

1 *Kropp* H BILL NO. *448*
 2 INTRODUCED BY *Barnett* *Robin Day, Benjamin*
 3 *Ernst Nyquist*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SCHOOL
 5 DISTRICTS TO OPERATE LESS THAN 180 DAYS UNDER CERTAIN
 6 EMERGENCY CONDITIONS WITH THE APPROVAL OF THE SUPERINTENDENT
 7 OF PUBLIC INSTRUCTION; PROVIDING FOR FORFEITURE OF A
 8 DISTRICT'S SHARE OF STATE EQUALIZATION FUNDS WHEN A LESSER
 9 SCHOOL TERM IS NOT APPROVED; AMENDING SECTIONS 75-6513,
 10 75-6902, AND 75-7402, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 75-7402, R.C.M. 1947, is amended to
 14 read as follows:

15 "75-7402. School fiscal year. The school fiscal year
 16 shall begin on the first day of July and end on the last day
 17 of June. At least ~~one-hundred-eighty-(180)~~ school days of
 18 pupil instruction shall be conducted during each school
 19 fiscal year, unless a variance for kindergarten has been
 20 granted under section 75-7403. ~~However, in the event the~~
 21 ~~trustees decide that due to severe weather conditions it is~~
 22 ~~advisable to temporarily close a school to protect the~~
 23 ~~health and safety of the pupils, a school district may~~
 24 ~~conduct fewer than 180 school days of pupil instruction with~~
 25 ~~the approval of the superintendent of public instruction in~~

1 ~~accordance with policies of the board of public education.~~
 2 ~~Application for approval must be made within 10 days~~
 3 ~~following the occurrence of the emergency. Approval is~~
 4 ~~limited to a total of not more than 3 such emergency days in~~
 5 ~~any school fiscal year. Unless a lesser number of days has~~
 6 ~~been approved by the superintendent of public instruction as~~
 7 ~~provided above, any any district that fails to provide for~~
 8 ~~at least one--hundred--eighty--(180) school days of pupil~~
 9 ~~instruction shall may not be entitled to receive any~~
 10 ~~apportionment of the state interest-and-income equalization~~
 11 ~~funds. Any-such-forfeited-moneys-shall-be-apportioned-by-the~~
 12 ~~county-superintendent-to-the-other-elementary--districts--of~~
 13 ~~his-county."~~

14 Section 2. Section 75-6512, R.C.M. 1947, is amended to
 15 read as follows:

16 "75-6512. Elementary district abandonment. The county
 17 superintendent shall declare an elementary district to be
 18 abandoned and order the attachment of the territory of such
 19 district to a contiguous district of the county when:

- 20 (1) a school has not been operated by a district for
- 21 at least ~~one-hundred-eighty-(180)~~ days ~~or such lesser number~~
- 22 ~~of days as approved by the superintendent of public~~
- 23 ~~instruction~~ under the provisions of section 75-7402 for each
- 24 of three-(3) consecutive school fiscal years; or
- 25 (2) there is an insufficient number of residents who

1 are qualified electors of the district that can and will
2 serve as the trustees and clerk of the district so that a
3 legal board of trustees can be organized.

4 The county superintendent shall notify the elementary
5 district that has not operated a school for two--{2}
6 consecutive years before the first day of the third year
7 that the failure to operate a school for one-hundred--eighty
8 {180} days or such lesser number of days as approved by the
9 superintendent of public instruction under the provisions of
10 75-7402 during the ensuing school fiscal year shall
11 constitute grounds for abandonment of such district at the
12 conclusion of the succeeding school fiscal year. Failure by
13 the county superintendent to provide such notification shall
14 not constitute a waiver of the abandonment requirement
15 prescribed in subsection (1) above.

16 Any abandonment under subsection (1) shall become
17 effective on the first day of July. Any abandonment under
18 subsection (2) of an elementary district shall become
19 effective immediately on the date of the abandonment order."

20 Section 3. Section 75-6902, R.C.M. 1947, is amended to
21 read as follows:

22 "75-6902. Definition and calculation of average number
23 belonging (ANB). The term "average number belonging" or
24 "ANB" shall mean the average number of regularly enrolled,
25 full-time pupils attending the public schools of a district.

1 Average number belonging shall be computed by determining
2 the total of the aggregate days of attendance by regularly
3 enrolled, full-time pupils during the current school fiscal
4 year plus the aggregate days of absence by regularly
5 enrolled, full-time pupils during the current school fiscal
6 year, and by dividing such total by one--hundred--eighty
7 {180}. However, when a school district has approval to
8 operate less than 180 school days under 75-7402, such total
9 shall be divided by the actual number of approved pupil
10 instruction days. Attendance for a part of a morning session
11 or a part of an afternoon session by a pupil shall be
12 counted as attendance for one-half {1/2} day. In
13 calculating the ANB for pupils enrolled in a program
14 established under section 75-7507 prior to January 1, 1974,
15 or pursuant to section 75-7507 (1), attendance at, or
16 absence from, a regular session of the program for at least
17 two hours of either a morning or an afternoon session will
18 be counted as one-half {1/2} of a day attended or absent as
19 the case may be. If a variance has been granted as provided
20 in section 75-7403, ANB will be computed in a manner
21 prescribed by the superintendent of public instruction but
22 in no case shall the ANB exceed one-half {1/2} for each
23 kindergarten pupil. When any pupil has been absent, with or
24 without excuse, for more than ten--{10} consecutive school
25 days, including pupil instruction related days, his absence

1 after the ~~tenth~~(10th) day of absence shall not be included
 2 in the aggregate days of absence and his enrollment in the
 3 school shall not be considered in the calculation of the
 4 average number belonging until he resumes attendance at
 5 school.

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

14 The average number belonging of the regularly enrolled,
 15 full-time pupils for the public schools of a district shall
 16 be calculated, individually, for each school except that
 17 when:

18 (1) more than one school of a district, other than a
 19 junior high school in an elementary district which has been
 20 approved and accredited as a junior high school, is located
 21 within the incorporated limits of a city or town, the
 22 average number belonging of such schools shall be based on
 23 the aggregate of all the regularly enrolled, full-time
 24 pupils attending such schools located within the
 25 incorporated limits of a city or town;

1 (2) a junior high school which has been approved and
 2 accredited as a junior high school is located within the
 3 incorporated limits of a city or town in which a high school
 4 is located, all of the regularly enrolled, full-time pupils
 5 of the junior high school shall be considered as high school
 6 district pupils for the purposes of calculating the average
 7 number belonging of the high schools located within the
 8 incorporated limits of such city or town;

9 (3) a middle school has been approved and accredited,
 10 in which case pupils below the seventh grade shall be
 11 considered elementary school pupils for ANB purposes, and
 12 the seventh and eighth grade pupils shall be considered high
 13 school pupils for ANB purposes; or

14 (4) a school has not been accredited by the board of
 15 public education, the regularly enrolled, full-time pupils
 16 attending the nonaccredited school shall not be eligible for
 17 average number belonging calculation purposes, nor will an
 18 average number belonging for the nonaccredited school be
 19 used in determining the foundation program for such
 20 district.

21 When eleventh or twelfth grade students are regularly
 22 enrolled on a part-time basis, high schools may calculate
 23 the ANB to include an "equivalent ANB" for those students.
 24 The method for calculating an equivalent ANB shall be
 25 determined in a manner prescribed by the superintendent of

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1 public instruction.*

-End-

Approved by Committee on Education

1 *Kropp* H BILL NO. 448
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3 *Ernst Nyquist*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SCHOOL
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17 of June. At least ~~one-hundred-eighty-(180)~~ school days of
18 pupil instruction shall be conducted during each school
19 fiscal year, unless a variance for kindergarten has been
20 granted under section 75-7403. However, in the event the
21 trustees decide that due to severe weather conditions it is
22 advisable to temporarily close a school to protect the
23 health and safety of the pupils, a school district may
24 conduct fewer than 180 school days of pupil instruction with
25 the approval of the superintendent of public instruction in

1 accordance with policies of the board of public education.
2 Application for approval must be made within 10 days
3 following the occurrence of the emergency. Approval is
4 limited to a total of not more than 3 such emergency days in
5 any school fiscal year. Unless a lesser number of days has
6 been approved by the superintendent of public instruction as
7 provided above, Any any district that fails to provide for
8 at least ~~one-hundred-eighty-(180)~~ school days of pupil
9 instruction shall not be entitled to receive any
10 apportionment of the state interest-and-income equalization
11 funds. Any such forfeited moneys shall be apportioned by the
12 county superintendent to the other elementary--districts--of
13 his county."

14 Section 2. Section 75-6512, R.C.M. 1947, is amended to
15 read as follows:

16 "75-6512. Elementary district abandonment. The county
17 superintendent shall declare an elementary district to be
18 abandoned and order the attachment of the territory of such
19 district to a contiguous district of the county when:
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21 at least ~~one-hundred-eighty-(180)~~ days or such lesser number
22 of days as approved by the superintendent of public
23 instruction under the provisions of section 75-7402 for each
24 of three-(3) consecutive school fiscal years; or
25 (2) there is an insufficient number of residents who

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1 are qualified electors of the district that can and will
2 serve as the trustees and clerk of the district so that a
3 legal board of trustees can be organized.

4 The county superintendent shall notify the elementary
5 district that has not operated a school for ~~two--(2)~~
6 consecutive years before the first day of the third year
7 that the failure to operate a school for ~~one-hundred--eighty~~
8 ~~(180)~~ days or such lesser number of days as approved by the
9 superintendent of public instruction under the provisions of
10 75-7402 during the ensuing school fiscal year shall
11 constitute grounds for abandonment of such district at the
12 conclusion of the succeeding school fiscal year. Failure by
13 the county superintendent to provide such notification shall
14 not constitute a waiver of the abandonment requirement
15 prescribed in subsection (1) above.

16 Any abandonment under subsection (1) shall become
17 effective on the first day of July. Any abandonment under
18 subsection (2) of an elementary district shall become
19 effective immediately on the date of the abandonment order."

20 Section 3. Section 75-6902, R.C.M. 1947, is amended to
21 read as follows:

22 "75-6902. Definition and calculation of average number
23 belonging (ANB). The term "average number belonging" or
24 "ANB" shall mean the average number of regularly enrolled,
25 full-time pupils attending the public schools of a district.

1 Average number belonging shall be computed by determining
2 the total of the aggregate days of attendance by regularly
3 enrolled, full-time pupils during the current school fiscal
4 year plus the aggregate days of absence by regularly
5 enrolled, full-time pupils during the current school fiscal
6 year, and by dividing such total by ~~one--hundred--eighty~~
7 ~~(180)~~. However, when a school district has approval to
8 operate less than 180 school days under 75-7402, such total
9 shall be divided by the actual number of approved pupil
10 instruction days. Attendance for a part of a morning session
11 or a part of an afternoon session by a pupil shall be
12 counted as attendance for one-half ~~(1/2)~~ day. In
13 calculating the ANB for pupils enrolled in a program
14 established under section 75-7507 prior to January 1, 1974,
15 or pursuant to section 75-7507 (1), attendance at, or
16 absence from, a regular session of the program for at least
17 two hours of either a morning or an afternoon session will
18 be counted as one-half ~~(1/2)~~ of a day attended or absent as
19 the case may be. If a variance has been granted as provided
20 in section 75-7403, ANB will be computed in a manner
21 prescribed by the superintendent of public instruction but
22 in no case shall the ANB exceed one-half ~~(1/2)~~ for each
23 kindergarten pupil. When any pupil has been absent, with or
24 without excuse, for more than ~~ten--(10)~~ consecutive school
25 days, including pupil instruction related days, his absence

1 after the tenth-{10th} day of absence shall not be included
 2 in the aggregate days of absence and his enrollment in the
 3 school shall not be considered in the calculation of the
 4 average number belonging until he resumes attendance at
 5 school.

6 If a student spends less than half his time in the
 7 regular program and the balance of his time in school in the
 8 special education program, he shall be considered a
 9 full-time special pupil but shall not be considered
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 19 junior high school in an elementary district which has been
 20 approved and accredited as a junior high school, is located
 21 within the incorporated limits of a city or town, the
 22 average number belonging of such schools shall be based on
 23 the aggregate of all the regularly enrolled, full-time
 24 pupils attending such schools located within the
 25 incorporated limits of a city or town;

1 (2) a junior high school which has been approved and
 2 accredited as a junior high school is located within the
 3 incorporated limits of a city or town in which a high school
 4 is located, all of the regularly enrolled, full-time pupils
 5 of the junior high school shall be considered as high school
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 7 number belonging of the high schools located within the
 8 incorporated limits of such city or town;

9 (3) a middle school has been approved and accredited,
 10 in which case pupils below the seventh grade shall be
 11 considered elementary school pupils for ANB purposes, and
 12 the seventh and eighth grade pupils shall be considered high
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 17 average number belonging calculation purposes, nor will an
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LC 0913/01

1 public instruction

-End-

HOUSE BILL NO. 448

INTRODUCED BY BARRETT, STOBIE,

DAY, BENGTSON, KROPP, ERNST, WYRICK

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SCHOOL DISTRICTS TO OPERATE LESS THAN 180 DAYS UNDER CERTAIN EMERGENCY CONDITIONS WITH THE APPROVAL OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING FOR FORFEITURE OF A DISTRICT'S SHARE OF STATE EQUALIZATION FUNDS WHEN A LESSER SCHOOL TERM IS NOT APPROVED; AMENDING SECTIONS ~~75-6513~~ 75-6512, 75-6902, AND 75-7402, R.C.M. 1947."

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~~the approval of the superintendent of public instruction in accordance with policies of the board of public education. Application for approval must be made within 10 days following the occurrence of the emergency. Approval is limited to a total of not more than 3 such emergency days in any school fiscal year. Unless a lesser number of days has been approved by the superintendent of public instruction as provided above, any district that fails to provide for at least ~~one-hundred-eighty~~{180} school days of pupil instruction shall may not be entitled to receive any apportionment of the state interest-and-income equalization funds. Any such forfeited moneys shall be apportioned by the county superintendent to the other elementary districts of his county"~~

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2 are qualified electors of the district that can and will
3 serve as the trustees and clerk of the district so that a
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-End-