

Senate Bill 68

In The Senate

January 7, 1981

Introduced and referred  
to Committee on Education.

January 20, 1981

Committee recommend bill  
do not pass.

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*Senate* BILL NO. 68  
*Blaylock*

INTRODUCED BY \_\_\_\_\_  
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO TUITION AT ELEMENTARY AND HIGH SCHOOLS; AMENDING SECTIONS 20-5-302, 20-5-303, 20-5-311, AND 20-5-313, MCA."

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

Section 1. Section 20-5-302, MCA, is amended to read:

"20-5-302. Elementary tuition with discretionary approval. In considering the approval of a tuition application that is not required to be approved under the provisions of 20-5-301, the tuition approval agents prescribed in 20-5-301 may approve such application when such approval agents, individually, determine that the tuition agreement should be approved because of:

- (1) the distance and road conditions between the child's residence and any school of his resident district;
- ~~(2) the trading center of the child's parents;~~
- ~~(3) an opportunity to live with his relatives;~~
- ~~(4) (2) dormitory facilities in the district to be attended;~~
- ~~(5) (3) the living conditions of the child's family; or~~
- ~~(6) (4) the availability of transportation; or~~
- ~~(7) the type of educational program available in the~~

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~~school-to-be-attended."~~

Section 2. Section 20-5-303, MCA, is amended to read:

"20-5-303. Individual tuition for elementary pupil ~~is~~ calculation of foundation program. (1) No provision of this title shall be construed to deny a parent the right to send his child, at his own expense, to any elementary school of a district other than his resident district when the parent has agreed to pay the tuition acceptable to the trustees of the district where the school is located. The trustees of the district where the school is located may allow the attendance of a child under the provisions of this section at their discretion. When the attendance is approved, the trustees shall charge tuition at the same rate prescribed by 20-5-305 reduced by any amount which is uniformly waived by the trustees for all tuition payments. However, under this section, tuition shall be waived when the parent of the child paid \$200 or more in district and county property taxes during the immediately preceding school fiscal year for the benefit and support of the district in which the child will attend school.

(2) If a tuition agreement pursuant to sections 20-5-301 or 20-5-302 is disapproved by the tuition approval agents for any reason and the child attends an elementary school of a district other than his district of residence, the district attended by the child may not use the child's

1 attendance for calculation of its foundation program. The  
 2 district attended by the child shall, prior to June 30,  
 3 certify to the child's resident district the number of days  
 4 of the child's attendance and absence during the current  
 5 school fiscal year. The number certified must be used by the  
 6 resident district to calculate the average number belonging  
 7 pursuant to 20-9-311."

8 Section 3. Section 20-5-311, MCA, is amended to read:  
 9 "20-5-311. High school tuition. (1) Any child may be  
 10 enrolled in and attend a high school outside of the high  
 11 school district in which he resides when such high school is  
 12 located in Montana or in a county of another state that is  
 13 adjacent to the state of Montana. When a parent or guardian  
 14 of a child wishes to have his child attend a school under  
 15 the provisions of this section, he shall apply to the county  
 16 superintendent of the county of his residence before July 1  
 17 of the school fiscal year for which he seeks approval except  
 18 in those cases when substantial changes in circumstances  
 19 occurred subsequently to justify later application. Such  
 20 application shall be made on a tuition agreement form  
 21 supplied by the county superintendent and shall be approved  
 22 by the trustees of the district where the child wishes to  
 23 attend school and the trustees of the child's district of  
 24 residence before permission to enroll in and attend a school  
 25 outside of the district under the provisions of this section

1 shall be granted.

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

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

21 (4) The county superintendent shall notify the parent  
 22 or guardian and the trustees of the district where the child  
 23 wishes to attend school of the tuition agreement approval or  
 24 disapproval. If a tuition agreement is disapproved by the  
 25 trustees, the parent may appeal such disapproval to the

1 trustees for their reconsideration and, subsequently, to the  
 2 superintendent of public instruction under the provision for  
 3 the appeal of controversies in this title. The approval of  
 4 any tuition agreement by the approval agents or upon appeal  
 5 shall authorize the child named in such agreement to enroll  
 6 in and attend the school named in such agreement for the  
 7 ensuing school fiscal year."

8 Section 4. Section 20-5-313, MCA, is amended to read:

9 "20-5-313. Individual tuition for high school pupil ==  
 10 calculation of foundation program. (1) Any child eligible to  
 11 attend high school may attend school in the high school  
 12 district in which he resides without payment of tuition.

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

21 (3) If a tuition agreement pursuant to section  
 22 20-5-311 is disapproved by the trustees for any reason and  
 23 the child attends a high school of a district other than his  
 24 district of residence, the district attended by the child  
 25 may not use the child's attendance for calculation of its

1 foundation program. The district attended by the child  
 2 shall, prior to June 30, certify to the child's resident  
 3 district the number of days of the child's attendance and  
 4 absence during the current school fiscal year. The number  
 5 certified must be used by the resident district to calculate  
 6 the average number belonging pursuant to 20-9-311."

-End-