



1 HOUSE BILL NO. 962  
2 INTRODUCED BY Wm E Behar,ski

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY ELEMENTARY  
5 AND HIGH SCHOOL TUITION STATUTES; AMENDING SECTIONS 20-5-305  
6 AND 20-5-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
7 DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 20-5-305, MCA, is amended to read:

11 **"20-5-305. Elementary tuition rates.** (1) Whenever a  
12 pupil of an elementary district has been granted approval to  
13 attend a school outside of the district in which he resides,  
14 under the provisions of 20-5-301 or 20-5-302, the district  
15 of residence shall pay tuition to the elementary district  
16 where the pupil attends school. Except as provided in  
17 subsection (2), the basis of the rate of tuition shall be  
18 determined by the attended district. The rate of tuition  
19 must be determined on March 15 by:

20 (a) totaling the ~~actual~~ previous fiscal year's  
21 expenditures from the district general fund, the debt  
22 service fund, and, if the pupil is a resident of another  
23 county, the retirement fund;

24 (b) dividing the amount determined in subsection (1)(a)  
25 by the ANB October 1 enrollment of the district for the

1 current fiscal year, as ~~determined under the provisions of~~  
2 ~~20-9-311~~ reported to the office of public instruction for  
3 purposes of accreditation pursuant to 20-7-102 and 20-9-344;  
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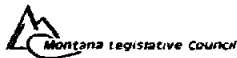
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7 foundation program schedules and the per-ANB amount of  
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9 ~~20-9-369~~ that is the ANB value per mill calculated pursuant  
10 to 20-9-366, multiplied by the number of permissive and  
11 retirement mills levied.

12 (2) The tuition for a full-time elementary special  
13 education pupil must be determined under rules adopted by  
14 the superintendent of public instruction for the calculation  
15 of elementary tuition for full-time elementary special  
16 education pupils as designated in 20-9-311 for funding  
17 purposes."

18 **Section 2.** Section 20-5-312, MCA, is amended to read:

19 **"20-5-312. Reporting, budgeting, and payment for high**  
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21 ~~the close of the school term of each school fiscal year~~ on  
22 March 15, the trustees of each high school district shall  
23 determine the rate of tuition for the current school fiscal  
24 year by:

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19 of tuition for full-time high school special education  
20 pupils as designated in 20-9-311 for funding purposes.

21 (3) Before July 15, the trustees shall report to the  
22 county superintendent of the county in which the district is  
23 located:

24 (a) the names, addresses, and resident districts of the  
25 pupils attending the schools of the district under an

1 approved tuition agreement;

2 (b) the number of days of school attended by each  
3 pupil;

4 (c) the amount, if any, of each pupil's tuition payment  
5 that the trustees, in their discretion, have the authority  
6 to waive; and

7 (d) the rate of current school fiscal year tuition, as  
8 determined under the provisions of this section.

9 (4) When the county superintendent receives a tuition  
10 report from a district, he shall immediately send the  
11 reported information to the superintendent of each district  
12 in which the reported pupils reside.

13 (5) When the district superintendent receives a tuition  
14 report or reports for high school pupils residing in his  
15 district and attending an out-of-district high school under  
16 approved tuition agreements, he shall determine the total  
17 amount of tuition due the out-of-district high schools on  
18 the basis of the following per-pupil schedule: the rate of  
19 tuition, number of pupils attending under an approved  
20 tuition agreement, and other information provided by each  
21 high school district where resident district pupils have  
22 attended school.

23 (6) The total amount of the high school tuition, with  
24 consideration of any tuition waivers, for pupils attending a  
25 high school outside the county of residence must be financed

1 by the county basic special tax for high schools as provided  
 2 in 20-9-334. In December, the county superintendent shall  
 3 cause the payment by county warrant of at least one-half of  
 4 the high school tuition obligations established under this  
 5 section out of the first money realized from the county  
 6 basic special tax for high schools. The remaining  
 7 obligations must be paid by June 15 of the school fiscal  
 8 year. The payments must be made to the county treasurer of  
 9 the county where each high school entitled to tuition is  
 10 located. The county treasurer shall credit tuition receipts  
 11 to the general fund of the applicable high school district,  
 12 and the tuition receipts must be used in accordance with the  
 13 provisions of 20-9-141.

14 (7) For pupils attending a high school outside their  
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 20 fund of the preliminary and final budgets. This budgeted  
 21 tuition amount is not subject to the budget adjustment  
 22 provisions of 20-9-132. The county superintendent shall  
 23 report the net tuition fund levy requirement for each high  
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 2 levy requirement must be calculated by subtracting from the  
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 10 Payments must be made whenever there is a sufficient amount  
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 15 provided by this subsection is being abused, they may appeal  
 16 to the county superintendent of schools, who shall hold a  
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18 NEW SECTION. **Section 3.** Effective date. [This act] is  
 19 effective on passage and approval.

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APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

HOUSE BILL NO. 962

INTRODUCED BY BOHARSKI

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

**Section 1.** Section 20-5-305, MCA, is amended to read:

"20-5-305. Elementary tuition rates. (1) Whenever a pupil of an elementary district has been granted approval to attend a school outside of the district in which he resides, under the provisions of 20-5-301 or 20-5-302, the district of residence shall pay tuition to the elementary district where the pupil attends school. Except as provided in subsection (2), the basis of the rate of tuition shall be determined by the attended district. The rate of tuition must be determined on March 15 by:

(a) totaling the actual previous SCHOOL fiscal year's expenditures from the district general fund, the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) by the ANB October 1 enrollment of the district for the

current PREVIOUS SCHOOL fiscal year, as determined under the provisions of ~~20-9-311~~ reported to the office of public instruction for purposes of accreditation pursuant to 20-7-102 and 20-9-344; and

(c) subtracting from the amount determined in subsection (1)(b) the per-ANB amount allowed by the foundation program schedules and the per-ANB amount of ~~guaranteed tax base aid as provided in 20-9-366 through 20-9-369~~ that is the ANB value per mill calculated pursuant to 20-9-366, multiplied by the number of permissive and retirement mills levied.

(2) The tuition for a full-time elementary special education pupil must be determined under rules adopted by the superintendent of public instruction for the calculation of elementary tuition for full-time elementary special education pupils as designated in 20-9-311 for funding purposes."

**Section 2.** Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high school tuition. (1) Except as provided in subsection (2), ~~at the close of the school term of each school fiscal year~~ on March 15, the trustees of each high school district shall determine the rate of tuition for the current school fiscal year by:

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23 county superintendent of the county in which the district is  
24 located:

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1 pupils attending the schools of the district under an  
2 approved tuition agreement;

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4 pupil;

5 (c) the amount, if any, of each pupil's tuition payment  
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 3 levy requirement must be calculated by subtracting from the  
 4 total expenditure amount authorized in the final tuition  
 5 fund budget the sum of the cash balance in the tuition fund  
 6 at the end of the immediately preceding school fiscal year  
 7 plus any other anticipated money that may be realized in the  
 8 tuition fund. The trustees shall pay by warrants drawn on  
 9 the tuition fund the tuition amounts owed to each district  
 10 included in the county superintendent's notification.  
 11 Payments must be made whenever there is a sufficient amount  
 12 of cash available in the tuition fund but no later than the  
 13 end of the school fiscal year for which the budget is  
 14 adopted. However, if the trustees of either the sending or  
 15 receiving high school district feel the transfer privilege  
 16 provided by this subsection is being abused, they may appeal  
 17 to the county superintendent of schools, who shall hold a  
 18 hearing and either approve or disapprove the transfer."

19 NEW SECTION. **Section 3.** Effective date. [This act] is  
 20 effective on passage and approval.

-End-