CHAPTER NO. 401

SENATE BILL NO. 273

INTRODUCED BY McCALLUM

IN THE SENATE

| January 27, 1979 | Introduced and referred to Committee on Education. |
|-------------------|---|
| February 13, 1979 | Committee recommend bill do pass as amended. Report adopted. |
| February 15, 1979 | Printed and placed on members' desks. |
| February 16, 1979 | Second reading, do pass. |
| February 17, 1979 | On motion taken from Committee on Bills and Journal and referred to second reading. |
| February 19, 1979 | Second reading, do pass as amended. |
| February 21, 1979 | Correctly engrossed. |
| February 22, 1979 | Third reading, passed. Transmitted to second house. |
| IN THE HOU | SE |
| February 23, 1979 | Introduced and referred to Committee on Education and Cultural Resources. |
| March 9, 1979 | Committee recommend bill be concurred in. Report adopted. |
| March 13, 1979 | Second reading, concurred in. |
| March 14, 1979 | On motion, returned to second |

reading.

| March 15, 1979 | Second reading, concurred in as amended. |
|--------------------------------|--|
| March 19, 1979 | On motion taken from third reading and referred to second reading. |
| | Second reading, concurred in as amended. |
| March 22, 1979 | Third reading, concurred in as amended. |
| IN THE SE | NATE |
| March 23, 1979 | Returned from second house. Concurred in as amended. |
| March 24, 1979 | Second reading, pass |
| | consideration. |
| March 26, 1979 | Second reading, amendments adopted. |
| March 26, 1979 March 27, 1979 | Second reading, amendments |

LC 0338/01

46th Legislature

1 Septe BILL NO. 273
2 INTRODUCED BY Melanle

A STALL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION

PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN

A DISTRICT DUTSIDE HIS RESIDENT DISTRICT AND GREATING A HIGH

SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH

20-5-313 AND 20-9-334+ MCA.**

BE IT ENGITED BY THE LEGISLATE TOF THE STATE OF MONTANA:

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Section 1. Section 20-5-311, MCA, is amended to read:

"20-5-3 i. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the county high act of district in which he resides when such high school is in ated in any-county-of-the-state-of Montana or in a coulty of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent and shall be approved by the trustees of the

district where the child wishes to attend school and the county superintendent of the child's county of residence before permission to enroll in and attend a school outside of the county district under the provisions of this section shall be granted.

(2) The county superintendent shall approve a tuition 6 7 application when a child lives closer to a high school of another county district than any high school located within 9 his resident county district or when, due to road or 10 geographic conditions, it is impractical to attend a the high school in nearest his resident-county residence. In 11 approving such a tuition application the 12 superintendent is not required to approve a tuition 1.3 14 application for a student seeking to attend a high school outside the state of Montana if the resident district 15 provides transportation. In approving a tuition agreement 11 under this provision, the county superintendent may require the child to uttend the high school closest to his 18 residence. The county superintendent may approve any other 19 tuition application that satisfies the geographic 2.3 21 requirements of this section.

22 (3) The trustees of the district where the child 23 wishes to attend school shall approve or disapprove any 24 tuition application submitted to them under the provisions 25 of this section within 15 days after the receipt of the LC 0338/01 £C 0338/01

application.

or guardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the county superintendent, the parent may appeal such disapproval to the county superintendent for his reconsideration and, subsequently, to the superintendent of public instruction under the provision for the appeal of comproversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year."

Section 2. Section 20-5-312, MCA, is amended to read:

#20-5-312. Reporting, budgeting, and payment for high
school tuition. (1) At the close of the school term of each
school fiscal year, the trustees of each high school
district shall determine the rate of tuition for the current
school fiscal year by:

(a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;

(b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311;

1 and

2 (c) subtracting the total of the per-ANB amount
3 fillowed by 20-9-316 through 20-9-321 that represents the
4 foundation program as prescribed by 20-9-303 plus the
5 per-ANB amount determined by dividing the state financing of
6 the district permissive levy by the ANB of the district.
7 from the amount determined in subsection (1)(b) above.

(2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is located:

12 <u>districts</u> of the pupils attending the schools of the district under an approved tuition agreement;

14 (b) the number of days of school attended by each
15 pupil;

(c) the amount, if any, of each pupil's tuition payment that the trustees, in their discretion, shall hav the authority to waive; and

(d) the rate of current school fiscal year tuition, as determined under the provisions of this section.

(3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the county superintendent of each county district in which the reported pupils reside.

(4) When the county <u>district</u> superintendent of many

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pupils residing in his county district and attending an out-of-county our-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate white an agreement, and other information provided by each high school district where resident county district pupils have attended school.

top--The--cotal--amount-of-the-high-school-tuition-with considerativ -of-any-tuition-waik rs-shall--be--financed--by the-county-basic-special-tax-for-nigh-schools-as-provided-in 29-9-334

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the-payme combervethe-county-superintendent-shall-cause the-payme comby-county-warrant-of-the-high-school-tuition stipations-established-under-this-section-out-of-the-first mone-sa-realized--from-the-county-passic-special-tax-for-high school-sw-The-payment-shall-be-made-to-the-county--treosurer of-the-county-w ere-each-high-school-entitled-to-tuition-is rountedw-The-county--treosurer-shall--credit--such--tuition receipts--to--the-general-fund-of-the-spplicable-high-school districty--and--the-tuition--receipts--shall--he--used---in accordance-with-the-provisions-of-20-9-141*

Section 3. Section 20-5-313, MCA, is amended to read:

1 #20-5-313. Individual tuition for high school pupil.
2 (1) Any child eligible to attend high school may attend
3 school in ony the high school district of—his—eounty—of
4 residence in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own expense, to any high school outside of his county <u>district</u> of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the trustees.**

NEW SECTION. Section 4. Budgeting, levy requirement, and paying high school tuition. (1) The tuition amount established in 20-5-312 must be paid during the ensuing school fiscal year. The trustees of the high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132.

(2) The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy

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out-of-county-tuitions"

1 requirement shall be calculated by subtracting from the 2 total expenditure amount authorized in the final tuition 3 fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund.

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(3) The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification under the provisions of 20-5-312. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted.

Section 5. Section 20-9-334+ MCA+ is amended to read: *20-9-334. Apportionment of county equalization moneys by county superintendent. The county superintendent shall separately apportion the revenues deposited in the basic county tax account and the revenues deposited in the basic special tax for high schools account to the several districts of the county on a quarterly basis. apportionments shall be known as "county equalization moneys". Before the county superintendent makes the quarterly apportionments, he shall+

+++--deduct from the revenues available in the basic county tax account the amount required for the quarter to

reimbursementsta and 2 3 f21--deduct-from-the-revenues-available--in--the--basic special-tax-for-high-schools-account-the-amount-required-for 4 5 the--quarter--to-pay-the-county*s-obliqation-for-high-school

pay the county's obligation for elementary transportation

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46th Legislature

SB 0273/02

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Approved by Committee on Education

SENATE BILL NO. 273
2 INTRODUCED BY McCALLUM

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
SCHOOL TUITION FUND; AM_NOING SECTIONS 20-5-311 THROUGH
20-5-313 AND-20-9-334. MCA.*

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

Section 1. Section 20-5-311. MCA: is amended to read:
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school is located in any-county-of-the-state-of Montana or
in a county of another state that is adjacent to the state
of Montana. When a parent or guardian of a child wishes to
have his child attend a school under the provisions of this
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year for which he seaks approval except in those cases when
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superintendent and shall be approved by the trustees of the

district where the child wishes to attend school and the county superintendent of the child's county of residence before permission to enroll in and attend a school outside of the county district under the provisions of this section shall be granted.

- (2) The county superintendent shall approve a tuition application when a child lives closer to a high school of another county district than any high school located within his resident county district or when, due to road or 10 geographic conditions, it is impractical to attend a the 11 high school in nearest his resident-county residence. In 12 approving such a tuition application the county 13 superintendent is not required to approve a tuition 14 application for a student seeking to attend a high school 15 outside the state of Montana if the resident district 16 provides transportation. In approving a tuition agreement 17 under this provision, the county superintendent may require 18 the child to attend the high school closest to his 19 residence. The county superintendent may approve any other 20 tuition application that satisfies the geographic 21 requirements of this section.
 - (3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the

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1 application.

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Section 2. Section 20-5-312. MCA. is amended to read:
#20-5-312. Reporting. budgeting. and payment for high
school tuition. (1) At the close of the school term of each
school fiscal year. the trustees of each high school
district shall determine the rate of tuition for the current
school fiscal year by:

- (a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;
- (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311;

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- 2 (c) subtracting the total of the per-ANB amount
 3 allowed by 20-9-316 through 20-9-321 that represents the
 4 foundation program as prescribed by 20-9-303 plus the
 5 per-ANB amount determined by dividing the state financing of
 6 the district permissive levy by the ANB of the district.
 7 from the amount determined in subsection (1)(b) above.
- 8 (2) Before July 15, the trustees shall report to the 9 county superintendent of the county in which the district is 10 located:
- 11 (a) the names, addresses, and resident countries

 12 <u>districts</u> of the pupils attending the schools of the

 13 district under an approved tuition agreement;
- 14 (b) the number of days of school attended by each
 15 pupil:
- 16 (c) the amount, if any, of each pupil's tuition
 17 payment that the trustees, in their discretion, shall have
 18 the authority to waive; and
 - (d) the rate of current school fiscal year tuition, as determined under the provisions of this section.
- 21 (3) When the county superintendent receives a tuition
 22 report from a district, he shall immediately send the
 23 reported information to the county superintendent of each
 24 county district in which the reported pupils reside.
 - (4) When the county <u>district</u> superintendent of-any

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pupils residing in his county district and attending an out-of-county out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county district pupils have attended school.

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(5)--The--total--amount-of-the-high-school-tuition-with consideration-of-any-tuition-waivers-shall--be--financed--by the-county-basic-special-tax-for-high-schools-as-provided-in 28-9-334*

the--payment--by--county--warrant-of-the-high-school-tuition obligations-established-under-thi--section-out-of-the--first moneys--realized--from-the-county-basic-special-tox-for-high schools--The-payment-shall-be-made-to-the--county--treasurer of--the-county-where-each-high-school-entitled-to-tuition-is located--The-county--treasurer--shall--credit--such--tuition receipts--to--the-general-fund-of-the-spplicable-high-school districty--and--the--tuition--receipts--shall--be--used---in accordance-with-the-provisions-of-20-9-141*

15) HE TOTAL AMOUNT OF THE HIGH SCHOOL JUILION: WITH

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CONSIDERATION OF ANY TUITION HAIVERS. FOR PUPILS ATTENDING A HIGH SCHOOL DUTSIDE THE COUNTY OF RESIDENCE SHALL BE FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN DECEMBER. THE COUNTY SUPERINTENDENT SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL TUITION DOLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO 10 IUIIION IS LOCATED . THE COUNTY TREASURER SHALL CREDIT SUCH TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE _HIGH 11 SCHOOL DISTRICT: AND THE TUITION RECEIPTS SHALL BE USED IN 12 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141. 16) FOR PUPILS ATTENDING A HIGH SCHOOL DUTSIDE THEIR 14 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE.

THE TOTAL AMOUNT OF THE TUITION. WITH CONSIDERATION OF ANY

TUITION WAIVERS . MUST BE PAID DURING THE ENSUING SCHOOL

EISCAL YEAR. THE IRUSIEES OF THE SENDING HIGH SCHOOL

QISIRICI SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION

EUND DE THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED

TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT

PROVISIONS OF ZO-9-132. THE COUNTY SUPERINTENDENT SHALL

REPORT. THE NET TUILION FUND LEVY REQUIREMENT FOR EACH HIGH

SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND

MONDAY OF AUGUST: AND A LEYY ON THE DISTRICT SHALL BE MADE

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| 1 | BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142. |
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| 2 | IMIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING |
| 3 | FROM THE TOTAL EXPENDITURE ANDONT AUTHORIZED IN THE FINAL |
| 4 | TUTTION FUND BUDGET THE SUB OF THE CASH BALANCE IN THE |
| 5 | TUITION FUND AT THE END OF THE IMMEDIATELY ERECEDING SCHOOL |
| 6 | EISCAL YEAR PLUS ANY OTHER ANTICIPATED MONLY THAT MAY BE |
| 7 | REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY |
| В | MARRANTS ORANN ON THE TUITION FUND THE TUITION ANGUNTS OWED |
| 9 | TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S |
| 10 | NOTIFICATION - PAYMENTS SHALL BE MADE MHENEVER THERE IS A |
| 11 | SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE JUITION SUND BUT |
| 12 | NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR WHICH |
| 13 | THE SUDGET IS ADDPTED." |
| 14 | Section 3. Section 20-5-313. MCA. is amended to read: |

Section 3. Section 20-5-313, MCA, is amended to read:
#20-5-313. Individual tuition for high school pupil.

(1) Any child eligible to attend high school may attend school in any the high school district of him-county-of residence in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own expense, to any high school outside of his county <u>district</u> of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the

| trustees." |
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| NEW:SEGIIGNESection-4Budgetinglevy-requirement |
| and-paying-high-schooltwition(1)Thetwitionamount |
| establishedin30-5-312mustbepaid-during-the-ensuing |
| school-fiscol-yeary-The-trustees-of-the-high-school-district |
| shall-include-the-twition-amount-in-the-twition-fund-ofthe |
| preliminary-and-final-budgetsThis-budgeted-tuition-amoun |
| isnotsubjecttothebudgetadjustmentprovisions-o |
| 20-9-132+ |
| {2}The-county-superintendentshallreportthene |
| twitionfund-levy-requirement-for-each-high-school-distric |
| to-the-county-commissioners-on-the-second-Monday-ofAugust |
| andalevyonthedistrictshall-be-made-by-the-count |
| commissionersinaccordancewith20-9-142wThislev |
| requirementshallbecolculatedbysubtracting-from-the |
| total-expenditure-amount-authorizedinthefinaltuition |
| fundbudget-the-sum-of-the-cash-balance-in-the-tuition-fund |
| at-the-end-of-the-immediately-preceding-schoolfiscaly.se |
| płus-any-other-anticipated-money-that-may-be-realized-in-the |
| tu+t+on-fund= |
| t3)Thetrusteesshellpay-by-warrants-drawn-on-the |
| tuition-fund-thetuitionamountsowedtoeachdistrict |
| includedinthe-county-superintendent's-notification-under |
| the-provisions-of-20-5-312-Payments-shall-be-madewhenever |
| |

there--is--a--sufficient--amount--of--cash--available-in-the

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| 1 | tuition-fund-but-no-inter-than-the-end-of-the-schoolfiscal |
|----|--|
| 2 | year-for-which-the-budget-is-adopted+ |
| 3 | Section-5*Section28-9-334y-MEAy-is-amended-to-read+ |
| 4 | =28-9-334Apportionment-of-county-equalization-moneys |
| 5 | by-county-superintendentyThe-countysuperintendentshoil |
| 6 | _eparatelyapport iontherevenuesdeposited-in-the-basic |
| 7 | county-tax-account-and-the-revenues-deposited-inthebasic |
| 8 | specialtaxforhighschoolsaccounttotheseveral |
| 9 | districtsofthecountyonaquorterlybosisThe |
| 10 | opportionmentsshallbeknownas#countyequalization |
| 11 | moneys**Beforethecountysuperintendentmakesthe |
| 12 | quarterly-apportionmentsy-he-shall+ |
| 13 | (i)deductfromtherevenues-ave+lable-in-the-basic |
| 14 | county-tax-account-the-emount-required-forthequarterto |
| 15 | paythecounty*sobligation-for-elementary-transportation |
| 16 | reimbursements;g-and |
| 17 | (2)deduct-from-the-revenues-ovailableinthebasic |
| 18 | special-tax-for-high-schools-account-the-amount-required-for |
| 19 | thequarterto-pay-the-county*s-obligation-for-high-school |
| 20 | out-of-county-tuition* |

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SENATE BILL NO. 273

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INTRODUCED BY MCCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
PAYMEN: FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
20-5-313 AND-20-9-334, MCA."

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

Section 1. Section 20-5-311. MCA, is amended to read:

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(3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the

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- (a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;
- (b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311;

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- 2 (c) subtracting the total of the per-ANB amount
 3 allowed by 20-9-316 through 20-9-321 that represents the
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 - (3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the county superintendent of each county district in which the reported pupils reside.
 - (4) When the county <u>district</u> superintendent of-any

pupils residing in his county district and attending an out-of-county out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition tue such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county district pupils have attended school.

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{5}--The--total--amount-of-the-high-school-tuition-with
consideration-of-any-tuition-waivers-shall--be--financed--by
the-county-bosic-special-tax-for-high-schools-as-provided-in
20-9-334*

the--payment--by--county--warrant-of-the-high-school-tuition obligations-established-under-this-section-out-of-the--first moneys--realized--from-the-county-basic-special-tax-for-high schools#-The-payment-shall-be-made-to-the--county--treasurer of--the-county-where-each-high-school-entitled-to-tuition-is located#-The-county--treasurer--shall--credit--such--tuition receipts--to--the-general-fund-of-the-applicable-high-school districty--and--the--tuition--receipts--shall--be--used---in accordance-with-the-provisions-of-28-9-141*

(5) THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION. WITH

2 HIGH SCHOOL DUTSIDE THE COUNTY OF RESIDENCE SHALL BE 3 FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN OCCEMBER. THE COUNTY SUPERINTENDENI SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL 5 TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX 7 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED ID 9 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH 10 11 TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH 12 SCHOOL DISTRICE: AND THE TUITION RECEIPTS SHALL BE USED IN 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141. 16) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR 14 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE. THE IDIAL ANOUNT OF THE TUITION, WITH CONSIDERATION OF ANY 16 17 TUITION WAIVERS. MUST BE PAID DURING THE ENSUING SCHOOL 18 EISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL

DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION

FUND DE THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED

TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT

PROVISIONS OF 20-9-132. THE COUNTY SUPERINIENDENT SHALL

REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH

SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND

MONDAY OF AUGUST: AND A LEYY ON THE DISTRICT SHALL BE MADE

CONSIDERATION OF ANY TUITION WAIVERS. FOR PUPILS ATTENDING A

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| 1 | BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142. |
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| 2 | THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING |
| 3 | FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL |
| 4 | TUITION FUND BUDGET THE SUN OF THE CASH BALANCE IN THE |
| 5 | TUTTION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL |
| 6 | FISCAL YEAR PLUS ANY OTHER ANTICIPATED HOMEY THAT MAY BE |
| 7 | REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY |
| 8 | MARRANTS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS DWEE |
| 9 | TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENTS |
| 10 | NOTIFICATION - PAYMENTS SHALL BE MADE WHENEVER THERE IS A |
| 11 | SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT |
| 12 | NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR MHICH |
| 13 | THE BUDGET IS ADDITED. |

Section 3. Section 20-5-313, MCA, is amended to read:

"20-5-313. Individual tuition for high school pupil.

(1) Any child eligible to attend high school may attend school in any the high school district of-his-county-of residence in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own expense, to any high school outside of his county district of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the

trustees."

MEM_SECTIONs -- Section-4--Budgeting--levy-requirements and-paying-high-school--tuition---(1)--The--tuition--amount established--in--28-5-312--must--be--paid-during-the-ensuing school-fiscal-year--The-trustees-of-the-high-school-district shall-include-the-tuition-amount-in-the-tuition-fund-of--the preliminary-and-final-budgets---This-budgeted-tuition-amount is--not--subject--to--the--budget---odjustment---provisions-of 28-9-132*

t21--The-county-superintendent--shall--report--the--net
tuition--fund-tevy-requirement-for-each-high-school-district
to-the-county-commissioners-on-the-second-Monday-of--Augustv
and--a--levy--on--the--district--shall-be-made-by-the-county
commissioners--in--accordance--with--20-9-142v---This---levy
requirement--shall--be--calculated--by--subtracting-from-the
total-expenditure-amount-authorized--in--the--final--tuition
fund--budget-the-sum-of-the-cash-balance-in-the-tuition-fund
at-the-end-of-the-immediately-preceding-school---fiscal--ye c
plus-any-other-anticipated-money-that-may-be-realized-in-the
tuition-funds

t3)--The--trustees--shall--pay-by-warronts-drawn-on-the tuition-fund-the--tuition--amounts--owed--to--each--district included--in--the-county-superintendent*s-notification-under the-provisions-of-20-5-312*-Payments-shall-be-made--whenever there--is--a--sufficient--amount--of--cash--available-in-the

| twition-fund-but-no-later-than-the-end-of-the-schoolfiscal |
|--|
| year-for-which-the-budget-is-adopteds |
| Section-5Section20-9-334-MEAis-amended-to-read+ |
| #20-9-334Apportionment-of-county-equalization-moneys |
| by-coun'y-superintendentwThe-countysuperintendentshall |
| separatelyapportiontherevenuesdeposited-in-the-basic |
| county-tax-account-and-the-revenues-deposited-inthebasic |
| specialtoxforhighschoolsaccounttotheseveral |
| districtsofthecountyonaquarterlybasisThe |
| apportionmentsshallbeknownas*countyequalization |
| moneys#wBeforethecountysuperintendentmakesthe |
| quarterly-apportionmentsy-he-shall+ |
| (±)deductfromtherevenues-available-in-the-basic |
| county-tax-account-the-amount-required-forthequarterto |
| paythecounty4sobligation-for-elementary-transportation |
| reimbursements; -and |
| (2) Indeduct from the community well-black in the charter |

> > -End-

special-tax-for-high-schools-account-the-amount-required-for the--quarter--to-pay-the-county^s-obligation-for-high-school

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out-of-county-tuitions

SB 0273/03 SB 0273/03

46th Legislature

SENATE BILL NO. 273

INTRODUCED BY MCCALLUM

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION

PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN

A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH

SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH

20-5-313 AND-20-9-334. MCA."

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

Section 1. Section 20-5-311. MCA, is amended to read:

"20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the county high_school_district in which he resides when such high school is located in any-county-of-the-state-of Montana or in a county of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section. he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent and shall be approved by the trustees of the

district where the child wishes to attend school and the county superintendent of the child's county of residence before permission to enroll in and attend a school outside of the county district under the provisions of this section shall be granted.

(2) The county superintendent shall approve a tuition 7 application when a child lives closer to a high school of another county district than any high school located within his resident county district or when, due to road or 10 geographic conditions, it is impractical to attend a the 11 high school in nearest his resident-county residence. In 12 approving such a tuition application the county 13 superintendent is not required to approve a tuition application for a student seeking to attend a high school 14 15 outside the state of Montana if the resident district 16 provides transportation. In approving a tuition agreement under this provision, the county superintendent may require 17 18 the child to attend the high school closest to his 19 residence. The county superintendent may approve any other 20 tuition application that satisfies the geographic 21 requirements of this section.

(3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the

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(4) The county superintendent shall notify the parent or guardian and the trustees of the district Where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the county superintendent, the parent may appeal such disapproval to the county superintendent for reconsideration and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child mamed in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year.*

Section 2. Section 20-5-312, MCA, is amended to read: #20-5-312. Reporting, budgeting, and payment for high school tuition. (1) At the close of the school term of each school fiscal year, the trustees of each high school district shall determine the rate of ruition for the current school fiscal year by:

- (a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;
- (b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311;

(c) subtracting the total of the per-ANB amount 2 allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of 6 the district permissive levy by the ANB of the district,

(2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is 9

from the amount determined in subsection (1)(b) above.

- 11 names, addresses, and resident counties districts of the pupils attending the schools of the 12 13 district under an approved tuition agreement;
- 14 (b) the number of days of school attended by each 15 pupil;
- (c) the amount, if any, of each pupil's tuition 16 payment that the trustees, in their discretion, shall have 17 the authority to waive; and
- 19 (d) the rate of current school fiscal year tuition, as 20 determined under the provisions of this section.
 - (3) When the county superintendent receives a tuition report from a district. he shall immediately send the reported information to the county superintendent of each county district in which the reported pupils reside.
 - (4) When the county district superintendent of-eny

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county receives a tuition report or reports for high school numils residing in his county district and attending an out-of-county out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county district pupils have attended school.

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f6+--in-Becembery-the-county-superintendent-sholl-cause the--payment--by--county--warrant-of-the-high-school-tuition obligations-established-under-this-section-out-of-the--first moneys--realized--from-the-county-basic-spacial-tax-for-high schools=-The-payment-shall-be-made-to-the--county--treasurer of--the-county-where-each-high-school-entitled-to-tuition-is tocated.-The-county--treasurer--shall--credit--such--tuition receipts--to--the-general-fund-of-the-applicable-high-school districty--and--the--tuition--receipts--shall--be--used---in accordance-with-the-provisions-of-20-9-14lw

(5) THE TOTAL ANOUNT OF THE HIGH SCHOOL TUITION. WITH

HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE 2 FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN DECEMBER. THE COUNTY SUPERINTENDENT SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL TUITION DBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO 10 TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH TUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH 11 12 SCHOOL DISTRICT. AND THE TUITION RECEIPTS SHALL BE USED IN 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141. 14 (6) FOR PUPILS ATTENDING A HIGH SCHOOL OUISIDE THEIR DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE. 15 THE TOTAL AMOUNT OF THE TUITION. WITH CONSIDERATION OF ANY

TUITION WAIVERS. MUST BE PAID DURING THE ENSUING SCHOOL

EISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL

DISTRICT SHALL INCLUDE THE TUITION ABOUNT IN THE TUITION

FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED

TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT

PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL

REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH

SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND

MONDAY OF AUGUST: AND A LEYY ON THE DISTRICT SHALL BE MADE

CONSIDERATION OF ANY TUITION WALVERS. FOR PUPILS ATTENDING A

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| 1 | BY THE COUNTY CONMISSIONERS IN ACCORDANCE WITH 20-9-142. |
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| 2 | IH15 LEYY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING |
| 3 | FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL |
| 4 | TUITION - EUND BUDGET THE SUM GE THE CASH BALANCE IN THE |
| 5 | TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL |
| 6 | FISCAL_YEAR_PLUS_ANY_OTHER_ANTICIPATED_MONEY_THAT_MAY_BE |
| 7 | REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY |
| 8 | WARRANIS DRAWN ON THE TUITION FUND THE TUITION AMOUNTS OMED |
| 9 | IO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S |
| 10 | NOTIFICATION. PAYMENTS SHALL BE MADE WHENEVER THERE IS A |
| 11 | SUFFICIENT ANGUNT OF CASH AVAILABLE IN THE TUITION FUND. BUT |
| 12 | NO_LATER_THAN_THE END OF THE SCHOOL FISCAL YEAR FOR WHICH |
| 13 | THE BUDGET IS ADDRIED. HOWEYER. IE THE TRUSTEES OF EITHER |
| 14 | THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER |
| 15 | PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY |
| 16 | MAY APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS WHO SHALL |
| 17 | HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE |
| 18 | IRANSEER." |
| 19 | Section 3. Section 20-5-313. MCA: is amended to read: |

#20-5-313. Individual twition for high school pupil.

(1) Any child eligible to attend high school may attend school in any the high school district of-his-county-of residence in which he resides without payment of tuition.

(2) No provision of this title shall be construed to deny a parent the right to send his child, at his own

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expenser to any high school outside of his county district of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved the parent shall pay tuition at the rate fixed by the trustees.*

NEW-SECTION:—Section—Two—Budgetings—Tevy—requirements and—paying—high—school—tuition»——(1)—The—tuition—amount

and-paying-high-school-tuition---(i)-The-tuition-amount established-in-20-5-312-must--be--paid--during--the--ensuing school-fiscal-year-The-trustees-of-the-high-school-district shell--include-the-tuition-amount-in-the-tuition-fund-of-the preliminary-and-final-budgets--This-budgeted-tuition-amount is-not--subject--to--the--budget--adjustment--provisions--of 20-9-132*

twition-fund-levy-requirement-for-each-high-school--district to--the-county-commissioners-on-the-second-Monday-of-Augustv and-a-levy-on-the-district--shall--be--made--by--the--county commissioners--in--accordance--with--20-9-142v--This--levy requirement-shall-be--ealeulated--by--subtracting--from--the total--expenditure--smount--outhorized--in-the-final-twition fund-budget-the-sum-of-the-cash-balance-in-the-twition--fund at--the--end-of-the-immediately-preceding-school-fiscal-year plus-any-other-anticipated-money-that-may-be-realized-in-the twition-funds

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| (3)The-trustees-shall-pay-by-warrantsdrawnonthe |
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| tuitionfundthetuitionamountsowedto-each-district |
| included-in-the-county-superintendent'snotificationunder |
| theprovisions-of-28-5-312Payments-shall-be-made-whenever |
| there-is-asufficientamountofcashaveilableinthe |
| tuitionfund-but-no-later-thon-the-and-of-the-school-fiscol |
| year-for-which-the-budget-is-adopted* |
| Section-SeSection-20-9-334v-MEAv-is-amended-toreads |
| #28-9-334Apportionment-of-county-equalization-moneys |
| bycountysuperintendentThe-county-superintendent-shell |
| separately-apportion-the-revenuesdepositedinthebasic |
| countytaxaccount-and-the-revenues-deposited-in-the-besic |
| specialtaxforhighschoolsaccounttotheseveral |
| districtsofthecountyonaquarterlybesiseThe |
| apportionmentsshallbeknownas"countyequalization |
| moneys#wBeforethecountysuperintendentmakesthe |
| quarterly-apportionments:-he-shell: |
| (1)deduct-from-the-revenues-evailebleinthebesic |
| countytaxaccountthe-amount-required-far-the-quarter-to |
| pay-the-county*s-obligationforelementarytransportation |
| reimbursementsti-and |
| (2)deductfromtherevenues-evaitable-in-the-basic |
| special-tax-for-high-schools-account-the-amount-required-for |
| the-quarter-to-pay-the-county*s-obligation-forhighschool |
| out-of-county-tuition= |

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| SENATE | BILL | NO. | 273 |
|--------|------|-----|-----|
| | | | |

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
5 PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN

INTRODUCED BY McCALLUM

7 SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH

A DISTRICT DUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH

20-5-313 AND-28-9-334+ MCA+*

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

Section 1. Section 20-5-311, MCA, is amended to read:

#20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the county high school district in which he resides when such high school is located in any-county-of-the-state-of Montana or in a county of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent and shall be approved by the trustees of the

district where the child wishes to attend school and the county superintendent of the child's county of residence before permission to enroll in and attend a school outside of the county <u>district</u> under the provisions of this section shall be granted.

- (2) The county superintendent shall approve a tuition 7 application when a child lives closer to a high school of another county district than any high school located within his resident county district or when, due to road or geographic conditions, it is impractical to attend a the 10 high school in nearest his resident-county residence. In 11 approving such a tuition application the 15 county 13 superintendent is not required to approve a tuition application for a student seeking to attend a high school 14 outside the state of Montana if the resident district 15 16 provides transportation. In approving a tuition agreement 17 under this provision, the county superintendent may require 18 the child to attend the high school closest to his 19 residence. The county superintendent may approve any other 20 tuition application that satisfies the geographic requirements of this section. 21
 - (3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the

application.

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or guardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the county superintendent, the parent may appeal such disapproval to the county superintendent for his reconsideration and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year."

Section 2. Section 20-5-312. MCA, is amended to read:
#20-5-312. Reporting, budgeting, and payment for high
school tuition. (1) At the close of the school term of each
school fiscal year, the trustees of each high school
district shall determine the rate of tuition for the current
school fiscal year by:

- (a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;
- 23 (b) dividing the amount determined in subsection
 24 (1)(a) above by the ANB of the district for the current
 25 fiscal year, as determined under the provisions of 20-9-311;

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- 2 (c) subtracting the total of the per-ANB amount
 3 allowed by 20-9-316 through 20-9-321 that represents the
 4 foundation program as prescribed by 20-9-303 plus the
 5 per-ANB amount determined by dividing the state financing of
 6 the district permissive levy by the ANB of the district.
 7 from the amount determined in subsection (1)(b) above.
 - (2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is located:
- 11 (a) the names, addresses, and resident counties
 12 <u>districts</u> of the pupils attending the schools of the
 13 district under an approved tuition agreement;
- 14 (b) the number of days of school attended by each
 15 pupil;
- 16 (c) the amount, if any, of each pupil's tuition 17 payment that the trustees, in their discretion, shall have 18 the authority to waive; and
- 19 (d) the rate of current school fiscal year tuition; as
 20 determined under the provisions of this section.
- 21 (3) When the county superintendent receives a tuition
 22 report from a district, he shall immediately send the
 23 reported information to the county superintendent of each
 24 county district in which the reported pupils reside.
 - (4) When the county <u>district</u> superintendent of ney

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county receives a tuition report or reports for high school pupils residing in his county district and attending an out-of-county <u>out-of-district</u> high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county <u>out-of-district</u> high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county <u>district</u> pupils have attended school.

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(5)--The--total--amount-of-the-high-school-tuition-with consideration-of-any-tuition-waivers-shall--be--financed--by the-county-basic-special-tax-for-high-schools-as-provided-in 28-9-334*

the--payment--by--county--warrant-of-the-high-school-tuition obligations-established-under-this-section-out-of-the-first moneys--realized--from-the-county-basic-special-tax-for-high schoolsy-The-payment-shall-be-made-to-the--county--treasurer of--the-county--where-each-high-school-4ntitled-to-tuition-is locatedy-The-county--treasurer-shall--credit--such--tuition receipts--to--the-general-fund-of-the-spplicable-high-school districty--and--the--tuition--receipts--shall--be--used---in accordance-with-the-provisions-of-28-9-141*

151 THE TOTAL ABOUNT OF THE HIGH SCHOOL TUTTION WITH

1 CONSIDERATION OF ANY TUITION WAIVERS. FOR PUPILS ATTENDING A 2 HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE 3 EINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN DECEMBER. THE COUNTY SUPERINTENDENT 5 SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF 7 THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY q TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH 10 11 TUITION_RECEIPIS_TO_IHE_GENERAL_FUND_OF_THE_APPLICABLE__HIGH 12 SCHOOL DISTRICT. AND THE TUITION RECEIPTS SHALL BE USED IN ACCORDANCE WITH THE PROVISIONS OF 20-9-141. 13

14 (6) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE. 15 16 THE TOTAL AMOUNT OF THE TUITION. WITH CONSIDERATION OF MANY 17 IUITION WAIVERS. MUST BE PAID DURING THE ENSUING SCHOOL ELSCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL 18 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION 20 FUND OF THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED 21 IUIIION AMOUNI IS NOT SUBJECT TO THE BUDGET ADJUSTMENT 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND

MONDAY OF AUGUSI: AND A LEVY ON THE DISTRICT SHALL BE MADE

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| 1 | BY THE COUNTY COUNTSSIGNERS IN ACCORDANCE WITH 20-9-142. |
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| 2 | THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING |
| 3 | FROM THE IDIAL EXPENDITURE ANOUNT AUTHORIZED IN THE FINAL |
| 4 | IVITION_EUNO_BUOGET_INE_SUN_DE_INE_CASH_BALANCE_IN_THE |
| 5 | INITION_FUND_AT_THE_END_OF_THE_THREDTATELY_PRECEDING_SCHOOL |
| 6 | FISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT HAY BE |
| 7 | REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY |
| 8 | MARRANIS DRAWN ON THE TUILION FUND THE TUILION ABOUNTS DWED |
| 9 | TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENT'S |
| 10 | NOTIFICATION - PAYMENTS SHALL BE MADE WHENEVER THERE IS A |
| 11 | SUFFICIENT_AMOUNT_DE_CASH_AVAILABLE_IN_THE_TUITION_FUNDBUT |
| 12 | NO_LATER_IHAN_IHE_END_OF_THE_SCHOOL_FISCAL_YEAR_FOR_WHICH |
| 13 | INE MUNGET IS ADOPTED . HOWEVER . IF INE TRUSTEES OF EITHER |
| 14 | THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER |
| 15 | PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY |
| 16 | MAY_APPEAL_IQ_IME_COUNTY_SUPERINTENDENT_DE_SCHOOLS_WHO_SHALL |
| 17 | HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE |
| 18 | IRANSFER.* |
| 19 | Section 3. Section 20-5-113. MCA. is amended to read: |

Section 3. Section 20-5-313. MCA. is amended to read: "20-5-313. Individual tuition for high school pupil. (1) Any child eligible to attend high school may attend school in any the high school district of-his-county-of residence in which he resides without payment of tuition.

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24 (2) No provision of this title shall be construed to deny a parent the right to send his child, at his own

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expense, to any high school sutside of his county district ı of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved, the parent shall pay tuition at the rate fixed by the trustees."

NEW-SEETIBNz--Section-tw--Budgetingy-levy--requirements and--paying--high--school--tuitions---(11-The-tuition-amount established-in-20-5-312-must-be--paid--during--the--enswing school-fiseal-year--The-trustees-of-the-high-school-district shall--include-the-twition-amount-in-the-twition-fund-of-the projuminer-end-final-budgets---fhis-budgeted-twition-coount is-not--subject--to--the--budget--edjustment--provisions--of 28-9-132-

+2)--The--county--superintendent--shall--report-the-net tgition-fund-levy-requirement-for-each-high-school--district to--the-county-commissioners-on-the-second-Monday-of-Augusty and-a-levy-on-the-district--shall--be--made--by--the--county commissioners---in---eccordance--with--28-9-142---This--levy requirement-shall-be--calculated--by--subtracting--from--the total--expenditure--emount--euthorized--in-the-final-tuition fund-budget-the-sum-of-the-cosh-butance-in-the-twition--fund at--the--end-of-the-immediately-proceding-school-fiscal-year plus-ony-other-anticipated-money-that-may-be-resitzed-in-the twition-funds

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| (3)Fhe-trustees-shaff-pay-by-warrantsdrawnonthe |
|--|
| tuitionfundthetuitionamountsawadto-each-district |
| included-in-the-county-superintendent*snotificationunder |
| theprovisions-of-20-5-312v-Payments-shall-be-made-whenever |
| there-is-o-sufficientamountofcoshavailableinthe |
| tuitionfund-but-no-later-than-the-end-of-the-school-fiscal |
| year-for-which-t he-budget-is-adopted |
| Section-5*Section-20-9-334*-MGA*-is-omended-toread* |
| #28-9-334Apportionment-of-county-equalization-moneys |
| bycountysuperintendentyThe-county-superintendent-shall |
| separately-apportion-the-revenuesdepositedinthebasic |
| countytaxaccount-and-the-revenues-deposited-in-the-basic |
| specialtoxforhighschoolsaccounttotheseveral |
| districtsofthecountyonequarterlybesis*The |
| apportionmentsshallbeknownasacountyequalization |
| moneys=wBeforethecountysuperintendentmakesthe |
| quarterly-apportionmentsy-he-shell* |
| <pre>figdeduct-from-the-revenues-eveil-objeinthebesic</pre> |
| countytaxaccountthe-amount-required-for-the-quarter-to |
| poy-the-county*s-obligationforelementarytransportation |
| reimbursements; -and |
| t2)deductfromtherevenues-available-in-the-bosic |
| special-tax-for-high-schools-account-the-amount-required-for |
| the-quarter-to-pay-the-county*s-obligation-forhighschool |
| out-of-county-tuition* |

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46th Legislature

SENATE BILL NO. 273
INTRODUCED BY McCALLUM

4 A B

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITTON PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN A DISTRICT OUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH 20-5-313 AND-20-9-334. MCA."

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

Section 1. Section 20-5-311. MCA, is amended to read: #20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the county high school district in which he resides when such high school is located in any-county-of-the-state-of Montana or in a county of another state that is adjacent to the state of Montana, when a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when saustantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent and shall be approved by the trustees of the

district where the child wishes to attend school and the county---superintendent <u>IRUSIEES</u> of the child's county <u>UISIEIS</u> of residence before permission to enroll in and attend a school outside of the county <u>district</u> under the provisions of this section shall be granted.

(2) The county superintendent shall approve a tuition application when a child lives closer to a high school of another county district than any high school located within his resident county district or when, due to road or geographic conditions, it is impractical to attend a the high school in nearest his resident-county residence. In approving such a tuition application the county superintendent i's not required to approve a tuition application for a student seeking to attend a high school outside the state of Montana if the resident district provides transportation. In approving a tuition agreement under this provision, the county superintendent may require the child to attend the high school closest to his residence. The county superintendent may approve any other tuition application that satisfies the geographic requirements of this section.

(3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the

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(4) The county superintendent shall notify the parent or quardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the county superintendent, the parent may appeal such disapproval to the county superintendent for his reconsideration and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school mamed in such agreement for the ensuing school fiscal year."

Section 2. Section 20-5-312, 4CA, is amended to read: #20-5-312. Reporting, hudgeting, and payment for high school tuition. (1) At the close of the school term of each school fiscal year: the trustees of each high school district shall determine the rate of tuition for the current school fiscal year by:

- (a) totaling the actual expanditures from the district general fund, retirement fund, and debt service fund;
- 23 (b) dividing the amount determined in subsection 24 (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311;

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- 2 (c) subtracting the total of the per-ANB amount allowed by 23-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district, from the amount determined in subsection (1)(h) above.
- (2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is 10 located:
- 11 addresses, and resident counties 12 districts of the pupils attending the schools of the 13 district under an approved tuition agreement:
- 14 (b) the number of days of school attended by each 15 pupil:
- 16 (c) the amount, if any, of each pupil's tuition 17 payment that the trustees, in their discretion, shall have 18 the authority to waive; and
- 19 (d) the rate of current school fiscal year tuition, as 20 determined under the provisions of this section.
- 21 (3) When the county superintendent receives a tuition 22 report from a district, he shall immediately send the 23 reported information to the county superintendent of each 24 county district in which the reported pupils reside.
- 25 (4) When the county district superintendent of-any

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pupils residing in his county district and attending an out-of-county <u>out-of-district</u> high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county <u>out-of-district</u> high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county <u>district</u> pupils have attended school.

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(5)--The--total--amount-of-the-high-school-tultion-with consideration-of-any-tuition-waivers-snall--be--financed--by the-county-basic-special-tax-for-high-schools-as-provided-in 28-9-334*

the--payment--by--county--warrant-of-the-high-school-tuition obligations-established-under-this-section-out-of-the--first moneys--realized--from-the-county-basic-special-tax-for-high schoolsw-The-payment-shall-be-made-to-the--county--treasurer of--the-county-where-each-high-school-entitled-to-tuition-is tocatedx-The-county--treasurer-shall--credit--such--tuition receipts--to--the-qeneral-fund-of-the-applicable-high-school-districty--and--the--tuition--receipts--shall--be--used---in accordance-with-the-provisions-of-20-9-141*

(5) THE TOTAL AMOUNT OF THE HIGH SCHOOL TUILIONS WITH

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HIGH SCHOOL DUISIDE THE COUNTY OF RESIDENCE SHALL BE FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN DECEMBER. THE COUNTY SUPERINTENDENT SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX a FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO TUITION IS LOCATED. THE COUNTY TREASURER SHALL CREDIT SUCH 10 11 INITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH SCHOOL DISTRICT. AND THE TUITION RECEIPTS SHALL BE USED IN 12 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141. 14 (6) FOR PUPILS ATTENDING A HIGH SCHOOL OUTSIDE THEIR 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE. THE TOTAL AMOUNT OF THE TUITION. WITH CONSIDERATION OF ANY 16 TUITION WAIVERS. MUST BE PAID DURING THE ENSUING SCHOOL 17 1.8 EISCAL YEAR. THE TRUSTEES OF THE SENOING HIGH SCHOOL 19 DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION FUND OF THE PRELIMINARY AND FINAL SUDGETS. THIS BUDGETED 20 21 TUITION AMOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT 22 PROVISIONS OF 20-9-132. THE COUNTY SUPERINTENDENT SHALL 23 REPORT THE NET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH 24 SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND

MONDAY OF AUGUST. AND A LEVY ON THE DISTRICT SHALL BE MADE

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CONSIDERATION OF ANY TUITION WAIVERS. FOR PUPILS ATTENDING A

| i. | BY THE COUNTY CONSISSIONERS IN ACCORDANCE WITH 20-9-142 |
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| 2 | THIS_LEWY_REQUIREMENT_SHALL_BE_CALCULATED_BY_SUBTRACTING |
| 3 | EROM_INE_TOTAL_EXPENDITURE_AMOUNT_AUTHORIZED_IN_INE_EINAL |
| 4 | THITTON EURO BUDGET THE SUB OF THE CASH BALANCE IN THE |
| 5 | IUITION_EUNO_AT_INE_ENO_OE_INE_IMMEDIATELY_CRECEDING_SCHOOM |
| 6 | EISCAL YEAR PLUS ANY OTHER ANTICIPATED MONEY THAT MAY BE |
| 7 | REALIZED IN THE INITION CUNO. THE TRUSTEES SHALL PAY BY |
| 8 | WARRANTS DRAWN ON THE TUITION EUNO THE TUITION AMOUNTS ONED |
| 9 | TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENTS |
| 10 | NOTIFICATION - PAYMENTS SHALL BE MADE WHENEVER THERE IS |
| 11 | SUEEICIENT ANOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT |
| 12 | NO LATER THAN THE END DE THE SCHOOL EISCAL YEAR EOR MHICH |
| 13 | THE BUOGET IS ADDRIED - HOMEYER - IF THE TRUSTEES OF EITHER |
| 14 | THE SENDING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER |
| 15 | PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THE |
| 16 | MAY APPEAL TO THE COUNTY SUPERINTENDENT DE SCHOOLS WHO SHALL |
| 17 | HOLO A HEARING AND ELIHER APPROYE OR DISAPPROYE IN |
| 18 | IRANSEERA" |
| 19 | Section 3. Section 20-5-313, MCA, is amended to read |
| 20 | #20-5-313. Individual tuition for high school pupilo |
| 21 | (1) Any child eligible to attend high school may attend |
| 22 | school in any the high school district of-his-county-of |
| 23 | residence in which be resides without payment of tuition. |
| 24 | (2) No provision of this title shall be construed to |
| | |

| 1 | expense, to any high school outside of his county district |
|----|---|
| 2 | of residence when the parent agrees to pay the tuition |
| 3 | acceptable to the trustees of the high school district |
| 4 | operating such high school. When the attendance is approved |
| 5 | the parent shall pay tuition at the rate fixed by the |
| 6 | trustees." |
| 7 | <u>MEN_SECTIONs</u> Section-for-Budgetings-levyrequirement |
| 9 | andpayinghighschooltwition(1)-The-twition-nmoun |
| 9 | established-in-20-5-312-mustbepaidduringtheensuin |
| 10 | school-fiseal-yearu-The-trustees-of-the-high-school-distric |
| 11 | shallinclude-tha-tuition-amount-in-tha-taition-fund-of-th |
| 12 | prefiminary-and-finat-budgetsvThis-budgeted-tuition-amoun |
| 13 | is-notsubjecttothebadgetedjustmentprovisionse |
| 14 | 28-9-132+ |
| 15 | {2}Thecountysuperintendentshollré port-the-ne |
| 16 | twition-fund-levy-requirement-for-each-high-schooldistric |
| 17 | tothe-county-commissioners-on-the-second-Monday-of-August |
| 18 | and-s-tevy-on-the-districtshallbemadebythecount |
| 19 | commissionersinaccordancewith28-9-142Thislev |
| 20 | requirement-shall-becalculatedbysubtractingfromth |
| 21 | totalexpenditureamountauthorizedin-the-final-tuitio |
| 22 | fund-budget-the-sum-of-the-eash-balance-in-the-tultionfun |
| 23 | attheend-of-the-immediately-preceding-school-fiscal-yes |
| 24 | plus-any-other-anticipated-money-that-may-be-realized-in-th |
| | |

deny a parent the right to send his childs at his own

| {3}The-trustees-shall-pay-by-warrantsdrawnonthe |
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| tuitionfundthetuitionamountsowedto-each-district |
| included-in-the-county-superintendent*snotificationunder |
| theprovisions-of-20-5-312v-Payments-shall-be-made-whenever |
| there-is-asufficientamountofcashavailableinthe |
| twitionfund-but-no-later-than-the-end-of-the-school-fiscal |
| year-for-which-the-budget-is-adopted |
| Section-5Section-20-9-334MEAis-amended-toread+ |
| #20-9-334Apportionment-of-county-equalization-maneys |
| bycountysuperintendentThe-county-superintendent-shell |
| separately-apportion-the-revenuesdepositedinthebasic |
| countytaxaccount-and-the-revenues-deposited-in-the-hasic |
| specialtoxforhighschoolsaccounttotheseveral |
| districtsofthecountyonaquarterlybasisThe |
| apportionmentsshallbeknownas#countyequalization |
| moneys#xBeforethecountysuperintendentmakesthe |
| quarterly-apportionments:-he-shall+ |
| (1)deduct-from-the-revenues-availableinthebasic |
| countytaxaccountthe-amount-required-for-the-quarter-to |
| pay-the-county*s-obligationforelementarytransportation |
| reimbursementstg-ond |
| {2}deductfromtherevenues-available-in-the- basic |
| special-tex-for-high-schools-account-the-omount-required-for |
| the-quarter-to-pay-the-county*s-obligation-forhighschool |

out-of-county-tuition.

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SENATE BILL NO. 273 INTRODUCED BY McCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TUITION
PAYMENT FOR A HIGH SCHOOL STUDENT ATTENDING A HIGH SCHOOL IN
A DISTRICT DUTSIDE HIS RESIDENT DISTRICT AND CREATING A HIGH
SCHOOL TUITION FUND; AMENDING SECTIONS 20-5-311 THROUGH
20-5-313 AND-20-9-334. MCA."

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

Section 1. Section 20-5-311, MCA, is amended to read:
#20-5-311. High school tuition. (1) Any child may be
enrolled in and attend a high school outside of the econty
high school district in which he resides when such high
school is located in any-county-of-the-state-of Montana or
in a county of another state that is adjacent to the state
of Montana. When a parent or guardian of a child wishes to
have his child attend a school under the provisions of this
section, he shall apply to the county superintendent of the
county of his residence before July 1 of the school fiscal
year for which he seeks approval except in those cases when
substantial changes in circumstances occurred subsequently
to justify later application. Such application shall be made
on a tuition agreement form supplied by the county
superintendent and shall be approved by the trustees of the

- district where the child wishes to attend school and the county---superintendent <u>IRUSIEES</u> of the child's county <u>DISTRICT</u> of residence before permission to enroll in and attend a school outside of the county <u>district</u> under the provisions of this section shall be granted.
- (2) The county-superintendent IRUSIEES shall approve a tuition application when a child lives closer to a high school of another county district than any high school located within his resident county district or when, due to road or geographic conditions, it is impractical to attend a the high school in pearest his resident-county residence. In paivorage such a tuition application the county superintendent IRUSTEES is ARE not required to approve a tuition application for a student seeking to attend a high school gutside the state of Montana if the resident district provides transportation. In approving a tuition agreement under this provision, the county-superintendent IRUSIEES may require the child to attend the high school closest to his residence. The county-superintendent IRUSIEES may approve any other tuition application that satisfies the geographic requirements of this section.
- (3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the

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- or guardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the county-superintendent IRUSIEES, the parent may appeal such disapproval to the county-superintendent IRUSIEES for his IHEIR reconsideration and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year."
- Section 2. Section 20-5-312. MCA. is amended to read:

 "20-5-312. Reporting, budgeting, and payment for high
 school tuition. (1) At the close of the school term of each
 school fiscal year, the trustees of each high school
 district shall determine the rate of tuition for the current
 school fiscal year by:
- (a) totaling the actual expenditures from the district general fund, retirement fund, and debt service fund;
- (b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311;

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- (c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district from the amount determined in subsection (1)(b) above.
 - (2) Before July 150 the trustees shall report to the county superintendent of the county in which the district is located:
 - (a) the names, addresses, and resident counties districts of the pupils attending the schools of the district under an approved tuition agreement;
- (b) the number of days of school attended by each pupil;
- 16 (c) the amount, if any, of each pupil's tuition
 17 payment that the trustees, in their discretion, shall have
 19 the authority to waive; and
 - (d) the rate of current school fiscal year tuition; as determined under the provisions of this section.
 - (3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the county superintendent of each county district in which the reported pupils reside.
 - (4) When the county <u>district</u> superintendent of--any

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county receives a tuition report or reports for high school pupils residing in his county district and attending an out-of-county out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-county out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident county district pupil's have attended school.

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t5)--The-total-amount-of-the-high-school--tuition--with consideration--of--any--twition-waivers-shall-be-financed-by the-county-basic-special-tax-for-high-schools-as-provided-in 20-9-334#

{6}--in-Becembery-the-county-superintendent-shaff-cours the-payment-by-county-warrant-of--the--high--school--tuition obligations--established-under-this-section-out-of-the-first moneys-repliked-from-the-county-basic-special-tox--for--high schoolse--fhe--payment-shell-be-made-to-the-county-treasurer of-the-county-where-each-high-school-entitled-to-tuition--is located---The--county--tressurer--shall--credit-such-tuition receipts-to-the-general-fund-of-the-applicable--high--school districty---and--the--twition--receipts--shaff--be--used--in accordance-with-the-provisions-of-20-9-141*

15) THE TOTAL AMOUNT OF THE HIGH SCHOOL TUITION. WITH

CONSIDERATION OF ANY TUITION WAIVERS. FOR PUPILS ATTENDING A 2 HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE SHALL BE FINANCED BY THE COUNTY BASIC SPECIAL TAX FOR HIGH SCHOOLS AS PROVIDED IN 20-9-334. IN DECEMBER. THE COUNTY SUPERINTENDENI SHALL CAUSE THE PAYMENT BY COUNTY WARRANT OF THE HIGH SCHOOL TUITION OBLIGATIONS ESTABLISHED UNDER THIS SECTION OUT OF THE FIRST MONEYS REALIZED FROM THE COUNTY BASIC SPECIAL TAX 8 FOR HIGH SCHOOLS. THE PAYMENT SHALL BE MADE TO THE COUNTY 9 TREASURER OF THE COUNTY WHERE EACH HIGH SCHOOL ENTITLED TO TUITION IS LOCATED, THE COUNTY TREASURER SHALL CREDIT SUCH 10 11 IUITION RECEIPTS TO THE GENERAL FUND OF THE APPLICABLE HIGH SCHOOL DISTRICT. AND THE TUTTION RECEIPTS SHALL BE USED IN 12 13 ACCORDANCE WITH THE PROVISIONS OF 20-9-141. 161 FOR PUPILS ATTENDING A HIGH SCHOOL DUTSIDE THEIR 14 15 DISTRICT OF RESIDENCE BUT WITHIN THE COUNTY OF RESIDENCE. THE IDTAL AMOUNT OF THE TUITION. WITH CONSIDERATION OF ANY 16 17 TUITION WAIVERS. MUST BE PAID DURING THE ENSUING SCHOOL

FISCAL YEAR. THE TRUSTEES OF THE SENDING HIGH SCHOOL

DISTRICT SHALL INCLUDE THE TUITION AMOUNT IN THE TUITION

EUND DE THE PRELIMINARY AND FINAL BUDGETS. THIS BUDGETED

IUIIION ABOUNT IS NOT SUBJECT TO THE BUDGET ADJUSTMENT

PROVISIONS DE 20-9-132. THE COUNTY SUPERINTENDENT SHALL

BEPORT THE MET TUITION FUND LEVY REQUIREMENT FOR EACH HIGH

SCHOOL DISTRICT TO THE COUNTY COMMISSIONERS ON THE SECOND

MONDAY OF AUGUSI: AND A LEYY ON THE DISTRICT SHALL BE MADE

SB 273

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28-9-132*

| 2 | THIS LEVY REQUIREMENT SHALL BE CALCULATED BY SUBTRACTING |
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| 3 | FROM THE TOTAL EXPENDITURE AMOUNT AUTHORIZED IN THE FINAL |
| 4 | TUITION FUND BUDGET THE SUM OF THE CASH BALANCE IN THE |
| 5 | TUITION FUND AT THE END OF THE IMMEDIATELY PRECEDING SCHOOL |
| 6 | FISCAL YEAR PLUS ANY DIHER ANTICIPATED HONEY THAT MAY BE |
| 7 | REALIZED IN THE TUITION FUND. THE TRUSTEES SHALL PAY BY |
| 8 | WARRANTS DRAWN ON THE TUITION FUND THE TUITION ANGUNIS ONE |
| 9 | TO EACH DISTRICT INCLUDED IN THE COUNTY SUPERINTENDENTS |
| 10 | NOTIFICATION - PAYMENTS SHALL BE MADE WHENEVER THERE IS |
| 11 | SUFFICIENT AMOUNT OF CASH AVAILABLE IN THE TUITION FUND BUT |
| 12 | NO LATER THAN THE END OF THE SCHOOL FISCAL YEAR FOR MHICH |
| 13 | THE BUDGET IS ADOPTED HOWEVER . IF THE TRUSTEES OF EITHER |
| 14 | THE SENOING OR RECEIVING HIGH SCHOOL FEEL THE TRANSFER |
| 15 | PRIVILEGE PROVIDED BY THIS SUBSECTION IS BEING ABUSED THEY |
| 16 | MAY APPEAL TO THE COUNTY SUPERINTENDENT OF SCHOOLS WHO SHALL |
| 17 | HOLD A HEARING AND EITHER APPROVE OR DISAPPROVE THE |
| 18 | IRANSEER." |
| 19 | Section 3. Section 20-5-313, MCA, is amended to read: |
| 20 | "20-5-313. Individual tuition for high school pupil. |
| 21 | (1) Any child eligible to attend high school may attend |
| 22 | school in any the high school district ofhiscountyof |
| 23 | residence in which he resides without payment of tuition. |
| | |

(2) No provision of this title shall be construed to

deny a parent the right to send his child, at his own

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BY THE COUNTY COMMISSIONERS IN ACCORDANCE WITH 20-9-142.

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expense: to any high school outside of his county district of residence when the parent agrees to pay the tuition acceptable to the trustees of the high school district operating such high school. When the attendance is approved. the parent shall pay tuition at the rate fixed by the trustees." MEM-SEEFfahr--Section-4--Budgeting--levy-requirements and-seving-high-school--twitien---fli--The--twitien--agount established--in--20-5-312--must--be--paid-during-the-ensuing school-fiscal-veers-The-trustees-of-the-high-school-district shall-include-the-twition-smount-in-the-twition-fund-of--the prefiminary-and-final-budgetsu--This-budgeted-tuition-amount

{2}--The-county-superintendent--shell--report--the--net twition--fund-levy-requirement-for-each-high-school-district to-the-county-commissioners-on-the-second-Monday-of--Augusty and--a--levy--on--the--d-strict--shall-be-made-by-the-county commissioners--in--accordance--with--20-9-142----This---levy requirement--shall--be--calculated--by--subtracting-from-the total-expenditure-amount-authorized--in--the--finel--tuition fund--budget-the-sum-of-the-egsh-balance-in-the-tuition-fund at-the-end-of-the-immediately-preceding-school--fiscal--yesr plus-eny-other-enticipated-money-that-may-be-realized-in-the tuition-funds

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is--not--subject--to--the--budget--adjustment--provisions-of

SB 273

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|--|
| includedinthe-county-superintendent's-notification-under |
| the-provisions-of-20-5-312-Payments-shall-be-madewhenever |
| thereisasufficientamountofcashavailable-in-the |
| tuition-fund-but-no-later-than-the-end-of-the-schoolfises |
| year-for-which-the-budget-is-adopted= |
| Section-5Section20-9-334,-MEAis-amended-to-read |
| #28-9-334Apport+onment-of-county-equal+zat+on-money |
| by-county-superintendentsThe-countysuperintendentshall |
| separatelyappartiontherevenuesdeposited-in-the-basic |
| county-tax-account-and-the-revenues-deposited-inthebasic |
| specialtaxforhighschoolsaccounttotheseverel |
| districtsofthecountyonaquarterlybasisThe |
| apportionmentsshallbeknownascountyequalization |
| moneys#wBeforethecountysuperintendentmakesthe |
| quarterly-apportionmentshe-shall+ |
| { !}deductfromtherevenues-availabl e-in-the-basic |
| county-tax-account-the-amount-required-for-thequarterto |
| paythecounty*sobligation-for-elementary-transportation |
| reimbursementsfg-end |
| t2)deduct-from-the-revenues-avoitableinthebasic |
| spacial-tax-for-high-schools-account-the-amount-required-for |
| thequarterto-pay-the-county4s-obligation-for-high-school |
| out-of-county-tuitions* |
| -End- |

{3}--The--trustees--shaff--pay-by-warrants-drown-on-the

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HOUSE OF REPRESENTATIVES March 15, 1979

Committee of the Whole amendment to Senate Bill No. 273, reference bill, as follows:

1. Page 2, line 2.
Following: line 1
Strike: "county superintendent"
Insert: "trustees"
Following: "child's"
Strike: "county"

"district"

AND AS AMENDED, BE CONCURRED IN

Insert:

HOUSE OF REPRESENTATIVES March 19, 1979

Committee of the Whole Amendments to Senate Bill No. 273, reference bill, second printing, as follows:

1. Page 2, line 2.

Strike: "county superintendent"

Insert: "trustees"

2. Page 2, lines 12 and 13.

Strike: "county superintendent"

Insert: "trustees"

3. Page 2, line 17.

Strike: "county superintendent"

Insert: "trustees"

4. Page 2, line 19.

Strike: "county superintendent"

Insert: "trustees"

5. Page 3, line 6.

Strike: "county superintendent"

Insert: "trustees"

6. Page 3, line 7.

Strike: "county superintendent"

Insert: "trustees"
Following: "for"

Strike: "his"

Insert: "their"

AND AS AMENDED BE CONCURRED IN