

HOUSE BILL NO. 566

Introduced: 01/29/83

Referred to Committee on Education & Cultural Resources:
01/29/83

Hearing: 2/7/83

Died in Committee

1 *House* BILL NO. *566*
 2 INTRODUCED BY *Menahay, Harko* *Paul, McBride*
 3 *Julius Hamner, Parlovich, Joe Brown*
 4 *Nisbet, Sime, Saunders, Spacht*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A SCHOOL
 6 DISTRICT THAT EXPERIENCES A DECREASE IN SCHOOL ENROLLMENT
 7 DURING THE CURRENT SCHOOL FISCAL YEAR TO RECEIVE FOUNDATION
 8 PROGRAM FUNDS FOR THE ENSUING SCHOOL YEAR BASED ON A 3-YEAR
 9 AVERAGE OF THE DISTRICT'S AVERAGE NUMBER BELONGING; AMENDING
 10 SECTION 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 11 DATE."

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

13 Section 1. Section 20-9-311, MCA, is amended to read:

14 "20-9-311. Calculation of average number belonging
 15 (ANB). (1) Average number belonging shall be computed by
 16 determining the total of the aggregate days of attendance by
 17 regularly enrolled, full-time pupils during the current
 18 school fiscal year plus the aggregate days of absence by
 19 regularly enrolled, full-time pupils during the current
 20 school fiscal year and by dividing such total by 180.
 21 However, when a school district has approval to operate less
 22 than 180 school days under 20-9-804, such total shall be
 23 calculated in accordance with the provisions of 20-9-805.
 24 Attendance for a part of a morning session or a part of an
 25 afternoon session by a pupil shall be counted as attendance

1 for one-half day. In calculating the ANB for pupils enrolled
 2 in a program established under 20-7-117 prior to January 1,
 3 1974, or pursuant to 20-7-117(1), attendance at or absence
 4 from a regular session of the program for at least 2 hours
 5 of either a morning or an afternoon session will be counted
 6 as one-half of a day attended or absent as the case may be.
 7 If a variance has been granted as provided in 20-1-302, ANB
 8 will be computed in a manner prescribed by the
 9 superintendent of public instruction, but in no case shall
 10 the ANB exceed one-half for each kindergarten pupil. When
 11 any pupil has been absent, with or without excuse, for more
 12 than 10 consecutive school days, including
 13 pupil-instruction-related days, his absence after the 10th
 14 day of absence shall not be included in the aggregate days
 15 of absence and his enrollment in the school shall not be
 16 considered in the calculation of the average number
 17 belonging until he resumes attendance at school.

18 (2) If a student spends less than half his time in the
 19 regular program and the balance of his time in school in the
 20 special education program, he shall be considered a
 21 full-time special pupil but shall not be considered
 22 regularly enrolled for ANB purposes. If a student spends
 23 half or more of his time in school in the regular program
 24 and the balance of his time in the special education
 25 program, he shall be considered regularly enrolled for ANB

1 purposes.

2 (3) The average number belonging of the regularly
3 enrolled, full-time pupils for the public schools of a
4 district shall be calculated individually for each school,
5 except that when:

6 (a) more than one school of a district, other than a
7 junior high school in an elementary district which has been
8 approved and accredited as a junior high school, is located
9 within the incorporated limits of a city or town, the
10 average number belonging of such schools shall be based on
11 the aggregate of all the regularly enrolled, full-time
12 pupils attending such schools located within the
13 incorporated limits of a city or town;

14 (b) a junior high school which has been approved and
15 accredited as a junior high school is located within the
16 incorporated limits of a city or town in which a high school
17 is located, all of the regularly enrolled, full-time pupils
18 of the junior high school shall be considered as high school
19 district pupils for the purposes of calculating the average
20 number belonging of the high schools located within the
21 incorporated limits of such city or town;

22 (c) a middle school has been approved and accredited,
23 in which case pupils below the 7th grade shall be considered
24 elementary school pupils for ANB purposes and the 7th and
25 8th grade pupils shall be considered high school pupils for

1 ANB purposes; or

2 (d) a school has not been accredited by the board of
3 public education, the regularly enrolled, full-time pupils
4 attending the nonaccredited school shall not be eligible for
5 average number belonging calculation purposes, nor will an
6 average number belonging for the nonaccredited school be
7 used in determining the foundation program for such
8 district.

9 (4) When 11th or 12th grade students are regularly
10 enrolled on a part-time basis, high schools may calculate
11 the ANB to include an "equivalent ANB" for those students.
12 The method for calculating an equivalent ANB shall be
13 determined in a manner prescribed by the superintendent of
14 public instruction.

15 (5) When the average number belonging for the current
16 school year, as calculated according to the provisions of
17 this section, is less than the ANB for the previous school
18 year, the current year's calculation must be averaged with
19 the ANB amounts from the two previous school years to
20 determine the ANB for the ensuing school fiscal year."

21 NEW SECTION. Section 2. Effective date. This act is
22 effective on passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 417-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 566 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 566 allows a school district that experiences a decrease in school enrollment during the current school fiscal year to receive foundation program funds for the ensuing school year based on a 3-year average of the district's ANB.

ASSUMPTIONS:

- 1) The enrollment pattern established during FY 81, FY 82 and FY 83 will continue through FY 1984 and FY 1985.
- 2) Funding schedules per ANB will remain at the FY 83 level.
- 3) The maximum non-voted budget for each district will increase in proportion to the ANB increase.
- 4) Increased state expenditures will cover the entire additional ANB cost in the non-voted-budget.
- 5) The bill will be amended to eliminate the adverse impact relating to technical note number 1.

FISCAL IMPACT:

| | <u>FY 84</u> | <u>(MILLIONS)</u> <u>FY 85</u> | <u>Biennium</u> |
|---------------------------|----------------|-----------------------------------|-----------------|
| <u>Expenditures:</u> | | | |
| Foundation and Permissive | | | |
| Under Current Law | \$ 253.73 | \$ 253.73 | \$ 507.46 |
| Under Proposed Law | 262.10 | 264.89 | 526.99 |
| Increase | <u>\$ 8.37</u> | <u>\$ 11.16</u> | <u>\$ 19.53</u> |

To finance this additional cost, \$19,530,000 of general fund would need to be appropriated to the state equalization account.

TECHNICAL NOTE:

- 1) The "must" on page 4, line 18 would have an adverse impact on 130 districts with low ANB 2 years ago and high ANB 1 year ago. To reverse this impact, the "must" would have to be changed to "may".
- 2) The increased ANB provided by this bill would go into the base for subsequent years, thereby having a compounding effect.

FISCAL NOTE 14:W/1


 BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-83