HOUSE BILL NO. 462

INTRODUCED BY PECK, BARDANOUVE, MCCULLOCH, STANG

IN THE HOUSE

JANUARY 30, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 21, 1991 POSTED ON ALTERNATE CONSENT CALENDAR.

FEBRUARY 23, 1991 THIRD READING, PASSED. AYES, 95; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991

MARCH 16, 1991

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

MARCH 18, 1991 SECOND READING, CONCURRED IN.

MARCH 19, 1991 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

FIRST READING.

IN THE HOUSE

MARCH 20, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0476/01

LC 0476/01

INTRODUCED BY Pack Bandano Millen Mung 1 2 ٦

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD OF
CALCULATING THE AVERAGE NUMBER BELONGING OF CERTAIN SCHOOL
DISTRICTS FOR SCHOOL FUNDING PURPOSES; AMENDING SECTION
20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
AN APPLICABILITY DATE."

9

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

11 Section 1. Section 20-9-311, MCA, is amended to read: "20-9-311. Calculation of average number belonging 12 13 (ANB). (1) Average number belonging must be computed by 14 determining the total of the aggregate days of attendance by 15 regularly enrolled, full-time pupils during the second 16 semester of the preceding school fiscal year and the first 17 semester of the current school fiscal year plus the 18 aggregate days of absence by regularly enrolled, full-time 19 pupils during the second semester of the preceding school 20 fiscal year and the first semester of the current school 21 fiscal year and by dividing the total by 180. However, when 22 a school district has approval to operate less than 180 23 school days under 20-9-804, the total must be calculated in 24 accordance with the provisions of 20-9-805. For the purpose calculating ANB under this section, the days of 25 of



1 attendance for a regularly enrolled pupil may not exceed 180 2 pupil-instruction days and 7 pupil-instruction-related days. 3 Attendance for a part of a morning session or a part of an 4 afternoon session by a pupil must be counted as attendance 5 for one-half day. In calculating the ANB for pupils enrolled 6 in a program established under 20-7-117(1), attendance at or 7 absence from a regular session of the program for at least 2 8 hours of either a morning or an afternoon session will be 9 counted as one-half day attended or absent as the case may be. If a variance has been granted as provided in 20-1-302, 10 11 ANB will be computed in a manner prescribed by the 12 superintendent of public instruction, but in no case may the 13 ANB exceed one-half for each kindergarten pupil. When any pupil has been absent, with or without excuse, for more than 14 15 10 consecutive school days, including 16 pupil-instruction-related days, his absence after the 10th 17 day of absence may not be included in the aggregate days of 18 absence and his enrollment in the school may not be 19 considered in the calculation of the average number belonging until he resumes attendance at school. 20 21

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

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INTRODUCED BILL

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in school in the regular program and the balance of his time
 in the special education program, he is considered regularly
 enrolled for ANB purposes.

4 (3) The average number belonging of the regularly 5 enrolled, full-time pupils for the public schools of a 6 district must be based on the aggregate of all the regularly 7 enrolled, full-time pupils attending the schools of the 8 district, except that when:

9 (a) (i) a school of the district is located more than 3 10 miles beyond the incorporated limits of a city or town or 11 <u>located in the district and 3 miles</u> from another <u>any other</u> 12 school of the district, all of the regularly enrolled, 13 full-time pupils of the school must be calculated 14 individually separately for ANB purposes; <u>or</u>

15 (ii) a school of the district is located more than 3
16 miles from any other school of the district and no
17 incorporated territory is involved in the district, all of
18 the regularly enrolled, full-time pupils of the school must
19 be calculated separately for ANB purposes;

(b) a junior high school has been approved and
accredited as a junior high school, all of the regularly
enrolled, full-time pupils of the junior high school must be
considered as high school district pupils for ANB purposes;
(c) 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

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(d) a school has not been accredited by the board of ٨ 5 public education, the regularly enrolled, full-time pupils 6 attending the nonaccredited school are not eligible for 7 average number belonging calculation purposes, nor will an 8 average number belonging for the nonaccredited school be 9 used in determining the foundation program for the district. 10 (4) When 11th or 12th grade students are regularly 11 enrolled on a part-time basis, high schools may calculate 12 the ANB to include an "equivalent ANB" for those students. 13 The method for calculating an equivalent ANB must be 14 determined in a manner prescribed by the superintendent of 15 public instruction."

16 NEW SECTION. Section 2. Effective date. [This act] is

17 effective on passage and approval.

18 NEW SECTION. Section 3. Applicability. [This act]

19 applies to the calculation of average number . belonging for

20 school fiscal year 1992.

-End-

STATE OF MONTANA - FISCAL NOTE Form BD-15 In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB0462</u>, <u>as introduced</u>.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise the method of calculating the average number belonging of certain school districts for school funding purposes.

ASSUMPTIONS:

- 1. School foundation schedules remain at the FY 1991 level.
- 2. Executive Budget estimates of school foundation revenues and expenditures are used for purposes of comparison.

FISCAL IMPACT:

Office of Public Instruction

Fi '92			FY '93		
Jurrent Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
348,547,000	346,307,000	(2,240,000)	347,225,000	344,985,000	(2, 240, 000)
31,650,000	31,390,000	(260,000)	32,500,000	32,240,000	(260,000)
13,600,000	13,600,000	0	<u>13,600,000</u>	13,600,000	0
393,797,000	391,297,000	(2,500,000)	393,325,000	390,825,000	(2,500,000)
104,718,000	102,218,000	(2,500,000)	124,454,000	121,954,000	(2,500,000)
289,078,000	289,078,000	0	268,871,000	268,871,000	0
	348,547,000 31,650,000 <u>13,600,000</u> 393,797,000 104,718,000	Current LawProposed Law348,547,000346,307,00031,650,00031,390,00013,600,00013,600,000393,797,000391,297,000104,718,000102,218,000	Current LawProposed LawDifference348,547,000346,307,000(2,240,000)31,650,00031,390,000(260,000)13,600,00013,600,0000393,797,000391,297,000(2,500,000)104,718,000102,218,000(2,500,000)	Current LawProposed LawDifferenceCurrent Law348,547,000346,307,000(2,240,000)347,225,00031,650,00031,390,000(260,000)32,500,00013,600,00013,600,000013,600,000393,797,000391,297,000(2,500,000)393,325,000104,718,000102,218,000(2,500,000)124,454,000	Current LawProposed LawDifferenceCurrent LawProposed Law348,547,000346,307,000(2,240,000)347,225,000344,985,00031,650,00031,390,000(260,000)32,500,00032,240,00013,600,00013,600,000013,600,00013,600,000393,797,000391,297,000(2,500,000)393,325,000390,825,000104,718,000102,218,000(2,500,000)124,454,000121,954,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The decrease in foundation and GTB aid will require the affected districts to increase permissive or voted levies or reduce expenditures.

DATE

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

RAY PECK, PRIMARY SPONSOR

Fiscal Note for <u>HB0462</u>, as introduced

STATE OF MONTANA - FISCAL NOTE Form BD-15 In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB0462</u>, <u>third r</u>eading.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise and phase in the method of calculating the average number belonging of certain school districts for school funding purposes.

ASSUMPTIONS:

- 1. School foundation schedules remain at the FY91 level.
- 2. Executive Budget estimates of school foundation revenues and expenditures are used for purposes of comparison.
- 3. The phase-in found in section 3 of the bill will reduce payments to the affected schools by 20 percent in FY92 and 40 percent in FY93 of the difference between foundation payments calculated under current law and those calculated under thi act.

FISCAL IMPACT:

Office of Public Instruction

<u>Expenditures:</u>	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
School Equalization - Foundation	348,547,000	348,099,000	(448,000)	347,225,000	346,329,000	(896,000)
- Permissive GTB	31,650,000	31,598,000	(52,000)	32,500,000	32,396,000	(104,000)
- Retirement GTB	13,600,000	13,600,000	0	13,600,000	13,600,000	0
Total	393,797,000	393,297,000	(500,000)	393, 325, 000	392,325,000	(1,000,000)
Funding:						
General Fund	104,718,000	104,218,000	(500,000)	124,454,000	123,454,000	(1,000, 000)
School Equalization (02)	289,078,000	289,078,000	0	268,871,000	268,871,000	0
Impact to General Fund			500,000			1,000,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The decrease in foundation and GTB aid will require the affected districts to increase permissive or voted levies or reduce expenditures.

DATE

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

PRIMARY SPONSOR RAY

Fiscal Note for <u>HB0462</u>, third reading

HB 462

52nd Legislature

HB 0462/02

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 HOUSE BILL NO. 462 2 INTRODUCED BY PECK, BARDANOUVE, MCCULLOCH, STANG 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND TO PHASE 4 IN THE METHOD OF CALCULATING THE AVERAGE NUMBER BELONGING OF 5 CERTAIN SCHOOL DISTRICTS FOR SCHOOL FUNDING PURPOSES; 6 AMENDING SECTION 20-9-311, MCA; AND PROVIDING AN IMMEDIATE 7 8 EFFECTIVE DATE AND AN APPLICABILITY DATE DATES." 9 10 STATEMENT OF INTENT A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL TO 11 CLARIFY THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL 12 PRESCRIBE PROCEDURES FOR THE 13 PROMULGATE RULES THAT 14 AGGREGATION OF THE AVERAGE NUMBER BELONGING OF PUPILS IN DISTRICTS FOR FOUNDATION PROGRAM PURPOSES. THE 15 SCHOOL 16 AUTHORITY FOR RULEMAKING TO SECURE COMPLIANCE WITH SCHOOL BUDGETING LAWS IS GRANTED THE SUPERINTENDENT OF PUBLIC 17 INSTRUCTION IN 20-9-102 AND 20-9+201. THE RULES MUST ADDRESS 18 THE VARIOUS CIRCUMSTANCES CONCERNING LOCATION OF SCHOOL 19 20 DISTRICTS AND THE SCHOOLS WITHIN THOSE DISTRICTS. 21 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 23 Section 1. Section 20-9-311, MCA, is amended to read: 24 "20-9-311. Calculation of average number belonging 25 (ANB). (1) Average number belonging must be computed by



1 determining the total of the aggregate days of attendance by 2 regularly enrolled, full-time pupils during the second semester of the preceding school fiscal year and the first 3 4 semester of the current school fiscal year plus the 5 aggregate days of absence by regularly enrolled, full-time 6 pupils during the second semester of the preceding school 7 fiscal year and the first semester of the current school я fiscal year and by dividing the total by 180. However, when 9 a school district has approval to operate less than 180 10 school days under 20-9-804, the total must be calculated in 11 accordance with the provisions of 20-9-805. For the purpose 12 of calculating ANB under this section, the davs of 13 attendance for a regularly enrolled pupil may not exceed 180 14 pupil-instruction days and 7 pupil-instruction-related days. 15 Attendance for a part of a morning session or a part of an 16 afternoon session by a pupil must be counted as attendance 17 for one-half day. In calculating the ANB for pupils enrolled 18 in a program established under 20-7-117(1), attendance at or 19 absence from a regular session of the program for at least 2 20 hours of either a morning or an afternoon session will be counted as one-half day attended or absent as the case may 21 22 be. If a variance has been granted as provided in 20-1-302, 23 ANB will be computed in a manner prescribed by the 24 superintendent of public instruction, but in no case may the 25 ANB exceed one-half for each kindergarten pupil. When any SECOND READING

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pupil has been absent, with or without excuse, for more than 1 including consecutive 2 10 school days, 3 pupil-instruction-related days, his absence after the 10th 4 day of absence may not be included in the aggregate days of absence and his enrollment in the school may not be 5 6 considered in the calculation of the average number belonging until he resumes attendance at school. 7

8 (2) If a student spends less than half his time in the regular program and the balance of his time in school in the 9 10 special education program, he is considered a full-time special pupil but is not considered regularly enrolled for 11 12 ANB purposes. If a student spends half or more of his time in school in the regular program and the balance of his time 13 in the special education program, he is considered regularly 14 15 enrolled for ANB purposes.

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

(a) (i) a school of the district is located more than 3
miles beyond the incorporated limits of a city or town or
located in the district and 3 miles from another any other
school of the district, all of the regularly enrolled,
full-time pupils of the school must be calculated

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1 individually separately for ANB purposes; or 2 (ii) a school of the district is located more than 3 miles from any other school of the district and no 3 4 incorporated territory is involved in the district, all of 5 the regularly enrolled, full-time pupils of the school must 6 be calculated separately for ANB purposes; 7 (b) a junior high school has been approved and 8 accredited as a junior high school, all of the regularly 9 enrolled, full-time pupils of the junior high school must be 10 considered as high school district pupils for ANB purposes; 11 (c) a middle school has been approved and accredited, 12 all pupils below the 7th grade must be considered elementary 13 school pupils for ANB purposes and the 7th and 8th grade 14 pupils must be considered high school pupils for ANB 15 purposes; or 16 (d) a school has not been accredited by the board of 17 public education, the regularly enrolled, full-time pupils 18 attending the nonaccredited school are not eligible for 19 average number belonging calculation purposes, nor will an 20 average number belonging for the nonaccredited school be 21 used in determining the foundation program for the district.

(4) When 11th or 12th grade students are regularly
enrolled on a part-time basis, high schools may calculate
the ANB to include an "equivalent ANB" for those students.
The method for calculating an equivalent ANB must be

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1	determined in a manner prescribed by the superintendent of
2	public instruction."
3	NEW SECTION. Section 2. Effective date. [This act] is
4	effective on passage and approval.
5	NEW SECTION. Section 3. Applicability. [This act]
6	appliestothe-calculation-of-average-number-belonging-for
7	school-fiscal-year-1992- IS APPLICABLE DURING SCHOOL FISCAL
8	YEARS 1992 THROUGH 1996 IN THE FOLLOWING MANNER:
9	(1) ONE-FIFTH OF THE REDUCTION IN THE FOUNDATION
10	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
11	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
12	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
13	FISCAL YEAR 1992;
14	(2) TWO-FIFTHS OF THE REDUCTION IN THE FOUNDATION
15	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
16	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
17	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
18	FISCAL YEAR 1993;
19	(3) THREE-FIFTHS OF THE REDUCTION IN THE FOUNDATION
20	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
21	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
22	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
23	FISCAL YEAR 1994;
24	(4) FOUR-FIFTHS OF THE REDUCTION IN THE FOUNDATION
25	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
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1	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
2	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
3	FISCAL YEAR 1995;
4	(5) 100% OF THE REDUCTION IN THE FOUNDATION PROGRAM
5	SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF ANB
6	REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
7	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
8	FISCAL YEAR 1996.

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HB 0462/02

1	HOUSE BILL NO. 462	1	determining the total of the aggregate days of attendance by
2	INTRODUCED BY PECK, BARDANOUVE, MCCULLOCH, STANG	2	regularly enrolled, full-time pupils during the second
3		3	semester of the preceding school fiscal year and the first
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND TO PHASE	4	semester of the current school fiscal year plus the
5	IN THE METHOD OF CALCULATING THE AVERAGE NUMBER BELONGING OF	5	aggregate days of absence by regularly enrolled, full-time
6	CERTAIN SCHOOL DISTRICTS FOR SCHOOL FUNDING PURPOSES;	6	pupils during the second semester of the preceding school
7	AMENDING SECTION 20-9-311, MCA; AND PROVIDING AN IMMEDIATE	7	fiscal year and the first semester of the current school
8	EFFECTIVE DATE AND AN APPLICABILITY DATE DATES."	8	fiscal year and by dividing the total by 180. However, when
9		9	a school district has approval to operate less than 180
10	STATEMENT OF INTENT	10	school days under 20-9-804, the total must be calculated in
11	A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL TO	11	accordance with the provisions of 20-9-805. For the purpose
12	CLARIFY THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL	12	of calculating ANB under this section, the days of
13	PROMULGATE RULES THAT PRESCRIBE PROCEDURES FOR THE	13	attendance for a regularly enrolled pupil may not exceed 180
14	AGGREGATION OF THE AVERAGE NUMBER BELONGING OF PUPILS IN	14	pupil-instruction days and 7 pupil-instruction-related days.
15	SCHOOL DISTRICTS FOR FOUNDATION PROGRAM PURPOSES. THE	15	Attendance for a part of a morning session or a part of an
16	AUTHORITY FOR RULEMAKING TO SECURE COMPLIANCE WITH SCHOOL	16	afternoon session by a pupil must be counted as attendance
17	BUDGETING LAWS IS GRANTED THE SUPERINTENDENT OF PUBLIC	17	for one-half day. In calculating the ANB for pupils enrolled
18	INSTRUCTION IN 20-9-102 AND 20-9-201. THE RULES MUST ADDRESS	18	in a program established under 20-7-117(1), attendance at or
19	THE VARIOUS CIRCUMSTANCES CONCERNING LOCATION OF SCHOOL	19	absence from a regular session of the program for at least 2
20	DISTRICTS AND THE SCHOOLS WITHIN THOSE DISTRICTS.	20	hours of either a morning or an afternoon session will be
21		21	counted as one-half day attended or absent as the case may
22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	22	be. If a variance has been granted as provided in 20-1-302,
23	Section 1. Section 20-9-311, MCA, is amended to read:	23	ANB will be computed in a manner prescribed by the
24	*20-9-311. Calculation of average number belonging	24	superintendent of public instruction, but in no case may the
25	(ANB). (1) Average number belonging must be computed by	25	ANB exceed one-half for each kindergarten pupil. When any THIRD READING
	Montana Legislative Council		-2- HB 462

1 pupil has been absent, with or without excuse, for more than 2 10 consecutive school days, including pupil-instruction-related days, his absence after the 10th 3 day of absence may not be included in the aggregate days of 4 absence and his enrollment in the school may not be 5 considered in the calculation of the average number 6 7 belonging until he resumes attendance at school.

(2) If a student spends less than half his time in the 8 9 regular program and the balance of his time in school in the special education program, he is considered a full-time 10 special pupil but is not considered regularly enrolled for 11 ANB purposes. If a student spends half or more of his time 12 13 in school in the regular program and the balance of his time in the special education program, he is considered regularly 14 enrolled for ANB purposes. 15

16 (3) The average number belonging of the regularly 17 enrolled, full-time pupils for the public schools of a 18 district must be based on the aggregate of all the regularly 19 enrolled, full-time pupils attending the schools of the 20 district, except that when:

(a) (i) a school of the district is located more than 3
miles beyond the incorporated limits of a city or town or
located in the district and 3 miles from another any other
school of the district, all of the regularly enrolled,
full-time pupils of the school must be calculated

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1 individually separately for ANB purposes; or

2	(ii) a school of the district is located more than 3
3	miles from any other school of the district and no
4	incorporated territory is involved in the district, all of
5	the regularly enrolled, full-time pupils of the school must
6	be calculated separately for ANB purposes;
7	(b) a junior high school has been approved and
8	accredited as a junior high school, all of the regularly
9	enrolled, full-time pupils of the junior high school must be
10	considered as high school district pupils for ANB purposes;
11	(c) a middle school has been approved and accredited,
12	all pupils below the 7th grade must be considered elementary
13	school pupils for ANB purposes and the 7th and 8th grade
14	pupils must be considered high school pupils for ANB
15	purposes; or
16	(d) a school has not been accredited by the board of
17	public education, the regularly enrolled, full-time pupils
18	attending the nonaccredited school are not eligible for
19	average number belonging calculation purposes, nor will an
20	average number belonging for the nonaccredited school be
21	used in determining the foundation program for the district.
22	(4) When 11th or 12th grade students are regularly
23	enrolled on a part-time basis, high schools may calculate
24	the ANB to include an "equivalent ANB" for those students.

25 The method for calculating an equivalent ANB must be

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1	determined in a manner prescribed by the superintendent of
2	public instruction."
3	NEW SECTION. Section 2. Effective date. [This act] is
4	effective on passage and approval.
5	NEW SECTION. Section 3. Applicability. [This act]
6	appliestothe-calculation-of-average-number-belonging-for
7	school-fiscal-year-1992; IS APPLICABLE DURING SCHOOL FISCAL
8	YEARS 1992 THROUGH 1996 IN THE FOLLOWING MANNER:
9	(1) ONE-FIFTH OF THE REDUCTION IN THE FOUNDATION
10	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
11	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
12	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
13	FISCAL YEAR 1992;
14	(2) TWO-FIFTHS OF THE REDUCTION IN THE FOUNDATION
15	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
16	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
17	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
18	FISCAL YEAR 1993;
19	(3) THREE-FIFTHS OF THE REDUCTION IN THE FOUNDATION
20	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF
21	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
22	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
23	FISCAL YEAR 1994;
24	(4) FOUR-FIFTHS OF THE REDUCTION IN THE FOUNDATION
25	PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF

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1	ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
2	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
3	FISCAL YEAR 1995;
4	(5) 100% OF THE REDUCTION IN THE FOUNDATION PROGRAM
5	SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF AND
6	REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE
7	PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL
8	FISCAL YEAR 1996.

-End-

52nd Legislature

HB 0462/02

1 HOUSE BILL NO. 462 2 INTRODUCED BY PECK, BARDANOUVE, MCCULLOCH, STANG 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND TO PHASE 5 IN THE METHOD OF CALCULATING THE AVERAGE NUMBER BELONGING OF 6 CERTAIN SCHOOL DISTRICTS FOR SCHOOL FUNDING PURPOSES: 7 AMENDING SECTION 20-9-311, MCA; AND PROVIDING AN IMMEDIATE 8 EFFECTIVE DATE AND AN APPLICABILITY BATE DATES." 9 10 STATEMENT OF INTENT 11 A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL TO 12 CLARIFY THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL 13 PROMULGATE RULES THAT PRESCRIBE PROCEDURES FOR THE 14 AGGREGATION OF THE AVERAGE NUMBER BELONGING OF PUPILS IN 15 SCHOOL DISTRICTS FOR FOUNDATION PROGRAM PURPOSES. THE AUTHORITY FOR RULEMAKING TO SECURE COMPLIANCE WITH SCHOOL 16 17 BUDGETING LAWS IS GRANTED THE SUPERINTENDENT OF PUBLIC 18 INSTRUCTION IN 20-9-102 AND 20-9-201. THE RULES MUST ADDRESS 19 THE VARIOUS CIRCUMSTANCES CONCERNING LOCATION OF SCHOOL 20 DISTRICTS AND THE SCHOOLS WITHIN THOSE DISTRICTS. 21 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 23 Section 1. Section 20-9-311, MCA, is amended to read:

24 "20-9-311. Calculation of average number belonging
25 (ANB). (1) Average number belonging must be computed by



determining the total of the aggregate days of attendance by ł 2 regularly enrolled, full-time pupils during the second 3 semester of the preceding school fiscal year and the first 4 semester of the current school fiscal year plus the aggregate days of absence by regularly enrolled, full-time 5 6 pupils during the second semester of the preceding school 7 fiscal year and the first semester of the current school fiscal year and by dividing the total by 180. However, when 8 9 a school district has approval to operate less than 180 school days under 20-9-804, the total must be calculated in 10 11 accordance with the provisions of 20-9-805. For the purpose 12 of calculating ANB under this section, the days of 13 attendance for a regularly enrolled pupil may not exceed 180 14 pupil-instruction days and 7 pupil-instruction-related days. 15 Attendance for a part of a morning session or a part of an 16 afternoon session by a pupil must be counted as attendance 17 for one-half day. In calculating the ANB for pupils enrolled 18 in a program established under 20-7-117(1), attendance at or 19 absence from a regular session of the program for at least 2 20 hours of either a morning or an afternoon session will be counted as one-half day attended or absent as the case may 21 22 be. If a variance has been granted as provided in 20-1-302, 23 ANB will be computed in a manner prescribed by the 24 superintendent of public instruction, but in no case may the 25 ANB exceed one-half for each kindergarten pupil. When any REFERENCE BILL

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pupil has been absent, with or without excuse, for more than 1 2 10 consecutive school including davs. pupil-instruction-related days, his absence after the 10th 3 day of absence may not be included in the aggregate days of 4 5 absence and his enrollment in the school may not be considered in the calculation of the average number б 7 belonging until he resumes attendance at school.

8 (2) If a student spends less than half his time in the regular program and the balance of his time in school in the 9 10 special education program, he is considered a full-time special pupil but is not considered regularly enrolled for 11 12 ANB purposes. If a student spends half or more of his time in school in the regular program and the balance of his time 13 14 in the special education program, he is considered regularly 15 enrolled for ANB purposes.

16 (3) The average number belonging of the regularly 17 enrolled, full-time pupils for the public schools of a 18 district must be based on the aggregate of all the regularly 19 enrolled, full-time pupils attending the schools of the 20 district, except that when:

(a) (i) a school of the district is located more than 3
miles beyond the incorporated limits of a city or town or
<u>located in the district and 3 miles</u> from another any other
school of the district, all of the regularly enrolled,
full-time pupils of the school must be calculated

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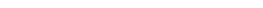
individually separately for ANB purposes; or (ii) a school of the district is located more than 3 miles from any other school of the district and no incorporated territory is involved in the district, all of the regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes; (b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes; (c) 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) a school has not been accredited by the board of public education, the regularly enrolled, full-time 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 foundation program for the district. (4) When 11th or 12th grade students are regularly enrolled on a part-time basis, high schools may calculate

the ANB to include an "equivalent ANB" for those students.The method for calculating an equivalent ANB must be

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1 determined in a manner prescribed by the superintendent of 2 public instruction."

NEW SECTION. Section 2. Effective date. [This act] is
effective on passage and approval.

NEW SECTION. Section 3. Applicability. [This act]
applies--to--the-calculation-of-average-number-belonging-for
school-fiscal-year-1992. IS APPLICABLE DURING SCHOOL FISCAL
YEARS 1992 THROUGH 1996 IN THE FOLLOWING MANNER:

9 (1) ONE-FIFTH OF THE REDUCTION IN THE FOUNDATION 10 PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF 11 ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE 12 PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL 13 FISCAL YEAR 1992;

14 (2) TWO-FIFTHS OF THE REDUCTION IN THE FOUNDATION 15 PROGRAM SCHEDULE AMOUNT RESULTING FROM THE ACGREGATION OF 16 ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE 17 PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL 18 FISCAL YEAR 1993;

 19
 (3) THREE-FIFTHS OF THE REDUCTION IN THE FOUNDATION

 20
 PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF

 21
 ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE

 22
 PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL

 23
 FISCAL YEAR 1994;

 24
 (4) FOUR-FIFTHS OF THE REDUCTION IN THE FOUNDATION

25 PROGRAM SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF

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1 ANB REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE 2 PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL 3 FISCAL YEAR 1995; 4 (5) 100% OF THE REDUCTION IN THE FOUNDATION PROGRAM 5 SCHEDULE AMOUNT RESULTING FROM THE AGGREGATION OF AND 6 REQUIRED BY [THIS ACT] AND AS CALCULATED UNDER THE PROVISIONS OF 20-9-311(1), APPLIES IN BUDGETING FOR SCHOOL 7 в FISCAL YEAR 1996.

-End-