HOUSE BILL NO. 273

INTRODUCED BY NELSON

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

IN THE HOUSE

- JANUARY 19, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
- FEBRUARY 2, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

FEBRUARY 3, 1987 PRINTING REPORT.

FEBRUARY 4, 1987 SECOND READING, DO PASS.

STATEMENT OF INTENT ADOPTED.

- FEBRUARY 5, 1987 ENGROSSING REPORT.
- FEBRUARY 6, 1987 THIRD READING, PASSED. AYES, 97; NOES, 0.

TRANSMITTED TO SENATE.

INTRODUCED AND REFERRED TO COMMITTEE

ON EDUCATION & CULTURAL RESOURCES.

COMMITTEE RECOMMEND BILL BE

CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.

IN THE SENATE

- FEBRUARY 10, 1987
- MARCH 12, 1987

MARCH 17, 1987

MARCH 19, 1987

AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

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1	House BILL NO.
2	House BILL NO. 273
3	BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
6	SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES FOR THE
7	CALCULATION OF TUITION FOR SPECIAL EDUCATION PUPILS; AND
8	AMENDING SECTIONS 20-5-305 AND 20-5-312, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 20-5-305, MCA, is amended to read:
12	"20-5-305. Elementary tuition rates. (1) Whenever a
13	pupil of an elementary district has been granted approval to
14	attend a school outside of the district in which he resides,
15	under the provisions of 20-5-301 or 20-5-302, such district
16	shall pay tuition to the elementary district where the pupil
17	attends school. on Except as provided in subsection (2), the
18	basis of the rate of tuition shall be determined by the
19	attended district. The rate of tuition shall be determined
20	p A :
21	++, (a) totaling the actual expenditures from the
22	district general fund, the debt service fund, and, if the
23	pupil is a resident of another county, the retirement fund;
24	+2+(b) dividing the amount determined in subsection

(1)(a) above by the ANB of the district for the current

fiscal year, as determined under the provisions of 20-9-311;
 and

3 (3)(c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the 4 5 foundation program as prescribed by 20-9-303 plus the 6 per-ANB amount determined by dividing the state financing of 7 the district permissive levy by the ANB of the district, 8 from the amount determined in subsection (2)-above (1)(b). 9 (2) The tuition for a full-time elementary special 10 education pupil must be determined under rules adopted by 11 the superintendent of public instruction for the calculation of elementary tuition for full-time elementary special 12 13 education pupils as designated in 20-9-311 for funding 14 purposes." Section 2. Section 20-5-312, MCA, is amended to read: 15 16 "20-5-312. Reporting, budgeting, and payment for high 17 school tuition. (1) At Except as provided in subsection (2), 18 at the close of the school term of each school fiscal year,

18 <u>at the close of the school term of each school fiscal year</u>,
19 the trustees of each high school district shall determine
20 the rate of tuition for the current school fiscal year by:

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

(b) dividing the amount determined in subsection(1)(a) above by the ANB of the district for the current

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N Montana Legislative Council

LC 1132/01

fiscal year, as determined under the provisions of 20-9-311;
 and

3 (c) subtracting the total of the per-ANB amount 4 allowed by 20-9-316 through 20-9-321 that represents the 5 foundation program as prescribed by 20-9-303 plus the 6 per-ANB amount determined by dividing the state financing of 7 the district permissive levy by the ANB of the district, 8 from the amount determined in subsection (1)(b) above.

9 (2) The tuition for a full-time high school special 10 education pupil must be determined under rules adopted by 11 the superintendent of public instruction for the calculation 12 of tuition for full-time high school special education 13 pupils as designated in 20-9-311 for funding purposes.

14 (2)(3) Before July 15, the trustees shall report to 15 the county superintendent of the county in which the 16 district is located:

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

20 (b) the number of days of school attended by each21 pupil;

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

25 (d) the rate of current school fiscal year tuition, as

1 determined under the provisions of this section.

2 (3)(4) When the county superintendent receives a
3 tuition report from a district, he shall immediately send
4 the reported information to the superintendent of each
5 district in which the reported pupils reside.

(4+)(5) When the district superintendent receives a 6 tuition report or reports for high school pupils residing in 7 8 his district and attending an out-of-district high school 9 under approved tuition agreements, he shall determine the 10 total amount of tuition due such out-of-district high 11 schools on the basis of the following per-pupil schedule: 12 the rate of tuition, number of pupils attending under an 13 approved tuition agreement, and other information provided by each high school district where resident district pupils 14 15 have attended school.

(5)(6) The total amount of the high school tuition, 16 17 with consideration of any tuition waivers, for pupils attending a high school outside the county of residence 18 19 shall be financed by the county basic special tax for high 20 schools as provided in 20-9-334. In December, the county 21 superintendent shall cause the payment by county warrant of 22 at least one-half of the high school tuition obligations 23 established under this section out of the first moneys 24 realized from the county basic special tax for high schools. 25 The remaining obligations must be paid by June 15 of the

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school fiscal year. The payments shall be made to the county
 treasurer of the county where each high school entitled to
 tuition is located. The county treasurer shall credit such
 tuition receipts to the general fund of the applicable high
 school district, and the tuition receipts shall be used in
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2 (6)(7) For pupils attending a high school outside 8 their district of residence but within the county of 9 residence, the total amount of the tuition, with 10 consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending 11 12 high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This 13 budgeted tuition amount is not subject to the budget 14 adjustment provisions of 20-9-132. The county superintendent 15 16 shall report the net tuition fund levy requirement for each high school district to the county commissioners on the 17 second Monday of August, and a levy on the district shall be 18 by the county commissioners in accordance with 19 made 20-9-142. This levy requirement shall be calculated by 20 subtracting from the total expenditure amount authorized in 21 22 the final tuition fund budget the sum of the cash balance in 23 the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may 24 be realized in the tuition fund. The trustees shall pay by 25

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

LC 1132/01 .

-End-

50th Legislature

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LC 1132/01

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

House BILL NO. 273 2 INTRODUCED BY Action 3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE 6 SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES FOR THE 7 CALCULATION OF TUITION FOR SPECIAL EDUCATION PUPILS: AND AMENDING SECTIONS 20-5-305 AND 20-5-312, MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 20-5-305, MCA, is amended to read: 12 "20-5-305. Elementary tuition rates. (1) Whenever a 13 pupil of an elementary district has been granted approval to 14 attend a school outside of the district in which he resides, 15 under the provisions of 20-5-301 or 20-5-302, such district 16 shall pay tuition to the elementary district where the pupil 17 attends school. on Except as provided in subsection (2), the basis of the rate of tuition shall be determined by the 18 19 attended district. The rate of tuition shall be determined 20 by: 21 (1) totaling the actual expenditures from the 22 district general fund, the debt service fund, and, if the 23 pupil is a resident of another county, the retirement fund; 24 (2)(b) dividing the amount determined in subsection 25 (1)(a) above by the ANB of the district for the current



fiscal year, as determined under the provisions of 20-9-311; 1 2 and

3 (3) (c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the 4 foundation program as prescribed by 20-9-303 plus the 5 per-ANB amount determined by dividing the state financing of 6 7 the district permissive levy by the ANB of the district, 8 from the amount determined in subsection +2 -above (1)(b). 9 (2) The tuition for a full-time elementary special 10 education pupil must be determined under rules adopted by the superintendent of public instruction for the calculation 11 of elementary tuition for full-time elementary special 12 13 education pupils as designated in 20-9-311 for funding 14 purposes." Section 2. Section 20-5-312, MCA, is amended to read: 15 "20-5-312. Reporting, budgeting, and payment for high 16

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> SECOND READING - 2 -HB. 273

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

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1 determined under the provisions of this section.

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

(4)(5) When the district superintendent receives a 6 tuition report or reports for high school pupils residing in 7 his district and attending an out-of-district high school 8 9 under approved tuition agreements, he shall determine the 10 total amount of tuition due such out-of-district high 11 schools on the basis of the following per-pupil schedule: 12 the rate of tuition, number of pupils attending under an 13 approved tuition agreement, and other information provided 14 by each high school district where resident district pupils 15 have attended school.

16 {5+(6) The total amount of the high school tuition, 17 with consideration of any tuition waivers, for pupils attending a high school outside the county of residence 18 19 shall be financed by the county basic special tax for high 20 schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of 21 22 at least one-half of the high school tuition obligations 23 established under this section out of the first moneys realized from the county basic special tax for high schools. 24 25 The remaining obligations must be paid by June 15 of the

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

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

-End-

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HB 0273/si

- STATEMENT OF INTENT
- HOUSE BILL 273

A statement of intent is required for this bill because 4 it allows the superintendent of public instruction to adopt 5 6 rules for the calculation of tuition for full-time special 7 education pupils. The legislature recognizes that special 8 education pupils are not considered in the count of average 9 number belonging (ANB) for a district and generate more 10 costs than the regular ANB. Therefore, such pupils more individualized calculation 11 necessitate а for determining education costs that can be used for tuition 12 13 purposes.

14 It is the intent of the legislature that the 15 superintendent of public instruction adopt rules that:

16 (1) help school districts determine the cost of
17 education for various types of special education pupils for
18 tuition purposes; and

19 (2) consider a district's excess costs beyond what is20 funded by state and federal sources.

Montana Legislative Council

THIRD READING HB-273

1 HOUSE BILL NO. 273 INTRODUCED BY NELSON 2 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE 5 SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES FOR THE 6 CALCULATION OF TUITION FOR SPECIAL EDUCATION PUPILS; AND 7 AMENDING SECTIONS 20-5-305 AND 20-5-312, MCA." 8 9 RE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 20-5-305, MCA, is amended to read: 11 12 "20-5-305. Elementary tuition rates. (1) Whenever a pupil of an elementary district has been granted approval to 13 attend a school outside of the district in which he resides. 14 under the provisions of 20-5-301 or 20-5-302, such district 15 shall pay tuition to the elementary district where the pupil 16 attends school. on Except as provided in subsection (2), the 17 basis of the rate of tuition shall be determined by the 18 attended district. The rate of tuition shall be determined 19 by: 20 (1) totaling the actual expenditures from the 21

district general fund, the debt service fund, and, if the pupil is a resident of another county, the retirement fund; (2) (b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current



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25 (d) the rate of current school fiscal year tuition, as

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(3)(4) When the county superintendent receives a
tuition report from a district, he shall immediately send
the reported information to the superintendent of each
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(5)(6) The total amount of the high school tuition, 16 with consideration of any tuition waivers, for pupils 17 attending a high school outside the county of residence 18 19 shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county 20 superintendent shall cause the payment by county warrant of 21 21 at least one-half of the high school tuition obligations established under this section out of the first moneys 23 realized from the county basic special tax for high schools. 24 The remaining obligations must be paid by June 15 of the 25

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-End~

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STATEMENT OF INTENT

HOUSE BILL 273

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tana Legislative Council

REFERENCE BILL H8-273

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HB 0273/02

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-End-