

HOUSE BILL NO. 417

1/23 Introduced  
1/23 Referred to Education & Cultural Resources  
1/24 Fiscal Note Requested  
1/29 Fiscal Note Received  
2/01 Hearing  
2/04 Committee Report-Bill Pass As Amended  
2/04 Rereferred to Education & Cultural Resources  
Died in Committee



1 (b) supportive services, including:

2 (i) salaries and benefits of professional supportive  
3 personnel--the entire cost if employed full time in the  
4 special program; if such personnel are shared between  
5 special and regular programs--a portion of the entire cost  
6 corresponding to the entire working time which each such  
7 person devotes to the special program. Professional  
8 supportive personnel may include counselors, social workers,  
9 psychologists, psychometrists, physicians, nurses, and  
10 physical and occupational therapists.

11 (ii) salaries and benefits of clerical personnel for  
12 professional personnel in supportive services--the entire  
13 cost if employed full time in the special program; if such  
14 personnel are shared between special and regular programs--a  
15 portion of the entire cost corresponding to the entire  
16 working time which each such person devotes to the special  
17 program;

18 (c) equipment:

19 (i) equipment--the actual total cost;

20 (ii) special equipment for district-owned school buses  
21 necessary to accommodate special students--the actual total  
22 cost;

23 (iii) special equipment for school buses contracted to  
24 transport special students--that portion of the contract  
25 price attributable to the cost of special equipment or

1 personnel required to accommodate special students--the  
2 actual special cost;

3 (d) room and board costs when the special pupil has to  
4 attend a program at such a distance from his home that  
5 commuting is undesirable as determined by the superintendent  
6 of public instruction.

7 (2) The superintendent of public instruction shall,  
8 prior to September 1, 1977, revise the rules in accordance  
9 with the policies of the board of public education for:

10 (a) keeping necessary records for supportive and  
11 administrative personnel and any personnel shared between  
12 special and regular programs;

13 (b) defining the total special program caseload that  
14 shall be assigned to specific support persons and the kinds  
15 of professional specialties to be considered relevant to the  
16 program before the district may count an allowable cost  
17 under subsection (1)(b) of this section; and

18 (c) defining the kinds or types of equipment whose  
19 costs may be counted under subsection (1)(c)(i) of this  
20 section.

21 (3) An annual accounting of all expenditures of school  
22 district general fund moneys for special education shall be  
23 made by the district trustees on forms furnished by the  
24 superintendent of public instruction. The superintendent of  
25 public instruction shall make rules for such accounting.

1 (4) If a board of trustees chooses to exceed the  
2 budget approved by the superintendent of public instruction,  
3 costs in excess of the approved budget may not be reimbursed  
4 under the maximum-budget-without-a-vote for special  
5 education.

6 (5) Allowable costs prescribed in this section do not  
7 include the costs of the teachers' retirement system, the  
8 public employees' retirement system, the federal social  
9 security system, or the costs for unemployment compensation  
10 insurance.

11 (6) (a) Notwithstanding other provisions of the law,  
12 the superintendent of public instruction shall not approve a  
13 maximum-budget-without-a-vote for special education which  
14 exceeds legislative appropriations.

15 (b) If the total allowable cost of the special  
16 education budgets approved by the superintendent of public  
17 instruction exceeds legislative appropriations available for  
18 special education, each district shall receive a pro rata  
19 share of the available appropriations based upon prioritized  
20 budget items as established by the superintendent of public  
21 instruction. The amount of the approved budgets in excess of  
22 the available appropriations may not be reimbursed under the  
23 maximum-budget-without-a-vote for special education and is  
24 the responsibility of the school district."

25 Section 2. Section 20-9-311, MCA, is amended to read:

1 "20-9-311. Calculation of average number belonging  
2 (ANB). (1) Average number belonging shall be computed by  
3 determining the total of the aggregate days of attendance by  
4 regularly enrolled, full-time pupils during the current  
5 school fiscal year plus the aggregate days of absence by  
6 regularly enrolled, full-time pupils during the current  
7 school fiscal year and by dividing such total by 180.  
8 However, when a school district has approval to operate less  
9 than 180 school days under 20-9-804, such total shall be  
10 calculated in accordance with the provisions of 20-9-805.  
11 Attendance for a part of a morning session or a part of an  
12 afternoon session by a pupil shall be counted as attendance  
13 for one-half day. In calculating the ANB for pupils enrolled  
14 in a program established under 20-7-117 prior to January 1,  
15 1974, or pursuant to 20-7-117(1), attendance at or absence  
16 from a regular session of the program for at least 2 hours  
17 of either a morning or an afternoon session will be counted  
18 as one-half of a day attended or absent as the case may be.  
19 If a variance has been granted as provided in 20-1-302, ANB  
20 will be computed in a manner prescribed by the  
21 superintendent of public instruction, but in no case shall  
22 the ANB exceed one-half for each kindergarten pupil. When  
23 any pupil has been absent, with or without excuse, for more  
24 than 10 consecutive school days, including  
25 pupil-instruction-related days, his absence after the 10th

1 day of absence shall not be included in the aggregate days  
2 of absence and his enrollment in the school shall not be  
3 considered in the calculation of the average number  
4 belonging until he resumes attendance at school.

5 ~~(2) If a student spends less than half his time in the~~  
6 ~~regular program and the balance of his time in school in the~~  
7 ~~special education program, he shall be considered a~~  
8 ~~full-time special pupil but shall not be considered~~  
9 ~~regularly enrolled for ANB purposes. If a student spends~~  
10 ~~half or more of his time in school in the regular program~~  
11 ~~and the balance of his time in the special education~~  
12 ~~program, he shall be considered regularly enrolled for ANB~~  
13 ~~purposes.~~

14 ~~(3)(2)~~ The average number belonging of the regularly  
15 enrolled, full-time pupils for the public schools of a  
16 district shall be calculated individually for each school,  
17 except that when:

18 (a) more than one school of a district, other than a  
19 junior high school in an elementary district which has been  
20 approved and accredited as a junior high school, is located  
21 within the incorporated limits of a city or town, the  
22 average number belonging of such schools shall be based on  
23 the aggregate of all the regularly enrolled, full-time  
24 pupils attending such schools located within the  
25 incorporated limits of a city or town;

1 (b) a junior high school which has been approved and  
2 accredited as a junior high school is located within the  
3 incorporated limits of a city or town in which a high school  
4 is located, all of the regularly enrolled, full-time pupils  
5 of the junior high school shall be considered as high school  
6 district pupils for the purposes of calculating the average  
7 number belonging of the high schools located within the  
8 incorporated limits of such city or town;

9 (c) a middle school has been approved and accredited,  
10 in which case pupils below the 7th grade shall be considered  
11 elementary school pupils for ANB purposes and the 7th and  
12 8th grade pupils shall be considered high school pupils for  
13 ANB purposes; or

14 (d) a school has not been accredited by the board of  
15 public education, the regularly enrolled, full-time pupils  
16 attending the nonaccredited school shall not be eligible for  
17 average number belonging calculation purposes, nor will an  
18 average number belonging for the nonaccredited school be  
19 used in determining the foundation program for such  
20 district.

21 ~~(4)(3)~~ When 11th or 12th grade students are regularly  
22 enrolled on a part-time basis, high schools may calculate  
23 the ANB to include an "equivalent ANB" for those students.  
24 The method for calculating an equivalent ANB shall be  
25 determined in a manner prescribed by the superintendent of

1 public instruction."

2 Section 3. Section 20-9-313, MCA, is amended to read:

3 "20-9-313. Circumstances under which the regular  
4 average number belonging may be increased. The average  
5 number belonging of a school for a given school fiscal year,  
6 calculated in accordance with the ANB formula prescribed in  
7 20-9-311, may be increased when:

8 (1) the opening of a new elementary school or the  
9 reopening of an elementary school has been approved in  
10 accordance with 20-6-502. The average number belonging for  
11 such school shall be established by the county  
12 superintendent and approved, disapproved, or adjusted by the  
13 superintendent of public instruction.

14 (2) the opening or reopening of a high school or a  
15 branch of the county high school has been approved in  
16 accordance with 20-6-503, 20-6-504, or 20-6-505. The average  
17 number belonging for such high school shall be established  
18 by the county superintendent's estimate, after an  
19 investigation of the probable number of pupils that will  
20 attend such high school.

21 (3) a district anticipates an increase in the average  
22 number belonging due to the closing of any private or public  
23 school in the district or a neighboring district. The  
24 estimated increase in average number belonging shall be  
25 established by the trustees and the county superintendent

1 and approved, disapproved, or adjusted by the superintendent  
2 of public instruction no later than the fourth Monday in  
3 June.

4 (4) a district anticipates an unusual enrollment  
5 increase in the ensuing school fiscal year. The increase in  
6 average number belonging shall be based on estimates of  
7 increased enrollment approved by the superintendent of  
8 public instruction and shall be computed in the manner  
9 prescribed by 20-9-314.

10 (5) for the initial year of operation of a program  
11 established under 20-7-117(1), the ANB to be used for budget  
12 purposes is the same as one-half the number of 5-year-old  
13 children residing in the district as of September 10 of the  
14 preceding school year, either as shown on the official  
15 school census or as determined by some other procedure  
16 approved by the superintendent of public instruction; or

17 ~~{6}--a-special-full-time-pupil, as defined in 20-9-311,~~  
18 ~~in--a--given--school--year--will--no--longer--be--considered--a~~  
19 ~~special-full-time-pupil--in--the--ensuing--school--year--(the~~  
20 ~~superintendent--of--public-instruction--may--grant--one--ANB--for~~  
21 ~~such-pupil-for-the-ensuing-school-year);-or~~

22 {7}(6) a high school district provides early  
23 graduation for any student who completes graduation  
24 requirements in less than eight semesters or the equivalent  
25 amount of secondary school enrollment or when a high school

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1 district provides early graduation for a class of students  
2 who have completed the requirements for graduation after 175  
3 pupil-instruction days in the 12th grade. The increase shall  
4 be established by the trustees as though the student had  
5 attended to the end of the school year and shall be  
6 approved, disapproved, or adjusted by the superintendent of  
7 public instruction."

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN212-85

Form BD-15

In compliance with a written request received January 26 19 85, there is hereby submitted a Fiscal Note for H.B. 417 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 417 is an act to change the method for calculating ANB (average number belonging) for special education children. Special education children are considered the same as regularly enrolled pupils for ANB purposes.

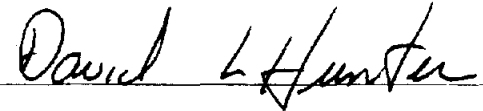
ASSUMPTIONS:

1. The maximum-general-fund-budget-without-a-vote (MGFBWV) for FY 1985 is \$270,988,563.
2. There will be no increase in the maximum-general-fund-budget-without-a-vote for FY 1986 and FY 1987.
3. The average cost per elementary ANB (average number belonging) is \$1,632.16 and for a high school ANB \$2,152.35.
4. The number of handicapped students will remain constant from 1985 through 1987.
5. School trustee pupil data reports on full time special education students is accurate.
6. There are presently 1,732.23 full time elementary special education students and 703.16 full time high school special education students attending the state's schools.

FISCAL IMPACT:

Expenditures:	FY 1986	FY 1987
Current Law - MGFBWV	\$270,988,563	\$270,988,563
Proposed Law - MGFBWV	275,329,285	275,329,285
Additional General Fund Required	\$ 4,340,722	\$ 4,340,722

1. The proposed change in calculating special education ANB would result in the above increases.
2. The state general fund in support of special education allowable costs would increase by the above listed amounts.
3. Any increase in Public School funding schedules will increase the cost of this bill.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: JAN 29, 1985  
HB 417



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AFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

1. The indirect special education costs for full time special education students of all districts would be lessened by \$4,340,722 per year.

LONG-RANGED EFFECTS OF PROPOSED LEGISLATION:

1. An increased continued commitment of maximum-general-fund-budget-without-a-vote revenue would result.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

N/A