

1 House BILL NO. 608
 2 INTRODUCED BY Barrett Buckner Murphy Stutz
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW SCHOOL
 5 DISTRICTS TO OPERATE LESS THAN ONE HUNDRED EIGHTY (180) DAYS
 6 UNDER CERTAIN EMERGENCY CONDITIONS WITH THE APPROVAL OF THE
 7 SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING FOR
 8 FORFEITURE OF A DISTRICT'S SHARE OF STATE EQUALIZATION FUNDS
 9 WHEN A LESSER SCHOOL TERM IS NOT APPROVED; AMENDING SECTIONS
 10 75-7402, AND 75-6902, 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 school to protect the health
 23 and safety of the pupils, a school district may conduct
 24 fewer than one hundred eighty (180) school days of pupil
 25 instruction with the approval of the superintendent of

1 public instruction in accordance with policies of the board
 2 of public education. Application for approval must be made
 3 no more than ten (10) days following the occurrence of the
 4 emergency and approval shall be limited to a total of not
 5 more than three (3) such emergency days in any school fiscal
 6 year. Unless a lesser number of days has been approved by
 7 the superintendent of public instruction as provided above,
 8 Any any district that fails to provide for at least one
 9 hundred eighty (180) school days of pupil instruction shall
 10 not be entitled to receive any apportionment of the state
 11 interest--and--income equalization funds. Any such forfeited
 12 moneys shall be apportioned by the county superintendent--to
 13 the other elementary districts of his county."

14 Section 2. Section 75-6902, R.C.M. 1947, is amended to
 15 read as follows:

16 "75-6902. Definition and calculation of average number
 17 belonging (ANB). The term "average number belonging" or
 18 "ANB" shall mean the average number of regularly enrolled,
 19 full-time pupils attending the public schools of a district.
 20 Average number belonging shall be computed by determining
 21 the total of the aggregate days of attendance by regularly
 22 enrolled, full-time pupils during the current school fiscal
 23 year plus the aggregate days of absence by regularly
 24 enrolled, full-time pupils during the current school fiscal
 25 year, and by dividing such total by one hundred eighty

1 (180). However, when a school district has approval to
 2 operate less than one hundred eighty (180) school days under
 3 section 75-7402, such total shall be divided by the actual
 4 number of approved pupil instruction days. Attendance for a
 5 part of a morning session or a part of an afternoon session
 6 by a pupil shall be counted as attendance for one-half (1/2)
 7 day. In calculating the ANB for pupils enrolled in a
 8 program established under section 75-7507 prior to January
 9 1, 1974, or pursuant to section 75-7507 (1), attendance at,
 10 or absence from, a regular session of the program for at
 11 least two hours of either a morning or an afternoon session
 12 will be counted as one-half (1/2) of a day attended or
 13 absent as the case may be. If a variance has been granted
 14 as provided in section 75-7403, ANB will be computed in a
 15 manner prescribed by the superintendent of public
 16 instruction but in no case shall the ANB exceed one-half
 17 (1/2) for each kindergarten pupil. When any pupil has been
 18 absent, with or without excuse, for more than ten (10)
 19 consecutive school days, including pupil instruction related
 20 days, his absence after the tenth (10th) day of absence
 21 shall not be included in the aggregate days of absence and
 22 his enrollment in the school shall not be considered in the
 23 calculation of the average number belonging until he resumes
 24 attendance at school.

25 If a student spends less than half his time in the

1 regular program and the balance of his time in school in the
 2 special education program, he shall be considered a
 3 full-time special pupil but shall not be considered
 4 regularly enrolled for ANB purposes. If a student spends
 5 half or more of his time in school in the regular program
 6 and the balance of his time in the special education program
 7 he shall be considered regularly enrolled for ANB purposes.

8 The average number belonging of the regularly enrolled,
 9 full-time pupils for the public schools of a district shall
 10 be calculated, individually, for each school except that
 11 when:

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

20 (2) a junior high school which has been approved and
 21 accredited as a junior high school is located within the
 22 incorporated limits of a city or town in which a high school
 23 is located, all of the regularly enrolled, full-time pupils
 24 of the junior high school shall be considered as high school
 25 district pupils for the purposes of calculating the average

1 number belonging of the high schools located within the
2 incorporated limits of such city or town;

3 (3) a middle school has been approved and accredited,
4 in which case pupils below the seventh grade shall be
5 considered elementary school pupils for ANB purposes, and
6 the seventh and eighth grade pupils shall be considered high
7 school pupils for ANB purposes; or

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

-End-

SECOND READING

MISSING

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