

HOUSE BILL NO. 25

Introduced: 01/03/83

Referred to Committee on Education & Cultural Resources:  
01/03/83

Hearing: 1/10/83  
Died in Committee

1                    HOUSE    BILL NO. 25  
2    INTRODUCED BY KEYSER  
3            BY REQUEST OF THE JOINT SUBCOMMITTEE ON HUMAN SERVICES  
4  
5    A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER, FROM THE  
6    OFFICE OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF SOCIAL AND  
7    REHABILITATION SERVICES, THE FISCAL RESPONSIBILITY FOR THE  
8    EDUCATIONAL COSTS OF YOUTHS WHO ARE ORDERED TO  
9    OUT-OF-DISTRICT EDUCATIONAL PROGRAMS UNDER THE YOUTH COURT  
10   ACT OR CHILD ABUSE, NEGLECT, AND DEPENDENCY LAWS; AMENDING  
11   SECTION 20-5-301, MCA; AND PROVIDING AN EFFECTIVE DATE."  
12  
13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14        Section 1. Section 20-5-301, MCA, is amended to read:  
15        "20-5-301. Elementary tuition with mandatory approval.  
16        (1) Any child may be enrolled in and attend an elementary  
17        school outside of the elementary district in which he  
18        resides when such elementary school is located in:  
19            (a) any other district of the county of his residence;  
20            (b) a county adjoining his county of residence; or  
21            (c) a district of another state that is adjacent to  
22        the county of his residence.  
23        (2) When a parent or guardian of a child wishes to  
24        have his child attend a school under the provisions of this  
25        section, he shall apply to the county superintendent of the

1    county of his residence before July 1 of the school fiscal  
2    year for which he seeks approval except in those cases when  
3    substantial changes in circumstances occurred subsequently  
4    to justify later application. The application shall be made  
5    on a tuition agreement form supplied by the county  
6    superintendent and shall be approved, before permission to  
7    enroll in and attend school outside of the district under  
8    the provisions of this section may be granted, by:  
9            (a) the trustees of the elementary district in which  
10        the child resides;  
11            (b) the trustees of the district where the child  
12        wishes to attend school; and  
13            (c) the county superintendent of the child's  
14        residence.  
15        (3) In considering the approval of a tuition  
16        application, the tuition approval agents prescribed in this  
17        section shall approve such application for a resident child  
18        when:  
19            (a) the child resides less than 3 miles from the  
20        school which he wishes to attend and more than 3 miles from  
21        any school of his resident elementary district;  
22            (b) the child resides more than 3 miles from any  
23        school of his resident elementary district and such district  
24        does not provide transportation under the provisions of this  
25        title;

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(c) the child resides more than 3 miles from any school of his resident elementary district, the resident district does not provide transportation under the provisions of this title, and school bus transportation is furnished by the district operating the school which he wishes to attend; or

(d) the child is a member of a family who must send another child outside of the elementary district to attend high school and the child of elementary age may more conveniently attend an elementary school where the high school is located, provided the child resides more than 3 miles from an elementary school of the resident district or the parent must move to the elementary district where the high school is located in order to enroll the other child in high school; or,

~~(e)(4)~~ the if a child has been declared by a court of competent jurisdiction to be an abused, neglected, or dependent child, as defined in 41-3-102, or a delinquent youth, as defined in 41-5-103, and has been ordered to be placed in a licensed child care institution which is approved by the department of social and rehabilitation services and as a result of the order the child is required to attend elementary school outside of the district of his residence, ~~for purposes of this subsection the prescribed geographic relationship of the receiving district to the~~

~~district of residence does not apply, the tuition is the responsibility of the department of social and rehabilitation services.~~

~~(4)(5)~~ The trustees of the district where the school to be attended is located may disapprove a tuition agreement that satisfies any of the mandatory approval conditions specified in subsection (3) above when they find that, due to insufficient room and overcrowding, the accreditation of the school would be adversely affected by the acceptance of the child. In the event of disapproval, the trustees shall so notify the parent in writing within 15 days of the first receipt of the application."

NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

## STATE OF MONTANA

REQUEST NO. 031-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 25 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

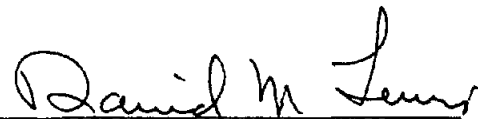
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 25 is an act to transfer from the Office of Public Instruction to the Department of Social and Rehabilitation Services, the responsibility for the educational cost of youths who are ordered to out-of-district educational programs under the youth court act or child abuse, neglect, and dependency laws.

ASSUMPTIONS:

- 1) Presently, school districts are not always aware of which youth are under the jurisdiction of the court or SRS as a result of a court order, and often are not charging other school districts or counties any tuition. Our assumption is that all school districts will be aware of court ordered placements and SRS custody and will bill for payment in all cases.
- 2) Assume out-of-state educational costs are 1/3 of total cost at \$8,000 per year.
- 3) Assume average tuitions charged by school districts are \$1,000 per year for elementary and \$1,400 per year for high school with the assumption that 60% of the youth will be high school students.
- 4) Assume both high school and elementary children will be included (the bill does not specifically provide for high school youth).
- 5) Assume youth-in-need-of-supervision included (the bill does not specifically provide for youth-in-need-of-supervision).
- 6) Assume any out-of-district placement, not just "child care institution".
- 7) Assume a 6% increase in FY 85.

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

FISCAL IMPACT:

<u>Type Of Children</u>	<u>FY 82 Numbers</u>	<u>FY 83 Amount Child</u>	<u>FY 84</u>	<u>FY 85</u>
Aftercare (D of I)	85	\$ 1,280	\$ 108,800	\$ 115,328
SRS (In-state)	564	1,280	721,920	765,235
Probation	37	1,280	47,360	50,201
SRS (Out-of-state)	37	8,000	<u>296,000</u>	<u>313,761</u>
Total Tuition			\$1,174,080	\$1,244,525
Less Existing Costs			(75,000)	(75,000)
Additional Administrative Costs			<u>40,000</u>	<u>40,000</u>
Total Increased General				
Fund Expense:			<u>\$1,139,080</u>	<u>\$1,209,525</u>