Montana Board of Public Education Early Literacy Advisory Council September 21, 2023 | 12-1PM

Advisory Council meetings are open to the public electronically. For those wishing to give virtual public comment, please contact <u>bpe@mt.gov</u> to request the zoom link for the meeting.

Item 1: Welcome and Introductions

Item 2: Review Purpose & Timeline

• To meet and provide recommendations to the Board of Public Education on the requirements in HB 352 to provide targeted interventions to support 3rd grade reading proficiency.

Item 3: Review HB 352 Legislation

• Representative Barker

Item 4: Review Advisory Council Scope of Work

- Identify 3rd grade reading proficiency level.
- Review previous exceptional circumstances statute language for reference.
- Recommend an evaluation methodology which will be used to determine whether a child is at, above, or below a developmental trajectory leading to reading proficiency at the completion of third grade.
- Identify a framework for the jumpstart program.
- Recommend a home-based early literacy program.
- Review Title 10, Chapter 63 Early Childhood Education Standards to ensure they align and complement Section 3.

Item 5: Review Exceptional Circumstances Statutory Language

• What are the differences?

Item 6: What assessments or screeners are districts using? What else is out there?

- Which assessments are used in your district and across the state?
- How is assessment data collected?
- Who is doing the assessing?
- How do we use the data?

Item 7: Next steps?

- Zoom or In-person?
- October 6, October 13, TBD
- What items need to be on the next agenda?
- What research or information do you need beforehand?
- What additional questions do you have at this point?

Public Comment

This time will be provided for public comment. For those wishing to give virtual public comment, please contact <u>bpe@mt.gov</u> to request the Zoom link for the meeting. Members of the public who have joined virtually on Zoom may "raise their hand" at the appropriate time to participate after being recognized.

Adjourn





Board of Public Education

Montana Board of Public Education HB 352 Advisory Council 2-15-122, MCA, Requirements

The council's name, in accordance with subsection (2):

Early Literacy Advisory Council

The council's composition:

(See below)

The appointed members, including names and addresses:

(See below)

The council's purpose:

To meet and provide recommendations to the Board of Public Education on the requirements in HB 352 to provide targeted interventions to support 3rd grade reading proficiency.

The council's term of existence, in accordance with subsection:

September 2023-September 2025

Send to Governor's Office and Secretary of State for a record of the council

Facilitators

McCall Flynn

PO Box 200601

Helena, MT 59620

Biography: McCall is the executive director of the Board of Public Education.

Caitlin Jensen, MSW

PO Box 4464

Helena, MT 59604

Biography: Caitlin Jensen is the Executive Director of Zero to Five Montana, a statewide early childhood policy organization. She has 20 years of experience in the field of early care and education.

Members

Anne Penn Cox, EdD

PO Box 1772

Livingston, MT 59047

Biography: Anne Penn Cox, Ed.D., currently serves as an elementary school Principal, PreK-5 Director of Student Support Services, and the Early Childhood Liaison for the Livingston Public Schools in Livingston, Montana. Having worked both as an educator and an administrator in Park County for the past 10 years, Anne Penn has a plethora of experience in educating and supporting students, staff, and families from diverse

backgrounds utilizing the Multi-Tiered Systems of Support (MTSS) framework. The focus of her career to date has been increasing access to high-quality early literacy education, promoting safe and equitable learning environments, collaborating with local and state stakeholders, and supporting diversified instruction for all students including students with disabilities and students from diverse backgrounds. As the District's Early Childhood Liaison, Anne Penn works alongside various community partners in education to encourage, facilitate, and reduce barriers to expansion of high-quality childcare services to families of children aged 0-4 in Livingston and Park County. Additionally, her work focuses on supporting families and providers in an effort to promote high-quality early childhood experiences that support all children. When she is not in school, Anne Penn can be found in the mountains running, skiing, and snowmobiling or simply enjoying time at home with her family.

Norah Barney, EdD 1410 W Park Ave Anaconda, MT 59711

Biography: Dr. Norah Barney serves as a Special Education and Curriculum Director at the Anaconda School District where she has overseen the Early Childhood program for the past 11 years. Dr. Barney earned a Bachelor's Degree from Montana State University in Elementary and Special Education in 2002. She earned a Masters' Degree in Special Education in 2005 and earned a Doctorate Degree in Education Leadership in 2018. She created the first inclusive preschool program in the district and expanded the program in 2015. The program is considered high quality as it has excellent staff (all 4 Early Learning Teachers have Masters' Degrees), the literacy scores of the students average at 80% or above for kindergarten readiness, and the program ensures at least 90% of the students have the social emotional skills necessary to be successful. Dr. Barney has a strong background in Developmental Screeners and understands that the MTSS process is imperative to ensure student success. She is a former Special Education teacher with 11 years of experience in P-12 grade settings. Dr. Barney spent 4 years as an Assistant Principal/Special Education teacher in a P-12 grade setting in Burlington, Wyoming. She then served as the Primary School Administrator (P-2) in Anaconda from 2013 - 2022. Her dissertation was titled Impact of Leadership on Early Childhood Education Program Quality. In 2020, she was the recipient of the Adrian Langstaff Award, presented to a Montana school leader for outstanding service in education. She has presented at many state, national, and international conferences.

Laurie Barron, EdD

18 West Evergreen Drive Kalispell, Montana MT 59901

Biography: Dr. Laurie Barron is in her twenty-eighth year in education, serving as a high school English teacher, a middle school assistant principal, and nine years as a middle school principal. Since 2013, she has served as the superintendent of the Evergreen School District in Kalispell, Montana. Barron holds a BSEd in English Education from the University of Georgia, an MEd in Supervision and Administration from the University of West Georgia, and an EdS and EdD in Educational Leadership from the University of Sarasota. She also studied abroad at Oxford University. She holds National Superintendent Certification through AASA, is a National Board-Certified Teacher, was honored as Teacher of the Year and STAR Teacher, is the 2012 Georgia Middle School Principal of the Year, and the 2013 National Middle School Principal of the Year. Barron is also the 2018 School Administrators of Montana G.V. Erickson Award recipient, given to a member of the School Administrators of Montana who has made the greatest contribution to the betterment of education in Montana, was named the 2019 Empowered Superintendent of the Year by the Montana Educational Technologists Association, and is the 2021 Montana Superintendent of the Year. In 2022, Barron was honored with the Distinguished Alumni Lifetime Achievement Award from the University of Georgia College of Education. Barron co-authored We Belong: 50 Strategies to Create Community and Revolutionize Classroom Management (ASCD, 2021), Middle School: A Place to Belong and Become (AMLE, 2018), and What Parents Need to Know about Common Core and Other College- and Career-Ready Standards (World Book, 2015) and has authored numerous education articles. Barron is also a national speaker, consultant, and

leadership coach who provides motivation and professional learning to teachers and administrators through promoting strategic planning and school improvement, positive school culture, inclusive teaching and learning environments, student engagement and voice, shared leadership, data-driven decision making, and standards-based assessment. Most importantly, Barron believes that building relationships with staff and students while celebrating what staff and students do right is the key to success in any school. Barron is living the dream in northwest Montana with her husband Daniel, where together they enjoy spending time with family watching Georgia Bulldogs football, snow skiing, camping, rafting, hiking, and watching their daughter Emma play college soccer.

Nicole Simonsen

PO Box 459

Culbertson, MT 59218

Biography: Nicole began her career in education with her first 12 years in Sidney Public Schools. The first decade was spent in first grade and the next 2 years she was able to catch up with some of her previous first graders at the middle school in Sidney where she taught ELA and math. Nicole then spent 4 years in Lambert School, the first 3 years as principal and the fourth year as superintendent/principal combo position. She's now returned to her hometown to serve as the superintendent of Culbertson Public Schools. She received her Bachelor's Degree in Elementary Education from the University of Mary in Bismarck, ND, received her Master's in Elementary Reading and Mathematics online through Walden University, and received her principal and superintendent certifications from the University of Montana.

Colette Getten

3905 15th Ave S

Great Falls, MT 59405

Biography: Colette Getten is a mom of 4 children and married to an educator. She grew up in Butte, MT and graduated from Butte High School. She attended Western Montana College in Dillon and graduated with a BA in Education and as well as an Associate Degree in Early Childhood. After being in the classroom for 2-3 years, she realized she needed to learn more about how to engage students with special needs, so she returned to college and earned an endorsement to teach Special Education PK-12. Colette was hired by Great Falls Public Schools in the Fall of 2000 to teach Special Education Preschool. While teaching, she completed a MA in Creative Arts in addition to Educational Leadership from Montana State. In 2010, she transitioned into a leadership position collaborating with community partners to build an inclusive early childhood education program within Great Falls Public Schools. For the past 13 years, Colette has had the opportunity to collectively build capacity in a team of highly-qualified educators dedicated to working with 3–5-year-old children who meet criteria for exceptional circumstances. Most recently, the entire transitional kindergarten staff spent the past year growing their reading brains around the science of reading by engaging in a book study during PLCT, listening to podcasts and reviewing literacy curriculum and practices. She continues to acquire professional knowledge by reading current research, attending professional conferences and participating as a member of the National Association for the Education of Young Children.

Dr. Danielle Thompson

348 Stafford

Bozeman, MT 59718

Biography: Dr. Danielle Thompson is an experienced National Consultant and Trainer with a demonstrated impact in PreK-school age populations. Dr. Thompson is a dynamic, fun, engaging human with tried-and-true experience in early childhood and school age language and literacy education, language development and disorders, reading acquisition and disorders, staff wellness and mindfulness, positive thinking and building positive change and momentum in schools. It has been said that "Dr. Thompson is an asset to any school, district and/or state that employs her because her wisdom is deep, her practicality is on target and her happiness is infectious!"

Dr. Christine Lux

Montana State University PO Box 173540 Bozeman, MT 59717

Biography: Dr. Christine Lux is the Don and Sue Fisher Family Endowed Professor of Early Childhood Education at Montana State University. Dr. Lux began her career as a preschool teacher before moving into early childhood program administration and early childhood teacher education. For nearly 30 years, Dr. Lux has worked for and with young children and their families. In Montana, Dr. Lux has been a member of several stakeholder and state level leadership teams to support a variety of early childhood education initiatives. Specifically, she contributed to ARM 10.58.531 Early Childhood Education P3 teacher endorsement standards and ARM 10.63 Preschool Education standards and co-leads the Montana Early Childhood Higher Education Consortium.

Tammy Elser, EdD

1701 Missoula Avenue Missoula, MT, 59802

Biography: Dr. Tammy Elser is faculty and the director of literacy, equity, and excellence at Salish Kootenai College in Pablo, MT. She has a Doctoral Degree in Curriculum and Instruction and a Master's Degree in Counseling, both from the University of Montana. Dr. Elser is in her 40th year as an educator and teacher educator with emphasis on literacy-including emergent literacy, the role of encoding in learning to read, application and interpretation of basic cognitive, neurological, psycholinguistics, and other lines of basic science in literacy as applied to classroom practice in learning to read. Her work with master and future teachers focuses on integrative models of literacy learning for delivery of effective early literacy education with emphasis on all processing systems. Dr. Elser is also a specialist in Indian Education for All and has strong interest in student motivation and well-being.

Karen Filipovich

426 N Grand Ave

Bozeman, MT 59715

Biography: Karen Filipovich is the executive director of the Montana Head Start Association. Her career has been committed to helping communities and organizations identify, prioritize, and realize their priorities. She has a background in public policy and science. She has worked with early childhood, public health, and natural resource groups for more than twenty years in Montana and Massachusetts.

Doug Rossberg

101 Hearth Ct

Missoula, MT 59803

Biography: Doug Rossberg is the Title I Instructional Coach for Missoula County Public Schools. Doug grew up in Helena, Montana and attended the University of Montana-Missoula for his B.A. in Elementary Education. Upon graduation, Doug began teaching 1st grade for Ogden City School District in Utah, where he also received his ESL Endorsement from Weber State University. While in Utah, he frequently worked side-by-side with site-based Instructional Coaches and grew to deeply value the growth and encouragement of the professional relationship. Returning home to Montana, Doug continued to teach 1st and 2nd grade and received his M.A. in Educational Leadership before moving into an Instructional Coach role himself. In his current role at the department, Doug focuses on Early Childhood intervention, Kindergarten readiness, and Science of Reading classroom implementation. In his personal life, Doug loves to explore the outdoors in Montana with his golden retriever, Rex, and spend time with friends and family.

Stephanie Olson

732 56th St S.

Great Falls, MT 59405

Biography: Stephanie is from a family of educators. Both of her parents taught for a combined 71 years. She has 2 sons and is also married to an educator. She grew up in Great Falls, MT, and graduated from Great Falls High School. She continued her education at Montana State University in Bozeman, graduating with a Bachelor's Degree in Elementary Education and a Reading Endorsement for grades k-12. She then attended Lesley University and received her Master's Degree in Computer Science. Stephanie has taught in the elementary setting for 27 years. She has taught literacy for grades k-6 and then transitioned to the classroom, teaching 2nd grade and now currently 3rd grade, all within Great Falls Public Schools. Stephanie is a very involved educator with being committed to many opportunities to grow as a professional, and to help her colleagues. She is currently the secretary/treasurer for the Great Falls Education Association, a position she has held for the last 24 years. In her spare time, she enjoys being with her family on the golf course, spending time at her cabin in the mountains with her dogs and loves to bake.

Rhea Christensen

33350 Country Road 128

Lambert, MT 59243

Biography: Rhea was born and raised in Sidney, MT where she attended Sidney Public Schools K-12. She went on to college at Concordia College in Moorhead, MN and graduated with a Major in Elementary Education with a Math emphasis. After graduating, Rhea went back to Sidney and taught Kindergarten for 8 years, half-day Kindergarten (similar to PreK) for 1 year, and 1st grade for 1 year. When the opportunity came up to work closer to her home, on the family farm, she began working at Lambert Public School. Rhea is currently in her 3rd year at Lambert as the Kindergarten teacher.

Doug Reisig

PO Box 17311

Missoula, MT 59808

Biography: Dr. Douglas Reisig is the Executive Director of Montana Quality Education Coalition. He retired as the Superintendent of Hellgate Elementary on June 30, 2022, a Department of Education recognized "Blue Ribbon" school district in Missoula, Montana which is the largest Montana independent elementary school district. Dr. Reisig was the Hellgate Elementary school district superintendent for twenty-two years. Altogether, Dr. Reisig was involved in Montana Education for forty-six (46) years with thirty-years (34) spent in superintendent positions at St. Ignatius, Troy, Anaconda, and Hellgate Elementary. At the time of his retirement, Dr. Reisig was the longest continuous serving school district superintendent in Montana. Dr. Reisig received his B.S. degree and M.Ed. degrees from the University of Montana and his Ed.D. in Educational Leadership from Montana State University. In 2010 and in 2021, Dr. Reisig was awarded the G.V. Erickson Award for "notable service and dedication to education". The G.V. Erickson Award is the highest award the School Administrators of Montana organization can give to a Montana school administrator. Dr. Reisig is the only school administrator to ever be awarded the GV Erickson Award twice.

Lance Melton

863 Great Northern Blvd, Suite 301

Helena, MT 59601

Biography: Lance Melton serves as the executive director for the Montana School Boards Association, where he has worked since 1996. Melton previously served as an attorney, lobbyist, director of advocacy and general counsel before the MTSBA Board selected him as its executive director in January 2000. Melton has long represented and championed the constitutional role of community-elected volunteer trustees in developing the full potential of each person under Article X of the Montana Constitution. Working collaboratively with school boards and legislators from throughout Montana, Melton has helped craft and pass legislation expanding

opportunities for students and families to enjoy personalized learning paths in Montana's public schools. Melton earned a B.A. in Political Science with highest honors from the University of Montana and earned his J.D. from the University of Montana School of Law in 1992 where he was selected as a member of the Public Land Law Review. Before joining MTSBA, Melton served as an attorney and lobbyist for the Montana Department of Commerce.

Marie Judisch

PO Box 202501 Helena, MT 59620

Biography: Marie Judisch is the Senior Manager of Teaching and Learning at the Office of Public Instruction. She is a born and raised Montanan. Marie graduated from Montana State University with Bachelor's Degrees in Elementary Education and Media Theater Arts in 2011. Marie began her career in education as an elementary math interventionist, gaining experience from the ground up of school systems to support student learning. She has taught a variety of components of all grades K-8 in her twelve-year career, understanding of the great honor and responsibility it is to meet learners of all abilities where they are. After completing her Master's Degree in Educational Leadership at Montana State University as the Outstanding Graduate for her cohort, Marie served as an elementary school principal in North Central Montana. Throughout her interim as the PK-3 leader, she carried with her the title of K-12 Curriculum Coordinator, K-12 Data and Testing Coordinator, Gifted and Talented Coordinator, as well as serving as the administrator for the 21st Century Community Learning Century grant, all while continuing to teach classes as much as possible. Marie is passionate about supporting Montana educators and students, firmly believing that those living in this great state deserve the very best educational opportunities possible. She calls their family farm in Ledger home, where she and her husband are proudly raising two young daughters.



AN ACT ESTABLISHING EARLY LITERACY TARGETED INTERVENTIONS; PROVIDING LEGISLATIVE FINDINGS, PURPOSE, AND INTENT; PROVIDING DEFINITIONS; ESTABLISHING PARAMETERS AND FUNDING FOR THREE VOLUNTARY EARLY LITERACY TARGETED INTERVENTION PROGRAMS; ESTABLISHING DUTIES OF THE BOARD OF PUBLIC EDUCATION AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN ADMINISTERING THE PROGRAMS; ESTABLISHING REPORTING REQUIREMENTS FOR PARTICIPATING SCHOOL DISTRICTS AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-5-101, 20-7-117, AND 20-9-311, MCA; AND PROVIDING EFFECTIVE DATES.

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

Section 1. Findings -- purpose -- legislative intent. (1) The legislature finds that the ability to read at or above grade level is essential for educational success. The legislature also finds that too many Montana children are not reading proficient at the end of 3rd grade.

- (2) The purposes of this bill are to:
- (a) provide parents with voluntary early literacy interventions for their children;
- (b) increase the number of children who are reading proficient at the end of 3rd grade and in so doing help those children develop their full educational potential pursuant to Article X, section 1(1), of the Montana constitution; and
- (c) foster a strong economic return for the state on early literacy investment through enhancing Montana's skilled workforce and decreasing future reliance on social programs and the criminal justice system.
- (3) The legislature intends that the board of public education, the office of public instruction, and the boards of trustees of school districts collaborate to implement [sections 1 through 4] and achieve the purposes under subsection (2).



(4) The legislature further intends that the board of public education, the office of public instruction, and the boards of trustees of school districts collaborate on an ongoing basis to gather, analyze, and make available outcome data and continually refine the interventions to increase the efficacy and efficiency of each intervention.

Section 2. Definitions. As used in [sections 1 through 4], unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Early literacy targeted intervention" or "intervention" means, as further described in [section 3], any of the following:
 - (a) a classroom-based program;
 - (b) a home-based program; or
 - (c) a jumpstart program.
- (2) "Eligible child" means a child who is determined through the evaluation methodology selected by the board of public education pursuant to [section 3] to be below a trajectory leading to reading proficiency at the end of 3rd grade.
- (3) "Evaluation methodology" means a research-based methodology, instrument, or assessment selected by the board of public education to determine, based on a child's age or grade level, whether the child is above, at, or below a developmental trajectory leading to reading proficiency on completion of 3rd grade.
 - (4) "Trustees" means the board of trustees of an elementary or K-12 school district.

Section 3. Early literacy targeted interventions. (1) The trustees of a school district may provide eligible children with any of the interventions described in this section. [Sections 1 through 4] may not be construed to limit the duty or authority of trustees to provide educational opportunities described elsewhere in this title.

- (2) The board of public education shall determine an evaluation methodology to determine, based on a child's age or grade level, whether the child is above, at, or below a developmental trajectory leading to reading proficiency on completion of 3rd grade. The evaluation must be:
 - (a) developmentally appropriate;



- (b) research-based;
- (c) cost-effective; and
- (d) if possible, aligned with formative assessments that inform instruction in the classroom-based program and the jumpstart program.
- (3) The superintendent of public instruction shall provide school districts with access to and technical support for the evaluation methodology, instrument, or assessment determined by the board of public education.
- (4) A child may not be evaluated for the purposes of [sections 1 through 4] unless requested by the child's parent or guardian. The trustees may administer the evaluation methodology in April, May, or June to a child who will be 4 years of age or older on or before the following September 10 and who has not yet entered 3rd grade. A child who is evaluated to be below trajectory for 3rd-grade reading proficiency for the child's age or grade level is an eligible child for the subsequent school year.
- (5) (a) For an eligible child who is 4 years of age or older on or before September 10 of the year in which the child is to participate in the program and who is not entering and who has not completed kindergarten, the trustees may offer a classroom-based program, which may be a half-time or full-time program.

 A full-time program must allow a parent or guardian to enroll the child half-time.
- (b) The classroom-based program must align with developmentally appropriate early education learning standards as determined by the board of public education. The standards must include a requirement for ongoing evaluation of student progress used to tailor instruction to specific student needs.
- (6) (a) For an eligible child who is 4 years of age or older on or before September 10 of the year in which the child is to participate in the program and who has not yet completed 2nd grade, the trustees may offer a home-based program.
 - (b) The home-based program must be selected by the board of public education and must:
 - (i) be operated by a nonprofit entity;
- (ii) be research-based and proven effective at developing early literacy skills in populations at risk of not being reading proficient at the end of 3rd grade;
 - (iii) foster parental engagement; and
 - (iv) have a cost of no more than \$1,000 a year for each child.



- (c) The superintendent of public instruction shall provide school districts with access to and technical support for the home-based early literacy program.
- (7) (a) For an eligible child who is 5 years of age or older on or before September 10 of the year in which the child is to participate in the program and who has not yet completed 3rd grade, the trustees may offer a jumpstart program.
 - (b) The jumpstart program must:
- (i) take place during the time between the end of one school calendar year and the start of the next school calendar year, as determined by the trustees, preceding a child's entry into kindergarten, 1st grade, 2nd grade, or 3rd grade;
 - (ii) be at least 4 weeks in duration and provide at least 120 instructional hours;
 - (iii) be aligned to a framework determined by the board of public education;
- (iv) be designed in a manner to increase the likelihood of a child being evaluated at the end of the ensuing school year to be at or above a trajectory leading to reading proficiency at the end of 3rd grade.
- **Section 4.** Early literacy targeted interventions -- funding -- reporting. (1) An eligible child participating in a classroom-based program pursuant to [section 3(5)] must be included in enrollment counts for the purpose of ANB calculations in the manner described in 20-9-311.
- (2) The superintendent of public instruction shall pay for the costs for an eligible child participating in a home-based program pursuant to [section 3(6)] from funds appropriated for this purpose. The cost for each child may not exceed \$1,000 a year. If the annual appropriation for this program is not sufficient to fully fund all eligible children participating in the home-based program, the superintendent shall limit participation on a first-come, first-served basis.
- (3) An eligible child participating in a jumpstart program pursuant to [section 3(7)] must be counted as quarter-time enrollment for the purpose of ANB calculations pursuant to 20-9-311.
- (4) Trustees offering an early literacy targeted intervention shall closely monitor the program and report annually to the superintendent of public instruction on the efficacy of the program no later than July 15. The superintendent shall collaborate with trustees in maximizing the efficiency of fulfilling this reporting requirement. The report must include anonymized information on student progress, including the student's



performance on:

- (a) the evaluation methodology that led to eligibility for the program;
- (b) any formative assessments administered;
- (c) if administered, the evaluation methodology at the end of the school year in which intervention was provided; and
 - (d) any statewide reading assessments administered in grades 4 through 6.
- (5) Pursuant to 20-7-104, the superintendent of public instruction shall monitor early literacy targeted interventions and gather data to evaluate the efficacy of the interventions while protecting the privacy rights of students and families. The superintendent shall report, in accordance with 5-11-210, to the education interim committee and the education interim budget committee no later than September 1 annually. The report must contain a comparison analysis by intervention type, including no intervention, and must include:
 - (a) the number of participating and nonparticipating children and districts;
- (b) longitudinal data displaying the proficiency level of participating and nonparticipating children at each grade level following participation in an intervention;
- (c) at a time when the data is available, long-term outcome data for participants and nonparticipants, including but not limited to:
 - (i) assessment data in 8th grade and high school;
 - (ii) high school graduation rates; and
 - (iii) postsecondary participation rates; and
- (d) a list of schools offering one or more targeted interventions and a list of the matched comparable nonparticipating schools that on the most recent 4th grade statewide reading assessment:
 - (i) had 75% or more of its students score at proficient or above; or
- (ii) improved the percentage of students scoring at proficient or above by 10 or more percentage points.

Section 5. Section 20-5-101, MCA, is amended to read:

"20-5-101. Admittance of child to school. (1) The trustees shall assign and admit a child to a school in the district when the child is:



- (a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;
 - (b) a resident of the district; and
 - (c) otherwise qualified under the provisions of this title to be admitted to the school.
- (2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.
- (3) (a) The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.
 - (b) As used in this subsection, "exceptional circumstances" means any of the following:
- (i) the child is being admitted into a preschool program established by the trustees pursuant to 20-7-117:
- (ii) the child is determined by the trustees to be ready for kindergarten and the child's parents have requested early entry into the district's regular 1-year kindergarten program;
- (iii) the child is being admitted into an early literacy targeted intervention classroom or jumpstart program pursuant to [sections 1 through 4]; or
- (iv) the adult is 19 years of age or older and in the trustees' determination would benefit from educational programs offered by a school of the district.
- (c) The admittance of an individual under this subsection (3) does not in and of itself impact the ANB calculations governed by 20-9-311.
- (4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B.

 McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.
- (5) The trustees shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the district prior to arrival and establishing residency.



- (6) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title.
- (7) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final."

Section 6. Section 20-7-117, MCA, is amended to read:

"20-7-117. Kindergarten and preschool programs. (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been admitted through the exceptional circumstances provision under 20-5-101 by the board of trustees. The kindergarten program, which the trustees may designate as either a half-time or full-time program, must be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been admitted to the district's kindergarten program by the board of trustees through the exceptional circumstances provision under 20-5-101. A kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301. A kindergarten program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

- (2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool programs may not be supported by money available from state equalization aid.
 - (3) As used in this title, the following definitions apply:
- (a) "Kindergarten program" means a half-time or full-time 1-year program immediately preceding a child's entry into 1st grade with curriculum and instruction selected by the board of trustees and aligned to the



content standards established by the board of public education.

(b) "Preschool program" means a half-time or full-time program to prepare children for entry into kindergarten and governed by standards adopted by the board of public education."

Section 7. Section 20-9-311, MCA, is amended to read:

- "20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit as follows:
- (a) compute an average enrollment by adding a count of regularly enrolled pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on the first Monday in February of the prior school fiscal year or the next school day if those dates do not fall on a school day, and divide the sum by two; and
- (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.
- (2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.
- (3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.
- (4) (a) Except as provided in subsection (4)(d), for the purpose of calculating ANB, enrollment in an education program:
- (i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;
- (ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;
- (iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as threequarter-time enrollment; and
- (iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.
 - (b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than



180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

- (c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.
- (d) A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.
- (e) (i) Except as provided in subsection (4)(e)(ii), a pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.
- (ii) A pupil who participates in a jumpstart program under [sections 1 through 4] may be counted as up to 1 1/4 enrollment for ANB purposes. A district shall add one-quarter enrollment for a pupil who participated in an early literacy jumpstart program to the pupil's regular enrollment count under this subsection (4) in both the October and February enrollment counts following the student's participation in the jumpstart program.
- (5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.
- (6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.
- (7) (a) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.



- (b) Except as provided in subsection (7)(c), a pupil who has reached 19 years of age by September 10 of the school year may not be included in the ANB calculations.
- (c) A pupil with disabilities who is over 19 years of age and has not yet reached 21 years of age by September 10 of the school year and who is receiving special education services from a school district pursuant to 20-7-411(4)(a) may be included in the ANB calculations if:
 - (i) the student has not graduated;
- (ii) 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
- (iii) 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.
- (d) A school district providing special education services pursuant to subsection (7)(c) is encouraged to collaborate with agencies and programs that serve adults with developmental disabilities in meeting the goals of a student's transition plan.
- (8) The average number belonging of the regularly enrolled pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled pupils attending the schools of the district, except that:
 - (a) the ANB is calculated as a separate budget unit when:
- (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;
- (ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;
- (iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or



when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

- (iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:
 - (A) 75% of the basic entitlement for the fourth year;
 - (B) 50% of the basic entitlement for the fifth year; and
 - (C) 25% of the basic entitlement for the sixth year.
- (b) when a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled pupils of the junior high school must be considered as high school district pupils for ANB purposes;
- (c) when a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or
- (d) when a school has been designated as nonaccredited by the board of public education because of failure to meet the board of public education's assurance and performance standards, the regularly enrolled pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.
- (9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.
- (10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic



education program required by the accreditation standards adopted by the board of public education.

- (b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.
- (c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district expense under an agreement with the incarcerating facility.
- (d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.
- (11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:
- (a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- (b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- (c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- (d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;
 - (e) participating in the running start program at district expense under 20-9-706;
- (f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;
 - (g) enrolled in an educational program or course provided at district expense using electronic or



offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

- (i) meet the residency requirements for that district as provided in 1-1-215;
- (ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
 - (iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.
- (h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.
- (12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.
- (13) (a) A district may, for ANB purposes, include in the October and February enrollment counts an individual who is otherwise eligible under this title and who during the prior school year:
 - (i) resided in the district;
 - (ii) was not enrolled in the district or was not enrolled full time; and
 - (iii) completed an extracurricular activity with a duration of at least 6 weeks.
- (b) (i) Except as provided in subsection (13)(b)(ii), each completed extracurricular activity under subsection (13)(a) may be counted as one-sixteenth enrollment for the individual, but under this subsection (13) the individual may not be counted as more than one full-time enrollment for ANB purposes.
- (ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as oneeighth enrollment.
 - (c) For the purposes of this section, "extracurricular activity" means:
- (i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;
 - (ii) an approved career and technical student organization, pursuant to 20-7-306; or
 - (iii) a school theater production.
- (14) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated



using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

- (b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (14)(a) and then combined.
- (15) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:
- (a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and
 - (b) dividing the sum calculated under subsection (15)(a) by three."
- **Section 8.** Appropriation. (1) There is appropriated \$1.5 million from the state general fund to the office of public instruction for the fiscal year beginning July 1, 2024.
- (2) The money must be used for the per-student costs of the home-based early literacy program pursuant to [sections 1 through 4].
- (3) The legislature intends that the appropriation in this section be considered part of the ongoing base for the next legislative session.
- **Section 9. Transition.** (1) The board of public education, the office of public instruction, and the boards of trustees of school districts shall collaborate and prepare for the full implementation of [sections 1 through 4] in the school year beginning July 1, 2024. The legislature intends that the evaluation methodology be available for administration in the spring of 2024 to determine child eligibility.
- (2) The legislature intends that school districts operating multiyear kindergarten programs in the school year beginning July 1, 2023, plan for the transition to early literacy targeted intervention programs under [sections 1 through 4] for the school year beginning July 1, 2024.
- **Section 10.** Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [sections 1 through 4]



Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2023.

(2) [Sections 5 through 7] are effective July 1, 2024.

- END -

1 School District 2

STUDENTS

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Early Childhood Education Enrollment Exceptional Circumstances

It is the policy of the District to provide enhanced educational opportunities to students under the age of 5 when either individual exceptional circumstances exist and/or when Community-Based exceptional circumstances are present.

This policy shall terminate and expire on June 30, 2024, to be replaced in its entirety by a policy governing early intervention programs consistent with Chapter 608 (2023).

Prohibition: This policy cannot be used to provide what is otherwise characterized or referred to as a pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria are met.

Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils

Note: In order to adopt this policy, the board of trustees must select one or more of the characteristics identified in either Option A or Option B.

The administration shall ensure admission, enrollment and assignment of all qualifying children referenced in this policy. The administration shall place children enrolled pursuant to this policy in either a half-time or full-time kindergarten program as an integral part of the elementary school program. The administration shall also ensure provision of a free appropriate public education in the least restrictive environment possible, pursuant to terms of each student's individualized education program, for all children enrolled under this policy who are qualified for services under the Individuals with Disabilities Education Act.

The administration shall include children enrolled pursuant to this policy in the district's calculation of average number belonging (ANB) as reported to OPI.

Option A, Student-Specific Exceptional Circumstances: To be used when the board of trustees wants to define exceptional circumstances specific to the individual characteristics of each student or subgroup of students.

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in Section 20-5-101(3), MCA, that merit waiving the age provisions of Section 20-5-101(1), MCA for qualifying children under 5 years of age. These qualifying exceptional circumstances are based on the educationally relevant factors to establish a basic system of free quality public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana Constitution:

Note: Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. Note: When enrolling on the basis of an individual student's characteristics under this Option A, the District must be sure to document each qualifying student's characteristics to ensure that criteria listed in this portion of the policy can be substantiated.

- 1. A child at least 3 years of age with a disability qualifying the child for services under the federal Individuals with Disabilities Education Act.
- 2. A child who is 4 years of age or older on or before September 10 of the school year in which enrollment is to occur who:
 - a. Meets the income eligibility guidelines for free or reduced price meals under the National School Lunch Program;
 - b. Is Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act;
 - c. Is Gifted and Talented within the meaning of that term as used in 20-7-901, MCA;
 - d. Is an enrolled member of a federally recognized American Indian Tribe;
 - e. Is homeless as defined in 42 U.S. Code § 11302, or, as determined by the administration, exhibits other characteristics or lives in circumstances that are uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or typical which place the child at risk of failing to achieve at adequate levels;
 - f. Is an at-risk student as defined in Section 20-1-101(4), MCA.

Option B, Exceptional Circumstances Present in the Community: To be used only for in-district students or homeless students under the McKinney Homeless Assistance Act when the board of trustees wants to define exceptional circumstances applicable to the community's characteristics, as opposed to the individual characteristics of a particular student or sub-group of students.

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA for children under 5 years of age who are either 4 years of age or older on or before September 10 of the school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act. These qualifying exceptional circumstances are based on the educationally relevant factors to establish a basic system of free quality public elementary and secondary school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana Constitution:

Note: Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. When enrolling on the basis of demographic characteristics of the community under this Option B, The District must be sure to research and document all of the criteria incorporated into the school district's policy that is used to enroll on the basis of exceptional circumstances.

- 1. Homeless rates of the district's pupils as defined in 42 U.S. Code § 11302 in comparison to statewide averages;
- 2. Percentage of the district's pupils qualifying for services under The Federal Individuals with Disabilities Education Act in comparison to statewide averages;
- 3. Percentage of the district's pupils eligible for free or reduced lunch under the National School Lunch Program in comparison to statewide averages;
- 4. Average performance on standardized tests at the 3rd grade level in comparison to statewide averages;
- 5. Percentage of the district's pupils who are enrolled members of a federally recognized American Indian Tribe in comparison to statewide averages.
- 6. Percentage of at-risk student as defined in Section 20-1-101(4), MCA, in comparison to statewide averages.
- 7. Percentage of gifted and talented pupils as used in 20-7-901, MCA, in comparison to statewide averages.

- 9. The following circumstances exist within the community affecting student learning identified by the local board of trustees pursuant to Section 20-9-309(2)(h), MCA, and identified within federal law pursuant to Section 20-9-309(4)(a)(v), MCA, including but not limited to educational priorities identified within the Elementary and Secondary School Emergency Relief Fund established by American Rescue Plan Act, Public Law 117-2 and demonstrated by peer reviewed and academic studies on the impacts of community health crises:
 - Anticipated learning loss resulting from a public health emergency or other community disaster.
 - b. Proficiency in literacy and numeracy are critical skills needed to advance learning and if not attained prior to grade 3, will put students at lifelong disadvantage in pursuing success in career and life.
 - Absence of available early childhood education opportunities in the community results in anticipated learning loss or lack of school readiness.
 - d. Cost prohibitive nature of early childhood education opportunities in the community results in disparity of access that contributes to anticipated learning loss or lack of school readiness.
 - Improved access to early childhood education opportunities in the community will encourage or expand parent entry into workforce and allow for further development of the community's economy.

The trustees shall annually review this policy based on changing circumstances pertaining to the criteria used for determination of the program. The administration is authorized to enroll students in a manner consistent with this policy and to develop procedures to implement this policy.

Legal Reference:

| § 20-4-101, MCA | Definitions |
|-----------------|--|
| § 20-5-101, MCA | Admittance of child to school |
| § 20-6-501, MCA | Definition of various schools |
| § 20-7-117, MCA | Kindergarten and preschool programs |
| § 20-9-309, MCA | Basic system of free quality public |
| | elementary and secondary schools defined |

Article X, section 1, of the Montana constitution

Individual with Disabilities Act Federal Rehabilitation Act of 1973

National School Lunch Act (Public Law 396, 79th congress, chapter 281)

Title III, ESEA (English language Acquisition, language Enhancement, and

Academic Achievement Act)

McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22,

1987, 101 Stat. 482, U.S.C. § 11301 et seq.

Chapter 608 (2023) - Targeted interventions to support 3rd grade reading proficiency

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Data/Study Reference: Engzell, P., Frey, A. & Verhagen, M. D. "Learning loss due to school closures

during the COVID-19 pandemic" Proc. Natl Acad. Sci. USA 118, e2022376118

(2021).

Melinda Wenner Moyer, "The COVID generation: how is the pandemic affecting kids' brains?", Nature, 10.1038/d41586-022-00027-4, 601, 7892, (180-183), (2022).

49 Policy History:

- 50 Adopted on:
- 51 Revised on: