

HOUSE BILL 322

Introduced by Simpkins

1/22	Introduced
1/22	Referred to Education & Cultural Resources
1/22	First Reading
1/22	Fiscal Note Requested
1/25	Fiscal Note Received
1/29	Fiscal Note Printed
2/06	Hearing
2/18	Tabled in Committee

1 HOUSE BILL NO. 322
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF
5 CALCULATING THE AVERAGE NUMBER BELONGING OF A SCHOOL
6 DISTRICT FOR SCHOOL FUNDING PURPOSES BY TAKING A PUPIL
7 ENROLLMENT COUNT ON OCTOBER 1 AND ON MARCH 1 OF THE SCHOOL
8 FISCAL YEAR; AMENDING SECTIONS 20-4-301, 20-9-311, AND
9 20-9-313, MCA; AND PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 20-4-301, MCA, is amended to read:

13 "20-4-301. Duties of teacher -- nonpayment for failure
14 to comply. (1) Any teacher under contract with a district
15 shall:

16 (a) conform to and enforce the laws, board of public
17 education policies, and the policies of the trustees of the
18 district;

19 (b) utilize the course of instruction prescribed by the
20 trustees;

21 (c) keep, in a neat and businesslike manner, a
22 teacher's register in the form and on the blanks prescribed
23 by the superintendent of public instruction;

24 (d) within 10 days after ~~the conclusion of~~ each school
25 semester date provided in 20-9-311 for enrollment counts,

1 prepare a report in the manner and on the forms prescribed
2 by the superintendent of public instruction, ~~which must~~
3 ~~include the pupil attendance and absence data from his~~
4 ~~teacher's register that is necessary to calculate ANB.~~ The
5 report must be submitted to:

- 6 (i) the district superintendent, if there is one;
- 7 (ii) the principal of the school, if there is one and
8 there is no district superintendent; or
- 9 (iii) the county superintendent or all county
10 superintendents when the teacher is reporting for a joint
11 district, if there is no district superintendent or
12 principal;

13 (e) exercise due diligence in the care of school
14 grounds and buildings, furniture, equipment, books, and
15 supplies; and

16 (f) provide moral and civic instruction by:

17 (i) endeavoring to impress the pupils with the
18 principles of morality, truth, justice, and patriotism;

19 (ii) teaching the pupils to avoid idleness, profanity,
20 and falsehood;

21 (iii) instructing the pupils in the principles of free
22 government and training them to comprehend the rights,
23 responsibilities, and dignity of American citizenship.

24 (2) The trustees are authorized to withhold the salary
25 warrant of any teacher who does not comply with the



-2- INTRODUCED BILL
HB 322

1 provisions of subsection (1)(a) or (1)(b) until the teacher
2 does comply with the provisions.

3 (3) The trustees may not pay any teacher his last
4 month's salary until he has provided a complete and accurate
5 semester report to the required person, as determined by the
6 person and as required in subsection (1)(d) of this
7 section."

8 **Section 2.** Section 20-9-311, MCA, is amended to read:

9 "20-9-311. Calculation of average number belonging
10 (ANB). (1) Average--number--belonging--must-be-computed-by
11 determining-the-total-of-the-aggregate-days-of-attendance-by
12 regularly--enrolled,--full-time--pupils--during--the--second
13 semester-of-the-preceding-school-fiscal-year-and--the--first
14 semester---of--the--current--school--fiscal--year--plus--the
15 aggregate-days-of-absence-by-regularly--enrolled,--full-time
16 pupils--during--the--second-semester-of-the-preceding-school
17 fiscal-year-and-the-first-semester--of--the--current--school
18 fiscal--year-and-by-dividing-the-total-by-180. However, when
19 a-school-district-has-approval--to--operate--less--than--180
20 school--days-under-20-9-864, the total must be calculated in
21 accordance-with-the-provisions-of-20-9-865. For the--purpose
22 of---calculating---ANB--under--this--section,--the--days--of
23 attendance-for-a-regularly-enrolled-pupil-may-not-exceed-180
24 pupil-instruction-days-and-7-pupil-instruction-related-days.
25 Attendance-for-a-part-of-a-morning-session-or-a-part--of--an

1 afternoon--session--by-a-pupil-must-be-counted-as-attendance
2 for-one-half-day--in-calculating-the-ANB-for-pupils-enrolled
3 in-a-program-established-under-20-7-117(i), attendance-at-or
4 absence-from-a-regular-session-of-the-program-for-at-least-2
5 hours-of-either-a-morning-or-an-afternoon--session--will--be
6 counted--as--one-half-day-attended-or-absent-as-the-case-may
7 be--if-a-variance-has-been-granted-as-provided-in--20-1-302,
8 ANB---will--be--computed--in--a-manner--prescribed--by--the
9 superintendent-of-public-instruction, but-in-no-case-may-the
10 ANB-exceed-one-half-for-each-kindergarten-pupil;--When--any
11 pupil-has-been-absent, with-or-without-excuse, for-more-than
12 10-----consecutive-----school-----days,-----including
13 pupil-instruction-related-days, his-absence-after--the--10th
14 day--of-absence-may-not-be-included-in-the-aggregate-days-of
15 absence--and--his--enrollment--in--the--school--may--not--be
16 considered--in--the--calculation--of--the--average---number
17 belonging-until-he-resumes-attendance-at-school; The average
18 number belonging (ANB) for the current school fiscal year
19 must be computed by:

20 (a) taking a count of regularly enrolled, full-time
21 pupils on October 1 and on March 1 of the current school
22 fiscal year;

23 (b) dividing the sum of the two pupil enrollment counts
24 by 2;

25 (c) multiplying the amount determined in subsection

1 (1)(b) by 180 plus the number of pupil-instruction-related
 2 days approved for the school fiscal year; and

3 (d) dividing the amount determined in subsection (1)(c)
 4 by 180.

5 (2) If a student spends less than half his time in the
 6 regular program and the balance of his time in school in the
 7 special education program, he is considered a full-time
 8 special pupil but is not considered regularly enrolled for
 9 ANB purposes. If a student spends half or more of his time
 10 in school in the regular program and the balance of his time
 11 in the special education program, he is considered regularly
 12 enrolled for ANB purposes.

13 (3) The average number belonging of the regularly
 14 enrolled, full-time pupils for the public schools of a
 15 district must be based on the aggregate of all the regularly
 16 enrolled, full-time pupils attending the schools of the
 17 district, except that when:

18 (a) a school of the district is located more than 3
 19 miles beyond the incorporated limits of a city or town or
 20 from another school of the district, all of the regularly
 21 enrolled, full-time pupils of the school must be calculated
 22 individually for ANB purposes;

23 (b) a junior high school has been approved and
 24 accredited as a junior high school, all of the regularly
 25 enrolled, full-time pupils of the junior high school must be

1 considered as high school district pupils for ANB purposes;

2 (c) a middle school has been approved and accredited,
 3 all pupils below the 7th grade must be considered elementary
 4 school pupils for ANB purposes and the 7th and 8th grade
 5 pupils must be considered high school pupils for ANB
 6 purposes; or

7 (d) a school has not been accredited by the board of
 8 public education, the regularly enrolled, full-time pupils
 9 attending the nonaccredited school are not eligible for
 10 average number belonging calculation purposes, nor will an
 11 average number belonging for the nonaccredited school be
 12 used in determining the foundation program for the district.

13 ~~(4) When--11th--or--12th--grade--students--are--regularly~~
 14 ~~enrolled--on--a--part--time--basis,--high--schools--may--calculate~~
 15 ~~the--ANB--to--include--an--"equivalent--ANB"--for--those--students.~~
 16 The method for calculating an equivalent ANB must be
 17 determined in a manner prescribed by the superintendent of
 18 public instruction when a district has:

19 (a) 11th or 12th grade students regularly enrolled on a
 20 part-time basis;

21 (b) pupils enrolled in a kindergarten program
 22 established under the provisions of 20-7-117; or

23 (c) other part-time programs approved by the board of
 24 public education."

25 **Section 3.** Section 20-9-313, MCA, is amended to read:

1 *20-9-313. Circumstances under which the regular
2 average number belonging may be increased. The average
3 number belonging of a school, calculated in accordance with
4 the ANB formula prescribed in 20-9-311, may be increased
5 when:

6 (1) the opening of a new elementary school or the
7 reopening of an elementary school has been approved in
8 accordance with 20-6-502. The average number belonging for
9 the school must be established by the county superintendent
10 and approved, disapproved, or adjusted by the superintendent
11 of public instruction.

12 (2) the opening or reopening of a high school or a
13 branch of the county high school has been approved in
14 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
15 number belonging for the high school must be established by
16 the county superintendent's estimate, after an investigation
17 of the probable number of pupils that will attend the high
18 school.

19 (3) a district anticipates an increase in the average
20 number belonging due to the closing of any private or public
21 school in the district or a neighboring district. The
22 estimated increase in average number belonging must be
23 established by the trustees and the county superintendent
24 and approved, disapproved, or adjusted by the superintendent
25 of public instruction no later than the fourth Monday in

1 June.

2 (4) a district anticipates an unusual enrollment
3 increase in the ensuing school fiscal year. The increase in
4 average number belonging must be based on estimates of
5 increased enrollment approved by the superintendent of
6 public instruction and must be computed in the manner
7 prescribed by 20-9-314.

8 (5) for the initial year of operation of a program
9 established under 20-7-117(1), the ANB to be used for budget
10 purposes is the same as one-half the number of 5-year-old
11 children residing in the district as of September 10 of the
12 preceding school year, either as shown on the official
13 school census or as determined by some other procedure
14 approved by the superintendent of public instruction;

15 (6) a full-time special pupil, as defined in 20-9-311,
16 in a given school fiscal year may no longer be considered a
17 full-time special pupil in the ensuing school fiscal year
18 (the superintendent of public instruction may grant one ANB
19 for the pupil for the ensuing school fiscal year); or

20 (7) a high school district provides early graduation
21 for any student who completes graduation requirements in
22 less than eight semesters ~~or--the--equivalent--amount--of~~
23 ~~secondary--school--enrollment--or--when--a--high--school--district~~
24 ~~provides--early--graduation--for--a--class--of--students--who--have~~
25 ~~completed---the---requirements---for---graduation---after---175~~

LC 0623/01

1 ~~pupil-instruction-days-in-the-12th-grade~~. The increase must
2 be established by the trustees as though the student had
3 attended to the end of the school fiscal year and must be
4 approved, disapproved, or adjusted by the superintendent of
5 public instruction."

6 NEW SECTION. **Section 4.** Effective date. [This act] is
7 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0322, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to change the method of calculating the average number belonging of a school district for school funding purposes by taking a pupil enrollment count on October 1 and March 1 of the school fiscal year.

ASSUMPTIONS:

1. That enrollment less prekindergarten, ungraded, and half time kindergarten would approximate the enrollment data for the bill's ANB calculations.
2. The foundation schedules remain at the fiscal 1991 level.
3. Second semester enrollment would be approximately 2 percent lower than first semester.
4. The proposed change would increase ANB by 682 in fiscal 1992 and 143 in fiscal 1993.

FISCAL IMPACT:

OFFICE OF PUBLIC INSTRUCTION:

Expenditures:


The cost of state equalization aid would increase \$1,742,000 in fiscal 1992 and \$364,000 in fiscal 1993.


Funding:

The additional funds would come from increased general fund appropriations for state equalization.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None anticipated

 1-25-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/28/91
RICHARD SIMKINS, PRIMARY SPONSOR DATE
Fiscal Note for HB0322, as introduced

HB 322