

HOUSE BILL NO. 653

INTRODUCED BY SANDS

BY REQUEST OF THE OFFICE OF SUPERINTENDENT OF
PUBLIC INSTRUCTION

IN THE HOUSE

February 5, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 11, 1983	Committee recommend bill do pass. Report adopted.
February 12, 1983	Bill printed and placed on members' desks.
February 14, 1983	Second reading, do pass.
February 15, 1983	Considered correctly engrossed.
February 16, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 17, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 10, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1983	Second reading, concurred in.
March 15, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 15, 1983

Returned to House with
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 ~~House~~ BILL NO. 653
 2 INTRODUCED BY X Paul
 3 BY REQUEST OF THE OFFICE OF
 4 SUPERINTENDENT OF PUBLIC INSTRUCTION
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 7 PROVISIONS RELATING TO HIGH SCHOOL TUITION; AMENDING
 8 SECTIONS 20-5-311 AND 20-5-312, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 20-5-311, MCA, is amended to read:
 12 "20-5-311. High school tuition. (1) Any child may be
 13 enrolled in and attend a high school outside of the high
 14 school district in which he resides when such high school is
 15 located in Montana or in a county of another state that is
 16 adjacent to the state of Montana. When a parent or guardian
 17 of a child wishes to have his child attend a school under
 18 the provisions of this section, he shall apply to the county
 19 superintendent of the county of his residence before July 1
 20 of the school fiscal year for which he seeks approval except
 21 in those cases when substantial changes in circumstances
 22 occurred subsequently to justify later application. Such
 23 application shall be made on a tuition agreement form
 24 supplied by the county superintendent and shall be approved
 25 by the trustees of the district where the child wishes to

1 attend school and the trustees of the child's district of
 2 residence before permission to enroll in and attend a school
 3 outside of the district under the provisions of this section
 4 shall be granted. The trustees of the district of
 5 residence, the trustees of the district in which the child
 6 wishes to attend school, and the county superintendent are
 7 the approval agents for tuition to another high school
 8 within the county. The county superintendent of the county
 9 of residence is the approval agent for attendance outside
 10 the county.
 11 (2) The trustees approval agent or agents shall
 12 approve a tuition application when a child lives closer to a
 13 high school of another district than any high school located
 14 within his resident district or when, due to road or
 15 geographic conditions, it is impractical to attend the high
 16 school nearest his residence. In approving such a tuition
 17 application the trustees approval agent or agents are not
 18 required to approve a tuition application for a student
 19 seeking to attend a high school outside the state of Montana
 20 if the resident district provides transportation. In
 21 approving a tuition agreement under this provision, the
 22 trustees approval agent or agents may require the child to
 23 attend the high school closest to his residence. The
 24 trustees approval agent or agents may approve any other
 25 tuition application that satisfies the geographic

1 requirements of this section.

2 (3) The trustees of the district where the child
3 wishes to attend school shall approve or disapprove any
4 tuition application submitted to them under the provisions
5 of this section within 15 days after the receipt of the
6 application.

7 (4) The county superintendent shall notify the parent
8 or guardian and the trustees of the district where the child
9 wishes to attend school of the tuition agreement approval or
10 disapproval. If a tuition agreement is disapproved by the
11 ~~trustees approval agent or agents~~, the parent may appeal
12 such disapproval to the ~~trustees for their reconsideration~~
13 ~~county superintendent~~ and, subsequently, to the
14 superintendent of public instruction under the provision for
15 the appeal of controversies in this title. The approval of
16 any tuition agreement by the approval agents or upon appeal
17 shall authorize the child named in such agreement to enroll
18 in and attend the school named in such agreement for the
19 ensuing school fiscal year."

20 Section 2. Section 20-5-312, MCA, is amended to read:

21 "20-5-312. Reporting, budgeting, and payment for high
22 school tuition. (1) At the close of the school term of each
23 school fiscal year, the trustees of each high school
24 district shall determine the rate of tuition for the current
25 school fiscal year by:

1 (a) totaling the actual expenditures from the district
2 general fund, ~~retirement fund, and the debt service fund,~~
3 ~~and, if the pupil is a resident of another county, the~~
4 ~~retirement fund;~~

5 (b) dividing the amount determined in subsection
6 (1)(a) above by the ANB of the district for the current
7 fiscal year, as determined under the provisions of 20-9-311;
8 and

9 (c) subtracting the total of the per-ANB amount
10 allowed by 20-9-316 through 20-9-321 that represents the
11 foundation program as prescribed by 20-9-303 plus the
12 per-ANB amount determined by dividing the state financing of
13 the district permissive levy by the ANB of the district,
14 from the amount determined in subsection (1)(b) above.

15 (2) Before July 15, the trustees shall report to the
16 county superintendent of the county in which the district is
17 located:

18 (a) the names, addresses, and resident districts of
19 the pupils attending the schools of the district under an
20 approved tuition agreement;

21 (b) the number of days of school attended by each
22 pupil;

23 (c) the amount, if any, of each pupil's tuition
24 payment that the trustees, in their discretion, shall have
25 the authority to waive; and

(d) the rate of current school fiscal year tuition, as determined under the provisions of this section.

(3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the superintendent of each district in which the reported pupils reside.

(4) When the district superintendent receives a tuition report or reports for high school pupils residing in his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county

treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed

1 to each district included in the county superintendent's
2 notification. Payments shall be made whenever there is a
3 sufficient amount of cash available in the tuition fund but
4 no later than the end of the school fiscal year for which
5 the budget is adopted. However, if the trustees of either
6 the sending or receiving high school feel the transfer
7 privilege provided by this subsection is being abused they
8 may appeal to the county superintendent of schools who shall
9 hold a hearing and either approve or disapprove the
10 transfer."

-End-

App. by comm. on education
and cultural resources

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16 adjacent to the state of Montana. When a parent or guardian
17 of a child wishes to have his child attend a school under
18 the provisions of this section, he shall apply to the county
19 superintendent of the county of his residence before July 1
20 of the school fiscal year for which he seeks approval except
21 in those cases when substantial changes in circumstances
22 occurred subsequently to justify later application. Such
23 application shall be made on a tuition agreement form
24 supplied by the county superintendent and shall be approved
25 by the trustees of the district where the child wishes to

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HB653

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3 wishes to attend school shall approve or disapprove any
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25 school fiscal year by:

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2 general fund, ~~retirement fund and the debt service fund,~~
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4 ~~retirement fund;~~

5 (b) dividing the amount determined in subsection
6 (1)(a) above by the ANB of the district for the current
7 fiscal year, as determined under the provisions of 20-9-311;
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9 (c) subtracting the total of the per-ANB amount
10 allowed by 20-9-316 through 20-9-321 that represents the
11 foundation program as prescribed by 20-9-303 plus the
12 per-ANB amount determined by dividing the state financing of
13 the district permissive levy by the ANB of the district,
14 from the amount determined in subsection (1)(b) above.

15 (2) Before July 15, the trustees shall report to the
16 county superintendent of the county in which the district is
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19 the pupils attending the schools of the district under an
20 approved tuition agreement;

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24 payment that the trustees, in their discretion, shall have
25 the authority to waive; and

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18 consideration of any tuition waivers, for pupils attending a
19 high school outside the county of residence shall be
20 financed by the county basic special tax for high schools as
21 provided in 20-9-334. In December, the county superintendent
22 shall cause the payment by county warrant of the high school
23 tuition obligations established under this section out of
24 the first moneys realized from the county basic special tax
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1 treasurer of the county where each high school entitled to
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3 tuition receipts to the general fund of the applicable high
4 school district, and the tuition receipts shall be used in
5 accordance with the provisions of 20-9-141.

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7 district of residence but within the county of residence,
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11 district shall include the tuition amount in the tuition
12 fund of the preliminary and final budgets. This budgeted
13 tuition amount is not subject to the budget adjustment
14 provisions of 20-9-132. The county superintendent shall
15 report the net tuition fund levy requirement for each high
16 school district to the county commissioners on the second
17 Monday of August, and a levy on the district shall be made
18 by the county commissioners in accordance with 20-9-142.
19 This levy requirement shall be calculated by subtracting
20 from the total expenditure amount authorized in the final
21 tuition fund budget the sum of the cash balance in the
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-End-

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6 the sending or receiving high school feel the transfer
7 privilege provided by this subsection is being abused they
8 may appeal to the county superintendent of schools who shall
9 hold a hearing and either approve or disapprove the
10 transfer."

-End-

March 10, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 653 be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 2, line 9.
Following: "residence"
Strike: "is"
Insert: "and the trustees of the district in which the child wishes to attend school are"
Following: "approval"
Strike: "agent"
Insert: "agents"
3. Page 2, line 11.
Following: "approval"
Strike: "agent or"
4. Page 2, line 17.
Following: "approval"
Strike: "agent or"
5. Page 2, line 22.
Following: "approval"
Strike: "agent or"
6. Page 2, line 24.
Following: "approval"
Strike: "agent or"
7. Page 3, line 10.
Following: "by"
Strike: "the"
Insert: "one or more"
8. Page 3, line 11.
Following: "approval"
Strike: "agent or"
9. Page 3, line 15.
Following: "title."
Insert: "(5)"
10. Page 3, line 16.
Following: "by"
Insert: "all of"
Following: "the"
Insert: "applicable"
11. Page 7.
Following: line 10
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

HOUSE BILL NO. 653
INTRODUCED BY SANDS
BY REQUEST OF THE OFFICE OF
SUPERINTENDENT OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
PROVISIONS RELATING TO HIGH SCHOOL TUITION; AMENDING
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~~by the trustees of the district where the child wishes to
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THE CHILD WISHES TO ATTEND SCHOOL ARE the approval agent
AGENTS for attendance outside the county.~~

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14 foundation program as prescribed by 20-9-303 plus the
15 per-ANB amount determined by dividing the state financing of
16 the district permissive levy by the ANB of the district,
17 from the amount determined in subsection (1)(b) above.

18 (2) Before July 15, the trustees shall report to the
19 county superintendent of the county in which the district is
20 located:

21 (a) the names, addresses, and resident districts of
22 the pupils attending the schools of the district under an
23 approved tuition agreement;

24 (b) the number of days of school attended by each
25 pupil;

1 (c) the amount, if any, of each pupil's tuition
2 payment that the trustees, in their discretion, shall have
3 the authority to waive; and

4 (d) the rate of current school fiscal year tuition, as
5 determined under the provisions of this section.

6 (3) When the county superintendent receives a tuition
7 report from a district, he shall immediately send the
8 reported information to the superintendent of each district
9 in which the reported pupils reside.

10 (4) When the district superintendent receives a
11 tuition report or reports for high school pupils residing in
12 his district and attending an out-of-district high school
13 under approved tuition agreements, he shall determine the
14 total amount of tuition due such out-of-district high
15 schools on the basis of the following per-pupil schedule:
16 the rate of tuition, number of pupils attending under an
17 approved tuition agreement, and other information provided
18 by each high school district where resident district pupils
19 have attended school.

20 (5) The total amount of the high school tuition, with
21 consideration of any tuition waivers, for pupils attending a
22 high school outside the county of residence shall be
23 financed by the county basic special tax for high schools as
24 provided in 20-9-334. In December, the county superintendent
25 shall cause the payment by county warrant of the high school

1 tuition obligations established under this section out of
2 the first moneys realized from the county basic special tax
3 for high schools. The payment shall be made to the county
4 treasurer of the county where each high school entitled to
5 tuition is located. The county treasurer shall credit such
6 tuition receipts to the general fund of the applicable high
7 school district, and the tuition receipts shall be used in
8 accordance with the provisions of 20-9-141.

9 (6) For pupils attending a high school outside their
10 district of residence but within the county of residence,
11 the total amount of the tuition, with consideration of any
12 tuition waivers, must be paid during the ensuing school
13 fiscal year. The trustees of the sending high school
14 district shall include the tuition amount in the tuition
15 fund of the preliminary and final budgets. This budgeted
16 tuition amount is not subject to the budget adjustment
17 provisions of 20-9-132. The county superintendent shall
18 report the net tuition fund levy requirement for each high
19 school district to the county commissioners on the second
20 Monday of August, and a levy on the district shall be made
21 by the county commissioners in accordance with 20-9-142.
22 This levy requirement shall be calculated by subtracting
23 from the total expenditure amount authorized in the final
24 tuition fund budget the sum of the cash balance in the
25 tuition fund at the end of the immediately preceding school

1 fiscal year plus any other anticipated money that may be
 2 realized in the tuition fund. The trustees shall pay by
 3 warrants drawn on the tuition fund the tuition amounts owed
 4 to each district included in the county superintendent's
 5 notification. Payments shall be made whenever there is a
 6 sufficient amount of cash available in the tuition fund but
 7 no later than the end of the school fiscal year for which
 8 the budget is adopted. However, if the trustees of either
 9 the sending or receiving high school feel the transfer
 10 privilege provided by this subsection is being abused they
 11 may appeal to the county superintendent of schools who shall
 12 hold a hearing and either approve or disapprove the
 13 transfer."

14 ~~SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~
 15 ~~PASSAGE AND APPROVAL.~~

-End-