

CHAPTER NO. 334.

HOUSE BILL NO. 175

INTRODUCED BY BENGTON, BURNETT

IN THE HOUSE

January 15, 1979	Introduced and referred to Committee on Education and Cultural Resources.
January 29, 1979	Committee recommend bill do pass as amended. Report adopted.
January 30, 1979	Printed and placed on members' desks.
February 1, 1979	Second reading, do pass as amended.
February 2, 1979	Correctly engrossed.
February 5, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on Education.
March 10, 1979	Committee recommend bill be concurred in. Report adopted.
March 13, 1979	Second reading, concurred in.
March 16, 1979	Third reading, concurred in.

IN THE HOUSE

March 17, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	--

1 HOUSE BILL NO. 175
 2 INTRODUCED BY Bangston, Burnett
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING UNIFORM
 5 AGE REQUIREMENTS FOR ENTRANCE INTO ALL PUBLIC SCHOOLS IN THE
 6 STATE OF MONTANA; PROVIDING AN EFFECTIVE DATE; AND AMENDING
 7 SECTIONS 20-1-101, 20-5-101, 20-7-117, AND 20-9-313, MCA."

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

10 Section 1. Section 20-1-101, MCA, is amended to read:
 11 "20-1-101. Definitions. As used in this title, unless
 12 the context clearly indicates otherwise, the following
 13 definitions apply:

14 (1) "Agricultural experiment station" means the
 15 agricultural experiment station established at Montana state
 16 university.

17 (2) "Average number belonging" or "ANB" shall mean the
 18 average number of regularly enrolled, full-time pupils
 19 attending the public schools of a district.

20 (3) "The board of public education" is the board
 21 created by Article X, section 9, subsection (3) of the 1972
 22 Montana constitution and 2-15-1507.

23 (4) "Board of regents" means the board of regents of
 24 higher education created by Article X, section 9, subsection
 25 (2) of the 1972 Montana constitution and 2-15-1505.

1 (5) "Commissioner" means the commissioner of higher
 2 education created by Article X, section 9, subsection (2) of
 3 the 1972 Montana constitution and 2-15-1506.

4 (6) "County superintendent" means the county
 5 government official who is the school officer of the county.

6 (7) "District superintendent" means any person who
 7 holds a valid class 3 Montana teacher certificate with a
 8 superintendent's endorsement that has been issued by the
 9 superintendent of public instruction under the provisions of
 10 this title and the policies adopted by the board of public
 11 education and who has been employed by a district as a
 12 district superintendent.

13 (8) "Postsecondary vocational-technical center" means
 14 a school used principally for the provision of postsecondary
 15 vocational-technical education to persons who qualify as
 16 postsecondary vocational-technical pupils. These centers are
 17 designated by the board of public education upon direction
 18 by the legislature. All other public or private schools are
 19 hereby prohibited from using this title.

20 (9) "Postsecondary vocational-technical education"
 21 means vocational-technical education of postsecondary
 22 vocational-technical pupils which is conducted by a
 23 postsecondary vocational-technical center or other programs
 24 as designated by the board of public education.
 25 Postsecondary vocational-technical education shall include

1 the 13th and 14th year and beyond but will not include work
2 toward a baccalaureate degree.

3 (10) "Postsecondary vocational-technical pupil" means a
4 person who has completed or left school, is at least 16
5 years of age, and is available for study in preparation for
6 entering the labor market, for reentering the labor market,
7 or for employment stability or advancement in employment.

8 (11) "Principal" means any person who holds a valid
9 class 3 Montana teacher certificate with an applicable
10 principal's endorsement that has been issued by the
11 superintendent of public instruction under the provisions of
12 this title and the policies adopted by the board of public
13 education and who has been employed by a district as a
14 principal. For the purposes of this title, any reference to
15 a teacher shall be construed as including a principal, as
16 herein defined.

17 (12) "Pupil" means any child who is 6 years of age or
18 older on or before September 1, or the first official pupil
19 instruction day of the district, of the year in which the
20 child is to enroll but has not yet reached his 21st birthday
21 and who is enrolled in a school established and maintained
22 under the laws of the state of Montana at public expense.

23 (13) "Pupil instruction" means the conduct of organized
24 instruction of pupils enrolled in public schools while under
25 the supervision of a teacher.

1 (14) "Regents" means the board of regents of higher
2 education.

3 (15) "School food services" means a service of
4 providing food for the pupils of a district on a nonprofit
5 basis and shall include any food service financially
6 assisted through funds or commodities provided by the United
7 States government.

8 (16) "The state board of education" is the board
9 composed of the board of public education and the board of
10 regents as specified in Article X, section 9, subsection (1)
11 of the 1972 Montana constitution.

12 (17) "State university" means the Montana state
13 university, located at Bozeman.

14 (18) "Superintendent of public instruction" means that
15 state government official designated as a member of the
16 executive branch by the constitution of Montana.

17 (19) "System" means the Montana university system.

18 (20) "Teacher" means any person, except a district
19 superintendent, who holds a valid Montana teacher
20 certificate that has been issued by the superintendent of
21 public instruction under the provisions of this title and
22 the policies adopted by the board of public education and
23 who is employed by a district as a member of its
24 instructional, supervisory, or administrative staff. This
25 definition of a teacher shall also include any person for

1 whom an emergency authorization of employment of such person
2 has been issued under the provisions of 20-4-111.

3 (21) "Textbook" means a book or manual used as a
4 principal source of study material for a given class or
5 group of students.

6 (22) "Textbook dealer" means any party, company,
7 corporation, or other organization selling, offering to
8 sell, or offering for adoption textbooks to districts in the
9 state of Montana.

10 (23) "Trustees" means the governing board of a
11 district.

12 (24) "University" means the university of Montana,
13 located at Missoula.

14 (25) "Vocational education" means the instruction to
15 prepare or improve the pupil for gainful employment that
16 does not require a baccalaureate or higher degree. This
17 definition of vocational education shall include guidance
18 and prevocational, related, or technical instruction
19 necessary to prepare the pupil for further vocational
20 education or for entry into employment."

21 Section 2. Section 20-5-101, MCA, is amended to read:

22 "20-5-101. Admittance of child to school. (1) The
23 trustees shall assign and admit any child to a school in the
24 district when the child is:

25 (a) 6 years of age or older on or before September 1,

1 or the first official pupil instruction day of the district,
2 of the year in which the child is to enroll but has not yet
3 reached his 21st birthday;

4 (b) a resident of the district; and

5 (c) otherwise qualified under the provisions of this
6 title to be admitted to such school.

7 ~~{2}--in-complying-with-subsection-(1)(a)-above-the~~
8 ~~trustees-shall-have-the-authority-to-establish-reasonable~~
9 ~~age-requirements-for-entry-into-the-1st-grade-so-long-as-an~~
10 ~~otherwise-qualified-child-is-permitted-to-enter-the-1st~~
11 ~~grade-sometime-during-his-seventh-year-or-earlier~~

12 {3}{2} The trustees of any district shall have the
13 authority to assign and admit any nonresident child to a
14 school in the district under the tuition provisions of this
15 title."

16 Section 3. Section 20-7-117, MCA, is amended to read:

17 "20-7-117. Five-year-old schooling and preschool
18 programs. (1) The trustees of an elementary district may
19 establish a program capable of accommodating, at a minimum,
20 all the children in the district who will be 5 years old on
21 or before ~~the-1st-grade-enrollment-closing-date-established~~
22 ~~by-the-district-trustees--for~~ September 1, or the first
23 official pupil instruction day of the district, of the
24 school year for which the program is to be conducted. The
25 program shall be an integral part of the elementary school

1 and shall be financed and governed accordingly, provided
 2 that to be eligible for inclusion in the calculation of ANB
 3 pursuant to 20-9-311, a child must have reached the age of 5
 4 on or before ~~the 1st grade enrollment closing date~~
 5 ~~established by the district trustees for September 15 or the~~
 6 first official pupil instruction day of the district, of the
 7 school year covered by the calculation.

8 (2) The trustees of an elementary school district may
 9 establish and operate a free preschool program for children
 10 between the ages of 3 and 5 years. When such preschool
 11 programs are established, they shall be an integral part of
 12 the elementary school and shall be governed accordingly.
 13 Financing of preschool programs shall not be supported by
 14 moneys available from state equalization aid."

15 Section 4. Section 20-9-313, MCA, is amended to read:

16 "20-9-313. Circumstances under which the regular
 17 average number belonging may be increased. The average
 18 number belonging of a school for a given school fiscal year,
 19 calculated in accordance with the ANB formula prescribed in
 20 20-9-311, may be increased when:

21 (1) the opening of a new elementary school or the
 22 reopening of an elementary school has been approved in
 23 accordance with 20-6-502. The average number belonging for
 24 such school shall be established by the county
 25 superintendent and approved, disapproved, or adjusted by the

1 superintendent of public instruction.

2 (2) the opening or reopening of a high school or a
 3 branch of the county high school has been approved in
 4 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
 5 number belonging for such high school shall be established
 6 by the county superintendent's estimate, after an
 7 investigation of the probable number of pupils that will
 8 attend such high school.

9 (3) a district anticipates an increase in the average
 10 number belonging due to the closing of any private or public
 11 school in the district or a neighboring district. The
 12 estimated increase in average number belonging shall be
 13 established by the trustees and the county superintendent
 14 and approved, disapproved, or adjusted by the superintendent
 15 of public instruction no later than the fourth Monday in
 16 June.

17 (4) a district anticipates an unusual enrollment
 18 increase in the ensuing school fiscal year. The increase in
 19 average number belonging shall be based on estimates of
 20 increased enrollment approved by the superintendent of
 21 public instruction and shall be computed in the manner
 22 prescribed by 20-9-314.

23 (5) for the initial year of operation of a program
 24 established under 20-7-117(1), the ANB to be used for budget
 25 purposes is the same as one-half the number of 5-year-old

1 children residing in the district as of ~~October~~ September 1
2 of the preceding school year, either as shown on the
3 official school census or as determined by some other
4 procedure approved by the superintendent of public
5 instruction;

6 (6) a special full-time pupil, as defined in 20-9-311,
7 in a given school year will no longer be considered a
8 special full-time pupil in the ensuing school year (the
9 superintendent of public instruction may grant one ANB for
10 such pupil for the ensuing school year); or

11 (7) a high school district provides early graduation
12 for any student who completes graduation requirements in
13 less than eight semesters or the equivalent amount of
14 secondary school enrollment. The increase shall be
15 established by the trustees as though the student had
16 attended to the end of the school year and shall be
17 approved, disapproved, or adjusted by the superintendent of
18 public instruction."

19 Section 5. Effective date. This act is effective on
20 July 1, 1980.

-End-

HB 175

Approved by Committee
on Education &
Cultural Resources

HOUSE BILL NO. 175

INTRODUCED BY BENGTSO, BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING UNIFORM
AGE REQUIREMENTS FOR ENTRANCE INTO ALL PUBLIC SCHOOLS IN THE
STATE OF MONTANA; PROVIDING AN EFFECTIVE DATE; AND AMENDING
SECTIONS 20-1-101, 20-5-101, 20-7-117, AND 20-9-313, MCA."

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

Section 1. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless
the context clearly indicates otherwise, the following
definitions apply:

(1) "Agricultural experiment station" means the
agricultural experiment station established at Montana state
university.

(2) "Average number belonging" or "ANB" shall mean the
average number of regularly enrolled, full-time pupils
attending the public schools of a district.

(3) "The board of public education" is the board
created by Article X, section 9, subsection (3) of the 1972
Montana constitution and 2-15-1507.

(4) "Board of regents" means the board of regents of
higher education created by Article X, section 9, subsection
(2) of the 1972 Montana constitution and 2-15-1505.

(5) "Commissioner" means the commissioner of higher
education created by Article X, section 9, subsection (2) of
the 1972 Montana constitution and 2-15-1506.

(6) "County superintendent" means the county
government official who is the school officer of the county.

(7) "District superintendent" means any person who
holds a valid class 3 Montana teacher certificate with a
superintendent's endorsement that has been issued by the
superintendent of public instruction under the provisions of
this title and the policies adopted by the board of public
education and who has been employed by a district as a
district superintendent.

(8) "Postsecondary vocational-technical center" means
a school used principally for the provision of postsecondary
vocational-technical education to persons who qualify as
postsecondary vocational-technical pupils. These centers are
designated by the board of public education upon direction
by the legislature. All other public or private schools are
hereby prohibited from using this title.

(9) "Postsecondary vocational-technical education"
means vocational-technical education of postsecondary
vocational-technical pupils which is conducted by a
postsecondary vocational-technical center or other programs
as designated by the board of public education.
Postsecondary vocational-technical education shall include

1 the 13th and 14th year and beyond but will not include work
2 toward a baccalaureate degree.

3 (10) "Postsecondary vocational-technical pupil" means a
4 person who has completed or left school, is at least 16
5 years of age, and is available for study in preparation for
6 entering the labor market, for reentering the labor market,
7 or for employment stability or advancement in employment.

8 (11) "Principal" means any person who holds a valid
9 class 3 Montana teacher certificate with an applicable
10 principal's endorsement that has been issued by the
11 superintendent of public instruction under the provisions of
12 this title and the policies adopted by the board of public
13 education and who has been employed by a district as a
14 principal. For the purposes of this title, any reference to
15 a teacher shall be construed as including a principal, as
16 herein defined.

17 (12) "Pupil" means any child who is 6 years of age or
18 older ~~on or before September 1, or the first official pupil~~
19 ~~instruction day of the district,~~ 10 of the year in which the
20 child is to enroll but has not yet reached his 21st birthday
21 and who is enrolled in a school established and maintained
22 under the laws of the state of Montana at public expense.

23 (13) "Pupil instruction" means the conduct of organized
24 instruction of pupils enrolled in public schools while under
25 the supervision of a teacher.

1 (14) "Regents" means the board of regents of higher
2 education.

3 (15) "School food services" means a service of
4 providing food for the pupils of a district on a nonprofit
5 basis and shall include any food service financially
6 assisted through funds or commodities provided by the United
7 States government.

8 (16) "The state board of education" is the board
9 composed of the board of public education and the board of
10 regents as specified in Article X, section 9, subsection (1)
11 of the 1972 Montana constitution.

12 (17) "State university" means the Montana state
13 university, located at Bozeman.

14 (18) "Superintendent of public instruction" means that
15 state government official designated as a member of the
16 executive branch by the constitution of Montana.

17 (19) "System" means the Montana university system.

18 (20) "Teacher" means any person, except a district
19 superintendent, who holds a valid Montana teacher
20 certificate that has been issued by the superintendent of
21 public instruction under the provisions of this title and
22 the policies adopted by the board of public education and
23 who is employed by a district as a member of its
24 instructional, supervisory, or administrative staff. This
25 definition of a teacher shall also include any person for

1 whom an emergency authorization of employment of such person
2 has been issued under the provisions of 20-4-111.

3 (21) "Textbook" means a book or manual used as a
4 principal source of study material for a given class or
5 group of students.

6 (22) "Textbook dealer" means any party, company,
7 corporation, or other organization selling, offering to
8 sell, or offering for adoption textbooks to districts in the
9 state of Montana.

10 (23) "Trustees" means the governing board of a
11 district.

12 (24) "University" means the university of Montana,
13 located at Missoula.

14 (25) "Vocational education" means the instruction to
15 prepare or improve the pupil for gainful employment that
16 does not require a baccalaureate or higher degree. This
17 definition of vocational education shall include guidance
18 and prevocational, related, or technical instruction
19 necessary to prepare the pupil for further vocational
20 education or for entry into employment."

21 Section 2. Section 20-5-101, MCA, is amended to read:

22 "20-5-101. Admittance of child to school. (1) The
23 trustees shall assign and admit any child to a school in the
24 district when the child is:

25 (a) 6 years of age or older on or before September 15

1 ~~or the first official pupil instruction day of the district~~
2 10 of the year in which the child is to enroll but has not
3 yet reached his 21st birthday;

4 (b) a resident of the district; and

5 (c) otherwise qualified under the provisions of this
6 title to be admitted to such school.

7 ~~(2) In complying with subsection (1)(a) above, the~~
8 ~~trustees shall have the authority to establish reasonable~~
9 ~~age requirements for entry into the 1st grade so long as an~~
10 ~~otherwise qualified child is permitted to enter the 1st~~
11 ~~grade sometime during his seventh year or earlier.~~

12 (2) The trustees of any district shall have the
13 authority to assign and admit any nonresident child to a
14 school in the district under the tuition provisions of this
15 title."

16 Section 3. Section 20-7-117, MCA, is amended to read:

17 "20-7-117. Five-year-old schooling and preschool
18 programs. (1) The trustees of an elementary district may
19 establish a program capable of accommodating, at a minimum,
20 all the children in the district who will be 5 years old on
21 or before ~~the 1st grade enrollment closing date established~~
22 ~~by the district trustees for September 15 or the first~~
23 ~~official pupil instruction day of the district~~ 10 of the
24 school year for which the program is to be conducted. The
25 program shall be an integral part of the elementary school

1 and shall be financed and governed accordingly, provided
 2 that to be eligible for inclusion in the calculation of ANB
 3 pursuant to 20-9-311, a child must have reached the age of 5
 4 on or before ~~the 1st grade enrollment closing date~~
 5 ~~established by the district trustees for September 1, or the~~
 6 ~~first official pupil instruction day of the district, 10 of~~
 7 the school year covered by the calculation.

8 (2) The trustees of an elementary school district may
 9 establish and operate a free preschool program for children
 10 between the ages of 3 and 5 years. When such preschool
 11 programs are established, they shall be an integral part of
 12 the elementary school and shall be governed accordingly.
 13 Financing of preschool programs shall not be supported by
 14 moneys available from state equalization aid."

15 Section 4. Section 20-9-313, MCA, is amended to read:

16 "20-9-313. Circumstances under which the regular
 17 average number belonging may be increased. The average
 18 number belonging of a school for a given school fiscal year,
 19 calculated in accordance with the ANB formula prescribed in
 20 20-9-311, may be increased when:

21 (1) the opening of a new elementary school or the
 22 reopening of an elementary school has been approved in
 23 accordance with 20-6-502. The average number belonging for
 24 such school shall be established by the county
 25 superintendent and approved, disapproved, or adjusted by the

1 superintendent of public instruction.

2 (2) the opening or reopening of a high school or a
 3 branch of the county high school has been approved in
 4 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
 5 number belonging for such high school shall be established
 6 by the county superintendent's estimate, after an
 7 investigation of the probable number of pupils that will
 8 attend such high school.

9 (3) a district anticipates an increase in the average
 10 number belonging due to the closing of any private or public
 11 school in the district or a neighboring district. The
 12 estimated increase in average number belonging shall be
 13 established by the trustees and the county superintendent
 14 and approved, disapproved, or adjusted by the superintendent
 15 of public instruction no later than the fourth Monday in
 16 June.

17 (4) a district anticipates an unusual enrollment
 18 increase in the ensuing school fiscal year. The increase in
 19 average number belonging shall be based on estimates of
 20 increased enrollment approved by the superintendent of
 21 public instruction and shall be computed in the manner
 22 prescribed by 20-9-314.

23 (5) for the initial year of operation of a program
 24 established under 20-7-117(1), the ANB to be used for budget
 25 purposes is the same as one-half the number of 5-year old

1 children residing in the district as of ~~October~~ September 1
2 10 of the preceding school year, either as shown on the
3 official school census or as determined by some other
4 procedure approved by the superintendent of public
5 instructions;

6 (6) a special full-time pupil, as defined in 20-9-311,
7 in a given school year will no longer be considered a
8 special full-time pupil in the ensuing school year (the
9 superintendent of public instruction may grant one ANB for
10 such pupil for the ensuing school year); or

11 (7) a high school district provides early graduation
12 for any student who completes graduation requirements in
13 less than eight semesters or the equivalent amount of
14 secondary school enrollment. The increase shall be
15 established by the trustees as though the student had
16 attended to the end of the school year and shall be
17 approved, disapproved, or adjusted by the superintendent of
18 public instruction."

19 Section 5. Effective date. This act is effective on
20 July 1, 1980.

-End-

1 HOUSE BILL NO. 175

2 INTRODUCED BY BENGTON, BURNETT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING UNIFORM
5 AGE REQUIREMENTS FOR ENTRANCE INTO ALL PUBLIC SCHOOLS IN THE
6 STATE OF MONTANA; PROVIDING AN EFFECTIVE DATE; AND AMENDING
7 SECTIONS 20-1-101, 20-5-101, 20-7-117, AND 20-9-313, MCA."

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

10 Section 1. Section 20-1-101, MCA, is amended to read:

11 "20-1-101. Definitions. As used in this title, unless
12 the context clearly indicates otherwise, the following
13 definitions apply:

14 (1) "Agricultural experiment station" means the
15 agricultural experiment station established at Montana state
16 university.

17 (2) "Average number belonging" or "ANB" shall mean the
18 average number of regularly enrolled, full-time pupils
19 attending the public schools of a district.

20 (3) "The board of public education" is the board
21 created by Article X, section 9, subsection (3) of the 1972
22 Montana constitution and 2-15-1507.

23 (4) "Board of regents" means the board of regents of
24 higher education created by Article X, section 9, subsection
25 (2) of the 1972 Montana constitution and 2-15-1505.

1 (5) "Commissioner" means the commissioner of higher
2 education created by Article X, section 9, subsection (2) of
3 the 1972 Montana constitution and 2-15-1506.

4 (6) "County superintendent" means the county
5 government official who is the school officer of the county.

6 (7) "District superintendent" means any person who
7 holds a valid class 3 Montana teacher certificate with a
8 superintendent's endorsement that has been issued by the
9 superintendent of public instruction under the provisions of
10 this title and the policies adopted by the board of public
11 education and who has been employed by a district as a
12 district superintendent.

13 (8) "Postsecondary vocational-technical center" means
14 a school used principally for the provision of postsecondary
15 vocational-technical education to persons who qualify as
16 postsecondary vocational-technical pupils. These centers are
17 designated by the board of public education upon direction
18 by the legislature. All other public or private schools are
19 hereby prohibited from using this title.

20 (9) "Postsecondary vocational-technical education"
21 means vocational-technical education of postsecondary
22 vocational-technical pupils which is conducted by a
23 postsecondary vocational-technical center or other programs
24 as designated by the board of public education.
25 Postsecondary vocational-technical education shall include

1 the 13th and 14th year and beyond but will not include work
2 toward a baccalaureate degree.

3 (10) "Postsecondary vocational-technical pupil" means a
4 person who has completed or left school, is at least 16
5 years of age and is available for study in preparation for
6 entering the labor market, for reentering the labor market,
7 or for employment stability or advancement in employment.

8 (11) "Principal" means any person who holds a valid
9 class 3 Montana teacher certificate with an applicable
10 principal's endorsement that has been issued by the
11 superintendent of public instruction under the provisions of
12 this title and the policies adopted by the board of public
13 education and who has been employed by a district as a
14 principal. For the purposes of this title, any reference to
15 a teacher shall be construed as including a principal, as
16 herein defined.

17 (12) "Pupil" means any child who is 6 years of age or
18 older ~~on or before September 1st or the first official pupil~~
19 ~~instruction day of the district~~ 10 of the year in which the
20 child is to enroll OR HAS BEEN ENROLLED BY SPECIAL
21 PERMISSION OF THE BOARD OF TRUSTEES UNDER 20-5-101(3) but
22 has not yet reached his 21st birthday and who is enrolled in
23 a school established and maintained under the laws of the
24 state of Montana at public expense.

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
4 education.

5 (15) "School food services" means a service of
6 providing food for the pupils of a district on a nonprofit
7 basis and shall include any food service financially
8 assisted through funds or commodities provided by the United
9 States government.

10 (16) "The state board of education" is the board
11 composed of the board of public education and the board of
12 regents as specified in Article X, section 9, subsection (1)
13 of the 1972 Montana constitution.

14 (17) "State university" means the Montana state
15 university, located at Bozeman.

16 (18) "Superintendent of public instruction" means that
17 state government official designated as a member of the
18 executive branch by the constitution of Montana.

19 (19) "System" means the Montana university system.

20 (20) "Teacher" means any person, except a district
21 superintendent, who holds a valid Montana teacher
22 certificate that has been issued by the superintendent of
23 public instruction under the provisions of this title and
24 the policies adopted by the board of public education and
25 who is employed by a district as a member of its

1 instructional, supervisory, or administrative staff. This
 2 definition of a teacher shall also include any person for
 3 whom an emergency authorization of employment of such person
 4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
 6 principal source of study material for a given class or
 7 group of students.

8 (22) "Textbook dealer" means any party, company,
 9 corporation, or other organization selling, offering to
 10 sell, or offering for adoption textbooks to districts in the
 11 state of Montana.

12 (23) "Trustees" means the governing board of a
 13 district.

14 (24) "University" means the university of Montana,
 15 located at Missoula.

16 (25) "Vocational education" means the instruction to
 17 prepare or improve the pupil for gainful employment that
 18 does not require a baccalaureate or higher degree. This
 19 definition of vocational education shall include guidance
 20 and prevocational, related, or technical instruction
 21 necessary to prepare the pupil for further vocational
 22 education or for entry into employment."

23 Section 2. Section 20-5-101, MCA, is amended to read:

24 "20-5-101. Admittance of child to school. (1) The
 25 trustees shall assign and admit any child to a school in the

1 district when the child is:

2 (a) 6 years of age or older on or before September 15
 3 ~~or the first official pupil instruction day of the district~~
 4 10 of the year in which the child is to enroll but has not
 5 yet reached his 21st birthday;

6 (b) a resident of the district; and

7 (c) otherwise qualified under the provisions of this
 8 title to be admitted to such school.

9 ~~(2) In complying with subsection (1)(c) above, the~~
 10 ~~trustees shall have the authority to establish reasonable~~
 11 ~~age requirements for entry into the 1st grade so long as an~~
 12 ~~otherwise qualified child is permitted to enter the 1st~~
 13 ~~grade sometime during his seventh year or earlier.~~

14 (3)(2) The trustees of any district shall have the
 15 authority to assign and admit any nonresident child to a
 16 school in the district under the tuition provisions of this
 17 title.

18 (3) THE TRUSTEES OF ANY DISTRICT SHALL BE EMPOWERED TO
 19 ADMIT A CHILD WHO DOES NOT MEET THE AGE REQUIREMENTS IF IN
 20 THEIR JUDGMENT THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH
 21 MERIT WAIVING THE AGE PROVISION OF THIS SECTION."

22 Section 3. Section 20-7-117, MCA, is amended to read:

23 "20-7-117. Five-year-old schooling and preschool
 24 programs. (1) The trustees of an elementary district may
 25 establish a program capable of accommodating, at a minimum,

1 all the children in the district who will be 5 years old on
 2 or before the ~~1st-grade-enrollment-closing-date--established~~
 3 ~~by--the--district--trustees--for September 1x-or-the-first~~
 4 ~~official-pupil-instruction-day-of-the-districtx 1Q~~ of the
 5 school year for which the program is to be conducted OR HAS
 6 BEEN ENROLLED BY SPECIAL PERMISSION OF THE BOARD OF
 7 TRUSTEES. The program shall be an integral part of the
 8 elementary school and shall be financed and governed
 9 accordingly, provided that to be eligible for inclusion in
 10 the calculation of ANB pursuant to 20-9-311, a child must
 11 have reached the age of 5 on or before the ~~1st-grade~~
 12 ~~enrollment-closing-date-established-by-the-district-trustees~~
 13 ~~for September 1x-or-the-first-official-pupil-instruction-day~~
 14 ~~of-the-districtx 1Q~~ of the school year covered by the
 15 calculation OR HAS BEEN ENROLLED BY SPECIAL PERMISSION OF
 16 THE BOARD OF TRUSTEES.

17 (2) The trustees of an elementary school district may
 18 establish and operate a free preschool program for children
 19 between the ages of 3 and 5 years. When such preschool
 20 programs are established, they shall be an integral part of
 21 the elementary school and shall be governed accordingly.
 22 Financing of preschool programs shall not be supported by
 23 moneys available from state equalization aid."

24 Section 4. Section 20-9-313, MCA, is amended to read:
 25 "20-9-313. Circumstances under which the regular

1 average number belonging may be increased. The average
 2 number belonging of a school for a given school fiscal year,
 3 calculated in accordance with the ANB formula prescribed in
 4 20-9-311, may be increased when:

5 (1) the opening of a new elementary school or the
 6 reopening of an elementary school has been approved in
 7 accordance with 20-6-502. The average number belonging for
 8 such school shall be established by the county
 9 superintendent and approved, disapproved, or adjusted by the
 10 superintendent of public instruction.

11 (2) the opening or reopening of a high school or a
 12 branch of the county high school has been approved in
 13 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
 14 number belonging for such high school shall be established
 15 by the county superintendent's estimate, after an
 16 investigation of the probable number of pupils that will
 17 attend such high school.

18 (3) a district anticipates an increase in the average
 19 number belonging due to the closing of any private or public
 20 school in the district or a neighboring district. The
 21 estimated increase in average number belonging shall be
 22 established by the trustees and the county superintendent
 23 and approved, disapproved, or adjusted by the superintendent
 24 of public instruction no later than the fourth Monday in
 25 June.

1 (4) a district anticipates an unusual enrollment
 2 increase in the ensuing school fiscal year. The increase in
 3 average number belonging shall be based on estimates of
 4 increased enrollment approved by the superintendent of
 5 public instruction and shall be computed in the manner
 6 prescribed by 20-9-314.

7 (5) for the initial year of operation of a program
 8 established under 20-7-117(1), the ANB to be used for budget
 9 purposes is the same as one-half the number of 5-year-old
 10 children residing in the district as of ~~October~~ September ~~1~~
 11 10 of the preceding school year, either as shown on the
 12 official school census or as determined by some other
 13 procedure approved by the superintendent of public
 14 instruction;

15 (6) a special full-time pupil, as defined in 20-9-311,
 16 in a given school year will no longer be considered a
 17 special full-time pupil in the ensuing school year (the
 18 superintendent of public instruction may grant one ANB for
 19 such pupil for the ensuing school year); or

20 (7) a high school district provides early graduation
 21 for any student who completes graduation requirements in
 22 less than eight semesters or the equivalent amount of
 23 secondary school enrollment. The increase shall be
 24 established by the trustees as though the student had
 25 attended to the end of the school year and shall be

1 approved, disapproved, or adjusted by the superintendent of
 2 public instruction."

3 Section 5. Effective date. This act is effective on
 4 July 1, 1980.

-End-

HOUSE BILL NO. 175

INTRODUCED BY BENGTSOON, BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING UNIFORM AGE REQUIREMENTS FOR ENTRANCE INTO ALL PUBLIC SCHOOLS IN THE STATE OF MONTANA; PROVIDING AN EFFECTIVE DATE; AND AMENDING SECTIONS 20-1-101, 20-5-101, 20-7-117, AND 20-9-313, MCA."

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

Section 1. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state university.

(2) "Average number belonging" or "ANB" shall mean the average number of regularly enrolled, full-time pupils attending the public schools of a district.

(3) "The board of public education" is the board created by Article X, section 9, subsection (3) of the 1972 Montana constitution and 2-15-1507.

(4) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2) of the 1972 Montana constitution and 2-15-1505.

(5) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2) of the 1972 Montana constitution and 2-15-1506.

(6) "County superintendent" means the county government official who is the school officer of the county.

(7) "District superintendent" means any person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(8) "Postsecondary vocational-technical center" means a school used principally for the provision of postsecondary vocational-technical education to persons who qualify as postsecondary vocational-technical pupils. These centers are designated by the board of public education upon direction by the legislature. All other public or private schools are hereby prohibited from using this title.

(9) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary vocational-technical pupils which is conducted by a postsecondary vocational-technical center or other programs as designated by the board of public education. Postsecondary vocational-technical education shall include

1 the 13th and 14th year and beyond but will not include work
2 toward a baccalaureate degree.

3 (10) "Postsecondary vocational-technical pupil" means a
4 person who has completed or left school, is at least 16
5 years of age, and is available for study in preparation for
6 entering the labor market, for reentering the labor market,
7 or for employment stability or advancement in employment.

8 (11) "Principal" means any person who holds a valid
9 class 3 Montana teacher certificate with an applicable
10 principal's endorsement that has been issued by the
11 superintendent of public instruction under the provisions of
12 this title and the policies adopted by the board of public
13 education and who has been employed by a district as a
14 principal. For the purposes of this title, any reference to
15 a teacher shall be construed as including a principal, as
16 herein defined.

17 (12) "Pupil" means any child who is 6 years of age or
18 older ~~on or before September 1, or the first official pupil~~
19 ~~instruction day of the district, 10 of the year in which the~~
20 ~~child is to enroll OR HAS BEEN ENROLLED BY SPECIAL~~
21 ~~PERMISSION OF THE BOARD OF TRUSTEES UNDER 20-5-101(3)~~ but
22 has not yet reached his 21st birthday and who is enrolled in
23 a school established and maintained under the laws of the
24 state of Montana at public expense.

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
4 education.

5 (15) "School food services" means a service of
6 providing food for the pupils of a district on a nonprofit
7 basis and shall include any food service financially
8 assisted through funds or commodities provided by the United
9 States government.

10 (16) "The state board of education" is the board
11 composed of the board of public education and the board of
12 regents as specified in Article X, section 9, subsection (1)
13 of the 1972 Montana constitution.

14 (17) "State university" means the Montana state
15 university, located at Bozeman.

16 (18) "Superintendent of public instruction" means that
17 state government official designated as a member of the
18 executive branch by the constitution of Montana.

19 (19) "System" means the Montana university system.

20 (20) "Teacher" means any person, except a district
21 superintendent, who holds a valid Montana teacher
22 certificate that has been issued by the superintendent of
23 public instruction under the provisions of this title and
24 the policies adopted by the board of public education and
25 who is employed by a district as a member of its

1 instructional, supervisory, or administrative staff. This
 2 definition of a teacher shall also include any person for
 3 whom an emergency authorization of employment of such person
 4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
 6 principal source of study material for a given class or
 7 group of students.

8 (22) "Textbook dealer" means any party, company,
 9 corporation, or other organization selling, offering to
 10 sell, or offering for adoption textbooks to districts in the
 11 state of Montana.

12 (23) "Trustees" means the governing board of a
 13 district.

14 (24) "University" means the university of Montana,
 15 located at Missoula.

16 (25) "Vocational education" means the instruction to
 17 prepare or improve the pupil for gainful employment that
 18 does not require a baccalaureate or higher degree. This
 19 definition of vocational education shall include guidance
 20 and prevocational, related, or technical instruction
 21 necessary to prepare the pupil for further vocational
 22 education or for entry into employment."

23 Section 2. Section 20-5-101, MCA, is amended to read:

24 "20-5-101. Admittance of child to school. (1) The
 25 trustees shall assign and admit any child to a school in the

1 district when the child is:

2 (a) 6 years of age or older on or before September 15
 3 ~~or the first official pupil instruction day of the district~~
 4 10 of the year in which the child is to enroll but has not
 5 yet reached his 21st birthday;

6 (b) a resident of the district; and

7 (c) otherwise qualified under the provisions of this
 8 title to be admitted to such school.

9 ~~(2) In complying with subsection (1)(a) above, the~~
 10 ~~trustees shall have the authority to establish reasonable~~
 11 ~~age requirements for entry into the 1st grade so long as an~~
 12 ~~otherwise qualified child is permitted to enter the 1st~~
 13 ~~grade sometime during his seventh year or earlier.~~

14 ~~(3) The trustees of any district shall have the~~
 15 ~~authority to assign and admit any nonresident child to a~~
 16 ~~school in the district under the tuition provisions of this~~
 17 ~~title.~~

18 (3) THE TRUSTEES OF ANY DISTRICT SHALL BE EMPOWERED TO
 19 ADMIT A CHILD WHO DOES NOT MEET THE AGE REQUIREMENTS IF IN
 20 THEIR JUDGMENT THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH
 21 MERIT WAIVING THE AGE PROVISION OF THIS SECTION."

22 Section 3. Section 20-7-117, MCA, is amended to read:

23 "20-7-117. Five-year-old schooling and preschool
 24 programs. (1) The trustees of an elementary district may
 25 establish a program capable of accommodating, at a minimum,

1 all the children in the district who will be 5 years old on
 2 or before the ~~1st-grade-enrollment-closing-date--established~~
 3 ~~by--the--district--trustees--for September 1x-or-the-first~~
 4 ~~official-pupil-instruction-day-of-the-districtx~~ 10 of the
 5 school year for which the program is to be conducted OR HAS
 6 BEEN ENROLLED BY SPECIAL PERMISSION OF THE BOARD OF
 7 TRUSTEES. The program shall be an integral part of the
 8 elementary school and shall be financed and governed
 9 accordingly, provided that to be eligible for inclusion in
 10 the calculation of ANB pursuant to 20-9-311, a child must
 11 have reached the age of 5 on, or before the ~~1st-grade~~
 12 ~~enrollment-closing-date-established-by-the-district-trustees~~
 13 ~~for September 1x-or-the-first-official-pupil-instruction-day~~
 14 ~~of-the-districtx~~ 10 of the school year covered by the
 15 calculation OR HAS BEEN ENROLLED BY SPECIAL PERMISSION OF
 16 THE BOARD OF TRUSTEES.

17 (2) The trustees of an elementary school district may
 18 establish and operate a free preschool program for children
 19 between the ages of 3 and 5 years. When such preschool
 20 programs are established, they shall be an integral part of
 21 the elementary school and shall be governed accordingly.
 22 Financing of preschool programs shall not be supported by
 23 moneys available from state equalization aid."

24 Section 4. Section 20-9-313, MCA, is amended to read:
 25 "20-9-313. Circumstances under which the regular

1 average number belonging may be increased. The average
 2 number belonging of a school for a given school fiscal year,
 3 calculated in accordance with the ANB formula prescribed in
 4 20-9-311, may be increased when:

5 (1) the opening of a new elementary school or the
 6 reopening of an elementary school has been approved in
 7 accordance with 20-6-502. The average number belonging for
 8 such school shall be established by the county
 9 superintendent and approved, disapproved, or adjusted by the
 10 superintendent of public instruction.

11 (2) the opening or reopening of a high school or a
 12 branch of the county high school has been approved in
 13 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
 14 number belonging for such high school shall be established
 15 by the county superintendent's estimate, after an
 16 investigation of the probable number of pupils that will
 17 attend such high school.

18 (3) a district anticipates an increase in the average
 19 number belonging due to the closing of any private or public
 20 school in the district or a neighboring district. The
 21 estimated increase in average number belonging shall be
 22 established by the trustees and the county superintendent
 23 and approved, disapproved, or adjusted by the superintendent
 24 of public instruction no later than the fourth Monday in
 25 June.

1 (4) a district anticipates an unusual enrollment
 2 increase in the ensuing school fiscal year. The increase in
 3 average number belonging shall be based on estimates of
 4 increased enrollment approved by the superintendent of
 5 public instruction and shall be computed in the manner
 6 prescribed by 20-9-314.

7 (5) for the initial year of operation of a program
 8 established under 20-7-117(1), the ANB to be used for budget
 9 purposes is the same as one-half the number of 5-year-old
 10 children residing in the district as of ~~October~~ September ~~1~~
 11 10 of the preceding school year, either as shown on the
 12 official school census or as determined by some other
 13 procedure approved by the superintendent of public
 14 instruction;

15 (6) a special full-time pupil, as defined in 20-9-311,
 16 in a given school year will no longer be considered a
 17 special full-time pupil in the ensuing school year (the
 18 superintendent of public instruction may grant one ANB for
 19 such pupil for the ensuing school year); or

20 (7) a high school district provides early graduation
 21 for any student who completes graduation requirements in
 22 less than eight semesters or the equivalent amount of
 23 secondary school enrollment. The increase shall be
 24 established by the trustees as though the student had
 25 attended to the end of the school year and shall be

1 approved, disapproved, or adjusted by the superintendent of
 2 public instruction.*

3 Section 5. Effective date. This act is effective on
 4 July 1, 1980.

-End-

1 HOUSE BILL NO. 175
 2 INTRODUCED BY BENGTON, BURNETT
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING UNIFORM
 5 AGE REQUIREMENTS FOR ENTRANCE INTO ALL PUBLIC SCHOOLS IN THE
 6 STATE OF MONTANA; PROVIDING AN EFFECTIVE DATE; AND AMENDING
 7 SECTIONS 20-1-101, 20-5-101, 20-7-117, AND 20-9-313, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 20-1-101, MCA, is amended to read:
 11 "20-1-101. Definitions. As used in this title, unless
 12 the context clearly indicates otherwise, the following
 13 definitions apply:
 14 (1) "Agricultural experiment station" means the
 15 agricultural experiment station established at Montana state
 16 university.
 17 (2) "Average number belonging" or "ANB" shall mean the
 18 average number of regularly enrolled, full-time pupils
 19 attending the public schools of a district.
 20 (3) "The board of public education" is the board
 21 created by Article X, section 9, subsection (3) of the 1972
 22 Montana constitution and 2-15-1507.
 23 (4) "Board of regents" means the board of regents of
 24 higher education created by Article X, section 9, subsection
 25 (2) of the 1972 Montana constitution and 2-15-1505.

1 (5) "Commissioner" means the commissioner of higher
 2 education created by Article X, section 9, subsection (2) of
 3 the 1972 Montana constitution and 2-15-1506.
 4 (6) "County superintendent" means the county
 5 government official who is the school officer of the county.
 6 (7) "District superintendent" means any person who
 7 holds a valid class 3 Montana teacher certificate with a
 8 superintendent's endorsement that has been issued by the
 9 superintendent of public instruction under the provisions of
 10 this title and the policies adopted by the board of public
 11 education and who has been employed by a district as a
 12 district superintendent.
 13 (8) "Postsecondary vocational-technical center" means
 14 a school used principally for the provision of postsecondary
 15 vocational-technical education to persons who qualify as
 16 postsecondary vocational-technical pupils. These centers are
 17 designated by the board of public education upon direction
 18 by the legislature. All other public or private schools are
 19 hereby prohibited from using this title.
 20 (9) "Postsecondary vocational-technical education"
 21 means vocational-technical education of postsecondary
 22 vocational-technical pupils which is conducted by a
 23 postsecondary vocational-technical center or other programs
 24 as designated by the board of public education.
 25 Postsecondary vocational-technical education shall include

1 the 13th and 14th year and beyond but will not include work
2 toward a baccalaureate degree.

3 (10) "Postsecondary vocational-technical pupil" means a
4 person who has completed or left school, is at least 16
5 years of age, and is available for study in preparation for
6 entering the labor market, for reentering the labor market,
7 or for employment stability or advancement in employment.

8 (11) "Principal" means any person who holds a valid
9 class 3 Montana teacher certificate with an applicable
10 principal's endorsement that has been issued by the
11 superintendent of public instruction under the provisions of
12 this title and the policies adopted by the board of public
13 education and who has been employed by a district as a
14 principal. For the purposes of this title, any reference to
15 a teacher shall be construed as including a principal, as
16 herein defined.

17 (12) "Pupil" means any child who is 6 years of age or
18 older ~~on or before September 1st or the first official pupil~~
19 ~~instruction day of the district, 10 of the year in which the~~
20 ~~child is to enroll or has been enrolled by special~~
21 ~~permission of the board of trustees under 20-5-101(3)~~ but
22 has not yet reached his 21st birthday and who is enrolled in
23 a school established and maintained under the laws of the
24 state of Montana at public expense.

25 (13) "Pupil instruction" means the conduct of organized

1 instruction of pupils enrolled in public schools while under
2 the supervision of a teacher.

3 (14) "Regents" means the board of regents of higher
4 education.

5 (15) "School food services" means a service of
6 providing food for the pupils of a district on a nonprofit
7 basis and shall include any food service financially
8 assisted through funds or commodities provided by the United
9 States government.

10 (16) "The state board of education" is the board
11 composed of the board of public education and the board of
12 regents as specified in Article X, section 9, subsection (1)
13 of the 1972 Montana constitution.

14 (17) "State university" means the Montana state
15 university, located at Bozeman.

16 (18) "Superintendent of public instruction" means that
17 state government official designated as a member of the
18 executive branch by the constitution of Montana.

19 (19) "System" means the Montana university system.

20 (20) "Teacher" means any person, except a district
21 superintendent, who holds a valid Montana teacher
22 certificate that has been issued by the superintendent of
23 public instruction under the provisions of this title and
24 the policies adopted by the board of public education and
25 who is employed by a district as a member of its

1 instructional, supervisory, or administrative staff. This
2 definition of a teacher shall also include any person for
3 whom an emergency authorization of employment of such person
4 has been issued under the provisions of 20-4-111.

5 (21) "Textbook" means a book or manual used as a
6 principal source of study material for a given class or
7 group of students.

8 (22) "Textbook dealer" means any party, company,
9 corporation, or other organization selling, offering to
10 sell, or offering for adoption textbooks to districts in the
11 state of Montana.

12 (23) "Trustees" means the governing board of a
13 district.

14 (24) "University" means the university of Montana,
15 located at Missoula.

16 (25) "Vocational education" means the instruction to
17 prepare or improve the pupil for gainful employment that
18 does not require a baccalaureate or higher degree. This
19 definition of vocational education shall include guidance
20 and prevocational, related, or technical instruction
21 necessary to prepare the pupil for further vocational
22 education or for entry into employment."

23 Section 2. Section 20-5-101, MCA, is amended to read:
24 "20-5-101. Admittance of child to school. (1) The
25 trustees shall assign and admit any child to a school in the

1 district when the child is:

2 (a) 6 years of age or older ~~on or before September 15~~
3 ~~or the first official pupil instruction day of the district~~
4 ~~10 of the year in which the child is to enroll~~ but has not
5 yet reached his 21st birthday;

6 (b) a resident of the district; and

7 (c) otherwise qualified under the provisions of this
8 title to be admitted to such school.

9 ~~(2) In complying with subsection (a) above, the~~
10 ~~trustees shall have the authority to establish reasonable~~
11 ~~age requirements for entry into the 1st grade so long as an~~
12 ~~otherwise qualified child is permitted to enter the 1st~~
13 ~~grade sometime during his seventh year or earlier.~~

14 ~~(3) The trustees of any district shall have the~~
15 ~~authority to assign and admit any nonresident child to a~~
16 ~~school in the district under the tuition provisions of this~~
17 ~~title.~~

18 ~~(1) THE TRUSTEES OF ANY DISTRICT SHALL BE EMPOWERED TO~~
19 ~~ADMIT A CHILD WHO DOES NOT MEET THE AGE REQUIREMENTS IF IN~~
20 ~~THEIR JUDGMENT THERE ARE EXCEPTIONAL CIRCUMSTANCES WHICH~~
21 ~~WARRANT WAIVING THE AGE PROVISION OF THIS SECTION."~~

22 Section 3. Section 20-7-117, MCA, is amended to read:
23 "20-7-117. Five-year-old schooling and preschool
24 programs. (1) The trustees of an elementary district may
25 establish a program capable of accommodating, at a minimum,

1 all the children in the district who will be 5 years old on
 2 or before ~~the 1st-grade-enrollment-closing-date--established~~
 3 ~~by--the--district--trustees--for September 1x--or--the--first~~
 4 ~~official-pupil-instruction-day-of-the-districts~~ 10 of the
 5 school year for which the program is to be conducted OR HAS
 6 BEEN ENROLLED BY SPECIAL PERMISSION OF THE BOARD OF
 7 TRUSTEES. The program shall be an integral part of the
 8 elementary school and shall be financed and governed
 9 accordingly, provided that to be eligible for inclusion in
 10 the calculation of ANB pursuant to 20-9-311, a child must
 11 have reached the age of 5 on or before ~~the 1st-grade~~
 12 ~~enrollment-closing-date-established-by-the-district-trustees~~
 13 ~~for September 1x--or--the--first--official--pupil--instruction--day~~
 14 ~~of--the--districts~~ 10 of the school year covered by the
 15 calculation OR HAS BEEN ENROLLED BY SPECIAL PERMISSION OF
 16 THE BOARD OF TRUSTEES.

17 (2) The trustees of an elementary school district may
 18 establish and operate a free preschool program for children
 19 between the ages of 3 and 5 years. When such preschool
 20 programs are established, they shall be an integral part of
 21 the elementary school and shall be governed accordingly.
 22 Financing of preschool programs shall not be supported by
 23 moneys available from state equalization aid."

24 Section 4. Section 20-9-313, MCA, is amended to read:
 25 "20-9-313. Circumstances under which the regular

1 average number belonging may be increased. The average
 2 number belonging of a school for a given school fiscal year,
 3 calculated in accordance with the ANB formula prescribed in
 4 20-9-311, may be increased when:

5 (1) the opening of a new elementary school or the
 6 reopening of an elementary school has been approved in
 7 accordance with 20-6-502. The average number belonging for
 8 such school shall be established by the county
 9 superintendent and approved, disapproved, or adjusted by the
 10 superintendent of public instruction.

11 (2) the opening or reopening of a high school or a
 12 branch of the county high school has been approved in
 13 accordance with 20-6-503, 20-6-504, or 20-6-505. The average
 14 number belonging for such high school shall be established
 15 by the county superintendent's estimate, after an
 16 investigation of the probable number of pupils that will
 17 attend such high school.

18 (3) a district anticipates an increase in the average
 19 number belonging due to the closing of any private or public
 20 school in the district or a neighboring district. The
 21 estimated increase in average number belonging shall be
 22 established by the trustees and the county superintendent
 23 and approved, disapproved, or adjusted by the superintendent
 24 of public instruction no later than the fourth Monday in
 25 June.

1 (4) a district anticipates an unusual enrollment
 2 increase in the ensuing school fiscal year. The increase in
 3 average number belonging shall be based on estimates of
 4 increased enrollment approved by the superintendent of
 5 public instruction and shall be computed in the manner
 6 prescribed by 20-9-314.

7 (5) for the initial year of operation of a program
 8 established under 20-7-117(1), the ANB to be used for budget
 9 purposes is the same as one-half the number of 5-year-old
 10 children residing in the district as of ~~October~~ September ~~1~~
 11 10 of the preceding school year, either as shown on the
 12 official school census or as determined by some other
 13 procedure approved by the superintendent of public
 14 instruction;

15 (6) a special full-time pupil, as defined in 20-9 311,
 16 in a given school year will no longer be considered a
 17 special full-time pupil in the ensuing school year (the
 18 superintendent of public instruction may grant one ANB for
 19 such pupil for the ensuing school year); or

20 (7) a high school district provides early graduation
 21 for any student who completes graduation requirements in
 22 less than eight semesters or the equivalent amount of
 23 secondary school enrollment. The increase shall be
 24 established by the trustees as though the student had
 25 attended to the end of the school year and shall be

1 approved, disapproved, or adjusted by the superintendent of
 2 public instruction."

3 Section 5. Effective date. This act is effective on
 4 July 1, 1980.

-End-