

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.

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*Senate* BILL NO. *362*  
*Phyllis M. Sullivan* *Payson*

INTRODUCED BY

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

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

NEW SECTION. Section 1. School census. The trustees of each elementary district must annually take a school census of all children residing in the district who are 6 years of age or older but who have not yet reached their 21st birthday. At the time the school census is taken, the trustees also must take a census of all the children residing in the district who are less than 6 years of age. The school census shall be taken between September 15 and October 15, but the age of the child or the residence of the child or parents shall be determined on the basis of his age or the residence on October 1.

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

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(1) the full name, age, birth date, and sex of each child grouped under the family information required under subsection (2);

(2) the full names of both parents or guardian and the address of the parents or the guardian; and

(3) any other information required by the superintendent of public instruction.

NEW SECTION. Section 3. Child eligibility. For the purpose of the school census and under-6-years-old census:

(1) a child is a resident of a district when:

(a) he resides with his parent or legal guardian in the district;

(b) he has resided in the district but is temporarily living outside of the district to attend a public or private school, an institution of higher education, or a Montana public institution and his parent or legal guardian resides in the district;

(c) he is married or has been married and resides in the district, regardless of the residence of his parents or legal guardian;

(d) he is living at a private institution located in the district that exists primarily for the rehabilitation, psychiatric, or general medical care or general welfare of the child and such private institution may or may not also provide education for the child; or

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INTRODUCED BILL

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); 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, 19 79, 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:

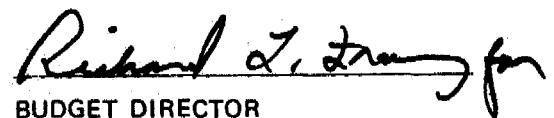
1. Enrollment will remain the same.
2. There are 228,230 children of the ages specified in the bill.
3. The census would cost \$.10 per child per year.

FISCAL IMPACT:

None at state level.

LOCAL IMPACT:

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



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/9/79