

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.
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March 29, 1979

Second reading, amendments  
adopted.

March 30, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *460*  
 2 INTRODUCED BY *Rep. Arnoldson,ington*  
 3 *ANDERSON*

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 ANTICIPATED 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 "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 ~~(1) 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 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 ~~(2)(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 ~~(3)(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 ~~(4)(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 (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 (2) (1)  
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) (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 (1) above or~~  
3 ~~6% whichever is larger.~~

4 ~~(4)(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 (5) The superintendent of public instruction shall  
25 notify the district of his decision by the fourth Monday in

1 June.

2 ~~{7}(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 ~~(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 ~~{7} 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 and

17 ~~(c) the difference between the amount determined in~~  
18 ~~subsection {7}(b) above and the amount determined in~~  
19 ~~subsection {7}(a) 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."

-End-  
-5-

HB460

STATE OF MONTANA

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:

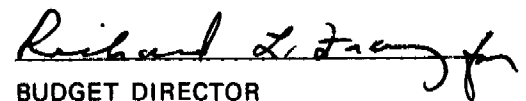
House Bill 460 revises the procedure for determining eligibility for the amount of increase of a schools foundation program due to an unusual increase in enrollment.

FISCAL IMPACT:

Minimal.

LOCAL IMPACT:

Minimal.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/20/79

APPROVED BY COMM. ON  
EDUCATION & CULTURAL RESOURCES

HOUSE BILL NO. 460

INTRODUCED BY THOFT, DONALDSON, BENGTSON, IVERSON, ANDERSON

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

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

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

"20-9-314. Procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase. A district which anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in 20-9-313(5), 20-9-313(4), may increase its foundation program for the ensuing school fiscal year in accordance with the following provisions:

~~{1}-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~~

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

{2}{11} The district shall estimate the current year's average number belonging by totaling the aggregate days of attendance and aggregate days of absence realized in the district through April 30 and dividing such total by 180. The resulting average number belonging shall be increased by the ratio that the total number of planned school days in the current school fiscal year bears to the number of school days completed through April 30.

{3}{21} Prior to May 10, the district shall estimate the probable average number belonging to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

{4}{31} No later than May 10, the district shall submit its application for an unusual enrollment increase to the board-of-school-budget-supervisors-(budget-board) superintendent of public instruction. Such application shall include:

(a) the computation-of-the-average-annual-percentage 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 (2) (1)  
 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) (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 (1) above or  
 3 6%, whichever is larger.

4 (4) (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  
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 12 application or adjust the estimated average number belonging  
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 14 estimate, with or without adjustment, the superintendent of  
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 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.

1 foundation program."

-End-

2 {?}(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 (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 (i) 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 and

17 (c) the difference between the amount determined in  
18 subsection (b) above and the amount determined in  
19 subsection (a) above 80% of the difference between the  
20 approved estimated average number belonging for the ensuing  
21 school fiscal year and the previous 100% of the current  
22 year's average number belonging. The amount so determined  
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3 average number belonging, as provided in subsection (2) (1)

4 above;

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6 ensuing school fiscal year, including the factual

7 information on which the estimate is based, as provided in

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24 belonging used to establish the ensuing year's foundation

25 program in accordance with subsection (7) if the increase in

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2 percentage increase as provided in subsection (2) above or

3 6%, whichever is larger;

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-End-

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10 the annual percentage increase as computed in subsection  
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14 the current school fiscal year from the approved estimated  
15 average number belonging for the ensuing school fiscal year;  
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19 subsection (i) above 80% of the difference between the  
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{1}--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

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

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- (a) the computation--of-the-average-annual-percentage 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 (2) (1)

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) (2) above; and

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17 board shall:

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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 (1) if the increase in

1 subsection (5)(a) above is at least twice the average annual

2 percentage increase as provided in subsection (1) above or

3 6%, whichever is larger;

4 (4)(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

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25 notify the district of his decision by the fourth Monday in

1 June.

2 ~~{7}(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 ~~{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 ~~{1)--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--{7}(b)--above--and--the--amount--determined--in~~  
19 ~~subsection--{7}(a)--above 80% of the difference between the~~  
20 ~~approved estimated average number belonging for the ensuing~~  
21 ~~school fiscal year and the--previous 100% 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 ~~(7) 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)."~~

-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