

House Bill 298

In The House

January 16, 1981	Introduced and referred to Committee on Education.
January 20, 1981	Fiscal note requested.
January 26, 1981	Fiscal note returned.
February 2, 1981	Committee recommend bill do not pass.

1 HOUSE BILL NO. 298
2 INTRODUCED BY Undredal, Bertelsen, Harvath
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
5 SCHOOL CENSUS BE TAKEN AT LEAST EVERY 2 YEARS; TO DEFINE
6 "RESIDENCY" FOR THE PURPOSE OF A SCHOOL CENSUS; TO PROVIDE
7 COMPENSATION FOR ENUMERATION OF CHILDREN FOR A SCHOOL
8 CENSUS; AMENDING SECTION 20-3-325, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. School census. The trustees
12 of each elementary school district shall take a school
13 census at least every 2 years of all children residing in
14 the district who are 6 years of age or older but who have
15 not yet reached their 21st birthday. At the time the school
16 census is taken, the trustees also shall take a census of
17 all the children residing in the district who are less than
18 6 years of age. The school census must be taken every second
19 year between September 15 and October 15; however, the age
20 of the child and the residence of the child or parents must
21 be determined on the basis of his age and the residence on
22 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. Determination of child's
9 residence. For the purpose of the school census and
10 under-6-years-old census:

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

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

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

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

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

1 provide education for the child; or

2 (e) he resides in the district and is not specifically

3 excluded under subsection (2);

4 (2) a child is not a resident of a district when:

5 (a) he is visiting in or passing through the district;

6 (b) he is living in the district for the purpose of

7 attending a public or private school or institution that

8 exists primarily for the purpose of providing elementary,

9 secondary, or higher education and his parent or legal

10 guardian does not live in the district;

11 (c) he is an unmarried child who is living in the

12 district but his parents do not reside in the district and

13 he is not living in a private institution, as defined in

14 subsection (1)(b); or

15 (d) he may be properly included on the school census

16 of some other district.

17 NEW SECTION. Section 4. Report of school census and

18 under-6-years-old census. The school census and the

19 under-6-years-old census for a district must be reported in

20 alphabetical order by the child's last name on the blanks

21 supplied by the county superintendent and prescribed by the

22 superintendent of public instruction unless the

23 superintendent of public instruction authorizes a district

24 to submit its census by a data processing tabulation.

25 NEW SECTION. Section 5. Compensation. The clerk of

1 the district or any other person who enumerates the children

2 of the district for the school census or under-6-years-old

3 census is entitled to be paid at a rate not less than 10

4 cents per name properly reported.

5 NEW SECTION. Section 6. Review by county

6 superintendent. (1) A county superintendent shall maintain

7 and update with each school census and under-6-years-old

8 census an alphabetical card index for all the families of

9 the county with each child of the family listed on the

10 family card.

11 (2) When the county superintendent of a county

12 receives the school census and the under-6-years-old census

13 from a district as prescribed by [section 7], he shall:

14 (a) examine the school census and under-6-years-old

15 census reports of each district for:

16 (i) duplication of a child's name on the reports of

17 separate districts;

18 (ii) fictitious names;

19 (iii) the names of children who are too old or too

20 young for inclusion on the report on which they are listed;

21 and

22 (iv) the names of children who were not residents of

23 the district on October 1 in accordance with the terms of

24 residence prescribed by [section 3];

25 (b) notify the reporting district of any errors or

1 duplications and delete the names of the children that he
2 has questioned unless the reporting district satisfactorily
3 explains within 15 days the inclusion of the questioned
4 children on its report.

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

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

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

18 Section 8. Section 20-3-325, MCA, is amended to read:

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

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

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

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

12 ~~(3) take a census of all the children of the district~~
13 ~~at least every 2 years in accordance with [sections 1~~
14 ~~through 7]."~~

-End-

STATE OF MONTANA

REQUEST NO. 160-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, 1981, there is hereby submitted a Fiscal Note for House Bill 298 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:

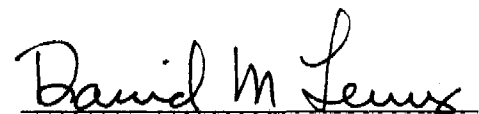
To cause a census of school children to be taken at least every two years.

ASSUMPTIONS:

1. Children ages 0-20 will be counted.
2. The minimum reimbursement rate of 10¢ per child will be used.
3. School districts will be responsible for the payment to the clerk of the district.

EXPENDITURE IMPACT:

It would cost the school districts a total of \$26,250 each year the census was taken.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-26-81