# HOUSE BILL NO. 962

## INTRODUCED BY BOHARSKI

## IN THE HOUSE

FEBRUARY 20, 1991INTRODUCED AND REFERRED TO COMMITTEE<br/>ON EDUCATION & CULTURAL RESOURCES.

FEBRUARY 21, 1991 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

FEBRUARY 26, 1991 SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 27, 1991 THIRD READING, PASSED. AYES, 99; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 7, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 21, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991 SECOND READING, CONCURRED IN.

MARCH 25, 1991 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 2020/01

LC 2020/01

1	House BILL NO. 962
2	INTRODUCED BY WIME Boharski
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 <b>actual</b> 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;			
4	and			
5	(c) subtracting from the amount determined in			
6	subsection (1)(b) the per-ANB amount allowed by the			
7	foundation program schedules and the per-ANB amount <del>of</del>			
8	guaranteedtaxbaseaidasprovided-in-20-9-366-through			
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			
20	school tuition. (1) Except as provided in subsection (2), at			
21	the-close-of-the-school-term-of-each-school-fiscalyear <u>on</u>			
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:			
25	(a) totaling the actual previous fiscal year's			
	-2- INTRODUCED BILL H8 962			

## LC 2020/01

expenditures from the district general fund, the debt
 service fund, and, if the pupil is a resident of another
 county, the retirement fund;

4 (b) dividing the amount determined in subsection (1)(a) 5 above by the ANB <u>October 1 enrollment</u> of the district, as 6 determined-under-the-provisions-of-20-9-311 reported to the 7 office of public instruction for purposes of accreditation 8 pursuant to 20-7-102 and 20-9-344; and

9 (c) subtracting from the amount determined іп 10 subsection (1)(b) the per-ANB amount allowed bv the foundation program schedules and the per-ANB amount of 11 guaranteed-tax-base-aid--as--provided--in--20-9-366--through 12 20-9-369 that is the ANB value per mill calculated pursuant 13 14 to 20-9-366, multiplied by the number of permissive and 15 retirement mills levied.

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

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

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

LC 2020/01

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.

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

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

-3-

-4-

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

(7) For pupils attending a high school outside their 14 15 district of residence but within the county of residence, the total amount of the tuition, with consideration of any 16 tuition waivers, must be paid during the ensuing school 17 18 fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition 19 fund of the preliminary and final budgets. This budgeted 20 tuition amount is not subject to the budget adjustment 21 provisions of 20-9-132. The county superintendent shall 22 report the net tuition fund levy requirement for each high 23 24 school district to the county commissioners on the second Monday of August, and a levy on the district must be made by 25

1 the county commissioners in accordance with 20-9-142. The 2 levy requirement must be calculated by subtracting from the 3 total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund 4 5 at the end of the immediately preceding school fiscal year б plus any other anticipated money that may be realized in the 7 tuition fund. The trustees shall pay by warrants drawn on 8 the tuition fund the tuition amounts owed to each district 9 included in the county superintendent's notification. 10 Payments must be made whenever there is a sufficient amount 11 of cash available in the tuition fund but no later than the 12 end of the school fiscal year for which the budget is 13 adopted. However, if the trustees of either the sending or 14 receiving high school district feel the transfer privilege 15 provided by this subsection is being abused, they may appeal 16 to the county superintendent of schools, who shall hold a 17 hearing and either approve or disapprove the transfer." 18 NEW SECTION. Section 3. Effective date. [This act] is

MEN SECTION. Section 3. Effective date. [This act]

19 effective on passage and approval.

-End-

LC 2020/01

### 52nd Legislature

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#### HB 0962/02

### APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

HOUSE BILL NO. 962 1 INTRODUCED BY BOHARSKI 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY ELEMENTARY 4 AND HIGH SCHOOL TUITION STATUTES; AMENDING SECTIONS 20-5-305 5 AND 20-5-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 6 7 DATE." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 20-5-305, MCA, is amended to read: 10 "20-5-305. Elementary tuition rates. (1) Whenever a 11 pupil of an elementary district has been granted approval to 12 attend a school outside of the district in which he resides, 13 under the provisions of 20-5-301 or 20-5-302, the district 14 of residence shall pay tuition to the elementary district 15 where the pupil attends school. Except as provided in 16 17 subsection (2), the basis of the rate of tuition shall be determined by the attended district. The rate of tuition 18 must be determined on March 15 by: 19 (a) totaling the actual previous SCHOOL fiscal year's 20 expenditures from the district general fund, the debt 21 service fund, and, if the pupil is a resident of another 22 county, the retirement fund; 23

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

HB 0962/02

1	current PREVIOUS SCHOOL fiscal year, as determined-under-the
2	provisionsof20-9-311 reported to the office of public
3	instruction for purposes of accreditation pursuant to
4	20-7-102 and 20-9-344; and
5	(c) subtracting from the amount determined in
6	subsection (1)(b) the per-ANB amount allowed by the
7	foundation program schedules and the per-ANB amount of
8	guaranteedtaxbaseaidasprovided-in-20-9-366-through
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
20	school tuition. (1) Except as provided in subsection (2), at
21	the-close-of-the-school-term-of-each-school-fiscalyear on
2 <b>2</b>	March 15, the trustees of each high school district shall
23	determine the rate of tuition for the current school fiscal
24	ypar by:
25	(a) totaling the actual previous SCHOOL fiscal year's

-2-



SECOND READING

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1 expenditures from the district general fund, the debt
2 service fund, and, if the pupil is a resident of another
3 county, the retirement fund;

4 (b) dividing the amount determined in subsection (1)(a) 5 above by the ANB October 1 enrollment of the district FOR 6 <u>THE PREVIOUS SCHOOL FISCAL YEAR</u>, as determined--under--the 7 provisions--of--20-9-311 reported to the office of public 8 instruction for purposes of accreditation pursuant to 9 20-7-102 and 20-9-344; and

10 (c) subtracting from the amount determined in 11 subsection (1)(b) the per-ANB amount allowed by the 12 foundation program schedules and the per-ANB amount of guaranteed--tax--base--aid--as--provided-in-20-9-366-through 13 14 20-9-369 that is the ANB value per mill calculated pursuant to 20-9-366, multiplied by the number of permissive and 15 16 retirement mills levied.

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

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

25 (a) the names, addresses, and resident districts of the

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HB 962

HB 0962/02

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

3 (b) the number of days of school attended by each 4 pupil;

5 (c) the amount, if any, of each pupil's tuition payment 6 that the trustees, in their discretion, have the authority 7 to waive; and

8 (d) the rate of current school fiscal year tuition, as9 determined under the provisions of this section.

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

14 (5) When the district superintendent receives a tuition 15 report or reports for high school pupils residing in his 16 district and attending an out-of-district high school under 17 approved tuition agreements, he shall determine the total 18 amount of tuition due the out-of-district high schools on 19 the basis of the following per-pupil schedule: the rate of 20 tuition, number of pupils attending under an approved 21 tuition agreement, and other information provided by each 22 high school district where resident district pupils have 23 attended school.

(6) The total amount of the high school tuition, withconsideration of any tuition waivers, for pupils attending a

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-4-

HB 962

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1 high school outside the county of residence must be financed by the county basic special tax for high schools as provided 2 3 in 20-9-334. In December, the county superintendent shall 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 9 year. The payments must be made to the county treasurer of the county where each high school entitled to tuition is 10 11 located. The county treasurer shall credit tuition receipts 12 to the general fund of the applicable high school district, 13 and the tuition receipts must be used in accordance with the 14 provisions of 20-9-141.

(7) For pupils attending a high school outside their 15 16 district of residence but within the county of residence, 17 the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school 18 19 fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition 20 21 fund of the preliminary and final budgets. This budgeted 22 tuition amount is not subject to the budget adjustment 23 provisions of 20-9-132. The county superintendent shall 24 report the net tuition fund levy requirement for each high school district to the county commissioners on the second 25

effective on passage and approval. -End-

Monday of August, and a levy on the district must be made by the county commissioners in accordance with 20-9-142. The levy requirement must be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments must be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school district feel the transfer privilege provided by this subsection is being abused, they may appeal to the county superintendent of schools, who shall hold a hearing and either approve or disapprove the transfer."

HB 0962/02

-6-

NEW SECTION. Section 3. Effective date. [This act] is

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HB 0962/02

1	HOUSE BILL NO. 962	1	current PREVIOUS SCHOOL fiscal year, as determined-under-the
2	INTRODUCED BY BOHARSKI	2	provisionsof20-9-311 reported to the office of public
3		3	instruction for purposes of accreditation pursuant to
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY ELEMENTARY	4	20-7-102 and 20-9-344; and
5	AND HIGH SCHOOL TUITION STATUTES; AMENDING SECTIONS 20-5-305	5	(c) subtracting from the amount determined in
6	AND 20-5-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE	6	subsection (1)(b) the per-ANB amount allowed by the
7	DATE."	7	foundation program schedules and the per-ANB amount $oldsymbol{ef}$
8		8	guaranteedtaxbaseaidasprovided-in-20-9-366-through
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	20-9-369 that is the ANB value per mill calculated pursuant
10	Section 1. Section 20-5-305, MCA, is amended to read:	10	to 20-9-366, multiplied by the number of permissive and
11	20-5-305. Elementary tuition rates. (1) Whenever a	11	retirement mills levied.
12	pupil of an elementary district has been granted approval to	12	(2) The tuition for a full-time elementary special
13	attend a school outside of the district in which he resides,	13	education pupil must be determined under rules adopted by
14	under the provisions of 20-5-301 or 20-5-302, the district	14	the superintendent of public instruction for the calculation
15	of residence shall pay tuition to the elementary district	15	of elementary tuition for full-time elementary special
16	where the pupil attends school. Except as provided in	16	education pupils as designated in 20-9-311 for funding
17	subsection (2), the basis of the rate of tuition shall be	17	purposes."
18	determined by the attended district. The rate of tuition	18	Section 2. Section 20-5-312, MCA, is amended to read:
19	must be determined <u>on March 15</u> by:	19	"20-5-312. Reporting, budgeting, and payment for high
20	(a) totaling the actual previous SCHOOL fiscal year's	20	school tuition. (1) Except as provided in subsection (2), at
21	expenditures from the district general fund, the debt	21	the-close-of-the-school-term-of-each-school-fiscalyear <u>on</u>
22	service fund, and, if the pupil is a resident of another	22	March 15, the trustees of each high school district shall
23	county, the retirement fund;	23	determine the rate of tuition for the current school fiscal
24	(b) dividing the amount determined in subsection (1)(a)	24	year by:
25	by the ANB October 1 enrollment of the district for the	25	(a) totaling the actual previous SCHOOL fiscal year's



HB 962 THIRD READING

-2-

1 expenditures from the district general fund, the debt 2 service fund, and, if the pupil is a resident of another 3 county, the retirement fund;

4 (b) dividing the amount determined in subsection (1)(a) 5 above by the ANB October 1 enrollment of the district FOR 6 THE PREVIOUS SCHOOL FISCAL YEAR, as determined--under--the 7 provisions--of--20-9-311 reported to the office of public 8 instruction for purposes of accreditation pursuant to 9 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--sid--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.

16

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

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

25 (a) the names, addresses, and resident districts of the

-3-

HB 962

HB 0962/02

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

3 (b) the number of days of school attended by each 4 pupil;

5 (c) the amount, if any, of each pupil's tuition payment 6 that the trustees, in their discretion, have the authority 7 to waive; and

8 (d) the rate of current school fiscal year tuition, as9 determined under the provisions of this section.

10 (4) When the county superintendent receives a tuition 11 report from a district, he shall immediately send the 12 reported information to the superintendent of each district 13 in which the reported pupils reside.

14 (5) When the district superintendent receives a tuition report or reports for high school pupils residing in his 15 16 district and attending an out-of-district high school under 17 approved tuition agreements, he shall determine the total 18 amount of tuition due the out-of-district high schools on 19 the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved 20 21 tuition agreement, and other information provided by each 22 high school district where resident district pupils have 23 attended school.

(6) The total amount of the high school tuition, withconsideration of any tuition waivers, for pupils attending a

-4-

HB 962

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1 high school outside the county of residence must be financed 2 by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall 3 4 cause the payment by county warrant of at least one-half of 5 the high school tuition obligations established under this 6 section out of the first money realized from the county 7 basic special tax for high schools. The remaining 8 obligations must be paid by June 15 of the school fiscal year. The payments must be made to the county treasurer of 9 10 the county where each high school entitled to tuition is located. The county treasurer shall credit tuition receipts 11 to the general fund of the applicable high school district, 12 13 and the tuition receipts must be used in accordance with the provisions of 20-9-141. 14

(7) For pupils attending a high school outside their 15 district of residence but within the county of residence, 16 the total amount of the tuition, with consideration of any 17 tuition waivers, must be paid during the ensuing school 18 19 fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition 20 21 fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment 22 23 provisions of 20-9-132. The county superintendent shall 24 report the net tuition fund levy requirement for each high 25 school district to the county commissioners on the second

Monday of August, and a levy on the district must be made by 1 the county commissioners in accordance with 20-9-142. The 2 levy requirement must be calculated by subtracting from the 3 total expenditure amount authorized in the final tuition 4 5 fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year 6 plus any other anticipated money that may be realized in the 7 tuition fund. The trustees shall pay by warrants drawn on 8 the tuition fund the tuition amounts owed to each district 9 included in the county superintendent's 10 notification. Payments must be made whenever there is a sufficient amount 11 12 of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is 13 14 adopted. However, if the trustees of either the sending or receiving high school district feel the transfer privilege 15 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-

-6-

-5-

### 52nd Legislature

HB 0962/02

1 HOUSE BILL NO. 962 2 INTRODUCED BY BOHARSKI 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY ELEMENTARY 4 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 must be determined on March 15 by: 19 20 (a) totaling the actual previous SCHOOL fiscal year's expenditures from the district general fund, the debt 21 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

25 (a) totaling the actual previous SCHOOL fiscal year's

-2-

Montana Legislative Council

HB 0962/02

HB 962

REFERENCE BILL

1	current PREVIOUS SCHOOL fiscal year, as determined-under-the
2	provisionsof20-9-311 reported to the office of public
3	instruction for purposes of accreditation pursuant to
4	20-7-102 and 20-9-344; and
5	(c) subtracting from the amount determined in
6	subsection (1)(b) the per-ANB amount allowed by the
7	foundation program schedules and the per-ANB amount of
8	guaranteedtaxbaseaidasprovided-in-20-9-366-through
9	28-9-369 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
20	school tuition. (1) Except as provided in subsection (2), at
21	the-close-of-the-school-term-of-each-school-fiscalyear 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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HB 962

expenditures from the district general fund, the debt 1 service fund, and, if the pupil is a resident of another 2 3 county, the ratirement fund; (b) dividing the amount determined in subsection (1)(a)4 above by the ANB October 1 enrollment of the district FOR 5 THE PREVIOUS SCHOOL FISCAL YEAR, as determined--under--the 6 provisions--of--20-9-311 reported to the office of public 7 instruction for purposes of accreditation pursuant to 8 20-7-102 and 20-9-344; and 9 (c) subtracting from the amount determined in 10 subsection (1)(b) the per-ANB amount allowed by the 11 foundation program schedules and the per-ANB amount of 12 guaranteed--tax--base--aid--as--provided-in-20-9-366-through 13 20-9-369 that is the ANB value per mill calculated pursuant 14 to 20-9-366, multiplied by the number of permissive and 15 retirement mills levied. 16 (2) The tuition for a full-time high school special 17 education pupil must be determined under rules adopted by 18 the superintendent of public instruction for the calculation 19 of tuition for full-time high school special education 20 pupils as designated in 20-9-311 for funding purposes. 21 22 (3) Before July 15, the trustees shall report to the county superintendent of the county in which the district is 23 24 located:

25 (a) the names, addresses, and resident districts of the

- 3 -

pupils attending the schools of the district under an
approved tuition agreement:

3 (b) the number of days of school attended by each 4 pupil;

5 (c) the amount, if any, of each pupil's tuition payment 6 that the trustees, in their discretion, have the authority 7 to waive; and

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

10 (4) When the county superintendent receives a tuition 11 report from a district, he shall immediately send the 12 reported information to the superintendent of each district 13 in which the reported pupils reside.

14 (5) When the district superintendent receives a tuition 15 report or reports for high school pupils residing in his 16 district and attending an out-of-district high school under approved tuition agreements, he shall determine the total 17 18 amount of tuition due the out-of-district high schools on 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 22 high school district where resident district pupils have attended school. 23

24 (6) The total amount of the high school tuition, with25 consideration of any tuition waivers, for pupils attending a

-4- HB 962

HB 0962/02

1 high school outside the county of residence must be financed 2 by the county basic special tax for high schools as provided 3 in 20-9-334. In December, the county superintendent shall 4 cause the payment by county warrant of at least one-half of 5 the high school tuition obligations established under this section out of the first money realized from the county 6 7 basic special tax for high schools. The remaining 8 obligations must be paid by June 15 of the school fiscal 9 year. The payments must be made to the county treasurer of 10 the county where each high school entitled to tuition is 11 located. The county treasurer shall credit tuition receipts 12 to the general fund of the applicable high school district, 13 and the tuition receipts must be used in accordance with the 14 provisions of 20-9-141.

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> 15 (7) For pupils attending a high school outside their 16 district of residence but within the county of residence, the total amount of the tuition, with consideration of any 17 tuition waivers, must be paid during the ensuing school 18 19 fiscal year. The trustees of the sending high school 20 district shall include the tuition amount in the tuition 21 fund of the preliminary and final budgets. This budgeted 22 tuition amount is not subject to the budget adjustment 23 provisions of 20-9-132. The county superintendent shall 24 report the net tuition fund levy requirement for each high 25 school district to the county commissioners on the second

HB 0962/02

Monday of August, and a levy on the district must be made by 1 the county commissioners in accordance with 20-9-142. The 2 levy requirement must be calculated by subtracting from the 3 total expenditure amount authorized in the final tuition 4 fund budget the sum of the cash balance in the tuition fund 5 at the end of the immediately preceding school fiscal year 6 7 plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on 8 the tuition fund the tuition amounts owed to each district 9 included in the county superintendent's notification. 10 Payments must be made whenever there is a sufficient amount 11 of cash available in the tuition fund but no later than the 12 end of the school fiscal year for which the budget is 13 adopted. However, if the trustees of either the sending or 14 receiving high school district feel the transfer privilege 15 provided by this subsection is being abused, they may appeal 16 to the county superintendent of schools, who shall hold a 17 hearing and either approve or disapprove the transfer." 18 NEW SECTION. Section 3. Effective date. (This act) is 19

20 effective on passage and approval.

-5-

HB 962

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<sup>-</sup>End-