

# CHAPTER NO. 484.

HOUSE BILL NO. 460

INTRODUCED BY THOFT, DONALDSON, BENGTSON, IVERSON, ANDERSON

## IN THE HOUSE

January 29, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass.
	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

## IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Education.
March 20, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1979	Second reading, concurred in.
March 24, 1979	Third reading, concurred in as amended.

## IN THE HOUSE

March 26, 1979	Returned from second house. Concurred in as amended.
	On motion consideration passed for the day.

March 29, 1979	Second reading, amendments adopted.
March 30, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

*House* BILL NO. 460

*Half Anderson, Longton, Larson*

*Anderson*

1  
2 INTRODUCED BY  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE  
5 FOR DETERMINING ELIGIBILITY FOR AND THE AMOUNT OF INCREASE  
6 OF A PUBLIC SCHOOL DISTRICT'S FOUNDATION PROGRAM DUE TO AN  
7 ANTIPLICATED UNUSUAL ENROLLMENT INCREASE; SUBSTITUTING  
8 REFERENCES TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR  
9 OBSOLETE REFERENCES TO THE BUDGET BOARD; AMENDING SECTION  
10 20-9-314, MCA."

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

13 Section 1. Section 20-9-314, MCA, is amended to read:  
14  
15 "20-9-314. Procedures for determining eligibility and  
16 amount of increased average number belonging due to unusual  
17 enrollment increase. A district which anticipates an unusual  
18 increase in enrollment in the ensuing school fiscal year, as  
19 provided for in 20-9-313(5), 20-9-313(6), may increase its  
20 foundation program for the ensuing school fiscal year in  
21 accordance with the following provisions:

22  
23  
24  
25 ~~the average number belonging used for the establishment of the foundation program for the current year and for each year of the immediately preceding 3 years shall be used to calculate the percentage increase or decrease in average number belonging for the current year's foundation~~

1 program--over--the--immediately--preceding--year--and--similarly  
2 calculate--the--percentage--increase--or--decrease--in--average  
3 number--belonging--for--each--of--the--2--preceding--years--The  
4 three--annual--percentage--increases--or--decreases--shall--be  
5 averaged--to--obtain--the--average--annual--percentage--increase--or  
6 decrease--in--average--number--belonging.

7 ~~20-9-314(1)~~ The district shall estimate the current year's  
8 average number belonging by totaling the aggregate days of  
9 attendance and aggregate days of absence realized in the  
10 district through April 30 and dividing such total by 180.  
11 The resulting average number belonging shall be increased by  
12 the ratio that the total number of planned school days in  
13 the current school fiscal year bears to the number of school  
14 days completed through April 30.

15 ~~20-9-314(2)~~ Prior to May 10, the district shall estimate  
16 the probable average number belonging to be realized during  
17 the ensuing school fiscal year, based on as much factual  
18 information as may be available to the district.

19 ~~20-9-314(3)~~ No later than May 10, the district shall submit  
20 its application for an unusual enrollment increase to the  
21 board--of--school--budget--supervisors--(budget--board)  
22 superintendent of public instruction. Such application shall  
23 include:

24  
25 (a) the computation--of--the--average--annual--percentage  
increase--in previous year's average number belonging as

1 provided-in-subsection-(2)-above;

2 (b) the estimate of the current school fiscal year's  
3 average number belonging, as provided in subsection ~~12~~ (11)  
4 above;

5 (c) the estimated average number belonging for the  
6 ensuing school fiscal year, including the factual  
7 information on which the estimate is based, as provided in  
8 subsection ~~13~~ (2) above; and

9 (d) any other information or data that may be  
10 requested by the budget-board superintendent of public  
11 instruction.

12 ~~(5) The budget-board shall review the application to  
13 determine if the district is eligible for an increase in its  
14 foundation program. The budget-board may accept, reject, or  
15 adjust the district's estimate of the ensuing year's average  
16 number belonging. After approving an estimate, the budget  
17 board shall:~~

18 ~~(a) determine the percentage increase which the  
19 estimated average number belonging for the ensuing school  
20 fiscal year is over the estimated average number belonging  
21 for the current school fiscal year, as provided for in  
22 subsection (2) above; and~~

23 ~~(b) approve an increase of the average number  
24 belonging used to establish the ensuing year's foundation  
25 program in accordance with subsection (7) if the increase in~~

1 subsection-(5)(a)-above-is-at-least-twice-the-average-annual  
2 percentage-increase-as-provided-in-subsection-(2)-above-or  
3 6% whichever-is-greater.

4 ~~12(6) If the budget-board approves the application  
5 for an unusual enrollment increase, it shall send the  
6 application to the superintendent of public instruction  
7 together with any other information or data requested by the  
8 superintendent of public instruction on or before May 25.~~

9 The superintendent of public instruction shall immediately  
10 review all the factors of the application and the approval  
11 of the budget-board and shall approve or disapprove the  
12 application or adjust the estimated average number belonging  
13 for the ensuing school fiscal year. After approving an  
14 estimate, with or without adjustment, the superintendent of  
15 public instruction shall:

16 ~~(a) determine the percentage increase which the  
17 estimated average number belonging for the ensuing fiscal  
18 year is over the previous year's average number belonging;  
19 and~~

20 ~~(b) approve an increase of the average number  
21 belonging used to establish the ensuing year's foundation  
22 program in accordance with subsection (6) if the increase in  
23 subsection (4)(a) is at least 6%.~~

24 ~~12(1) The superintendent of public instruction shall  
25 notify the district of his decision by the fourth Monday in~~

1 June.

2 ~~77161~~ Whenever an unusual enrollment increase is  
3 approved by the superintendent of public instruction, the  
4 increase of the average number belonging used to establish  
5 the foundation program for the ensuing school fiscal year  
6 shall be computed-as-follows:

7 ~~(a)~~—after-the-actual-average-number-belonging-for--the  
8 current--school--fiscal--year--has--been--computed--the--normal  
9 average-number-belonging-increase-is-determined-by--applying  
10 the--annual--percentage--increase-as-computed-in-subsection  
11 ~~(b)~~--above--to--the--actual--average--number--belonging--for--the  
12 current-school-fiscal--years

13 ~~(b)~~--subtract--the--actual--average--number--belonging--for  
14 the--current--school--fiscal--year--from--the--approved--estimated  
15 average-number-belonging--for--the--ensuing--school--fiscal--years  
16 end

17 ~~(c)~~--the--difference--between--the--amount--determined--in  
18 subsection--~~(77161)~~--above--and--the--amount--determined--in  
19 subsection--~~(77161)~~--above 80% of the difference between the  
20 approved--estimated--average--number--belonging--for--the--ensuing  
21 school--fiscal--year--and--the--previous--year's--average--number  
22 belonging. The amount so determined shall be the maximum  
23 allowable increase added to the actual average number  
24 belonging for the current school fiscal year for the purpose  
25 of establishing the ensuing year's foundation program."

STATE OF MONTANA

110  
REQUEST NO. 350-79

FISCAL NOTE

Form BD-15

In compliance with a written request received Feb. 13, 19 79, there is hereby submitted a Fiscal Note for House Bill 460 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 460 revises the procedure for determining eligibility for the amount of increase of a schools foundation program due to an unusual increase in enrollment.

FISCAL IMPACT:

Minimal.

LOCAL IMPACT:

Minimal.

*Richard L. Tracy Jr.*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/20/79

APPROVED BY COMM. ON  
EDUCATION & CULTURAL RESOURCES

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

13 Section 1. Section 20-9-314, MCA, is amended to read:

14 "20-9-314. Procedures for determining eligibility and

15 amount of increased average number belonging due to unusual

16 enrollment increase. A district which anticipates an unusual

17 increase in enrollment in the ensuing school fiscal year as

18 provided for in 20-9-313(5) 20-9-313(4), may increase its

19 foundation program for the ensuing school fiscal year in

20 accordance with the following provisions:

21           tit--The--average--number--belonging--used---for---the  
22 establishment-of-the-foundation-program-for-the-current-year  
23 and-for-each-year-of-the-immediately-preceding-3-years-shall  
24 be--used-to-calculate-the-percentage-increase-or-decrease-in  
25 average-number-belonging-for-the-current--year's--foundation

1 program--over--the--immediately-preceding-year-and-similarity  
2 calculate-the-percentage-increase--or--decrease--in--average  
3 number--belonging--for--each--of--the-2-preceding-years--The  
4 three-annual-percentage--increases--or--decreases--shall--be  
5 averaged-to-obtain-the-average-annual-percentage-increase-or  
6 decrease-in-average-number-belonging

7 ~~1711~~ The district shall estimate the current year's  
8 average number belonging by totaling the aggregate days of  
9 attendance and aggregate days of absence realized in the  
10 district through April 30 and dividing such total by 180.  
11 The resulting average number belonging shall be increased by  
12 the ratio that the total number of planned school days in  
13 the current school fiscal year bears to the number of school  
14 days completed through April 30.

15 ~~1712~~ Prior to May 10, the district shall estimate  
16 the probable average number belonging to be realized during  
17 the ensuing school fiscal year, based on as much factual  
18 information as may be available to the district.

19 ~~1713~~ No later than May 10, the district shall submit  
20 its application for an unusual enrollment increase to the  
21 board--of--school---budget---supervisors---~~(budget--board)~~  
22 superintendent of public instruction. Such application shall  
23 include:

24 (a) the computation--of-the-average-annual-percentage  
25 increase-in previous year's average number belonging as

1 provided-in-subsection-(7)-above;

2 (b) the estimate of the current school fiscal year's  
3 average number belonging, as provided in subsection (2) 111  
4 above;

5 (c) the estimated average number belonging for the  
6 ensuing school fiscal year, including the factual  
7 information on which the estimate is based, as provided in  
8 subsection (3) 121 above; and

9 (d) any other information or data that may be  
10 requested by the budget--board superintendent\_of\_public  
11 instruction.

12 ~~(5) The budget board shall review the application to  
13 determine if the district is eligible for an increase in its  
14 foundation program. The budget board may accept, reject, or  
15 adjust the district's estimate of the ensuing year's average  
16 number belonging. After approving an estimate, the budget  
17 board shall~~

18 ~~(6) determine the percentage increase which the  
19 estimated average number belonging for the ensuing school  
20 fiscal year is over the estimated average number belonging  
21 for the current school fiscal year, as provided for in  
22 subsection (2) above; and~~

23 ~~(7) approve an increase of the average number  
24 belonging used to establish the ensuing year's foundation  
25 program in accordance with subsection (7) if the increase in~~

1 subsection-(5)(e) above is at least twice the average annual  
2 percentage increase as provided in subsection-(7)-above or  
3 6%, whichever is larger.

4 ~~(4)(f) If the budget board approves the application  
5 for an unusual enrollment increase it shall send the  
6 application to the superintendent of public instruction  
7 together with any other information or data requested by the  
8 superintendent of public instruction on or before May 25.  
9 The superintendent of public instruction shall immediately  
10 review all the factors of the application and the approval  
11 of the budget board and shall approve or disapprove the  
12 application or adjust the estimated average number belonging  
13 for the ensuing school fiscal year. After approving an  
14 estimate, with or without adjustment, the superintendent of  
15 public instruction shall:~~

16 ~~(a) determine the percentage increase which the  
17 estimated average number belonging for the ensuing fiscal  
18 year is over the previous CURRENT year's average number  
19 belonging; and~~

20 ~~(b) approve an increase of the average number  
21 belonging used to establish the ensuing year's foundation  
22 program in accordance with subsection (6) if the increase in  
23 subsection (4)(a) is at least 6%.~~

24 ~~(2) The superintendent of public instruction shall  
25 notify the district of his decision by the fourth Monday in~~

1 June.

2 ~~(f)(6)~~ Whenever an unusual enrollment increase is  
3 approved by the superintendent of public instruction, the  
4 increase of the average number belonging used to establish  
5 the foundation program for the ensuing school fiscal year  
6 shall be computed-as-follows:

7 ~~for--after-the-actual-average-number-belonging-for--the~~  
8 ~~current--school--fiscal--year--has--been--computed--the--normal~~  
9 ~~average--number--belonging--increase--is--determined--by--applying~~  
10 ~~the--annual--percentage--increase--as--computed--in--subsection~~  
11 ~~(f)(6)--above--to--the--actual--average--number--belonging--for--the~~  
12 ~~current--school--fiscal--year~~

13 ~~(b)--subtract--the--actual--average--number--belonging--for~~  
14 ~~the--current--school--fiscal--year--from--the--approved--estimated~~  
15 ~~average--number--belonging--for--the--ensuing--school--fiscal--year~~

16 end

17 ~~(c)--the--difference--between--the--amount--determined--in~~  
18 ~~subsection--(f)(b)--above--and--the--amount--determined--in~~  
19 ~~subsection--(f)(c)--above 80% of the difference between the~~  
20 ~~approved--estimated--average--number--belonging--for--the--ensuing~~  
21 ~~school--fiscal--year--and--the--previous 1063 OF THE CURRENT~~  
22 ~~year's--average--number--belonging. The--amount--so--determined~~  
23 ~~shall--be--the--maximum--allowable--increase--added--to--the--actual~~  
24 ~~average--number--belonging--for--the--current--school--fiscal--year~~  
25 ~~for--the--purpose--of--establishing--the--ensuing--year's~~

1 foundation program."

-End-

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

13 Section 1. Section 20-9-314, MCA, is amended to read:

14 ~~"20-9-314. Procedures for determining eligibility and~~

15 ~~amount of increased average number belonging due to unusual~~

16 ~~enrollment increase. A district which anticipates an unusual~~

17 ~~increase in enrollment in the ensuing school fiscal year, as~~

18 ~~provided for in 20-9-313½ to 20-9-313½, may increase its~~

19 ~~foundation program for the ensuing school fiscal year in~~

20 ~~accordance with the following provisions:~~

21           ~~fit--the--average--number--belonging--used---for---the~~  
22 ~~establishment-of-the-foundation-program-for-the-current-year~~  
23 ~~and-for-each-year-of-the-immediately-preceding-3-years-shall~~  
24 ~~be--used-to-calculate-the-percentage-increase-or-decrease-in~~  
25 ~~average-number-belonging-for-the-current--year's--foundation~~

1 program--over--the--immediately-preceding-year-and-statirally  
2 calculate-the-percentage-increase--or--decrease--in--average  
3 number--belonging--for--each--of--the-2-preceding-years--the  
4 three-annual-percentage--increases--or--decreases--shall--be  
5 averaged-to-obtain-the-average-annual-percentage-increase--or  
6 decrease--in--average-number--belonging--

7        f2711 The district shall estimate the current year's  
8        average number belonging by totaling the aggregate days of  
9        attendance and aggregate days of absence realized in the  
10      district through April 30 and dividing such total by 180.  
11      The resulting average number belonging shall be increased by  
12      the ratio that the total number of planned school days in  
13      the current school fiscal year bears to the number of school  
14      days completed through April 30.

15           **#121** Prior to May 10, the district shall estimate  
16 the probable average number belonging to be realized during  
17 the ensuing school fiscal year, based on as much factual  
18 information as may be available to the district.

19           **t49132** No later than May 10, the district shall submit  
20 its application for an unusual enrollment increase to the  
21 board--of---school---budget---supervisors---fbudget---board  
22 superintendent of public instruction. Such application shall  
23 include:

(a) the computation--of-the-average-annual-percentage  
increase-in previous year's average number belonging to

1 provided-in-subsection-(3)-above;

2 (b) the estimate of the current school fiscal year's  
3 average number belonging, as provided in subsection (3) 111  
4 above;

5 (c) the estimated average number belonging for the  
6 ensuing school fiscal year, including the factual  
7 information on which the estimate is based, as provided in  
8 subsection (3) 121 above; and

9 (d) any other information or data that may be  
10 requested by the budget--board superintendent of public  
11 instruction.

12 (5)--The-budget-board-shall-review-the--application--to  
13 determine-if-the-district-is-eligible-for-an-increase-in-its  
14 foundation--program--The-budget-board-may-accept--reject--or  
15 adjust-the-district's-estimate-of-the-ensuing-year's-average  
16 number-belonging--After-approving-an--estimate--the--budget  
17 board-shall--

18 (6)--determine---the---percentage---increase---which--the  
19 estimated-average-number-belonging-for--the--ensuing--school  
20 fiscal--year--is--over--the--estimated-average-number-belonging  
21 for-the-current-school--fiscal--year--as--provided--for--in  
22 subsection-(2)-above--and

23 (7)--approve---an---increase---of--the--average--number  
24 belonging-used-to-establish-the--ensuing--year's--foundation  
25 program-in-accordance-with-subsection-(7)-+f-the-increase-in

1 subsection-(5)to7-above-is-at-least-twice-the-average-average  
2 percentage--increase--as--provided-in-subsection-(3)-above-or  
3 6%--whichever-is-larger.

4 141to67--if-the-budget-board--approves--the--application  
5 for--an--unusual--enrollment--increaser--it--shall--send-the  
6 application-to-the--superintendent--of--public--instructions  
7 together-with-any-other-information-or-data-requested-by-the  
8 superintendent--of--public--instruction--on-or-before-May-25--  
9 The superintendent of public instruction shall immediately  
10 review all the factors of the application and-the-approval  
11 of-the-budget-board and shall approve or disapprove the  
12 application or adjust the estimated average number belonging  
13 for the ensuing school fiscal year. After approving an  
14 estimate--with or without adjustment--the superintendent--of  
15 public instruction shall:

16 (a) determine--the--percentage--increase--which--the  
17 estimated--average--number--belonging--for--the--ensuing--fiscal  
18 year--is--over--the--previous--CURRENT--year's--average--number  
19 belonging; and

20 (b) approve--an--increase--of--the--average--number  
21 belonging--used--to--establish--the--ensuing--year's--foundation  
22 program--in--accordance--with--subsection-(6) if the increase in  
23 subsection-(4)(a) is at least 6%.

24 (5) The superintendent of public instruction shall  
25 notify the district of his decision by the fourth Monday in

1 June.

2 ~~77161~~ Whenever an unusual enrollment increase is  
3 approved by the superintendent of public instruction, the  
4 increase of the average number belonging used to establish  
5 the foundation program for the ensuing school fiscal year  
6 shall be computed-as-follows:

7 ~~77162~~ ~~the--actual--average--number--belonging--for--the~~  
8 ~~current--school--fiscal--year--has--been--computed--the--normal~~  
9 ~~average--number--belonging--increase--is--determined--by--applying~~  
10 ~~the--annual--percentage--increase--as--computed--in--subsection~~  
11 ~~77163~~ ~~77164~~ ~~77165~~ ~~77166~~ ~~77167~~ ~~77168~~ ~~77169~~ ~~77170~~ ~~77171~~ ~~77172~~ ~~77173~~ ~~77174~~ ~~77175~~ ~~77176~~ ~~77177~~ ~~77178~~ ~~77179~~ ~~77180~~ ~~77181~~ ~~77182~~ ~~77183~~ ~~77184~~ ~~77185~~ ~~77186~~ ~~77187~~ ~~77188~~ ~~77189~~ ~~77190~~ ~~77191~~ ~~77192~~ ~~77193~~ ~~77194~~ ~~77195~~ ~~77196~~ ~~77197~~ ~~77198~~ ~~77199~~ ~~77200~~ ~~77201~~ ~~77202~~ ~~77203~~ ~~77204~~ ~~77205~~ ~~77206~~ ~~77207~~ ~~77208~~ ~~77209~~ ~~77210~~ ~~77211~~ ~~77212~~ ~~77213~~ ~~77214~~ ~~77215~~ ~~77216~~ ~~77217~~ ~~77218~~ ~~77219~~ ~~77220~~ ~~77221~~ ~~77222~~ ~~77223~~ ~~77224~~ ~~77225~~ ~~77226~~ ~~77227~~ ~~77228~~ ~~77229~~ ~~77230~~ ~~77231~~ ~~77232~~ ~~77233~~ ~~77234~~ ~~77235~~ ~~77236~~ ~~77237~~ ~~77238~~ ~~77239~~ ~~77240~~ ~~77241~~ ~~77242~~ ~~77243~~ ~~77244~~ ~~77245~~ ~~77246~~ ~~77247~~ ~~77248~~ ~~77249~~ ~~77250~~ ~~77251~~ ~~77252~~ ~~77253~~ ~~77254~~ ~~77255~~ ~~77256~~ ~~77257~~ ~~77258~~ ~~77259~~ ~~77260~~ ~~77261~~ 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1 foundation program."

-End-

## HOUSE BILL NO. 460

1 INTRODUCED BY THOFT, DONALDSON, BENGTSON, IVERSON, ANDERSON

2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE  
5 FOR DETERMINING ELIGIBILITY FOR AND THE AMOUNT OF INCREASE  
6 OF A PUBLIC SCHOOL DISTRICT'S FOUNDATION PROGRAM DUE TO AN  
7 ANTIPLICATED UNUSUAL ENROLLMENT INCREASE; SUBSTITUTING  
8 REFERENCES TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR  
9 OBSOLETE REFERENCES TO THE BUDGET BOARD; AMENDING SECTION  
10 20-9-314, MCA."

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

12 Section 1. Section 20-9-314, MCA, is amended to read:  
13  
14 "20-9-314. Procedures for determining eligibility and  
15 amount of increased average number belonging due to unusual  
16 enrollment increase. A district which anticipates an unusual  
17 increase in enrollment in the ensuing school fiscal year, as  
18 provided for in 20-9-313~~15~~ 20-9-313~~15~~, may increase its  
19 foundation program for the ensuing school fiscal year in  
20 accordance with the following provisions:

21 ~~15~~--the--average--number--belonging---used---for---the  
22 establishment-of-the-foundation-program-for-the-current-year  
23 and-for-each-year-of-the-immediately-preceding-3-years-shall  
24 be--used-to-calculate-the-percentage-increase-or-decrease-in  
25 average-number-belonging-for-the-current--year's--foundation

1 program--over--the--immediately-preceding-year-and--staterty  
2 calculate-the-percentage-increase--or--decrease--in--average  
3 number--belonging--for--each--of--the-2-preceding-years--The  
4 three-annual-percentage--increases--or--decreases--shall--be  
5 averaged-to-obtain-the-average-annual-percentage-increase-or  
6 decrease-in-average-number-belonging-

7 ~~15~~ The district shall estimate the current year's  
8 average number belonging by totaling the aggregate days of  
9 attendance and aggregate days of absence realized in the  
10 district through April 30 and dividing such total by 180.  
11 The resulting average number belonging shall be increased by  
12 the ratio that the total number of planned school days in  
13 the current school fiscal year bears to the number of school  
14 days completed through April 30.

15 ~~15~~ Prior to May 10, the district shall estimate  
16 the probable average number belonging to be realized during  
17 the ensuing school fiscal year, based on as much factual  
18 information as may be available to the district.

19 ~~15~~ No later than May 10, the district shall submit  
20 its application for an unusual enrollment increase to the  
21 board--of--school---budget---supervisors---budget---board~~15~~  
22 superintendent\_of\_public\_instruction. Such application shall  
23 include:

24 (a) the computation--of-the-average-annual-percentage  
25 increase-in previous year's average number belonging as

1 provided in subsection (1) above;

2 (b) the estimate of the current school fiscal year's  
3 average number belonging, as provided in subsection 127 111  
4 above;

5 (c) the estimated average number belonging for the  
6 ensuing school fiscal year, including the factual  
7 information on which the estimate is based, as provided in  
8 subsection 137 121 above; and

9 (d) any other information or data that may be  
10 requested by the budget board superintendent of public  
11 instruction.

12 ~~(5) the budget board shall review the application to  
13 determine if the district is eligible for an increase in its  
14 foundation program. The budget board may accept, reject, or  
15 adjust the district's estimate of the ensuing year's average  
16 number belonging. After approving an estimate, the budget  
17 board shall~~

18 ~~(e) determine the percentage increase which the  
19 estimated average number belonging for the ensuing school  
20 fiscal year is over the estimated average number belonging  
21 for the current school fiscal year, as provided for in  
22 subsection (2) above; and~~

23 ~~(b) approve an increase of the average number  
24 belonging used to establish the ensuing year's foundation  
program in accordance with subsection (7) if the increase in~~

1 subsection (5) above is at least twice the average annual  
2 percentage increase as provided in subsection (1) above or  
3 6%, whichever is larger.

4 ~~151 if the budget board approves the application  
5 for an unusual enrollment increase, it shall send the  
6 application to the superintendent of public instruction  
7 together with any other information or data requested by the  
8 superintendent of public instruction on or before May 25.  
9 The superintendent of public instruction shall immediately  
10 review all the factors of the application and the approval  
11 of the budget board and shall approve or disapprove the  
12 application or adjust the estimated average number belonging  
13 for the ensuing school fiscal year. After approving an  
14 estimate, with or without adjustment, the superintendent of  
15 public instruction shall:~~

16 ~~(a) determine the percentage increase which the  
17 estimated average number belonging for the ensuing fiscal  
18 year is over the previous CURRENT year's average number  
19 belonging; and~~

20 ~~(b) approve an increase of the average number  
21 belonging used to establish the ensuing year's foundation  
22 program in accordance with subsection (6) if the increase in  
23 subsection (4)(a) is at least 6%.~~

24 ~~151 The superintendent of public instruction shall  
25 notify the district of his decision by the fourth Monday in~~

1       June.

2       t7161 Whenever an unusual enrollment increase is  
 3       approved by the superintendent of public instruction, the  
 4       increase of the average number belonging used to establish  
 5       the foundation program for the ensuing school fiscal year  
 6       shall be computed-as-follows:

7       tat--after-the-actual-average-number-belonging-for--the  
 8       current--school--fiscal--year--has--been--computed--the--normal  
 9       average--number--belonging--increase--is--determined--by--applying  
 10       the--annual--percentage--increase--as--computed--in--subsection  
 11       t77--above--to--the--actual--average--number--belonging--for--the  
 12       current--school--fiscal--year--t

13       tbt--subtract--the--actual--average--number--belonging--for  
 14       the--current--school--fiscal--year--from--the--approved--estimated  
 15       average--number--belonging--for--the--ensuing--school--fiscal--year--t

16       end

17       tct--the--difference--between--the--amount--determined--in  
 18       subsection--t77{b}--above--and--the--amount--determined--in  
 19       subsection--t77{c}--above 80% of the difference between the  
 20       approved--estimated--average--number--belonging--for--the--ensuing  
 21       school--fiscal--year--and--the--previous 106% OF THE CURRENT  
 22       year's--average--number--belonging--The--amount--so--determined  
 23       shall--be--the--maximum--allowable--increase--added--to--the--actual  
 24       average--number--belonging--for--the--current--school--fiscal--year  
 25       for--the--purpose--of--establishing--the--ensuing--year's

1       foundation program.

2       t71 ANY EQUALIZATION OR ENTITLEMENT INCREASES  
 3       RESULTING FROM PROVISIONS OF THIS SECTION SHALL BE REVIEWED  
 4       AT THE END OF THE ENSUING SCHOOL FISCAL YEAR, IF THE ACTUAL  
 5       AVERAGE NUMBER BELONGING IS LESS THAN THE AVERAGE NUMBER  
 6       BELONGING USED FOR FOUNDATION PROGRAM AND ENTITLEMENT  
 7       CALCULATIONS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL  
 8       REVISE THE FOUNDATION PROGRAM AND ENTITLEMENT CALCULATIONS  
 9       USING THE ACTUAL AVERAGE NUMBER BELONGING. ALL PAYMENTS  
 10       RECEIVED BY THE DISTRICT IN EXCESS OF THE REVISED  
 11       ENTITLEMENTS SHALL BE OVERPAYMENTS SUBJECT TO THE REFUND  
 12       PROVISIONS OF 20-9-344(3)a"

-End-

March 20, 1979

SENATE STANDING COMMITTEE REPORT  
(Education)

That House Bill No. 460, third reading bill, be amended as follows:

1. Page 6, line 2.

Following: line 1

Insert: "(7) Any equalization or entitlement increases resulting from provisions of this section shall be reviewed at the end of the ensuing school fiscal year. If the actual average number belonging is less than the average number belonging used for foundation program and entitlement calculations, the superintendent of public instruction shall revise the foundation program and entitlement calculations using the actual average number belonging. All payments received by the district in excess of the revised entitlements shall be overpayments subject to the refund provisions of 20-344(3)."

CORRECTED COPY

March 20, 1979

SENATE STANDING COMMITTEE REPORT  
(Education)

That House Bill No. 460, third reading copy, be amended as follows:

1. Page 6, line 2.

Following: line 1

Insert: "(7) Any equalization or entitlement increases resulting from provisions of this section shall be reviewed at the end of the ensuing school fiscal year. If the actual average number belonging is less than the average number belonging used for foundation program and entitlement calculations, the superintendent of public instruction shall revise the foundation program and entitlement calculations using the actual average number belonging. All payments received by the district in excess of the revised entitlements shall be overpayments subject to the refund provisions of 20-9-344(3)."

AND AS AMENDED  
BE CONCURRED IN