

SENATE BILL NO. 256

1/25 Introduced  
1/26 Referred to Education & Cultural Resources  
2/06 Hearing  
2/07 Committee Report-Bill Pass As Amended  
2/11 2nd Reading Pass  
2/13 3rd Reading Pass

Transmitted to House

2/27 Referred to Education & Cultural Resources  
3/18 Hearing  
Died in Committee

1 ~~Senate~~ BILL NO. ~~256~~  
 2 INTRODUCED BY ~~Bob Brown HARR~~  
 3 ~~Lyfich~~  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF  
 5 CALCULATING THE AVERAGE NUMBER BELONGING OF A SCHOOL  
 6 DISTRICT FOR SCHOOL FUNDING PURPOSES BY TAKING A PUPIL  
 7 ENROLLMENT COUNT ON OCTOBER 1 AND ON MARCH 1 OF THE SCHOOL  
 8 FISCAL YEAR; TO ALLOW THE TRUSTEES OF A DISTRICT TO SET THE  
 9 DATE OF THE FINAL BUDGET MEETING BEFORE THE FOURTH MONDAY IN  
 10 JULY; AMENDING SECTIONS 20-4-301, 20-4-402, 20-9-115,  
 11 20-9-131, 20-9-311, 20-9-313, AND 20-9-314, MCA; AND  
 12 PROVIDING AN EFFECTIVE DATE."

13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 15 Section 1. Section 20-4-301, MCA, is amended to read:  
 16 "20-4-301. Duties of teacher -- nonpayment for failure  
 17 to comply. (1) Any teacher under contract with a district  
 18 shall:  
 19 (a) conform to and enforce the laws, board of public  
 20 education policies, and the policies of the trustees of the  
 21 district;  
 22 (b) utilize the course of instruction prescribed by  
 23 the trustees;  
 24 ~~{c}--keep;---in--a--neat--and--businesslike--manner;--a~~  
 25 ~~teacher's-register-in-the-form-and-on-the-blanks--prescribed~~

1 ~~by-the-superintendent-of-public-instruction;~~  
 2 ~~{d}{c}~~ immediately after the conclusion of each school  
 3 instructional year and before July 10 prepare an annual  
 4 report in the manner and on the forms prescribed by the  
 5 superintendent of public instruction which shall include the  
 6 pupil ~~attendance--and--absence--data--from--his--teacher's~~  
 7 ~~register~~ enrollment count that is necessary to calculate  
 8 ANB, and such report shall be submitted to:  
 9 (i) the district superintendent, if there be one;  
 10 (ii) the principal of the school, if there be one and  
 11 there is no district superintendent; or  
 12 (iii) the county superintendent or all county  
 13 superintendents when the teacher is reporting for a joint  
 14 district, if there is no district superintendent or  
 15 principal;  
 16 ~~{e}{d}~~ exercise due diligence in the care of school  
 17 grounds and buildings, furniture, equipment, books, and  
 18 supplies; and  
 19 ~~{f}{e}~~ provide moral and civic instruction by:  
 20 (i) endeavoring to impress the pupils with the  
 21 principles of morality, truth, justice, and patriotism;  
 22 (ii) teaching the pupils to avoid idleness, profanity,  
 23 and falsehood;  
 24 (iii) instructing the pupils in the principles of free  
 25 government and training them to comprehend the rights,

1 responsibilities, and dignity of American citizenship.

2 (2) The trustees shall be authorized to withhold the  
3 salary warrant of any teacher who does not comply with the  
4 provisions of subsections (1)(a) or (1)(b) above until such  
5 teacher does comply with such provisions.

6 (3) The trustees shall not pay any teacher his last  
7 month's salary until he has provided a complete and accurate  
8 annual report to the required person, as determined by such  
9 person and as required in subsection (1)(d) of this  
10 section."

11 Section 2. Section 20-4-402, MCA, is amended to read:

12 "20-4-402. Duties of district superintendent or county  
13 high school principal. The district superintendent or county  
14 high school principal shall be the executive officer of the  
15 trustees and, subject to the direction and control of the  
16 trustees, he shall:

17 (1) have general supervision of all schools of the  
18 district and the personnel employed by the district;

19 (2) implement and administer the policies of the  
20 trustees of the district;

21 (3) develop and recommend courses of instruction to  
22 the trustees for their consideration and approval in  
23 accordance with the provisions of 20-7-111;

24 (4) select all textbooks and submit such selections to  
25 the trustees for their approval in accordance with the

1 provisions of 20-7-602;

2 (5) select all reference and library books and submit  
3 such selections to the trustees for their approval in  
4 accordance with provisions of 20-7-204;

5 (6) have general supervision of all pupils of the  
6 district, enforce the compulsory attendance provisions of  
7 this title, and have the authority to suspend for good cause  
8 any pupil of the district;

9 (7) report the ~~cumulative pupil attendance-and-pupil~~  
10 ~~absence enrollment count~~ of the district and any other pupil  
11 information required by the report form prescribed by the  
12 superintendent of public instruction to the county  
13 superintendent or county superintendents when reporting for  
14 a joint district, immediately after the conclusion of the  
15 school instructional year and before ~~July~~ March 10; and

16 (8) perform any other duties in connection with the  
17 district as the trustees may prescribe."

18 Section 3. Section 20-9-115, MCA, is amended to read:

19 "20-9-115. Notice of preliminary budget filing and  
20 final budget meeting. Between July 10 and July 20 of each  
21 year At least 2 weeks prior to the date set by the trustees  
22 of a district for the final budget meeting required in  
23 20-9-131, the clerk of each district shall publish notice  
24 one time in the official newspaper of the county stating  
25 that the preliminary budget for the district for the school

1 fiscal year just beginning, as prepared and adopted by the  
 2 trustees, is on file in his office and open to inspection by  
 3 all taxpayers. The notice shall also state the time and  
 4 place that the trustees will meet on or before the fourth  
 5 Monday in July for the purpose of considering and adopting  
 6 the final budget of the district, that the meeting of the  
 7 trustees may be continued from day to day until the final  
 8 adoption of the district's budget, and that any taxpayer in  
 9 the district may appear at such meeting and be heard for or  
 10 against any part of the budget."

11 Section 4. Section 20-9-131, MCA, is amended to read:

12 "20-9-131. Final budget meeting. (1) On or before the  
 13 fourth Monday in July, at the time and place noticed  
 14 pursuant to 20-9-115, the trustees of each district shall  
 15 meet to consider the preliminary budget submitted to or  
 16 prepared by the county superintendent, including all  
 17 information and any attachments required by law.

18 (2) The trustees may continue the meeting from day to  
 19 day but shall adopt the final budget for the district and  
 20 determine the amounts to be raised by tax levies for the  
 21 district not later than the second Monday in August and  
 22 before the fixing of the tax levies for each district. Any  
 23 taxpayer in the district may attend any portion of the  
 24 trustees' meeting and be heard on the budget of such  
 25 district or on any item or amount contained in such budget."

1 Section 5. Section 20-9-311, MCA, is amended to read:

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

~~pupil-instruction-related days, his absence after the 10th day of absence shall not be included in the aggregate days of absence and his enrollment in the school shall not be considered in the calculation of the average number belonging until he resumes attendance at school.~~ The average number belonging (ANB) for the current school fiscal year must be computed by:

(a) taking a count of regularly enrolled, full-time pupils on October 1 and on March 1 of the current school fiscal year;

(b) dividing the sum of the two pupil enrollment counts by 2;

(c) multiplying the amount determined in (1)(b) by the total number of pupil-instruction days and pupil-instruction-related days in the school fiscal year; and

(d) dividing the amount determined in (1)(c) by 180.

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

purposes.

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

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

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

(c) a middle school has been approved and accredited, in which case pupils below the 7th grade shall be considered elementary school pupils for ANB purposes and the 7th and 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 An "equivalent ANB" must be calculated for pupils enrolled  
13 in a kindergarten program established under 20-7-117 or any  
14 other approved part-time school program. The method for  
15 calculating an equivalent ANB shall be determined in a  
16 manner prescribed by the superintendent of public  
17 instruction."

18 Section 6. Section 20-9-313, MCA, is amended to read:

19 "20-9-313. Circumstances under which the regular  
20 average number belonging may be increased. The average  
21 number belonging of a school for a given school fiscal year,  
22 calculated in accordance with the ANB formula prescribed in  
23 20-9-311, may be increased when:

24 (1) the opening of a new elementary school or the  
25 reopening of an elementary school has been approved in

1 accordance with 20-6-502. The average number belonging for  
2 such school shall be established by the county  
3 superintendent and approved, disapproved, or adjusted by the  
4 superintendent of public instruction.

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

12 (3) a district anticipates an increase in the average  
13 number belonging due to the closing of any private or public  
14 school in the district or a neighboring district. The  
15 estimated increase in average number belonging shall be  
16 established by the trustees and the county superintendent  
17 and approved, disapproved, or adjusted by the superintendent  
18 of public instruction no later than the fourth Monday in  
19 June.

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

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

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

(7) a high school district provides early graduation for any student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment ~~or when a high school district provides early graduation for a class of students who have completed the requirements for graduation after 175 pupil instruction days in the 12th grade.~~ The increase shall be established by the trustees as though the student had attended to the end of the school year and shall be approved, disapproved, or adjusted by the superintendent of public instruction."

Section 7. Section 20-9-314, MCA, is amended to read:

"20-9-314. Procedures for determining eligibility and

amount of increased average number belonging due to unusual enrollment increase. A district which anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in 20-9-313(4), may increase its foundation program for the ensuing school fiscal year in accordance with the following provisions:

(1) The district shall estimate compute the current year's average number belonging ~~by totaling the aggregate days of attendance and aggregate days of absence realized in the district through April 30 and dividing such total by 180. The resulting average number belonging shall be increased by the ratio that the total number of planned school days in the current school fiscal year bears to the number of school days completed through April 30 as provided in 20-9-311.~~

(2) Prior to May April 10, the district shall estimate the probable average number belonging to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

(3) No later than May April 10, the district shall submit its application for an unusual enrollment increase to the superintendent of public instruction. Such application shall include:

- (a) the previous year's average number belonging;
- (b) ~~the estimate of~~ the current school fiscal year's

1 average number belonging, as provided in subsection (1)  
2 above;

3 (c) the estimated average number belonging for the  
4 ensuing school fiscal year, including the factual  
5 information on which the estimate is based, as provided in  
6 subsection (2) above; and

7 (d) any other information or data that may be  
8 requested by the superintendent of public instruction.

9 (4) The superintendent of public instruction shall  
10 immediately review all the factors of the application and  
11 shall approve or disapprove the application or adjust the  
12 estimated average number belonging for the ensuing school  
13 fiscal year. After approving an estimate, with or without  
14 adjustment, the superintendent of public instruction shall:

15 (a) determine the percentage increase which the  
16 estimated average number belonging for the ensuing fiscal  
17 year is over the current year's average number belonging;  
18 and

19 (b) approve an increase of the average number  
20 belonging used to establish the ensuing year's foundation  
21 program in accordance with subsection (6) if the increase in  
22 subsection (4)(a) is at least 6%.

23 (5) The superintendent of public instruction shall  
24 notify the district of his decision by the fourth Monday in  
25 June May.

1 (6) Whenever an unusual enrollment increase is  
2 approved by the superintendent of public instruction, the  
3 increase of the average number belonging used to establish  
4 the foundation program for the ensuing school fiscal year  
5 shall be the difference between the approved estimated  
6 average number belonging for the ensuing school fiscal year  
7 and 106% of the current year's average number belonging. The  
8 amount so determined shall be the maximum allowable increase  
9 added to the actual average number belonging for the current  
10 school fiscal year for the purpose of establishing the  
11 ensuing year's foundation program.

12 (7) Any equalization or entitlement increases  
13 resulting from provisions of this section shall be reviewed  
14 at the end of the ensuing school fiscal year. If the actual  
15 average number belonging is less than the average number  
16 belonging used for foundation program and entitlement  
17 calculations, the superintendent of public instruction shall  
18 revise the foundation program and entitlement calculations  
19 using the actual average number belonging. All payments  
20 received by the district in excess of the revised  
21 entitlements shall be overpayments subject to the refund  
22 provisions of 20-9-344(3)."

23 NEW SECTION. Section 8. Effective date. This act is  
24 effective July 1, 1985.

-End-



APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

1 SENATE BILL NO. 256

2 INTRODUCED BY B. BROWN, HARP, LYBECK, COHEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF  
5 CALCULATING THE AVERAGE NUMBER BELONGING OF A SCHOOL  
6 DISTRICT FOR SCHOOL FUNDING PURPOSES BY TAKING A PUPIL  
7 ENROLLMENT COUNT ON THE FIRST SCHOOL DAY OF EACH MONTH  
8 BEGINNING IN OCTOBER †-AND-ON THROUGH MARCH † OF THE SCHOOL  
9 FISCAL YEAR; TO ALLOW THE TRUSTEES OF A DISTRICT TO SET THE  
10 DATE OF THE FINAL BUDGET MEETING BEFORE THE FOURTH MONDAY IN  
11 JULY; AMENDING SECTIONS 20-4-301, 20-4-402, 20-9-115,  
12 20-9-131, 20-9-311, 20-9-313, AND 20-9-314, MCA; AND  
13 PROVIDING AN EFFECTIVE DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 20-4-301, MCA, is amended to read:

17 "20-4-301. Duties of teacher -- nonpayment for failure  
18 to comply. (1) Any teacher under contract with a district  
19 shall:

20 (a) conform to and enforce the laws, board of public  
21 education policies, and the policies of the trustees of the  
22 district;

23 (b) utilize the course of instruction prescribed by  
24 the trustees;

25 †e) -- keep, in a neat and businesslike manner, a

1 teacher's register in the form and on the blanks prescribed  
2 by the superintendent of public instruction;

3 †d) (c) immediately after the conclusion of each school  
4 instructional year and before July 10 prepare an annual  
5 report in the manner and on the forms prescribed by the  
6 superintendent of public instruction which shall include the  
7 pupil attendance--and--absence--data--from--his--teacher's  
8 register enrollment count that is necessary to calculate  
9 ANB, and such report shall be submitted to:

10 (i) the district superintendent, if there be one;

11 (ii) the principal of the school, if there be one and  
12 there is no district superintendent; or

13 (iii) the county superintendent or all county  
14 superintendents when the teacher is reporting for a joint  
15 district, if there is no district superintendent or  
16 principal;

17 †e) (d) exercise due diligence in the care of school  
18 grounds and buildings, furniture, equipment, books, and  
19 supplies; and

20 †f) (e) provide moral and civic instruction by:

21 (i) endeavoring to impress the pupils with the  
22 principles of morality, truth, justice, and patriotism;

23 (ii) teaching the pupils to avoid idleness, profanity,  
24 and falsehood;

25 (iii) instructing the pupils in the principles of free

SECOND READING

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1 government and training them to comprehend the rights,  
2 responsibilities, and dignity of American citizenship.

3 (2) The trustees shall be authorized to withhold the  
4 salary warrant of any teacher who does not comply with the  
5 provisions of subsections (1)(a) or (1)(b) above until such  
6 teacher does comply with such provisions.

7 (3) The trustees shall not pay any teacher his last  
8 month's salary until he has provided a complete and accurate  
9 annual report to the required person, as determined by such  
10 person and as required in subsection (1)(d) of this  
11 section."

12 Section 2. Section 20-4-402, MCA, is amended to read:

13 "20-4-402. Duties of district superintendent or county  
14 high school principal. The district superintendent or county  
15 high school principal shall be the executive officer of the  
16 trustees and, subject to the direction and control of the  
17 trustees, he shall:

18 (1) have general supervision of all schools of the  
19 district and the personnel employed by the district;

20 (2) implement and administer the policies of the  
21 trustees of the district;

22 (3) develop and recommend courses of instruction to  
23 the trustees for their consideration and approval in  
24 accordance with the provisions of 20-7-111;

25 (4) select all textbooks and submit such selections to

1 the trustees for their approval in accordance with the  
2 provisions of 20-7-602;

3 (5) select all reference and library books and submit  
4 such selections to the trustees for their approval in  
5 accordance with provisions of 20-7-204;

6 (6) have general supervision of all pupils of the  
7 district, enforce the compulsory attendance provisions of  
8 this title, and have the authority to suspend for good cause  
9 any pupil of the district;

10 (7) report the ~~cumulative~~ pupil attendance--and--pupil  
11 ~~absence~~ enrollment count of the district and any other pupil  
12 information required by the report form prescribed by the  
13 superintendent of public instruction to the county  
14 superintendent or county superintendents when reporting for  
15 a joint district, immediately after the conclusion of the  
16 school instructional year and before ~~July~~ March 10; and

17 (8) perform any other duties in connection with the  
18 district as the trustees may prescribe."

19 Section 3. Section 20-9-115, MCA, is amended to read:

20 "20-9-115. Notice of preliminary budget filing and  
21 final budget meeting. ~~Between July 10 and July 20 of each~~  
22 year At least 2 weeks prior to the date set by the trustees  
23 of a district for the final budget meeting required in  
24 20-9-131, the clerk of each district shall publish notice  
25 one time in the official newspaper of the county stating

1 that the preliminary budget for the district for the school  
 2 fiscal year just beginning, as prepared and adopted by the  
 3 trustees, is on file in his office and open to inspection by  
 4 all taxpayers. The notice shall also state the time and  
 5 place that the trustees will meet on or before the fourth  
 6 Monday in July for the purpose of considering and adopting  
 7 the final budget of the district, that the meeting of the  
 8 trustees may be continued from day to day until the final  
 9 adoption of the district's budget, and that any taxpayer in  
 10 the district may appear at such meeting and be heard for or  
 11 against any part of the budget."

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 13 "20-9-131. Final budget meeting. (1) On or before the  
 14 fourth Monday in July, at the time and place noticed  
 15 pursuant to 20-9-115, the trustees of each district shall  
 16 meet to consider the preliminary budget submitted to or  
 17 prepared by the county superintendent, including all  
 18 information and any attachments required by law.

19 (2) The trustees may continue the meeting from day to  
 20 day but shall adopt the final budget for the district and  
 21 determine the amounts to be raised by tax levies for the  
 22 district not later than the second Monday in August and  
 23 before the fixing of the tax levies for each district. Any  
 24 taxpayer in the district may attend any portion of the  
 25 trustees' meeting and be heard on the budget of such

1 district or on any item or amount contained in such budget."

2 Section 5. Section 20-9-311, MCA, is amended to read:

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

1 than ~~10~~ consecutive school days, including  
 2 pupil-instruction-related days, his absence after the 10th  
 3 day of absence shall not be included in the aggregate days  
 4 of absence and his enrollment in the school shall not be  
 5 considered in the calculation of the average number  
 6 belonging until he resumes attendance at school. The average  
 7 number belonging (ANB) for the current school fiscal year  
 8 must be computed by:

9 (a) taking a count of regularly enrolled, full-time  
 10 pupils on THE FIRST SCHOOL DAY OF EACH MONTH BEGINNING IN  
 11 October 1 and on THROUGH March 1 of the current school  
 12 fiscal year;

13 (b) dividing the sum of the two SIX pupil enrollment  
 14 counts by 2 6;

15 (c) multiplying the amount determined in (1)(b) by the  
 16 total number of pupil-instruction days and  
 17 pupil-instruction-related days in the school fiscal year;  
 18 and

19 (1) dividing the amount determined in (1)(c) by 180.

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

1 and the balance of his time in the special education  
 2 program, he shall be considered regularly enrolled for ANB  
 3 purposes.

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

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

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

24 (c) a middle school has been approved and accredited,  
 25 in which case pupils below the 7th grade shall be considered

1 elementary school pupils for ANB purposes and the 7th and  
2 8th grade pupils shall be considered high school pupils for  
3 ANB purposes; or

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

11 ~~(4) When 11th or 12th grade students are regularly~~  
12 ~~enrolled on a part-time basis, high schools may calculate~~  
13 ~~the ANB to include an "equivalent ANB" for those students.~~  
14 An "equivalent ANB" must be calculated for pupils enrolled  
15 in a kindergarten program established under 20-7-117 or any  
16 other approved part-time school program. The method for  
17 calculating an equivalent ANB shall be determined in a  
18 manner prescribed by the superintendent of public  
19 instruction."

20 Section 6. Section 20-9-313, MCA, is amended to read:

21 "20-9-313. Circumstances under which the regular  
22 average number belonging may be increased. The average  
23 number belonging of a school for a given school fiscal year,  
24 calculated in accordance with the ANB formula prescribed in  
25 20-9-311, may be increased when:

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

7 (2) the opening or reopening of a high school or a  
8 branch of the county high school has been approved in  
9 accordance with 20-6-503, 20-6-504, or 20-6-505. The average  
10 number belonging for such high school shall be established  
11 by the county superintendent's estimate, after an  
12 investigation of the probable number of pupils that will  
13 attend such high school.

14 (3) a district anticipates an increase in the average  
15 number belonging due to the closing of any private or public  
16 school in the district or a neighboring district. The  
17 estimated increase in average number belonging shall be  
18 established by the trustees and the county superintendent  
19 and approved, disapproved, or adjusted by the superintendent  
20 of public instruction no later than the fourth Monday in  
21 June.

22 (4) a district anticipates an unusual enrollment  
23 increase in the ensuing school fiscal year. The increase in  
24 average number belonging shall be based on estimates of  
25 increased enrollment approved by the superintendent of

1 public instruction and shall be computed in the manner  
2 prescribed by 20-9-314.

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

10 (6) a special full-time pupil, as defined in 20-9-311,  
11 in a given school year will no longer be considered a  
12 special full-time pupil in the ensuing school year (the  
13 superintendent of public instruction may grant one ANB for  
14 such pupil for the ensuing school year); or

15 (7) a high school district provides early graduation  
16 for any student who completes graduation requirements in  
17 less than eight semesters or the equivalent amount of  
18 secondary school enrollment ~~or when a high school district~~  
19 ~~provides early graduation for a class of students who have~~  
20 ~~completed the requirements for graduation after 175~~  
21 ~~pupil instruction days in the 12th grade.~~ The increase shall  
22 be established by the trustees as though the student had  
23 attended to the end of the school year and shall be  
24 approved, disapproved, or adjusted by the superintendent of  
25 public instruction."

1 Section 7. Section 20-9-314, MCA, is amended to read:  
2 "20-9-314. Procedures for determining eligibility and  
3 amount of increased average number belonging due to unusual  
4 enrollment increase. A district which anticipates an unusual  
5 increase in enrollment in the ensuing school fiscal year, as  
6 provided for in 20-9-313(4), may increase its foundation  
7 program for the ensuing school fiscal year in accordance  
8 with the following provisions:

9 (1) The district shall ~~estimate~~ compute the current  
10 year's average number belonging ~~by--totaling--the--aggregate~~  
11 ~~days-of-attendance-and-aggregate-days-of-absence-realized-in~~  
12 ~~the--district--through--April--30--and-dividing--such--total--by~~  
13 ~~180--The--resulting--average--number--belonging--shall--be~~  
14 ~~increased--by--the--ratio--that--the--total--number--of--planned~~  
15 ~~school--days--in--the--current--school--fiscal--year--bears--to--the~~  
16 ~~number--of--school--days--completed--through--April--30~~ as provided  
17 in 20-9-311.

18 (2) Prior to ~~May~~ April 10, the district shall estimate  
19 the probable average number belonging to be realized during  
20 the ensuing school fiscal year, based on as much factual  
21 information as may be available to the district.

22 (3) No later than ~~May~~ April 10, the district shall  
23 submit its application for an unusual enrollment increase to  
24 the superintendent of public instruction. Such application  
25 shall include:

- 1 (a) the previous year's average number belonging;
- 2 (b) ~~the estimate~~ of the current school fiscal year's
- 3 average number belonging, as provided in subsection (1)
- 4 above;
- 5 (c) the estimated average number belonging for the
- 6 ensuing school fiscal year, including the factual
- 7 information on which the estimate is based, as provided in
- 8 subsection (2) above; and
- 9 (d) any other information or data that may be
- 10 requested by the superintendent of public instruction.
- 11 (4) The superintendent of public instruction shall
- 12 immediately review all the factors of the application and
- 13 shall approve or disapprove the application or adjust the
- 14 estimated average number belonging for the ensuing school
- 15 fiscal year. After approving an estimate, with or without
- 16 adjustment, the superintendent of public instruction shall:
- 17 (a) determine the percentage increase which the
- 18 estimated average number belonging for the ensuing fiscal
- 19 year is over the current year's average number belonging;
- 20 and
- 21 (b) approve an increase of the average number
- 22 belonging used to establish the ensuing year's foundation
- 23 program in accordance with subsection (6) if the increase in
- 24 subsection (4)(a) is at least 6%.
- 25 (5) The superintendent of public instruction shall

1 notify the district of his decision by the fourth Monday in

2 ~~June~~ May.

3 (6) Whenever an unusual enrollment increase is

4 approved by the superintendent of public instruction, the

5 increase of the average number belonging used to establish

6 the foundation program for the ensuing school fiscal year

7 shall be the difference between the approved estimated

8 average number belonging for the ensuing school fiscal year

9 and 106% of the current year's average number belonging. The

10 amount so determined shall be the maximum allowable increase

11 added to the actual average number belonging for the current

12 school fiscal year for the purpose of establishing the

13 ensuing year's foundation program.

14 (7) Any equalization or entitlement increases

15 resulting from provisions of this section shall be reviewed

16 at the end of the ensuing school fiscal year. If the actual

17 average number belonging is less than the average number

18 belonging used for foundation program and entitlement

19 calculations, the superintendent of public instruction shall

20 revise the foundation program and entitlement calculations

21 using the actual average number belonging. All payments

22 received by the district in excess of the revised

23 entitlements shall be overpayments subject to the refund

24 provisions of 20-9-344(3)."

25 NEW SECTION. Section 8. Effective date. This act is

SB 0256/02

1 effective July 1, 1985.

-End-



## 1 SENATE BILL NO. 256

2 INTRODUCED BY B. BROWN, HARP, LYBECK, COHEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF  
5 CALCULATING THE AVERAGE NUMBER BELONGING OF A SCHOOL  
6 DISTRICT FOR SCHOOL FUNDING PURPOSES BY TAKING A PUPIL  
7 ENROLLMENT COUNT ON THE FIRST SCHOOL DAY OF EACH MONTH  
8 BEGINNING IN OCTOBER 1-AND-ON THROUGH MARCH 1 OF THE SCHOOL  
9 FISCAL YEAR; TO ALLOW THE TRUSTEES OF A DISTRICT TO SET THE  
10 DATE OF THE FINAL BUDGET MEETING BEFORE THE FOURTH MONDAY IN  
11 JULY; AMENDING SECTIONS 20-4-301, 20-4-402, 20-9-115,  
12 20-9-131, 20-9-311, 20-9-313, AND 20-9-314, MCA; AND  
13 PROVIDING AN EFFECTIVE DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 20-4-301, MCA, is amended to read:

17 "20-4-301. Duties of teacher -- nonpayment for failure  
18 to comply. (1) Any teacher under contract with a district  
19 shall:20 (a) conform to and enforce the laws, board of public  
21 education policies, and the policies of the trustees of the  
22 district;23 (b) utilize the course of instruction prescribed by  
24 the trustees;25 (c) ~~keep~~ ~~in~~ ~~a~~ ~~neat~~ ~~and~~ ~~businesslike~~ ~~manner~~; ~~and~~1 ~~teacher's~~ ~~register~~ ~~in~~ ~~the~~ ~~form~~ ~~and~~ ~~on~~ ~~the~~ ~~blanks~~ ~~prescribed~~  
2 ~~by~~ ~~the~~ ~~superintendent~~ ~~of~~ ~~public~~ ~~instruction~~;3 (d) immediately after the conclusion of each school  
4 instructional year and before July 10 prepare an annual  
5 report in the manner and on the forms prescribed by the  
6 superintendent of public instruction which shall include the  
7 pupil ~~attendance~~ ~~and~~ ~~absence~~ ~~data~~ ~~from~~ ~~his~~ ~~teacher's~~  
8 ~~register~~ ~~enrollment~~ ~~count~~ that is necessary to calculate  
9 ANB, and such report shall be submitted to:

10 (i) the district superintendent, if there be one;

11 (ii) the principal of the school, if there be one and  
12 there is no district superintendent; or13 (iii) the county superintendent or all county  
14 superintendents when the teacher is reporting for a joint  
15 district, if there is no district superintendent or  
16 principal;17 (e) exercise due diligence in the care of school  
18 grounds and buildings, furniture, equipment, books, and  
19 supplies; and

20 (f) provide moral and civic instruction by:

21 (i) endeavoring to impress the pupils with the  
22 principles of morality, truth, justice, and patriotism;23 (ii) teaching the pupils to avoid idleness, profanity,  
24 and falsehood;

25 (iii) instructing the pupils in the principles of free

**THIRD READING**

1 government and training them to comprehend the rights,  
2 responsibilities, and dignity of American citizenship.

3 (2) The trustees shall be authorized to withhold the  
4 salary warrant of any teacher who does not comply with the  
5 provisions of subsections (1)(a) or (1)(b) above until such  
6 teacher does comply with such provisions.

7 (3) The trustees shall not pay any teacher his last  
8 month's salary until he has provided a complete and accurate  
9 annual report to the required person, as determined by such  
10 person and as required in subsection (1)(d) of this  
11 section."

12 Section 2. Section 20-4-402, MCA, is amended to read:

13 "20-4-402. Duties of district superintendent or county  
14 high school principal. The district superintendent or county  
15 high school principal shall be the executive officer of the  
16 trustees and, subject to the direction and control of the  
17 trustees, he shall:

18 (1) have general supervision of all schools of the  
19 district and the personnel employed by the district;

20 (2) implement and administer the policies of the  
21 trustees of the district;

22 (3) develop and recommend courses of instruction to  
23 the trustees for their consideration and approval in  
24 accordance with the provisions of 20-7-111;

25 (4) select all textbooks and submit such selections to

1 the trustees for their approval in accordance with the  
2 provisions of 20-7-602;

3 (5) select all reference and library books and submit  
4 such selections to the trustees for their approval in  
5 accordance with provisions of 20-7-204;

6 (6) have general supervision of all pupils of the  
7 district, enforce the compulsory attendance provisions of  
8 this title, and have the authority to suspend for good cause  
9 any pupil of the district;

10 (7) report the ~~cumulative pupil attendance--and--pupil~~  
11 absence enrollment count of the district and any other pupil  
12 information required by the report form prescribed by the  
13 superintendent of public instruction to the county  
14 superintendent or county superintendents when reporting for  
15 a joint district, immediately after the conclusion of the  
16 school instructional year and before ~~July~~ March 10; and

17 (8) perform any other duties in connection with the  
18 district as the trustees may prescribe."

19 Section 3. Section 20-9-115, MCA, is amended to read:

20 "20-9-115. Notice of preliminary budget filing and  
21 final budget meeting. ~~Between July 10 and July 20 of each~~  
22 year At least 2 weeks prior to the date set by the trustees  
23 of a district for the final budget meeting required in  
24 20-9-131, the clerk of each district shall publish notice  
25 one time in the official newspaper of the county stating

1 that the preliminary budget for the district for the school  
 2 fiscal year just beginning, as prepared and adopted by the  
 3 trustees, is on file in his office and open to inspection by  
 4 all taxpayers. The notice shall also state the time and  
 5 place that the trustees will meet on or before the fourth  
 6 Monday in July for the purpose of considering and adopting  
 7 the final budget of the district, that the meeting of the  
 8 trustees may be continued from day to day until the final  
 9 adoption of the district's budget, and that any taxpayer in  
 10 the district may appear at such meeting and be heard for or  
 11 against any part of the budget."

12 Section 4. Section 20-9-131, MCA, is amended to read:

13 "20-9-131. Final budget meeting. (1) On or before the  
 14 fourth Monday in July, at the time and place noticed  
 15 pursuant to 20-9-115, the trustees of each district shall  
 16 meet to consider the preliminary budget submitted to or  
 17 prepared by the county superintendent, including all  
 18 information and any attachments required by law.

19 (2) The trustees may continue the meeting from day to  
 20 day but shall adopt the final budget for the district and  
 21 determine the amounts to be raised by tax levies for the  
 22 district not later than the second Monday in August and  
 23 before the fixing of the tax levies for each district. Any  
 24 taxpayer in the district may attend any portion of the  
 25 trustees' meeting and be heard on the budget of such

1 district or on any item or amount contained in such budget."

2 Section 5. Section 20-9-311, MCA, is amended to read:

3 "20-9-311. Calculation of average number belonging  
 4 (ANB). (1) ~~Average number belonging shall be computed by~~  
 5 ~~determining the total of the aggregate days of attendance by~~  
 6 ~~regularly enrolled, full-time pupils during the current~~  
 7 ~~school fiscal year plus the aggregate days of absence by~~  
 8 ~~regularly enrolled, full-time pupils during the current~~  
 9 ~~school fiscal year and by dividing such total by 100.~~  
 10 However, when a school district has approval to operate less  
 11 than 100 school days under 20-9-804, such total shall be  
 12 calculated in accordance with the provisions of 20-9-805.  
 13 Attendance for a part of a morning session or a part of an  
 14 afternoon session by a pupil shall be counted as attendance  
 15 for one-half day. In calculating the ANB for pupils enrolled  
 16 in a program established under 20-7-117 prior to January 1,  
 17 1974, or pursuant to 20-7-117(1), attendance at or absence  
 18 from a regular session of the program for at least 2 hours  
 19 of either a morning or an afternoon session will be counted  
 20 as one-half of a day attended or absent as the case may be.  
 21 If a variance has been granted as provided in 20-1-302, ANB  
 22 will be computed in a manner prescribed by the  
 23 superintendent of public instruction, but in no case shall  
 24 the ANB exceed one-half for each kindergarten pupil. When  
 25 any pupil has been absent, with or without excuse, for more

1 ~~than 10 consecutive school days, including~~  
 2 ~~pupil-instruction-related days, his absence after the 10th~~  
 3 ~~day of absence shall not be included in the aggregate days~~  
 4 ~~of absence and his enrollment in the school shall not be~~  
 5 ~~considered in the calculation of the average number~~  
 6 ~~belonging until he resumes attendance at school. The average~~  
 7 number belonging (ANB) for the current school fiscal year  
 8 must be computed by:

9 (a) taking a count of regularly enrolled, full-time  
 10 pupils on THE FIRST SCHOOL DAY OF EACH MONTH BEGINNING IN  
 11 October 1 and on THROUGH March 1 of the current school  
 12 fiscal year;

13 (b) dividing the sum of the two SIX pupil enrollment  
 14 counts by 2 6;

15 (c) multiplying the amount determined in (1)(b) by the  
 16 total number of pupil-instruction days and  
 17 pupil-instruction-related days in the school fiscal year;  
 18 and

19 (d) dividing the amount determined in (1)(c) by 180.

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

1 and the balance of his time in the special education  
 2 program, he shall be considered regularly enrolled for ANB  
 3 purposes.

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

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

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

24 (c) a middle school has been approved and accredited,  
 25 in which case pupils below the 7th grade shall be considered

1 elementary school pupils for ANB purposes and the 7th and  
2 8th grade pupils shall be considered high school pupils for  
3 ANB purposes; or

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

11 ~~(4) When 11th or 12th grade students are regularly~~  
12 ~~enrolled on a part-time basis, high schools may calculate~~  
13 ~~the ANB to include an "equivalent ANB" for those students.~~  
14 An "equivalent ANB" must be calculated for pupils enrolled  
15 in a kindergarten program established under 20-7-117 or any  
16 other approved part-time school program. The method for  
17 calculating an equivalent ANB shall be determined in a  
18 manner prescribed by the superintendent of public  
19 instruction."

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22 average number belonging may be increased. The average  
23 number belonging of a school for a given school fiscal year,  
24 calculated in accordance with the ANB formula prescribed in  
25 20-9-311, may be increased when:

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

7 (2) the opening or reopening of a high school or a  
8 branch of the county high school has been approved in  
9 accordance with 20-6-503, 20-6-504, or 20-6-505. The average  
10 number belonging for such high school shall be established  
11 by the county superintendent's estimate, after an  
12 investigation of the probable number of pupils that will  
13 attend such high school.

14 (3) a district anticipates an increase in the average  
15 number belonging due to the closing of any private or public  
16 school in the district or a neighboring district. The  
17 estimated increase in average number belonging shall be  
18 established by the trustees and the county superintendent  
19 and approved, disapproved, or adjusted by the superintendent  
20 of public instruction no later than the fourth Monday in  
21 June.

22 (4) a district anticipates an unusual enrollment  
23 increase in the ensuing school fiscal year. The increase in  
24 average number belonging shall be based on estimates of  
25 increased enrollment approved by the superintendent of

1 public instruction and shall be computed in the manner  
2 prescribed by 20-9-314.

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

10 (6) a special full-time pupil, as defined in 20-9-311,  
11 in a given school year will no longer be considered a  
12 special full-time pupil in the ensuing school year (the  
13 superintendent of public instruction may grant one ANB for  
14 such pupil for the ensuing school year); or

15 (7) a high school district provides early graduation  
16 for any student who completes graduation requirements in  
17 less than eight semesters or the equivalent amount of  
18 secondary school enrollment ~~or when a high school district~~  
19 ~~provides early graduation for a class of students who have~~  
20 ~~completed the requirements for graduation after 175~~  
21 ~~pupil instruction days in the 12th grade.~~ The increase shall  
22 be established by the trustees as though the student had  
23 attended to the end of the school year and shall be  
24 approved, disapproved, or adjusted by the superintendent of  
25 public instruction."

1 Section 7. Section 20-9-314, MCA, is amended to read:

2 "20-9-314. Procedures for determining eligibility and  
3 amount of increased average number belonging due to unusual  
4 enrollment increase. A district which anticipates an unusual  
5 increase in enrollment in the ensuing school fiscal year, as  
6 provided for in 20-9-313(4), may increase its foundation  
7 program for the ensuing school fiscal year in accordance  
8 with the following provisions:

9 (1) The district shall ~~estimate~~ compute the current  
10 year's average number belonging ~~by totaling the aggregate~~  
11 ~~days of attendance and aggregate days of absence realized in~~  
12 ~~the district through April 30 and dividing such total by~~  
13 ~~100. The resulting average number belonging shall be~~  
14 ~~increased by the ratio that the total number of planned~~  
15 ~~school days in the current school fiscal year bears to the~~  
16 ~~number of school days completed through April 30 as provided~~  
17 ~~in 20-9-311.~~

18 (2) Prior to ~~May~~ April 10, the district shall estimate  
19 the probable average number belonging to be realized during  
20 the ensuing school fiscal year, based on as much factual  
21 information as may be available to the district.

22 (3) No later than May April 10, the district shall  
23 submit its application for an unusual enrollment increase to  
24 the superintendent of public instruction. Such application  
25 shall include:

1 (a) the previous year's average number belonging;

2 (b) ~~the estimate~~ of the current school fiscal year's

3 average number belonging, as provided in subsection (1)

4 above;

5 (c) the estimated average number belonging for the

6 ensuing school fiscal year, including the factual

7 information on which the estimate is based, as provided in

8 subsection (2) above; and

9 (d) any other information or data that may be

10 requested by the superintendent of public instruction.

11 (4) The superintendent of public instruction shall

12 immediately review all the factors of the application and

13 shall approve or disapprove the application or adjust the

14 estimated average number belonging for the ensuing school

15 fiscal year. After approving an estimate, with or without

16 adjustment, the superintendent of public instruction shall:

17 (a) determine the percentage increase which the

18 estimated average number belonging for the ensuing fiscal

19 year is over the current year's average number belonging;

20 and

21 (b) approve an increase of the average number

22 belonging used to establish the ensuing year's foundation

23 program in accordance with subsection (6) if the increase in

24 subsection (4)(a) is at least 6%.

25 (5) The superintendent of public instruction shall

1 notify the district of his decision by the fourth Monday in

2 June ~~May~~.

3 (6) Whenever an unusual enrollment increase is

4 approved by the superintendent of public instruction, the

5 increase of the average number belonging used to establish

6 the foundation program for the ensuing school fiscal year

7 shall be the difference between the approved estimated

8 average number belonging for the ensuing school fiscal year

9 and 106% of the current year's average number belonging. The

10 amount so determined shall be the maximum allowable increase

11 added to the actual average number belonging for the current

12 school fiscal year for the purpose of establishing the

13 ensuing year's foundation program.

14 (7) Any equalization or entitlement increases

15 resulting from provisions of this section shall be reviewed

16 at the end of the ensuing school fiscal year. If the actual

17 average number belonging is less than the average number

18 belonging used for foundation program and entitlement

19 calculations, the superintendent of public instruction shall

20 revise the foundation program and entitlement calculations

21 using the actual average number belonging. All payments

22 received by the district in excess of the revised

23 entitlements shall be overpayments subject to the refund

24 provisions of 20-9-344(3)."

25 NEW SECTION. Section 8. Effective date. This act is

SB 0256/02

1 effective July 1, 1985.

-End-