

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.

IN THE SENATE

FEBRUARY 10, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 12, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN.

MARCH 19, 1987 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 273
 2 INTRODUCED BY Nelson
 3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION
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 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."
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 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 by:
 21 {1}(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
 25 (1)(a) above by the ANB of the district for the current

1 fiscal year, as determined under the provisions of 20-9-311;
 2 and
 3 {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 {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
 12 of elementary tuition for full-time elementary special
 13 education pupils as designated in 20-9-311 for funding
 14 purposes."
 15 Section 2. Section 20-5-312, MCA, is amended to read:
 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,
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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 each
21 pupil;

22 (c) the amount, if any, of each pupil's tuition
23 payment that the trustees, in their discretion, shall have
24 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.

6 ~~(4)~~(5) When the district superintendent receives a
7 tuition report or reports for high school pupils residing in
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
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
18 attending a high school outside the county of residence
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

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

7 †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
 11 the ensuing school fiscal year. The trustees of the sending
 12 high school district shall include the tuition amount in the
 13 tuition fund of the preliminary and final budgets. This
 14 budgeted tuition amount is not subject to the budget
 15 adjustment provisions of 20-9-132. The county superintendent
 16 shall report the net tuition fund levy requirement for each
 17 high school district to the county commissioners on the
 18 second Monday of August, and a levy on the district shall be
 19 made by the county commissioners in accordance with
 20 20-9-142. This levy requirement shall be calculated by
 21 subtracting from the total expenditure amount authorized in
 22 the final tuition fund budget the sum of the cash balance in
 23 the tuition fund at the end of the immediately preceding
 24 school fiscal year plus any other anticipated money that may
 25 be realized in the tuition fund. The trustees shall pay by

1 warrants drawn on the tuition fund the tuition amounts owed
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 5 no later than the end of the school fiscal year for which
 6 the budget is adopted. However, if the trustees of either
 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
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-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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

1 fiscal year, as determined under the provisions of 20-9-311;
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1 STATEMENT OF INTENT

2 HOUSE BILL 273

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4 A statement of intent is required for this bill because
5 it allows the superintendent of public instruction to adopt
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
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 10 consideration of any tuition waivers, must be paid during
 11 the ensuing school fiscal year. The trustees of the sending
 12 high school district shall include the tuition amount in the
 13 tuition fund of the preliminary and final budgets. This
 14 budgeted tuition amount is not subject to the budget
 15 adjustment provisions of 20-9-132. The county superintendent
 16 shall report the net tuition fund levy requirement for each
 17 high school district to the county commissioners on the
 18 second Monday of August, and a levy on the district shall be
 19 made by the county commissioners in accordance with
 20 20-9-142. This levy requirement shall be calculated by
 21 subtracting from the total expenditure amount authorized in
 22 the final tuition fund budget the sum of the cash balance in
 23 the tuition fund at the end of the immediately preceding
 24 school fiscal year plus any other anticipated money that may
 25 be realized in the tuition fund. The trustees shall pay by

1 warrants drawn on the tuition fund the tuition amounts owed
 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
 5 no later than the end of the school fiscal year for which
 6 the budget is adopted. However, if the trustees of either
 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."

-End-