

HOUSE BILL NO. 608
INTRODUCED BY M. WILLIAMS

IN THE HOUSE

February 1, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Education and Cultural Resources.
March 18, 1985	Committee recommend bill be concurred in. Report adopted.
March 21, 1985	Second reading, concurred in as amended.
March 23, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 25, 1985	Received from Senate.
April 8, 1985	Second reading, amendments not concurred in. On motion, Conference Committee requested.
April 9, 1985	Conference Committee appointed.
April 17, 1985	Conference Committee reported.
April 18, 1985	Second reading, Conference Committee report adopted. Third reading, Conference Committee report adopted. Conference Committee report adopted by Senate.
April 19, 1985	Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 608
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE MANDATORY
5 APPROVAL OF A TUITION APPLICATION WHEN AN ELEMENTARY OR HIGH
6 SCHOOL STUDENT IS TRANSFERRED FROM THE STUDENT'S RESIDENT
7 DISTRICT AS THE RESULT OF A COURT ORDER; AMENDING SECTIONS
8 20-5-301 AND 20-5-311, MCA."
9

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

11 Section 1. Section 20-5-301, MCA, is amended to read:

12 "20-5-301. Elementary tuition with mandatory approval.

13 (1) Any child may be enrolled in and attend an elementary
14 school outside of the elementary district in which he
15 resides when such elementary school is located in:

- 16 (a) any other district of the county of his residence;
- 17 (b) a county adjoining his county of residence; or
- 18 (c) a district of another state that is adjacent to
19 the county of his residence.

20 (2) When a parent or guardian of a child wishes to
21 have his child attend a school under the provisions of this
22 section, he shall apply to the county superintendent of the
23 county of his residence before July 1 of the school fiscal
24 year for which he seeks approval except in those cases when
25 substantial changes in circumstances occurred subsequently

1 to justify later application. The application shall be made
2 on a tuition agreement form supplied by the county
3 superintendent and shall be approved, before permission to
4 enroll in and attend school outside of the district under
5 the provisions of this section may be granted, by:

- 6 (a) the trustees of the elementary district in which
7 the child resides;
- 8 (b) the trustees of the district where the child
9 wishes to attend school; and
- 10 (c) the county superintendent of the child's
11 residence.

12 (3) In considering the approval of a tuition
13 application, the tuition approval agents prescribed in this
14 section shall approve such application for a resident child
15 when:

- 16 (a) the child resides less than 3 miles from the
17 school which he wishes to attend and more than 3 miles from
18 any school of his resident elementary district;
- 19 (b) the child resides more than 3 miles from any
20 school of his resident elementary district and such district
21 does not provide transportation under the provisions of this
22 title;
- 23 (c) the child resides more than 3 miles from any
24 school of his resident elementary district, the resident
25 district does not provide transportation under the



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HB 608

1 provisions of this title, and school bus transportation is
 2 furnished by the district operating the school which he
 3 wishes to attend;

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

13 (e) the child has been declared by a court of
 14 competent jurisdiction to be an abused, neglected, or
 15 dependent child, as defined in 41-3-102, or a delinquent
 16 youth, as defined in 41-5-103, and has been ordered to be
 17 placed in a licensed child care institution which is
 18 approved by the department of social and rehabilitation
 19 services and as a result of the order the child is required
 20 to attend elementary school outside of the district of his
 21 residence. For purposes of this subsection the prescribed
 22 geographic relationship of the receiving district to the
 23 district of residence does not apply.

24 (f) the child is required to attend elementary school
 25 outside the district of residence as the result of an order

1 of a court of competent jurisdiction. For the purposes of
 2 this subsection (f), the following do not apply:

3 (i) the prescribed geographic relationship of the
 4 receiving district to the district of residence in this
 5 subsection (3); or

6 (ii) an order issued under Title 40, chapter 4, part 2.

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

16 Section 2. Section 20-5-311, MCA, is amended to read:

17 "20-5-311. High school tuition. (1) Any child may be
 18 enrolled in and attend a high school outside of the high
 19 school district in which he resides when such high school is
 20 located in Montana or in a county of another state that is
 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

1 in those cases when substantial changes in circumstances
 2 occurred subsequently to justify later application. Such
 3 application shall be made on a tuition agreement form
 4 supplied by the county superintendent. The trustees of the
 5 district of residence, the trustees of the district in which
 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 approve a tuition
 13 application when a child lives closer to a high school of
 14 another district than any high school located within his
 15 resident district or when, due to road or geographic
 16 conditions, it is impractical to attend the high school
 17 nearest his residence. In approving such a tuition
 18 application the approval agents are not required to approve
 19 a tuition application for a student seeking to attend a high
 20 school outside the state of Montana if the resident district
 21 provides transportation. In approving a tuition agreement
 22 under this provision, the approval agents may require the
 23 child to attend the high school closest to his residence.
 24 The approval agents may approve any other tuition
 25 application that satisfies the geographic requirements of

1 this section.

2 (b) The approval agents shall approve a tuition
 3 application when a child is required to attend high school
 4 outside the district of residence as the result of an order
 5 of a court of competent jurisdiction. For purposes of this
 6 subsection (b), the following do not apply:

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 8 receiving district to the district of residence in this
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11 (3) The trustees of the district where the child
 12 wishes to attend school shall approve or disapprove any
 13 tuition application submitted to them under the provisions
 14 of this section within 15 days after the receipt of the
 15 application.

16 (4) The county superintendent shall notify the parent
 17 or guardian and the trustees of the district where the child
 18 wishes to attend school of the tuition agreement approval or
 19 disapproval. If a tuition agreement is disapproved by one or
 20 more approval agents, the parent may appeal such disapproval
 21 to the county superintendent and, subsequently, to the
 22 superintendent of public instruction under the provision for
 23 the appeal of controversies in this title.

24 (5) The approval of any tuition agreement by all of
 25 the applicable approval agents or upon appeal shall

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1 authorize the child named in such agreement to enroll in and
2 attend the school named in such agreement for the ensuing
3 school fiscal year."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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- 17 (b) a county adjoining his county of residence; or
- 18 (c) a district of another state that is adjacent to
19 the county of his residence.

20 (2) When a parent or guardian of a child wishes to
21 have his child attend a school under the provisions of this
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23 county of his residence before July 1 of the school fiscal
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1 to justify later application. The application shall be made
2 on a tuition agreement form supplied by the county
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4 enroll in and attend school outside of the district under
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22 title;
- 23 (c) the child resides more than 3 miles from any
24 school of his resident elementary district, the resident
25 district does not provide transportation under the



1 provisions of this title, and school bus transportation is
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-End-

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(2) 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

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(b) the child resides more than 3 miles from any school of his resident elementary district and such district does not provide transportation under the provisions of this title;

(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

1 provisions of this title, and school bus transportation is
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 13 application when a child lives closer to a high school of
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 18 application the approval agents are not required to approve
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 20 school outside the state of Montana if the resident district
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 22 under this provision, the approval agents may require the
 23 child to attend the high school closest to his residence.
 24 The approval agents may approve any other tuition
 25 application that satisfies the geographic requirements of

1 this section.

2 (b) The approval agents shall approve a tuition
 3 application when a child is required to attend high school
 4 outside the district of residence as the result of an order
 5 of a court of competent jurisdiction. For purposes of this
 6 subsection (b), the following do not apply:

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 8 receiving district to the district of residence in this
 9 subsection (2); or

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11 (3) The trustees of the district where the child
 12 wishes to attend school shall approve or disapprove any
 13 tuition application submitted to them under the provisions
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 22 superintendent of public instruction under the provision for
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 25 the applicable approval agents or upon appeal shall

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1 authorize the child named in such agreement to enroll in and
2 attend the school named in such agreement for the ensuing
3 school fiscal year."

-End-

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

Mar 21, 1985

DATE

1:40

TIME

MR. CHAIRMAN: I MOVE TO AMEND _____ HOUSE BILL _____

No. 608

third reading copy (blue) as follows:
Color

1. Page 3, line 25.

Following: "residence"

Insert: ", but within the state of Montana,"

2. Page 6, line 4.

Following: "residence"

Insert: ", but within the state of Montana,"

PC3HB608.611

ADOPT

REJECT

Chet Blaylock

.....
Blaylock

HOUSE BILL NO. 608

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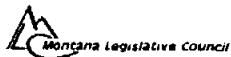
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 25 outside the district of residence BUT WITHIN THE STATE OF

1 MONTANA as the result of an order of a court of competent
 2 jurisdiction. For the purposes of this subsection (f), the
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 5 outside the district of residence BUT WITHIN THE STATE OF
 6 MONTANA as the result of an order of a court of competent
 7 jurisdiction. For purposes of this subsection (b), the
 8 following do not apply:

9 (i) the prescribed geographic relationship of the
 10 receiving district to the district of residence in this
 11 subsection (2); or

12 (ii) an order issued under Title 40, chapter 4, part 2.

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

18 (4) The county superintendent shall notify the parent
 19 or guardian and the trustees of the district where the child
 20 wishes to attend school of the tuition agreement approval or
 21 disapproval. If a tuition agreement is disapproved by one or
 22 more approval agents, the parent may appeal such disapproval
 23 to the county superintendent and, subsequently, to the
 24 superintendent of public instruction under the provision for
 25 the appeal of controversies in this title.

1 (5) The approval of any tuition agreement by all of
2 the applicable approval agents or upon appeal shall
3 authorize the child named in such agreement to enroll in and
4 attend the school named in such agreement for the ensuing
5 school fiscal year."

-End-

CONFERENCE COMMITTEE REPORT

Report No.1.....

..April..16.. 1985.....

MR. SPEAKER

We, your _____ Conference Committee on

HOUSE BILL 608, reference copy - salmon

met and considered _____

Blaylock's Committee of the Whole Amendment

We recommend as follows:

1. Strike the amendments in their entirety.

And that this Conference Committee report be adopted.

FOR THE SENATE

FOR THE HOUSE

Chet Blaylock
Blaylock, Chairman

R. C. Eudaily
Eudaily

William P. Yellowtail
Yellowtail

Thomas
Thomas

Bob Brown
Bob Brown

Waldron
Waldron

ADOPT REJECT

L. Melvin Williams Williams

HOUSE BILL NO. 608
INTRODUCED BY M. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE MANDATORY APPROVAL OF A TUITION APPLICATION WHEN AN ELEMENTARY OR HIGH SCHOOL STUDENT IS TRANSFERRED FROM THE STUDENT'S RESIDENT DISTRICT AS THE RESULT OF A COURT ORDER; AMENDING SECTIONS 20-5-301 AND 20-5-311, MCA."

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

Section 1. Section 20-5-301, MCA, is amended to read:

"20-5-301. Elementary tuition with mandatory approval.

(1) Any child may be enrolled in and attend an elementary school outside of the elementary district in which he resides when such elementary school is located in:

- (a) any other district of the county of his residence;
- (b) a county adjoining his county of residence; or
- (c) a district of another state that is adjacent to the county of his residence.

(2) 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. The application shall be made on a tuition agreement form supplied by the county superintendent and shall be approved, before permission to enroll in and attend school outside of the district under the provisions of this section may be granted, by:

- (a) the trustees of the elementary district in which the child resides;
- (b) the trustees of the district where the child wishes to attend school; and
- (c) the county superintendent of the child's residence.

(3) In considering the approval of a tuition application, the tuition approval agents prescribed in this section shall approve such application for a resident child when:

- (a) the child resides less than 3 miles from the school which he wishes to attend and more than 3 miles from any school of his resident elementary district;
- (b) the child resides more than 3 miles from any school of his resident elementary district and such district does not provide transportation under the provisions of this title;
- (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



1 provisions of this title, and school bus transportation is
 2 furnished by the district operating the school which he
 3 wishes to attend;

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

13 (e) the child has been declared by a court of
 14 competent jurisdiction to be an abused, neglected, or
 15 dependent child, as defined in 41-3-102, or a delinquent
 16 youth, as defined in 41-5-103, and has been ordered to be
 17 placed in a licensed child care institution which is
 18 approved by the department of social and rehabilitation
 19 services and as a result of the order the child is required
 20 to attend elementary school outside of the district of his
 21 residence. For purposes of this subsection the prescribed
 22 geographic relationship of the receiving district to the
 23 district of residence does not apply.

24 (f) the child is required to attend elementary school
 25 outside the district of residence ~~BUT WITHIN THE STATE OF~~

1 MONTANA as the result of an order of a court of competent
 2 jurisdiction. For the purposes of this subsection (f), the
 3 following do not apply:

4 (i) the prescribed geographic relationship of the
 5 receiving district to the district of residence in this
 6 subsection (3); or

7 (ii) an order issued under Title 40, chapter 4, part 2.

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

17 Section 2. Section 20-5-311, MCA, is amended to read:

18 "20-5-311. High school tuition. (1) Any child may be
 19 enrolled in and attend a high school outside of the high
 20 school district in which he resides when such high school is
 21 located in Montana or in a county of another state that is
 22 adjacent to the state of Montana. When a parent or guardian
 23 of a child wishes to have his child attend a school under
 24 the provisions of this section, he shall apply to the county
 25 superintendent of the county of his residence before July 1

1 of the school fiscal year for which he seeks approval except
 2 in those cases when substantial changes in circumstances
 3 occurred subsequently to justify later application. Such
 4 application shall be made on a tuition agreement form
 5 supplied by the county superintendent. The trustees of the
 6 district of residence, the trustees of the district in which
 7 the child wishes to attend school, and the county
 8 superintendent are the approval agents for tuition to
 9 another high school within the county. The county
 10 superintendent of the county of residence and the trustees
 11 of the district in which the child wishes to attend school
 12 are the approval agents for attendance outside the county.

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

1 application that satisfies the geographic requirements of
 2 this section.

3 (b) The approval agents shall approve a tuition
 4 application when a child is required to attend high school
 5 outside the district of residence ~~BUT WITHIN THE STATE OF~~
 6 MONTANA as the result of an order of a court of competent
 7 jurisdiction. For purposes of this subsection (b), the
 8 following do not apply:

9 (i) the prescribed geographic relationship of the
 10 receiving district to the district of residence in this
 11 subsection (2); or

12 (ii) an order issued under Title 40, chapter 4, part 2.

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

18 (4) The county superintendent shall notify the parent
 19 or guardian and the trustees of the district where the child
 20 wishes to attend school of the tuition agreement approval or
 21 disapproval. If a tuition agreement is disapproved by one or
 22 more approval agents, the parent may appeal such disapproval
 23 to the county superintendent and, subsequently, to the
 24 superintendent of public instruction under the provision for
 25 the appeal of controversies in this title.

1 (5) The approval of any tuition agreement by all of
2 the applicable approval agents or upon appeal shall
3 authorize the child named in such agreement to enroll in and
4 attend the school named in such agreement for the ensuing
5 school fiscal year."

-End-