

SENATE BILL 362

IN THE SENATE

February 3, 1979	Introduced and referred to Committee on Education.
February 5, 1979	Fiscal note requested.
February 9, 1979	Fiscal note returned.
February 15, 1979	Committee recommend bill, do not pass, as amended.
	On motion, Senate reconsider its action taken on Adverse Committee report and order printed and placed on second reading. Motion failed.

1 *Anast* BILL NO. 362
2 INTRODUCED BY *Leanne McAllister Ryan*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REINSTITUTING A SCHOOL
5 CENSUS OF CHILDREN 6 YEARS OF AGE OR OLDER AND UNDER 21
6 YEARS OF AGE AND A CENSUS OF CHILDREN UNDER 6 YEARS OF AGE;
7 DEFINING ELIGIBILITY; PROVIDING COMPENSATION FOR ENUMERATION
8 OF CHILDREN; PROVIDING FOR REVIEW AND TRANSMITTAL; AND
9 AMENDING SECTION 20-3-325, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 NEW SECTION. Section 1. School census. The trustees
13 of each elementary district must annually take a school
14 census of all children residing in the district who are 6
15 years of age or older but who have not yet reached their
16 21st birthday. At the time the school census is taken, the
17 trustees also must take a census of all the children
18 residing in the district who are less than 6 years of age.
19 The school census shall be taken between September 15 and
20 October 15, but the age of the child or the residence of the
21 child or parents shall be determined on the basis of his age
22 or the residence on October 1.

23 NEW SECTION. Section 2. Census contents. The school
24 census and the under-6-years-old census shall report the
25 following facts:

1 (1) the full name, age, birth date, and sex of each
2 child grouped under the family information required under
3 subsection (2);
4 (2) the full names of both parents or guardian and the
5 address of the parents or the guardian; and
6 (3) any other information required by the
7 superintendent of public instruction.
8 NEW SECTION. Section 3. Child eligibility. For the
9 purpose of the school census and under-6-years-old census:
10 (1) a child is a resident of a district when:
11 (a) he resides with his parent or legal guardian in
12 the district;
13 (b) he has resided in the district but is temporarily
14 living outside of the district to attend a public or private
15 school, an institution of higher education, or a Montana
16 public institution and his parent or legal guardian resides
17 in the district;
18 (c) he is married or has been married and resides in
19 the district, regardless of the residence of his parents or
20 legal guardian;
21 (d) he is living at a private institution located in
22 the district that exists primarily for the rehabilitation,
23 psychiatric, or general medical care or general welfare of
24 the child and such private institution may or may not also
25 provide education for the child; or

1 (e) he resides in the district and is not specifically
 2 excluded under subsection (2).

3 (2) a child is not a resident of a district when:
 4 (a) he is visiting in or passing through the district;
 5 (b) he is living in the district for the purpose of
 6 attending a public or private school or institution which
 7 exists primarily for the purpose of providing elementary,
 8 secondary, or higher education and his parent or legal
 9 guardian does not live in the district;

10 (c) he is an unmarried child who is living in the
 11 district but his parents do not reside in the district and
 12 he is not living in a private institution, as defined in
 13 subsection (1)(b); or

14 (d) he may be properly included on the school census
 15 of some other district.

16 NEW SECTION **Section 4.** Report of school census and
 17 under-6-years-old census. The school census and the
 18 under-6-years-old census for a district must be reported in
 19 alphabetical order by the child's last name on the blanks
 20 supplied by the county superintendent and prescribed by the
 21 superintendent of public instruction, unless the
 22 superintendent of public instruction authorizes a district
 23 to submit its census by a data processing tabulation.

24 NEW SECTION **Section 5.** Compensation. The clerk of
 25 the district or any other person who enumerates the children

1 of the district for the school census or under-6-years-old
 2 census is entitled to be paid at a rate not exceeding 10
 3 cents per name properly reported.

4 NEW SECTION **Section 6.** Review by county
 5 superintendent. (1) A county superintendent must maintain
 6 and update with each school census and under-6-years-old
 7 census an alphabetical card index for all the families of
 8 the county with each child of the family listed on the
 9 family card.

10 (2) When the county superintendent of a county
 11 receives the school census and the under-6-years-old census
 12 from a district as prescribed by [section 7], he must:

13 (a) examine the school census and under-6-years-old
 14 census reports of each district for:

15 (i) duplication of a child's name on the reports of
 16 separate districts;

17 (ii) fictitious names;

18 (iii) the names of children who are too old or too
 19 young for inclusion on the report on which they are listed;
 20 or

21 (iv) names of children who were not residents of the
 22 district on October 1 in accordance with the terms of
 23 residence prescribed by [section 3];

24 (b) notify the reporting district of any errors or
 25 duplications and delete the names of the children that he

1 has questioned unless the reporting district satisfactorily
 2 explains within 15 days the inclusion of the questioned
 3 children on its report.

4 NEW SECTION. Section 7. Transmittal. (1) The person
 5 conducting the census shall submit two copies of the
 6 reports, under oath, to the trustees who in turn shall
 7 submit them to the county superintendent by November 1.

8 (2) After the county superintendent has completed his
 9 examination of each district's school census and
 10 under-6-years-old census reports and not later than December
 11 1, he must submit the reports to the superintendent of
 12 public instruction.

13 (3) The superintendent of public instruction must
 14 issue a receipt for the reports to the county superintendent
 15 when a complete report for each district of the county is
 16 received.

17 Section 8. Section 20-3-325, MCA, is amended to read:
 18 "20-3-325. Clerk of the district. As provided in
 19 20-3-321, the trustees shall employ and appoint a clerk of
 20 the district. The clerk of the district shall attend all
 21 meetings of the trustees to keep an accurate and permanent
 22 record of all the proceedings of each meeting. If the clerk
 23 is not present at a meeting, the trustees shall have one of
 24 their members or a district employee act as clerk for the
 25 meeting and such person shall supply the clerk with a

1 certified copy of the proceedings. The clerk of the district
 2 also shall be the custodian of all documents, records, and
 3 reports of the trustees. Unless the trustees provide
 4 otherwise, the clerk shall:

5 (1) keep an accurate and detailed accounting record of
 6 all receipts and expenditures of the district in accordance
 7 with the financial administration provisions of this title;
 8 and

9 (2) prepare the annual trustees' report required under
 10 the provisions of 20-9-213(5)-i and

11 (3) make an annual census of all the children of the
 12 district in accordance with [sections 1 through 7]."

-End-

STATE OF MONTANA

REQUEST NO. 221-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 5, 1979, there is hereby submitted a Fiscal Note for SB 362 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:

Senate Bill 362 provides for a school census of children up to age 21.

ASSUMPTIONS:

1. Enrollment will remain the same.
2. There are 228,230 children of the ages specified in the bill.
3. The census would cost \$10 per child per year.

FISCAL IMPACT:

None at state level.

LOCAL IMPACT:

This bill would cost local school districts \$ 22,833 for each year of the census.

Richard A. Tracy Jr.
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/9/79