

HOUSE BILL 674

IN THE HOUSE

February 8, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1979	Committee recommend bill, do pass.
February 17, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed. Third reading, passed.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Education.
March 17, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

March 19, 1979	Returned from Senate, not concurred.
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1 *House* BILL NO. *674*
 2 INTRODUCED BY *Don H. Robison* *Ward Lewis*
 3 *Theresa Cooney*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
 5 REQUIREMENTS FOR MANDATORY APPROVAL FOR ATTENDANCE AT AN
 6 ELEMENTARY SCHOOL OUTSIDE THE DISTRICT OF RESIDENCE;
 7 AMENDING SECTION 20-5-301, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 20-5-301, MCA, is amended to read:
 11 "20-5-301. Elementary tuition with mandatory approval.
 12 (1) Any child may be enrolled in and attend an elementary
 13 school outside of the elementary district in which he
 14 resides when such elementary school is located in:
 15 (a) any other district of the county of his residence;
 16 (b) a county adjoining his county of residence; or
 17 (c) a district of another state that is adjacent to
 18 the county of his residence.
 19 (2) When a parent or guardian of a child wishes to
 20 have his child attend a school under the provisions of this
 21 section, he shall apply to the county superintendent of the
 22 county of his residence before July 1 of the school fiscal
 23 year for which he seeks approval except in those cases when
 24 substantial changes in circumstances occurred subsequently
 25 to justify later application. The application shall be made

1 on a tuition agreement form supplied by the county
 2 superintendent and shall be approved before permission to
 3 enroll in and attend school outside of the district under
 4 the provisions of this section may be granted, by:
 5 (a) the trustees of the elementary district in which
 6 the child resides;
 7 (b) the trustees of the district where the child
 8 wishes to attend school; and
 9 (c) the county superintendent of the child's
 10 residence.
 11 (3) In considering the approval of a tuition
 12 application, the tuition approval agents prescribed in this
 13 section shall approve such application for a resident child
 14 when:
 15 (a) the child resides less than 3 miles from the
 16 school which he wishes to attend and more than 3 miles from
 17 any school of his resident elementary district;
 18 (b) the child resides more than 3 miles from any
 19 school of his resident elementary district and such district
 20 does not provide transportation under the provisions of this
 21 title;
 22 (c) the child resides more than 3 miles from any
 23 school of his resident elementary district ~~the resident~~
 24 ~~district--does--not---provide---transportation---under---the~~
 25 ~~provisions--of--this--title~~ and school bus transportation is

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1 furnished by the district operating the school which he
2 wishes to attend;

3 (d) the child is a member of a family who must send
4 another child outside of the elementary district to attend
5 high school and the child of elementary age may more
6 conveniently attend an elementary school where the high
7 school is located, provided the child resides more than 3
8 miles from an elementary school of the resident district or
9 the parent must move to the elementary district where the
10 high school is located in order to enroll the other child in
11 high school; or

12 (e) the child has been declared by a court of
13 competent jurisdiction to be an abused, neglected, or
14 dependent child, as defined in 41-3-102, or a delinquent
15 youth, as defined in 41-5-103, and has been ordered to be
16 placed in a licensed child care institution which is
17 approved by the department of social and rehabilitation
18 services and as a result of the order the child is required
19 to attend elementary school outside of the district of his
20 residence. For purposes of this subsection the prescribed
21 geographic relationship of the receiving district to the
22 district of residence does not apply.

23 (4) The trustees of the district where the school to
24 be attended is located may disapprove a tuition agreement
25 that satisfies any of the mandatory approval conditions

1 specified in subsection (3) above when they find that, due
2 to insufficient room and overcrowding, the accreditation of
3 the school would be adversely affected by the acceptance of
4 the child. In the event of disapproval, the trustees shall
5 so notify the parent in writing within 15 days of the first
6 receipt of the application."

-End-

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 3 *Therese County*
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 18 (b) the child resides more than 3 miles from any
 19 school of his resident elementary district and such district
 20 does not provide transportation under the provisions of this
 21 title;
 22 (c) the child resides more than 3 miles from any
 23 school of his resident elementary district, ~~the resident~~
 24 ~~district--does--not--provide--transportation--under--the~~
 25 ~~provisions--of--this--title,~~ and school bus transportation is

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