

HOUSE BILL NO. 497

INTRODUCED BY KOEHNKE, MCCORMICK, BENGTON, GALT, PECK

IN THE HOUSE

January 26, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 5, 1985	On motion by Chief Sponsor, Senator Galt and Representative Peck added as sponsors.
February 19, 1985	Committee recommend bill do pass as amended. Report adopted.
February 20, 1985	Bill printed and placed on members' desks.
February 21, 1985	Second reading, do pass as amended.
February 22, 1985	Correctly engrossed.
February 23, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Education and Cultural Resources.
March 29, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 45; Noes, 3. Returned to House with amendments.

IN THE HOUSE

April 2, 1985	Received from Senate.
April 5, 1985	Second reading, amendments concurred in.
April 8, 1985	Third reading, amendments concurred in.
	Sent to enrolling.
April 10, 1985	Correctly enrolled.
April 12, 1985	Signed by President.
	Signed by Speaker.
	Delivered to Governor.
April 17, 1985	Returned from Governor with recommend amendments.
April 18, 1985	Second reading, Governor's amendments concurred in.
April 19, 1985	Third reading, Governor's amendments concurred in.
	Transmitted to Senate.

IN THE SENATE

April 19, 1985	Received from House.
April 22, 1985	Second reading, Governor's amendments concurred in.
April 23, 1985	Third reading, Governor's amendments concurred in.
	Returned to House.

IN THE HOUSE

April 23, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 497
2 INTRODUCED BY Tschirke-McLinn, Bergeson
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
5 REQUIREMENT THAT THE APPROVAL AGENTS FOR A HIGH SCHOOL
6 TUITION APPLICATION MUST APPROVE SUCH AN APPLICATION WHEN A
7 CHILD LIVES CLOSER TO A HIGH SCHOOL OF ANOTHER DISTRICT THAN
8 TO ANY HIGH SCHOOL WITHIN THE CHILD'S RESIDENT DISTRICT; TO
9 PROVIDE THAT THE APPROVAL AGENTS ARE NOT REQUIRED TO APPROVE
10 A TUITION APPLICATION IF THE RESIDENT DISTRICT PROVIDES
11 TRANSPORTATION; AMENDING SECTION 20-5-311, MCA."
12

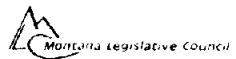
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

1 application shall be made on a tuition agreement form
2 supplied by the county superintendent. The trustees of the
3 district of residence, the trustees of the district in which
4 the child wishes to attend school, and the county
5 superintendent are the approval agents for tuition to
6 another high school within the county. The county
7 superintendent of the county of residence and the trustees
8 of the district in which the child wishes to attend school
9 are the approval agents for attendance outside the county.

10 (2) The approval agents ~~shall~~ may approve a tuition
11 application when a child lives closer to a high school of
12 another district than any high school located within his
13 resident district or when, due to road or geographic
14 conditions, it is impractical to attend the high school
15 nearest his residence. ~~in--approving--such--a--tuition~~
16 ~~application~~ However, the approval agents are not required to
17 approve a tuition application for a student seeking to
18 attend a high school outside the state of Montana or the
19 resident district if the resident district provides
20 transportation. In approving a tuition agreement under this
21 provision, the approval agents may require the child to
22 attend the high school closest to his residence. The
23 approval agents may approve any other tuition application
24 that satisfies the geographic requirements of this section.

25 (3) The trustees of the district where the child



LC 0329/01

1 wishes to attend school shall approve or disapprove any
2 tuition application submitted to them under the provisions
3 of this section within 15 days after the receipt of the
4 application.

5 (4) The county superintendent shall notify the parent
6 or guardian and the trustees of the district where the child
7 wishes to attend school of the tuition agreement approval or
8 disapproval. If a tuition agreement is disapproved by one or
9 more approval agents, the parent may appeal such disapproval
10 to the county superintendent and, subsequently, to the
11 superintendent of public instruction under the provision for
12 the appeal of controversies in this title.

13 (5) The approval of any tuition agreement by all of
14 the applicable approval agents or upon appeal shall
15 authorize the child named in such agreement to enroll in and
16 attend the school named in such agreement for the ensuing
17 school fiscal year."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

HOUSE BILL NO. 497

INTRODUCED BY KOEHNKE, MCCORMICK, BENGTSON, GALT, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT THAT THE APPROVAL AGENTS FOR A HIGH SCHOOL TUITION APPLICATION MUST APPROVE SUCH AN APPLICATION WHEN A CHILD LIVES CLOSER TO A HIGH SCHOOL OF ANOTHER DISTRICT THAN TO ANY HIGH SCHOOL WITHIN THE CHILD'S RESIDENT DISTRICT; TO PROVIDE THAT THE APPROVAL AGENTS ARE NOT REQUIRED TO APPROVE A TUITION APPLICATION IF THE RESIDENT DISTRICT PROVIDES TRANSPORTATION UNLESS CERTAIN CONDITIONS EXIST; AMENDING SECTION 20-5-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-5-311, MCA, is amended to read:

"20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the high school district in which he resides when such high school is located in Montana or in a county of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except

in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent. The trustees of the district of residence, the trustees of the district in which the child wishes to attend school, and the county superintendent are the approval agents for tuition to another high school within the county. The county superintendent of the county of residence and the trustees of the district in which the child wishes to attend school are the approval agents for attendance outside the county.

(2) (A) The approval agents ~~shall~~ may approve a tuition application when a child lives closer to a high school of another district than any high school located within his resident district or when, due to road or geographic conditions, it is impractical to attend the high school nearest his residence. ~~In-approving-such-a-tuition application~~

(B) However, the approval agents are not required to approve a tuition application for a student seeking to attend a high school outside the state of Montana or the resident district if the resident district provides transportation: UNLESS ANY OF THE FOLLOWING CONDITIONS EXIST:

(1) THE CHILD RESIDES LESS THAN 3 MILES FROM THE

1 SCHOOL THE CHILD WISHES TO ATTEND OR MORE THAN 20 MILES FROM
 2 ANY HIGH SCHOOL OF HIS RESIDENT DISTRICT. FOR THE PURPOSES
 3 OF THIS SUBSECTION (2)(B)(I), THE MILEAGE IS MEASURED BY
 4 TRAVELING THE MOST DIRECT ROUTE ON A MAINTAINED STATE OR
 5 COUNTY ROAD.

6 (II) THE CHILD HAS BEEN DECLARED BY A COURT OF
 7 COMPETENT JURISDICTION TO BE AN ABUSED, NEGLECTED, OR
 8 DEPENDENT CHILD AS DEFINED IN 41-3-102, OR A DELINQUENT
 9 YOUTH AS DEFINED IN 41-5-103, AND HAS BEEN ORDERED TO BE
 10 PLACED IN A LICENSED CARE INSTITUTION WHICH IS APPROVED BY
 11 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, AND AS
 12 A RESULT OF THE ORDER, THE CHILD IS REQUIRED TO ATTEND HIGH
 13 SCHOOL OUTSIDE OF THE DISTRICT OF HIS RESIDENCE; OR

14 (III) THE CHILD HAS ENROLLED IN A HIGH SCHOOL OUTSIDE
 15 HIS RESIDENT DISTRICT AND HAS RECEIVED AN APPROVED TUITION
 16 AGREEMENT ON OR BEFORE [THE EFFECTIVE DATE OF THIS ACT]. FOR
 17 THE PURPOSES OF THIS SUBSECTION (2)(B)(III), THE CHILD HAS
 18 THE RIGHT TO CONTINUE HIS HIGH SCHOOL EDUCATION IN THE
 19 RECEIVING HIGH SCHOOL OUTSIDE HIS RESIDENT DISTRICT ON AN
 20 APPROVED TUITION AGREEMENT, SUBJECT TO THE PROVISIONS OF
 21 THIS SECTION. In approving a tuition agreement under this
 22 provision, the approval agents may require the child to
 23 attend the high school closest to his residence. The
 24 approval agents may approve any other tuition application
 25 that satisfies the geographic requirements of this section.

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

6 (4) The county superintendent shall notify the parent
 7 or guardian and the trustees of the district where the child
 8 wishes to attend school of the tuition agreement approval or
 9 disapproval. If a tuition agreement is disapproved by one or
 10 more approval agents, the parent may appeal such disapproval
 11 to the county superintendent and, subsequently, to the
 12 superintendent of public instruction under the provision for
 13 the appeal of controversies in this title.

14 (5) The approval of any tuition agreement by all of
 15 the applicable approval agents or upon appeal shall
 16 authorize the child named in such agreement to enroll in and
 17 attend the school named in such agreement for the ensuing
 18 school fiscal year."

19 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
 20 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

1 HOUSE BILL NO. 497

2 INTRODUCED BY KOEHNKE, MCCORMICK, BENGTSON, GALT, PECK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE--THE
5 REQUIREMENT--THAT--THE--APPROVAL--AGENTS--FOR--A-HIGH-SCHOOL
6 TUITION-APPLICATION-MUST-APPROVE-SUCH-AN-APPLICATION-WHEN--A
7 CHILD-LIVES-CLOSER-TO-A-HIGH-SCHOOL-OF-ANOTHER-DISTRICT-THAN
8 TO--ANY-HIGH-SCHOOL-WITHIN-THE-CHILD'S-RESIDENT-DISTRICT; TO
9 PROVIDE THAT THE APPROVAL AGENTS ARE NOT REQUIRED TO APPROVE
10 A TUITION APPLICATION IF THE RESIDENT DISTRICT PROVIDES
11 TRANSPORTATION UNLESS CERTAIN CONDITIONS EXIST; AMENDING
12 SECTION 20-5-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
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21 adjacent to the state of Montana. When a parent or guardian
22 of a child wishes to have his child attend a school under
23 the provisions of this section, he shall apply to the county
24 superintendent of the county of his residence before July 1
25 of the school fiscal year for which he seeks approval except

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6 the child wishes to attend school, and the county
7 superintendent are the approval agents for tuition to
8 another high school within the county. The county
9 superintendent of the county of residence and the trustees
10 of the district in which the child wishes to attend school
11 are the approval agents for attendance outside the county.

12 (2) (A) The approval agents shall may SHALL approve a
13 tuition application when a child lives closer to a high
14 school of another district than any high school located
15 within his resident district or when, due to road or
16 geographic conditions, it is impractical to attend the high
17 school nearest his residence. ~~in-approving-such-a-tuition~~
18 ~~application~~

19 (B) However, the approval agents are not required to
20 approve a tuition application for a student seeking to
21 attend a high school outside the state of Montana or the
22 resident district if the resident district provides
23 transportation: UNLESS--ANY--OF--THE--FOLLOWING--CONDITIONS
24 EXIST. THIS EXCEPTION DOES NOT APPLY WHEN:

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14 (III) THE CHILD HAS ENROLLED IN A HIGH SCHOOL OUTSIDE
 15 HIS RESIDENT DISTRICT AND HAS RECEIVED AN APPROVED TUITION
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 20 APPROVED TUITION AGREEMENT, SUBJECT TO THE PROVISIONS OF
 21 THIS SECTION.

22 (C) In approving a tuition agreement under this
 23 provision, the approval agents may require the child to
 24 attend the high school closest to his residence. The
 25 approval agents may approve any other tuition application

1 that satisfies the geographic 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
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-End-

STANDING COMMITTEE REPORT

SENATE

March 29, 1985

MR. PRESIDENT

We, your committee on..... EDUCATION AND CULTURAL RESOURCES.....

having had under consideration..... HOUSE BILL..... No. 497.....

third reading copy (blue)
color

(Senator Neuman will carry the bill.)

PROVIDE DISCRETION TO APPROVAL AGENTS FOR HIGH SCHOOL TUITION APPLICATIONS

Respectfully report as follows: That..... HOUSE BILL..... No. 497.....

be amended as follows:

- 1. Page 2, line 25 through line 5, page 3.
Following: "RESIDES" on line 25
Strike: remainder of line 25 through line 5, page 3.
Insert: "in a county different than the county wherein the school he wishes to attend is located;"

20

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~

Chet Blaylock

Senator Chet Blaylock, Chairman.

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2 INTRODUCED BY KOEHNKE, MCCORMICK, BENGTSON, GALT, PECK

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21 attend a high school outside the state of Montana or the
22 resident district if the resident district provides
23 transportation. ~~UNLESS--ANY--OF--THE--FOLLOWING--CONDITIONS~~
24 ~~EXIST. THIS EXCEPTION DOES NOT APPLY WHEN:~~

25 (I) THE CHILD RESIDES LESS--THAN--3--MILES--FROM--THEREFERENCE BILL
HB 497

1 SCHOOL-THE-CHILD-WISHES-TO-ATTEND-OR-MORE-THAN-20-MILES-FROM
 2 ANY-HIGH-SCHOOL-OF-HIS-RESIDENT-DISTRICT,-FOR--THE--PURPOSES
 3 OP--THIS--SUBSECTION--(2)(B)(I);--THE-MILEAGE-IS-MEASURED-BY
 4 TRAVELING-THE-MOST-DIRECT-ROUTE-ON--A--MAINTAINED--STATE--OR
 5 COUNTY--ROAD-; IN A COUNTY DIFFERENT THAN THE COUNTY WHEREIN
 6 THE SCHOOL HE WISHES TO ATTEND IS LOCATED;

7 (II) THE CHILD HAS BEEN DECLARED BY A COURT OF
 8 COMPETENT JURISDICTION TO BE AN ABUSED, NEGLECTED, OR
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 13 A RESULT OF THE ORDER, THE CHILD IS REQUIRED TO ATTEND HIGH
 14 SCHOOL OUTSIDE OF THE DISTRICT OF HIS RESIDENCE; OR

15 (III) THE CHILD HAS ENROLLED IN A HIGH SCHOOL OUTSIDE
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23 (C) In approving a tuition agreement under this
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 2 that satisfies the geographic requirements of this section.

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 5 tuition application submitted to them under the provisions
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 9 or guardian and the trustees of the district where the child
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16 (5) The approval of any tuition agreement by all of
 17 the applicable approval agents or upon appeal shall
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 19 attend the school named in such agreement for the ensuing
 20 school fiscal year."

21 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
 22 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

GOVERNOR'S PROPOSED AMENDMENT
TO HOUSE BILL NO. 497,
REFERENCE COPY
April 17, 1985

1. Page 3, line 6.
Following: LOCATED;
Insert: "or"

2. Page 3, lines 7 through 14.
Strike: paragraph (II) in its entirety
Renumber: paragraph (III)

HOUSE BILL NO. 497

INTRODUCED BY KOEHNKE, MCCORMICK, BENGTSON, GALT, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE--THE REQUIREMENT--THAT--THE--APPROVAL--AGENTS--FOR--A-HIGH-SCHOOL TUITION-APPLICATION-MUST-APPROVE-SUCH-AN-APPLICATION-WHEN--A CHILD-LIVES-CLOSER-TO-A-HIGH-SCHOOL-OF-ANOTHER-DISTRICT-THAN TO--ANY-HIGH-SCHOOL-WITHIN-THE-CHILD'S-RESIDENT-DISTRICT, TO PROVIDE THAT THE APPROVAL AGENTS ARE NOT REQUIRED TO APPROVE A TUITION APPLICATION IF THE RESIDENT DISTRICT PROVIDES TRANSPORTATION UNLESS CERTAIN CONDITIONS EXIST; AMENDING SECTION 20-5-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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