Win!**



## Upcoming Week 14 (Apr 6-9)

Week 14 gets underway, after Easter break, having completed 64 days of the session with 26 days remaining. April 8 is another big deadline for this session - Transmittal of Appropriations Bills, Revenue Bills & Bills Proposing Referenda. There are several bills impacting education that still remain in this session and are getting great attention through the advocacy of the SAM Legislative Network (SAMLN21). Thanks SAM members for your commitment to be involved in advocacy through the SAMLN21 – You are making a difference!



The [SAMLN21 Schedule for Week 14 Revised 4-2-21](#) is posted on the [SAM Legislative Update 2021](#) webpage and copied below are the bills requiring testimony. Hearings on bills in each committee designated for testimony are highlighted **Support** or **Oppose**. SAM/MT-PEC will be preparing testimony for 3 bills and Monitoring another 7 bills during Week 14. Written testimony will be submitted through the Web Portal and Zoom testimony will be provided by Kirk or Rick or an MT-PEC partner.

## Tuesday 4-6-21 – Legislative Day 65

### House Appropriations Committee



| Date      | Time    | Room | Bill Type - Number   | Short Title  | Primary Sponsor                       | Comments             |
|-----------|---------|------|--|--|---------------------------------------|----------------------|
| 06-APR-21 | 8:30 AM | 102  | <a href="#">HB 663</a>   | Generally revising school funding to increase GTB and lower property taxes | <a href="#">Brandon Ler</a> (R) HD 35 | 1 SF. <b>Support</b> |

### Senate Finance and Claims Committee

| Date      | Time    | Room | Bill Type - Number  | Short Title                                      | Primary Sponsor                              | Comments             |
|-----------|---------|------|---|--|--|----------------------|
| 06-APR-21 | 9:00 AM | 317  | <a href="#">HB 10</a>   | Long-Range Information Technology Appropriations | <a href="#">Kenneth L Holmlund</a> (R) HD 38 | 5 IT. <b>Support</b> |

## Wednesday 4-7-21 – Legislative Day 66

### Senate Finance and Claims Committee

| Date      | Time    | Room | Bill Type - Number   | Short Title  | Primary Sponsor                       | Comments                         |
|-----------|---------|------|--|--|---------------------------------------|----------------------------------|
| 07-APR-21 | 8:00 AM | 317  | <a href="#">HB 632</a>   | Implement receipt of and appropriate federal stimulus and COVID recovery funds | <a href="#">Frank Garner</a> (R) HD 7 | 1 SF. <b>Support</b> .<br>Action |

## Update on SAM Followed Bills Priority Status 4-1-21

When the dust settled on Thursday 4/1/21, we are able to get a good look at the status of the [SAM Advocacy Priorities 2021 Legislative Session](#) at this point of the session. This review shows some big wins, a balance of bills left in play, and a tone of optimism for accomplishing our goals for the 2021 legislative session.

The best references to the details of the legislative session can be found on the SAM [2021 Legislative Session](#) webpage. The legislature as of 4/1/21 has produced 3367 bill drafts with 1273 introduced bills. SAM advocacy is tracking 366 bill drafts (10.9%) with 187 (14.7%) of those bills introduced. A review of [SAM Followed Bills 4-1-21](#), [SAM Followed Bills Status 4-1-21](#), and [SAM Followed Bills Priority Status 4-1-21](#) will provide a deep dive into the status of 187 SAM tracked introduced bills. The [SAM Testimony Log 2021 Legislative Session 4-1-21](#) shows that SAM/MT-PEC has provided testimony 113 times on 63 different bills at this point in the session.

[SAM Followed Bills Priority Status Report 4-1-21](#) describes the status of bills under the SAM advocacy priorities – Note the designation of SAM priorities: 1 SF School Funding (15 bills), 2 PP Privatization with Public Funds (5 bills), 3 RR Recruitment and Retention (4 bills), 4 MH Mental Health (11 bills), 5 IT Infrastructure & Technology (18 bills), 6 EP Education Policy (87 bills), 7 RT Revenue & Taxation (20 bills), 8 PL Pension Laws (8 bills), 9 SP State Policy (19 bills). What follows is a brief discussion on the bill status and statistics of SAM progress on our advocacy priorities as of 4/1/21 (Day 64).

SAM advocacy statistics on the 187 SAM Followed Bills ...

- Support 36 bills, Oppose 24 bills and Monitor 127 bills
- 51 bills have Passed, 82 bills have Failed, 54 bills are still alive
- Big Wins – 17 of 36 Support bills have Passed (47.2%) and 16 of 24 Oppose Bills have Failed (66.7%)
- Challenges – 9 of 36 Support bills have Failed (25.0%) and 1 of 24 Oppose bills have Passed (4.2%)

### 1. Support Adequate and Equitable Funding for Montana Schools (1 SF)

- 15 bills addressing school funding have been introduced. SAM advocacy support 10 bills. 5 bills have passed, 4 bills have failed and 6 bills are still alive. What follows are the major successes of SAM bills related to school funding.
- The 5 bills with SAM's action designation are ...
  - [HB 15](#) (Anderson) Implement K-12 inflation, was signed into law by the Governor on Thursday, 2/25. The \$68.6 million appropriation is included in HB 2. This bill all but insures the inflation of 1.5% for FY 22 and 2.57% for FY 23, be applied to the K-12 school funding formula. Great news for our schools for planning purposes. **Big Win!**
  - [HB 46](#), Revise Special Education Funding, was amended in the House Education Committee and then tabled on 1/20. This bill places the Special Ed Allowable Costs into the K-12 school funding formula, develops a methodology for calculating the costs and applies inflation on this funding formula component into the future. Still working on how to fund inflation on this bill for the 2023 biennium. HB 46 passed the House on 3/2, had a hearing in Senate Education Committee on 3/24 and awaits Executive Action. The policy language is this bill would be a big win for over 10 years of work by SAM advocacy to have Special Ed Allowable Costs become a part of the K-12 school funding formula. **Still Alive.**
  - [HB 2](#) (Jones) General Appropriations Act houses the appropriations for many funding decision packages important for our schools. The decision packages for [Section E](#) (Education) of the Governor's budget reside in HB 2 for approval of the legislature. SAM provided support for OPI Program 6 State Level Activities (\$61.6 Million for OPI budget and state level activities), OPI Program 9 Local Education Activities (\$2.096 Billion biennium appropriation for K-12 school funding), Board of Public Education,

and Montana School for the Deaf and Blind. HB 2 has passed the House and was heard in Senate Finance and Claims Committee on 3/30.

- [HB 630](#) Appropriate CARES II funds, supplemental, and temporarily revise ed funding, has passed the House, was heard in the Senate Finance and Claims Committee on 3/26 and will likely be moving to the floor of the Senate early next week.
- [HB 632](#), Implement receipt of and appropriate federal stimulus and COVID recovery funds, was established like a mini HB 2, had hearings on each section in House Appropriations Committee with Section E (Education) hearings taking place on Tuesday 3/23, passed as amended on 3/29, passed House floor 2<sup>nd</sup> reading as amended on 3/29 and 3<sup>rd</sup> reading on 4/1. Hearing in Senate Finance and Claims Committee is scheduled for 4/7. Posted on the SAM Federal Issues webpage is information for understanding the content of both bills and the impact on education going forward. American Rescue Plan (ARP) current implications on Montana K-12 education -- [HB0632 Recommendations Section E 3.18.21](#), [HB0632 Final approps OPI 3.17.21](#), [Joint Proposal of State Superintendent of Public Instruction and MT-PEC ESSER II and III 3.15.21](#).
- Please reference page 1, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

## 2. Opposition to Privatization with Public Funds (2 PP)

- 5 bills categorized as privatization with public funding have been introduced. SAM advocacy opposed all 5 bills. 2 bills failed, and 2 bills are still alive.
- The 3 bills with SAM's action designation are ...
  - [HB 329](#) (Vinton) Establish students with special needs savings account. HB 329 would create a special needs education savings account program, whereby parents of a qualified special education student can sign a contract to use the funds to attend a non-public school program for services. The problem is that the school district, under federal IDEA law is still responsible for providing the child access to FAPE in the LRE, and would be required to accept the child and provide services if the parent determines the child is to be served (after the funding allowed is spent on the private programming). The Legal Review Note attached to this bill points out several legal and constitutional conformity issues including Article V, section 11(5) of the Montana Constitution. This bill has been nationally promoted through the Americans for Prosperity movement. The Governor's office and State Superintendent of Public Instruction offered support testimony on this bill, along with out of state attorneys connected with the national movement to pass these bills in state legislatures. The fiscal note on this bill has been clearly under represented stating only 100 students statewide (\$880,000) would select this option, but 23,400 students would be eligible, and that fiscal note would be \$180 million (about 17% of the entire K-12 school funding formula). The bill passed the House on 3/19, was heard in Senate Education and Cultural Resources Committee on 3/29. **SAMLN21 Call to Action #5** was implemented to oppose this bill – thanks to all who sent messages to the Committee. Still waiting on Executive Action. **Still Alive - Big Challenge.**
  - [HB 279](#) (Berglee) Revise laws related to tax credit scholarship and innovative education programs. This bill extends the tax credit for individuals to invest in funding individual student attendance in private (and private religious) schools as well as public schools. The bill is an expansion of SB 410 (2019 legislative session) that established the tax credit and all of the fall out leading to the US Supreme Court decision in Espinoza v MT Department of Revenue. HB 279 increases the individual tax credit from \$150 to \$200,000, and also eliminates the accountability measures (like testing and verifying progress made by students) from the Student Scholarship Organizations that provide the scholarships for students attending private schools. The bill language is still in violation of Article X, Section 5 of the Montana Constitution and clearly intends to provide tax breaks for wealthy individuals (\$200,000 tax credit) to direct their tax savings to educating children (with less restrictions on private schools than on public schools). This is clearly a privatization with public funds large move in Montana. The bill was supported in testimony in the committee by the Governor's office, the State Superintendent of Public Instruction, many attorneys from out of state who have promoted the promulgation of privatization with public funds across the US, and parents of individual students who felt their children did not receive the services necessary to meet their child's needs from their community public school. HB 279 passed 2<sup>nd</sup> reading in the House on 3/26,

was heard in House Appropriations Committee on 3/30 and passed Executive Action as amended on 3/31. Expect 3<sup>rd</sup> reading next week. **Still Alive - Big Challenge.** Will require continued Opposition through the end of the session.

- [HB 633](#) (Hill) Establish the public charter schools act, was heard in H Education Committee on Wednesday, 3/12, with opposition from SAM and all MT-PEC. **SAMLN21 Call to Action #3** was implemented to oppose this bill resulting in over 35 contacts to the Committee - thank you to the many SAM members who made contacts on this Call to Action, as well as those of you who have kept targeted pressure on the members of the House Education Committee as this bill is still awaiting Executive Action, 2 weeks later. On 3/31, the bill was tabled in House Education Committee 6-11 vote! You made a difference! **Big Win!**
- Please reference page 2, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

### 3. Support Recruitment and Retention of Quality Educators (3 RR)

- 4 bills categorized as recruitment and retention have been introduced. SAM advocacy supported 3 of the bills. 1 bill passed, 2 bills failed, and 1 bill is still alive.
- The 2 bills with SAM's action designation are ...
  - [HB 143](#) (Jones) Provide incentives for increasing starting teacher pay. The concept for this bill was a campaign promise of Governor Gianforte, and provides \$2.5 million in state funding for school districts who meet the incentive criteria to increase the base pay for teachers. The bill passed the legislature and was signed by the Governor on 3/5! **Big Win!**
  - [HB 403](#) (Running Wolf) Create “grow your own” teacher grant program. HB 403 provides incentives for school districts, University System and individuals to strengthen educator recruitment and retention (increase the pipeline). Passed the House on 3<sup>rd</sup> reading today, 4/1 and is transmitted to the Senate. **Still Alive.**
- Please reference page 2, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

### 4. Support School Based Mental Health Services (4 MH)

- 11 bills categorized as mental health have been introduced. SAM advocacy supported 2 bills, [HB 25](#) (Funk) Clarify funding for education of children in residential treatment and [HB 27](#) (Funk) Authorize school districts to create “handle with care” programs. Both bills failed to meet transmittal on 3/2. 1 bill passed, and 8 bills failed, with 3 bills still alive.
- Please reference page 2-3, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills. Once again this area for our advocacy priorities are gaining little traction for support in this legislative session.

### 5. Support Facility and Technology Infrastructure (5 FT)

- 18 bills categorized as facility and technology infrastructure have been introduced. SAM advocacy support 3 bills. 2 bills passed, 8 bills failed (including [SB 42](#) (Boland) Allow use of school major maintenance funds for lead remediation SAM supported), and 15 bills remain alive (including 2 bills SAM supports).
- Those bills still alive are ...
  - [HB 10](#) (Holmlund) Long-range information technology appropriations. This bill has the appropriations for the MT K-12 Cybersecurity Emergency Response Team (MT K12 CERT) and the MT Information Security Advisory Council (MT ISAC) ongoing structure to protect student online privacy and protect schools from cyber-attacks on their systems. **Still Alive.**
  - [HB 181](#) (Zolnikov) Reauthorizing the e-rate broadband program. This bill continues funding from the state to support broadband build projects to leverage e-rate funding and expand broadband access to our communities and schools. **Still Alive.**

- Please reference pages 3-4, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

## 6. Education Policy (6 EP)

- 87 bills categorized as education policy have been introduced. This category is not a priority area but allows a look at those bills that would impact policy and implementation in our schools. SAM advocacy support 15 bills and oppose 15 bills. 29 bills passed, 39 bills failed and 19 bills remain alive (including 1 bill SAM supports and 3 bills SAM opposes).
- The 6 bills with SAM's action designation are ...
  - [SB 109](#) (Salomon) Revise laws related to gifted and talented education. Support – Passed. **Big Win!**
  - [HB 185](#) (Kerns) Revise laws related to basic instructional program in high schools. Oppose – Failed. **Big Win!**
  - [HB 465](#) (Kerns) Limit school district superintendent salaries. **SAMLN21 Call to Action #1** on 2/22 resulted killing this bill. Oppose – Failed. **Big Win!**
  - [SB 259](#) (Manzella) Restrict governmental entity from interfering with parental rights. Oppose – Failed. **Big Win!**
  - [SR 43](#) (Salomon) Confirm Governor appointments to the Board of Public Education. Support – Failed. **Big Challenge!**
  - [HB 246](#) (Bertoglio) Revise education laws to enhance local control and opportunities for pupils. Support – Passed. **Big Win!**
- Please reference pages 4-10, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

## 7. Revenue and Taxation (7 RT)

- 20 bills categorized as Revenue and Taxation have been introduced. SAM advocacy support 2 bills and oppose 9 bills. 3 bills passed (including [SB 305](#) SAM supported), 9 bills failed (including [HB 107](#) and [SB 388](#)) and 7 bills remain alive (including [HB 261](#) SAM opposes).
- The 1 bill with SAM's action designation is ...
  - [SB 388](#) (Hertz) Provide for infrastructure through tax increment financing. Oppose – Failed. **Big Win!**
- Please reference pages 10-11, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

## 8. Pension Laws (8 PL)

- 8 bills categorized as Pension Laws have been introduced. SAM advocacy support 1 bill ([HJ 8](#)) and oppose 1 bill ([HB 323](#)). 2 bill passed, 5 bills failed (including [HB 323](#) SAM opposed), and 1 bill remains alive (including [HJ 8](#) SAM supports).
- Please reference page 11-12, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

## 9. State Policy (9 SP)

- 19 bills categorized as State Policy have been introduced. SAM advocacy support 1 bill ([HB 435](#)). 8 bills passed, 5 bills failed, and 6 remain alive (including [HB 435](#) SAM supports).
- Please reference pages 12-13, [SAM Followed Bills Priority Status Report 4-1-21](#), for a detailed look at those bills.

SAM advocacy and the support of the SAMLN21 have done very well up to this point of legislative session with the **Big Wins** outlined and a solid game plan for the **Big Challenges** we will be working on in the final 26 days.

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Thank you to the SAMLN21 members who attended the SAMLN21 Lunch & Legislate zoom call on Monday, March 29 ([SAMLN21 Lunch & Legislate Agenda 3-29-21](#) and [Recording](#)). Due to Easter, we will **not** hold the SAMLN21 Lunch and Legislate Call this Monday, April 5.

Thanks for serving on the SAMLN21 during the 67<sup>th</sup> Montana Legislative Session. Sure hope you have a great Easter weekend!

*Kirk*