

HOUSE BILL 694

Introduced by Toole, et al.

2/08	Introduced
2/08	Referred to Education & Cultural Resources
2/08	First Reading
2/08	Fiscal Note Requested
2/14	Fiscal Note Received
2/15	Fiscal Note Printed
2/18	Hearing
2/18	Tabled in Committee

1 *House* BILL NO. *694*
 2 INTRODUCED BY *Rep. Judy Weyer*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE REQUIRED
 5 NUMBER OF PUPIL-INSTRUCTION DAYS BY 10 DAYS IN EACH OF THE
 6 NEXT 4 SCHOOL YEARS, BEGINNING IN THE 1992-93 SCHOOL FISCAL
 7 YEAR; AMENDING SECTIONS 20-1-301, 20-1-304, 20-9-311, AND
 8 20-9-805, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "20-1-301. School fiscal year. (1) The school fiscal
13 year ~~shall begin~~ begins on July 1 and end ends on June 30.

14 (2) At least ~~100~~ the number of school days of pupil
 15 instruction ~~shall~~ required under the provisions of
 16 subsection (3) must be conducted during each school fiscal
 17 year ~~except that 175 days of pupil instruction for~~
 18 ~~graduating seniors may be sufficient as provided in~~
 19 ~~20-9-313 or unless a variance for kindergarten has been~~
 20 ~~granted under 20-1-302 or a district is granted a variance~~
 21 ~~under the provisions of chapter 9, part 8, of this title.~~
 22 For any elementary or high school district that fails to
 23 provide for at least ~~100~~ the number of school days of pupil
 24 instruction required under the provisions of subsection (3),
 25 the superintendent of public instruction shall reduce the

1 county equalization as defined in 20-9-334 and the state
 2 equalization as defined in 20-9-343 for the district for
 3 that school year by ~~1/90th~~ two times the amount provided for
 4 a school day for each school day less than 100 the required
 5 number of school days.

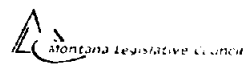
6 (3) (a) For the school fiscal year beginning July 1,
 7 1991, at least 180 school days of pupil instruction must be
 8 conducted, except that 175 days of pupil instruction for
 9 graduating seniors may be sufficient as provided in
 10 20-9-313.

11 (b) For the school fiscal year beginning July 1, 1992,
 12 at least 190 school days of pupil instruction must be
 13 conducted, except that 185 days of pupil instruction for
 14 graduating seniors may be sufficient as provided in
 15 20-9-313.

16 (c) For the school fiscal year beginning July 1, 1993,
 17 at least 200 school days of pupil instruction must be
 18 conducted, except that 195 days of pupil instruction for
 19 graduating seniors may be sufficient as provided in
 20 20-9-313.

21 (d) For the school fiscal year beginning July 1, 1994,
 22 at least 210 school days of pupil instruction must be
 23 conducted, except that 205 days of pupil instruction for
 24 graduating seniors may be sufficient as provided in
 25 20-9-313.

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1 (e) For the school fiscal year beginning July 1, 1995,
 2 at least 220 school days of pupil instruction must be
 3 conducted, except that 215 days of pupil instruction for
 4 graduating seniors may be sufficient as provided in
 5 20-9-313."

6 **Section 2.** Section 20-1-304, MCA, is amended to read:

7 "20-1-304. Pupil-instruction-related day. A
 8 pupil-instruction-related day is a day of teacher activities
 9 devoted to improving the quality of instruction. The
 10 activities may include but are not limited to in-service
 11 training, attending state meetings of teacher organizations,
 12 and conducting parent conferences. A maximum of 7
 13 pupil-instruction-related days may be conducted during a
 14 school year, with a minimum of 3 of the days for
 15 instructional and professional development meetings or other
 16 appropriate in-service training, provided that the days are
 17 approved by the superintendent of public instruction in
 18 accordance with the policy adopted by the board of public
 19 education. The days may not be included as a part of the
 20 required ~~minimum-of-180~~ number of days of pupil instruction
 21 as provided in 20-1-301."

22 **Section 3.** Section 20-9-311, MCA, is amended to read:

23 "20-9-311. Calculation of average number belonging
 24 (ANB). (1) Average number belonging must be computed by
 25 determining the total of the aggregate days of attendance by

1 regularly enrolled, full-time pupils during the second
 2 semester of the preceding school fiscal year and the first
 3 semester of the current school fiscal year plus the
 4 aggregate days of absence by regularly enrolled, full-time
 5 pupils during the second semester of the preceding school
 6 fiscal year and the first semester of the current school
 7 fiscal year and by dividing the total by 180. However, when
 8 a school district has approval to operate less than 180
 9 school days under 20-9-804, the total must be calculated in
 10 accordance with the provisions of 20-9-805. For the purpose
 11 of calculating ANB under this section, the days of
 12 attendance for a regularly enrolled pupil may not exceed ~~180~~
 13 the minimum number of pupil-instruction days required under
 14 the provisions of 20-1-301 and 7 pupil-instruction-related
 15 days. Attendance for a part of a morning session or a part
 16 of an afternoon session by a pupil must be counted as
 17 attendance for one-half day. In calculating the ANB for
 18 pupils enrolled in a program established under 20-7-117(1),
 19 attendance at or absence from a regular session of the
 20 program for at least 2 hours of either a morning or an
 21 afternoon session will be counted as one-half day attended
 22 or absent as the case may be. If a variance has been granted
 23 as provided in 20-1-302, ANB will be computed in a manner
 24 prescribed by the superintendent of public instruction, but
 25 in no case may the ANB exceed one-half for each kindergarten

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

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

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

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

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

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

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

22 **Section 4.** Section 20-9-805, MCA, is amended to read:

23 "20-9-805. Rate of reduction in annual apportionment
 24 entitlement. (1) For each school day short of the minimum
 25 number of school days required by law that a school district

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1 fails to conduct by reason of one or more unforeseen
2 emergencies as defined in 20-9-802, the superintendent of
3 public instruction shall reduce the equalization
4 apportionment and entitlement of the district for that
5 school year by ~~1/180th~~ the amount provided for 1 school day.

6 (2) Kindergarten and grade 1 through 12 programs shall
7 be considered separately for the purpose of computing
8 compliance with minimum school day requirements and any loss
9 of apportionment."

10 NEW SECTION. **Section 5.** **Effective date.** [This act] is
11 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 HB0694, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to extend the required number of pupil-instruction days by 10 days in each of the next four school years, beginning in the 1992-93 school fiscal year; amending various sections and providing an effective date.

ASSUMPTIONS:

1. Current foundation program schedules are used.
2. HB0384 estimates of school equalization revenues are used.
3. Executive budget estimates of current level foundation and GTB costs are used.
4. Retirement costs will increase proportionately to the increase in number of days.
5. Special education costs will increase proportionately to the increase in the number of days.

FISCAL IMPACT:

Office of Public Instruction

Expenditures:

	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Foundation and Permissive GTB	380,197,000	380,197,000	0	379,725,000	390,167,000	10,442,000
Transportation	6,252,894	6,252,894	0	6,252,894	6,600,000	347,106
Retirement GTB	13,600,000	13,600,000	0	13,600,000	14,356,000	756,000
Special Education	<u>33,861,646</u>	<u>33,861,646</u>	<u>0</u>	<u>33,861,646</u>	<u>35,743,000</u>	<u>1,881,354</u>
Total	433,911,540	433,911,540	0	433,439,540	446,866,000	13,426,460
<u>Funding:</u>						
General Fund	142,625,540	142,625,540	0	169,945,540	183,372,000	13,426,460
School Equalization (02)	<u>291,286,000</u>	<u>291,286,000</u>	<u>0</u>	<u>263,494,000</u>	<u>263,494,000</u>	<u>0</u>
Total	433,911,540	433,911,540	0	433,439,540	446,866,000	13,426,460

General Fund Impact

0

(13,426,460)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The impact on school districts will depend upon the extent to which costs increase with the increased number of school days or to which costs are fixed and do not rise proportionally to increased school days. Since state aid will increase proportionately to the increased number of days, districts whose costs rise less than proportionately to the increased number of days will rely less on local revenues while districts whose costs rise more than proportionately to the increased number of days will rely more on local revenues.

 2-13-91
 ROD SUNDESTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/15/91
 HOWARD TOOLE, PRIMARY SPONSOR DATE

Fiscal Note for HB0694, introduced version

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Fiscal Note Request, HB0694, as introduced
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LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The costs of this change will increase significantly in future years as this law is phased in. The increased costs will be approximately \$38 million in FY94, \$62 million in FY95, \$86 million in FY96, and \$96 million in FY97 when the increase will be fully implemented.

TECHNICAL NOTES:

Average Number Belonging is based upon the attendance in the second semester of the previous year and the first semester of the current year. Under this bill the ANB count of districts which is used to determine foundation program funding will recognize only one half the increase in enrollment each year.

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