

SENATE BILL 234

Introduced by Gage

1/30	Introduced
1/31	Referred to Education & Cultural Resources
1/31	First Reading
2/06	Hearing
2/12	Tabled in Committee

1 *Senate* BILL NO. *234*
 2 INTRODUCED BY *24*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT TUITION
 5 APPROVAL AGENTS ARE NOT REQUIRED TO APPROVE A TUITION
 6 APPLICATION FOR OUT-OF-COUNTY TUITION IF THE RESIDENT SCHOOL
 7 DISTRICT PROVIDES TRANSPORTATION; AMENDING SECTION 20-5-311,
 8 MCA; AND PROVIDING AN EFFECTIVE DATE."

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

11 **Section 1.** Section 20-5-311, MCA, is amended to read:

12 *20-5-311. High school tuition. (1) Any A child may be
 13 enrolled in and attend a high school outside of the high
 14 school district in which he resides when such the high
 15 school is located in Montana or in a county of another state
 16 that is adjacent to the state of Montana. When a parent or
 17 guardian of a child wishes to have his child attend a school
 18 under the provisions of this section, he shall apply to the
 19 county superintendent of the county of his residence before
 20 July 1 of the school fiscal year for which he seeks approval
 21 except in those cases when substantial changes in
 22 circumstances occurred subsequently to justify later
 23 application. Such The application shall must be made on a
 24 tuition agreement form supplied by the county
 25 superintendent. The trustees of the district of residence,

1 the trustees of the district in which the child wishes to
 2 attend school, and the county superintendent are the
 3 approval agents for tuition to another high school within
 4 the county. The county superintendent of the county of
 5 residence and the trustees of the district in which the
 6 child wishes to attend school are the approval agents for
 7 attendance outside the county.

8 (2) (a) ~~{i}~~ The approval agents shall approve a tuition
 9 application when a child lives closer to a high school of
 10 another district than any high school located within his
 11 resident district or when, due to road or geographic
 12 conditions, it is impractical to attend the high school
 13 nearest his residence.

14 ~~{ii}~~ However, the approval agents are not required to
 15 approve a tuition application for a student seeking to
 16 attend a high school outside the state of Montana or the
 17 resident district if the resident district provides
 18 transportation. ~~This exception does not apply when:~~

19 ~~{A}--the--child--resides--in--a--county--different--from--the~~
 20 ~~county--wherein--the--school--he--wishes--to--attend--is--located;--or~~

21 ~~{B}--the--child--has--enrolled--in--a--high--school--outside--his~~
 22 ~~resident--district--and--has--received--an--approved--tuition~~
 23 ~~agreement--on--or--before--April--30--1985;--For--the--purposes--of~~
 24 ~~this--subsection--(2){a}{ii}{B},--the--child--has--the--right--to~~
 25 ~~continue--his--high--school--education--in--the--receiving--high~~

1 ~~school-outside-his-resident-district-on-an-approved--tuition~~
2 ~~agreement, subject to the provisions of this section.~~

3 (b) The approval agents shall approve a tuition
4 application when a child, as a result of a court order, is
5 required to attend high school outside the district of
6 residence:

7 (i) but within the state of Montana or another state
8 that maintains a reciprocal tuition agreement under
9 20-5-314; or

10 (ii) in a state that does not have a reciprocal tuition
11 agreement pursuant to 20-5-314. The amount of daily tuition
12 may not be greater than the average daily cost per student
13 in the district of residence. The amount of annual tuition
14 may not be greater than the average annual cost per student
15 in the district of residence. The county superintendent
16 shall calculate the average annual and the average daily
17 cost per student. For purposes of this subsection (b), the
18 following do not apply:

19 (A) an order issued under Title 40, chapter 4, part 2;
20 (B) placement of a child pursuant to Title 20, chapter
21 7, part 4.

22 (c) In approving a tuition agreement under this
23 provision, the approval agents may require the child to
24 attend the high school closest to his residence. The
25 approval agents may approve any other tuition application

1 that satisfies the geographic requirements of this section.

2 (3) The trustees of the district where the child wishes
3 to attend school shall approve or disapprove any tuition
4 application submitted to them under the provisions of this
5 section within 15 days after the receipt of the application.

6 (4) The county superintendent shall notify the parent
7 or guardian and the trustees of the district where the child
8 wishes to attend school of the tuition agreement approval or
9 disapproval. If a tuition agreement is disapproved by one or
10 more approval agents, the parent may appeal such the
11 disapproval to the county superintendent and, subsequently,
12 to the superintendent of public instruction under the
13 provision for the appeal of controversies in this title.

14 (5) The approval of any a tuition agreement by all of
15 the applicable approval agents or upon appeal ~~shall~~
16 authorize authorizes the child named in such the agreement
17 to enroll in and attend the school named in such the
18 agreement for the ensuing school fiscal year."

19 NEW SECTION. Section 2. Effective date. [This act] is
20 effective July 1, 1991.

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